

**TOWN OF DUCK
MUNICIPAL PROPERTY MASTER PLAN ADVISORY COMMITTEE MEETING
February 24, 2011**

The Municipal Property Master Plan Advisory Committee for the Town of Duck convened at the Duck Municipal Offices at 10:00 a.m. on Thursday, February 24, 2011.

MEMBERS PRESENT: Chairman Paul Keller; Charlie Pratt (via conference call); Avery Harrison; Tim McKeithan; Ben Vorndran; and Town Manager Christopher Layton

MEMBERS ABSENT: None.

OTHERS PRESENT: Director of Community Development Andy Garman; Fire Chief Donna Black; Public Relations Coordinator Kathy McCullough-Testa; Mayor Dave Wessel; Planning Board Chairman Jon Britt; Planning Board Vice Chairman Joe Blakaitis; and Town Clerk Lori Kopec.

OTHERS ABSENT: Police Chief Phillip Ferguson.

Chairman Keller called the meeting to order at 10:06 a.m.

APPROVAL OF FEBRUARY 3, 2011 MINUTES

Avery Harrison moved to approve the February 3, 2011 minutes as presented. Tim McKeithan seconded.

Motion approved 5-0.

DISCUSSION OF USAGE POLICIES RELATED TO THE SOUNDSIDE BOARDWALK

Town Manager Layton stated that at the Committee's last meeting, he was asked to develop a working Code section that could be reviewed and changed in order to come up with a final set of rules to be brought to the Town Council. He stated that he wanted to take the existing park rules and amend them to include the boardwalk and boat pier. He stated that he tried to put in thoughts to consider and questions to discuss in the ordinance for the Committee as well as items that weren't addressed in the current ordinance.

Chairman Keller asked if the Definitions section should be discussed. Town Manager Layton suggested that it be left to Town staff to do and bring back at the next meeting.

Tim McKeithan noted that there were a lot of issues revolving around the use of the small boat pier. He thought it would be appropriate to define what the pier could do such as hours of operation and the actual intent of the pier. Town Manager Layton agreed and thought that some of it was what the Committee would need to discuss. He added that the boat pier would be at the Waterfront Shops. Director Garman stated that the pier would be approximately 130 feet long. Town Manager Layton stated that at the end would be room for four boat slips, which were dictated by CAMA's regulations. He stated that it was envisioned not to be a canoe/kayak launch, but there would be nothing to prohibit them from tying off to them.

Ben Vorndran stated that he could envision people tying their jet skis off to the walkway out to the pier. Town Manager Layton stated that it was not allowed under CAMA's rules and jet skis

would only be allowed to tie off to the slips. Chairman Keller thought it may be wise to have signage in that area that states that it's a CAMA rule and not an arbitrary rule imposed by the Town. Fire Chief Black suggested adding a section to the ordinance for just the boat pier to make it clearer.

Ben Vorndran suggested adding a time limit to the four boat slips so people would not leave their boats at the pier all day. Director Garman showed a sketch of the pier to the Committee and audience.

Tim McKeithan asked if there would be a restriction on the length of the boats allowed at the pier. Town Manager Layton stated that the water depth was approximately 2.7 feet and would be self-regulating because it was so shallow. He added that he was not sure how often people would come in to moor at the pier on sailboats. Planning Board Chairman Britt didn't think there would be a lot of people using sailboats. Town Manager Layton stated that the biggest issue would be people trying to moor their boats overnight.

Chairman Keller suggested that the Committee review the entire ordinance. He directed the Committee to review Section 93.02 – Waiving of Certain Policies. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.03 – Hours of Operation. Town Manager Layton noted that the hours of operation were what he considered a reasonable time period, especially during the summer. Chairman Keller asked if the hours of 1:00 a.m. to 5:00 a.m. for the boardwalk to be closed were sufficient. Charlie Pratt thought they were. Town Manager Layton noted that staff would need to differentiate the definition between the grounds and the parking area in the ordinance.

Planning Board Vice Chairman Blakaitis asked why there was a limitation of four boats slips for the pier. Director Garman stated that more than 10 would then change the use from a pier to a marina. Planning Board Vice Chairman Blakaitis asked if the Town would only have the four slips. Director Garman stated that the idea was to add more if the boardwalk is extended at the south end of Town.

Ben Vorndran asked if the Town was looking at limiting the timeframe a boat could be left at the slip for an entire day or just two to four hours. He thought shop owners would want to bring their boat and leave it there all day instead of sitting in traffic. Chairman Keller asked how hard it would be to police a time limit. Town Manager Layton thought it would be hard, but could be done. Planning Board Chairman Britt suggested that the issue be complaint driven. Fire Chief Black asked if a four hour time limit was reasonable if boat traffic was going to be encouraged. Director Garman stated that staff would need to weigh whether or not they wanted to take a wait and see approach and if it wasn't working, the ordinance could be amended.

Charlie Pratt thought the rules should remain as they were drafted. He added that staff should not anticipate any problems before they occur, but if there was a problem; then the rules could be modified.

Chairman Keller clarified that there should be a four hour limit for boats at the pier. Tim McKeithan recommended that the four hour time limit be put in the ordinance. Avery Harrison and Ben Vorndran agreed. It was *consensus* of the Committee to put a four hour time limit in the ordinance.

Town Manager Layton asked the Committee for their thoughts on the hours of operation. Tim McKeithan clarified that the pier and boat slips would not be lit. Director Garman stated that staff had not obtained pricing on the lighting as it would depend on what the Committee decided. Chairman Keller thought it would be a liability issue if it wasn't lit. Town Manager Layton thought there would be lights on the pier but it would also depend on the hours of operation. Fire Chief Black thought it was a tough issue and a no-win situation. She thought from a safety standpoint, it should be lit.

Tim McKeithan thought the bigger issue was whether or not to allow access to the pier after dusk. Mayor Wessel thought that closing the pier after dusk would limit the number of people that will go out there. Fire Chief Black asked why the boats could not be tied in with the dawn to dusk rules that were in place for the park. Chairman Keller thought it was a practical matter. He felt it would be easier to give latitude on the issue later than up front. Town Manager Layton stated that if the pier was being considered an extension of the boardwalk, language prohibiting overnight mooring should be put in the ordinance. Fire Chief Black, Avery Harrison and Charlie Pratt liked the suggestion. Tim McKeithan suggested that mooring a boat have a four hour time limit in conjunction with the dawn to dusk rule. It was *consensus* of the Committee to have a four hour time limit with regard to mooring of boats with an hour before dawn and an hour after dusk limitation.

Chairman Keller directed the Committee to review Section 93.04 – Usage Policies (A) Commercial Activity. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.04 – Usage Policies (B) Parking. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.04 – Usage Policies (C) Canoes/Kayaks. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.04 – Usage Policies (D) Other Watercraft. Planning Board Chairman Britt suggested adding Stand up Paddleboards to this section and shrinking the 200 foot limit with regard to anchoring watercraft within the distance of the shoreline. It was *consensus* of the Committee to add the new language. Chairman Keller suggested that the shoreline feet be changed from 200 feet to 100 feet with the understanding that staff would look further into it before putting it in the final ordinance.

Chairman Keller directed the Committee to review Section 93.04 – Usage Policies (E) Boat Pier. It was *consensus* of the Committee to change the language to read: "...watercraft that can seat four or more..."

Chairman Keller directed the Committee to review Section 93.04 – Usage Policies (F) Pets. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.04 – Usage Policies (G) Wildlife. Tim McKeithan suggested adding the pier to the language for consistency. It was *consensus* of the Committee to add the new language.

Chairman Keller directed the Committee to review Section 93.04 – Usage Policies (H) Fishing and Crabbing. It was *consensus* of the Committee to change the language to read: "...on the boardwalk and boat pier in designated areas..."

Chairman Keller directed the Committee to review Section 93.04 – Usage Polices (I) Swimming. It was *consensus* of the Committee to add windsurfers to the ordinance.

Chairman Keller directed the Committee to review Section 93.04 – Usage Polices (J) Alcoholic Beverages and Controlled Substances. It was *consensus* of the Committee to change the word “or” to “and” so the language would read: “...on the boardwalk and on the boat pier.”

Chairman Keller directed the Committee to review Section 93.04 – Usage Polices (K) Littering. It was *consensus* of the Committee to change the word “or” to “and” so the language would read: “...on the boardwalk and on the boat pier...”

Chairman Keller directed the Committee to review Section 93.04 – Usage Polices (L) Weddings. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.04 – Usage Polices (M) Special Events. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.04 – Usage Polices (N) Children. It was *consensus* of the Committee to change the word “should” to “shall”.

Chairman Keller directed the Committee to review Section 93.04 – Usage Polices (O) Firearms/Fireworks. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.04 – Usage Polices (P) Gazebo/Picnic Shelter/Amphitheater. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.04 – Usage Polices (Q) Open Fires/Grills. It was *consensus* of the Committee to change the word “is” to “are” so the language would read: “...of any kind are prohibited...”

Chairman Keller directed the Committee to review Section 93.04 – Usage Polices (R) Damage to Town Property. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.04 – Usage Polices (S) Bicycles/Rollerblades/Skateboards. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.04 – Usage Polices (T) Motorized Vehicles and EPAMDS. It was *consensus* of the Committee to remove “allowed only in designated parking areas” so the language would read: “...are prohibited within the park...”

Chairman Keller directed the Committee to review Section 93.04 – Usage Polices (U) Radios/Musical Instruments. It was *consensus* of the Committee to leave the language as is.

Chairman Keller directed the Committee to review Section 93.05 – Laws of General Applicability and Section 93.99 - Penalty. It was *consensus* of the Committee to leave the language as is in both sections.

Town Manager Layton stated that there were other items the Committee could consider to be put in the ordinance. It was the *consensus* of the Committee to add the items with the appropriate language to the ordinance.

Chairman Keller directed Town Manager Layton to bring back a revised ordinance at the next meeting.

REVIEW OF BOARDWALK LIGHTING RECOMMENDATION TO COUNCIL

Town Manager Layton stated that staff was finalizing the lighting concepts and should have everything in place by April to bring forward to Town Council for a recommendation for lighting the boardwalk. He noted that the lighting would only be in the areas owned by the Town and not by the individual businesses that have their own boardwalk. He stated that staff looked at several concepts, discussed it at the Council Retreat and due to the bids for the boardwalk construction coming in lower than anticipated; there would be a fair amount of money available to implement the lighting. He stated that the existing boardwalk would have a combination of conventional electric and solar lighting. Director Garman reviewed the lighting specifications with the Committee and audience.

Town Manager Layton stated that there will be uniformity with regard to the lighting at the Town Hall building and the boardwalk, which should help to designate it as the same system.

OTHER ISSUES

Chairman Keller asked for other business to discuss. He stated that the Committee needed to decide on the date for the next meeting. It was *consensus* of the Committee to meet on Tuesday, March 22, 2011 at 10:00 a.m.

ADJOURNMENT

There being no further discussion, Tim McKeithan moved to adjourn the meeting. Charlie Pratt seconded.

Motion carried 5-0.

The time was 12:36 p.m.

/s/Lori Kopec, Town Clerk