

**TOWN OF DUCK
PLANNING BOARD
REGULAR MEETING
October 8, 2014**

The Planning Board for the Town of Duck convened at the Duck Meeting Hall on Wednesday, October 8, 2014.

Present were: Chair Joe Blakaitis, Vice Chair John Fricker, Ron Forlano, Tim McKeithan and Marc Murray.

Absent: None.

Also present were: Director of Community Development Joe Heard, Building Inspector Cory Tate and Permit Coordinator Sandy Cross.

Others Present: Council Liaison Chuck Burdick.

Absent: None.

Chair Blakaitis called to order the Regular Meeting of the Planning Board for October 8, 2014 at 6:37 p.m.

PUBLIC COMMENTS

None.

OLD BUSINESS

None.

NEW BUSINESS

Albemarle Regional Hazard Mitigation Plan – Review the 2014 Progress Report to be Included in the Updated Hazard Mitigation Plan; Provide an Update on the Status of the Regional Hazard Mitigation Planning Process and its Impact on Duck’s Community Flood Rating

Chair Blakaitis noted that Building Inspector Cory Tate had provided some information to the Board. He clarified that Member Murray had attended the first few meetings. Member Murray stated that he did. Chair Blakaitis asked Member Murray to give the Board an update later in the meeting.

Building Inspector Cory Tate was recognized to speak. Building Inspector Tate stated that he distributed two emails from Fire Chief Donna Black and Police Chief Phillip Ferguson. He stated that they were part of a larger committee that the Town put together to review the hazard mitigation plan for CRS. He stated that he had asked for Fire Chief Black and Police Chief

Ferguson's input on the plan. He stated that this was one of the activities that the Town has to complete each year for its recertification in the Community Rating System. He stated that Section 510 of the CRS Coordinator's Manual deals with the annual progress report for the Town's hazard mitigation plan and the idea was to try to keep the Town proactive in looking to the future as to what type of activities it may engage in that lessen future casualty losses due to floods, storms and nor'easters. He went on to review the spreadsheet with the Board.

Building Inspector Tate explained that the reason this year was different than in the past was because all of the municipalities, Dare County and other jurisdictions throughout Eastern North Carolina were participating in a regional hazard mitigation plan. He added that the reason that this has come into existence was because FEMA is bringing the issue directly down from the top. He stated that, traditionally in North Carolina, FEMA had to review over 300 hazard mitigation plans because each county and municipality had its own plan. He stated that FEMA is trying to streamline its review process by encouraging regional areas to come up with regional hazard mitigation plans. He stated that instead of FEMA reviewing 20 different hazard mitigation plans in the Albemarle Region, they will now review only one.

Building Inspector Tate stated that staff was initially told that when the plan came out, all the Town had to do to participate would be to put it in a format that would be ready for the Town to submit for credit for the CRS points. After a discussion with the consultant and the various county and municipal officials, as well as FEMA, staff found out that was not the case. He added that in order for the Town to obtain CRS credit for participation in the regional hazard mitigation plan, it would have to be done at a different level. He noted that one of the things that had to be done was to review the hazard mitigation plan. Once the Town forwards the goals and objectives to the larger group, it will be included in the compilation of the Regional Hazard Mitigation Plan.

Chair Blakaitis stated that he was under the impression that the Town automatically obtains points for doing certain things. He clarified that Building Inspector Tate was saying this was no longer the case unless the Town takes certain steps toward implementation. Building Inspector Tate stated he was correct. He added that the people in charge of the CRS program have specific items that needed to be in the plans in order for the Town to obtain credit. He noted that the consultant's format did not meet the criteria that the ISO needed for the credit, so the Town will still have to contribute its part to get CRS credits.

Building Inspector Tate thought each Board member had a chance to peruse some of the points. He noted that Fire Chief Black wished to add the development in the continuity of operations plan to make sure Public Safety, damage assessment and all of the Town's organizations function as a cohesive unit during a storm or hazard event. He added that it also helped Public Safety, from their standpoint, in that they need to maintain a continuity of operations plan for their State certification. He stated that Police Chief Ferguson had suggested adding a plan to use social media as a means of communication with stakeholders in order to disseminate emergency information.

Chair Blakaitis thought the Town was already using social media outlets for disseminating emergency information. Building Inspector Tate stated that the Town does do it but thought Police Chief Ferguson was looking to formalize those responsibilities and expectations. He

stated that this was also an opportunity to note any hazards that exist in Town that need attention in the future. He added that staff could update those items to the hazard mitigation plan to be presented to Council at a later date.

Member Forlano noted that in Item 3A, it stated that the identification of problem areas of stormwater was completed. He asked if it was categorically stated that all of the Town's problems that were identified were taken care of. Building Inspector Tate stated that Item 3A noted the stormwater problem areas have been identified, not that all the problems have been solved. He stated that a survey has been completed to identify areas in Town where stormwater remediation measures were required. Member Forlano asked if the Town had existing problems. Building Inspector Tate stated that the Town did and they were being considered as items that the Town would like to look at in the future in a number of areas in Town.

Chair Blakaitis asked if the areas that were being considered would come before the Board. Building Inspector Tate stated that it could or it could be initiated at the Council level. He stated that Town Manager Layton had the information and the survey that was completed that identified the stormwater issues. He stated that as part of his job, he has to present some of the projects to the Town Council as the Town has the funds and resources to get the job completed.

Council Liaison Burdick noted that in the stormwater section, there was no mention of the South Snow Geese project which has already been funded. He thought there was another project that will be funded for next year. He asked if there would be an update done on the hazard mitigation plan and then send it to the Board to look at or if comments would be received from the Board. Building Inspector Tate stated that Dare County gave the Town a deadline of the end of October to get the plan to them. He stated that the Town can look at the plan as many times as it wants to. He added that he needed some direction from the Planning Board if they were comfortable with what the progress report says so he can send it forward in order to meet the requirements for CRS. Council Liaison Burdick suggested that if the plan was taken to Council for their approval, it should be updated first. Building Inspector Tate agreed. Council Liaison Burdick suggested listing tornadoes in the plan. He stated that due to the erosion problems in Town, staff has a listing of all of the oceanfront homeowner contacts. He stated that there was nothing in the plan about soundfront homeowner contacts. He thought communication with soundfront homeowners should be included in the plan. He noted that in the update on the flood areas, Council had funded the projects but they weren't listed in the plan. Building Inspector Tate stated that he noticed it as well.

Council Liaison Burdick stated that under Item 11B where it spoke of policies to deal with encroaching development on beaches, the Town went through a lengthy session to come up with ordinances to limit the use of the CAMA setback. He added that it was a significant step forward for the Town. He stated that these were upgrades that he wanted the Board to discuss so when it is sent to Council, it goes as a package as opposed to separate items.

Member McKeithan noted that some of the new action items did not have a funding source while others did. He asked if it was a decision made by the Council. He further asked how a new item received a funding source. Building Inspector Tate stated that some were regulatory efforts started by the Town and no funding was needed for them in order to develop a policy. Council Liaison Burdick recalled that the action elements requiring funding were put in the annual budget

by Town Manager Layton. Chair Blakaitis thought those action items needed to be pulled out to make the plan more current. Building Inspector Tate stated that it was the case with some of them.

Member McKeithan asked if a new item was added and required a funding source, how it would take place. Building Inspector Tate stated that anything that would require the Town to expend money would have to be done through a budget cycle. He added that it could be included in the Hazard Mitigation Plan but it would not be enforced until the Council approved it. Director Heard noted that no town or county could accomplish everything that's in their plan within a calendar year since a municipality deals with dozens of items. He stated that CRS understood that and was something that most communities would have to work out incrementally. He added that there could be a list of goals and objectives but within any particular year, only certain projects may be funded. He stated that CRS was looking for a municipality making progress towards the goals, identifying the issues and making a reasonable attempt to address them. Chair Blakaitis pointed out that many of the projects may never have a funding source because they were policies, procedures and ordinances. Building Inspector Tate added that Council may elect to not fund a project because it wasn't a priority.

Council Liaison Burdick stated that Council will be looking at the flood policies and decide if the view was worth the climb on each one because they would require expenditures by the Town or an economic impact on construction. He stated that the basic idea was the Town had a review plan to look at those items and see if there was a way to improve the flood rating. He noted that there would be ones that the Town could do but would not be able to fund.

Building Inspector Tate stated that if the Board saw any major departures from the Town's current hazard mitigation plan that they would like to see added or changed, that they would let him know so he could modify the plan. He noted that the County did not give him a lot of time to accomplish what needed to be done.

Vice Chair Fricker asked if the plan would go before Council at their October 15, 2014 meeting. Building Inspector Tate stated that it would not, but would go before them at some point. He added that it would be more of an information item and not an action item. Council Liaison Burdick noted it would go before Council if it was a request for resources. Chair Blakaitis agreed, adding that it was down the road.

Member Forlano noted that Council Liaison Burdick had talked about soundfront properties. He asked if Council Liaison Burdick was talking about Items 18A and B where it specifically talked of oceanfront properties. He further asked if he wanted soundfront properties added. Council Liaison Burdick stated that he was correct as the soundfront properties were a source of significant flooding for the Town as well as the oceanfront. He stated that the Town focused a lot of their communications on the oceanfront due to the beach nourishment project, but thought a communication system should be implemented for the soundfront properties. Member Forlano agreed and felt it was important. Building Inspector Tate stated that staff could work toward developing a database of soundfront property owners.

Member Murray clarified that the Town was being required by the County to take the directive from the consultant and discuss whether anything will be accomplished or not and then take the

discussions back to the County. He stated that it was confusing that the plan was referred to as the CRS as far as the flood insurance was concerned. He added that it was a point system while the hazard mitigation plan was not. He stated that he was a little skeptical of the program. Building Inspector Tate stated that there was a larger piece to the hazard mitigation plan that the Board was not addressing at this meeting, which had to do with hazard mitigation funding from the state and federal government after a disaster. He explained that participating in the hazard mitigation plan will make it easier for the Town to obtain funding after storms.

Director Heard stated that there were two separate pieces – the hazard mitigation plan which was done independently whether or not a town was dealing with CRS, and the items for the CRS program. He stated that if a town completes a hazard mitigation plan, it will receive points towards CRS, but the hazard mitigation plan would only give the Town a set of points if it was done in the way it should be done. He stated that if the Town did not do that, it would receive a few points for it but would lose the bulk of the points. He stated that part of obtaining the points was to have a group designated by the Council, which was the Planning Board, and discussing the hazard mitigation plan and coming up with ideas.

Chair Blakaitis asked what the deadline was. Member Murray thought it was the 30th. Building Inspector Tate agreed and thought Donna Creef needed everything by the 26th. Chair Blakaitis stated that Building Inspector Tate did a very good summation of things that will be presented to the committee with some additions and updates that will eventually go before Council. Building Inspector Tate stated that staff had to present the hazard mitigation plan to Council at least once a year.

Member Murray stated that if there were difficult or intricate issues that needed to be dealt with in the hazard mitigation plan, the Board should do its best to develop the best plan possible for the Town. He stated that the Town has also been tasked with fulfilling requirements sent to the Board by the region. He thought the Board should think about them as two separate issues. He stated that, in order to satisfy the requirements of the hazard mitigation plan, the Town would have to do things that were pretty explicit, but in addition, the Town could take a second look at items that are deemed important. Building Inspector Tate agreed. Chair Blakaitis clarified that there were no real big additions to the plan that were new and should be looked at and that it was fine to present. Building Inspector Tate stated he was correct.

Member Murray asked if there was a legal requirement that the Board has to have a discussion that wasn't substantive. Chair Blakaitis stated that there was a legal requirement that the Board has to discuss it. Building Inspector Tate stated that the Board was designated by the Town Council and in order for the Town to obtain credit for it, a meeting will have to be advertised and there needed to be a public input session.

Member Murray asked how much work he and Building Inspector Tate could do to distill things into actual items. Chair Blakaitis thought there wasn't anything to distill. Building Inspector Tate stated that there wasn't at this point, but maybe at some point in the future. Member Murray stated that going to the meeting did not make a whole lot of sense, but asked if he and Building Inspector Tate could attend the meeting and figure out what happened and then present it to the Board. Chair Blakaitis thought it was fine for it to be done that way.

Council Liaison Burdick clarified that the review had to be done annually. Building Inspector Tate stated he was correct. Council Liaison Burdick asked what the normal schedule was for the annual review. Building Inspector Tate stated that for the CRS, it needed to be done by October 1st. He stated that the outreach requirements have been changed, which has put the Town behind but CRS has given the Town an extension to take care of the requirements. Council Liaison Burdick understood that the Town needed to finish the review and get it submitted to satisfy the requirements. Building Inspector Tate agreed, adding that it needed to be ready to go by September so he could send it to FEMA on October 1st.

Chair Blakaitis clarified that the Board did not need to make a motion to approve the work but to just state that the progress report was reviewed. Building Inspector Tate stated he was correct.

Chair Blakaitis thanked Building Inspector Tate for his update.

Director Heard stated that Building Inspector Tate had the technical aspect of the update, adding that he wanted to give an update on the broader process of the regional hazard mitigation plan. He stated that the Wooten Company was the planning/consulting firm and was hard at work with the hardest part of the project for them. He stated that they completed the public surveys that were done and were collecting input from the different communities. He added that they were now writing the regional plan by identifying the hazards; the strategies that the communities throughout the region will be using to address the hazards; updating goals and objectives and how implementation will occur. He stated that the process to put all of this together would take several months. He stated that they were looking at the November/December timeframe to have the bulk of a draft completed. He noted that they have an active website that anyone could access to check on the status. He added that there have been minimal updates, but planned to provide the Board with more information as the process moves along.

APPROVAL OF MINUTES

Minutes from the June 11, 2014, Regular Meeting

Vice Chair Fricker had a correction to Page 6. Member Murray had a correction to Page 4. Member Forlano had a correction to Page 5.

Vice Chair Fricker moved to approve the June 11, 2014 minutes as amended. Member McKeithan seconded.

Motion carried 5-0.

OTHER BUSINESS

None.

STAFF COMMENTS

Director Heard stated that he wanted to show a video at a future meeting. He stated that the video was from the North Carolina League of Municipalities, adding that they had a series of

videos with a number related more to the duties of the Board of Adjustment side, but one related to the Planning Board that dealt with how a development obtains vested rights. He stated that he would show it a future meeting where the agenda was light.

Member Forlano thought the video could be shown at this meeting. Chair Blakaitis agreed.

Director Heard also stated that staff approved administratively a very minor change to the Sanderling Inn site plan. He stated that the engineer came to staff after they got the plans from the architects and the final design on the project in preparation for pulling permits. He noted that there were a couple items not on the originally approved plan that needed to be added as a result of the architect's drawings. He stated that they needed to add some HVAC stands and removing some other stands. He stated that there was a slight net increase in lot coverage on the raised decks supporting the HVAC units. He noted that they were in areas not readily visible to the public. He stated that he showed the changes to Town Manager Layton and he agreed that they seemed minor in nature, so it was granted administratively.

Director Heard stated that a building permit application was received from Wings to perform repairs to the building. He added that Town staff was evaluating the information that was submitted and would be preparing a response in the near future.

Director Heard anticipated that at the Board's November meeting, there will be a review for an expansion at the Waterfront Shops. Permit Coordinator Sandy Cross was recognized to speak. Permit Coordinator Cross noted that North Duck Watersports have submitted their site plan application and addendum permit. She stated that staff was waiting for revisions to their site plan and expected demolition to begin within a month's time.

BOARD COMMENTS

Vice Chair Fricker welcomed Director Heard to the Town on behalf of the Planning Board and looked forward to working with him for many years to come. Chair Blakaitis echoed Vice Chair Fricker's comments.

Director Heard went on to show the video on vested rights to the Board.

ADJOURNMENT

There being no further business to discuss, Chair Blakaitis adjourned the meeting. There was no vote.

The time was 8:14 p.m.

Approved: _____
/s/ Joe Blakaitis, Chairman