

**TOWN OF DUCK  
TOWN COUNCIL  
REGULAR MEETING  
February 5, 2014**

The Town Council for the Town of Duck convened at the Duck Meeting Hall at 7:00 p.m. on Wednesday, February 5, 2014.

COUNCIL MEMBERS PRESENT: Mayor Don Kingston; Mayor Pro Tempore Monica Thibodeau; Councilor Chuck Burdick; Councilor Nancy Caviness; and Councilor Jon Britt.

COUNCIL MEMBERS ABSENT: None.

OTHERS PRESENT: Town Manager Christopher Layton; Police Chief Phillip Ferguson; Fire Chief Donna Black; Director of Community Development Andy Garman; Town Attorney Robert Hobbs; Public Information Officer Denise Walsh; and Town Clerk Lori Kopec.

OTHERS ABSENT: None.

Mayor Kingston called the meeting to order at 7:10 p.m. He asked Councilor Chuck Burdick to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence.

**PUBLIC COMMENTS**

Mayor Kingston opened the floor for public comments.

Geri Sullivan of the League of Women Voters was recognized to speak. Ms. Sullivan handed out the 2014 Citizen Guides to Council. She thanked Council for their generous contribution to the League.

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

**CONSENT AGENDA**

**Minutes from the January 15, 2014, Regular Meeting**

Mayor Pro Tempore Thibodeau moved to approve the Consent Agenda as presented.

Motion carried 5-0.

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

**Presentation of FY 2013 Audit**

Lisa Murphy from Johnson, Burgess, Mizelle and Straub was recognized to speak. Ms. Murphy went on to give an overview of the Town's Financial Statements for the year ended June 30, 2013 to Council and the audience.

Mayor Kingston thanked Lisa Murphy for her presentation.

**Discussion of the Planning Board Council Liaison Position**

Mayor Kingston stated that the issue was discussed at Council's December 4, 2013 meeting before making appointments to the various committees. He added that the issue was deferred to a future Council meeting for additional discussion. He stated that Council requested that Town Manager Layton research the background as to how the position was established, inquire the other towns as well as obtain input from the Planning Board members and other individuals.

Town Manager Layton stated that he was asked how the position was created in the first place. He added that the position was created at the beginning of the third Council, when Neil Morrison transitioned from a Planning Board member to a member of the Town Council. He stated that during that time, there was discussion between the Mayor at the time – Gene Schwarz – and Neil Morrison regarding continuing a liaison position. He noted that it was not defined, but based on discussions; the position at the time was a liaison position that simply reported back and forth on the discussions at the Planning Board meetings. He stated that Councilor Britt, who was on the Planning Board at the time, mentioned that there was a lot going back then, so there was a desire to have the liaison position there.

Town Manager Layton stated that the position continued because it had been established to the present time. He stated that at one point, when Denver Lindley, Jr. was appointed to the position, Neil Morrison and Town Manager Layton had discussed issues such as the quasi-judicial complication that could come with the position. He added that at the time, it was recommended, and Neil Morrison was in favor of, eliminating the position. He explained that at that point, recollections seemed to vary as to what happened – his recollection was that at the meeting, even though it wasn't listed as an agenda item, it came up and Denver Lindley was appointed to the liaison position. He noted that there was no discussion regarding the appointment and Councilor Lindley attended the Planning Board meetings but did not actively participate in the meetings. He stated that it continued over when Dave Wessel and then Councilor Burdick were appointed.

Town Manager Layton stated that Council had in their packets a list of towns in Dare County as well as other towns that responded to an inquiry regarding the liaison position. He pointed out that the liaison position was not one that was with any of the towns in Dare County, and only 11 of the other towns had a position with the role defined as a traditional liaison position, which was reporting back and forth. He stated that a lot of the responses received from the other towns were concern over crossing the quasi-judicial ex-parte communication issue.

Director of Community Development Andy Garman was recognized to speak. Director Garman stated that he had sent out an inquiry to other local towns as well as the North Carolina School of Government Planner's listserv. He stated that the majority of the towns that responded did not have the liaison position. He noted that while some did, some of the towns had a Planning Board liaison to Council, where a member of the Planning Board would sit at the Council meeting and report on the Board's activities. He stated that a lot of the towns had reservations about having a Council member participate in a quasi-judicial proceeding at the Planning Board level. He stated that others thought the position worked fairly well and in some cases, the liaison would sit in the audience and not actively participate.

Town Manager Layton stated that both the Towns of Nags Head and Manteo have the reverse liaison position, where a Planning Board member is a liaison to the Council. He added that the quasi-judicial ex-parte communication issue wasn't prevalent or relevant to the Planning Board since they were not making the final decision, but only a recommendation to Council. He wasn't sure why it was done that way, but there was a benefit to doing it that way. He thought that the position was a useful one, but felt Council needed to be aware of the ex-parte communication,

quasi-judicial issue as well as some other items that were discussed previously. He thought the most prevalent issue was when there was a liaison of the Council and the Planning Board was looking directly or indirectly for guidance on situations, if the liaison was speaking for the Council, then it had to be very clear that it was a Council position. He didn't think that it could always be the case when it's not clear where the discussion was going. He thought it could be misleading to applicants and the Planning Board if there was an assumption that a Council liaison was speaking for the Council on every issue. He thought it was a big issue that needed to be discussed.

Town Attorney Robert Hobbs was recognized to speak. Town Attorney Hobbs stated that, based on Town staff's research, there were a number of towns and counties that had the position in place. He noted that one of the counties had one of its commissioners serving as a voting member of the Planning Board. He thought if the Council decided to continue to have a liaison, he recommended that Council adopt a policy that defined the liaison's roles and duties when serving with a Town board, committee or group. He explained that the Town of Cary had a detailed policy regarding its board of liaisons and gave parameters for the liaison and their duties. He thought having that if Council decided to retain the liaison position, it would be a good idea to establish that for uniformity and institutionalization of the procedures and duties for future Councils.

Town Attorney Hobbs noted that it had been pointed out that there could be some legal concerns with having the liaison from the Council to the Planning Board. He stated that with quasi-judicial hearings that come before the Council, there were matters where the applicant would have a discussion with the Planning Board. He stated that the Council member would be there as a liaison and would be privy to that information and have knowledge of the issues before the matter comes before Council. He reminded Council that with their quasi-judicial hearings, he reviews the various rules and concepts that need to be kept in mind. He stated that it was possible for Council members to have the potential to be exposed to aspects of an application without attending a Planning Board meeting, but the idea was that despite whatever exposure a Council member had to the facts or issues in the case, they needed to understand that any decision they made would be based on the evidence presented during the hearing and they were not supposed to consider outside influences. He thought that any policy put in place if Council decided to keep the liaison position, would have to have an emphasis on the aspect of reinforcing the fact that information not be considered as part of the hearing.

Town Attorney Hobbs stated that another option would be if Council continued with a liaison, they could have a policy where they could request the liaison to leave the room or not participate in that portion of the Planning Board meeting that discusses a matter that would come before Council in the form of a quasi-judicial hearing. He stated that when done that way, the liaison would not be exposed to that part of the meeting. He stated that the Council also had the option to not have a liaison to the Planning Board, adding that a number of communities did not have one. He added that the Town had a professional staff that did not exist in its current capacity at the time the Town was created. He noted that one of the roles of the staff was to carry information back and forth between the various boards and Council. He felt that staff has fulfilled that role.

Mayor Pro Tempore Thibodeau appreciated the input from some of the Planning Board members on the issue and felt it was important that the Board found the position to be generally useful. She stated that she has not attended a lot of the Planning Board meetings, but tried to attend when she could as well when it was an issue she wanted to hear. She noted that when she reads the Planning Board minutes, she is often struck by the amount of input she sees from Councilor Burdick. She thought it should be more of a listening position as well as one that he could answer

questions when asked. She stated that personally, she thought it was valuable but thought it could be something as simple as not having Councilor Burdick sit at the table with the Planning Board members. She thought it may give some separation. She added that she was worried that the liaison was not supposed to give input consistently, just when needed.

Mayor Kingston stated that he had asked the other mayors of the other towns as well as the Chairman of Dare County and received responses. He added that the responses showed that they did not have the liaison position because of the concern over the quasi-judicial, legal implications. He stated that the Town of Nags Head had a Planning Board member attend their Council meetings. He thought the Town had some level of exposure and had reviewed the Planning Board minutes and thought it was natural for someone to participate in the discussions. He thought the Planning Board input was good, but added that most of the Planning Board members had indicated that the input by Councilor Burdick was not needed 100% of the time. He added that there were probably instances where the liaison position would be good; such as at the direction of the Council to the Planning Board. He thought Council needed to give serious consideration as to (1) if the Town needed the position and (2) if the position be redefined.

Councilor Britt stated that as a former Planning Board chair, there were contributions from Denver Lindley, Jr. and Councilor Burdick that were valuable. He thought the Planning Board understood what it was and it was nice to have a perspective from a Council member. He thought there was a lot to be said about the Planning Board members saying they liked the liaison position. He stated that he enjoyed having the liaison position when he was the Planning Board chair as it helped keep the Board on track to understand what the Council may have meant. He stated that he would like to see the position retained, but thought there needed to be some rules in place as well as protocol to protect Council.

Mayor Kingston asked if the liaison position diminished the role of Town staff. He added that the Town had a full staff and the Planning Board should interface with them. Councilor Britt thought that having a few different perspectives at the meeting was good. He didn't think it diminished staff's role.

Councilor Burdick thought that the Planning Board had spoken and they felt that it helped them in their deliberations to have him at the meetings. He thought it was foremost in this issue. He found the quasi-judicial item not much of a problem. He added that the Town has been incorporated for over eleven years and hasn't had any problems yet. He noted that Town Attorney Hobbs reminds Council before every quasi-judicial hearing to forget about everything outside of the meeting. He thought each liaison has been able to do that. He stated that it was interesting that a third of the towns polled had the liaison position. He thought it depended on the Council and Planning Board as to how they feel since they were the ones that could be most effective in managing the business of the Town. He thought Councilor Britt had a good point and agreed with Town Attorney Hobbs that a job description was needed for the liaison position; such as what the expectations were of the liaison and what the Council would want the liaison to do.

Councilor Burdick thought the position provided an alternate input when the Planning Board requests it as opposed to input from Town staff only. He added that Town staff decides the route an issue will go and felt that it wasn't what the Council discussed. He stated that it wasn't wrong what Town staff was doing, but he would get questioned as to if that was what the Council intended and, to the best of his ability, he tries to represent all of Council. He felt the position contributed to the overall effectiveness of the Town government. He noted that the Town was dealing with a lot of key issues. He thought the liaison was providing the right guidance to the Planning Board. He suggested that the position be kept, but get some definition of what the

expectation of Council was for how the position should be carried out. He added that Council should obtain input from the Planning Board as to what their expectations were for a liaison. He reiterated that he wanted the position to remain.

Councilor Caviness stated that she liked the idea of having a conduit between the Council and the Planning Board. She agreed with Town Attorney Hobbs that Council should establish a policy about any kind of a liaison between a task force or committee that Council established to do the work of the Town and Council, regardless of the direction it goes. She stated that it seemed that if the Town wanted to maintain the best part of the conduit of information, the way to do it and reduce the risk of exposure on the part of the Council would be to have the liaison position come the other way – have a member of the Planning Board attend the Council meetings. She stated that Duck has been lucky in that members of the Planning Board do attend the Council meetings on a regular basis. She thought the Planning Board members benefitted from having additional input at their meetings; she didn't think the Town ever had a Planning Board that was completely clueless as to what the Council discussions were. She thought the better direction was to have the Planning Board appoint a liaison to the Council.

Councilor Britt thought what Councilor Caviness had suggested was almost being done presently. He added that when he was chair of the Planning Board, they communicated to make sure that a member of the Board would attend a Council meeting. He agreed that the conduit was in place.

Councilor Caviness stated that she didn't know how other towns were and if they had as their policy an established liaison from the Planning Board to the Town Council. She thought it was because they didn't have the history of having a Planning Board as engaged as Duck did.

Mayor Kingston asked Council how they felt about retaining the position but sending the liaison to the Planning Board meetings based on the direction of Council. He added that the liaison would not attend every Planning Board meeting unless the subject matter was valuable for the liaison to attend to represent the Council's position. Councilor Caviness stated that she liked the suggestion and thought the history of having a liaison was there due to the big decisions that had to be made in the past. She added that if the issue was murky or big and Council thought it would be helpful to have the liaison there, it would be appropriate. Councilor Britt stated that the liaison was valuable with the big issues in the past. He thought having the liaison attending the meeting regarding a Conditional Use Permit was a gray area. Councilor Burdick thought it was critical to draft rules for a liaison from Council to any committee. He noted that Councilor Britt represented the Town on the Transportation Committee and Councilor Caviness represented the Town on the Government Access Committee. He thought the entire Council needed a set of common rules to guide them. Mayor Kingston pointed out that being appointed to a committee outside of Duck was different than a liaison to a Town board. He added that if a Council member was appointed to a committee outside of the Town; that Council member was speaking for the Town.

Town Attorney Hobbs agreed with Mayor Kingston. He stated that the example he gave for a policy was for Town boards and committees as opposed to intralocal groups.

Mayor Pro Tempore Thibodeau agreed with the idea of a policy, particularly for the Council liaison position and others that were between Town functions. She asked Councilor Burdick when he was sitting at the table at the Planning Board meeting, if he felt like a Board member. She thought it was a distinction she was having an issue with. She wondered if the liaison was supposed to be part of the meeting and sit at the table with the Board members. Town Attorney Hobbs stated that the policy could address any aspect of the liaison position that Council wished.

Councilor Britt noted that the Planning Board, from day one, was very open with regard to communication and would encourage comments and involvement from the audience. He stated that the liaison would participate in that aspect, but with regard to deliberations, past liaisons would not participate.

Councilor Burdick stated that he looked at the position as one that was a resource to the Planning Board. He stated that when he was first the liaison, he did not know much about the position but found a good adjustment with what the Planning Board chair was looking for. He stated that when Councilor Britt was the chair for the Board, he would indicate when he wanted input from him, but now he felt like he was a resource to the Board. He stated that when the Planning Board needed input, they had him to ask and felt it was important. He noted that it was different input than what Town staff gives the Planning Board on the same subject due to different viewpoints.

Mayor Pro Tempore Thibodeau thought there was value in what Councilor Britt noted about the participation at Planning Board meetings. She thought it was nice that the Planning Board meetings were less formal than Council meetings. She thought having a Council member present carried more weight than a citizen. Councilor Burdick noted that Councilor Britt and Mayor Kingston attend Planning Board meetings occasionally and get asked questions by the Planning Board members. He added that the Planning Board wanted the input. He thought Council was a resource as the Planning Board members worked their way through their deliberations.

Mayor Kingston thought part of the problem was the tendency for active participation on Councilor Burdick's part. He thought if one read the Planning Board minutes, it implied many times that Councilor Burdick was an active participant. He thought that was where the quasi-judicial issue was a factor. Councilor Burdick disagreed, adding that the Planning Board wanted his input and if he becomes too involved, he has been asked to back off. Mayor Pro Tempore Thibodeau clarified that Councilor Burdick had been asked to back off. Councilor Burdick stated that he had and he did back off. He thought the Planning Board chair was responsible and controlled the meetings just like the Mayor runs the Council meetings. He thought the issue was one of whether someone should be there as well as the Planning Board wanting someone there. He thought the question was if the liaison needed to be at every Planning Board meeting on all subjects or if it should be defined when the liaison should attend for a particular subject.

Mayor Kingston suggested having one member of Council, one member of the Planning Board, Director Garman and Town Manager Layton take the issue offline and define what the roles should be as well as put some rules around it and bring it back to Council for a discussion. Mayor Pro Tempore Thibodeau agreed and added that she would like to see a policy. Councilor Burdick agreed. Councilor Caviness thought a policy was warranted. Mayor Kingston suggested that the participation on behalf of Council be from either Mayor Pro Tempore Thibodeau or Councilor Caviness, since Councilor Britt was a former Planning Board chair and Councilor Burdick is the liaison. He felt it would be more objective. Councilor Burdick stated that he wanted Mayor Pro Tempore Thibodeau be the one chosen.

Town Manager Layton thought in terms of addressing the issue in terms of a policy, trying to define a role and the responsibilities could be addressed first. He thought it would be helpful to have both a member of Council and the Planning Board to assist him and Director Garman. Mayor Kingston asked Joe Blakaitis who he would choose from the Planning Board. Joe Blakaitis stated that they would be meeting on February 12, 2014 and would discuss it then. Mayor Pro Tempore Thibodeau stated that she would be glad to help.

Town Manager Layton asked what the timeline was for the policy. Mayor Kingston thought it could be brought back at the March mid-month meeting or the April 2, 2014 meeting. It was *consensus* to bring the policy back at the April 2, 2014 meeting.

## **NEW BUSINESS**

### **Discussion/Consideration of Wall Décor Committee Recommendations for Town Hall and Meeting Hall**

Public Information Officer Denise Walsh was recognized to speak. Public Information Officer Walsh stated that over the last several months, the Wall Décor Committee has been working to finalize its recommendations to Council. She went on to give a short presentation to Council and the audience on the recommendations from the Committee.

Mayor Pro Tempore Thibodeau asked how long it took to change the artwork displays in the first floor conference room. Fred Vallade of the Wall Décor Committee was recognized to speak. Mr. Vallade stated that it took approximately two days. Mayor Pro Tempore Thibodeau thought the 8x8 foot wall installation of the Duck seal may be too small for the wall in the Meeting Hall. She thought something bigger may be needed. Councilor Britt suggested that the seal be photo shopped in a picture of the wall so Council had a better idea of how it would look. Town Manager Layton stated that staff could put the seal up using the Town plotter to show Council how it would look in an 8x8 foot size. He noted that the issue was how many pieces would be put up on the wall. He stated that with the clear wall installation, it would not be in one 8x8 foot piece, but two pieces that are put together. Mayor Pro Tempore Thibodeau asked if the Committee had discussed painting the seal on the wall. Public Information Officer Walsh stated that there was some discussion regarding it. Lynne Alterman of the Wall Décor Committee was recognized to speak. Ms. Alterman noted that the Town seal was not square, but more rectangular. She wondered if the Plexiglas for the seal could be opaque instead of clear or white to bring the colors of the seal out better. Town Manager Layton thought the Committee could come up with more options to present to Council regarding the wall installation and bring it back at a future meeting. Mayor Pro Tempore Thibodeau and Councilor Britt agreed.

Councilor Burdick thought there was innovative thinking from the Wall Décor Committee. He noted that there used to be a Welcome to Duck sign at either end of Town with a flying duck on the sign. He wondered what happened to them. Town Manager Layton stated that the signs were still at both ends of Town. Councilor Burdick pointed out that the signs had a different duck on them. Mayor Pro Tempore Thibodeau stated that the original ducks were destroyed. Councilor Caviness added that one was destroyed and the other was stolen. Councilor Burdick stated that he had a photograph of one of the original signs and wondered if there was a way to incorporate the photograph in either the Administrative Building or the Meeting Hall. He stated that Paul Keller gave him the photograph and thought maybe the Town could use it. He asked what the chance was to obtain sponsorships for some of the artwork shows. Public Information Officer Walsh stated that she wasn't sure and thought it depended on whether a sponsorship logo should be added to the items. Councilor Burdick stated that he wasn't just talking about the businesses. Public Information Officer Walsh thought it could be done.

Mayor Kingston wondered if the aerial photographs would be better placed somewhere other than the stairwell in the Administrative Offices. He asked if the Town was insured with regard to the art displays that are in the first floor conference room. Town Manager Layton stated that the Town was.

Town Manager Layton thought the Council was comfortable with the other items, but added that he wasn't sure he could find the money for everything but the display in the Meeting Hall. He added that staff could come back with options regarding the display, but move forward with the other items presented.

Councilor Burdick asked what happened to the Vision map. Town Manager Layton stated that it was in storage. Councilor Burdick asked if the map could be incorporated with the other items presented. Town Manager Layton thought it was mentioned at one time but other options were considered more important. He added that it could go back to the Wall Décor Committee for discussion in order to decide where it should be hung or if the Committee would like to use it. Councilor Burdick noted that Council did not want to lose the map. Town Manager Layton stated that it was not lost. Mayor Pro Tempore Thibodeau thought photographs were taken of it. She envisioned it as a timeline, but on a reduced scale, with some of the highlighted key pieces enhanced. Town Manager Layton agreed. He stated that staff would come back with recommendations on the Meeting Hall wall.

Mayor Pro Tempore Thibodeau moved to authorize the Wall Décor Committee to spend up to \$5,000 for the items that were laid out.

Motion carried 5-0.

#### **Discussion/Consideration of FY 2015 Budget Schedule**

Town Manager Layton reviewed the recommended budget schedule for FY 2015 with Council and the audience. He noted that in February, budget requests would be issued from established departments and agencies; in March the requests would be due to him and he would develop revenue estimates and then meet with the departments and agencies to review the requests; in April he would submit the proposed FY 2015 budget to Council and then schedule work sessions; in May there would be work sessions on an as-needed basis and the Notice for Public Hearing would be published; and finally in June, a public hearing and adoption of the budget would be done. He noted that a tax increase would not be proposed with this budget and thought it would be a straightforward budget without a lot of controversy beyond some specific projects.

Mayor Kingston moved to approve the Proposed FY 2015 budget adoption schedule as presented.

Motion carried 5-0.

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

Town Attorney Hobbs stated that he had nothing to report.

#### **ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN MANAGER**

##### **Update on Departmental Activities**

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.

Director Garman gave a brief overview of the past month's permit activities to Council and the audience.



Fire Chief Donna Black was recognized to speak. Fire Chief Black gave a brief overview of the past month's fire activities to Council and the audience.

Public Information Officer Walsh gave a brief overview of the past month's activities to Council and the audience.

### **Project Update on Beach Nourishment Project**

Town Manager Layton reviewed the latest update from Coastal Planning and Engineering regarding the progress on the beach nourishment permitting and engineering project. He noted that CP&E had completed approximately 35% of the project and completed the beach profile survey as well as the initial off-shore sand search reconnaissance survey. He stated that CP&E continues to coordinate activities with Town staff and develop the required environmental documents and also prepared data for the SBEACH analysis. He noted that CP&E was 1.6% complete in their marine sand search investigations and borrow area design scope of work.

Town Manager Layton stated that he responded to the Sanderling Property Owners Association questions that were sent to him and Council. He added that as of end of day today, all letters to the potentially impacted homes in Sections 7 and 8 went out. He noted that 1,137 individual letters went out to 1,060 property owners. He stated that everyone had received what would be the first of many specific communications on the project.

Town Manager Layton stated that Council previously passed a resolution requesting that Duck be added to the list of localities and counties that have eminent domain authority. He stated that the Town had an urgency for that because of the project regardless of where the final design project area was located. He noted that the authority could become very important to the Town. He stated that the Town of Southern Shores held a public meeting on it on February 4, 2014 and he understood it was contentious, but their Council approved the resolution. He stated that he had heard that there may be some pushback from Senator Cook regarding introducing the legislation, but suggested that if Council had an opportunity to speak to Senator Cook or Representative Tine before the Town meets with them over the next several weeks, it should be emphasized that the Town has a project in place and it was very important that it not be delayed for Duck, the Town of Kitty Hawk and the Town of Kill Devil Hills, due to the savings. He noted that if the project was delayed because of the lack of an easement, it could harm the entire project in terms of cost. He explained that if it didn't get through the short session, it would have to go to a long session in 2015, which could delay financing.

Mayor Pro Tempore Thibodeau asked if the resolutions for Duck and the Town of Southern Shores were tied together. Town Manager Layton stated that he hoped that they weren't. Mayor Pro Tempore Thibodeau asked if the Town was trying to create that distinction with the representatives at the State level. Town Manager Layton thought it was an important and relevant distinction for Duck since the Town had a project coming that would be here soon. He noted that with regard to eminent domain, the Town was not looking to obtain public access through eminent domain. He added that as far as the easements were concerned, the Town was not looking to take anyone's property, but obtain permission to complete the construction activities on the beach side of the property. He thought it was an innocuous request on behalf of the Town.

Councilor Burdick asked if the pushback was coming from residents of Duck or the Town of Southern Shores. Town Manager Layton understood that the pushback was largely in Southern Shores. He added that Duck received some inquiries but no pushback from residents in Duck. He noted that there were several residents from Duck at the Town of Southern Shores meeting.

Mayor Kingston asked if the Senator Cook issue came up at the meeting. Town Manager Layton stated that it had. Mayor Kingston thought a positive was that Representative Tine would be attending the Town's Retreat and Senator Cook attending the Council's March 5, 2014 meeting.

### **Update on Boardwalk and Stormwater Projects**

Town Manager Layton stated that the Town was currently in the process of receiving bids on the southern extension of the soundside boardwalk and on stormwater improvements near the Stan White Realty/Waterfront Shops location. He stated that the boardwalk bids were due on February 7, 2014 and the stormwater improvement bids were due on February 11, 2014. He added that if all went according to plan, Council would be asked to consider awarding the bids for these projects at the Retreat on February 19-20, 2014.

He noted that the Town received the contract from the North Carolina Department of Environmental and Natural Resources for the boardwalk. He asked that Council authorize Mayor Kingston to execute the contract on behalf of the Town.

Councilor Burdick moved to authorize the Mayor to execute the contract with NCDENR as presented.

Motion carried 5-0.

### **Update on Annual Council Retreat – February 19<sup>th</sup> and 20<sup>th</sup>**

Town Manager Layton reminded Council that the Retreat would be held on February 19-20, 2014, beginning at 8:30 a.m. He stated that an updated agenda was at Council's places, with the only change being that Representative Paul Tine would be having lunch on February 20, 2014 instead of February 19, 2014. He encouraged the audience to attend both days of the Retreat.

### **Financial Statements for the Month of January for FY 2014**

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

### **MAYOR'S AGENDA**

Mayor Kingston congratulated Mayor Pro Tempore Thibodeau on her appointment as Chair of the Dare County Tourism Board. He stated that he had an upcoming mayor's meeting on February 11, 2014. He stated that letters could be sent through February 12, 2014 in support of the Mid-Currituck Bridge. He thanked Town staff for their work on the recent Winter Celebration. He stated that he was looking forward to the annual Council Retreat since he missed it last year.

### **COUNCIL MEMBERS' AGENDA**

Mayor Pro Tempore Thibodeau thanked Town staff for their work on the Winter Celebration. She gave an update on the Visitors Bureau activities to Council and the audience. She thanked the Wall Décor Committee for all of their hard work.

Councilor Burdick thought the Winter Celebration was a great success. He stated that he would be out of town and would miss the annual Council Retreat.

Councilor Caviness stated that she would be out of town and would miss the Pedestrian Steering Committee meeting on February 11, 2014. She stated that she attended her first meeting with the Government Access Committee and felt it would be a productive committee to be on. She added that she would not be attending their next meeting because it conflicted with Council's Retreat.

Councilor Britt congratulated Mayor Pro Tempore Thibodeau and thought the Winter Celebration was very nice. He stated that he would be missing the March 5, 2014 meeting because he will be out of town.

**OTHER BUSINESS**

Mayor Kingston stated that the next meeting would be the annual Retreat on Wednesday, February 19, 2014 at 8:30 a.m.

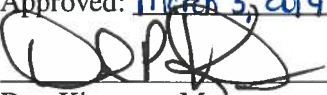
**ADJOURNMENT**

Councilor Britt moved to adjourn the meeting.

Motion carried 5-0.

The time was 9:14 p.m.

  
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Lori A. Kopec, Town Clerk

Approved: March 5, 2014  
  
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Don Kingston, Mayor

