

**TOWN OF DUCK  
TOWN COUNCIL  
REGULAR MID-MONTH MEETING  
May 21, 2014**

The Town Council for the Town of Duck convened at the Duck Meeting Hall at 1:00 p.m. on Wednesday, May 21, 2014.

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

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; Public Information Officer Denise Walsh; Ken Willson of Coastal Planning and Engineering; and Town Clerk Lori Kopec.

OTHERS ABSENT: None.

Mayor Kingston called the meeting to order at 1:05 p.m.

**DISCUSSION/CONSIDERATION OF APPOINTMENTS – RE-APPOINTMENTS TO THE TOWN OF DUCK PLANNING BOARD**

Town Manager Layton stated that the terms of Ron Forlano and Tim McKeithan had expired as of May 1, 2014. He stated that it was necessary to either re-appoint Mr. Forlano and Mr. McKeithan or appoint two other individuals to serve on the Planning Board. He noted that Mr. Forlano and Mr. McKeithan had indicated a desire to remain on the Planning Board and that if they were re-appointed; their terms would expire May 1, 2017.

Mayor Kingston moved to re-appoint Ron Forlano and Tim McKeithan to the Planning Board for a three year term to expire May 1, 2017.

Motion carried 5-0.

**UPDATE ON THE TOWN OF DUCK BEACH NOURISHMENT PROJECT**

Ken Willson of Coastal Planning and Engineering was recognized to speak. Mr. Willson went on to give a presentation and update on the Town's beach nourishment project, touching on the project schedule, the updated SBEACH and GENESIS models, and an overview of the design alternatives. He recommended that the project scope be revised to eliminate the northern portion of Segment 8 from the overall project.

Mayor Kingston asked if the Town needed to get Dare County buy-in by the end of June. Ken Willson thought they were close enough unless something was going to significantly change. He thought the big thing from the environmental impacts was how the aerial extent of the beach was, whether it was a little bit wider or thinner. He stated that it would not be that big of difference. He added that whether there was or was not a dune was a difference as there would be additional impacts. He stated that if it was put in the draft Environmental Analysis that they would be doing one of the dune designs, switching it around by September and putting the final plan in there

should not be an issue. He thought they had the entire summer to get things squared away with Dare County.

Mayor Pro Tempore Thibodeau asked if Ken Willson was comfortable with the deadlines now that the Town has lost approximately a month. She asked if it was realistic to think that the Town could get the borrow area sampled. Ken Willson thought so and thought the Town had some breathing room towards the end. He stated that it was likely that construction would not be starting until probably sometime in late April or May, 2015. He thought the Town had two to three months built in. He stated that he was pushing his people to stay on schedule. Mayor Pro Tempore Thibodeau asked if he was doing this in concert with the other towns. Ken Willson stated that he was, adding that the sand search was split three ways and each town was paying an equal share for it.

Councilor Burdick clarified that Ken Willson was assuming that Duck would be able to get permission for an exemption like the Town of Nags Head did in order to work on the project over the summer. Ken Willson stated he was correct. Councilor Burdick asked if there was any environmental data that the Town needed to support its case. Ken Willson stated that there wasn't.

Allan Starr of 106 Gannet Cove was recognized to speak. Mr. Starr understood that the preferred alternative was the hybrid model, which uses more cubic yards of sand per foot than the Dare County approved model. He stated that the way they were trying to keep the money here was to tell Dare County that Duck was shrinking the project size so that Segment 8 ends around Skimmer Way and Oyster Catcher Lane. He stated that they were using the same amount of sand but in a more compact area. He stated that if the County did not buy into that, the only way the project could be funded would be by either shrinking it more with the same dollars or the Town would have to contribute more. He asked if it would make any sense to obtain feedback from the County before the Town gets too far along. He thought if the County allowed only so much and there is a shortfall that wasn't quantified, someone would have to pay for that shortfall. Mayor Kingston thought the question was a good one and added that every quarter the mayors and managers of the three towns meet with the County to discuss beach nourishment. He stated that their next meeting was scheduled for June 18, 2014. He thought they would get a good reading from the County with respect to their feelings. He noted that the County already committed to the dollar amount and if Duck needed more, they would be able to get a commitment for it.

Sam Taylor of 111 Skimmer Way was recognized to speak. Mr. Taylor thought that in order to have any discussion in September, Council will need to come up with a plan for financing. He stated that it needed to be a part of the discussion in September in order for it to be an effective discussion. He thought there were two side-by-side projects, one to decide which areas to work on and the other of how the financing would be handled. He presumed that Council was aware of it and were proceeding with the project so that in September, there will be a discussion. Town Manager Layton stated that he wasn't sure about the date for the discussion in September, but once the parameters were set, the numbers could be refined. He added that once the Town had the preferred alternative, they felt confident that it would move forward and knew where the County stood with regard to withdrawing or giving money; then it could be put back into the models and go from there. He stated that this time in 2015, Council would be looking at setting in municipal service districts, but there would be discussions regarding it in the fall of 2014 once Council felt confident with the scope of the project.

Henry Blaha of 121 Ocean Bay Boulevard was recognized to speak. Mr. Blaha stated that with the study, Coastal Planning and Engineering was addressing everything from east to west as far as

how far into the ocean, sand and sand dunes. He noted that the predominant winds in the summer were from the southwest and in the winter from the northeast and there were also nor'easters that have a huge effect on the movement of sand. He stated that it appeared that the sand over the last 10 years has taken a more south to north approach. He asked if there was anything in the study that says that history shows where the sand was going so CP&E could determine where it would be needed more or less based on the areas. Ken Willson stated that the advanced fill numbers were based on the data set from 1996 through 2011. He stated that those averages of how the beach width changed over that period of time captured some of the storms that have come through in that timeframe. He stated that while they don't know how much sand moves from week to week, they do know how much has moved over the average of 15 years.

Mayor Kingston moved to have the project scope eliminate the north part of Segment 8 starting at Skimmer Way and Oyster Catcher Lane and sending down to the Corps of Engineer Property in Segment 7.

Mayor Pro Tempore Thibodeau thought it made sense based on the numbers and the in-depth analysis that there was no need to go any further north. She added that she would support the motion. Councilor Britt stated that he would support the motion. Councilor Burdick stated that there was no need to continue going north and it made sense to shorten the project area. He was pleased that dune building was included in the project as it was essential to the long-term health of the project.

Motion carried 5-0.

Councilor Burdick moved to adopt the hybrid design as presented.

Motion carried 5-0.

Mayor Kingston called for a five minute recess. The time was 2:34p.m.

Mayor Kingston reconvened the meeting.

### **DISCUSSION OF FY 2015 PROPOSED BUDGET**

Mayor Kingston stated that the proposed budget was the one that would go before a public hearing on June 4, 2014. He thought the Council could proceed through the budget by looking at it category by category and have discussions regarding it.

Mayor Kingston directed Council to review the Revenues section of the budget.

Councilor Burdick clarified that there were several projects that at some point there would be revenues from grant funds, but that it would not be an issue. Town Manager Layton stated that he was correct. He noted that the pedestrian plan study would be funded by the Town up front and then it would look to receive 75-80% in construction funds. He stated that the Town would pay for the engineering up front which would help the Town get more points for the construction funds.

Mayor Pro Tempore Thibodeau clarified that the Town has typically paid for the engineering on the boardwalk and other park projects and then looked for grant funds for the construction. Town Manager Layton stated that it was typically how the Town has done it in the past.

Mayor Kingston directed Council to review the Expenditures section of the budget, starting with Governing Body.

Mayor Pro Tempore Thibodeau clarified that the expenditures were up slightly due to Workers Compensation. Town Manager Layton stated that he anticipated some slight increases in insurance. He added that Professional Services were a little higher due to auditing and payroll services.

Councilor Burdick noticed that the Fund Balance was projected at a little over \$100,000. Town Manager Layton stated he was correct. Councilor Burdick thought Council had set a target at \$200,000 based on the last tax increase. Town Manager Layton stated that he did not recall Council doing that. Councilor Burdick stated that part of the tax increase was to include the Fund Balance. Town Manager Layton thought what Council was trying to do was to always have a contribution to the Fund Balance, but didn't think there was ever a strict target set for it.

Mayor Kingston directed Council to review the Administration section of the budget.

Town Manager Layton stated that one of the biggest items was moving Beth Morr from part-time to full-time. He thought there was a definite benefit to it and he would prefer to do it earlier than July 1, 2014, if possible, to be able to get extra hours for her when the Town needed her. He noted that the Town had two interns that were working for college credits, but hoped to start paying them after July 1, 2014.

Mayor Pro Tempore Thibodeau moved to authorize the Town Manager to make Beth Morr a full-time employee as of June 1, 2014.

Councilor Burdick thought it was a good move but at some point, Council needed to decide when to stop increasing permanent staff. Mayor Pro Tempore Thibodeau agreed, but thought Council has been cautious. She noted that the part-time position was in the budget for a few years now. Councilor Burdick thought Council needed to manage what services it wanted to provide. Mayor Pro Tempore Thibodeau agreed. Councilor Burdick agreed that the full-time position was needed but thought Council should manage where the Town goes from here when it comes to other services provided, in order to keep control of personnel costs since it was a significant piece of the budget.

Motion carried 5-0.

Mayor Kingston directed Council to review the Finance section of the budget. There were no changes.

Mayor Kingston directed Council to review the Legal section of the budget. There were no changes.

Mayor Kingston directed Council to review the Public Buildings section of the budget.

Councilor Burdick noticed that the conclusion of the boardwalk was in Fiscal Year 2014. He clarified that it would be finished this fiscal year. Town Manager Layton stated that he may have to re-appropriate some money because the lighting may not be completed. He expected that the bulk of the project would be completed this fiscal year. Councilor Burdick stated that Town Manager Layton was looking at doing the preliminary on the northern extension in two years. He stated that he would like to see it moved up as the boardwalk was a very popular project. He

suggested that the feasibility study for the northern extension be started in Fiscal Year 2015 instead of waiting two years. Town Manager Layton explained that the reason for holding back was due to the comprehensive transportation plan and the beach nourishment project. He added that staff would be pulled very thin with those projects. He thought as an alternative, he could have staff perform an analysis based on the current boardwalk costs with the pros and cons but not get to the engineering level of study. Councilor Burdick thought it would give Council enough information to decide whether the engineering study should move forward. Mayor Pro Tempore Thibodeau thought it was a good compromise.

Mayor Kingston directed Council to review the Information Technology section of the budget.

Councilor Burdick asked if there was an alternative to purchasing computers since they get out of date so quickly. Town Manager Layton stated that at this point, staff has not seen a program that they were comfortable with. He added that they talked to Shoshin regarding a leasing program with them but the numbers did not work. He stated that staff was looking at going to Windows Live 365, so software would not need to be purchased, and would control the software costs.

Mayor Pro Tempore Thibodeau clarified that the numbers did not include the new upgrades to the audio visual for the Meeting Hall. Town Manager Layton stated she was correct as it would be listed under Public Buildings.

Mayor Kingston directed Council to review the Police Department section of the budget. There were no changes.

Mayor Kingston directed Council to review the Fire Department section of the budget. There were no changes.

Mayor Kingston directed Council to review the Building Inspections section of the budget. There were no changes.

Mayor Kingston directed Council to review the Ocean Rescue section of the budget. There were no changes.

Mayor Kingston directed Council to review the Streets and Highways section of the budget. There were no changes.

Mayor Kingston directed Council to review the Sanitation section of the budget. There were no changes.

Mayor Kingston directed Council to review the Community Development section of the budget. There were no changes.

Mayor Kingston directed Council to review the Parks section of the budget. There were no changes.

Mayor Kingston directed Council to review the Capital Outlay section of the budget. There were no changes.

Mayor Kingston directed Council to review the Budgetary Accounting section of the budget. There were no changes.

Mayor Kingston directed Council to review the Transfers to Other Funds section of the budget. There were no changes.

Mayor Kingston directed Council to review the appendices section of the budget. There were no changes.

Mayor Kingston directed Council to review the CIP section of the budget. There were no changes.

Mayor Kingston moved to hold a public hearing on the proposed Fiscal Year 2015 budget on June 4, 2014.

Motion carried 5-0.


Mayor Kingston noted that the next meeting would be the regular meeting on June 4, 2014 at 7:00 p.m.

**ADJOURNMENT**

Councilor Britt moved to adjourn the meeting.

Motion carried 5-0.

The time was 4:04 p.m.

Approved: July 2, 2014  
  
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Don Kingston, Mayor

  
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Lori A. Kopec, Town Clerk

