

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
October 1, 2014**

The Town Council for the Town of Duck convened at the Duck Meeting Hall at 7:00 p.m. on Wednesday, October 1, 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; Deputy Fire Chief Bill Walker; Director of Community Development Joseph Heard; Town Attorney Robert Hobbs; Public Information Officer Denise Walsh; and Town Clerk Lori Kopec.

OTHERS ABSENT: Fire Chief Donna Black.

Mayor Kingston called the meeting to order at 7:05 p.m. He asked Director of Community Development Joe Heard to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence.

PUBLIC COMMENTS

Mayor Kingston opened the floor for public comments. He asked that any comments related to the public hearing be held off. There being no one wishing to speak, he closed the time for public comments.

CONSENT AGENDA

Minutes from the September 3, 2014, Regular Meeting

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

Motion carried 5-0.

SPECIAL PRESENTATIONS

Employee Service Recognition Program Recipients

Mayor Kingston stated that in December, 2011, Council had adopted an employee service recognition program that would acknowledge the service of employees of the Town at five year intervals by providing them with a certificate of recognition as well as a gift certificate in the amount of \$50 at a Duck business of their choosing.

Mayor Kingston, Town Manager Layton and Deputy Fire Chief Bill Walker went on to present a certificate to Fire Captain Jeffrey Del Monte and Fire Lieutenant Anthony Bartolotta.

PUBLIC HEARINGS

Public Hearing/Discussion/Consideration of the Town of Duck Comprehensive Pedestrian Plan

Mayor Kingston turned the meeting over to Town Attorney Hobbs.

Town Attorney Robert Hobbs was recognized to speak. Town Attorney Hobbs stated that the public hearing was open. He asked Chris Dewitt of Vanasse, Hangen & Brustlin to give a presentation.

Chris Dewitt of Vanasse, Hangen and Brustlin was recognized to speak. Mr. Dewitt gave a short presentation to Council and the audience on the Comprehensive Pedestrian Plan. He stated that the Town has been working with his firm, along with a steering committee on a Comprehensive Pedestrian Plan. He stated that the document that Council would be considering was developed with the assistance of the steering committee, along with a questionnaire that received over 600 responses and two public meetings. He stated that the Plan recommended improvements to the Town's pedestrian facilities throughout the Town and included infrastructure improvements, public outreach and education, as well as policy actions. He noted that the Plan recommended sidewalk improvements within the Village, crosswalks – with several comprised of having median refuge islands – paved shoulders outside of the Village, additional shared use paths, pedestrian level lighting, intersection improvements, gateways, drainage improvements, and intelligent transportation improvements.

Chris Dewitt stated that the total cost of the improvements was estimated at \$2.85 million and the proposed plan was broken into five year implementation cycles, with initial planning efforts focusing on improvements to the Village and included sidewalk improvements, shared path improvements, crosswalks and refuge islands, signage, lighting and education and public outreach.

Town Attorney Hobbs asked Council if they had any questions for Chris Dewitt.

Councilor Burdick thought that the overall plan was excellent and would move the Town along towards its objective of being a pedestrian-friendly town in an organized fashion. He thought there were some individual places in Town that may be a higher priority. He thought that crosswalk lighting was imperative in the short-term. He stated that he almost hit some pedestrians recently at the Sunset Grill crosswalk because he could not see people crossing Duck Road while traveling from the north. He thought that was an area that needed to be focused on as part of the short-term plan. He noted that as new crosswalks were put in, lighting would be installed, but added that the existing crosswalks needed lighting. He thought the priorities should include lighting for crosswalks.

Mayor Pro Tempore Thibodeau thought it was a nice overview of all the work and effort that has gotten the Town to this point. She agreed that it was a great road map and thought that doing the engineering will help the Town be able to firm things up so the project could move forward sooner rather than later.

Councilor Burdick thought that the proposed refuge islands have become less scary in the plan compared to the ones that are in Southern Shores. He thought it was a good improvement and served as a useful tool to assist in getting people across the street.

Town Attorney Hobbs asked if members of the public had comments regarding the plan.

Jane Gardner of 126 Olde Duck Road was recognized to speak. Ms. Gardner thanked staff for having the Pedestrian Plan online ahead of time so the public could see the charts and graphs. She stated that Chris Dewitt mentioned directional bike lanes. She wondered if anyone would tell the bicyclists which direction they should be riding in the bike lanes. She stated that pavement markings should also be implemented. She wondered if it would mark the pavement so pedestrians would know the right direction to travel. She stated that she and her family moved to the Village area because of the pedestrian paths but were now in danger of being hurt by bicyclists and pedestrians going the wrong way.

There being no one else wishing to speak, Town Attorney Hobbs closed the public hearing and turned the meeting back over to Council.

Mayor Kingston thought it was a very good conceptual plan. He thanked the steering committee and the engineers for putting together a good plan. He felt it was a good roadmap and thought it was reasonable. He stated that he would like to have funding in order to move quicker on it, but thought a source needed to be found. He thought spending the money now on the engineering and design and fine tuning the plan for what would be feasible and what could be implemented in the short term made sense. He stated that he endorsed moving forward with the plan as well as moving ahead with the next steps and design.

Councilor Britt stated that he had an opportunity to sit down with his father to review the Plan with him since he was involved with the original Duck Trail. He stated that his father felt this was the vision that the Duck Trail Committee wanted to move forward 20 years ago. He thought it was a good conceptual plan. He stated that he was excited to support the plan and to see it move forward.

Councilor Caviness stated that she was on the steering committee that worked on the plan and fully endorsed it. She stated that in regard to Ms. Gardner's comments, she agreed with her and felt that pavement markings would help but was also convinced that improvements to the sidewalk crossing areas as well will help a great deal to put people on the proper side of the road whether they are walking or cycling. She thought that with the existing conditions, some pedestrians are fearful of crossing the street so they stay on one side of the road. She added that improvements could be made in that respect since people know what to do but couldn't do it.

Mayor Pro Tempore Thibodeau thanked the committee and the public for their involvement in the process. She thought Ms. Gardner and Councilor Caviness brought up good points about the pavement markings. She thought that would go a long way because she felt there was an issue with the signage that seemed to be ignored. She stated that she rides her bicycle to and from work and there now is a new stop sign that she was instrumental in helping get installed. She added that she at times forgets it's there, but thought if the markings were on the pavement, she would pay more attention. She thought the pavement markings would be an asset. She added that this would also involve a lot of public education not only for the year-round residents but also for the visitors.

Councilor Caviness stated that at Council's September 3, 2014 meeting, Sergeant Melissa Clark gave a presentation that the Duck Police Department was involved in NC Watch for Me and would be doing some community outreach on helping people understand how to navigate through the Village. She added that the public education would be starting regarding improved safety very soon.

Councilor Burdick thanked the committee for a job well done. He felt that the Town was fortunate in that whenever a committee is formed, it stood out in an excellent level. He thought the concepts in the Plan would take the Town from a pedestrian level from the mid-twentieth century into the twenty-first century. He stated that people will begin to feel comfortable walking, biking and enjoying the Village area as well as areas outside of the Village. He stated that he supported the plan.

Mayor Kingston moved to approve the Town of Duck Comprehensive Pedestrian Plan as presented.

Motion carried 5-0.

Discussion/Consideration of Resolution 14-12, a Resolution of the Town Council of the Town of Duck, North Carolina, Approving the Town of Duck Comprehensive Pedestrian Plan

Mayor Pro Tempore Thibodeau moved to approve Resolution 14-12 as presented.

Motion carried 5-0.

Discussion of Next Steps

Town Manager Layton stated that now that the Plan has been adopted, Town staff could work on the recommendations and what could be done in the short term as well as what could be done in the long term. He stated that in the short term, staff could look at sight distances, come up with a plan for marking the trail and marking crosswalks. He added that some of those things would probably become budgetary discussions in terms of looking at next year's budget. He stated that it didn't seem to cost a lot to put markings on the ground but when it has to be done throughout the entire Village, it could become expensive. He stated that it will also need to be decided what kind of markings should be put on the ground. He added that he would have Director Heard complete some research on it and work with Chris Dewitt on the plan.

Town Manager Layton stated that moving forward to the infrastructure side, the first thing to be done is the engineering for the project. He added that if Council wanted to move the project forward as quickly as possible, then it would be incumbent on the Council to push the issue and the best way to do it would be to have the project ready to go. He stated that it could be done by having the engineering completed primarily in the Village area. He noted that there were funds set aside and engineering for this type of project would probably cost around \$150,000. He stated that the Town had \$150,000 identified in the CIP, with \$100,000 available this fiscal year with the expectation that this would be a multi-fiscal year project.

Town Manager Layton recommended that the Town move forward with the project and extend the contract with VHB. He added that he would bring a contract back to Council at a later date that could accomplish that, which would give the Town a shovel ready project in two years. He pointed out that the North Carolina General Assembly has changed the funding formula for road projects. He added that even though this project would be divided into three phases, and scored very well in the regional project, it was an unknown as to how much money would be available or if any would be available for non-highway projects.

Town Manager Layton stated that if this went through the TIP project, it was likely that there would not be money available for several years, which left the Town with the issue of how to

implement the changes without any state money. He stated that he was cautiously optimistic that at some point there would be funds available to complete the project. He noted that by having the engineering done, it gave the Town the option and opportunity to seek out other grants that may be available to help.

Councilor Burdick thought moving forward made sense with regard to the engineering. He stated that there was some national transportation funding available for this type of project that staff could look into as a substitute or in addition to the state funding. Town Manager Layton agreed.

Mayor Pro Tempore Thibodeau thought the engineering helped Council visualize exactly what it will look like when it's laid out over a roadway. She stated that it would be interesting to see how it will fit as well as how it will impact certain areas, particularly in the Village. Town Manager Layton noted that it was a conceptual plan with engineering analysis on it, but was still a conceptual plan. He added that there will be decisions that Council and the community will have to weigh in on as the Town gets into more of the details.

Councilor Caviness clarified that Town Manager Layton was referencing the north and south gateway points. Town Manager Layton stated that that was where the engineering would be. He explained that most of the improvements outside of the Village would have the same accomplishments as would happen inside the Village. He added that the other items that the Town would not spend a lot of time on now were a west side multi use path as well as a beach trail, but it was only an idea for now. He stated that an opportunities analysis would be done on the northern extension of the Duck Trail this year to determine if additional engineering would be completed.

Mayor Kingston asked if it was too ambitious for Town Manager Layton to bring something back at Council's November 5, 2014 meeting. Town Manager Layton thought he could work something out with Chris Dewitt to try to have something at Council's November 5, 2014 meeting.

OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS

Discussion/Consideration of Authorizing the Town Manager to Enter into a Contract with Barnhill Contracting Company, Inc., for Stormwater Improvements at South Snow Geese Drive/NC 12

Town Manager Layton stated that the Town issued an Invitation to Bid for stormwater improvements at South Snow Geese Drive and NC 12 in conjunction with the Town's engineers. He stated that the improvements involved removing portions of the Duck Trail asphalt, installing a corrugated pipe, trench drain and pervious concrete to remove the water from the intersection and replacing the asphalt that will need to be removed. He stated that bids were due on September 18, 2014 and two bids were received. He stated that Barnhill Contracting bid \$52,750 and RPC Contracting bid \$64,250. He recommended that he be authorized to enter into a contract with Barnhill Contracting. He noted that as part of the FY 2015 budget, \$45,000 was appropriated for this project, so if Council authorized him to enter into a contract, a budget amendment for the additional \$7,750 would be prepared to transfer that amount from Contingency.

Councilor Burdick thought it was a great project to do.

Mayor Kingston asked if Barnhill would be pumping from that area. Town Manager Layton stated that a trench drain would be installed.

Councilor Burdick asked how many inches of rain the trench drain would be able to handle. Town Manager Layton thought that it would handle the rain that currently occurred in that area.

Mayor Pro Tempore Thibodeau asked if the grate that would be installed would not be where people would be walking on or driving over it. Town Manager Layton stated that she was correct.

Councilor Burdick moved to authorize the Town Manager to enter into a contract with Barnhill Contracting Company, Inc. for stormwater improvements at South Snow Geese Drive and NC 12 as presented.

Motion carried 5-0.

NEW BUSINESS

Discussion/Consideration of Ordinance 14-05, an Ordinance Amending Title VII: Traffic Code, Chapter 72: Parking Schedules, Schedule I. General Parking Regulations, of the Town of Duck Code of Ordinances

Town Manager Layton stated that the Town received a request from Dick Allerton of the Sanderling Property Owners Association requesting to have specific streets within the SPOA added to the list of private streets where the Police Department may enforce parking regulations. He noted that while other regulations related to private streets such as speed limits may not be enforced by the Police Department, the North Carolina General Statutes provide the authority for towns to enforce no parking regulations on private streets. He stated that in order to grant the Police Department this authority, an ordinance must be adopted specifying the subdivision or specific streets where the regulations may be enforced. He stated that the ordinance would add Station Bay Drive, Martin Lane, Viero Way, Waxwing Court and Blue Heron Lane to the list.

Mayor Pro Tempore Thibodeau moved to approve Ordinance 14-05 as presented.

Motion carried 5-0.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY

Town Attorney Hobbs stated that the title work for the beach nourishment project easements was almost complete and he hoped to be in a position to have it completed and the easements generated by the middle of November.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN MANAGER

Update on Departmental Activities

Deputy Fire Chief Bill Walker was recognized to speak. Deputy Fire Chief Walker gave a brief overview of the past month's fire 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 police 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.

Public Information Officer Denise Walsh was recognized to speak. 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 stated that Council had the latest letter from CP&E, which provided an update and would be on the Town's website. He stated that fiscal year to date, the Town spent \$69,122.38 on permitting and engineering and \$124,234.13 on the sand search borrow area. He noted that the Town has not paid any money to Carter and Associates yet. He stated that fiscal year to date expenditures for beach nourishment was at \$193,356.51 and the total cost to date for engineering was \$677,229.13. He stated that as far as beach planting, the Town has not had any expenditures yet, although fertilization would be beginning soon.

Councilor Burdick asked what the net cost was after the Town receives the money from Dare County. Town Manager Layton stated that he could subtract \$250,000 from the \$335,000 to get the net cost. He added that the Town received \$75,000 from Dare County. He explained that one would take \$250,000 plus \$75,000 and subtract that from the \$677,229.13 to get the net cost.

Town Manager Layton stated that CP&E were about 78% done with the permitting and design work as of September 1st and were 72.8% done with the sand search. He stated that they hoped that they would finalize the sand search information and have the entire draft environmental assessment and final biological assessment as well as the essential fish habitat to the federal and state agencies by mid-October. He noted that it was right in line with where the Town hoped CP&E would be with the project.

Town Manager Layton stated that they were still examining the data from the vibracore samples in terms of Area C, which was the borrow area immediately off of Duck, to determine if they were comfortable with that being a borrow area for this project. He hoped that they will be satisfied with it as it would help with the overall costs. He stated that he and Mayor Pro Tempore Thibodeau would be meeting with the other towns and Dare County on October 2, 2014 for a status update on the project. He didn't expect any discussion on the financial side of it, only an update as to where everyone was in terms of the project and making sure all were on track.

Town Manager Layton stated that Council will be holding an October mid-month meeting with the focus on beach nourishment and municipal service districts. He stated that the meeting would be more of a status update with him seeking direction as opposed to final decisions. He expected to have an update on the project and design for Council to review. He stated that with regard to the municipal service districts, the focus for Council will be if they want to pursue dividing the project in half and having the municipal service districts pay for the entire amount or look at it in terms of a one-third plan where the Town pays a portion and the municipal service districts pay a portion. He hoped to get direction from Council on where they wanted to go next so the Town could prepare for adoption of the municipal service districts. He added that he would bring a proposed schedule for the adoption of the municipal service districts.

Mayor Pro Tempore Thibodeau clarified that it would be mid-October for the borrow area that the Town would be getting a little further along with the project details. She asked if it would include the determination of the borrow area. Town Manager Layton believed that it would. He

added that CP&E were not dissatisfied with the sand in Area C but was a little bit finer than the other borrow areas. He stated that finer sand was not necessarily a bad thing, but a town may not want to construct a whole beach with finer sand. He stated that CP&E may be able to identify some of the other areas that have sand that would work better with the way the beach was now or they may recommend pulling sand from Area C and supplement it with sand from another area.

Mayor Kingston asked if CP&E estimated going from the area off Duck. Town Manager Layton understood that they weren't using Area C for the latest cost estimate.

NCBIWA 2014 Annual Conference

Town Manager Layton stated that the NC Beach and Inlet Waterway Association would be holding its annual meeting in Wrightsville Beach on November 17 and 18, 2014. He stated that if a Council Member wished to attend the conference, to contact him or Town Clerk Kopec for registration and lodging. He noted that he and, most likely, Director Heard were planning to attend the conference.

Financial Statements for the Month of September for FY 2015

Town Manager Layton stated that he did not receive the occupancy tax report and would send the completed financial statement to Council once he received that report.

MAYOR'S AGENDA

Mayor Kingston stated that he would be having his monthly meeting with the Dare County Board of Commissioner Chair and other mayors on October 14, 2014. He stated that he asked Mayor Pro Tempore Thibodeau to coordinate Town Manager Layton's performance evaluation. He added that he and Mayor Pro Tempore Thibodeau discussed some revisions to the form and solicited input from several sources. He stated that Mayor Pro Tempore Thibodeau would be making some modifications to the form and would correspond via email to the rest of Council with a target date of having the evaluation done in mid-November. He stated that with regard to the upcoming Retreat, he wanted Council to look at their calendars to see if February 18-19, 2015 would work for them. He stated that he was looking forward to the Jazz Festival and would be out of town until October 10, 2014, adding that Mayor Pro Tempore Thibodeau would be available in his absence.

COUNCIL MEMBERS' AGENDA

Mayor Pro Tempore Thibodeau gave a Visitor's Bureau update. She stated that she was looking forward to the upcoming Jazz Festival.

Councilor Burdick stated that he was looking forward to the upcoming Jazz Festival.

Councilor Caviness had nothing to report.

Councilor Britt had nothing to report.

OTHER BUSINESS

Additional Public Comments

Mayor Kingston asked the public for comments.

Willo Kelly of the Outer Banks Homebuilders Association was recognized to speak. Ms. Kelly stated that on October 22, 2014, the Coastal Resources Commission would be holding a meeting with a panel discussion with the governor. She stated that she was given the honor of being invited by the Coastal Resources Commission Chair to present information to the governor on the challenges the Outer Banks faces regarding access and affordability of homeowners insurance. She encouraged Council to attend the meeting as well.

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

CLOSED SESSION (IF NECESSARY)

Mayor Kingston noted that there would not be a closed session.

Mayor Kingston stated that the next meeting would be the mid-month meeting on Wednesday, October 15, 2014 at 1:00 p.m.

ADJOURNMENT

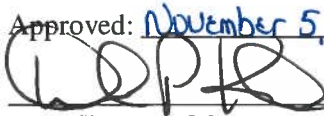
Councilor Britt moved to adjourn the meeting.

Motion carried 5-0.

The time was 8:38 p.m.



Lori A. Kopec, Town Clerk

Approved: November 5, 2014


Don Kingston, Mayor

