

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

The Town Council for the Town of Duck convened at the Duck Meeting Hall at 7:00 p.m. on Wednesday, November 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 Captain Jeffrey Del Monte; Director of Community Development Joseph Heard; Town Attorney Robert Hobbs; Attorney Ben Gallop; Public Information Officer Denise Walsh; Administrative Assistant Bethany Morr; and Town Clerk Lori Kopec.

OTHERS ABSENT: Fire Chief Donna Black.

Mayor Kingston called the meeting to order at 7:09 p.m. He asked Town Clerk Lori Kopec to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence.

**PUBLIC COMMENTS**

Mayor Kingston opened the floor for public comments.

Joe Kearfott of 118 Skimmer Way was recognized to speak. Mr. Kearfott stated that he had communicated with Council a few times with regard to the beach nourishment project. He expressed his appreciation to Town Manager Layton for the professional and open way that he has addressed the issues. He stated that he communicated with 42 property owners that reside in the area north of Oyster Catcher Lane, which has been referred to as the taper area. He stated that he heard back from half of the group and they all support the Town Manager's recommendation regarding the taper area and the MSD's. He hoped that Council would conclude that the recommendation was the right one.

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

**CONSENT AGENDA**

**Minutes from the October 1, 2014, Regular Meeting; Minutes from the October 15, 2014 Mid-Month Meeting; Budget Amendments; Appointment of Joe Heard, Director of Community Development, to the Transportation Coordinating Committee (TCC)**

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

Motion carried 5-0.

**CLOSED SESSION**

Mayor Pro Tempore Thibodeau moved to enter closed session pursuant to N.C. General Statute §143-318.11(a)(3), to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Motion carried 5-0.

The time was 7:13 p.m.

Mayor Kingston reconvened the meeting.

## **OLD BUSINESS**

### **Discussion/Consideration of Municipal Service Districts (MSDs) Related to the Town of Duck Beach Nourishment Project**

Town Manager Christopher Layton was recognized to speak. Town Manager Layton stated that his presentation was a continuation of the discussion Council had at their October 15, 2014 meeting. He went on to give an update to Council and the audience on the Municipal Service Districts.

Town Manager Layton stated that he was going to focus on the Municipal Service Districts, the proposed MSDs, the MSD funding models and the next steps in terms of getting consensus on moving forward with a model as well as the timeline for the adoption of the MSDs.

Town Manager Layton noted that once the MSDs were adopted, the boundaries from the erosion study become irrelevant. He stated that there hasn't been much in the area formally referred to as Segment 7 with regard to an issue with the boundaries of that MSD. He stated that that MSD would run from the Army Corps of Engineers property to Dianne Street. He added that Segment 8 would run from Dianne Street to Skimmer Way. He stated that under the SBEACH models, it showed that during a Hurricane Isabel-type storm, 49 structures in Segment 7 would be impacted and 34 in Segment 8 would be impacted. He stated that he wanted to have a design that would go at least as far as the intersection of Oyster Catcher Lane and Skimmer Way. He stated that the engineers came up with a new model that showed a 500 foot taper on the south end and an 810 foot taper on the north end. He noted that it would take it all the way to Skimmer Way. He stated that he had extended the 810 foot taper erroneously because he thought the Sanderling Homes Association stopped there and went to the sound. He noted that it was an incorrect assumption on his part, so the taper was pulled from that area. He stated that the engineers have told him that a 500 foot fill taper was just as good as an 810 foot one, so there was no reason to bring it to 810 feet if it's not needed. He pointed out that, under the new scenario, if Council decided to go with the 500 foot taper, the second access point would no longer be included and the MSD would not be extended beyond that.

Town Manager Layton reviewed the cost estimates for the project with Council and the audience. He noted that Dare County was providing additional revenue for the Town, which was essentially an interest payment on the note bringing the Town to \$1,221,390 for each year over the five year amortization period of the project.

Town Manager Layton explained that the Municipal Service Districts were done for erosion protection, storm protection, to have an enhanced recreational beach, to maintain the tax base, and to maintain the reputation of the beaches. He noted that oceanfront owners enjoy all of those benefits; non-oceanfront owners have the enhanced recreational beach, they will maintain the tax base and will maintain the reputation of the beaches; and the entire Town would maintain the tax base and maintain the reputation of the beaches. He stated that it made sense for oceanfront owners to pay a higher amount, non-oceanfront owners would pay a lesser amount and the Town overall would pay the least of the portion. Town Manager Layton reviewed the proposed Municipal Service District areas with Council and the audience.

Councilor Burdick clarified that 142 Skimmer Way was included in the proposed MSD. Town Manager Layton stated that 140 and 142 Skimmer Way were included. Councilor Burdick asked if the homes were included in the graphic that was shown. Town Manager Layton stated that they were.

Town Manager Layton reviewed the cost analyses for the MSDs with Council and the audience, noting that he came up with nine different scenarios. He noted that with each scenario, the first number was the Town's portion, the second was oceanfront properties and the third was non-oceanfront properties. He added that they were percentages of the whole \$1,221,390 that would be paid by each section. He went on to review the scenarios – 0-50-50; 33-33-33; 0-100-0; 50-50-0; 37-63-0; 40-30-30; 30-35-35; 20-40-40; and 30-40-30. He stated that there were two project area MSDS – one with a SkiTaper that would take it to 810 feet and one with no Taper. He stated that the scenarios with potential impacts on the General Fund Budget were: 0-50-50; 33-33-33; 50-50-0; and 20-40-40.

Councilor Burdick asked how Town Manager Layton came up with the \$1.2 million number over a five year period. He noted that the amount borrowed was almost \$6.9 million. Mayor Kingston noted that the County was paying the interest. Councilor Burdick pointed out that the borrowed amount was \$6,889,000 and thought it did not include the interest. Town Manager Layton stated that the County was making up the difference in the debt service and had agreed to do so. Councilor Burdick clarified that the County was paying more than just interest. Town Manager Layton stated that it was slightly more than interest.

Town Manager Layton reviewed the MSDs with taper and without taper and the costs with Council and the audience.

Mayor Pro Tempore Thibodeau asked Town Manager Layton to explain the total value difference. Town Manager Layton stated that if all parcels were included in the original MSDs and did a straight number, taking out all of the Skimmer Way properties, the difference would come from that.

Town Manager Layton reviewed the MSD scenarios with the taper costs with Council and the audience. He went on to review the MSD scenarios without the taper costs with Council and the audience.

Town Manager Layton reviewed the potential impacts on the General Fund with the four scenarios that consisted of: 0-50-50; 33-33-33; 50-50-0; and 20-40-40. He noted that the impact on the General Fund did not change significantly with the taper or without the taper. He stated that the lower three scenarios would impact the General Fund in the range of \$244,278 to \$610,095.

Councilor Burdick asked if a 30-40-30 scenario was run. Town Manager Layton stated that he did not run one, adding that he ran a high number, which was 50%, a low number of 20% and one in between that was 33% and felt that Council could get a good feel on what the difference would be.

Town Manager Layton stated he was looking for direction from Council on the consensus on the MSD plan, including the MDS(s) and how they would be divided out; the taper being either 810 or 500 feet; including the taper or not having a taper; the MSD rate(s) and the timeline for adopting the MSD(s). He reviewed the proposed schedule with Council and the audience. He stated that the proposed schedule would include having a report prepared in accordance with state statutes prior to January 26, 2015; sending letters to all property owners in the proposed MSDs by January 26, 2015; holding a public hearing on the resolution at Council's March 4, 2015 meeting; and having the Ad Valorem taxes in the MSDs levied by July 1, 2015.

Mayor Pro Tempore Thibodeau clarified that the March 4, 2015 public hearing was the date anticipated that Council would make their final decision. Town Manager Layton stated she was correct, adding that it was the public hearing requirement by the General Statutes. He guessed that once the public hearing was held, if nothing changed, Council would not have to adopt it that day, but he would prefer adoption after the public hearing. Mayor Pro Tempore Thibodeau asked if it would make sense to hold the public hearing at Council's February 4, 2014 meeting instead so Council would have time to hear from the public. She asked if Council could continually ask for input ahead of the date, making it clear that a decision would be made at the March 4, 2015 meeting. Town Manager Layton stated that letters have to go out to each property owner regarding the public hearing and there would be four weeks to receive input before the March 4, 2015 meeting. He added that there would be time at the public hearing to make changes, but he wouldn't push the date any further back.

Mayor Kingston noted that the dates were workable. Town Manager Layton agreed, adding that he didn't want to send it to the tax office at the last second. He added that he wanted to give them a sufficient amount of time to get everything worked out. Mayor Pro Tempore Thibodeau clarified that the letters that would be sent out to the property owners on January 26, 2015 would tell them about the public hearing as well as getting into the specifics in terms of what Council was thinking. Town Manager Layton stated that it would. He added that there were legislative requirements in the statute for the letter. He added that the letter would talk about the quarterly report that will have to be done; that it will have to make reference to the report and would have to talk of the boundaries of the MSD, the rates and may have to have an estimate on what the impact would be. Mayor Pro Tempore Thibodeau thought that was a lot of good information for the public to be able to comment on at the public hearing.

Councilor Burdick asked Town Manager Layton if he anticipated any discussion of it at the Council Retreat. Town Manager Layton stated that there could be a discussion, but he was looking to present what Council would be doing for the funding plan in the letter. Councilor Burdick stated that he was talking about it more from a public input standpoint. Town Manager Layton stated that he could have updates but it could not be a public hearing. Councilor Burdick stated he wasn't referring to the public hearing, but felt that since the Retreat was an open meeting, it would seem that the timing would be good for discussion. Mayor Kingston thought that there would be a status update on beach nourishment at the Retreat and there would be time for the public to ask questions. Councilor Burdick agreed.

Mayor Kingston suggested that Council review the MSDs to obtain consensus from the standpoint that Town Manager Layton was recommending two of them. Town Manager Layton stated he was correct. Mayor Kingston asked if there was any discussion from Council on setting up two MSDs. It was *consensus* of Council to have two MSDs.

Mayor Kingston stated that he liked Town Manager Layton's recommendation of 500 feet for the taper. He asked if there was any discussion from Council on the 500 foot versus 810 foot taper. Councilor Burdick asked what would happen on the south end of Town. Councilor Britt thought there would be a taper on the south end. Mayor Kingston stated the third option was no taper from the standpoint of the MSDs. He added that the recommendation was that the Town would tax up to the point where the official engineering field stopped. It was *consensus* of Council to have the 500 foot taper.

Mayor Kingston stated that Council needed to decide on the MSD rates and the split between oceanfront properties and non-oceanfront properties. He stated that in looking at it, he thought the Town should pay a share to lessen the burden on the oceanfront and non-oceanfront properties as everyone receives a benefit. He noted that the Town raised taxes a few years back, which was \$0.026, and was directed at beach nourishment. He added that the Town has already paid into it heavily. He thought if the Town expended more than \$0.026, it would mean either another tax increase or a decrease in services, which would impact the CIP. He stated that any scenario that was more than \$0.026 on the Town's part would put an undue burden on the Town. He stated that at the last meeting, Councilor Caviness brought up the point that if the Town helped with every project, there would be no more operating flexibility moving forward. He recommended that the Town participate in the MSD, but at the 20% level as it would give the Town minimal impact on the General Fund.

Councilor Burdick agreed with Mayor Kingston and thought the Town needed to contribute. He thought the Town specifically put in the tax increase for the beach nourishment project and not other contingencies. He thought going to 20% was going too far and thought 25 or 30% would be better. He felt that with regard to the percentage for the oceanfront owners, they were receiving a huge benefit and thought the percentage needed to be higher. He stated that he was in favor of 25-30% for the Town and would like to see 40% for oceanfront and 30% for non-oceanfront properties.

Mayor Pro Tempore Thibodeau clarified that Councilor Burdick was in favor of 30-40-30. Councilor Burdick stated she was correct. Councilor Caviness pointed out that there wasn't a 30-40-30 Fund Balance explanation. Mayor Pro Tempore Thibodeau clarified that Mayor Kingston did not want the Town to commit to over \$0.026, but the 1/3 would equal that. She stated that she was confused on the rationale. Mayor Kingston stated that \$0.026 was the money that the Town set aside years back via a tax increase for beach nourishment. He added that if the Town went above that threshold, the Town would have to decrease services and/or impose a tax increase, which was not wanted. He stated that the safety level was below \$0.026, which would put approximately \$150,000 back into the General Fund. Mayor Pro Tempore Thibodeau asked if Council was in agreement that \$0.026 equaled 33%. Mayor Kingston stated she was correct. Mayor Pro Tempore Thibodeau clarified that Mayor Kingston wanted to bring it lower in order to give a buffer. Mayor Kingston stated she was correct.

Councilor Burdick noted that the 30% was \$0.024 and assumed that 25% was \$0.002. Town Manager Layton stated he was correct. Councilor Burdick felt that 20% was too low.

Councilor Britt thought the 20-40-40 plan would get the Town closer to the Fund Balance two years earlier. He thought it was important. He agreed with Mayor Kingston's comments and would support the 20-40-40 plan.

Councilor Caviness thanked Town Manager Layton for his presentation. She stated that she most preferred the 20-40-40 plan. She stated that she didn't want to see Council shortchange some of the important things that are needed in Town because of the beach nourishment project. She added that there was the wild card about what the other municipalities will be doing with their Ad Valorem, anticipating that the project was coming not only from Duck but from two other

municipalities. She noted that it could not be factored in. She reiterated that she was most comfortable with the 20-40-40 plan as it was not only equitable but protective.

Town Manager Layton noted that the additional revenue that would be generated by the MSDs would be additional revenue that would increase or mitigate against lowering the shared revenues because it was additional revenue. He explained that the more money the Town takes from the Fund Balance to cover that would lessen the Town's position for the shared revenues. He wasn't sure how much at this point.

Councilor Burdick thought in looking at the summary sheet for the 20-40-40 plan, after Fiscal Year 2018 the Town would accumulate \$700,000-\$800,000 per year for the General Fund. He thought the accumulation rate was more than the Town needed to have. Town Manager Layton stated that he was doing his best to guess going out seven years. He thought the value of the exercise was what Council was comfortable with and what could be afforded. He thought the Town could afford a 20% contribution. Councilor Burdick noted that the original proposal was 1/3 each on the basis that it was affordable. Town Manager Layton thought it showed that decisions will have to be made. Councilor Burdick asked what year the Town would pay off one of its loans. Town Manager Layton stated that one would be paid off in Fiscal Year 2019. Councilor Burdick asked if that was giving the Town the increase. Town Manager Layton stated that it would give the Town roughly \$300,000 per year. He noted that he was talking about the total Fund Balance and not the Unassigned Fund Balance.

Councilor Caviness asked what the Local Government Commission recommended for coastal communities with regard to the Fund Balance. Town Manager Layton stated that they did not have one for coastal communities but they recommend 8%, which did not apply for small or coastal communities. Mayor Kingston noted that the Town receives a letter from the LGC, pointing out that the General Fund was not appreciating. Town Manager Layton stated that the Town should obtain the 8% this year as it's contributing \$679,000 to the Fund Balance. Mayor Kingston stated that the LGC will look at the financial stability of the Town when they make their decision. He stated that if it decreases in future years, it will not look good to the LGC.

Councilor Caviness asked if the LGC would run typical projections. Town Manager Layton stated that they would look at it in a different way. He added that they would look at the Town's debt capacity, the Town's ability to fund and their job was to make sure the Town doesn't default.

Mayor Kingston moved to move forward with the 20-40-40 plan that was presented.

Councilor Burdick stated that he was not comfortable with the plan. He stated that moving it down 1/3 made sense, but thought it was going too far. He stated that he would be content with 25 but not 20. Mayor Pro Tempore Thibodeau agreed with Councilor Burdick in that the 20 was too low. She agreed that it was good to be conservative, but thought the 20 was low and would feel more comfortable with 25. Councilor Burdick suggested 25-40-35.

Town Manager Layton clarified that the \$0.026 was set aside two budgets ago for beach related services; basically to help with funding of permitting and engineering as well as fertilizing and planting of the beach. He added that the fertilizing and planting was about a half cent. He stated that if Council took out the half cent and go to \$0.021 instead of \$0.026, it would be higher than the \$0.016 in the 20-40-40 plan. Mayor Pro Tempore Thibodeau asked what the half cent translated to on the beach planting. Town Manager Layton stated that was roughly \$75,000. Mayor Pro Tempore Thibodeau clarified that the Town used to benefit from the interest income, which was around \$30,000-\$35,000. She thought it was good to beef it up and have \$75,000 for the whole Town to benefit. Town Manager Layton stated that part of the reason for doing that was to continue monitoring the rest of the beach. Mayor Pro Tempore Thibodeau asked if the \$75,000 was enough to do that. Town Manager Layton stated that it was.

Councilor Britt stated that he was in favor of the 20-40-40 plan. He thought the Town needed protection against the possible effect of Shared Revenues.

Councilor Burdick moved to amend the motion and move forward with a 25-40-35 plan.

Mayor Pro Tempore Thibodeau stated that she would support the amended motion based on the discussion.

Motion failed 2-3 with Mayor Kingston, Councilor Caviness and Councilor Britt dissenting.

Mayor Kingston noted that the original motion was on the floor.

Motion carried 5-0.

## **NEW BUSINESS**

### **Discussion/Consideration of the Dare County Comprehensive Transportation Plan**

Kerry Morrow of the North Carolina Department of Transportation and Angela Welsh of the Albemarle RPO were recognized to speak. Ms. Morrow and Ms. Welsh gave a short overview of the Dare County Comprehensive Transportation Plan to Council and the audience.

Mayor Kingston asked if a similar thing was being done for Currituck County. Kerry Morrow stated that Currituck County was included in the plan.

Mayor Pro Tempore Thibodeau asked if the Town's pedestrian plan would be assimilated into the Transportation Plan. She further asked if it was consistent. Kerry Morrow believed they were consistent. Town Manager Layton stated that he understood that it was consistent.

Councilor Caviness noted that they were talking about a multi-use path/trail such as what currently existed in Duck and it was clearly deficient. Town Manager Layton stated that if one looked at the map with the insets for the multi-use paths, Duck shows on the map that it needs improvement, which coincides with the improvements the Town wants to do. Councilor Caviness asked if there was a level of detail about other areas where a shared path will end up being a deficient solution as opposed to a separated path for bicycles and pedestrians. Town Manager Layton stated that the Town was far enough along in its plan that it could be done. He wasn't sure about other areas.

Kerry Morrow noted that there was a reference in the report to the local plan which gave further details. Town Manager Layton stated that staff felt very comfortable with the plan as it was.

Director of Community Development Joe Heard was recognized to speak. Director Heard stated that he reviewed the draft and made sure it was consistent with the Town's pedestrian plan.

Councilor Burdick stated that as he went through the plan, he could not tell if the type of improvements the Town wanted to make were consistent with the improvements that the DCCTP was recommending. Director Heard stated that Duck was a step ahead of things and the CTP was more of a general plan. Councilor Caviness clarified that it would not hold the Town back. Director Heard stated that it would not. Councilor Caviness stated that she didn't want the Town to be denied any improvements. Angela Welsh noted that when requesting funding, the items needed to be in the plan. She added that NCDOT would work with the Town.

Councilor Burdick asked if the Town was proposing anything that was inconsistent with the CTP. Kerry Morrow stated that everything was consistent.

### **Resolution No. 14-13, a Resolution of the Town Council of the Town of Duck, North Carolina, Adopting the Dare County Transportation Plan**

Mayor Kingston moved to adopt Resolution 14-13 as presented.

Motion carried 5-0.

### **Discussion/Consideration of Requesting that the Planning Board Examine and Recommend Changes if Necessary to §156.137, Tree and Vegetation Preservation and Planning of the Town of Duck Code of Ordinances**

Town Manager Layton stated that the Tree and Vegetation Preservation and Planning ordinance was adopted in 2007 and since that time there have been minor amendments to the ordinance, but no re-examination of it. He stated that recently a large "heritage" tree was removed near the Osprey Landing Shops without a permit. He noted that the removal of this tree sparked a desire to re-examine the ordinance to prevent such unauthorized tree removal from occurring in the future. He stated that Council was being asked to consider requesting the Planning Board to examine the ordinance and recommend any changes.

Councilor Burdick asked if part of the problem was that the Town did not do a designation of different heritage trees. Town Manager Layton didn't think it played a role in the issue. He thought it was something that should be done.

Councilor Caviness thought it would make things more egregious for the future. Councilor Burdick agreed.

Mayor Pro Tempore Thibodeau agreed that it was a good time to look at the ordinance. She thought Council could give the Planning Board some guidance in terms of getting the word out about the ordinance, especially to the people in the tree business. Councilor Caviness suggested that the fines be steeper. Councilor Britt stated that the original fines were set up to deal with mistakes. He thought there needed to be further research on heritage trees and increase the fines.

Councilor Caviness thought the designation of heritage trees should extend throughout the entire Town. Councilor Burdick thought the issue was not the homeowners but the landscaping companies. He thought they needed to fully understand the Town's ordinance. He felt it was critical and would go a long well to help. He felt if the landscaping companies were aware of the ordinance and it had sufficient fines in it to act as a semi-deterrent, it would eliminate 99% of the problem. He added that homeowners generally do not cut down trees but hire a company to do it for them. He stated that he liked the idea of having the Planning Board look at the ordinance and thought as part of the research, the Planning Board could figure out how to strengthen it to make sure that not only homeowners but commercial owners are aware of the ordinance.

Councilor Caviness stated that Councilor Burdick's comments were more of a practical administration and implementation. She felt that Council needed to give the Planning Board direction. She thought that the fee schedule should be reviewed and another serious consideration should be to move forward with the heritage tree designation throughout Town.

Councilor Burdick asked if the ordinance should apply to only heritage trees or if it should apply to others. Town Manager Layton stated that heritage trees were any that were greater than 24 inches in circumference and would require a permit to remove. He added that it would apply to more than just heritage trees.

Mayor Pro Tempore Thibodeau thought there was a stipulation if a homeowner was building a house on an undeveloped lot and the tree was sitting where the house was to be built, that some consideration be made. Councilor Caviness agreed.

Councilor Britt thought Councilor Caviness' recommendation on heritage trees was a good one. Mayor Kingston thought it was good that the Planning Board re-examine the ordinance. Councilor Burdick agreed. He thought that the Planning Board should look at how to administratively manage the ordinance.

Councilor Burdick moved to request the Planning Board to examine and recommend changes to the Tree and Vegetation Preservation and Planning ordinance.

Motion carried 5-0.

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

Town Attorney Hobbs stated that his firm was over 90% complete with the work they were performing on the beach nourishment project title work. He noted that Attorney Ben Gallop was present for the upcoming Closed Session.

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

### **Update on Departmental Activities**

Fire Captain Jeffrey Del Monte was recognized to speak. Fire Captain Del Monte 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.

Director Heard 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 he had not received an update from CP&E, so there was no update to discuss.

### **Duck Trail Paving**

Town Manager Layton stated that the improvements that Dominion Power made to the power system in the area of the Army Corps of Engineers resulted in significant damage to the Duck Trail. He stated that Dominion repaired the damage in the form of patches. He noted that as part of the CIP for the Town, repaving of the Trail was slated to begin in Fiscal Year 2016; however, the Council may want to shift the funding from Contingency to repave the area of the Trail that was damaged and repaired. He noted that the area was roughly 3,803 linear feet and ran from Ships Watch to Nor'Banks Drive. He stated that the estimated cost of the paving was \$48,000. He stated that if Council wanted to proceed with the project, formal bids would be solicited and a contract would be brought back at a future meeting. He recommended holding off for now because of some of the other costs that would be coming up.

Councilor Caviness asked when the work would be started. Town Manager Layton stated that the earliest the Town could enter into a contract would be December, 2014, and the work would start in the spring. Councilor Caviness asked if it would be when the repaving would be done around Snow Geese. Town Manager Layton stated that Snow Geese would start any day as the contractor was waiting for one more piece of equipment.

Mayor Kingston asked if the work could not be done until the spring, what the hurry was now. He thought the Town could wait and see what the Contingency Fund looked like. Town Manager Layton agreed and thought it made sense to wait.

Councilor Burdick asked if the work needed to be done right now. Town Manager Layton thought it could wait. Councilor Burdick stated that the project will need to be put together. Councilor Britt thought that the repaving was in the plan for the future. Councilor Burdick agreed and thought waiting would be the way to go.

Mayor Pro Tempore Thibodeau stated she would like to revisit the issue to see how the money was looking in the future.

It was *consensus* of Council to delay and revisit the issue around the time of the Council Retreat.

### **Financial Statements for the Month of October for FY 2015**

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

### **MAYOR'S AGENDA**

Mayor Kingston stated that he had his mayors meeting on Thursday, November 13, 2014. He stated that he was looking forward to the NCBIWA meeting in Wrightsville Beach that he would be attending with Town Manager Layton on November 17-18, 2014. He congratulated Public Information Officer Walsh on the Town's award for Best of the Beach for the Jazz Festival. He further congratulated Mayor Pro Tempore Thibodeau and Councilor Britt on their awards for their business organizations. He stated that he would be giving a presentation at the upcoming DCBA meeting on Friday,



November 28, 2014. He noted that he received a letter from Dare County stating that Mayor Pro Tempore Thibodeau had reached her four year limit for serving on the Tourism Board. He added that Dare County was requesting three nominees. Councilor Burdick, Councilor Caviness and Councilor Britt all stated that they would put in an application.

### COUNCIL MEMBERS' AGENDA

Mayor Pro Tempore Thibodeau gave a Visitor's Bureau update. She thought the Jazz Festival and the Outer Banks Seafood Festival were both great and well attended.

Councilor Burdick had nothing to report.

Councilor Caviness gave a Government Access Committee update. She noted that Michael O'Dell of Dare County was leaving the County for a new job and she wanted to thank him for his hard work over the years.

Councilor Britt had nothing to report.

### OTHER BUSINESS

#### Additional Public Comments

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

### CLOSED SESSION

Mayor Pro Tempore Thibodeau moved to enter closed session, pursuant to N.C. General Statute §143-318-11(a)(3), to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Motion carried 5-0.

The time was 10:12 p.m.

Upon return from Closed Session, Mayor Kingston noted that the next meeting would be the regular Mid-Month Meeting on Wednesday, November 19, 2014 at 1:00 p.m.

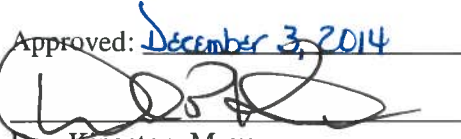
### ADJOURNMENT

Councilor Britt moved to adjourn the meeting.

Motion carried 5-0.

The time was 11:03 p.m.

  
Lori A. Kopec, Town Clerk

Approved: December 3, 2014  
  
Don Kingston, Mayor

