

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
June 3, 2015**

The Town Council for the Town of Duck convened at the Duck Meeting Hall at 7:00 p.m. on Wednesday, June 3, 2015.

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 Joseph Heard; Police First Sergeant Jeffrey Ackerman; Police Sergeant Melissa Clark; Fire Chief Donna Black; Deputy Fire Chief William Walker; Town Attorney Robert Hobbs; Public Information Officer Denise Walsh; Administrative Assistant Bethany Conery; and Town Clerk Lori Kopec.

OTHERS ABSENT: None.

Mayor Kingston called the meeting to order at 7:03 p.m. He asked Councilor Jon Britt 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 regarding the public hearings be held off. There being no one wishing to speak, Mayor Kingston closed the time for public comments.

CONSENT AGENDA

Minutes from the May 6, 2015, Regular Meeting; Budget Amendments

Town Manager Christopher Layton was recognized to speak. Town Manager Layton noted that Council had a revised budget amendment document in front of them.

Councilor Burdick moved to approve the Consent Agenda as amended.

Motion carried 5-0.

PUBLIC HEARINGS

Public Hearing/Discussion/Consideration of Ordinance 15-05, an Ordinance Amending the Buildings and Structures Ordinance of the Town of Duck, North Carolina by Defining the Activities that Constitute "Commencement of Work"

Mayor Kingston turned the meeting over to Town Attorney Hobbs.

Town Attorney Hobbs stated that the public hearing was open. He asked Director Heard to give a presentation.

Director Joseph Heard was recognized to speak. Director Heard stated that Council had voted at their December 3, 2014 meeting to authorize the Planning Board to evaluate and prepare recommendations regarding several potential text amendments identified by Community Development staff. He added that the text amendment would define the activities that constitute commencement of work in Subsection 151.23(B) of the Town's Buildings and Structures Ordinance. He stated that the Planning Board voted to recommend approval of the text amendment and staff was also recommending approval.

Town Attorney Hobbs asked Council if they had any questions for Director Heard. There were none.

Town Attorney Hobbs asked if the word "or" should be used instead of "and" under the definition of Demolition if it was to include any of the items in Section B. Director Heard thought it would be good to change the word.

Town Attorney Hobbs asked if members of the Planning Board wished to comment or make a presentation. There were none.

Town Attorney Hobbs asked if members of the public wished to comment or make a presentation.

Mark Martin of Sandmark Construction was recognized to speak. Mr. Martin asked for clarification on the definition of Demolition. He asked if a homeowner wanted to remove furniture from their home, it would be considered demolition and would require a permit. He stated that if he did remove the furniture, he would have to obtain a dumpster, which would trigger the ordinance. He stated that he was concerned about complaints with having a dumpster on site, adding that it would make it difficult to expedite the commencement of the project. He asked if demolition meant tearing a house down or taking items out of a home to prepare for new items. Director Heard stated that demolition was intended to include things such as items that would be removed for a renovation. He added that it was intended to include removal of those items. He stated that demolition was defined under the North Carolina Building Code and was something in the Town's code that would require a permit. He stated that with regard to a dumpster being on a property, Town staff was referring to a dumpster related to a construction activity. He noted that replacing carpet or furniture would not be something that would require a permit and would not fall under this ordinance.

Mayor Pro Tempore Thibodeau clarified that if there was a dumpster at a residence for the removal of carpet, flooring or furniture, it would not need a permit; but if fixtures in a house were being removed, such as a cabinet, it would require one. Director Heard stated she was correct.

Councilor Burdick clarified that it was per North Carolina code. Director Heard stated he was correct.

Mark Martin noted that some inspectors in Dare County allow contractors to do demolition without a permit but they would not allow the items to be put back.

Mayor Pro Tempore Thibodeau asked what the average time was in terms of ease of obtaining a permit. She further asked if it was dependent on staff's availability and complexity of the project. Director Heard stated that there were times where something could get pushed back due to the number of permits received or if a permit application was incomplete. He added that the

complexity of a project would take longer for permitting. He stated that staff tries to expedite things and tries to process the permits quickly.

Mayor Kingston asked if demolition could be permitted separately. Director Heard stated that it could.

Councilor Britt clarified that putting a dumpster on a site would not necessarily trigger a permit. Director Heard stated that if staff received a call about it, staff would go check it out to determine if a permit was needed or not. Councilor Britt felt that the language in the ordinance read that it required a permit. He suggested changing the language.

Councilor Burdick asked if the language should be changed to read: "...demolition as defined by the North Carolina code..." Director Heard thought it was a good change.

Town Attorney Hobbs asked if anyone else wished to comment. There being no one else wishing to speak, Town Attorney Hobbs closed the public hearing and turned the meeting back over to Mayor Kingston.

Councilor Burdick recommended adding the language to the ordinance regarding the North Carolina Building Code. Councilor Britt suggested removing "dumpsters" from #5 in the ordinance. Town Attorney Hobbs suggested it be changed to read: "...related to a demolition or construction activity..."

Councilor Caviness moved to adopt Ordinance 15-05 as amended.

Motion carried 5-0.

Public Hearing/Discussion/Consideration of Ordinance 15-06, an Ordinance Amending Tree and Vegetation Preservation and Planning Standards in the Zoning Ordinance of the Town of Duck, North Carolina

Mayor Kingston turned the meeting over to Town Attorney Hobbs.

Town Attorney Hobbs stated that the public hearing was open. He asked Director Heard to give a presentation.

Director Heard stated that Council had voted at their November 5, 2014 meeting to authorize the Planning Board to evaluate and prepare recommendations regarding potential text amendments to the Town's Tree and Vegetation Preservation and Planning standards in Section 156.137 of the Zoning Ordinance. He stated that the following changes were proposed for this section:

- Adding standards for the measurement of multi-trunk trees
- Adding requirements for documentation of emergency tree removal
- Not permitting shrubs to be planted as a substitute for replacement trees
- Eliminating a prohibition against tree topping
- Adding greater requirements for replacement tree planting as a penalty for improper tree removal
- Establishing provisions for off-site planting or payment-in-lieu for situations where it is infeasible to replant all required plantings on site.

Director Heard stated that the Planning Board voted to recommend approval of the text amendment and staff was also recommending approval.

Town Attorney Hobbs asked Council if they had any questions for Director Heard.

Mayor Pro Tempore Thibodeau stated that, regarding the prohibition on tree topping, it seemed reasonable when she read it, but when she read the discussion, the rationale seemed to be that it conflicted with subdivision rules. She thought that the Town rules would prevail, but it may be for the health of the tree. She clarified that it did not seem to allow it for view enhancement. She asked what the discussion with the Planning Board entailed regarding tree topping. Director Heard stated that the main point of the discussion revolved around the fact that tree pruning, and, specifically tree topping, was very specific regarding the requirements of some subdivision covenants. He stated that there were other related discussions as to whether an individual property owner should be allowed to do those type of activities. Mayor Pro Tempore Thibodeau asked if any property owner could top their trees to prune them as they wish with no limitations if the ordinance was passed. Director Heard stated she was correct.

Councilor Burdick noted that the Town was growing older and the trees that were planted 20 years ago were now very large and interfering with views. He added that the ordinance would allow people to take appropriate action without killing the tree. He stated that the objective was to limit the growth of the tree, not to kill it. Mayor Pro Tempore Thibodeau agreed. Councilor Burdick thought that due to the relative age of the Town and the number of trees planted in the past, there was a significant problem with regard to views of the sound and/or the ocean.

Councilor Britt asked Director Heard to elaborate on staff's interpretation regarding large trees being cut down due to development. He noted that there was not a lot of discussion listed in the Planning Board minutes. Director Heard stated that there wasn't a lot of discussion on it. Planning Board Member Marc Murray stated that the reason he chose to vote against the recommendation of the ordinance was because it was not an issue that was relevant to anything in the ordinance. He stated that the discussion was the circumstances surrounding removing trees that were greater than 24 inches in diameter as long as there was a permit in place. He added that Mr. Murray had a recent project at the time of the discussion and he was allowed to remove two 24 or inch or greater trees because the footprint of the house and pool were being built. He stated that there was a third one that was in front of the house that staff was able to work with him to make sure the driveway was far enough over that it wouldn't require removal of the third tree. He stated that Mr. Murray was of the opinion that if a homeowner wanted to remove other large trees to get a better view or any other reason, that they should be able to do so.

Town Attorney Hobbs asked if members of the Planning Board wished to comment or make a presentation. There were none.

Town Attorney Hobbs asked if members of the public wished to comment or make a presentation.

Mark Martin stated that he had an issue with #6 in the proposed ordinance. He noted that some sites cannot support the amount of trees that would need to be replaced. He felt the ordinance was too restrictive.

Willo Kelly of the Outer Banks Realtors Association was recognized to speak. Ms. Kelly stated that, in attending the Planning Board's meetings she thought there was good dialogue with regard to this ordinance. She stated that everyone values the health of trees and vegetation; however, sometimes there were conflicts. She noted that the Firewise Council of Dare County states that a

tree should not be within 30 feet of a property. She stated that she attends meetings on storm hazard mitigation and they feel that trees should not be close to a structure because of hurricanes. She stated that tree roots can interfere with septic systems. She reiterated that while everyone loves trees, when it's looked at on a lot by lot basis and private property rights are discussed, towns seem to take a hard line as to where the fine line was. She appreciated the dialogue and discussion on not making the ordinance so restrictive, but asked that Council recognize the private property rights and work with the public on what was reasonable and fair.

Town Attorney Hobbs asked if anyone else wished to comment. There being no one else wishing to speak, Town Attorney Hobbs closed the public hearing and turned the meeting back over to Mayor Kingston.

Councilor Burdick thought the ordinance met the objectives that Council wanted with regard to how trees are managed. He felt that the Planning Board came up with a reasonable approach. Mayor Pro Tempore Thibodeau thought the tree ordinance should continue to be looked at over time.

Councilor Burdick moved to adopt Ordinance 15-06 as presented.

Motion carried 5-0.

Public Hearing/Discussion/Consideration of Ordinance 15-07, an Ordinance Amending the Definition of "Building Height" by Clarifying How Building Height is Measured in Different Flood Zones

Mayor Kingston turned the meeting over to Town Attorney Hobbs.

Town Attorney Hobbs stated that the public hearing was open. He asked Director Heard to give a presentation.

Director Heard stated that Council had voted at their December 3, 2014 meeting to authorize the Planning Board to evaluate and prepare recommendations regarding potential text amendments. He stated that Ordinance 15-07 would amend the definition of "building height" in the Zoning Ordinance by clarifying how building height was measured in different flood zones. He added that the proposed definition was consistent with recent changes to the "free and clear of obstruction" definition in the Flood Damage Prevention Ordinance.

Director Heard stated that the Planning Board voted to recommend approval of the text amendment and staff was also recommending approval.

Town Attorney Hobbs asked Council if they had any questions for Director Heard.

Mayor Pro Tempore Thibodeau clarified that the ordinance did not say "highest adjacent grade" but "bottom of the lowest horizontal member". She asked if the language was the same. Director Heard stated that the wording referred to was under 2A in the ordinance. Mayor Pro Tempore Thibodeau stated that she was reading the language in B2. She noted that "finished grade" was stricken and the new language was "highest adjacent grade measured from the bottom of the lowest horizontal member." She asked if it was the same thing. Director Heard stated that he had presented a visual at a previous Council meeting, with the intent to have a two foot separation from the highest adjacent grade rather than using the average grade. He added that the intent was to have flood waters in a V-zone flood directly under a structure. He understood Mayor Pro

Tempore Thibodeau's concern in the staff report. Mayor Pro Tempore Thibodeau asked if it was the same meaning. Director Heard stated that it changed it to better reflect the required two foot free and clear area.

Councilor Burdick asked if the ordinance was an attempt to link it to Chapter 150 of the Flood Damage Prevention Ordinance so that if there was a change there, it would change in this ordinance. Director Heard stated that it did not automatically change it but was intended to be consistent with the change that was recently made to that ordinance. Councilor Burdick noted that the wording in the ordinance would suggest that if there was change in Chapter 150, then automatically there would be a change. Director Heard stated he was correct. He added that staff would seek to amend both at the same time. Councilor Burdick asked if the wording was the same in the other statute. Director Heard stated that it was.

Town Attorney Hobbs asked if members of the Planning Board wished to comment or make a presentation.

Joe Blakaitis stated that Council gave the Planning Board direction to work on the ordinance and move forward on it. He added that there should be no question as to how to measure building height.

Councilor Burdick asked if Mr. Blakaitis was suggesting that the language should be carried over into the draft ordinance. Joe Blakaitis stated that he wasn't, but there was no harm in approving the ordinance as it was because it would help Director Heard.

Town Manager Layton reminded Council that the ordinance was a clarifying ordinance, adding that Council had directed the Planning Board to continue looking at it for further changes.

Town Attorney Hobbs asked if members of the public wished to comment or make a presentation. There were none.

Town Attorney Hobbs asked if anyone else wished to comment. There being no one else wishing to speak, Town Attorney Hobbs closed the public hearing and turned the meeting back over to Mayor Kingston.

Mayor Kingston moved to adopt Ordinance 15-07 as presented.

Motion carried 5-0.

Public Hearing/Discussion/Consideration of Proposed FY 2016 Budget

Mayor Kingston turned the meeting over to Town Attorney Hobbs.

Town Attorney Hobbs stated that the public hearing was open. He asked if anyone wished to comment on the proposed budget. There being no one wishing to speak, he closed the public hearing and turned the meeting back over to Mayor Kingston.

Town Manager Layton stated that after last month's budget work session, Council focused on one area, which was the funding for the proposed firefighters. He stated that he had originally proposed phasing three firefighter positions in over the course of the fiscal year, with one being added on July 1, one on January 1 and one on April 1 in order to lessen the impact on FY 2016. He stated that the discussion came around to going ahead and approving three positions; however,

changing the phasing plan from the proposed and bringing two in on July 1, approving the third but not funding it and then looking at it in terms of the April timeframe and where revenues were at that point. He added that either the position would be funded at that point, or he would wait until next fiscal year to fund it. He stated that Council would approve the three positions but only fund two of them.

Town Manager Layton stated that the impact was originally \$11,000, but it ended up being \$13,822. He stated that he was tasked with coming up a plan to fund where the money would come from if the Town moved forward. He stated that he spoke at length with Fire Chief Donna Black and felt that it was important to find the money within the existing Fire Department budget. He added that they were able to find it and referenced an updated sheet showing where the changes would be from what was originally proposed. He recommended \$391,520 for Salaries and Wages for full-time; however, it will go up to \$401,520. He noted that there would also be some changes in the Fringe Benefits and Supplemental Retirement line items.

Town Manager Layton stated that he and Fire Chief Black found the \$13,822 with \$10,000 coming from Subsidies and Allocations to the Fire Department directly. He noted that this was agreed upon with the Fire Department. He stated that the remaining \$3,822 came from the following: \$1,000 from Overtime for the Fire Department; \$2,000 from Part-Time and some changes were completed to get the \$822 from the Fringe Benefits. He pointed out that nothing would change in the departmental categories of the proposed budget, but only within the line items. He reiterated that it was something that the Fire Department had agreed to and he thought it was a good plan to fulfill what Council had tasked him to do at the last meeting. He stated that it was the only change to the budget itself, but if Council decided to move forward with approval, he will have some other items for clarification.

Mayor Kingston asked Council if they had questions for Town Manager Layton with respect to the changes. Councilor Burdick felt that Town Manager Layton achieved what Council had asked of him. Town Manager Layton stated that several members of the Fire Department were present and were in support of the plan.

Mayor Kingston thought Town Manager Layton had received consensus from Council that they supported the positions. He thought Council felt it was the right move. Town Manager Layton noted that if the budget was adopted, staff would start immediately to have the positions in place on or before July 1.

Mayor Kingston asked Town Manager Layton if he needed to explain the other changes prior to dealing with the budget. Town Manager Layton stated that he did. He stated that Council had the proposed budget ordinance in front of them along with a second budget ordinance. He explained that one was what he had originally proposed and the other had a new line item with no money attached to it for Beach Nourishment. He stated that it added the new department of Beach Nourishment and showed no money in it because the money reflected in it was in Transfers to Other Funds. He stated that Council would approve the budget ordinance, which would have two new sections – Section 3 talked about the tax rate for the Town, which would not change and Section 4 set the tax rate for MSD-A, which would be in the project area and was defined by resolution that established the Municipal Service Districts. He noted that MSD-A would be \$14.8 cents. Section 5 would establish the \$31.5 cents for MSD-B. He added that the rates would need to be established every time the budget is adopted. Town Manager Layton stated that when the Town receives its tax reports, it will show the general tax rate, the MSD-A rate and MSD-B rate so the revenue from it could be tracked.

Town Manager Layton stated that a Capital Project Ordinance needed to be established, which was Ordinance 15-08. He explained that it was for the beach nourishment project and the numbers were estimates only at this point; however, once Town staff receives the bids and moves forward with the financing, an amendment will have to be done to tighten up the numbers to the actual numbers. He stated that the final ordinance that would need to be approved was Ordinance 15-09, which established a Capital Reserve Fund for the Town. He explained that, in the interim period where the Town did not have any debt payments and was accumulating the MSD revenue, the revenue needed to go somewhere; which was the Transfers to Other Funds that would take it into the Capital Reserve Fund and holds it there so it can't be spent for other purposes. He stated that when it comes time to spend the money, it will be transferred back through a budget ordinance or amendment, which will go into the beach nourishment category.

Councilor Burdick noted that the local newspapers indicated that the other towns and Dare County were looking at tax rates. He wondered if Town Manager Layton had looked at them with regard to Duck's budget versus what the other towns and County were doing. He asked if there were any major deviations that could affect Duck. Town Manager Layton stated that, based on what he projected out in the future years, he did not see anything the other towns were doing that would impact his projections.

Mayor Pro Tempore Thibodeau noted that the MSDs were new territory for the Town. She clarified that Town Manager Layton did all of the proper reviews with the advisors as to what they wanted to see. Town Manager Layton stated that he did. He added that with the final implementation, there may be some tweaks needed.

Mayor Kingston moved to adopt the Fiscal Year 2015-2016 budget ordinance as amended.

Motion carried 5-0.

Mayor Pro Tempore Thibodeau moved to adopt Ordinance 15-08 as presented.

Motion carried 5-0.

Councilor Britt moved to adopt Ordinance 15-09 as presented.

Motion carried 5-0.

OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS

Board of Adjustment Appointments

Town Manager Layton stated that the entire Board of Adjustment needed to be re-appointed as their terms will expire on July 1, 2015. He noted that all current members, except for John Childers, have indicated a desire to be re-appointed. He recommended that Allan Starr be re-appointed as an Alternate since he is out of town for six months of the year. He added that the Board of Adjustment terms would expire July 1, 2017 and that Council will need to appoint an individual to take Mr. Childers' place on the Board, which could be done at the July 1, 2015 meeting.

Councilor Burdick asked Town Manager Layton if he had a list of people who have expressed an interest in serving on the Board of Adjustment. Town Manager Layton stated that the list was

several years old and needed to be updated. He added that staff would put something out on social media letting people know that a position is available.

Mayor Kingston suggested that Allan Starr be appointed as an Alternate and Kent Zimmerman as a Member.

Mayor Kingston moved to re-appoint the six existing members to the Board of Adjustment for a term to expire on July 1, 2017; appointing Kent Zimmerman as a Member and Allan Starr as an Alternate, and delaying the appointment of a seventh person until the July 1, 2015 meeting.

Motion carried 5-0.

Discussion/Consideration of Authorizing a Public Hearing on Ordinance 15-10, an Ordinance Updating Standards for Wireless Telecommunications Systems Consistent with Recent Changes in State and Federal Laws

Director Heard stated that during its December 3, 2014 meeting, Council voted unanimously to authorize the Planning Board to evaluate and prepare recommendations regarding several text amendments identified by Community Development staff. He stated that Ordinance 15-10 involved amendments to Section 156.058, Wireless Telecommunications Systems, to comply with recently adopted standards in the Federal Telecommunications Act and North Carolina Cell Tower Deployment Act. He stated that the Planning Board voted to recommend approval of the text amendment and staff was also recommending approval.

Councilor Burdick stated that the zoning district that telecommunications towers can be placed was the C-PR District, which included the Town Hall and Meeting Hall property as well as the Corps of Engineers property. He understood that the way the zoning district came about was to avoid a situation where the Corps sold its property and someone could then erect a cell tower on it. He added that the draft ordinance would permit the Town, if it became a reasonable thing, to allow them to be erected. He didn't see a reason why the Town would allow a Conditional Use Permit for the towers at this time.

Councilor Britt stated that so much has changed in Town and added that he could not remember the exact details from past discussions. Mayor Pro Tempore Thibodeau stated that she couldn't remember exactly why they were prohibited except for the reason that it may have been part of the zoning itself. She stated that it sounded like the intent of allowing the towers in the public places, excepting the Corps property unless the Town purchased it, would be to give the Town options of where to put it other than where the company wanted to erect it. She thought it would allow it to happen in a timely way because changing the ordinance would take a few months.

Councilor Burdick stated that he would rather see the Town maintain it as it currently existed and not allow the towers in Town. He added that if something happened somewhere in the future, it could be reconsidered at that time. He didn't feel comfortable at this point. He noted that once the Conditional Use Permit was in effect, the Town could not prevent something from happening just because it didn't want it to happen since there would be a new set of rules.

Director Heard stated that with the new timeframe, it would be a required 150 day timeframe to make a text amendment to allow setting a date as an option because it typically takes two and a half to three months for the process. He stated that the project would have to go before the Planning Board and then Council and even if it went quicker, Council would have to come up with a valid reason to deny the proposed location or it will be automatically approved. He stated

that there may be some issue with regard to time. Councilor Burdick felt that the Town would not have a choice because it would have to be approved. He added that if it could sit, it wouldn't have to be approved because Council could say at the beginning that it was prohibited. He stated that with a Conditional Use Permit, it would be a lost cause. He added that under the new regulations, there would be little leeway to deny a permit.

Mayor Pro Tempore Thibodeau asked if there was any recourse if a telecommunications company wanted to come in and put a tower on the Town's property. Town Manager Layton stated that the Town could deny the request. Mayor Pro Tempore Thibodeau clarified that since they aren't permitted now, they could not come in and say they want to put a tower in the Town park. Councilor Burdick stated she was correct. Director Heard stated that the telecommunications company could not tell the Town where they would put their tower on the Town property. Councilor Burdick wondered what the likelihood would be for a telecommunications company to come in and erect a tower in Town. He added that they could suggest putting it in the Town park. Director Heard stated that the Town was under no obligation to enter into a lease with a telecommunications company.

Councilor Britt noted that a Conditional Use Permit does not give a company permission to come in, but gives the Town permission to consider it if the Town wanted to invite them. He added that the Town still had to give them the right to come in. Councilor Burdick disagreed and felt the Town would be skating on thin ice. Councilor Britt thought the Town would be skating on thin ice to deny it but not in terms of location and private property rights. Town Attorney Hobbs explained that if the property owner and the telecommunications company came in jointly to make the application, it wouldn't count, but if the private property owner said they didn't want it, the application would not be considered since it would have to be considered with the consent of the property owner.

Town Manager Layton stated that the intent was to educate Council on what the issues were. He asked Council if they wanted the ordinance sent back to the Planning Board for further review or move it forward for a public hearing. Councilor Burdick stated that he was fine with having it move forward.

Mayor Pro Tempore Thibodeau moved to authorize the public hearing for Ordinance 15-10 on Wednesday, July 1, 2015.

Mayor Kingston asked Director Heard to expand on what other coastal towns have done with regard to the issue when the public hearing is held. Director Heard stated that he would.

Motion carried 5-0.

NEW BUSINESS

Discussion/Consideration of Resolution 15-05, a Resolution of the Town Council of the Town of Duck, North Carolina, Adopting the Albemarle Regional Hazard Mitigation Plan Update

Town Manager Layton stated that Council was being asked to approve Resolution 15-05, which would adopt the Albemarle Regional Hazard Mitigation Plan updates. He stated that a year ago, an edict came down that the regional plans be developed; the County started working on them and the result was the document in front of Council which had County and regional objectives for eight counties and ten municipalities as well as some objectives that were specific to Duck.

Director Heard stated that the Town has participated with eight counties and ten municipalities in the development of the Hazard Mitigation Plan. He stated that FEMA completed its review of the Plan and forwarded the document to all participating communities for adoption. He noted that the resolution would adopt the Plan for the Town of Duck.

Councilor Burdick moved to adopt Resolution 15-05 as presented.

Motion carried 5-0.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY

Town Attorney Hobbs stated that his firm was in the process of recording the signed easements for the beach nourishment project. He thanked Town staff for getting the easements out and communicating with the owners.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN MANAGER

Update on Departmental Activities

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.

First Sergeant Jeff Ackerman and Sergeant Melissa Clark were recognized to speak. First Sergeant Ackerman and Sergeant Clark 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 Council had the latest letter from CP&E, which indicated that they were tying up loose ends in terms of finalizing everything they need for the permits. He stated that one of the things that they delivered to the Town was the report that brings the project up to construction and included details on the GENESIS models and other items that may be of interest. He noted that it did not bring it to the final design but to all of the assumptions that have been made as of May 11, 2015. He pointed out that the report is also on the Town's website.

Town Manager Layton stated that Town staff were plugging away with the easements for the beach nourishment project and received its first batch of 26 easements and was receiving very few telephone calls about the project. He added that most of the questions received were easy to answer and not out of the ordinary. He stated that June 5, 2015 was the deadline that was given for the easements, so it was expected that many easements would be received prior to that date and then a week later, staff would follow up on ones that weren't received.

Town Manager Layton stated that staff is continuing discussions with property owners and the Corps of Engineers regarding access. He stated that no one that has been approached has given staff a final answer, but options are continuing to be discussed.

Police Chief Search

Town Manager Layton stated that he was hesitant to say too much because he did not have a final word yet. He stated that he continues to negotiate with the leading candidate on finalizing details and as soon as he has them, he will update Council and the public. He stated that he expected to have all of the details finalized the week of June 8, 2015. He added that one issue was that the candidate had a pre-planned vacation and after speaking with him, he let him know that things would be finalized after the vacation.

Financial Statements for the Month of May for FY 2015

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

MAYOR'S AGENDA

Mayor Kingston stated that he has his monthly mayor's lunch on June 16, 2015. He stated that at the end of the last Council meeting, it was recessed to meet with Senator Bill Cook a few days later. He stated that Senator Cook was running late, so Councilor Burdick was not able to stay. He added that Council reconvened the meeting and adjourned and then he, Mayor Pro Tempore Thibodeau and Town Manager Layton met with Senator Cook as well as his legislative assistant, Jordan Hennessey. He stated that it was a good conversation with a lot of information on the bills that are of concern to the Town. He stated that they discussed Bill 369, and it looked like it will be defeated 23-27 in the Senate. He stated that Bill 608 was being amended and is moving forward. He stated that Senator Cook disagreed with the bill in the current form but wanted to wait and see how it will be amended. He stated that they discussed beach nourishment funds and occupancy tax funds being used for dredging and he, Mayor Pro Tempore Thibodeau and Town Manager Layton told Senator Cook that Duck was still in opposition and preferred the sales tax increase to fund the dredging. He added that he gave Senator Cook the Town's resolution in support of the sales tax increase.

Mayor Kingston stated that Senator Cook opposes the bill and does not want any tax increases and that the County has the ability to do a referendum at any point in time, but if it is defeated, they would have to wait a year. He stated that the one that passed in the House was stagnant in the Senate.

Mayor Pro Tempore Thibodeau stated that Senator Cook enjoyed being in Duck and was in Town to present Gerald Friedman with the Order of the Long Leaf Pine. She stated that Senator Cook remarked a few times about how beautiful Duck was.

Mayor Kingston asked for consensus from Council to allow he and Town Manager Layton to refurbish the letter to Representative Paul Tine and outline to him the issues and concerns with the Rucho bill. It was *consensus* of Council to do so.

COUNCIL MEMBERS' AGENDA

Mayor Pro Tempore Thibodeau gave an update on the Government Access Committee meeting to Council and the audience.

Councilor Burdick stated he had nothing to report.

Councilor Caviness gave an update on the Tourism Bureau activities to Council and the audience.

Councilor Britt stated that he would be attending the Duck Cup Race over the weekend.

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.

Councilor Caviness reminded the rest of Council that she would not be present for the July 1, 2015 meeting.

Mayor Kingston noted that the next meeting would be the regular meeting on Wednesday, July 1, 2015 at 7:00 p.m.

ADJOURNMENT

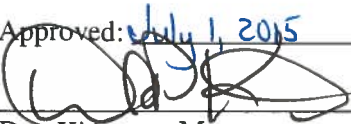
Councilor Britt moved to adjourn the meeting.

Motion carried 5-0.

The time was 9:42 p.m.



Lori A. Kopec, Town Clerk

Approved: July 1, 2015


Don Kingston, Mayor

