

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
November 1, 2017**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 7:00 p.m. on Wednesday, November 1, 2017.

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; Police Chief John Cueto; Fire Chief Donna Black; Director of Community Development Joseph Heard; Town Attorney Robert Hobbs; Director of Public Information Denise Walsh; Public Relations Assistant Betsy Trimble; and Town Clerk Lori Ackerman.

OTHERS ABSENT: None.

Mayor Kingston called the meeting to order at 7:03 p.m. He asked former Mayor Dave Wessel to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence.

PUBLIC COMMENTS

Mayor Kingston opened the floor for public comments.

Sandy Whitman of 118 Tuckahoe Drive West was recognized to speak. Mr. Whitman stated that he was present as a resident of the Tuckahoe subdivision to ask Council not to act on Ordinance 17-14. He added that it was clear at the fall homeowners meeting in October that the board requested that Council enforce parking in the subdivision of the parking regulations. He noted that it was not a unanimous understanding from the board and there were still a lot of unanswered questions on the issue. He reiterated his request not to act on Ordinance 17-14 at this time.

Craig Ignaszewski of 139 Tuckahoe Drive West was recognized to speak. Mr. Ignaszewski stated that he was a resident of the Tuckahoe subdivision and has been for the past six years. He thought the police and fire department's time would be better spent protecting the community instead of enforcing parking in the subdivision. He noted that he lives in the Tuckahoe subdivision year-round while the president of the homeowner association was only in Duck for a few weeks over the course of the year. He added that he was opposed to Ordinance 17-14.

Mary Anne Whitman of 118 Tuckahoe Drive West was recognized to speak. Ms. Whitman stated that the matter was brought up at the Tuckahoe homeowner's meeting in

October and the board did not have the full support of the Tuckahoe homeowner's association. She thought that the police department was much better served doing other things in Town to protect its citizens. She asked that Council not act on to Ordinance 17-14.

Dave Wessel of 142 Mallard Court was recognized to speak. Mr. Wessel congratulated Town staff and Council on the beautiful amenities in Duck. He added that he appreciated that the existing Council wanted to run for office again. He stated that he was not able to attend the Tuckahoe homeowners' meeting in October, but understood that the issue was discussed and that there was significant opposition to it. He added that the board members met and put it to a vote and went on to ask the Town to enforce parking regulations. He stated that later in the evening, there were proposals for covenant amendments which included asking the Town to add the parking enforcement and the amendment to the covenants failed. He noted that to him, it indicated that a majority of the homeowners were not in favor of Ordinance 17-14.

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

CONSENT AGENDA

Minutes from the October 4, 2017, Regular Meeting; Budget Amendments

Councilor Burdick moved to approve the Consent Agenda as presented.

Motion carried 5-0.

OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS

Discussion/Consideration of Authorizing a Public Hearing on Ordinance 17-13, an Ordinance to Amend Subsection 156.058 of the Zoning Ordinance by Clarifying the Approval Process for Stealth Antennas and Updating Standards for Small Wireless Facilities

Director of Community Development Joe Heard was recognized to speak. Director Heard stated that on August 2, 2017, Council had authorized staff to work with the Planning Board to address a very specific issue in that there was some competing wording in the way that the Town's ordinance addressed the process of approving stealth antennas and the direction was to correct it. He stated that while preparing the issue for the Planning Board's consideration, the State of North Carolina Legislature adopted a very comprehensive, related law that dealt with certain types of stealth antennas, specifically referred to as small and micro wireless facilities. He stated that as it dealt with the same ordinance, there was a related issue, which staff took and rolled into the consideration for the Planning Board. He added that the Planning Board looked at the issue and worked it into the ordinance.

Director Heard went on to show a short presentation to Council and the audience, showing examples of stealth antennas. He stated that, with regard to the State law, the State Legislature took input from wireless communication companies and others and decided that in order to move forward with the installation for these facilities, they would dictate some standards and a process that all local communities were required to implement.

Director Heard explained that, for small wireless facilities, they can only be administratively approved and not come to the Planning Board or Council. He stated that there were some criteria that was defined in the staff report which was relatively small. He stated that the standards are in place and set limits on how long a review can take and the maximum cost that a town can put on it. He added that staff was looking at updating the ordinance to implement the standards of the State law. He stated that the Planning Board went back and recommended a straight approval process for stealth antennas. He noted that the thought was that these were the types of designs that the Town wished to encourage as a community and wanted them hidden to the best of its ability. He stated that the best way to achieve that result was to make it easier for companies to build them.

Director Heard stated that the Planning Board made a recommendation at their October 11, 2017 meeting and recommended approval of both items. He pointed out that they were now combined into a single ordinance. He added that staff was also recommending approval.

Mayor Pro Tempore Thibodeau asked for clarification on the table where the R-1 district was via a conditional use process, while the R-2 district was not. Director Heard stated that it was the small cell wireless facilities and not the stealth antennas. He stated that the State law requires that any district other than single-family residential would be through an administrative process. He added that in the single-family residential districts, there wasn't a process. He stated that the reason it was looked at differently was because the vast majority of the Town was zoned either RS-1 or RS-2. He stated that with that in mind, the thought was that if these types of solutions were to be implemented, to improve the grid for wireless communications, that it would be necessary for companies to look at installing some of them in the single-family districts. He added that rather than just saying that they would not be permitted – which was an option – the Planning Board considered allowing those as a conditional use because of the single-family residential nature and that it was worth a closer look at what was being proposed in order to make sure that the design being proposed and solution proposed would be something that would fit in those communities. He stated that the R-2 district was a multi-family residential district and was automatically straight from the State law.

Councilor Burdick pointed out that the key item was that the residents of the area where a stealth antenna was erected have an opportunity to comment on the facility that would be installed and whether or not they want it in their neighborhood. He thought from a residential standpoint, he felt it was critical that it be maintained.

Mayor Pro Tempore Thibodeau moved to authorize a public hearing on Ordinance 17-13 for Council's December 6, 2017 meeting as presented.

Motion carried 5-0.

Update on Dare County Flood Maps

Director Heard stated that staff was trying to make Council aware of how things seem to be heading with regard to the Dare County flood maps. He stated there would be updates over the next year or so before Council has to finally adopt something. He added that there will be a good opportunity to make something that will work well for Duck.

Director Heard pointed out that there have preliminary designs for the education campaign to help homeowners, property owners, realtors and insurance agents learn and understand about the potential impacts of properties that will shift into the X flood zone and what it meant for the properties as well as some things that people will need to be careful about while making decisions about what they will be doing with their properties. He stated that everyone has been on board with regard to education and it will be continued in the future. He added that Dare County's public information office has been putting together efforts to develop a website as well as brochures and other information that will be available to the public.

Director Heard stated that the planners had an opportunity to have another meeting with the Outer Banks Homebuilders Association, with surveyors, engineers and contractors in attendance. He added that the group agreed on establishing a base elevation requirement of 12 feet in the V flood zones; establishing a minimum elevation requirement of eight feet or three feet of freeboard, whichever is greater, in all other areas, including the X zones; requiring flood vents in all enclosures below the required floodplain elevation; and requiring an elevation certificate for new construction in all zones at the completion of a project. He noted that there was further discussion needed for the desire for consistent "free of obstruction" standards in V zones; whether or not accessory structures have to comply with elevation/flood protection standards; use of flood resistant materials below the required floodplain elevation; whether additions have to comply with elevation standards and if "lateral additions" will be permitted at the same elevation as the existing floors; and if substantial repairs or renovations will trigger compliance with elevation/flood protection standards.

Councilor Burdick asked how the minimum elevation of eight feet was measured. Director Heard stated that it was measured above sea level. He added that the lowest flood zone in Duck was an A-7 zone and with the Town's one foot freeboard, it put it at eight feet. He stated that eight feet would be the minimum that the Town currently has in its ordinance in an A zone, but it would be applied across the board, including X zones. Councilor Burdick clarified that in the last deluge that Duck had where there was a lot of flooding in the low-lying zones, all of the low-lying zones had a minimum of seven feet above sea level. Director Heard stated that some were higher. He added that the seven feet was along the sound and it crept up some as it moved inland. Councilor Burdick

pointed out that the majority of the flooding in Duck was between the sound and the ocean. Director Heard explained that FEMA flood maps do not recognize isolated rainfall flooding and it was not what it was intended to address. He added that it was not addressed in any of their models, but it was purely related to storm flooding rise from the sound or ocean. Councilor Burdick asked if any of the Town's ordinances address that. Director Heard stated that it did not specifically. He added that there was the actual one foot freeboard, but did not specifically have anything in place for individual properties to treat them differently.

Councilor Caviness explained that it was mostly addressed by what the Town has built into its code in terms of lot coverage, surfaces, vegetation and storm water management. She added that those kinds of things help Duck deal with rain events. Mayor Pro Tempore Thibodeau added that it also helped deal with drainage. Councilor Burdick stated that he was trying to understand how that would fit against the new maps and felt that it would not.

Mayor Pro Tempore Thibodeau thought that the whole county and all of the towns individually were trying to address the flood zones in a unified way and trying to create some kind of a conservative approach so that when people see the new zones and get a false sense of security, it will remind everyone that flooding can happen everywhere and there were unifying factors that make it easier for the building community to know what the rules are regardless of the area. She noted that everyone needed to be mindful of the fact that this was the minimum standard and that it will be conservative.

Director Heard thought it was an important component for the homebuilders. He thought that it didn't mean it was going to happen, but they would like to see something consistent across the board for all of the communities so they do not have to research every community to know what they can do.

Councilor Caviness clarified that it will take away a town's ability to make a tougher standard. Director Heard disagreed, adding that every town was going to have the right to adopt whatever it liked. He added that one of the things they hoped to achieve in this process was something like that. He stated that it didn't mean it would happen, but they would like for it to happen.

Councilor Burdick clarified that the flood insurance program allows people in low-lying areas, even if they aren't on the ocean or sound, to obtain flood insurance. Director Heard stated he was correct. Councilor Burdick clarified that any standard that the Town applies would apply to all properties. Director Heard stated he was correct.

Councilor Caviness clarified that the Town can adopt a more stringent standard that will help with rates for flood insurance. Director Heard stated she was correct.

Councilor Burdick asked if the planners were looking at including that aspect of it in terms of how the county and towns could maximize the flood rating under the FEMA policies. Director Heard stated that they have. He added that they have meetings each

year that deal with the Community Rating System. He stated that it was the same group that have a good understanding of the types of things that were needed. He noted that they already had asked those types of questions with regard to receiving credit by doing it in an X zone.

Councilor Burdick asked if there was an annual review for the Community Rating System. Town Manager Layton stated that it was not annual, but occasional. He explained that if adopted, staff could request further reviews and try to get a better rating. Director Heard noted that the review was every five years. He added that there was an annual report done. Councilor Burdick thought there was a report out every year. Director Heard stated that there was, adding that he submits information regarding what the Town was doing, what the standards were, how much open space was available, etc. Councilor Burdick asked if it would afford an opportunity in the annual report to show improvements with the changes that were happening. Director Heard stated he was correct.

Director Heard stated that in addition to an elevation requirement, it was important to the Homebuilders Association that that features below the flood elevation requirement comply with similar types of construction standards. He noted that a homeowner has to document with their insurance company how they comply with the standards in order to obtain their rates. He thought some of the key issues was how to deal with additions, repairs and improvements to the existing residences and structures. He added that there appeared to be some difference of opinion. He stated that for the Town, if it didn't include that, he wasn't sure it would go over well. He added that it didn't do the Town a lot of good to have a higher standard for allowing other things to fall under it. He stated that there would be more conversations on it and he would come back at a future meeting to update Council.

NEW BUSINESS

Discussion/Consideration of Ordinance 17-14, an Ordinance of the Town Council of the Town of Duck, North Carolina, Amending Chapter 72: Parking Schedules of the Town of Duck Code of Ordinances by Adding the Tuckahoe Subdivision

Town Manager Layton stated that the Town has the authority, under General Statutes, to enforce parking within the private subdivisions on private streets if asked by the decision makers of a community, and, if approved under an ordinance by the Council. He stated that it was a quirk of the General Statutes in that the Town could enforce speed limits, and other items in the private subdivisions, but could not enforce parking regulations without an ordinance. He noted that in the past, the Town received several requests and none have been controversial; however, this ordinance has some controversy associated with it.

Town Manager Layton explained that the issue first came to his attention in August when he received a request. He added that there was a bit of a misunderstanding regarding the process associated with it, meaning that there needed to be an adoption of an ordinance

and there wasn't an administrative review of it. He stated that during the discussion, he received comments in opposition to the Council adopting the ordinance.

Town Manager Layton stated that he asked that the issue be vetted at the October Tuckahoe Homeowners Association meeting, which it was. He added that Police Chief Cueto and he attended the meeting and understood that the first half of the meeting was contentious and was equally contentious when he and Police Chief Cueto were at the meeting. He stated that they left before a final vote was taken, but understood that a referendum-type vote wasn't taken but the Board did send him a request asking that this be brought to Council.

Mayor Kingston stated that he was currently a resident of Tuckahoe and attended the homeowners' association meeting. He added that he did not talk to the ordinance knowing that it was going to come before Council. He stated that he listened to the debate and thought that Council was aware of the public comments that came in via email and at the Council more against the ordinance, and thought there was now a situation where there was no consensus within the homeowners' association to allow the police to enforce parking within the subdivision. He noted that Tuckahoe had covenants that do not allow parking as well as a management company with no action plan from them. He added that there was no action plan from the homeowners' association to address the issue and thought the residents have asked to have it looked at internally before they take it externally and ask the police to enforce parking. He pointed out that it was a seasonal issue, but every homeowner's association experiences the same issue during the summer months. He added that Tuckahoe has 82 homes with nine to ten parking spots at the ocean. He noted that there was parking at the pool and the tennis courts on the sound side. He thought what has happened was that the homeowner association board has pushed it to Council to solve the problem without solving it internally. He thought Council received comments and emails to support this and felt that Council should not be the one to resolve the problem, as it should be resolved by the board. He stated that he would not support the ordinance. He stated that he was a party to the issue and heard comments for and against it, but thought the homeowners' association needed to address it before it comes to Council.

Councilor Burdick stated that he did not sense that there was any official homeowner association blessing for the ordinance. He asked what would have to happen. He further asked if it had to be through the board or the homeowner association covenants. Town Attorney Hobbs stated that it depended on each individual association and how they were managed and governed. He explained that the board typically represented the association. He added that each individual association is operated and managed differently depending on their covenants and by-laws, so it could not be generalized based on that. He stated that the statute does require the "owner" of the private property to make the request so that in order to evaluate it, the Council would have to be satisfied that the owner has authorized the making of the request for inclusion of the street within the limits and in addition, the statute did make it discretionary with the Council. He added that even if the owner made the request, it was up to Council to decide whether or

not to approve the request. Councilor Burdick stated that he was trying to understand if Council had a legal request from the homeowner association.

Town Attorney Hobbs explained that with regard to voting on the issue – if a motion was made to adopt the ordinance, then as with any ordinance, on the first read, four votes would be required to adopt it. He stated that if the motion was made and if there was a majority vote but not four or five, then a second reading would be required to adopt and approve the ordinance. He stated that if the motion was made but the motion fails, then the matter fails and there would be no second reading. He stated that if there was no motion made, then the item would not be adopted and in that case, the Mayor would declare the item as having failed for lack of a motion.

Councilor Burdick felt that Council did not have a legal, formal request from the homeowners' association based on the comments over the covenants and the votes that have been taken. He added that at this point, there wasn't a legal request in front of Council.

Town Manager Layton stated that during the discussions he had with the president of the homeowners' association, his point was that this was a request from the board that was voted on. He added that the president indicated that it was a request coming from the board who represented Tuckahoe. He stated that, at that time, he told the president that it may be the case, but he needed something in writing before feeling comfortable bringing it before Council. He added that he felt it was more appropriate to be dealt with at the homeowner association level before coming to Council and received a request via email.

Mayor Kingston pointed out that he attended the meeting and the residents had asked for a vote, but the board refused to have a vote. He noted that there was no consensus. Town Attorney Hobbs stated that in some cases, boards and associations can act without having to ask for membership approval. He stated that it depended on the association, how they were operated, how they were structured and what laws and statutes govern that particular association. He added that it did vary as some older associations were mainly governed by one set of statutes.

Mayor Kingston thought the key issue was that Council was being asked to resolve a problem that should be resolved within the homeowner association and then if there was unanimity, then they could come back to Council.

Councilor Burdick stated that he could not see Council dealing with the issue as it was a homeowner association problem and until they could present to Council with some kind of unanimity what they want, he didn't want to consider the ordinance.

Mayor Pro Tempore Thibodeau stated that it was great to have insight from public comments and Mayor Kingston. She agreed with letting the homeowner association deal with the issue. She noted that the Town has all of the public streets in the ordinance and any private street has to ask to join in. She clarified that if someone complained about parking on any of the streets listed in the ordinance, someone would call the Town and let

them know that the vehicle was illegally parked. Town Manager Layton stated that that was how it was typically handled – on a complaint basis. He explained that the ordinance would allow the Police Department to enforce it. He added that the Town could take it upon itself without complaints to enforce parking; however, that’s not how the Police Department does it.

Mayor Pro Tempore Thibodeau clarified that it could be complaint driven or initiated by the Police Department on any of the streets in the ordinance. She didn’t see a lot of parking tickets generally. She added that it seemed like it was there if it was needed and was a resource that the police or a citizen could go to in the restricted area. Town Manager Layton noted that where it was typically not complaint driven was on NC-12. He added that the police were very proactive with parking along NC-12.

Mayor Kingston stated that Ordinance 17-14 failed due to lack of a motion.

Discussion/Consideration of a Request to Authorize Community Development Staff to Work with the Planning Board on Amendments to the Duck Town Code Intended to Bring Town Regulations into Compliance with Recently Adopted State Legislation

Director Heard stated that at the annual conference of the North Carolina Chapter of the American Association of Planners in September, he had the opportunity to attend a session presented by two professors from the School of Government regarding planning/zoning legislation adopted during the past year by the North Carolina Legislature. He stated that the School of Government had highlighted several changes that must be incorporated into the policies and ordinances of local governments.

Director Heard stated that the State adopted several limitations on the ability of local governments to engage in zoning enforcement. He noted that the new criteria may not require ordinance changes, but may impact current policies of the Town regarding zoning enforcement such as the following:

- If a local government seeks to enforce a zoning violation by filing a lawsuit, such lawsuit must be filed within five years of when “the facts constituting the violation are known to the governing body, an agent, or an employee of the unit of local government” or the “violation can be determined from the public record of the unit of local government”.
- If a local government seeks to enforce a zoning violation by filing a lawsuit, such lawsuit must be filed within seven years from when “the violation is apparent from a public right-of-way” or “the violation is in plain view from a place to which the public is invited”.
- There is an exemption from these standards for violations involving public health and safety.

Director Heard stated that the State has mandated an administrative approval process and established development standards for small and micro wireless facilities. He stated that necessary amendments were being proposed by the Planning Board as part of their review of standards for wireless telecommunication systems.

Director Heard stated that the State created a new category of exempt plats for “the division of a tract into parcels in accordance with a probated will”. He explained that this change would codify previous court decisions and added that the Town will need to add this new exemption in its subdivision code. He stated that a second subdivision change required an expedited review process for subdivisions of lots five acres or greater into three or fewer parcels. He explained that these scenarios were highly unlikely to occur in Duck, but must be covered in the ordinance in case a situation arises.

Director Heard stated that the State adopted a standard that if a community opted to grant approval of a zoning map or text amendment that was inconsistent with its comprehensive plan, then such action became an amendment to the plan itself. He added that in this scenario, the Town Council would have to adopt a statement describing why the amendment was necessary to benefit the community. He noted that the Town may need to amend the approval process in the zoning ordinance to include the standards.

Director Heard stated that the State required that local governments establish an internal process for appealing decisions or interpretations made by a building inspector. He noted that the Town will need to establish an internal appeal process.

Director Heard stated that Community Development staff were asking for Council’s authorization to work with the Planning Board and Town Attorney on the text amendments.

Councilor Burdick thought it was a good idea. He thought the zoning enforcement was an issue that needed to be considered so that there was unity and viewpoint on how it will be dealt with.

Councilor Caviness moved to authorize Community Development staff to work with the Planning Board on the amendments to the Town code as presented.

Mayor Pro Tempore Thibodeau asked Director Heard if he would be talking to the other towns about this issue. Director Heard stated that the planners share things at their monthly luncheons. He added that there were some communities that were proactive and will make the required changes while others won’t bother to address the issues.

Motion carried 5-0.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY

Town Attorney Hobbs stated he had nothing to report.

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.

Police Chief John Cueto was recognized to speak. Police Chief Cueto 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.

Director of Marketing and Events Denise Walsh was recognized to speak. Director Walsh gave a brief overview of the past month's activities to Council and the audience. She noted that this would be the last Council meeting she would be attending.

Update on the Beach Nourishment Project

Town Manager Layton stated that the project was now complete. He stated that the profile surveys will be starting within the next couple of weeks and the entire beach will be surveyed to continue obtaining data. He noted that it was required in the project area, but since there was money in the budget, it made sense to do it for the rest of the beach.

Town Manager Layton stated that the staging area repairs were in the works and some of the equipment was staged at the Fire Department. He stated that repairs would be done to the staging area as well as the entrance to the Corps of Engineers site as part of the agreement that was made for the project.

Town Manager Layton stated that the upcoming beach grass project would not supplant the grass that was going to be installed, but rather than paying for the labor and since the grass was inexpensive, Donny King of Ocean Boulevard Restaurant has spearheaded a project to have volunteers plant grass in Nags Head and in Kitty Hawk. He stated that Permit Coordinator Sandy Cross thought it would be a good idea to have the same project done in Duck. He added that on November 10 and November 24, there will be volunteers planting grass on the dunes in Duck.

Town Manager Layton stated that Council approved the budget amendment for the sand fencing earlier in the meeting. He stated that additional sand fencing would be installed in the project area the week of November 6, 2017.

Town Manager Layton stated that staff put together a Destination Dare video on the current regulations and plans for the nourishment area. He stated that it will be on the Town's website soon, encouraging Council and the audience to watch the video.

Update on the Phase I of the Comprehensive Pedestrian Plan

Town Manager Layton stated that the Dare County Tourism Bureau awarded the Town a grant in the amount of \$309,351 for the second phase of the project. He added that it still had to go before the Dare County Board of Commissioners and he hoped to go right into Phase II next fall.

Town Manager Layton stated staff received an estimate from Dominion Power of what it would cost to move the transformers at the post office area across from Sunset Grille. He stated that Dominion quoted \$140,000. He stated that staff believed that there may be sufficient funding from Phase I to do that project.

Update on Director of Public Information, Events and Marketing Position

Town Manager Layton stated that the advertising for Director Walsh's position closed on October 27, 2017 and he received close to 40 applications. He stated that he was now in the process of reviewing the applications and hoped to start the first round of interviews before Thanksgiving. He added that he hoped to have someone hired as soon as January 1, 2018.

Financial Statements for October FY 2018

Town Manager Layton reviewed the financial statements, beach activities and beach nourishment reports with Council and the audience.

MAYOR'S AGENDA

Mayor Kingston stated that he will be hosting the monthly mayors meeting on either November 21 or 28, 2017. He reminded Council that they rotate the meeting every month and it was Duck's turn for November. He stated that he attended his first North Carolina League of Municipalities board meeting in New Bern, North Carolina and found it to be an interesting meeting. He added that it was interesting to meet his counterparts from across the state. He noted that the board was a large one with 35 mayors on it. He stated that it was a good orientation and interesting items came out of it. He stated that he was assigned to work on the finance committee with the biggest issue being the renovation or replacement of the NCLM headquarters which caught fire in May 2017 and was the largest fire Raleigh had in over 100 years. He noted that the building was jointly occupied with the County Manager's Association as well as one of the credit bureaus. He stated that it would be an interesting project as they move forward and determine what to do with the building.

Mayor Kingston stated that he and Town Manager Layton had attended earlier in the day a League Lunch and Learn meeting. He explained that the League was running meetings across the state and presenting their health, workers compensation and property and casualty insurance offerings, as well as looking to educate people. He stated that the first

meeting was at 11:45 a.m. earlier in the day in Manteo. He added that it was a good orientation for him to attend the meeting.

Mayor Kingston reminded the audience that Election Day was coming up on Tuesday, November 7, 2017, encouraging all to get out and vote.

Mayor Kingston congratulated Town staff and volunteers on a great jazz festival. He stated that he received extremely positive comments from the attendees.

Mayor Kingston stated that he and Council would miss Director Walsh and wished her well.

COUNCIL MEMBERS' AGENDA

Mayor Pro Tempore Thibodeau congratulated Town Manager Layton's track team for a great job. She thanked Director Walsh and added that she would be missed, but thought it was exciting for her to go on to her next chapter. She reminded the audience to get out and vote on November 7, 2017. She stated that she heard great feedback about the beach nourishment project, not just in Duck, but also in Kitty Hawk and Kill Devil Hills. She added that it was very impressive the work that has been done in terms of customer service and keeping the towns from having to be burdened by the information flow. She thought the Town was lucky to get through it financially but also from a public relations standpoint. She stated that the Town will need to get its grant request in for the \$10,000 through the Government Access Channel for any future projects.

Councilor Britt wished Director Walsh luck in her new endeavors. He stated that he was happy about the grant money that the Town received. He encouraged the audience to get out and vote on November 7, 2017.

Councilor Caviness thanked Director Walsh for all she has done for the Town over the years. She gave a short update on the upcoming Turkey Trot. She encouraged the audience to get out and vote on November 7, 2017.

Councilor Burdick thanked Director Walsh for all of her hard work over the years and wished her well with her new job. He encouraged the audience to get out and vote on November 7, 2017. He stated that Duck was known for its pristine environment and through the misrepresentation of Dare County's representative and senator, the plastic bag ban has been repealed. He noted that it was the worst representation that Dare County could have possibly had. He thought the Town needed to stand up and ask the merchants in Duck as well as the merchants in Dare County to continue to support the plastic bag ban and use only paper bags. He suggested that Council pass a resolution to that effect.

Mayor Kingston asked Town Manager Layton to draft a resolution and bring it back to Council for them to consider. Town Manager Layton stated that he would.

OTHER BUSINESS

Additional Public Comments

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


Mayor Kingston noted that the next meeting will be the Mid-month meeting on Wednesday, November 15, 2017 at 1:00 p.m.

ADJOURNMENT

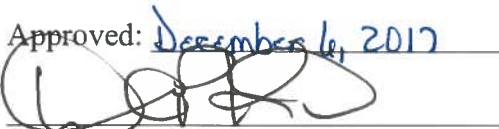
Councilor Britt moved to adjourn the meeting.

Motion carried 5-0.

The time was 9:03 p.m.



Lori A. Ackerman, Town Clerk

Approved: December 6, 2017


Don Kingston, Mayor

