

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
December 7, 2016**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 7:00 p.m. on Wednesday, December 7, 2016.

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; Director of Community Development Joseph Heard; Town Attorney Robert Hobbs; Public Relations Assistant Betsy Trimble; and Town Clerk Lori Ackerman.

OTHERS ABSENT: Director of Public Information Denise Walsh.

Mayor Kingston called the meeting to order at 7:05 p.m. He asked former Mayor Pro Tempore Allan Beres to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence.

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.

CONSENT AGENDA

Minutes from the October 18-19, 2016, Strategic Vision and Goal Setting Planning Session; Minutes from the November 2, 2016, Regular Meeting; and Minutes from the November 16, 2016, Mid-Month Meeting

Councilor Burdick moved to approve the Consent Agenda as presented.

Motion carried 5-0.

OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS

Discussion/Consideration of the Town of Duck 2027 Vision and the Duck Town Council 3 to 5 Year Goals

Town Manager Christopher Layton was recognized to speak. Town Manager Layton stated that on October 18th and 19th, Council and staff engaged in an effort to re-examine

the previously adopted 2022 Vision and Goals to determine if any realignment of the documents needed to be made due to changing circumstances, completed projects or other factors. He added that Council engaged the services of A. Tyler St. Clair, which resulted in the Town of Duck 2027 Vision and Goals. He noted that at Council's November 16, 2016 meeting, the Vision and Goals were re-examined and various changes were made. He recommended that Council approve the Town of Duck 2027 Vision as well as the Duck Town Council 3 to 5 Year Goals.

Councilor Britt noted that the 3 to 5 Year Goals were revised on October 19, 2016. He added that Council revised it in November. Town Manager Layton stated that he did not change the revision to the revision date and would make the change.

Councilor Britt moved to approve the 2027 Vision and 3 to 5 Year Goals as amended.

Motion carried 5-0.

Mayor Kingston noted that Council was in the process of putting together a video for Destination Dare on the Vision which will be on the Town's website. Town Manager Layton stated that the website would be revised to include the new goals and the graphic would be revised. He added that once that was done, staff would put something out via e-news and would make it part of the upcoming newsletter. Councilor Burdick pointed out that something was supposed to be done at the upcoming Council Retreat. Town Manager Layton stated that it would be unveiled and reviewed for the public.

Discussion/Consideration of the 2017 Town Council Annual Calendar

Mayor Kingston stated that the annual calendar included monthly meetings, the Winter Celebration and annual Retreat. He asked Council if they had any conflicts. Councilor Burdick stated that he will miss the September 6, 2017 meeting.

Mayor Pro Tempore Thibodeau moved to approve the annual calendar as presented.

Motion carried 5-0.

NEW BUSINESS

Discussion/Consideration of Nominations to the Dare County Tourism Board

Mayor Kingston stated that Councilor Caviness' term as the Town of Duck's representative to the Dare County Tourism Board expires on December 31, 2016. He stated that the Dare County Commissioners were requesting the names of three individuals to be nominated for this position by Council. He noted that Councilor Caviness was eligible for reappointment. Councilors Britt and Burdick stated that they would like to be nominated. Mayor Kingston stated that all three would need to submit their forms to Town Manager Layton before December 12, 2016 so he could submit them to the County.

Mayor Pro Tempore Thibodeau moved to nominate Councilor Nancy Caviness, Councilor Jon Britt and Councilor Chuck Burdick.

Motion carried 5-0.

Discussion/Consideration of Authorizing the Town Manager to Execute a Contract with RRMM Architects for the Town of Duck Public Safety Building Facilities Conditions Assessment and Space Needs Study

Town Manager Layton stated that as part of the FY 2017 Capital Improvements Program and FY 2017 Budget, funding was provided for the assessment of the current Public Safety building and options related to renovation or rebuild of the structure. He stated that the Town issued a request for qualifications for this work and received responses from RRMM Architects, Tymoff and Moss Architects, JKF Architecture, Oakley Collier Architects and Stewart Cooper Newell Architects. He stated that Town staff conducted interviews with all respondents except for JKF Architecture. He added that after the interviews, staff selected RRMM Architects.

Town Manager Layton stated that the draft contract in Council's packets would provide for work to evaluate the current building and provide concepts and recommendations related to the renovation or rebuilding of the structure. He noted that the proposed fee for these services was \$29,885.75. He added that the FY 2017 Budget provided \$20,000 for the project and if approved, the remaining \$9,885.75 would have to be appropriated from contingency through a budget amendment.

Councilor Burdick asked if staff has laid out a scope of the Town's expectations for what it wanted. Fire Chief Donna Black was recognized to speak. Fire Chief Black thought it was laid out in the request for qualifications, which was in Council's packets. She thought it was why there were two firms that were very close to each other that laid out exactly how it would help the Town get to the end point. She thought they did a good job to show how they would get the information needed with them interviewing members of staff. She thought a professional group was needed to come in and take all of what staff was looking for and put them in a format to give staff the parameters and conceptual ideas. She added that they would come in and produce architectural drawings of the structure since the Duck Volunteer Fire Department does not have any.

Police Chief John Cueto was recognized to speak. Police Chief Cueto thought the basis of the consultation was that they would do an assessment and then show what would fit in the existing structure. He stated that from the police perspective, RRMM was well versed in the Colia Standards and the standards that would best fit a progressive, state of the art facility for police functions.

Town Manager Layton stated that RRMM Architects would be coming in with LIDAR equipment to determine what will be needed in order to draw up the plans. He added that it was necessary in order to answer the question as to if anything could be done with the

existing building that was cost effective and then move on to the conceptual phase. He noted that there was nothing built into the contract that obligates the Town for the next phase.

Mayor Pro Tempore Thibodeau noted that the proposal did not have anything in it related to the fact that the Town did not own the property and what permissions would be needed with the Army Corps of Engineers. She stated that she was concerned since permission has to be obtained. She asked if it was taken into consideration. Town Manager Layton stated that it was not part of the contract in front of Council. He explained that the Army Corps of Engineers and real estate people were part of the stakeholders. He added that before the Town gets too far down the road, staff would reinforce the parameters currently in place with them. He stated that there have been some unofficial conversations with them about the issue and that staff would be engaging them in the discussion. He stated that the question that they would have to answer for staff would be if there was a blank sheet on the conceptual side to use what was already in place.

Mayor Kingston asked if the architects were told to conceptually design it within the existing leased land from the Army Corps of Engineers. Town Manager Layton stated that they expect the Army Corps of Engineers to tell staff what they can and cannot do.

Councilor Burdick asked what the terms of the lease were for the property. Town Manager Layton stated that the Town did not have the lease; the Duck Volunteer Fire Department had it. Councilor Burdick asked Fire Chief Black the same question. Fire Chief Black stated that the lease was for five years. Councilor Burdick asked if the Town and the Duck Volunteer Fire Department were going to expend money on a building, will the Town try to work with the Corps of Engineers to see if there was another arrangement because getting money for it would be difficult with a five-year land lease. Town Manager Layton stated that he expected it to be some of the conversations that will be starting. He added that there were several issues that he saw developing, one being that if the Town took out a loan, the bank would have to be satisfied that the Town would have site control for at least 15 years. He added that the other issue was that the lease was with the Duck Volunteer Fire Department and the question becomes what the bank would require if it allowed the Town to have a note on a property that it does not control. Councilor Burdick thought the issue could be if the Town could cosign on a loan. Town Manager Layton stated that it could be that simple.

Mayor Kingston asked if it would be a Town building versus a Duck Volunteer Fire Department building. Town Manager Layton thought there would be some fundamental changes. He added that at some level, it functions currently as a Town building, but historically it has been the Duck Volunteer Fire Department building. He wasn't sure if it would matter in terms of terminology, but the Town would have a fairly sizeable loan on a building that the Town would be paying for. He thought it would make sense at that point for it to be considered a Town building and for maintenance to come through the Town going forward.

Councilor Burdick moved to authorize the Town Manager to execute a contract with RRMM Architects for the Town of Duck Public Safety Building Facilities, Conditions Assessment and Space Needs Study.

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 gave a brief overview of the past month's fire activities to Council and the audience.

Police Chief Cueto gave a brief overview of the past month's police activities to Council and the audience.

Director of Community Development Joe Heard was recognized to speak. Director Heard gave a brief overview of the past month's permit activities to Council and the audience.

Public Relations Assistant Betsy Trimble was recognized to speak. Public Relations Assistant Trimble gave a brief overview of the past month's activities to Council and the audience.

Update on the Town of Duck Beach Nourishment Project

Town Manager Layton stated that staff was putting together a marketing plan to be shared with the Towns of Kitty Hawk and Kill Devil Hills for ads and radio spots. He expected to meet with the town managers of the other towns before the end of December to review what they would be willing to share cost-wise. He noted that regardless of what the Towns of Kitty Hawk and Kill Devil Hills decided to do, Duck will be doing something with the idea of providing information for people so that when they are in Town, they will have some of the basic facts and emphasizing the positive side of the project.

Town Manager Layton stated that staff has received a basic quick facts sheet that is available on the Town's website and has been emailed to all impacted oceanfront property owners and homeowner associations. He explained that the it explained when the project was due to start, what it would entail, what could be expected and getting at issues regarding beach stairs.

Councilor Burdick asked if Dare County could be asked to help out with the marketing. Town Manager Layton stated that it would be part of it. He added that the discussion would begin as part of his regular manager's meeting. He noted that Dare County has committed to some of it but were not part of keeping the website up.

Mayor Kingston asked what the latest status was on Dare County's project. Town Manager Layton stated that he wasn't sure and hadn't seen any start dates or discussions on it. Mayor Pro Tempore Thibodeau thought the County could dovetail off of what the Town was developing. Town Manager Layton agreed.

Town Manager Layton stated that the Town has tentatively lined up CP&E and Great Lakes Dredging for the Council's Annual Retreat. He noted that they would be giving a presentation on February 15, 2017. He hoped to have the kickoff meeting with the agencies and make a connection with the local Army Corps of Engineers on February 16, 2017 to make sure everything is ready to go for an April 1, 2017 start date.

Town Manager Layton stated that he received an email from the Army Corps of Engineers stating that the agreement for access for the project will be mailed on Friday, December 9, 2016 for his signature.

Update on FY 2017 Stormwater/Duck Trail Project

Town Manager Layton stated that the Town has issued a request for bids for the latest stormwater/Duck Trail project. He explained that the project entails the area from Ocean Pines north to where the Sanderling sign was located, which was approximately 900 feet of area. He added that it was another area where the Trail floods significantly. He stated that the plan was to remove the asphalt and replacing it with pervious concrete, putting in a sock drain in the right-of-way to take groundwater and place it into the Sanderling pond at the sign. He stated that that the bids were due on December 13, 2016.

Town Manager Layton stated that from a permitting standpoint, he thought only a minor CAMA permit would be required and didn't expect any significant issues with permitting agencies. He stated that, provided that the bids come in reasonable and there were no changes, he hoped the project would be started and completed in the spring.

Financial Statement for November FY 2017

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

MAYOR'S AGENDA

Mayor Kingston stated that he and Town Manager Layton attended the North Carolina Beaches, Inlets and Waterways conference in Wrightsville Beach back in November. He stated that he and Town Manager Layton attended a North Carolina League of

Municipalities Board of Directors meeting at the Sanderling Inn. He stated that he and Town Manager Layton attended a Community Leader Forum on November 5, 2016. He stated that he would be attending the upcoming DCBA meeting on December 10, 2016. He thanked Director of Marketing and Events Denise Walsh, Public Relations Assistant Trimble, the Police Department and the Fire Department for the great Yuletide Celebration on December 3, 2016.

COUNCIL MEMBERS' AGENDA

Mayor Pro Tempore Thibodeau echoed Mayor Kingston's comments regarding the Yuletide Celebration.

Councilor Burdick echoed Mayor Kingston's comments regarding the Yuletide Celebration.

Councilor Caviness stated that the Dare County Tourism Board recently approved the Town's grant application for \$446,887. She thanked Town staff, the Fire and Police Departments for their help with the recent Turkey Trot.

Councilor Britt thanked Councilor Caviness and Fire Chief Black for putting on the annual Turkey Trot.

OTHER BUSINESS

Additional Public Comments

Mayor Kingston opened the floor for public 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 in accordance with Section 143-318.11(a)(3) to consult 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, in order to discuss a lawsuit entitled "Hovey vs. Town of Duck".

Motion carried 5-0.

The time was 8:38 p.m.

Upon return from closed session, Town Attorney Hobbs noted that there was no action was needed, no concession and no report.


Mayor Kingston noted that the next meeting will be the Regular Meeting on Wednesday, January 4, 2017 at 7:00 p.m.

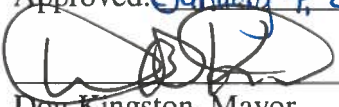
ADJOURNMENT

Councilor Britt moved to adjourn the meeting.

Motion carried 5-0.

The time was 9:13 p.m.


Lori A. Ackerman, Town Clerk

Approved: January 4, 2017

Don Kingston, Mayor

