

**TOWN OF DUCK
TOWN COUNCIL
RETREAT
February 16 & 17, 2022**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 9:00 a.m. on Wednesday, February 16, 2022.

COUNCIL MEMBERS PRESENT: Mayor Don Kingston, Mayor Pro Tempore Monica Thibodeau; Councilor Sandy Whitman; and Councilor Rob Mooney.

OTHERS PRESENT: Town Manager Drew Havens, Director of Community Development Joseph Heard; Fire Chief Donna Black; Deputy Fire Chief Clarence Batschelet; Police Chief Jeffrey Ackerman; Police Lieutenant Melissa Clark; Public Information and Events Director Christian Legner; Town Attorney Robert Hobbs; Chris Dewitt, Candice Andre, Andrew Topp and Lauren Blackburn of VHB, Inc.; Sterling Baker and Craig Midgett of NC Department of Transportation; Cat Bowler of the Currituck Sound Coalition; Erin Fleckenstein of NC Coastal Federation; Finance & Human Resources Administrator Jessica Barnes; Community Planner James Gould; Senior Planner Sandy Cross; Surf Rescue Director Mirek Dabrowski; and Town Clerk Lori Ackerman.

ABSENT: Councilor Tony Schiano.

Mayor Kingston called the meeting to order at 9:01 a.m. He welcomed everyone to the Retreat and noted that Councilor Tony Schiano was excused from the Retreat. He stated that the Retreat was held on an annual basis over the course of two days and was a working session between the Town Council and Town staff, refining direction for the budgeting for the upcoming year as well as the Town's longer-term vision. He stated that the Retreat was not open for public comments, but the audience was welcome to talk to Council and staff during the breaks.

PROJECT UPDATES FROM VANESSE HANGEN BRUSTLIN

Update on the BRIC Grant

Chris Dewitt of VHB was recognized to speak. Mr. Dewitt went on to give a short presentation on the BRIC grant to Council and the audience. He then took questions from Council.

Update on the Northern Boardwalk Extension

Chris Dewitt gave a short presentation on the northern boardwalk extension project to Council and the audience. He then took questions from Council.

Resilient Coastal Communities Program

Candice Andre of VHB was recognized to speak. Ms. Andre gave a short presentation on the resilient coastal communities program to Council and the audience. She then took questions from Council.

Mayor Kingston thanked Chris Dewitt and Candice Andre for their presentations.

DUCK RIDGE SHORES CIVIC LEAGUE EASEMENT

Town Attorney Robert Hobbs was recognized to speak. Town Attorney Hobbs explained that, previously as part of the projects that were described, the Town received a living shoreline project easement from the Duck Ridge Shores Civic League, which was dated in September 2020 and recorded in the deed records. He stated that it was brought to the Town's attention at a later date that this was a subdivision that the developer never deeded the common elements road system to any type of homeowners association because one had not been established as part of the development of the subdivision. He noted that it was not uncommon in Duck and other areas at that time.

Town Attorney Hobbs stated that some of the property owners were concerned that when the Civic League gave the easement to the Town that it did not have the legal right to do so. He stated that the Civic League undertook an effort to locate the successors and interests to the original developers who were several people. He noted that they located the individuals and received deeds for those common elements and areas that consisted partly of the area of the easement that the Town received. He added that those deeds were received by the Civic League and recorded and in addition, the Civic League received further input from their members about the wording of the easement.

Town Attorney Hobbs explained that the easement used was a fairly generic form that was already negotiated with the board, but after further input from their membership, another easement document was negotiated and approved by the Civic League membership, Town staff, and his firm. He stated that that agreement has been submitted and approved by Town staff and the Civic League. He pointed out that a couple documents were in front of Council – one being an easement termination agreement. He explained that it was an agreement that would terminate the previous easement that was recorded. He stated that the second document was the new easement agreement from Duck Ridge Shores Civic League to the Town that would need to be signed by both the Town and the Civic League and recorded as a replacement to the existing easement.

Town Attorney Hobbs noted that the new easement incorporates more detail and provisions related to the administration of the easement, but also recognizes that when the easement was granted by the Civic League, it would be granted as the actual fee property owner of the area of which the easement was located. He noted that copies of various electronically signed consent forms were not included by the vast majority of the property owners but would be attached to the document and recorded. He asked Council to approve the termination agreement as well as the new easement as presented so they could be recorded and would replace the existing easement.

Mayor Pro Tempore Thibodeau moved to approve the termination agreement and the new easement agreement as presented.

Motion carried 4-0.

NCDOT DIVISION 1 UPDATE

Sterling Baker of NC Department of Transportation was recognized to speak. Mr. Baker introduced Gretchen Byrum, Craig Midgett and Ronnie Sawyer from Division 1 of the Department of Transportation, adding that Craig Midgett would be giving a presentation.

Craig Midgett of NC Department of Transportation of recognized to speak. Mr. Midgett went on to give a short presentation on their current projects, including the Mid-Currituck bridge, to Council and the audience. He and Sterling Baker then took questions from Council.

Mayor Kingston thanked Sterling Baker and Craig Midgett for their presentation. He called for a 20-minute break. The time was 10:23 a.m.

Mayor Kingston reconvened the meeting.

TRAFFIC STUDY FOLLOW-UP DISCUSSION

Update on Pedestrian Plan

Director of Community Development Joe Heard was recognized to speak. Director Heard gave a presentation on the pedestrian plan to Council and the audience. He then took questions from Council.

Update on Traffic Data Collection

Andrew Topp of VHB was recognized to speak. Mr. Topp went on to give an update on the traffic data collection completed in Town to Council and the audience. He then took questions from Council.

Update on Pedestrian Crossing Study

Lauren Blackburn of VHB was recognized to speak. Ms. Blackburn gave a short presentation on the pedestrian crossing study that was completed in Town to Council and the audience. She then took questions from Council.

Mayor Kingston suggested the issue be deferred until the end of the meeting for further discussion.

Mayor Kingston thanked Director Heard, Andrew Topp and Lauren Blackburn for their presentations.

Discussion/Consideration of Request from Sanderling Homeowners Association to Consider asking NCDOT to Not Increase the Speed Limit on Duck Road North of Snow Geese in the Off Season and Leave it at 35MPH

Town Manager Drew Havens was recognized to speak. Town Manager Havens stated that he forwarded to Council an email from the president of the Sanderling Homeowners Association expressing an interest in not having the speed limit changed seasonally but to leave it at 35mph year-round. He stated that from Snow Geese North to the county line the speed limit was 45mph in the off season. He explained that there was some concern, particularly at the entrance to Oyster Catcher Lane, with regard to sight distance issues that could benefit from a slower speed limit. He stated that the question in front of Council was if they supported the idea of leaving the speed limit at 35mph and if so, a resolution could be drafted to send to NC Department of Transportation. He added that they would have to study it and concur on the issue.

Mayor Pro Tempore Thibodeau pointed out that she just heard about the issue the day before. She stated that things have changed in that there were a lot more year-round residents. She thought it will frustrate people driving to Corolla, adding that she had received input regarding how frustrating it was for people driving to Corolla in the summer. She asked if there was any compromise where the speed limit would reduce again or if it made sense that the speed limit stay at 45mph. She further asked if the speed limit should be changed after the Sanderling Inn location. She asked if the Sanderling Inn had issues with people going 45mph.

Mayor Kingston pointed out that it was 35mph by the Sanderling Inn. Mayor Pro Tempore Thibodeau thought it stayed 45mph all the way into Corolla. Councilor Mooney pointed out that it was 45mph to the county line. Mayor Kingston thought it was 35mph when approaching the Sanderling Inn. Councilor Mooney disagreed, adding that he thought the perception was that even though the speed limit was 45mph, vehicles were not driving that but driving faster. He stated that the problem was the blind curve in the road. He added that the speed limit could be changed, but vehicles will drive at any speed. He thought the solution was putting signage up before getting to the curve instead of changing the speed limit.

Mayor Pro Tempore agreed with Councilor Mooney's comments. She stated that she liked the idea of a flashing sign even though Council was aware that flashing signs do not work all that well, but the Town's radar signs do. She pointed out that the same situation exists at the Sea Ridge subdivision, adding that there have been signs erected there. She reiterated that she liked the idea of signage as well as driver education instead of changing the speed limit.

Town Manager Havens explained that two more solar radar signs were planned – one south of Oyster Catcher Lane and the other south of the Sanderling Inn. He stated that they were planned for Fiscal Year 2023.

Mayor Kingston asked Sterling Baker if NCDOT had a position on the issue. Sterling Baker stated that they would review anything Council sends, including additional signage for the blind curve. He agreed that changing the speed limit would not make a difference. He added that because it was within the Town limits, Duck and NCDOT would both have to agree on the proposal. He noted that NCDOT does not generally provide flashing lights on their signs but if requested, they could look into it to see what it would cost and if it would be beneficial.

Mayor Kingston suggested that the discussion be deferred until the end of the meeting.

Presentation from the Currituck Sound Coalition

Cat Bowler of the Audubon Society was recognized to speak. Ms. Bowler gave a short update on the Currituck Sound Coalition's marsh conservation plan to Council and the audience. She then took questions from Council.

Mayor Kingston thanked Cat Bowler for her presentation. He recessed the meeting for lunch, noting that this would be a working lunch. The time was 12:16 p.m.

Mayor Kingston reconvened the meeting.

Presentation from the NC Coastal Federation

Erin Fleckenstein of the NC Coastal Federation was recognized to speak. Ms. Fleckenstein gave a short update on stormwater remedies and living shorelines to Council and the audience. She then took questions from Council.

Mayor Kingston thanked Erin Fleckenstein for her presentation. He called for a 15-minute break. The time was 12:59 p.m.

Mayor Kingston reconvened the meeting.

DEPARTMENT UPDATES

Public Information and Events Updates

Public Information and Events Director Christian Legner was recognized to speak. Director Legner gave an update on the Town's upcoming events to Council and the audience. She then took questions from Council.

Community Development Updates

Community Planner James Gould was recognized to speak. Community Planner Gould went on to give a short presentation on the Town's development activities to Council and the audience. He then took questions from Council.

Director Heard gave a short presentation on the Community Development department to Council and the audience. He then took questions from Council.

Mayor Kingston thanked Director Legner, Community Planner Gould and Director Heard for their presentations.

Tents and Commercial Activity on the Beach

Senior Planner Sandy Cross was recognized to speak. Senior Planner Cross gave a short presentation on the issue of tents on the beach, asking for Council's input on the issue.

Mayor Kingston agreed with Senior Planner Cross' assessment on the commercialization of tents. He stated that he did not see a problem with having tents on the beach, but there was an equity issue in that a family that rents a home and cannot afford to have someone set up their tents and chairs will go down to the beach at 9:00 a.m. only to find no space for their beach items. He did not think commercialization on the beach was something that the Town wanted. He pointed out that vendors are not allowed to sell items on the beach, noting that the commercial tents were being sold on the beach with the set up for them. He reiterated that it was an equity issue and that he was not in favor of allowing commercialization on the beach.

Mayor Pro Tempore Thibodeau stated that Surf Rescue Director Mirek Dabrowski had talked about the tents in the past and said that there have been issues but that he was able to overcome them. She stated that she was now hearing differently. She thought when staff hears about issues, they should be making Council aware. She stated that she did not want to be rash in making wholesale changes on the basis of information received today. She added that she would not be in favor of changing the rules because she did not feel that Council had enough information. Senior Planner Cross suggested that Council send the issue to the Planning Board.

Mayor Kingston thought there were two different issues – one was that in the past, the chairs and tents were left on the beach and the second was the commercialization of the early setups as well as the lack of public beach for people to use. He pointed out that Surf Rescue Director Dabrowski had talked about tents being left on the beach overnight and sweeps were then completed. He thought this was a different issue.

Councilor Mooney pointed out that Council had a lot of work to do if they were expected to accomplish anything with the Planning Board and Town Attorney. He noted that Council will have to change the ordinance and if the vendors are not motivated by a \$50.00 fine, then Council needed to figure out a better way to get their attention. He added that if it meant the vendors could no longer do business in Duck if they could not follow the rules, then so be it. He wondered who would be in charge of enforcement as

he felt that was the biggest issue. He pointed out that Surf Rescue Dabrowski's lifeguards work during the day and would have a delay in the start of their day if they were enforcing the commercialization. He stated that there needed to be a mechanism to enforce things.

Councilor Whitman pointed out that the issue will not be resolved by this summer. He thought the work could start now so it can be enforced next year. Mayor Pro Tempore Thibodeau thought an enforcement mechanism could be worked on, outside of what Surf Rescue Director Dabrowski's lifeguards usually do. She stated that it was an issue since there was not anyone on the beach to see the repeat offenders. She thought some enforcement this summer could be something that could be looked at. She agreed with Councilor Whitman that it will take time, adding that the vendors are extremely popular with renters throughout the Outer Banks. Councilor Whitman stated that the renters do not have to load up their cars anymore since everything is already put out on the beach for them.

Surf Rescue Director Mirek Dabrowski was recognized to speak. Surf Rescue Director Dabrowski explained that there were several issues and the commercialization was not one, but the sheer volume of what the vendors are putting on the beach was. He noted that not only will the Town have to limit the numbers if they are allowed, but a lottery system or a sign-up system could be put in place for the vendors, where only preferred vendors would be allowed to put items on the beach. He stated that the issue has become overwhelming, adding that his lifeguards are on the beach at 8:00 a.m., but do not start patrolling until 9:00 a.m., noting that their primary responsibility was reduced with the amount of time they can spend on it if his lifeguards have to deal with this issue. He thought it has gotten to the point where something else needs to happen in order for his lifeguards to continue to do their jobs effectively as well as providing a service for the residents and visitors of the Town.

Surf Rescue Director Dabrowski agreed with Councilor Whitman that it would be a difficult issue since the vendors are already accepting reservations. He thought the push should be that the issue could be resolved by the end of the summer or early fall so that it could be in place and the vendors would be notified whether or not they could conduct business in Duck so the people that use the service would be able to.

Senior Planner Cross thought the permit concept would be a great method to get the Town to a point where vendors could be chosen by the Town. She noted that there were methods staff could use to limit the number of violators. Mayor Kingston asked if a system could be designed to track violators. Senior Planner Cross thought the public would be reporting the violators to Town staff.

Councilor Mooney thought sending a letter to the vendors was important in that they will be told that they need to follow the rules or they may not be able to do business in Duck. Senior Planner Cross agreed, adding that in May 2021 she had sent out the regulations to the vendors. She thought they could be sent out earlier this year with a note that there would be changes forthcoming.

Councilor Whitman thought that Council, the Planning Board and Town staff should have a group meeting to discuss the issue. He thought a mid-month meeting would work. Mayor Kingston thought Council should consider the idea of surveying the public, such as residents, nonresidents, and property owners.

Councilor Mooney asked if the existing ordinance stated anything about items left on the beach being discarded. Senior Planner Cross stated that there was. Councilor Mooney stated that once the items were left on the beach and picked up, it was no longer someone's property and could be deemed discarded. He added that until the Town starts fining the vendors, it will not make a difference. Town Attorney Hobbs stated that the ordinance read as follows: "...items left between those hours should be considered litter and may be subject to removal and disposal..."

Mayor Pro Tempore Thibodeau thought it needed to be made clear to not only the commercial vendors but all visitors with property management companies sending a reminder. She noted that it was not just commercial vendors but also people that were trying to get an early start at the beach. Senior Planner Cross stated that staff could reiterate things in the weekly enews as well as on social media.

Mayor Kingston thought that staff needed to address the items left on the beach as well as the commercialization. He thought staff could go back and gather data as well as working on a survey.

Mayor Kingston thanked Senior Planner Cross and Surf Rescue Director Dabrowski for their presentation. He called for a 10-minute break. The time was 2:37 p.m.

Town Attorney Robert Hobbs left the meeting at this point.

Mayor Kingston reconvened the meeting.

Surf Rescue Update

Surf Rescue Director Dabrowski gave a short presentation on Surf Rescue's activities to Council and the audience. He then took questions from Council.

Mayor Kingston thanked Surf Rescue Director Dabrowski for his presentation.

Property Advisory Committee – Follow-up Discussion

Mayor Kingston stated that the discussion was one that was deferred from two previous Council meetings. He stated that the situation was whether or not Council wanted to form a Property Advisory Committee consisting of six to seven individuals to advise the Community Development department with respect to projects, ideas, and vision for the Town. He stated that there has been a lot of discussion with a lot of concern regarding whether or not a standing committee was needed or if it would be better to put together a

committee as projects came forward. He added that there was a discussion regarding the focus of the committee and whether or not they would be “blue sky” or one that worked at the direction of Council and/or staff.

Director Heard stated that information was in Council’s February 2, 2022 packet that described some of the options that Council had as well as key questions to think about. He added that staff was now seeking guidance from Council.

Mayor Kingston cautioned Council from making any firm decisions at this meeting since Councilor Schiano was not present because he felt there should be input from all of Council. He stated that his concern has been the focus of the committee. He stated that he was in favor of receiving public input as that seemed to be worthwhile especially if there was a project that required more input. He stated that as far as organizing a committee and developing ideas for the Town, in looking at it internally, staff and/or Council would be better suited to do that. He stated that a committee for certain projects would make sense, but his biggest issue was that he wanted a focus. He pointed out that the Wall Décor Committee’s focus was to provide artwork for the Town facilities on a rotating basis. He added that he did not see this committee working in the same way as there would not be a focus on a single project. He stated that he was hesitant to assign a committee and would rather see it as being project oriented or directed.

Councilor Mooney thought the description of the responsibilities of the committee was not for the committee to figure things out, but for staff to bring the committee projects that will be worked on. He added that the committee would consist of a wide array of people. He thought it was a misconception that the committee would be developing ideas on their own.

Director Heard explained that the draft that was given to Council was along the lines of what Councilor Mooney had referenced. He added that the process would be that the committee would meet on an as-needed basis by staff to look at different projects.

Councilor Mooney pointed out that Council could establish the committee and then staff would be in control of what the committee looks at. He thought it was a great idea because more input from the community can always be used.

Mayor Pro Tempore Thibodeau stated that she did not interpret the committee as being a “blue sky” one. She wondered what staff would ask this committee to do. She pointed out that the Town had a Municipal Property Advisory Committee in the past to help with developing different elements in Town such as the playground equipment. She stated that she envisioned that they would be dealing with public assets, such as the park, before bringing it to Council, which was another layer of input similar to the input that the Planning Board provides. She thought the playground equipment that will need to be replaced or something to do with the park were great projects for this committee to start with. She thought it had to be something that the Town was in control of. She stated that she did not have an objection to creating a committee that could be directed for specific projects.

Councilor Mooney thought the issue Council was getting hung up on was a mechanism. He explained that the committee was there for staff to talk to and get ideas, regardless of what the plan was. He thought that if Council staffed the committee properly, the Town would receive a lot of good ideas from very experienced and talented people. He added that he did not see this as a losing situation, noting that the “blue sky” concept was not what the committee would be doing. He stated that the committee would not be producing the ideas but would be directed by staff. Mayor Pro Tempore Thibodeau agreed, adding that the committee would flesh out ideas that were already established.

Councilor Whitman thought the first time the issue was presented to Council, there was no Town staff on the committee and would be seven people that would come back to staff to let them know what projects should be done. Mayor Pro Tempore Thibodeau thought it was directed by Town staff. Councilor Whitman stated that it was not originally directed by staff.

Councilor Mooney pointed out that now it has changed so that staff would give the committee direction and ask them for their feedback on things that they would like to plan for the Town. He explained that staff would produce the ideas, talk to the committee, and receive feedback. He added that the committee was not charged with producing any direction, noting that their responsibility was to discuss with staff about something that has already been established by staff and to help figure out the best way to handle it.

Mayor Kingston thought Council’s initial discussion at their December meeting was that it would be an advisory committee to produce ideas, adding that Council had discussed a focus for the committee. He stated that Director Heard refined the guidelines and a draft resolution was brought back to Council at their January meeting. He stated that he could see the value of the input for a particular project, but every project would be different and he wondered if Council wanted the same people advising. Mayor Pro Tempore Thibodeau asked for an example. Mayor Kingston stated that the playground equipment was a good example. He wondered if business input, property owner, or family input would be needed. He questioned what the makeup of the committee would be that would advise on something like that.

Councilor Mooney thought it was Council’s responsibility, adding that people could submit an application for the committee and depending on what their particular talents or strong points were, staff it with a cross section of people. Councilor Whitman pointed out that it was already listed in the staff report – two from the community, two from the homeowner associations, two from property management companies, and one staff member. Councilor Mooney stated that Council could do whatever it wanted as nothing was definite at this point.

Mayor Pro Tempore Thibodeau clarified that Councilor Whitman was concerned that the makeup of the committee would be too limiting. Councilor Whitman stated she was correct.

Mayor Kingston asked for an idea of what Director Heard would put in front of a committee. Director Heard stated that there have been numerous requests from people that want to purchase park benches. He explained that the Town has an existing program with policies set up for park benches on the boardwalk but thought it could be expanded to have them on Duck Trail. He asked if staff should get from the committee a policy that allows that and if so, what should be considered as well as the appropriate locations for the benches. He added that the committee could also work on educational opportunities with regard to the new rain garden, wildlife, or plants. Councilor Mooney clarified that, ultimately, the decision would be made by Town staff. Director Heard stated that it would be staff and then Council. Mayor Pro Tempore Thibodeau pointed out that, ultimately, the committee would offer suggestions and would not make any decisions. Director Heard stated that the committee would not be involved in reviewing individual locations but would be involved in setting the parameters of a policy that Council could adopt. Town Manager Havens stated that staff would use this committee for looking at future improvements to the Duck Trail and giving some guidance.

Mayor Pro Tempore Thibodeau stated that she liked the idea of getting more community involvement and having people see the workings of the Town and staff. She thought if there were people interested in serving, this was an interesting committee to serve on.

Mayor Kingston asked if Council considered a larger pool of people and as projects come forward, the interest could be put out to see who would be interested and then form a committee from that pool of people. He thought the pool could be nine to 10 people and all could serve or only three people could serve at a time. He thought the public input was very important. Councilor Mooney thought it was important to establish a standing committee as there was a pool of people that staff could reach out to. He noted that this was becoming another bureaucratic delay from what needed to be done between the time of having a list of things that need to be worked on and getting interested people to serve. He stated that if there was a standing committee, it would require communication between staff and them. He proposed establishing a committee.

Mayor Pro Tempore Thibodeau pointed out that Council was not going to decide on the issue at this meeting due to Councilor Schiano being absent. Mayor Kingston thought it could be deferred to the April 6, 2022 meeting since Councilor Schiano would be absent from the March 2, 2022 meeting. He thought Councilor Schiano should have input and Council could go from there. He thought all of Council agreed that public input was needed, but the question was how to organize that.

Mayor Pro Tempore Thibodeau asked Councilor Whitman if he changed his opinion based on the conversation. Councilor Whitman stated that he had not. Mayor Pro Tempore Thibodeau thought Council should wait. She didn't disagree that Council could discuss it at its March 2, 2022 meeting in case anyone has anything more to offer. Mayor Kingston did not think that Council was in total agreement but thought the question was the makeup and focus of the committee. Mayor Pro Tempore Thibodeau agreed, adding

that if any of Council had new information, it could be brought up at the March 2, 2022 meeting.

It was *consensus* of Council to have the issue on the agenda for the March 2, 2022 meeting.

OPEN DISCUSSION

Mayor Kingston stated that Council deferred the traffic discussion and thought they came back with discussing a signal light, a traffic island, looking at pilot or demo traffic solution. Council discussed various solutions, including flat refuges, not allowing left turns into certain shopping areas on the weekends and adding or moving crosswalks.

Mayor Kingston asked Council if the Town should solicit NCDOT to change the speed limit by the Sanderling Inn from 45mph to 35mph. Councilor Mooney did not think it was necessary as people will not comply. He suggested that signs should be erected instead as well as a convex mirror by the blind curve. Mayor Pro Tempore Thibodeau suggested a convex mirror by Osprey Ridge Road.

Mayor Kingston asked Council if any decisions have been made on the pedestrian changes. He pointed out that Council discussed the crosswalk at Wee Winks Market and the refuge islands. He asked if Council wished to come back with a proposal on some of the recommendations. Town Manager Havens stated that generally, Council was agreeing with what Lauren Blackburn and Brian Mayhew had produced in their assessment. He stated that staff could go back to them and have it designed as well as getting a cost for it and afterward take it to NCDOT. He noted that it would be for Fiscal Year 2024.

Mayor Kingston thought it may be of value for him, Town Manager Havens and Police Chief Jeff Ackerman to meet with staff at the Town of Southern Shores regarding crosswalks and the traffic lights at some point.

Mayor Kingston moved to recess the meeting until Thursday, February 18, 2021 at 9:00 a.m.

Motion carried 4-0. The time was 4:16 p.m.

RECONVENE

The Town Council for the Town of Duck reconvened at the Paul F. Keller Meeting Hall at 9:00 a.m. on Thursday, February 17, 2022.

COUNCIL MEMBERS PRESENT: Mayor Don Kingston; Mayor Pro Tempore Monica Thibodeau; Councilor Sandy Whitman; and Councilor Rob Mooney.

OTHERS PRESENT: Town Manager Drew Havens, Director of Community Development Joe Heard; Fire Chief Donna Black; Deputy Fire Chief Clarence Batschelet; Police Chief Jeffrey Ackerman; Police Lieutenant Melissa Clark; Director of Marketing and Information Christian Legner; Public Relations Administrative Assistant Betsy Trimble; Finance & Human Resources Administrator Jessica Barnes; Town Attorney Robert Hobbs; Ken Willson of Coastal Protection Engineering; Dr. Grace Andrews of Project Vesta; Jessie Straub of the US Army Corps of Engineers; Dare County Chairman Bob Woodard; and Town Clerk Lori Ackerman.

ABSENT: Councilor Tony Schiano.

Mayor Kingston called the meeting to order at 9:04 a.m. He welcomed everyone to the Retreat and noted the Mayor Pro Tempore Thibodeau would be a little late and Councilor Tony Schiano was excused from the Retreat. He further noted that Representative Bobby Hanig was unable to attend the Retreat.

Mayor Kingston thanked everyone that was viewing the meeting remotely and to ensure an orderly meeting, the Retreat was not open for public comments, but the audience was welcome to talk to Council and staff during the breaks. He stated that the meeting recording would be available on the Town's YouTube channel as soon as possible after the meeting.

BEACH NOURISHMENT UPDATE

Ken Willson of Coastal Protection Engineering was recognized to speak. Mr. Willson gave a short presentation on the upcoming beach nourishment project to Council and the audience. He then took questions from Council.

Mayor Kingston thanked Ken Willson for his presentation.

PROJECT VESTA UPDATE

Dr. Grace Andrews of Project Vesta was recognized to speak. Dr. Andrews gave a short presentation on Project Vesta to Council and the audience. She then took questions from Council.

Councilor Whitman moved to have a letter of support drafted in support of the pilot program.

Motion carried 3-0.

Mayor Kingston thanked Dr. Andrews for her presentation. He called for a 15-minute break. The time was 10:03 a.m.

Mayor Kingston reconvened the meeting.

UPDATE REGARDING DUNEX AND THE US ARMY CORPS OF ENGINEERS FIELD RESEARCH FACILITY - DUCK

Jessie Straub of the US Army Corps of Engineers was recognized to speak. Ms. Straub gave a short presentation on the work of the Field Research Facility as well as DUNEX – During Nearshore Event eXperiment – to Council and the audience. She then took questions from Council.

Mayor Kingston thanked Jessie Straub for her presentation.

DEPARTMENTAL UPDATES

Police

Police Chief Jeffrey Ackerman was recognized to speak. Police Chief Ackerman gave a presentation on the Duck Police Department’s activities as well as what they hope to accomplish in the future to Council and the audience. He then took questions from Council.

Mayor Kingston thanked Police Chief Ackerman for his presentation.

Fire

Fire Chief Donna Black was recognized to speak. Fire Chief Black gave a presentation on the Duck Fire Department’s activities and what they were looking to accomplish in the future, including a new fire engine, to Council and the audience. She then took questions from Council.

Mayor Kingston thanked Fire Chief Black for her presentations. He recessed the meeting for lunch. The time was 12:02 p.m.

Mayor Kingston reconvened the meeting.

COUNTY UPDATE

Dare County Chairman Bob Woodard was recognized to speak. Chairman Woodard gave a short County update to Council and the audience. He then took questions from Council.

Mayor Kingston thanked Chairman Woodard for his presentation.

DEPARTMENTAL UPDATES

Advertising, Communications and Events (July 4th)

Director of Marketing and Information Christian Legner was recognized to speak. Director Legner gave a presentation on advertising, communications and the Town’s July

4th parade to Council and the audience. She then took questions from Council and asked Council for direction on the July 4th parade.

Mayor Kingston stated that a reverse parade meant no parade. He stated that what brings people to Duck on July 4th is the parade and is one of the big traditions in Town. He added that if there was not a parade, people would not come to Town to look at floats in the various shopping centers. He noted that people would not come on a national holiday since there would not be anything to draw them into Duck like the parade would. He stated that he did not like the idea and thought the parade was tradition and patriotic. He was not sure of any major issues the Town has had over the years since it's been held for close to 20 years. He stated that he did not like the reverse parade idea.

Director Legner clarified that Mayor Kingston's intention was that Duck brings people in from other towns for the parade or only bringing out the people that are staying in Town. Mayor Kingston stated that it was bringing people from all over the Outer Banks. He noted that people know that the parade is held every year and is the only big event on the 4th of July that was well known. He pointed out that there were thousands of people that come to the parade, adding that children love the parade. He stated that those people will not come to Town on July 4th to look at floats in the shopping centers or come to a concert in the middle of the day but would have their own picnics. He stated that the crowd clears out after the parade is over because people come to the park afterward before heading back to their homes. He reiterated that he was opposed to the change.

Mayor Pro Tempore Thibodeau thought COVID-19 had the Town put a reset button on a few things over the last two years. She stated that it was obvious that a parade could not be held the past two years, adding that last year's attempt at doing décor was fun and was a nice way to get the businesses involved. She stated that she was not opposed to trying an idea like the reverse parade as proposed. She knew it took about every resource from the Town, adding that she helps out as well with the parades. She pointed out that because she is near the front of the parade, she does not have to deal with the aftermath. She reiterated that she was not opposed to trying the idea since COVID-19 is still a factor but it would engage the merchants. She pointed out that traffic is blocked for staging the parade, which she felt bad about due to the complaints that come in. She stated that she was concerned with the traffic, but if people were walking along on the path or sidewalk, it keeps them off the road. She thought it was worthwhile to try it even though she was not sure what kind of participation the Town would receive. She asked that it be held earlier in the day due to traffic issues. She thought Council and the lifeguards could be at the Town Park, adding that the after event has not been well attended in the past few years.

Councilor Whitman pointed out that in the past two years, a lot of people missed the parade and the jazz festival. He stated that some of the people come 4th of July week as well as Columbus Day weekend just for these two events. Mayor Pro Tempore Thibodeau asked Councilor Whitman to clarify his comments. Councilor Whitman stated that he wanted things to go back to how they were before COVID-19. Mayor Pro

Tempore Thibodeau asked Councilor Whitman if he had any concerns about COVID-19. Councilor Whitman stated that everything has been based on COVID-19.

Councilor Mooney asked where the floats came from. Director Legner stated that they come from some local businesses and some out of town businesses. Public Information and Events Coordinator Betsy Trimble was recognized to speak. Coordinator Trimble noted that half were businesses and half were families in Duck. Councilor Mooney asked how many different floats would be able to be placed in different locations. Director Legner explained that they would put out an application program for people to apply. Councilor Mooney asked if there was any expectation on the number that would apply. Coordinator Trimble thought it would be 20-35, adding that many of them were smaller. Councilor Mooney thought it was worth taking a look at to see how it would work. He added that if there were enough people willing to participate, it may be something that people would come to Town to see.

Mayor Kingston pointed out that there would not be any children on bicycles, there would not be any dogs coming, no families would come with their floats and it would not be the same. He added that it would be just another day in Duck with some decorations and a concert. He reiterated that the crowds would not come. He pointed out that it was managed in the past and he was not sure why it could not be managed this year since there hasn't been any major issues. He noted that traffic has been blocked in the past but two lanes are always open. He wondered what the difference was between that and the certainty. He added that the Town warns people about the parade, noting that because it was the 4th of July, a lot of businesses are not even open. He did not think the Town would get the participation and thought Duck would lose something in its heritage by not having the parade. He stated that change was good but thought this was a radical change.

Director Legner stated that she has heard some interesting things about trying to attract people from out of town for the parade who clear out quickly. She agreed that the parade was not benefitting the businesses. She asked if that was what Council was stating. Councilor Whitman stated that most of the businesses in Duck are not open on the 4th of July. Mayor Kingston agreed, adding that most do not open until 10:00 a.m.

Director Legner stated that, in the past, the objective of Council was to bring people in from both in and out of town primarily for the 4th of July parade. Mayor Kingston stated he was not sure what Director Legner meant. Director Legner stated that she was trying to break down between being able to have the businesses engaged with it and just having the event. She thought there were trade-offs. Mayor Kingston thought if staff wanted to bring people to Town, the parade would do it. He added that nothing else would bring people to the Town.

Councilor Mooney asked about combining both ideas. Mayor Kingston stated that it was done that way in the past. Councilor Mooney stated that he was talking about the floats. He thought the parade could be held; the floats could be parked at various businesses for a few hours after and then have the concert at the park. Director Legner clarified that Councilor Mooney was suggesting that the actual parade be held. Councilor Mooney

stated she was correct. Director Legner stated that she would discuss it with staff as she thought it may be too intensive and that there were not enough resources.

Mayor Pro Tempore Thibodeau thought in the past that the parade was a quick event, even though there was a lot to stage beforehand. She added that the parade has caused some disruptions and needed a lot of effort, but it was fun. She stated that she was worried about the crowds being close to each other. She hoped that COVID-19 would be ending by then since people are so close during the parade. She noted that she never liked how close everyone was on the parade route. She felt that since the Town was not encouraging people being close to one another, that it could be tried, but it would not be as exciting as parades in the past. She added that it was more fun to be moving instead of stationary with regard to the floats, but the energy would be lost with the reverse parade concept. Director Legner stated that she tried to produce some suggestions that were ranked pretty high as priorities in some of the discussions that have been had with Council. She stated that she was trying to look at her events and see how they could fit into that framework. Mayor Pro Tempore Thibodeau stated that she liked how it engages the businesses.

Mayor Kingston wondered what the objective was. He asked if the objective was to bring people into Town for an event. He noted that people come to Duck for the parade, adding that there was no other reason for people to come to Duck. He stated that the after event is not well attended since people go home. Mayor Pro Tempore Thibodeau noted that the people have either gone to work or moved on with their day. Mayor Kingston thought that, without the parade, there was not an event. He pointed out that in 2021 people decorated their windows which was nice and patriotic to see but there was not much participation. He doubted that people came to Duck to look at the window displays. He reiterated that the parade would cause traffic and congestion, but that was normal for the event. He agreed that it was a lot of work but there were also a lot of volunteers to help out. He stated that without the parade, people would not come to Duck to look at window displays or attend a concert.

Director Legner pointed out that one of the things that has changed was that there was discussion and public comment regarding the special use permit where a lot of the public comment centered around not wanting traffic to come in from other towns during the summer months due to it exacerbating traffic. Mayor Pro Tempore Thibodeau did not think anyone needed to worry about bringing people into Town in the summer as they would be here no matter what.

Mayor Kingston pointed out that it was one day – the 4th of July, which was a national holiday – and everyone is in Town. He added that the parade brings people to Duck from all over. He thought if the parade were not held, people would not come to Duck on that day. He thought everyone was giving up the heritage of Duck by not having the parade. He pointed out that the jazz festival brings a lot of people to Town. Mayor Pro Tempore Thibodeau stated that it was a little different in October than it was in July. Mayor Kingston disagreed. Mayor Pro Tempore Thibodeau reiterated that due to the pandemic, the Town was not in a position to encourage people to get shoulder to shoulder.

Councilor Whitman pointed out that the 4th of July was six months away. Mayor Pro Tempore Thibodeau pointed out that Council thought the pandemic would end in 2021. Mayor Kingston stated that if COVID-19 comes back, nothing will be happening again. He noted that all of the restrictions were being relaxed.

Town Manager Havens stated that he had started the conversation when he saw on the news that several people had been killed at a parade in Wisconsin. He wondered how Duck could protect its parade goers and participants from such an event happening in Town, especially when there was not the ability to control the parade route other than the side streets. He noted that the Town could not close NC 12 and he wondered how to protect everyone without the ability to control the environment with big trucks stopping traffic on NC 12. Mayor Kingston pointed out that traffic has never been stopped in the past. Mayor Pro Tempore Thibodeau stated that it has worked in the past and was very crowded at the entrance points. She added that there were crowd control issues that she was aware of. Mayor Kingston stated that there is signage on the roads. Councilor Mooney did not think that was what Town Manager Havens was discussing. He thought Town Manager Havens was concerned with someone getting hurt. Mayor Pro Tempore Thibodeau noted that everyone could not look over their shoulders and be in fear of everything. Councilor Mooney stated that Council would be remiss if they did not have a discussion about safety.

Director Legner noted that she only touched on some of the points because Police Chief Ackerman and Fire Chief Black would be discussing their points regarding the parade.

Fire Chief Donna Black was recognized to speak. Fire Chief Black gave a short history of the parade to Council and the audience, noting that it was originally held in Carolina Dunes and was not on NC 12. She added that when the Town incorporated, there was a desire under a previous mayor to bring it here. She stated that once she was hired as Fire Chief, she had concerns about the parade because it was growing every year. She added that COVID-19 provided an opportunity for the Town to complete a reset. She noted that the parade is bigger and has become more complicated, adding that there is a lot of planning and contingency planning that Council may not be aware of. She went on to review the Public Safety considerations to Council and the audience regarding the parade.

Police Chief Jeffrey Ackerman was recognized to speak. Police Chief Ackerman stated that Public Safety staff has brought the issue forward for a number of years under the previous management; however, it was never brought forward to Council. He stated that he loves the parade, but his concern was when the parade happens. He explained that July 4th was the perfect storm for Public Safety because there is no mutual aid help available for law enforcement because every other town has a major 4th of July event going on so he has no one to call to come help. He added that of the 14 staff he has, half of them need to be off because they work the evening of the 4th of July or they have worked the night before, which leaves him with a staff of seven to eight officers to cover an event that has thousands of people. He pointed out that he was not looking to cancel the event, but he thought an acknowledgement or discussion regarding what was needed

in order to have the parade safely was needed. He added that the parade has grown to a level that concerned him due to not having the staff to cover the event safely.

Police Chief Ackerman pointed out that crowd control was the biggest issue and Town staff do not have the equipment or personnel to properly lay it all out. He stated that he was in favor of a larger discussion – maybe just a staff discussion – and come back to Council with what was needed to have the parade safely as well as giving Council some assurances that it will be a safe event. He noted that staff was not trying to sabotage the event as he thought it was a signature event in Duck with people coming for vacation to see it. Mayor Pro Tempore Thibodeau stated that the public loves the parade, adding that the people will be coming for vacation whether or not there was a parade.

Police Chief Ackerman thought it has come to a point where the parade requires a larger discussion as well as a larger level of planning than what has been done in the past. He stated that there is time but was afraid that some of the things needed that cost money have not been budgeted for, such as barriers since police line tape no longer works when there are thousands of people converging in one area. He thought staff needed to discuss it and come back to Council with a plan.

Fire Chief Black stated that it was not that it could not be done, but it was beyond what staff could do. She stated that Truck 11 is always last in the parade as a strategic move. She reiterated that the parade is a great event but the infrastructure makes it more challenging.

Mayor Kingston stated that his concern was that everyone was being conditioned to live in fear over the last two years but nothing has changed. He pointed out that the police department and fire department have more staff now than two years ago. He stated that the crowds will be the same, traffic has been handled in the past and people leave after the parade. He thought all of a sudden the Town has this fear that something major will happen, but it could never be controlled. He stated that everyone could not continue to exist in an element of fear. He felt the parade should move forward since it was the heritage of the Town. He understood that there was a resource problem, but staff should be able to overcome that by having volunteers or station EMTS along the parade route. He stated that it was a short-lived issue, adding that people will not visit the businesses for the reverse parade. He pointed out that a reverse parade was a “no parade” as people will not come to Town for it. He thought staff and Council could design additional things that will help the issues. He reiterated that canceling the parade would be a mistake and everyone needed to stop living in fear.

Councilor Whitman asked when the parade starts each year. Director Legner stated that it starts at 9:00 a.m. She stated that she agreed with Fire Chief Black and Police Chief Ackerman’s comments, adding it was not an effort on her part to cancel the event, but was an effort to know that staff needed to start planning for the parade now and based on some of the comments she had heard, she wanted to be able to offer alternatives to the parade. She stated that with regard to the volunteers, the volunteers are aging and there are less of them. She added that COVID-19 has reduced the number of volunteers who

are willing to participate in very large events. She cautioned Council in assuming that staff could get enough volunteers as some of the work that the volunteers have to do on the 4th of July is very rough. She stated that staff would do their best to get enough volunteers, but she was worried about that resource.

Mayor Pro Tempore Thibodeau stated that she heard that staff had concerns for years about the parade and that Council was not brought into that. She stated that it bothered her and she hoped that it would not happen anymore. She stated that the events in Town are very popular and create a lot of excitement as well as a lot of anger. She didn't disagree that the 4th of July parade was a signature event for the Town but felt that Public Safety needed to have what they needed for a safe event. She thought there were some trade-offs and thought it would cost more money if barriers had to be purchased. She stated that the parade has been very organized which impressed her. She stated that a lot goes into the parade and maybe Council did not have enough of an appreciation about how taxing it was on people, which she wanted to be sensitive about. She added that she wanted to know what it will cost to have a safe parade with the resources and available personnel. Fire Chief Black did not think staff was fear-based, but for the 4th of July parade staff may need more resources. She noted that they may be hard barriers on Duck Road or other items that could make things safer with more help. She reiterated that a larger discussion was needed.

Councilor Mooney recommended having Town staff discuss things and come back to Council. Mayor Kingston recommended that if the parade will not be held, then not to have an event at all.

Police Chief Ackerman stated that Council has given staff some great points and he believed that staff can come back with a proposal that would make things as safe as possible.

Director Legner went on to give a short presentation on communications, touching on an electronic message board as well as advertising to Council and the audience. She then took questions from Council.

Mayor Kingston thanked Director Legner for her presentations. He called for a 10-minute break. The time was 2:24 p.m.

Mayor Kingston reconvened the meeting.

CAPITAL IMPROVEMENT PLAND AND FINANCIAL UPDATE

Town Manager Havens gave a presentation on the draft 2023-2027 Capital Improvement Plan as well as a financial update showing the current year budget performance to Council and audience. He then took questions from Council.

At this point, Mayor Pro Tempore Thibodeau noted that she had to leave the meeting. The time was 3:56 p.m.

Mayor Kingston thanked Town Manager Havens for his presentation.

OPEN DISCUSSION

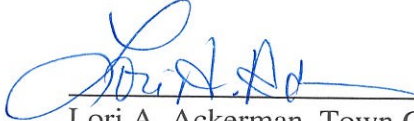
Director Heard stated that his presentation mentioned the bicycle/pedestrian cameras. He stated that it was a small item and wanted to know if Council wanted to pursue this at a cost of \$8,000. He noted that the Town received a free one at the southern end of Town. Councilor Whitman asked about the cameras for the boardwalk. Director Heard stated that they cost about \$4,000 each, if Council was interested. Councilor Whitman thought it was something that should be added to the Capital Improvement Plan. Mayor Kingston agreed.

Mayor Kingston thanked the audience, staff, and all of the presenters for their work. He felt that everyone did a great job. He noted that the next meeting would be the Regular Meeting on Wednesday, March 2, 2022 at 6:00 p.m.


ADJOURNMENT

Councilor Mooney moved to adjourn the meeting.

Motion carried 3-0. The time was 4:01 p.m.



Lori A. Ackerman, Town Clerk

Approved: April 6, 2022


Don Kingston, Mayor

