

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
August 4, 2021**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 6:00 p.m. on Wednesday, August 4, 2021.

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

COUNCIL MEMBERS ABSENT: None.

OTHERS PRESENT: Town Manager Drew Havens, Director of Community Development Joseph Heard; Police Chief Jeffrey Ackerman; Fire Chief Donna Black; Town Attorney Robert Hobbs; Director of Marketing and Special Events Christian Legner; and Town Clerk Lori Ackerman.

OTHERS ABSENT: Public Relations Administrative Assistant Betsy Trimble; and Deputy Town Clerk Kristiana Nickens.

Mayor Kingston called the meeting to order at 6:00 p.m.

Mayor Kingston asked Councilor Rob Mooney to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence.

PUBLIC COMMENTS

Mayor Kingston opened the floor for public comments. He noted that comments will be limited to three minutes as there was now a timer for the time limit. He added that the public could email public comments, but they must be received by 4:00 p.m. on the day of the Council meeting. He noted that written comments must also be limited to three minutes when read aloud.

Jeffrey Beaulieu of 105 Skimmer Way was recognized to speak. Mr. Beaulieu stated he wanted to give Council an update on the events of July 15, 2021, regarding former Town Manager Christopher Layton. Mr. Beaulieu stated that he was addressing his comments to the Council and was not trying to linger on the topic, but noted that as a father of two daughters, his oldest daughter was sexually assaulted in her younger years and his wife was sexually harassed in her workplace. He stated that he found it interesting that it was common knowledge in the workplace that Mr. Layton was an abuser. He stated that he and his wife believe that Mr. Layton's antics were well known and ignored. He added as a husband and father, the Chris Layton abuse saga has been very disturbing to him.

Jeffrey Beaulieu stated that he attended former Town Manager Layton's sentencing on July 15, 2021, on a female abuse case that one woman decided that it was enough, and it wasn't supposed to be like this in the workplace. He pointed out that he saw an imperfect judicial system that allowed an abuser to plead guilty and receive a very weak probation sentence. He stated that he sat behind the victim's father and his heart sank for him as his daughter and other victims that were present saw justice as a slap on the wrist. He asked how a predator, in his opinion, with years of allegations be allowed to resign on the job after 16 years and then have the Town's taxpayers absorb numerous monetary lawsuits as well as having the courts dismiss the guilty plea with six month's probation.

Jeffrey Beaulieu stated as a retired business executive, he received extensive training to handle workplace situations of unwanted harassment. He added that in every situation, it was clear what his responsibility was, which was to address and act quickly and responsibly in a manner that, in his opinion, the Town Council did not do. He stated that as this chapter comes to a close, he pointed out that Council represents the best interests in Duck's community and visitors. He asked Council not to drop the ball, but to keep a watchful eye on the community and Town employees, and any bad intentions they see should be brought forward. He noted that as a taxpayer, he expected that would be what Council would do.

Patti Bossert of 102 Pelican Way was recognized to speak. Ms. Bossert stated that a few years back, she met a young woman when she volunteered for beach planting. She stated that the woman was an intern with the Town and was hopeful that she would receive a full-time position with Duck, which she did. She stated that she also met another young woman that worked for the Town, but today neither of the two women work for the Town due to the horrible behavior of former Town Manager Christopher Layton. She stated that one of the women stood up and said enough, adding that Mr. Layton was subsequently arrested. She stated that, last month, Mr. Layton pled guilty to assault on one of the women, noting that the Town has paid out more than \$300,000 in legal fees.

Patti Bossert stated that former Town Manager Chris Layton worked for Duck for 18 years and some of the Town's current employees started out working for him. Ms. Bossert pointed out that Mayor Pro Tempore Thibodeau has been on Council for 16+ years; Mayor Kingston met with Mr. Layton weekly for more than 10 years; and Councilor Caviness was a volunteer firefighter with Mr. Layton. She noted that if Council did not know about his behavior towards employees, they either weren't paying attention or worse.

Patti Bossert stated that four Council members let former Town Manager Chris Layton resign where he should have been fired after he was arrested. She was sure Council wanted everyone to forget the issue ever happened, but the two women will not forget, and neither should anyone else. She pointed out that Council failed the two women adding that the Town deserves better.

Fire Chief Donna Black was recognized to speak. Fire Chief Black stated that she was not only the Fire Chief but was a citizen of the Town before and after incorporation. She

stated that it was tragic what happened to the individuals that worked for Duck, but she wanted to be clear that people need to know all of the facts. She noted that she was as sickened as everyone else with what happened. She cautioned everyone as there were other individuals that felt the pain of what happened but did not know all of the facts, including Council members and herself, despite what it may look like. She stated that the reason she was speaking was she wanted to make sure that there was diversity inclusion and equity for all everywhere. She added that it was unfortunate that her own town and the boss she knew for 18 years that there had been a situation. She begged everyone to understand that there was more to the story, and she felt as bad as anyone about the two women. She reiterated that everyone should know their facts because it hurt all employees and not just those two women.

Town Clerk Lori Ackerman was recognized to speak. Town Clerk Ackerman went on to read the public comments that had been received.

Stephen Alterman of 100 Ocean Crest Way was recognized to speak. Mr. Alterman wrote the following: "Members of the Duck Town Council: On the agenda for the August 4, 2021, meeting of the Town Council is an item relating to the appointment of a Council liaison with an organization called the HOA Forum. While I support Council involvement with community organizations, and I know that the ongoing liaison with the Duck Community and Business Alliance (DCBA) has been very much appreciated, I was just wondering exactly what the HOA Forum is. I do know that our community, Ocean Crest, is not a member of the HOA Forum (and indeed has never heard of the organization) and inquiries have revealed that our management company, one of the largest on the Outer Banks that represents numerous Duck homeowner associations, has also never heard of the organization. Therefore, I was wondering whether the Town Council has received a Charter/Mission Statement and list of members for the HOA Forum. If so, are these documents available to the public? I know our community would be interested in learning more about the organization. Thank you very much."

Ron Blunck of 1356 Duck Road was recognized to speak. Mr. Blunck wrote the following: "Duck Town Council. My name is Ron Blunck. I live at 1356 Duck Road in Duck; I'm a resident of Duck; I'm the Carolina Dunes Association President, and I'm the Duck HOA Forum Leader/Coordinator. Please read and include my comments in the minutes of your August 4th Council meeting. As background:

- The Duck HOA Forum was created over a year ago to facilitate communications between the various Duck HOA organizations. There are 60+ such organizations.
- The Forum has an advisory group who screens topics/issues.
- The advisory group conducted three Zoom meet-and-greet meetings with all of you. Three main topics/issues were discussed at these meetings. They were:
 - Town budgets
 - Encouraging non-resident property owner participation in Town discussions
 - Traffic congestion

- After the Zoom meetings, it was suggested the Town Council appoint a Council member to be a liaison with the Forum, similar to what I think you have done with the Duck business community.

There are two agenda items tonight of interest to the Forum:

- Agenda Item 6.D Discuss appointing a Council member to be a liaison with the Forum. We are strongly in favor of such an appointment. This would facilitate ongoing communications and cooperation between the Forum and the Town on topics/issues of common interest. We think Rob Mooney would be a good person to play this role, if he is willing to do that. We urge you to make such an appointment.
- Agenda Item 6.E Discuss pedestrian crossings and traffic flow. As we discussed in our Zoom calls, traffic congestion is a major and growing problem in the Town. Traffic congestion is no longer limited to rental turnover days, and it adversely impacts employees, vendors and businesses as well as property owners and their guests. Many believe the large number of pedestrian crossings in Duck and the fact that vehicular traffic has to stop for each pedestrian crossing on Duck Road both contribute to the increase in traffic congestion. We are strongly in favor of reviewing the original crosswalk assumptions versus today's traffic congestion reality and to review and study alternatives to improve traffic flow without sacrificing safety. We would like to participate in discussions and would also offer to assist with testing new ways to manage the crossings when traffic congestion builds.

Lastly, I see interactive Zoom sessions will no longer be used for Town Council meetings. Many property owners are not able to attend meetings. They can send emails to you, as I am doing with my email. However, many people prefer to verbalize their comments rather than write them in an email ahead of time. Unless there is some significant problem with using Zoom, I would ask you to reconsider its elimination in the spirit of encouraging more property owners to participate in Town discussions. Thank you for your time.”

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

CONSENT AGENDA

Minutes from the June 16, 2021, Mid-Month Meeting; Resolution 21-08, a Resolution of the Town Council of the Town of Duck, North Carolina, Revising the Personnel Policies of the Town of Duck; FY 2021 Audit Contract; Contract for Legal Services Between the Town of Duck and Hornthal, Riley, Ellis & Maland, LLP

Mayor Pro Tempore Thibodeau moved to approve the consent agenda as presented.

Motion carried 5-0.

SPECIAL PRESENTATION

Introduction/Swearing in of Nathan Mauffray and Kelly Hill, Duck Police Department's Newest Police Officers

Police Chief Jeffrey Ackerman was recognized to speak. Police Chief Ackerman went on to introduce his two newest officers – Nathan Mauffray and Kelly Hill.

Town Clerk Ackerman swore in Officers Mauffray and Hill.

Mayor Kingston and Council welcomed Officers Mauffray and Hill to the Town.

OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS

There was no Old Business to discuss.

NEW BUSINESS

Discussion/Consideration of Authorizing a Public Hearing on Ordinance 21-04, an Ordinance of the Town Council of the Town of Duck, North Carolina, Updating Requirements to Enact State of Emergency Proclamations and Actions Consistent with NCGS Chapter 166A

Director of Community Development Joe Heard was recognized to speak. Director Heard stated that Town Attorney Hobbs recently advised the Town to update its standards for emergency proclamations in order to remain consistent with recent changes to the State statutes in 2019 and 2020. He pointed out that the draft ordinance proposes to amend Chapter 32 of the Duck Town Code for consistency with the enabling legislation found in NC General Statute 166A-19.31. He noted that the proposed amendments do not substantially alter the intent or authority of the Mayor to enact emergency proclamations when situations arise. He added that the amendments were solely intended to update the Town's standards to be consistent with state law.

Mayor Pro Tempore Thibodeau moved authorize the public hearing as presented.

Motion carried 5-0.

Discussion/Consideration of a Reappointing or Appointing Individuals to Serve on the Board of Adjustment

Mayor Kingston noted that all seven positions on the Board of Adjustment were open with six of the current members indicating that they would like to be reappointed. He added that three other individuals had submitted applications to be considered for the

Board. He asked Town Attorney Hobbs to give a short overview with regard to the voting process for the appointments.

Town Attorney Robert Hobbs was recognized to speak. Town Attorney Hobbs explained that the Town's procedure for making appointments states that in order to fill vacancies, the presiding officer, which would be Mayor Kingston, shall open the floor to nominations whereupon the Council members shall put forward and debate the names of possible appointees. He stated that when the debate ends, the Mayor will call a roll of the Council members and each Council member will vote. He stated that the vote shall not be tallied until each Council member has voted and the nominee who receives the highest number of votes shall be appointed.

Town Attorney Hobbs reminded Council from past votes, that this procedure does not require them to receive a majority, but the highest number. He pointed out that if there were multiple people nominated, it would be whoever has the top number of votes regardless of whether that person received a majority or not. He added that in the case where there was more than one appointee, it would be either seven appointees or five plus two. He stated that if there was more than one appointee, each Council member shall cast as many votes as there are positions to be filled and a Council member may cast all or any less than all votes. He stated that each Council member gets seven votes and all seven can be done at the same time, adding that each Council member can cast one vote, three votes or up to seven votes.

Town Attorney Hobbs stated that it would be up to Council to decide how they want to vote on the Alternate positions, noting that the summary information in Council's agenda packets explained how it was done previously. He pointed out that it was more of a custom as he didn't think it was necessarily required in the procedure for appointment as it was not mentioned at all. He explained that Council could nominate all seven individuals and then decide ahead of time when the alternates would be selected. He added that Council could appoint the five individuals who would be members first and then appoint the alternates if they wished.

Mayor Kingston clarified if Council decided to appoint five individuals and then separately appoint the alternates, Council would get five votes on the first set and then two votes on the second set. Town Attorney Hobbs stated that they could. Mayor Kingston asked Council how they wished to vote.

Councilor Mooney asked when the last time the Board of Adjustment met and why. Director of Community Development Joe Heard was recognized to speak. Director Heard explained that they met over two years ago for an appeal of a decision that Town staff had made.

Town Manager Drew Havens was recognized to speak. Town Manager Havens noted that the Board of Adjustment had met earlier in the year. Director Heard stated that the Board had met for a training session. He explained that the Town holds occasional training for the Board of Adjustment.

Mayor Kingston asked if the training was in advance of a potential appeal that did not happen. Director Heard stated that it was, adding that the trainings are held to keep things fresh in the Board's minds so if and when they are called upon, they have knowledge of the process as well as what they would need to base their decisions. Mayor Kingston clarified that there have not been many appeals that have come before the Board of Adjustment. Director Heard stated he was correct.

It was *consensus* of Council to vote on five members and then the two alternates.

Mayor Kingston nominated Olin Finch. Councilor Caviness nominated Bob Wetzel. Mayor Pro Tempore Thibodeau nominated Ed Sadler. Councilor Whitman nominated Tom O'Brien. Councilor Mooney nominated Bill Miozzi. Mayor Kingston nominated Carol Powell. Councilor Caviness nominated John Pucciano.

Mayor Kingston closed the nominations. Town Attorney Hobbs suggested that each Council member cast five votes.

Member Whitman voted for Tom O'Brien, Bob Wetzel, Olin Finch, Carol Powell and Ed Sadler.

Councilor Caviness voted for Olin Finch, Carol Powell, John Pucciano, Ed Sadler and Bob Wetzel.

Mayor Pro Tempore Thibodeau voted for Olin Finch, Ed Sadler, Tom O'Brien, Bob Wetzel and Carol Powell.

Councilor Mooney voted for Bill Miozzi, Tom O'Brien, John Pucciano, Ed Sadler and Bob Wetzel.

Mayor Kingston voted for Olin Finch, Ed Sadler, Carol Powell, Bob Wetzel and Tom O'Brien.

Town Manager Havens stated that Tom O'Brien, Olin Finch, Bob Wetzel, Carol Powell and Ed Sadler would be the members of the Board of Adjustment for a term to expire on July 1, 2023.

Mayor Kingston asked Council to nominate two individuals for the Alternate positions.

Mayor Kingston nominated John Pucciano. Councilor Whitman nominated John Pucciano. Mayor Pro Tempore Thibodeau nominated David Flowers. Councilor Mooney nominated Bill Miozzi. Councilor Caviness nominated John Pucciano.

Mayor Kingston closed the nominations.

Mayor Pro Tempore Thibodeau voted for John Pucciano and David Flowers.

Councilor Caviness voted for John Pucciano and David Flowers.

Councilor Whitman voted for John Pucciano and David Flowers.

Councilor Mooney voted for David Flowers and Bill Miossi.

Mayor Kingston voted for John Pucciano and Bill Miossi.

Town Manager Havens stated that John Pucciano and David Flowers would be the Alternates of the Board of Adjustment for a term to expire on July 1, 2023.

Discussion/Consideration of Authorizing the Town Manager to Execute an Installment Purchase Agreement for the Purchase of Five Police Vehicles and Mobile & Portable Radios for the Police and Fire Departments

Town Manager Havens stated that as part of the FY2022 budget, Council approved the purchase of three replacement police patrol vehicles, two new patrol vehicles, and the associated equipment as well as approving the purchase of replacement mobile and portable radios and associated equipment for the Police and Fire Departments. He noted that funding for the purchase of the items was to be through an installment purchase agreement amortized over a three-year period. He added that financing proposals were solicited and four financial institutions as well as one lending broker responded. He stated that PNC Bank submitted the lowest cost proposal from a direct lender for the three-year term, with an interest rate of 1.22%. He added that BankFunding, LLC, a lending broker, submitted a proposal with an interest rate of 1.13% with the loan to be placed with a lender prior to closing. He recommended that Council authorize him to enter into an installment purchase with PNC Bank.

Mayor Pro Tempore Thibodeau asked how long the Town could wait before the loan is executed. Town Manager Havens believed it was 60 days. Mayor Pro Tempore Thibodeau asked how the Local Government Commission felt about a lending broker versus a bank. Town Manager Havens stated that they did not have an opinion but had never heard of them.

Mayor Kingston clarified that the Local Government Commission had never heard of BankFunding, LLC and not that it had not been done before. Town Manager Havens stated that these type of loans were not subject to the Local Government Commission approval as it didn't meet the thresholds.

Councilor Whitman asked how long after the Town receives the loan proceeds, that the radios will be ordered. Town Manager Havens stated that the radios were currently in house, adding that some were in the process of being installed. He thought programming would be one of the issues, adding that Deputy Fire Chief Clarence Batschelet was working on that. He explained that it was just a matter of getting them programmed. He noted that the biggest hold up would be getting the police vehicles since there is a long

wait time before vehicles are available. He stated that Police Chief Ackerman was told it would not be until November before the police vehicles will be in.

Mayor Kingston asked if the Town was purchasing the same vehicles. Town Manager Havens stated that the Town was. Mayor Kingston clarified that the first two would go to the two new officers. Police Chief Ackerman stated he was correct.

Mayor Kingston and Mayor Pro Tempore Thibodeau asked what the new officers would drive. Town Manager Havens stated that one of the officers that was sworn in earlier in the meeting was a replacement to an officer that had resigned so there was a vehicle available. He added that the Police Department has a pickup truck that either Police Lieutenant Melissa Clark or Police Chief Ackerman could drive, and a marked patrol unit would be put into use.

Mayor Pro Tempore Thibodeau moved to authorize the Town Manager to execute an installment purchase agreement with PNC Bank as presented.

Motion carried 5-0.

Discussion/Consideration of Appointing a Member of the Town Council to Serve as a Liaison to the Duck HOA Forum

Mayor Kingston stated that the issue came up as a result of an inquiry to the Town Council from several members of the HOA Forum. He stated that they sent a 3-4-page email to Council raising a lot of questions. He added that it was subsequently responded to by Town Manager Havens where he and Town Manager Havens agreed to meet with them and discuss any questions they may have based upon their response. He stated that the HOA Forum came back and took him and Town Manager Havens up on their offer and a series of Zoom meetings were held with all five Council members given the opportunity to speak with several members of the Forum. He noted that he and Mayor Pro Tempore Thibodeau attended the first Zoom meeting; Councilors Caviness and Whitman attended the second Zoom meeting; and Councilor Mooney attended the third.

Mayor Kingston stated that in his conversation, he stated that perhaps something could be done since he was thinking about the Duck Community & Business Alliance and if this was a formal organization, a liaison from the Council could be set up to interact with the Forum and if they had issues or questions, it would come from that individual.

Mayor Kingston stated that since the Zoom meetings, there have been an exchange of correspondence. He stated that he had asked for a charter and objectives from the Forum, and they came back several times stating that it was an informal organization. He pointed out that there were two public comments heard earlier in the meeting, one stating that they had never heard of the Forum and the other supporting the liaison approach.

Mayor Kingston stated that the issue is on the agenda for discussion and to see where Council wants to take this. He stated that his concerns were that even though he thought

it was important to have an outreach to the community, this was an informal organization. He wondered how many other informal organizations would also want the same contact with Town Council. He noted that Council deals with the DCBA, but it was just one meeting a year with him presenting Town activities as well as their sponsorship of several Town events including the Jazz Festival.

Mayor Kingston stated that he wanted Council to discuss next steps. He asked if Council wanted to recognize the HOA Forum as there were several concerns about it, or if Council wanted to look at a different approach or another alternative. He stated that he had a discussion with Town Manager Havens, adding that there could be a new Council seated in December 2021 and no one knew who the new Council members will be. He thought that perhaps the new Council should deal with the issue at their December 1, 2021, organizational meeting.

Councilor Mooney stated that, based on the conversations he had with the HOA Forum, one of the big questions that they had, which Town Manager Havens had already answered, was trying to figure out a way for nonresident property owners to vote in a local election, which was not allowed for various reasons. He stated that it was still a significant group of people in Town and Council's job was to take care of the people in Town. He added that Council had a constituency that they were responsible for. He didn't want Council to drag its feet on this and hold off until the next Council is seated, adding that he thought it should be done now.

Mayor Pro Tempore Thibodeau stated that, with regard to the DCBA, that organization was originally the Duck Civic Association before the Town incorporated and after incorporation, it morphed into the Duck Community & Business Alliance as a way to have an offshoot liaison group. She noted that the DCBA meets annually, and they really became focused on the Build the Bridge effort, which became a primary focus for them. She stated that they had fundraising and dues that people paid into and the money they amassed has been historically for public relations, information gathering and things revolving around support of the Mid-Currituck Bridge.

Mayor Pro Tempore Thibodeau explained that the DCBA asked for the Mayor or someone from the Town to give a presentation at their annual meeting. She noted that the DCBA was a fairly dormant organization other than the two events she listed. She stated that they are known as the Duck Community and Business Alliance, so the idea was for community and businesses, and was not particularly well-known or a robust organization.

Mayor Pro Tempore Thibodeau stated that with regard to the HOA Forum, she has known Ron Blunck for quite some time and knew he was good at organizing, bringing his organizational skills to Carolina Dunes. She pointed out that Carolina Dunes, like many of the older communities in Town, were not required to have dues and pay into a formal organization such as Sanderling. She noted that the older HOA organizations were all voluntary and were loosely organized. She thought Mr. Blunck did an exceptionally good job with the efforts he has completed for Carolina Dunes over the years by

galvanizing the population, both locals and nonresident property owners. She stated that the next step was him trying to organize all of the various homeowner associations or at least look into a formal organization.

Mayor Pro Tempore Thibodeau stated, as one of the leaders of the Sea Hawk Homeowners Association where she lives, she has been serving as the president of that HOA and has received the emails on a routine basis and was participating quite often on the email chain as are the other two people in Sea Hawk that are associated. She stated that they don't have a problem with having as many people on the email chains as necessary with the whole idea being that the information they gather as a group will be sent out to the residents.

Mayor Pro Tempore Thibodeau stated that she has been very interested and pleased with the amount of communication that the HOA Forum has been doing to the different organizations. She noted that she was somewhat surprised by the public comment from Stephen Alterman that stated that people in a more organized community such as Ocean Crest, have never heard of the organization. She never thought of it and was confused by it. She was sure that the ones that have professionally managed associations must have had some kind of invitation to participate as they weren't excluded. She wasn't sure where the disconnect was and thought it was something Council could ask of the HOA Forum to see why everyone is not involved since it was a way for people to share information. She remembered emails from the HOA Forum that talked of whether or not they had insurance for the board of directors and the different associations were weighing in on whether they did or not. She stated that it seemed to her that the more organized associations responded while individuals also responded.

Mayor Pro Tempore Thibodeau thought if Council wanted to embrace the HOA Forum, which she did not have an issue with, that Council would want to make sure that everyone knew about it and was included in it as no one should feel excluded. She stated that she did not have a problem moving forward with a liaison as she thought it may be helpful to establish some guidelines about expectations for that position. She found it interesting that the HOA Forum was asking for Councilor Mooney to be the liaison, but she thought that they all got together and voted on it. She noted that she did not see an email about it from them. She reiterated that she did not have a problem with appointing an individual to the HOA Forum and participating but she didn't want it to be too burdensome for the person involved, adding that guidelines should be laid out.

Councilor Whitman stated that he was a member of the Tuckahoe Homeowners Association adding that he never heard of the HOA Forum until they met with the Council members via Zoom. He added that there were two people on the Tuckahoe HOA that were members of the Forum. He noted that there was no organization in the Forum or a charter. He stated that they want someone from Council to be part of it. He stated that he was not in favor of non-chartered groups asking for a liaison from Council. He felt that they weren't organized and until they have some kind of agreement, Council should not give them anything until they have it.

Councilor Caviness stated that she had been thinking about the issue since her meeting via Zoom. She stated that she liked the idea of having a designated liaison but thought there should be two liaisons. She thought there were a lot of groups such as the DCBA, the DMA, multiple property owner associations, the Restaurant Association, and the Homebuilders Association, which were chartered, organized and represent a significant group of members that have common interests and eventually come forward with a unified voice, suggestion or question. She noted that it was a lot of liaison work and thought the Town would be better served by designating two individuals on Council. She thought it should sit with the position of the Mayor Pro Tempore and an additional Council member. She thought it was valuable because she thought it was important when having an audience like that, that the group is very clear and that the individuals chosen are speaking on behalf of the Council and not as an individual. She added that with two people, it comes across that it was a much more formal process because it could potentially be a lot of people to deal with.

Councilor Caviness stated that her and Councilor Whitman's Zoom meeting with the HOA Forum ran short, but one of the things she wanted to understand was what about all of the current organizations and avenues that are available to participate, what was going wrong that they felt that they needed another layer of organization. She noted that she and Councilor Whitman did not have time to discuss it with the Forum. She added that since their letter around the budget, she has talked to various people who were nonresidents and residents, some who heard that the Forum was happening. She stated that she was just as surprised as Mayor Pro Tempore Thibodeau that Ocean Crest did not know about the organization.

Councilor Caviness stated that for as much communication as the HOA Forum has been having, they do not speak in one voice as that came out in the conversation she was part of, as someone raised an objection towards the end that they wanted to be clear what was said was not their opinion. She stated that it felt, while it was a valuable vehicle, the Forum had some organizing to do so that they can make sure they have broad participation and when they come forward and want to have dialogue with the Town, whether it was with Council or Town staff, that they were doing it in a cohesive way. She pointed out that she was not getting that from the HOA Forum yet. She added that they were new and had shared what had sparked their interest in getting together was during the pandemic and people were disconnected from each other. She thought people were trying to do various things in order to stay connected with one another, which she thought was great.

Councilor Caviness stated that the entire Town has been built on having multiple ways for the stakeholders to participate. She added that she was curious what about the DCBA or all the other ways the Forum could participate, that they felt like it was failing them. She stated that she was not ready to make a decision at this meeting regarding whether or not this was the right thing to do. She thought this was something that should be discussed at the Retreat level because she thought it would be valuable for the Town to look at all of the ways it communicates with its stakeholders, what was working and what needed to be improved. She stated that Council could then figure out establishing some

liaisons and how it would work so it wasn't overwhelming and it's clear for all parties what that means.

Mayor Pro Tempore Thibodeau pointed out that the reason Council met three different times was because all five Council members could not meet at once or it would be considered a public meeting. She added that the communications were organic, and email driven. She speculated that people felt it was easier to go neighbor to neighbor and not ask questions that someone would think they weren't informed. She stated that it seemed like there was a comfort level with being able to share emails with neighbors or homeowners associations and then have it filter down that way. She added that it seemed like all of the meetings and participation would most likely be virtual, just by the fact that everyone is out of town.

Councilor Mooney thought Council should not get hung up on process. He stated that, in his opinion, a significant portion of stakeholders from the Town have concerns. He added that whether or not they have been able to figure out another avenue to bring their concerns to the Town was not of any moment. He noted that the Town has had issues in the past that excluded people which caused people to have serious problems in their lives and no one seemed to know about it. He stated that the point was, this was an opportunity for the HOA Forum to not only receive information from Council, but Council to receive information from the Forum so everyone learns and gains by it. He didn't think there was any reason to get stuck on the fact that they don't have a charter or whatever the DCBA has as they will eventually obtain one. He thought it was foolish of Council to ignore a significant portion of stakeholders because of that.

Mayor Kingston stated that he wanted to address the liaison position. He added that he has been the liaison to the DCBA for many years, pointing out that it doesn't exist as a liaison position. He stated that once a year they ask him to attend their annual meeting and give a presentation on Town activities. He noted that it was more participation in their meeting than a liaison. He thought Council misused the term "liaison" and would be in favor of eliminating that with the DCBA. He stated that a good example was when the Duck Merchants Association was set up, the Town helped them get organized. He added that if anyone should have a Council liaison, the businesspeople should. He noted that Council gives the Duck Merchants Association staff support but they do not have a liaison for the Association. He wondered how many organizations like the HOA Forum would come forward wanting a focal point into the Council.

Mayor Kingston pointed out that Council entertains emails and obviously entertained the email from the HOA Forum and gave them a lengthy response, adding that Council even had sessions with them. He thought Council's job was outreach as well as responding to people that come to Council by bringing the issues forward. He thought all members of Council were liaisons in one form or another. He stated that the HOA Forum does not represent all of the HOAs in Duck and is not a formal organization. He added that there were over 60-80 homeowner associations and were not all participating in the HOA Forum, so it wasn't a united word from the Forum. He noted that within the HOAs, as Councilor Whitman had raised, he knew that in Tuckahoe none of the homeowners in the

HOA even know the Forum exists as no one has been solicited for an opinion that may be expressed by the Forum. He stated that he saw no value with the liaison position. He thought any Council member could interact with any organization and represent the Council as well as bringing it back for discussion. He stated that he saw no value other than giving people email opportunities, public comment opportunities – two at this meeting with one in favor of it and one against it – and an open forum to Council. He didn't see at this point why a special position needed to be created, agreeing that it should be more than one Council member if one is created, as people interpret conversations differently. He reiterated that at this point in time, he thought Council could communicate with the organization as it was but, to him, there were a lot of other organizations that will want the same type of treatment and he wasn't sure if Council had the ability to do that.

Mayor Kingston noted that there may be a new Council seated in December, adding that it was a good topic for the Retreat. He questioned why Council had a liaison for the DCBA. He stated that anyone that contacts Council or Town Manager Havens, Council knows about it and responds with a united response. He thought that was the way Council should be doing things, adding that it wasn't that Council was not listening to the public. He stated that if they have that perception then they haven't tried to reach out to Council. He pointed out that these individuals did reach out to Council and Council responded with a lengthy response. He reiterated that he did not support creating a liaison at this meeting as he felt it needed more discussion. He thought Council needed to look at the function of Council when it comes to outside organizations. He added that Council had internal responsibilities with other boards such as the Outer Banks Tourism Board, which was an established organization. He saw no value in rushing to create a liaison position at this meeting as he thought the new Council needed to have a better definition and discussion and should make the call instead of the existing Council. He stated that Council could continue to communicate with the HOA Forum and respond to them as he thought Council was responsive and would be responsive.

Councilor Mooney clarified that no one from the Tuckahoe subdivision was involved in the HOA Forum. Mayor Kingston stated that there were a couple officers involved but there was no one in the homeowners association, adding that there has been no correspondence from anyone that is a part of the HOA Forum.

Mayor Pro Tempore Thibodeau clarified that the Tuckahoe subdivision was part of the HOA Forum, but Mayor Kingston has not seen anything from them. Mayor Kingston stated she was correct, adding that the president had participated. Councilor Mooney pointed out that it was not what Mayor Kingston had originally stated. Councilor Whitman stated that he had pointed out that there were two people on the Tuckahoe board that represent the subdivision, but they never told the Tuckahoe homeowners that there was a forum that they were representing Tuckahoe.

Mayor Kingston agreed with Councilor Whitman, adding that the Tuckahoe president was on the calls with Ron Blunck and one of the other board members was part of the original email, but there was no communication to the homeowners in Tuckahoe. He

stated that it was a group of people that raised some good questions to Council, but it was not universal or representative of any of the homeowner associations in Duck.

Councilor Mooney stated that nothing Council did was universal. He stated that the DCBA only met twice a year adding that Mayor Pro Tempore Thibodeau stated that they did not do anything of substance when they do meet. Mayor Pro Tempore Thibodeau disagreed, adding that she doesn't attend their meetings. Councilor Mooney stated that the point was that this was an opportunity for Council to open a channel and learn from the HOA Forum as well as the Forum learning from Council. He thought it was silly for Council to waste this opportunity.

Mayor Pro Tempore Thibodeau stated that, not knowing exactly what the role would be, she liked Councilor Caviness' idea of having two Council members because then it would not be considered a meeting since there would be two Council members and not five, but the Council members would be getting a little bit more depth and expectations. She agreed with Councilor Mooney regarding getting word out to the homeowner associations as well as all stakeholders in Duck in as many ways as possible. She stated that she didn't object to establishing a form of communication or connection, adding that if Council did not like the term "liaison", she understood why as it was overused. She thought the alternative was to say no and tabling the issue for a future Council, but she didn't think there was any harm in being involved. She reminded Council that she was involved in the email chains presently because she was on the email list. She wasn't sure what the next steps would be but if two Council members were available to have a direct connect, she wasn't sure how it would work.

Mayor Pro Tempore Thibodeau agreed that it would be a great Retreat topic because it was recently discussed. She agreed that nonresident homeowners could not vote in the local election unless they live in Duck full-time. She pointed out that a survey came up in one of the conversations which seemed to be a good way to tap into public opinion. She added that there were other ways besides the HOA Forum to receive input from nonresident voters. She stated that the Town does and should represent all stakeholders and tries to continually do that. She noted that it has been an important part of being in the Town as noted in the Town's Vision Statement and ongoing discussion. She reiterated that she did not object to the liaison idea, adding that it would be nice to know what it would entail. She added that she did not like to miss an opportunity to connect with the public at large.

Mayor Kingston noted that Council was not shutting off communication to any organization or group of people. He stated that the HOA Forum, without a liaison, have been communicating with the Council and the Town. He stated that, liaison or not, Council was entertaining the comments that come from the HOA Forum as well as the general public. He added that any time during a given year, Council receives a lot of emails and responds to them all. He noted that Council's position was to respond to the public in total whether they were a property owner, nonresident property owner, business owner or visitor. He stated that Council has to treat them equally. He didn't see where Council did not respond in a unified Council way. He pointed out that Council responded

to the HOA Forum's comments, which came out of a suggestion he had made. He thought the HOA Forum should feel free to come to any Council member, any Council meeting, and make any public comment or send an email as Council would respond. He didn't see why Council needed to single out this one particular group. He thought with regard to the DCBA, Council can let them know that there will no longer be a liaison, but they could work with Council and Council would be happy to give a presentation at their annual meeting.

Mayor Pro Tempore Thibodeau thought the issue came up due to the pandemic and the need to communicate. She noted that there were a lot of detailed questions that came up during the budget discussions as well as a lot of education of the public. She thought the questions that came up were put on the Town's website and all were responded to in a very thorough way. She added that it was extremely beneficial since there was a lot to digest in a budget document. She agreed with Mayor Kington's comments, adding that all of Council met with the HOA Forum members one on one during three separate meetings, with all of Council interested in meeting with them and all were very engaged. She agreed with Mayor Kington that Council would respond to any comments that come in, but she wasn't sure how hard it would be to be a connection to the HOA Forum if it was only through email. She wasn't sure what the members were looking for, adding that she didn't have a problem with continuing the conversation.

Councilor Whitman thought Council should know what the HOA Forum was looking for before someone is appointed. Mayor Pro Tempore Thibodeau thought the Forum could be asked. Councilor Whitman thought the Forum needed to give Council an idea of what they were looking for.

Councilor Caviness thought there were some groups that, if Council was going to have some type of outreach liaison or community liaison whose purpose was to meet with specific interest groups, it should not be for one specific group. She stated that when a member of the Outer Banks Homebuilders Association speaks during Public Comments, they note that they were representing the homebuilders, which was a bona fide organization that represents the Association. She added that a member of the Duck Merchants Association could speak and note that their request was coming from the business community which was clear to Council that it was from everyone. She noted that it was different than a single builder or business. She stated that she didn't have the level of assurances that the HOA Forum was speaking for a majority of people. She pointed out that many of their comments were suggesting that they speak for every non-resident property owner, but they do not. She pointed out that they had stated that all non-resident property owners feel like second class citizens, which shocked her because she knew for a fact that it was untrue. She stated that if that was what the HOA Forum was presenting, then it was not something that was felt by everyone that doesn't live in Duck.

Councilor Caviness thought all comments are valuable and was glad to have the conversation and welcomed everyone who submitted their comments and thoughts individually. She noted that if the HOA Forum was going to get together as a forum,

they needed to do their work to make sure they have broad representation and that everyone that was participating understood what the mission and objective was.

Mayor Pro Tempore Thibodeau asked if it would make sense to ask the HOA Forum to come back and see what they were envisioning for the communication channel as well as giving Council their plan for outreach to all communities. Councilor Mooney thought if Council wanted to get back with the HOA Forum and communicate with them to see what they want, they should be instructed about organizational items that were missing from them.

Mayor Kingston noted that he requested from Ron Blunck that Council would take the issue under consideration and asked for a charter and objectives regarding the Forum but was told there wasn't any as it was informal and not everyone was a member. He thought Council could ask again but Mr. Blunck had pointed out that it was an informal organization. Mayor Pro Tempore Thibodeau thought the HOA Forum should be asked what they wanted for a liaison and what the vision was.

Town Manager Havens stated that the HOA Forum had asked for a liaison, which was a formal thing and Council was struggling with it. He suggested having one or two members of Council that wished to be in the role of a communication link. He thought Council felt it was valuable to them. He added that the members of Council could help guide the Forum to the point where a future Council would recognize them enough to appoint a liaison. It was *consensus* of Council to have Mayor Pro Tempore Thibodeau and Councilor Mooney reach out to the HOA Forum to have the discussion. Town Manager Havens stated that staff would be happy to provide any support Council needed, adding that he would be happy to work with Mayor Pro Tempore Thibodeau and Councilor Mooney to get things started.

Discussion Regarding Pedestrian Crossings and Traffic Flow

Mayor Kingston noted that Mayor Pro Tempore Thibodeau asked for the item to be put on the agenda. He thought all of Council have been in discussions individually with individuals, shop owners, restaurants, and visitors. He stated that there was no doubt it was unprecedented with respect to traffic. He noted that Police Chief Ackerman had presented a lot of the issues at Council's July meeting. He thought Council was well aware of the issues of the traffic volume, crosswalks, and other town's and other county's actions.

Mayor Pro Tempore Thibodeau stated that she had asked to put the issue on the agenda because there has been so much public comment about traffic. She stated that at Council's July meeting, there was a presentation from Police Chief Ackerman since he was hearing the complaints as well. She noted that it was not a new issue, but this year it seems to be exacerbated by a lot of factors. She thought it was beneficial to have a conversation, adding that Council would not be solving any of the issue at this meeting, but she wanted to know what Council's thoughts were. She stated that she had brought the issue up when VHB had attended a meeting to discuss the latest phase and all of the

work with the BRIC grant. She stated that she had asked them to revisit the crosswalks as they were developed with the Town's pedestrian plan – some were already in existence while others were added – and things have changed and evolved.

Mayor Pro Tempore Thibodeau stated that a lot of people do look for the crosswalks and there have been suggestions on the number of crosswalks in Duck with regard to enhancing them. She pointed out that Duck now has solar lit crosswalks that help at night as well as some blinking lights near the Sanderling Inn. She stated that the crosswalk issue seemed to be an area that Council could devote a formal resource with VHB and their traffic engineers as they will have a great amount of data. She pointed out that the Town recently received new information that it didn't have a few years ago. She added that there was a lot of development in Corolla with more coming that will impact traffic. She noted that the Town has been a proponent of the Mid-Currituck Bridge for years. She thought installing a turning lane through Southern Shores would help but would also devastate the community because it couldn't fit.

Mayor Pro Tempore Thibodeau thought it would show good faith to the frustrated people driving through Duck to put some money toward a real study which would utilize traffic engineers. She proposed that Council allocate some resources for it and show the community the information as well as bringing the public along for the process. She reiterated that the issue would not be solved overnight, and people were always coming up with ideas, adding that there were some steps the Town could take that will cost money.

Mayor Kingston stated that with regard to the Mid-Currituck Bridge, NC Department of Transportation was still planning to start construction next year. He added that built into the plan was a lawsuit that they were anticipating. He stated that if it happens, it would be a longer term positive. He stated that he liked the idea of re-engaging the engineer and thought the Town needed to address it quickly from the standpoint of catching pedestrian traffic, adding that it would need to be done immediately. He wasn't sure if the Town could engage or have a conversation with VHB who completed the prior study to see if Duck could initiate some level of analysis.

Councilor Mooney stated that he met with Town Manager Havens previously to discuss the issue and he suggested putting up a camera to capture four or five crosswalks in order to get data for a particular week. He pointed out that the data would be immediate, and Council could then try to figure out the best way to handle things. He noted that it would cost money and he thought that the Town would eventually have to have automated crossing signals. He added that if the Town could get started on it by figuring out the numbers, it was the right thing to do.

Mayor Pro Tempore Thibodeau thought it was a great idea, adding that she would not object to installing a few cameras. She thought they could be installed at the entrance to Duck as well as in the middle of Town. Town Manager Havens thought they could be installed at a reasonable cost, noting that it would not capture every crosswalk. He pointed out that there were approximately 13 crosswalks plus a few that were outside of

the Village area. He stated that the advantage of contracting with a traffic engineer was that they could be told what the problem was, which was that traffic backs up through the Town of Southern Shores as well as north of the county line and ask them to determine what is causing the back up. He noted that the cameras will be great for collecting data, adding that he thought it would take either a lot of cameras or a lot of people. He stated that bringing in people could be done on a weekend but would need to be organized by an engineer because there were pedestrian crossings as well as the direction the pedestrians were crossing would need to be counted; the number of vehicles would need to be counted with regard to them turning left, right, entering from side streets and turning left and right; and the number of vehicles that were driving through Duck. He stated that vehicles turning was another reason for traffic backing up as were pedestrians that were using the crosswalks. He added that he would be willing to work with Director Heard to contact Chris DeWitt from VHB to see how quickly the data could be collected. He noted that they would tell Mr. DeWitt that he would get the cameras put in place and try to commit to getting volunteers for counting on a weekend.

Mayor Kingston disagreed with Town Manager Havens as he thought the issue was weekdays. He pointed out that it was already known that weekends were busy due to more rentals and more people coming into Town. He stated that during the week, it was unusual to have traffic backed up. Mayor Pro Tempore Thibodeau noted that it wasn't unusual for this year but has been unusual in the past. Town Manager Havens explained that he could define the problem as traffic backs up and let the engineer figure it out, adding that more people would be needed for counting since it would need to be done during weekdays and the weekends.

Mayor Kingston stated that the success in Duck has brought the issue on from the standpoint that people want to come to the Town. Town Manager Havens stated that it would be great to have an explanation. Mayor Kingston thought there could be some value in meeting with the Towns of Southern Shores, Kitty Hawk as well as Currituck County. He thought some of the things that the Town of Southern Shores has completed was pushing more traffic to Duck Road, but there were still people coming down the side streets from the west. He added that Southern Shores has crosswalks as well as areas without crosswalks where people are crossing the road. He thought Council could plan a session with the Town of Southern Shores and Currituck County.

Councilor Caviness agreed with Mayor Kingston's comments. She thought that any complete examination of the problem would require multiple people, such as all of the municipalities and everything that feeds into the structure that Duck has that has created the issue. She added that the observations that people have for this year were based on the pandemic where traffic is worse all over the country than it has been in previous years due to not using mass transit and people driving. She noted that it was also the size of the homes with everyone wanting to check in or check out over the course of two days as opposed to turnover happening seven days a week. She reiterated that it was the size of the homes with multiple cars parked in the driveway. She noted that it wasn't just the pedestrians, or the left hand turns, it was also workforce travel, travel messaging, the pandemic, and a two-lane road that has been the Town's road before the Town was

developed. She pointed out that, minus a turning lane and some pedestrian crossings as well as the sidewalk, there hasn't been any infrastructure improvements but there has been explosive growth that brought people in vehicles to Duck. She felt everyone needed to be brought to the table to look at the issue. She stated that there could be numerous transportation and pedestrian studies, but it would not answer the questions or give Duck the solutions it wanted. She noted that until people were willing to do something big about the structure of how the Town conducts itself, it will not change. She thought it was easy to blame the pedestrians, but they were the visitors and by people complaining about them, it was another way to malign the visitors that come to Duck and spend a lot of money. She thought Council needed to be careful with regard to how much they wanted to make the pedestrians be the enemy with regard to the traffic problems because it wasn't just them.

Mayor Pro Tempore Thibodeau stated that she did not disagree with Councilor Caviness that this was a regional issue and last year Duck was very full, but no one went anywhere. She stated that that was the reason the roads were not an issue last year, adding that she knew this year would be bad. She stated that there could be municipalities and governments mandating check-in days or other innovative ways to do things. She thought that Duck was at the epicenter of a problem with regard to traffic and Council should look at what it has. She thought obtaining the data was important and getting more would show some forward movement in Duck so that Council could be informed about what Duck has going on. She added that the conversation could be expanded, noting that there have been many meetings in the past about traffic. She stated that she didn't disagree that multiple people need to be involved, but thought it needed to start in Duck. She didn't think having pedestrians move in a different way was maligning them.

Councilor Caviness stated that having pedestrians move in a different way wasn't maligning them, but people blaming the pedestrians for the traffic was. Mayor Pro Tempore Thibodeau stated that there were a lot of crosswalks in Duck and pedestrians were legally allowed to cross wherever they wanted, but they were doing what Duck set them up to do. She stated that she didn't blame anyone for the problem and thought it was great that everyone was moving, but there were a lot of different things that Council could look at.

Mayor Kington pointed out that Duck was a resort community and a victim of its success in that it built something that people want to come to. He added that at the same time, it was interesting that the visitors that come from the northeast and large cities with traffic jams all deal with traffic and are used to it. He stated that Duck was not alone in this situation. He agreed that there was a problem on Duck Road but pointed out that a lot of other beach communities up and down the east coast have the same issue. He thought Council could start with VHB as they were most familiar with the situation and completed the prior study. He thought there needed to be some study initiated this month to capture the data. Councilor Whitman agreed with Mayor Kington's comments that someone needs to look at the data now.

Director Heard thought the appropriate first step would be contacting VHB to ask what kind of data they will need collected that will be valuable for them. He noted that they were not going to complete a study in a month. He thought it was good insight from Council in identifying that it was important to capture the high season data, adding that if staff could figure out what kind of data would be helpful for VHB immediately, he could see what could be done to make that happen. Mayor Kingston thought it could be similar to what was completed in the past.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY

Town Attorney Hobbs stated that effective July 1, 2021, the State Legislature enacted House Bill 812 which made changes for the better for remote meetings. He reminded Council that a remote meeting could only be held during a state of emergency and was not a year-round type of thing. He explained that a remote meeting was one in which it was a public meeting with at least one Council member that elected to participate remotely. He noted that that option was only available during a declaration of emergency.

Town Attorney Hobbs stated that there were two changes he wanted to bring to Council's attention with regard to House Bill 812 with one being that if Council schedules a meeting and sends out the public notice and after that time the Town receives word that one or more Council members wish to participate remotely, there was a procedure on how to amend the public notice to indicate that it would be a remote meeting as well as how the public could participate. He added that these changes were in place to guarantee that the meeting was open to the public even though it was a remote meeting.

Town Attorney Hobbs stated that the second point had to do with public hearings at remote meetings. He reminded Council that it was awkward for quasi-judicial hearings due to the 24-hour rule where public comments could be accepted even 24 hours after the action had been taken. He explained that the General Assembly has remedied it by amending that section of the statute dealing with public hearings during a remote meeting indicating that the public body must allow for written comments on the public hearing to be submitted between the publication of the meeting notice and 24 hours prior to the time of the public hearing. He noted that it was previously 24 hours after the public hearing. He stated that the new amendment removes a provision of the statute that he and Council found awkward and cumbersome to comply with.

Mayor Pro Tempore Thibodeau clarified that remote meeting rule changes only apply during a state of emergency. Town Attorney Hobbs stated she was correct. Mayor Pro Tempore Thibodeau clarified that all of the changes were only when the Town was under a state of emergency. Town Attorney Hobbs stated she was correct.

Mayor Kingston clarified that one or more Council members could attend meetings remotely. Town Attorney Hobbs stated he was correct, explaining that the definition of a remote meeting was when a minimum of one member of the public body elects to attend

remotely. He thought this was when Council was offering that option but at a previous meeting, Council determined that the ability for having that option was no longer necessary, but if Council felt like it was necessary to bring it back, then if one member participates remotely while everyone else was participating in person, it would be considered a remote meeting. Mayor Kington clarified that a state of emergency for a hurricane could mean that Council could hold a remote meeting after it. Town Attorney Hobbs stated that he was correct.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN MANAGER

Departmental Updates

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

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

Director Heard gave an overview of the past month's permit activities to Council and the audience.

Director of Marketing and Special Events Christian Legner was recognized to speak. Director Legner gave a brief overview of activities to Council and the audience.

July 2022 Financial Presentation

Town Manager Havens gave a short presentation on the July 2022 financials to Council and the audience.

MAYOR'S AGENDA

Mayor Kingston stated that he attended the mayor/chairman monthly meeting last week on COVID-19. He stated that in the last week the news has not been good, and he had sent Council an email regarding it. He stated that he had spoken to Sheila Davies on August 2, 2021, noting that the Outer Banks has doubled the cases over the past week, adding that the number of cases in the last week totaled 165 and was the fifth worst during all of COVID-19. He pointed out that last year there were only 40+ cases. He stated that there is a lot of concern over the delta variant and the number of vaccinations occurring. He added that masks were now mandatory for Council meetings as well as for other towns on the Outer Banks.

Mayor Kingston stated that he has his Local Leadership Foundation Executive Committee meeting on August 5, 2021. He explained that they were still in the rebuild cycle of that foundation and were putting together a strategic plan and strategies for fundraising. He stated that he had attended two League of Municipalities Executive

Committee meetings in July where they discussed the fire that happened in downtown Raleigh in May 2017, adding that the buildings were now being demolished. He stated that he has a finance committee meeting in early September in advance of the board meeting.

COUNCIL MEMBER'S AGENDA

Mayor Pro Tempore Thibodeau stated that she appreciated Town Manager Havens' presentation from the Outer Banks Visitors Bureau. She went on to give a short update on the Visitors Bureau meeting she attended. She thanked the public for their comments during the Public Comment period.

Councilor Mooney had nothing to report.

Councilor Whitman thanked Town Manager Havens for his presentation. He congratulated Fire Chief Black on her appointment as the First Vice President with the International Fire Association.

Councilor Caviness had nothing to report.

OTHER BUSINESS

Additional Public Comments

Mayor Kingston opened the floor for public comments.

Patti Bossert of 102 Pelican Way was recognized to speak. Ms. Bossert stated that at the first Public Comment period it was mentioned about the facts of the case regarding former Town Manager Chris Layton. She reminded Council and the audience that the facts of the case against him were presented to a magistrate, there was probable cause to determine a crime was committed and that Mr. Layton had committed a crime with an arrest warrant issued for him. She noted that he had pled guilty to the charge of assault on a former female Town employee. She pointed out that if anyone knew of his behavior and failed to speak up, then shame on them.

Mark Leahy of 105 Bunting Lane was recognized to speak. Mr. Leahy stated that, in terms of the traffic in Duck, having trash trucks on the streets in Town five days a week doesn't help with the traffic issue. He stated that in the Sanderling subdivision, they were currently dealing with trash on their streets five to six days a week due to trash and recycling being split up. He noted that it was having an effect on traffic during the morning hours. He stated that, additionally, the traffic issue was not just a pedestrian issue because when it rains, there aren't pedestrians walking and traffic was worse than when the weather is nice.

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

Mayor Kingston noted that the next meeting would be the Regular Meeting on Wednesday, September 1, 2021, at 6:00 p.m.

CLOSED SESSION

Mayor Pro Tempore Thibodeau moved to enter closed session in accordance with Section 143-318.11(6) of the North Carolina General Statutes to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

Motion carried 5-0. The time was 8:43 p.m.

Upon return from Closed Session, Mayor Kingston moved to increase Town Manager Havens' salary by 4% for a new annual salary of \$135,200.00 and award him with a \$5,000 bonus.

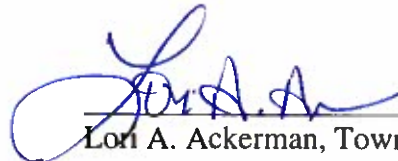
Motion carried 5-0.

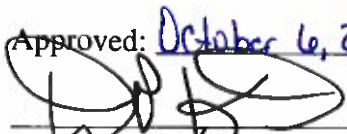
ADJOURNMENT

Councilor Caviness moved to adjourn the meeting.

Motion carried 5-0.

The time was 9:58 p.m.


Lori A. Ackerman, Town Clerk

Approved: October 6, 2021

Don Kingston, Mayor

