

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
February 1, 2023**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 6:00 p.m. on Wednesday, February 1, 2023.

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

COUNCIL MEMBERS ABSENT: None.

OTHERS PRESENT: Director of Community Development Joseph Heard; Police Chief Jeffrey Ackerman; Fire Captain Jeffrey Del Monte; Town Attorney Robert Hobbs; Public Information and Events Director Kristiana Nickens; Finance and Human Resources Administrator Jessica Barnes; Deputy Town Clerk Melissa Felthousen; and Town Clerk Lori Ackerman.

OTHERS ABSENT: Town Manager Drew Havens and Fire Chief Donna Black.

Mayor Kingston called the meeting to order at 6:00 p.m. He noted that Town Manager Drew Havens and Fire Chief Donna Black were excused from the meeting.

Town Attorney Robert Hobbs was recognized to speak. Town Attorney Hobbs introduced Lauren Womble to Council and the audience as the newest partner of his firm. He noted that Ms. Womble would be attending Council's March 1, 2023 meeting in his place.

Mayor Kingston asked Fire Captain Jeffrey Del Monte and Public Safety Office Administrator Nicole Martin 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 a timer for the time limit.

Miriam Rollin of 149 Plover Drive was recognized to speak. Ms. Rollin stated she was present to submit a second petition related to the speed limit on Plover Drive. She explained that it was a petition by Plover Drive owners to lower the speed limit on their street from 25 mph to 15-20 mph. She went on to read the petition as follows to Council and the audience: "We the undersigned property owners of Plover Drive in Duck, NC do hereby petition the NC Department of Transportation to lower the speed limit on Plover Drive in Duck, NC from the current speed limit of 25 miles per hour to either 15 mph or

20 mph. Plover Drive in Duck, NC is a straight road that is narrow, has no sidewalks or shoulders, but has many child and adult pedestrians and bicyclists in the roadway, in addition to golf carts, cars, and trucks. In fact, this past summer, a golf cart likely going too fast had an accident with injuries (and resulting blood on the pavement), the night of July 16-17. Further, Plover Drive has a lot of trees and other vegetation very near the roadway, making it difficult to see cars pulling out of driveways in some places. There have been previous accidents on Plover Drive, involving cars pulling out of driveways. For all of those reasons, we believe the current speed limit of 25 miles per hour is very unsafe, and we petition the NC Department of Transportation to lower the speed limit on Plover Drive in Duck, NC to either 15 mph or 20 mph.”

Miriam Rollin noted that the petition was signed by quite a few homeowners. She pointed out that while the petition was directed towards the NC Department of Transportation, she hoped that the Town Council in their discussion at the upcoming Retreat related to speed limits, would include Plover Drive in the discussion as a possible area to ask for a reduced speed limit. She understood from Police Chief Jeffrey Ackerman and Town staff that there were higher priority areas where the speed limit was higher than 25 mph on side roads. She felt that that was more of a priority but hoped the Plover Drive ask could be included as well. She stated that she drove around Town to check the private roads and almost all of them had a 15 mph speed limit and many had speed bumps.

Town Clerk Lori Ackerman was recognized to speak. Town Clerk Ackerman went on to read the public comments that came in to Council and the audience.

Steven Staples of 114 Olde Duck Beach Road was recognized. Mr. Staples wrote the following: “Town Council: We are unable to attend your February 1 meeting in person but wanted to share our thoughts on the beach driving ordinance prior to your upcoming Retreat discussion on this topic. We were surprised to learn from staff that beach driving has been lawful since the original incorporation of Duck. Thankfully, we have not witnessed private vehicles driving on the beach as it seems to us a dangerous activity for Duck. We often walk the beach on our morning walks from Olde Duck Beach down to Four Seasons. Along the way we regularly encounter very narrow beaches and, at times, must time our steps to avoid getting wet in the incoming waves. The exact location of narrowed areas varies with the weather and time. This is not a condition impacting only one segment of the beach in Duck. Clearly, if there is not sufficient space for walkers, then cars and beachgoers will be on a “collision course” if beach driving remains permissible. The beaches in Carova are very different than the beaches in Duck...and we certainly prefer our own sand in Duck. We strongly oppose the continued use of beaches in Duck for vehicles other than emergency or Town related vehicles providing services to residents and guests. Thank you for your consideration.”

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

CONSENT AGENDA

Minutes from the January 4, 2023, Regular Meeting; Minutes from the January 18, 2023, Mid-Month Meeting; Contract with Swept Away Home Services for the Cleaning of Town Hall, Paul F. Keller Meeting Hall, and Town of Duck Police Department; Budget Amendment

Councilor Schiano moved to approve the consent agenda as presented.

Motion carried 5-0.

SPECIAL PRESENTATIONS

Employee Recognition Program

Mayor Kingston stated that in December 2011, Council adopted an employee service recognition program that would acknowledge the service of employees of the Town at five-year intervals by providing them with a certificate of recognition as well as a gift certificate at a Duck business of their choosing.

Mayor Kingston, Police Chief Jeffrey Ackerman, and Fire Captain Jeffrey Del Monte went on to present Public Safety Office Administrator Nicole Martin with her 5-year service recognition certificate and \$50 gift certificate.

Swearing in of Melissa Felthousen as Deputy Town Clerk

Town Clerk Lori Ackerman was recognized to speak. Town Clerk Ackerman stated that after Director of Public Information and Events Kristiana Nickens had accepted her new position, there was an opening for a Deputy Town Clerk and Melissa Felthousen was recently hired as the Town's newest Clerk. She noted that having Ms. Felthousen as the Deputy Town Clerk was part of the efforts of staff with implementing cross training between Town employees as well as for succession planning should she decide to retire, meaning that Ms. Felthousen could step in to provide a smooth transition.

Town Clerk Ackerman went on to swear in Melissa Felthousen at the new Deputy Town Clerk.

QUASI-JUDICIAL PUBLIC HEARING

There were no quasi-judicial public hearings at this time.

LEGISLATIVE PUBLIC HEARINGS

There were no legislative public hearings at this time.

OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS

There was no Old Business to discuss at this time.

NEW BUSINESS

Discussion/Consideration of Appointing an Individual to Serve on the Wall Décor Committee

Town Clerk Ackerman explained that in July 2011, Council had passed a resolution establishing a Wall Décor Committee to meet and provide recommendations for wall décor, rotating artwork, and memorabilia to be displayed in the Town Hall and Paul F. Keller Meeting Hall. She stated that the committee consisted of eight members with their term to end in January 2012 and then they would continue to serve in an advisory role. She noted that Fred Vallade, the chairman for the committee, decided to retire, leaving an opening on the committee. She stated that staff put out a call for individuals who had an interest in serving on the committee and received two applications. She noted that Council could appoint one or both applicants, or staff could readvertise to see if there was more interest. She added that she was recommending that both applicants be appointed.

Mayor Kingston stated that there were two candidates before Council for the committee that were both very well qualified. He noted that the committee currently has five members and one was retiring. He reminded Council that either one or both could be appointed or Council could ask staff to readvertise for the position.

Mayor Pro Tempore Thibodeau stated that she was happy that the Town had this kind of interest. She thought the two applicants should be appointed since they both had great qualifications as well as an interest in the job. She thought they could give some great perspectives as well.

Councilor Schiano thought both applicants were well qualified and extremely interested. He agreed that both should be appointed.

Councilor Whitman and Councilor Mooney agreed with Mayor Pro Tempore Thibodeau and Councilor Schiano's comments.

Mayor Pro Tempore Thibodeau moved to appoint Jackie Tury and Jane Puckett to the Wall Décor Committee as presented.

Mayor Kingston noted that many years ago, Council adopted a resolution where Council appointed five individuals to the committee. He asked if the resolution would need to be amended to allow for six individuals to be appointed. Town Attorney Hobbs clarified that Council had previously appointed eight individuals and now there were fewer than eight. Mayor Pro Tempore Thibodeau stated he was correct. Town Attorney Hobbs thought Council would be consistent with that if they authorized up to eight, in that they should be able to appoint any number up to eight. Mayor Kingston asked if the motion

should be tabled and a motion passed to amend the resolution to a different number than five.

Mayor Pro Tempore Thibodeau asked if Council passed a special resolution when it was for five individuals. Mayor Kingston stated that they did, adding that the original resolution was in Council's agenda packet. He thought it was a procedural issue.

Mayor Pro Tempore Thibodeau amended her motion and moved to appoint the two individuals as well as amending Resolution 11-05 to allow up to eight individuals to the Wall Décor Committee.

Motion carried 5-0.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY

Town Attorney Hobbs stated that he had nothing to report.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN MANAGER

Departmental Updates

Public Information and Events Director Kay Nickens was recognized to speak. Director Nickens gave a brief overview of activities to Council and the audience.

Fire Captain Jeffrey Del Monte was recognized to speak. Fire Captain Del Monte gave a brief overview of the past month's fire activities to Council and the audience.

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

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

January FY 2023 Financial Presentation

Finance and Human Resources Administrator Jessica Barnes was recognized to speak. Administrator Barnes gave a short presentation on the January Fiscal Year 2023 financials to Council and the audience.

MAYOR'S AGENDA

Mayor Kingston stated that the mayors/chairmen meeting will be on February 21, 2023 in Nags Head. He reminded the public that Council has their annual Retreat coming up on

February 15 and 16, 2023, adding that it was a two-day working session between Council and Town staff. He further reminded the public that Council and staff would be recessing around noon for lunch and other business and no food would be provided for the public this year on both days. He thanked Director Nickens and Public Information Administrative Assistant Betsy Trimble for planning and holding the recent Celebration of Community.

COUNCIL MEMBER'S AGENDA

Mayor Pro Tempore Thibodeau echoed Mayor Kingston's comments regarding the recent Celebration of Community. She hoped that there would be some good community participation at the upcoming Council Retreat. She stated that she heard some nice community feedback regarding the stormwater studies and seeing that action taking place.

Councilor Mooney stated that the Albemarle RPO Transportation Advisory Committee has voted unanimously for a resolution supporting the Town's application for a feasibility study grant for the west side multi-use path south of the Village. He stated that they have announced funding for an upcoming mini grant program that has funded the production of the Town in the past and will be applying for it again. He stated that they were also discussing a \$110 million that the State Legislature has set aside to replace the Alligator River Bridge, adding that they will need an additional \$150 million but they would not be asking the Town to contribute to that cost.

Councilor Whitman thanked Director Nickens and Assistant Trimble for the recent Celebration of Community.

Councilor Schiano gave a short update on the Government and Education Access Channel Committee meeting to Council and the audience. He stated that they approved the budget for all of the activities, which will be sent to all of the towns for their approval. He noted that there was some talk about investigating the possibility of a ferry from Edenton to Manteo for tourism and dinner, which has been getting some attention. Mayor Kingston noted that he received an inquiry regarding a ferry from Manteo to Duck.

OTHER BUSINESS

Additional Public Comments

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

Mayor Kingston noted that the next meeting would be the Retreat on Wednesday and Thursday, February 15 and 16, 2023 at 9:00 a.m.

CLOSED SESSION

Mayor Pro Tempore Thibodeau moved to enter closed session in accordance with Section 143-318.11(a)(3) in order to confer with the Town Attorney regarding a matter within the attorney/client privilege and to preserve that privilege.

Motion carried 5-0.

The time was 6:56 p.m.

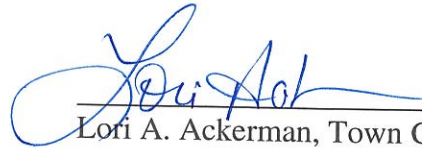
Upon return from closed session, Town Attorney Hobbs stated that the Town Attorney gave legal advice to Council but had nothing further to report.


ADJOURNMENT

Councilor Schiano moved to adjourn the meeting.

Motion carried 5-0.

The time was 7:33 p.m.


Lori A. Ackerman, Town Clerk

Approved: 
Don Kingston, Mayor

