

**TOWN OF DUCK  
TOWN COUNCIL  
RETREAT  
February 15 & 16, 2023**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 9:00 a.m. on Wednesday, February 15, 2023.

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

**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 Relations Administrative Assistant Betsy Trimble; Win Bridgers, Ronnie Sawyer, Barry Hobbs, and Craig Midgett of NC Department of Transportation; Chris Dewitt and JD Hines of VHB, Inc.; Bob Woodard of Dare County Board of Commissioners; Finance & Human Resources Administrator Jessica Barnes; Senior Planner Sandy Cross; and Town Clerk Lori Ackerman.

**ABSENT:** Town Attorney Robert Hobbs; Deputy Town Clerk Melissa Felthousen; and Public Information and Events Director Kristiana Nickens.

Mayor Kingston called the meeting to order at 9:02 a.m. He welcomed everyone to the Retreat and noted that Town Attorney Robert Hobbs 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. He noted that at noon Council and staff would recess for a lunch and other business with no food provided for the public this year, adding that snacks were available throughout the day.

**NCDOT DIVISION 1 UPDATE**

Win Bridgers of NC Department of Transportation was recognized to speak. Mr. Bridgers introduced Ronnie Sawyer, Barry Hobbs, and Craig Midgett 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 Win Bridgers then took questions from Council.

Mayor Kingston thanked Win Bridgers and Craig Midgett for their presentation.

### **SPEED LIMIT DISCUSSION**

Town Manager Drew Havens was recognized to speak. Town Manager Havens went on to give a short presentation on whether or not Council wished to have the speed limits on the roads in Duck decreased to Council and the audience.

Mayor Kingston stated that with regard to the speed limit in north Duck and the speed limit of 35 mph, other than the south side of Town, the speed limit was 35 mph. He stated that he lives in the Tuckahoe subdivision and it is difficult at times to get onto NC12 with the speed limit at 35 mph. He added that he was sympathetic to the people that live on the north side of Town because of the 45-mph speed limit. He thought it made sense to lower it to 35 mph and would support that change to 35 mph year-round.

Councilor Schiano agreed with Mayor Kingston's comments. He stated that one of the Town's constituents had pointed out to him that in the 45-mph zone in the Sanderling subdivision alone were six crosswalks as well as 33 intersections and 99 driveways in the 45-mph zone, which was a lot of traffic coming in and out of side streets into a 45-mph zone. He added that there were more full-time residents than before as well as more people spending time in the off-season in Duck. He thought it would make sense to lower the speed limit to 35 mph year-round for consistency.

Councilor Whitman stated that he was in favor of lowering the speed limit to 35 mph through Town except for the Village area.

Mayor Pro Tempore Thibodeau agreed with the rest of Council on lowering the speed limit year-round. She felt that the only detriment may be in the perception of negative impact it will have with people feeling hindered or penalized trying to drive to Corolla, especially in the winter.

Councilor Schiano noted that he completed a calculation with regard to driving from 45 mph to 35 mph and it would be less than a minute and one-half difference driving from the Currituck line to the Town.

Councilor Mooney stated that it was a safety issue, adding that the people that will complain the most will be workers that need to get to Corolla. He stated that he would support lowering the speed limit to 35 mph year-round.

Town Manager Havens stated that staff will take the information as well as whatever Council decides with regard to the side streets into one document and bring it back to Council's March 1, 2023 meeting and then send it to NC Department of Transportation.

Mayor Kingston stated that the second issue was the speed limit on the side streets in Town. He asked Council what their thoughts were on the speed limits on the side streets and if they should be uniform throughout the Town.

Councilor Mooney thought all of the side streets should be uniform. He noted that the question that was brought up in a petition was that the residents of Plover Drive would like their speed limit to be less than 25 mph. He thought NC Department of Transportation would need to be consulted on what could be done with regard to the speed limit on Plover Drive.

Councilor Whitman pointed out that vegetation was also an issue on Plover Drive. Town Manager Havens stated that it was a maintenance issue that could be addressed through NC Department of Transportation.

Mayor Kingston noted that the private roads in Duck have lower speed limits as well as speed bumps, whereas state roads did not.

Councilor Mooney thought that homeowner associations could apply through NC Department of Transportation for an abandoned road. Town Manager Havens stated that they could apply for NC Department of Transportation to abandon the road and then the homeowner association could take over the road. He pointed out that when NC Department of Transportation abandons a road, they abandon all financial responsibility for the road as well.

Mayor Pro Tempore Thibodeau stated that the way Duck obtained so many state roads was through the acquisition program in the past around the time of the Town's incorporation, which was looked at as a benefit to the homeowners associations not to have to deal with the road maintenance. She pointed out that some of the side roads are cul de sacs and NC Department of Transportation would need to erect a sign in the cul de sac if the speed limit was not 35 mph. She thought it was an expense and people would not want a sign in the cul de sac. She understood the idea of consistency but she was thinking that aesthetically and cost-wise it would be a problem.

Town Manager Havens asked if a sign would need to be posted at each leg of a cul de sac. Win Bridgers stated that he would defer that to the traffic engineer. He stated that he wasn't sure what the legal requirement would be but he never saw a speed limit sign in a cul de sac.

Mayor Kingston asked if there were any state or side roads that were less than 25 mph in District 1. Win Bridgers thought there were but he wasn't sure where. He stated that they have done their best not to post anything that was less than 25 mph.

Councilor Schiano thought that cleaning up the side roads and reducing the speed limit was a good idea. He thought a radar sign could be installed on Plover Drive as an option due to its width and length. Mayor Pro Tempore Thibodeau stated that she liked that idea.

Mayor Kingston asked if there had been any other inquiries from other subdivisions. Town Manager Havens stated that there have not.

Police Chief Jeffrey Ackerman was recognized to speak. Police Chief Ackerman stated that he wanted to ask Council to consider requesting to NC Department of Transportation that if the speed limit is changed to 35 mph, one of the issues was the passing lane. He stated that he would like to see that removed. Councilor Schiano thought it made sense.

Town Manager Havens asked Police Chief Ackerman to address speed-related crashes on any of the side streets in Duck. Police Chief Ackerman stated that he looked at a number of these issues and found very few, if any, crashes on Plover Drive. He stated that the crashes that did occur on Plover Drive were not related to speed. He added that from an enforcement standpoint, in 20 years, he wasn't sure if his officers have ever written a ticket on a side street for speeding because of the short distance on them. He stated that consistency was key with regard to the speed limit in Duck.

Councilor Mooney thought all streets should be made uniform to start with and then work on the Plover Drive issue. He didn't think it would be a monumental task. Councilors Whitman and Schiano agreed. Mayor Pro Tempore Thibodeau stated she was in favor of it.

Town Manager Havens stated that staff will bring back a document for Council to approve to send to NC Department of Transportation as well as a modification to the table in the Code of Ordinances to include all streets.

Mayor Kingston thanked Town Manager Havens for his presentation. He called for a 20-minute break. The time was 10:12 a.m.

Mayor Kingston reconvened the meeting.

### **UPDATES FROM VANASSE HANGEN BRUSTLEN**

Chris Dewitt and JD Hines of VHB were recognized to speak. Mr. Dewitt and Mr. Hines went on to give a short presentation on the various projects they are working on to Council and the audience. They then took questions from Council.

Mayor Kingston thanked Chris Dewitt and JD Hines for their presentation.

### **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.

## PROCLAMATION AND RESOLUTION POLICY

Town Manager Havens gave a presentation on the Town's policy regarding resolutions and proclamations to Council and the audience, noting that groups and individuals will come to Council to ask for a resolution or proclamation, even if it may not have anything to do with Duck. He noted that the Town does not have a policy in place and absent of that, it tends to be pretty subjective and Council could be challenged over being overly subjective if there aren't any guidelines in place. He stated that the thought would be that staff would make some recommendations in terms of a policy for resolutions and proclamations. He asked Council if they wished to consider a policy at a future meeting or continue what has always been done.

Mayor Kingston stated that he would like to see Council work further on the issue and develop a policy so that there would be guidelines for the future. He thought it made sense for staff to explore the issue further.

Councilor Whitman pointed out that there was a resolution presented at a prior Council meeting that should have come from the Town Council.

Mayor Pro Tempore Thibodeau agreed that it would be good to have a policy so everyone understands what the proper use of a resolution versus a proclamation was as well as when it would be appropriate. She asked if the School of Government should get involved. Town Manager Havens stated that there was some modeling from the School of Government, adding that from prior experience, there wasn't a firm policy in place which caused some issues and he did not want this Council to have to face those same issues. He noted that once the policy was in place, questions will be answered when it comes before the Council. He added that he wanted to have a policy that Council would agree on. He stated that staff would draft something for Council to look at for a future meeting.

Councilor Schiano thought it was a good idea as it would be helpful to Council as well as Town staff.

Mayor Pro Tempore Thibodeau stated that it made sense because proclamations were more for an awareness of a cause. Town Manager Havens stated she was correct, adding that it could also be done with a resolution. He added that the guidelines that will be developed will help steer how it will be done. He pointed out that the major difference was that resolutions come to Council and are adopted, while proclamations were more ceremonial with the Mayor signing off on them and would not need Council's approval.

Mayor Kingston thought it was important that the Council was non-partisan and non-political, which comes into play with a lot of the proclamations.

It was *consensus* of Council to have Town staff work on a policy to be brought back at a future meeting.

Mayor Kingston thanked Town Manager Havens for his presentation. He recessed the meeting for lunch. The time was 12:03 p.m.

Mayor Kingston reconvened the meeting.

## **DEPARTMENT UPDATES**

### **Police Department**

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 Department**

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 to Council and the audience. She then took questions from Council.

Mayor Kingston thanked Fire Chief Black for her presentation.

## **CAPITAL IMPROVEMENT PLAN AND FINANCIAL UPDATE**

Town Manager Havens gave a presentation on the draft 2024-2028 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.

Finance and Human Resources Administrator Jessica Barnes was recognized to speak. Administrator Barnes gave a presentation on the financial update showing the current year budget performance to Council and the audience. She then took questions from Council.

Mayor Kingston thanked Town Manager Havens and Administrator Barnes for their presentations. He called for a 15-minute break. The time was 2:50 p.m.

Mayor Kingston reconvened the meeting.

## **DEPARTMENT UPDATE**

### **Community Development**

Director of Community Development Joe Heard was recognized to speak. Director Heard went on to give a short presentation on the Community Development department to Council and the audience. He then took questions from Council.

Senior Planner Sandy Cross and Community Planner James Gould were recognized to speak. Senior Planner Cross and Community Planner Gould went on to give a short presentation on the Town's development activities to Council and the audience. They then took questions from Council.

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

### **OPEN DISCUSSION**

Mayor Kingston asked Council if they had anything else they wished to discuss. There were no items to discuss.

Mayor Kingston recessed the meeting until Thursday, February 16, 2023 at 9:00 a.m. The time was 3:57 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 16, 2023.

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

**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; Director of Marketing and Information Kristiana Nickens; Public Relations Administrative Assistant Betsy Trimble; Finance & Human Resources Administrator Jessica Barnes; Ken Willson of Coastal Protection Engineering; Dr. Grace Andrews of Project Vesta; Senior Planner Sandy Cross; Surf Rescue Director Mirek Dabrowski; Town Intern Hunter Braithwaite; and Town Clerk Lori Ackerman.

**ABSENT:** Town Attorney Robert Hobbs and Deputy Town Clerk Melissa Felthousen.

Mayor Kingston called the meeting to order at 9:01 a.m. He welcomed everyone to the Retreat and noted that Town Attorney Robert Hobbs was excused from 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. He noted that at noon Council and staff would recess for a lunch and other business with no food provided for the public this year, adding that snacks were available throughout the day.

### **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, the annual beach/dune survey, and the rapid beach assessment monitoring 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.

Mayor Kingston thanked Dr. Andrews for her presentation. He called for a 15-minute break. The time was 10:42 a.m.

Mayor Kingston reconvened the meeting.

### **DRIVING ON THE BEACH**

Town Manager Drew Havens was recognized to speak. Town Manager Havens explained that Council had some discussions regarding how the Town would access the beach which led to conversations about driving on the beach in general. He noted that staff have been consistent in responding to public input regarding the issue, adding that this would be something that Council would be discussing at the Retreat. He stated that Hunter Braithwaite, an intern for the Town, had been researching beach driving regulations from the Virginia line to the South Carolina line.

Hunter Braithwaite was recognized to speak. Mr. Braithwaite went on to give a short presentation on the beach driving regulations for various towns from Virginia to South Carolina to Council and the audience.

Mayor Kingston asked Council what they wished to do with regard to beach driving and what options were available. He reminded Council that this came up as an issue because of the potential of Barrier Island Station opening up, but historically, vehicles have been



allowed on the beach. He did not recall ever seeing any vehicles on the beach other than Public Safety vehicles. He asked Council if they were overreacting to a situation that did not occur or if they needed to do something, whether it was increased regulations, no regulations, or prohibit entirely. He thanked Hunter Braithwaite for his research and hard work. He pointed out that, historically, there are people that have access to the beach presently, and that it needed to be taken into consideration with regard to what is decided on beach driving.

Councilor Whitman wondered how it would be regulated with regard to people that currently have a private beach access.

Mayor Pro Tempore Thibodeau thought there had been a change over the years, adding that this was something that the Town had allowed before it incorporated. She stated that after incorporation, Council had addressed it and thought there wasn't a problem that needed to be addressed other than adding that the Town Manager had some educational authority. She stated that there have been presentations from Surf Rescue Director Mirek Dabrowski with him stating that he saw tracks on the beach in the winter coming from Currituck County. She thought the only place the beach could be accessed in Duck was in the Sound Sea Village subdivision, adding that it was one of the Town's original communities with the ability to drive on the beach. She noted that it was impeded by the beach nourishment project and the Town prohibited driving on the beach for those in the nourishment area because the beach was so nourished, adding that people that had difficulty navigating that depth of the beach wanted to be able to drive up and Council did not allow it.

Mayor Pro Tempore Thibodeau agreed with Mayor Kingston that the issue came up because of the possibility that Barrier Island Station would want it in exchange for the Town having access on the beach for nourishment, but it was no longer being pursued. She thought it raised a lot of awareness that the Town allows driving on the beach, adding that not many people do it other than Public Safety officials. She stated that she was not in favor of changing the regulations because she didn't think there was an issue. She thought if Council was going to change anything, it could be dialed back to the end of March. She pointed out that some of the towns take the Easter holiday into consideration. She felt having it changed to March 15 would alleviate the concern over people on the beach and the conflict with the vehicles. She agreed that if there were problems with MUTVs, Council could look into it. She thought if the Town got into a permitting situation, it would add another layer of work for the staff. She added that the advantage of issuing a permit would be that specific rules could be handed out at the same time. She thought there would have to be signage as well. She didn't think Council wanted to encourage beach driving but wasn't sure if there was a huge issue.

Councilor Whitman asked Police Chief Jeffrey Ackerman if there have been any issues. Police Chief Jeffrey Ackerman was recognized to speak. Police Chief Ackerman stated that over the last 20 years there have been minimal complaints and the complaints that were received were that someone saw a vehicle on the beach not knowing that it was legal under the Town's ordinance. He stated that as far as reckless driving or accidents,

he was not aware of any accidents. He added that they received some complaints about people driving their vehicles too fast, but that was the extent of it.

Mayor Kingston asked if there was any information on the Towns of Southern Shores and Kitty Hawk as to why they prohibit driving on the beach. Town Manager Havens stated that he did not have that information other than it was prohibited. He thought, logically, looking at Southern Shores, it was very similar to Duck in that there was no public beach access and no way for a vehicle to get onto the beach. He stated that as Council thinks about regulation, the Town may not be an applicant for access points so any neighborhood that has a community access could make an application to CAMA to construct a Hatteras ramp so vehicles could access the beach. He felt it was something Council needed to be thinking about more broadly as to whether there will be a call for it in the future or not from other neighborhoods. He pointed out that the Town's application for Barrier Island Station was on hold and likely to be withdrawn.

Councilor Schiano asked if the vehicular access in Sound Sea Village was the only access. Mayor Pro Tempore Thibodeau stated it was, adding that it used to be Plover Drive and Sound Sea Village, but that ended with beach erosion and the change in the dunes as well as Plover Drive building steps after things changed.

Mayor Kingston asked about the Sanderling subdivision. Police Chief Ackerman stated that there was an access point at the end of Station Bay Drive which was under the control the Sanderling subdivision, adding that it was extremely steep and he wasn't sure if a vehicle could use it.

Councilor Schiano asked if the access at Sound Sea Village was on a state road or a private road. Mayor Pro Tempore Thibodeau stated that it was a private road. Councilor Schiano clarified that people in Sound Sea Village could limit someone from using their access. Mayor Pro Tempore Thibodeau stated he was correct, adding that she wasn't sure if there was any signage about it. Town Manager Havens stated that there was signage as well as a lock that restricts access. Councilor Schiano clarified that it was exclusively for the people of Sound Sea Village. Town Manager Havens stated he was correct, adding that Surf Rescue also has access.

Councilor Schiano stated that he was not anxious to take away what was a privilege to someone that has enjoyed it over the years. He stated that he would be in support of not allowing it to expand any further if that was possible because he didn't think there was a need to drive on the beach for multiple reasons. He stated that he didn't feel strongly about stopping the people from the Sound Sea Village subdivision from using their access to the beach. He added that he would not be in favor of a subdivision obtaining a permit to put in a Hatteras ramp to drive on the beach. He stated that he was in favor of shortening the season from November 1 through March 1.

Mayor Pro Tempore Thibodeau asked if there was a way to structure something to restrict it to the grandfathered status for Sound Sea Village. She didn't think it was a huge issue because of the fact that the beach was narrowing constantly and the Town was trying to

preserve it with beach nourishment. She agreed with Councilor Schiano's comments. Town Manager Havens explained that with CAMA being the ultimate regulatory agency that would approve vehicular access to the beach, the Town has a local CAMA permit officer. He stated that if Plover Drive ever decided that they wanted to re-establish their access, they would have to submit an application with CAMA and the CAMA local permit officer would be made aware, adding that Council could file an objection to the permit.

Councilor Schiano clarified that the Town does not control the beach. Town Manager Havens stated he was correct. Mayor Pro Tempore Thibodeau stated that the beach was public.

Mayor Kingston asked if Council was trying to solve a problem that wasn't a problem. He pointed out that Police Chief Ackerman stated there were minimal problems on the beach and there was very limited access as well. He asked if Council was trying to take away access from people that have the right to do it and solve a problem that wasn't a problem. He thought Council needed to look at stricter regulations such as 15 mph instead of 20 mph and that the time period for beach driving should be shorter.

Councilor Schiano agreed with Mayor Kingston's comments in that it was not an overwhelming problem, but he thought it was a matter of controlling it further as well as preventing more of it from happening. He stated that even though the beach is public property, Council does have the right to decide whether people can drive on it or not. He pointed out that the Sanderling subdivision could obtain a CAMA permit for vehicular access, but the Town could state that driving on the beach is prohibited. Town Manager Havens stated he was correct. Councilor Schiano clarified that the Town always reserves the right to do that. Town Manager Havens stated he was correct, adding that Council could modify the ordinance.

Councilor Whitman asked how the Town controls the people coming from Currituck County. Town Manager Havens stated that it could be done the same way Southern Shores and Kitty Hawk do by erecting signs. Councilor Whitman clarified that it would eliminate the people that currently have access to be able to do that. Town Manager Havens stated he was correct.

Councilor Mooney stated that he did not see the issue as a problem, adding that if Council wanted to shorten the season and keep an eye on things for any changes, then it could be addressed then. He reiterated that he did not see it as an issue.

Mayor Pro Tempore Thibodeau agreed with the approach because Council could change it at any time. She clarified that if Council wanted to change it, it would require a public hearing or an ordinance that would be amended. Town Manager Havens stated that a public hearing would not be necessary, instead the ordinance could be amended. He thought the dates that are allowed now would need to be modified due to the sea turtle nesting season. He added that whatever direction Council gives as far as suggested modifications to the ordinance could be brought back at a future meeting for

consideration. Mayor Pro Tempore Thibodeau stated that if there was a concern regarding sea turtles, she would be interested in knowing what the season was so Council could modify and restrict it more.

Mayor Kingston thought the speed limit should be lowered to be consistent with the Towns of Kill Devil Hills and Nags Head.

Councilor Whitman clarified that staff would look at the issue and come back with driving dates or Council would move forward with Councilor Schiano's or Mayor Pro Tempore Thibodeau's timeframe. Town Manager Havens stated that staff will take direction from Council with regard to the dates. He asked Senior Planner Sandy Cross what the dates were for turtle nesting. Senior Planner Sandy Cross was recognized to speak. Senior Planner Cross stated that the turtle nesting moratorium is between April 1 through November 15. She pointed out that if Council allows beach driving from November 15 through March 30, that would be consistent with the Division of Coastal Management's moratorium. Mayor Pro Tempore Thibodeau thought it was good to keep that in mind. Senior Planner Cross stated that Council could consider the fact that Thanksgiving is an extremely busy holiday on the Outer Banks. Councilor Whitman suggested changing it to December 1. Senior Planner Cross thought December 1 may take that element out, which would further constrict the timeframe. She thought if Council went with December 1 through March 30, everything would be captured as well as avoiding Easter, depending on when it falls.

Councilor Whitman asked if it could be through March 1. Senior Planner Cross stated that Council could do that. Councilor Schiano thought December 1 through March 1 would be acceptable to him as well as lowering the speed limit. Senior Planner Cross stated that it could be through March 15 as it should be outside of the Easter timeframe. Councilor Schiano agreed.

Mayor Kingston asked if Sound Sea Village uses their access to take people to the beach during the season. He thought it was an issue at one point. Senior Planner Cross stated that they did and former Police Chief John Cueto dealt with the issue in an appropriate manner. She stated that they were allowed to take people up to the top of the dune but could not drive down onto the beach.

Mayor Kingston asked Town Manager Havens if he wanted to come back with a proposal that changes the dates and the speed limit. Town Manager Havens understood that Council was looking at an ordinance change from December 1 through March 15 and a speed limit of 15 mph. He pointed out that the times of day mitigate against any concern about light pollution, which was already in the ordinance. He added that the way the ordinance was written, as the beach gets narrowed, there was a driving width that people are allowed to drive in, which was pretty clear. He noted that there will be times during the December 1 through March 15 timeframe that the Town may need to be a little more proactive and close the beach because of width issues. He pointed out that it would only be in certain areas based on where the hot spots were.

Mayor Pro Tempore Thibodeau asked if beach driving closures have ever been issued. She thought people would not try to drive on the beach during a bad storm. Town Manager Havens stated that most of the vehicles on the beach were not inexpensive. Mayor Kingston asked if the Town should restrict the type of vehicle allowed to drive on the beach. Town Manager Havens asked if Council wanted to prohibit MUTVs. Mayor Kingston thought it was a good idea.

Mayor Pro Tempore Thibodeau pointed out that the issue could be revisited if there were any problems. She stated that it wasn't a huge problem and Council did not anticipate subdivisions applying for a CAMA permit for access. Town Manager Havens stated that if that happened, Council will be made aware of it and could file an objection.

Mayor Kingston thanked Hunter Braithwaite and Town Manager Havens for their presentation.

### **TENTS ON THE BEACH**

Senior Planner Cross gave a short presentation on the issue of tents on the beach to Council and the audience, noting that she would like to send out a survey regarding tents on the beach. She then took questions from Council.

It was *consensus* of Council to have staff move forward with the survey.

Mayor Kingston noted that if Senior Planner Cross came up with any ideas between now and the time the survey is released with respect to changes that could be made this year, they should be brought back to Council. Town Manager Havens stated that staff will talk through it, adding that if there was something that was immediate and not overly impactful to people that have already made arrangements, it will be brought back to Council.

Mayor Kingston thanked Senior Planner Cross for her presentation.

### **SURF RESCUE UPDATE**

Surf Rescue Director Mirek Dabrowski was recognized to speak. Surf Rescue Director Dabrowski gave a short presentation on Duck Surf Rescue's activities to Council and the audience, noting that he was asking for additional funding in the short-term to stay competitive with the other towns with regard to retention of lifeguards. He then took questions from Council.

Mayor Pro Tempore Thibodeau clarified that the \$60,000 increase that was being asked would allow Surf Rescue Director Dabrowski to pay his staff \$18.00 per hour. Surf Rescue Director Dabrowski stated she was correct, adding that it would give him a 20% increase that would go across the board with regard to salaries for his lifeguards. Mayor Pro Tempore Thibodeau asked for clarification on the 20% increase. Surf Rescue

Director Dabrowski stated that he originally had \$15.00 per hour that he would be paying his lifeguards and to pay them \$18.00 per hour was the 20% increase.

Councilor Schiano stated that he didn't see how Council could not grant the increase if the other towns were paying \$18.00 per hour and Surf Rescue Director Dabrowski would not be able to keep his lifeguards. Surf Rescue Director Dabrowski stated that he interviewed 30 individuals and filled only 11 spots. He added that he was still trying to fill eight more spots. He noted that he has four contracts and was in the same situation with each one regarding staffing. He felt if he couldn't pay his lifeguards the \$18.00 per hour, he could lose more of them since other towns are paying more.

Councilor Whitman asked if Council granted the increase, could Surf Rescue Director Dabrowski get back the lifeguards that left. Surf Rescue Director Dabrowski stated that the new hires were the ones he was having difficulty with, adding that the ones that were returning he would not lose to another town, but would lose them to schooling, jobs or joining the military.

Mayor Pro Tempore Thibodeau asked if all four contracts have to be in agreement with regard to the increase in salaries. Surf Rescue Director Dabrowski stated that it would be an accounting nightmare, but he will do everything he needs to. He stated that his last contract was with the Park Service and he was waiting on the Town of Southern Shores for their approval. He pointed out that he has worked for the Town of Duck for a very long time and provides a good service. Mayor Pro Tempore Thibodeau agreed.

Mayor Kingston thought Surf Rescue Director Dabrowski provided some good information but felt that Council would not be making a decision at this meeting. He thought Surf Rescue Director Dabrowski needed to meet with Town Manager Havens and he needed to come back with the details of how it will fit into the budget. He thought Surf Rescue Director Dabrowski could highlight the issue he's facing but reiterated that Council would not be making a decision at this meeting. He stated that the contract needed to be worked through and brought back as part of the budget process.

Mayor Pro Tempore Thibodeau asked if the timing would work. Mayor Kingston thought it would. Town Manager Havens pointed out that it wasn't different from any other vendor that has a contract with the Town. He stated that he would come back to Council with a contract modification proposal as well as a budget amendment. He noted that Fiscal Year 2023 has been really strong and he believed that the cost could be covered with a budget amendment without upsetting the service levels elsewhere. He pointed out that Mayor Kingston is correct in that Council should not be making a decision other than to let him and Surf Rescue Director Dabrowski know that they need to come back with a proposal, including how it would be paid for. He stated that this was an issue that could not wait until budget time and that Council would need to consider it at Council's March 1, 2023 meeting.

Councilor Mooney asked Town Manager Havens if he thought it could be completed in time for the March 1, 2023 meeting. Town Manager Havens stated that it would.

Mayor Kingston thanked Surf Rescue Director Dabrowski for his presentation. He recessed the meeting for lunch. The time was 12:13 p.m.

Mayor Kingston reconvened the meeting.

## **DEPARTMENTAL UPDATE**

### **Public Information and Events**

Director of Public Information and Events Kristiana Nickens and Public Relations Administrative Assistant Betsy Trimble were recognized to speak. Director Nickens and Assistant Trimble gave a presentation on advertising, communications and upcoming events to Council and the audience. They then took questions from Council.

Mayor Kingston thanked Director Nickens and Assistant Trimble for their presentations.

## **OPEN DISCUSSION**

Mayor Kingston asked Council if they had anything else they wished to discuss.

Mayor Pro Tempore Thibodeau clarified that Town Manager Havens was looking for feedback from Council with regard to the Capital Improvement Plan or if it was just raising awareness as to what was in it. Town Manager Havens stated that he was always looking for feedback from Council. He added that if Council had questions, suggestions, or comments, to let him know. He noted that the next time Council will see the CIP will be during the budget process and pointed out that Council adopts the CIP as part of the annual budget process. Mayor Pro Tempore Thibodeau clarified that the general amounts for each item were provided as well as the timelines. Town Manager Havens stated she was correct. He reminded Council that it was a plan and some of the projects shown for Fiscal Year 2024 were also shown in Fiscal Year 2023, adding that the plan meets reality and the reality is the budget and items will need to be prioritized.

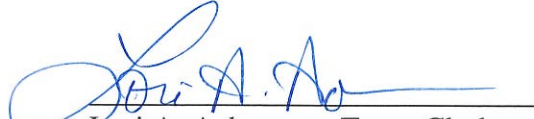
Mayor Pro Tempore Thibodeau clarified that this is the first year that the Public Safety building was added back into the CIP. She further clarified that it was removed in prior years. Town Manager Havens stated that it was always in the CIP but has been pushed back each year as staff figures out where it should go as well as trying to get appropriate lease terms. Mayor Kingston pointed out that the Town carried the \$450,000 for many years. Town Manager Havens stated he was correct.


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 1, 2023 at 6:00 p.m.

**ADJOURNMENT**

Councilor Whitman moved to adjourn the meeting.

Motion carried 5-0. The time was 1:47 p.m.

  
Lori A. Ackerman, Town Clerk

Approved:   
Don Kingston, Mayor

