



APPROVED

**TOWN OF DUCK  
PLANNING BOARD  
REGULAR MEETING  
May 10, 2023**

The Planning Board for the Town of Duck convened at the Paul F. Keller Meeting Hall on Wednesday, May 10, 2023.

Present: Chair James Cofield, Vice-Chair Joe Blakaitis, Marc Murray, Brenda Chasen and Bob Wetzel.

Also present: Council Liaison Sandy Whitman, Senior Planner Sandy Cross, Director of Community Development Joe Heard, Community Planner Jim Gould and Deputy Town Clerk Melissa Felthousen.

Chair Cofield called to order the Regular Meeting of the Planning Board for May 10, 2023 at 6:32 p.m.

**PUBLIC COMMENTS**

None.

**ELECTION OF OFFICERS**

Member Blakaitis nominated James Cofield for reelection as Chair. Member Wetzel nominated Marc Murray as Chair. Marc Murray was elected Planning Board Chair 3-2.

Member Cofield nominated Joe Blakaitis for reelection as Vice-Chair. Member Chasen nominated Bob Wetzel as Vice-Chair. Bob Wetzel was elected Planning Board Vice Chair 3-2.

Both Murray and Wetzel assumed their respective roles immediately.

**NEW BUSINESS**

**a. *ORD 23-07: Text Amendment to Sections 30.35 through 30.40 of the Town Code Providing a Description and Duties of the Planning Board***

Director of Community Development Joe Heard stated the Town Council asked Community Development staff to review the bylaws that were adopted in 2004 and to make recommended amendments. The purpose of draft Ordinance 23-07 is to update and amend Town Code Sections 30-35 through 30-40 in the following ways:

- Add the general purposes of the Planning Board
- Update the list of officers.
- Establish duties for each of the Board's officers.
- Outline meeting schedules, cancellations, and notice requirements

- Update duties and expectations of the Board members.

Heard stated these draft amendments are items moved from the former bylaws to the Town Code and are intended to serve a public purpose by providing a more comprehensive description of the Planning Board and its duties in the Town Code rather than the Board bylaws, making this knowledge more publicly accessible. Heard stated the Planning Board does not have a specific role in the consideration of or adoption of the amendments to Sections 30-35 through 30-40, so no formal action is necessary for the Board relating to draft Ordinance 23-07 but he recognizes that Board members likely have an interest in their description and duties in these amendments.

Member Cofield moved to table discussions surrounding ORD 23-07 and was in favor of forming a committee to gather more information.

Chair Murray granted each Planning Board Member an opportunity to comment on the motion as to further discussion surrounding ORD 23-07. Member Chasen stated she had confidence in moving forward. Member Blakaitis had no comment. Member Wetzel stated he was generally comfortable with moving forward.

Murray asked if there was a second to Cofield's motion. There were none.

Board Members discussed various line items within the ordinance for attachment A and B.

There was a consensus (3-2) recommending a requirement for Planning Board members to be full-time Town residents.

Members discussed wording related to Planning Board members' eligibility to be reappointed and felt that was desirable.

The Board discussed the language and detail of item 30.40 (I). Murray stated he would like to keep the wording open as to the amount of feedback provided to the Town Council to allow for the Chair's own style and would defer to Council if they desire more or less than what is provided.

Heard clarified that the Board bylaws were adopted nearly 20 years ago. His suggestion is to eliminate or redact the current bylaws. He stated all content related to the function of the Board could be moved into the ordinance. Heard explained content related to the internal procedures of the Board could be adopted separately by the Planning Board as a guideline.

Member Chasen suggested and Director Heard concurred that including a redaction of the existing bylaws as Part 3 in the ordinance is one course of action.

***b. Review/Discussion of Planning Board Rules of Procedure***

Heard noted that the Rules of Procedure would be adopted separately.

Cross suggested amending Section 1 – Conduct of Meetings – “to enforce compliance with these bylaws”. Heard agreed that the wording in Section 1 should be updated to remove “bylaws” verbiage and be replaced with “rules and procedures”.

Murray questioned the historically informal protocol of the Planning Board and whether the Chair should be allowed to bring a motion. Cofield agreed that generally the Chair should not make motions. Wetzell and Chasen had no opinion on this matter.

Board members discussed the attendance policy as it relates to unexcused, excused, and consecutive absences as well as exploring similar governing documents across the state, including the general statute provision. Murray asked if any additions rather than amendments or corrections to the internal procedures that members felt should be made.

Heard clarified that rules and procedures can be updated in the future at any time.

Murray stated the motion to appoint a committee was not seconded, however discussion will continue at future meetings of the Board.

Cross stated staff would explore other similar governing documents in other communities to present to the Board in the future.

*c. Discussion of Potential Updates to Commercial Standards/Guidelines*

Heard described the Duck Town Council’s desire for staff to work with local businesses making reasonable efforts to come into compliance with expired Town allowances for the use of tents, outdoor seating, and related provisions during State limitations due to COVID-19. He stated several businesses will likely be submitting revised applications for special use permits in the coming months because of these efforts. He stated Council members also asked Community Development staff to evaluate the Town’s development standards as they relate to business operations. Heard noted two specific standards needing discussion as allowances for outdoor waiting areas and minimum parking requirements as it relates to restaurants. He asked for the Planning Board’s assistance in identifying any additional issues that need to be addressed, information that would be valuable, or questions that would need to be asked of local businesses and patrons during the upcoming survey and review.

Chasen questioned what modifications have been made since COVID, what currently remains in place, if there is a timeline for compliance, and if a SUP is sought, what value is added to business and patrons.

Cross described allowances that were made during COVID and stated that businesses were never allowed to exceed occupancy for which they were permitted. She explained the challenges faced during the post COVID environment because of inflation, labor shortages, and changes in the economy. Cross added that some restaurants have exceeded original occupancy limits and were finding it difficult to get back to former occupancy and meet their bottom line. Cross outlined the Council’s desire for Staff to enforce ordinances, however nothing is stated in the ordinance that speaks to waiting areas. She added that some may complain about the timing of enforcement, but

there is never a good time. Cross added that she is monitoring and working with local restaurants, and the lines of communication are open with restaurants keeping the Town apprised of progress coming into compliance. She indicated the goal is to find a balance between what is good for the community, businesses, neighborhoods, and adjacent property owners.

Heard stated that several businesses are preparing to submit Special Use Permits in the future to expand their previous approvals.

Cofield suggested Staff conduct a survey of the community. Cross replied that Staff is in the process of developing surveys. Blakaitis had no comment. Wetzel commented on the importance of focusing on what is trying to be accomplished through this review and being a business-friendly community.

Heard stated Staff will enforce whatever is on the books.

Cross added that the 2032 Vision needs to be kept in mind. She stated it's a different environment post-COVID. She questioned the regulations that were put in place in 2004 and if they relate to the present. She described the changes in the community since 2004 and how the addition of the boardwalk and sidewalks has changed how people get to and from places. She noted the goal will be best determined when research is completed, and discussions ensue.

Murray added surveys can be useful, but also raised concerns regarding the sample of people surveyed and the background of the respondents.

Cross stated Community Planner, Jim Gould, has put together a list of survey questions, which will be provided for review. She stated questions will be internally vetted before disseminating.

Murray questioned the amount of time needed to change. Cross described the process as needing to be thorough and holistic and, in the meantime, to maintain weekly communication with businesses.

Heard stated bringing businesses into compliance will be an overlapping process and timing should be based on an educated decision.

Cross offered to send survey questions to the Board digitally and welcomed feedback regarding survey questions.

## **APPROVAL OF MINUTES**

### **Minutes from the April 12, 2023, Meeting**

Chasen motioned to approve the minutes from April 12, 2023, as presented.

Cofield seconded.

Motion carried 5-0.

**STAFF COMMENTS**

**Summary of May 3, 2023, Regular Town Council Meeting**

Heard gave a short summary of the recent Town Council meeting.

**Project Updates**

Cross gave a short overview of various projects going on in the Town.

**BOARD COMMENTS**

None.

**ADJOURNMENT**

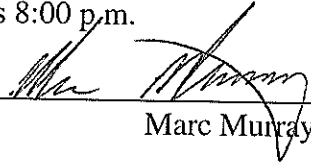
Murray welcomed new Board members Chasen and Wetzel again.

Murray moved to adjourn the meeting. Cofield seconded.

The meeting was adjourned by consensus of the Board Members.

The time was 8:00 p.m.

Approved: \_\_\_\_\_

  
Marc Murray, Chairman