

**TOWN OF DUCK  
TOWN COUNCIL  
REGULAR MEETING  
June 7, 2023**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 6:00 p.m. on Wednesday, June 7, 2023.

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

**COUNCIL MEMBERS ABSENT:** Councilor Rob Mooney.

**OTHERS PRESENT:** Town Manager Drew Havens; Director of Community Development Joseph Heard; Police Chief Jeffrey Ackerman; Deputy Fire Chief Clarence Batschelet; Town Attorney Robert Hobbs; Finance and Human Resources Administrator Jessica Barnes; Public Information and Events Director Kristiana Nickens; Community Planner James Gould; and Town Clerk Lori Ackerman.

**OTHERS ABSENT:** Fire Chief Donna Black

Mayor Kingston called the meeting to order at 6:11 p.m. He noted that Councilor Mooney was excused from the meeting.

Mayor Kingston asked officers of the Duck Police Department 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. There being no one wishing to speak, Mayor Kingston closed the time for public comments.

**CONSENT AGENDA**

**Minutes from the April 19, 2023, Mid-Month Meeting; Minutes from the May 3, 2023, Regular Meeting; Contract with VHB to Conduct a Feasibility Study for a West Side Shared Use Path South of Duck Village; Contract with VHB to Complete Final Design, Engineering and Permitting for the Town Park Shoreline Protection Project; and Budget Amendments**

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

Motion carried 4-0.

**SPECIAL PRESENTATIONS**

### **Introduction of Beverlee Davis, Public Safety Office Administrator**

Police Chief Jeffrey Ackerman and Deputy Fire Chief Clarence Batschelet were recognized to speak. Police Chief Ackerman and Deputy Fire Chief Batschelet went on to introduce Beverlee Davis as the Town's newest Public Safety Office Administrator to Council and the audience.

Mayor Kingston welcomed Beverlee Davis to the Town.

### **Swearing in of Timothy Armstrong as Duck Police Department's Newest Sergeant**

Police Chief Ackerman stated that he was happy to introduce Timothy Armstrong as the newest Sergeant on his leadership team to Council and the audience.

Town Clerk Lori Ackerman was recognized to speak. Town Clerk Ackerman went on to swear in Police Sergeant Timothy Armstrong.

### **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 and Town Manager Drew Havens went on to present Public Information and Events Director Kristiana Nickens with her 5-year service recognition certificate and \$50 gift certificate.

Mayor Kingston and Town Manager Drew Havens went on to present Police Chief Jeffrey Ackerman with his 20-year service recognition certificate and \$200 gift certificate.

### **Presentation by Ken Willson of CPE on the RCCP Phase 2 Update**

Ken Willson of CPE was recognized to speak. Mr. Willson went on to give a short presentation on the Resilience Strategy Phase 2 update to Council and the audience.

Mayor Kingston thanked Ken Willson for his presentation.

### **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**

#### **Discussion/Consideration of Resolution 23-08, a Resolution of the Town Council of the Town of Duck, North Carolina, Accepting the Findings of the Town of Duck Resilience Strategy Report and the Prioritized Project Portfolio Contained Therein**

Mayor Pro Tempore Thibodeau moved to approve Resolution 23-08 as presented.

Motion carried 4-0.

#### **Discussion/Consideration of Appointing Seven Individuals to Serve on the Board of Adjustment**

Mayor Kingston explained that Council would be appointing five people as members of the Board of Adjustment as well as two alternates to serve as needed. He noted that there were nine candidates and Council would be completing individual nominations with the first five that were nominated and accepted by Council would become full members of the Board of Adjustment and the next two that were nominated and accepted would become alternates. He added that they were for two-year terms to expire on July 1, 2025. He pointed out that there were four incumbents that were interested in being reappointed. 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 – five for the full members and two for the alternates.

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

Mayor Kingston nominated Olin Finch. Mayor Pro Tempore Thibodeau nominated Olin Finch. Councilor Whitman nominated Olin Finch. Councilor Schiano nominated Olin Finch.

Mayor Kingston closed the nominations for Olin Finch. Motion carried 4-0.

Mayor Kingston nominated Carol Powell. Mayor Pro Tempore Thibodeau nominated Carol Powell. Councilor Whitman nominated Carol Powell. Councilor Schiano nominated Carol Powell.

Mayor Kingston closed the nominations for Carol Powell. Motion carried 4-0.

Mayor Kingston nominated Ed Sadler. Mayor Pro Tempore Thibodeau nominated Ed Sadler. Councilor Whitman nominated Ed Sadler. Councilor Schiano nominated Ed Sadler.

Mayor Kingston closed the nominations for Ed Sadler. Motion carried 4-0.

Mayor Kingston nominated David Flowers. Mayor Pro Tempore Thibodeau nominated David Flowers. Councilor Whitman nominated David Flowers. Councilor Schiano nominated David Flowers.

Mayor Kingston closed the nomination for David Flowers. Motion carried 4-0.

Mayor Kingston nominated Kevin Lingard. Mayor Pro Tempore Thibodeau nominated Kevin Lingard. Councilor Whitman nominated Kevin Lingard. Councilor Schiano nominated Kevin Lingard.

Mayor Kingston closed the nominations for Kevin Lingard. Motion carried 4-0.

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

Mayor Kingston nominated Tim McKeithan. Mayor Pro Tempore Thibodeau nominated Tim McKeithan. Councilor Whitman nominated Tim McKeithan. Councilor Schiano nominated Tim McKeithan.

Mayor Kingston closed the nominations for Tim McKeithan. Motion carried 4-0.

Mayor Kingston stated that Tim McKeithan would be the first Alternate for the Board of Adjustment for a term to expire July 1, 2025.

Mayor Kingston nominated Bob Webb. Mayor Pro Tempore Thibodeau nominated Matthew Price. Councilor Whitman nominated Bob Webb. Councilor Schiano nominated Sanjeev Jairath.

Mayor Kingston and Councilor Whitman voted for Bob Webb.

Mayor Pro Tempore Thibodeau voted for Matthew Price.

Councilor Schiano voted for Sanjeev Jairath.

Mayor Kingston stated that Bob Webb would be the second Alternate for the Board of Adjustment for a term to expire on July 1, 2025.

### **Discussion/Consideration of the Proposed FY 2024 Budget**

Town Manager Drew Havens was recognized to speak. Town Manager Havens stated that the budget had been presented to Council two other times with no comments received from the public on it. He stated that he was asking Council to adopt the budget as presented.

Mayor Kingston asked Town Manager Havens if he had any knowledge regarding the other towns and Dare County with regard to tax increases. He pointed out that he already knew about the Town of Nags Head. Town Manager Havens stated that the Town of Nags Head was making a tax rate increase as was the Town of Kill Devil Hills. Mayor Pro Tempore Thibodeau clarified that the Town of Kill Devil Hills was proposing a tax increase. Town Manager Havens stated she was correct, adding that it will have a downstream impact on the Town's Shared Revenues, meaning that Occupancy Tax and Sales Tax that is shared on the Ad Valorem basis will have a downstream impact that will need to be taken into consideration with the Town's Fiscal Year 2025 budget.

Councilor Schiano clarified that if the Towns of Kill Devil Hills and Nags Head raise taxes, they would receive a bigger share of the Shared Revenues. Town Manager Havens stated he was correct. Mayor Pro Tempore Thibodeau noted that a tax increase has a trickle effect on how Duck shares the revenues with the other towns.

Councilor Schiano moved to adopt the FY 2024 budget as presented.

Motion carried 4-0.

### **Discussion/Consideration of Personnel Policy Changes to Allow Prior Government Service to be Considered in Determining Vacation Leave Accrual, Establishing a Tuition Assistance Policy, and the Creation of a Health Insurance Stipend for Retired Employees**

Town Manager Havens stated that the three items were proposed changes that Council had discussed at their April 19, 2023 mid-month meeting, when the budget was discussed. He stated that some have no impact on the current fiscal year's budget and the one that did was the tuition assistance program, which was included in the budget, as a \$9,600 expenditure. He noted that if Council decided that they did not want to have the tuition assistance program, the money would not be spent for that purpose.

Town Manager Havens stated that one of the items out of the three was to change the wording in the Personnel Policy regarding vacation time accrual. He explained that, currently the Town's vacation time accrual was based on the number of years of service with the Town of Duck. He stated that in order to be ahead of the other towns on the Outer Banks, he was proposing counting all of the years of government service. He pointed out that Sergeant Timothy Armstrong had come to Duck with experience with the Nags Head Police Department as well as the Tyrrell County Sheriff's Office, adding that he lost any time and grade in terms of building up vacation accrual when he came to work for the Duck Police Department. He noted that he was basically starting over. He stated that another officer that was hired from another police department had 15+ years of service, which was lost when he started working for Duck.

Town Manager Havens stated that he was proposing to change the policy to allow the prior service which was time spent in any local or state government position. He stated that 16 current employees would be impacted by this, adding that vacation leave in excess of 240 hours at the end of a calendar year rolls to the employee's sick time which counts towards an employee's number years of creditable service for their retirement. He noted that sick time was not compensable upon separation from employment but vacation time was. He explained that it would be a total of 58 additional vacation days for the 16 employees.

Mayor Kingston asked if Federal employees would be counted. He asked if the Town hired a Park Ranger or an IRS auditor, those positions would be considered if they were hired as a police officer or firefighter. He asked if a National Park Service employee would be considered. Town Manager Havens explained that the way the draft policy read was that it was state and local government. He stated that Council could add Federal if they wished. He noted that the primary audience the Town has was with other local governments. He added that as a recruiting tool, the police and fire chiefs could let a candidate know that their vacation they accrued from another state or local agency would be added.

Councilor Whitman asked if a candidate from another state would be considered. Town Manager Havens stated that they would, adding that it was any state or local government.

Councilor Schiano clarified that this would be for prospective and retrospective employees. Town Manager Havens stated he was correct. Councilor Schiano thought the time earned seemed to be consistent with the business world. He asked if this was better than what the other towns were doing. Town Manager Havens stated that by counting service in other local and state government would put the Town in a rare, but less rare company for retention. He noted that it would not touch the Town's bottom line, with the biggest touch in operations in Public Safety with regard to scheduling. Councilor Schiano stated that he would not be opposed to adding Federal service. He stated that it should not be someone that worked in public service for 10 years and then went into the business world for over 30 years and then wanted to come back. He thought it should be

that the candidate comes to the Town within a certain timeframe of working in public service. Mayor Kingston thought it was a good point.

Mayor Pro Tempore Thibodeau understood Councilor Schiano's comments. She stated that she was thinking in the larger scale in the spirit of the idea that the Town was trying to welcome people. She felt it would be a rarity or if someone did, it would be difficult to set a limit. She stated that if someone worked 20 years ago or five years ago in private business and then came back out and wanted to work in public service, it would be a difficult line to draw and didn't seem to be that prevalent. She pointed out that the whole idea was to welcome people to the staff that may be qualified and letting them bring their vacation accrual would be an extra added perk.

Councilor Schiano reiterated that he was okay with it.

Mayor Kingston asked, with respect to Federal employment, the Town had hired an officer who was a Federal deposit officer from Richmond. Police Chief Ackerman explained that the tricky thing was that North Carolina does not recognize Federal law enforcement service for lateral transfer purposes because it's not apples to apples. Mayor Kingston asked if something could be put in the policy that would be at Town Manager Havens' discretion with regard to things that are not part of the policy from the standpoint of the relative service from 30 years ago and/or a Federal position. He thought Town Manager Havens should have discretionary authority on this if the Town was trying to hire a good candidate. Town Manager Havens stated that the word "discretion" would need to be worded somewhat carefully.

Town Attorney Hobbs stated that he liked the wording in the draft policy. He stated that as far as the Federal, it could be added. Town Manager Havens stated he was comfortable with that. Councilor Schiano stated that if it was not needed then it could be left out. Mayor Kingston suggested that it be put under further discussion in the future if it becomes an issue.

Town Manager Havens clarified that Council wanted to include Federal government service in the policy. Councilor Schiano thought it should be left out if Town Manager Havens didn't feel it was important and keep the policy as it was. Mayor Kingston agreed, adding that if it becomes an issue, it could be brought to Council.

Town Manager Havens stated that the next item was the retiree health insurance stipend. He explained that some local governments, including all of the other towns on the Outer Banks, offer retiree health insurance where they pay a portion or all of the health insurance premiums for retired employees. He noted the issue he has with it was that it ends up being a very large liability for the Town that would have to be carried on the balance sheet. He explained that the way actuaries work they try to predict future health insurance costs and all he knew was that they were increasing by double digits per year. He stated that he was recommending a stipend which was a fixed amount. He stated that retirees may stay on the Town's health insurance plan and the Town would contribute a monthly stipend amount of \$200 a month or \$2,400 per year for retired employees.

Town Manager Havens stated that he had researched the issue by looking at the North Carolina League of Municipalities annual benefit survey where 168 cities and towns had responded to it with 89 offering health insurance for retirees. He added that of the 89, nine contributed none of the premium, meaning that the retiree would pay the total amount for health insurance.

Town Manager Havens stated that, in terms of eligibility, the retired employee must be eligible for unreduced retirement benefits through LGERS. He noted that the eligibility requirements meant 65 years of age with five years of credible service; 60 years of age with 25 years of credible service; and 30 years of credible service at any age. He stated that in addition to that, he was proposing that the employee must have served a minimum of 15 years with the Town. He noted that it was not opening the door for someone to work for the Town for the last five years of their career so they could receive the health insurance stipend. He added that it was mainly directed at trying to save the longer serving employees that have worked for the Town 15+ years and reach retirement, that there was a stipend for them to use.

Councilor Schiano asked if the Town's employees participate in Medicare. Town Manager Havens stated that they would, adding that that was why this stipend would end when the employee turned 65 years of age. He added that the stipend would end if the retiree became covered under another insurance plan.

Mayor Pro Tempore Thibodeau asked regarding the stipend amount, where it came from and if it was something that future Councils would adjust. Town Manager Havens stated that it was adjustable and was not anywhere near what the actual insurance premium was but was something to help the employee as well as letting the employee know they can stay on the Town's health insurance plan.

Councilor Schiano clarified that the Town would allow a retired employee to stay on the health insurance plan as well as giving them the \$2,400 stipend. Town Manager Havens stated he was correct. Mayor Pro Tempore Thibodeau pointed out that the employee would have to pay the difference, adding that the Town would only be paying \$200 per month. Councilor Schiano clarified that the Town was not making any contributions on the employee's behalf. Town Manager Havens stated he was correct. Councilor Schiano clarified that paying that would be significantly less than the market value. Town Manager Havens stated he was correct. He pointed out that there would not be any liabilities for the Town until Fiscal Year 2028, which would be when one employee would be eligible to retire. He added that it was assuming that every employee would retire as soon as they were eligible.

Councilor Schiano asked if Duck was rated as Duck with regard to health insurance or if it included other municipalities. Town Manager Havens stated that it was a much bigger pool. He explained that the insurance industry would aggregate small groups such as Duck and the Town was in a pool with a lot of other smaller towns. Councilor Schiano



thought the Town would see a lot more experience in most employees that were staying on a plan. He added that if it was just Duck, it could affect the insurance rates.

Mayor Kingston asked how it would be tracked. He asked if it would be done via the honor system. He asked how the Town would know that the retired employee would not have another employer or other health insurance. Finance and Human Resources Administrator Jessica Barnes was recognized to speak. Administrator Barnes explained that it could be tracked when the retired employee files a claim. Town Manager Havens stated that if the employee did not file a claim, it would be tracked via the honor system.

Mayor Kingston clarified that retired employees would receive the \$200 per month stipend if they stay on the Town's health plan. Town Manager Havens disagreed, adding that the employee would use it to purchase their own insurance. Mayor Kingston asked how a claim would be received if the employee was not on the Town's insurance. Mayor Pro Tempore Thibodeau thought the \$200 was only if the employee was staying on the Town's plan. Town Manager Havens stated that Council could make that change. Mayor Pro Tempore Thibodeau thought Town Manager Havens would recommend that the employee be allowed to get it because they may need it in order to purchase insurance on another plan. She clarified that the employee could stay with the Town and receive the \$200 or just receive the \$200. Town Manager Havens stated that the employee would need to show proof of coverage and what they were paying for the individual plan. Mayor Pro Tempore Thibodeau thought there could be a form that could be used. Town Manager Havens agreed, adding that they would need to sign it.

Councilor Schiano thought it should be done if the employee stays on the Town's health plan. He stated that if they were not going to stay on the Town's plan and take the \$2,400, they may have found a deal that was better than the Town's and they would not need to stay with the Town's plan. He thought if the employee stays with the Town, it would be subsidized. Mayor Pro Tempore Thibodeau thought one of the reasons an employee would get on another plan would be because of a family situation. Councilor Schiano agreed, adding that they would not need the \$2,400. Mayor Pro Tempore Thibodeau clarified that Councilor Schiano was presuming that if the employee did not need the Town's plan, they did not need the \$2,400. Councilor Schiano and Mayor Kingston agreed. Councilor Schiano added that it would be considered an extra retirement benefit disguised as something else. He thought if the employee stays on the Town's plan because they want to retire and not receive benefits elsewhere, but they aren't yet 65 years of age, it would be helping them to bridge that gap until they reach the age of 65. He stated that if they do not want to stay with the Town because the employee thinks they could do better elsewhere, then so be it; otherwise, it was another form of a retirement benefit. Town Manager Havens stated that it was.

Mayor Pro Tempore Thibodeau thought after an employee worked for the Town for 15 years, they should have the extra retirement benefit. Councilor Schiano thought maybe the retirement plan could be made richer if that was the case. He thought it was circumventing the retirement plan.

Mayor Kingston pointed out that Council wanted to avoid having future Councils deal with the liability and debt in the future years. Town Manager Havens pointed out that it would peak out in Fiscal Year 2044 based on the current employee load at a cost of \$38,000.

Councilor Schiano stated that every company in the last 100 years that made this decision never thought it would end up being what it is today. He stated that these things have a way of growing exponentially. He added that it doesn't seem like that could happen but someday it would. Town Manager Havens pointed out that that would be an action of the Council on the issue. He noted that he was not tying that stipend amount to anything, including the CPI. Councilor Schiano stated that that would be the next thing that happens – it would be increased by the CPI every year. He pointed out that he was not against the stipend, but Council needed to be very careful and keep it in a narrow environment.

Mayor Pro Tempore Thibodeau asked why seven employees were not eligible for the stipend. Town Manager Havens stated that he would not be eligible because he would not have 15 years of service with the Town by the time he reaches the age of 65. Mayor Pro Tempore Thibodeau clarified that it was because of the age of the employee. Town Manager Havens stated she was correct.

Councilor Whitman asked if all of the employees were still employed with the Town in 2044, this would reflect it. Town Manager Havens stated he was correct, adding that it reflected the current 38 employees and does not include the two new employees that were hired recently.

Mayor Kingston agreed with Councilor Schiano's comments. He stated that if an employee retires after a period of time and is still eligible to work, they will go where they can obtain insurance. He added that they would also have the \$2,400 stipend from the Town as spending money. He thought it should have a limit to it. Town Manager Havens stated that he was trying to structure it so it was not a liability to the Town that would get out of control.

Mayor Pro Tempore Thibodeau clarified that if the eligibility for the rules were to change and the retirement age went to 67 or 68, the Council would have to adjust and it would not automatically adjust to that. Town Manager Havens stated she was correct.

Councilor Schiano stated that there were a lot of what ifs. He stated that he would be more comfortable with any employee that retires before the age of 65 and met the eligibility requirements, they would have the option of staying on the Town's insurance plan and paying the full premium as well as receiving the \$200 per month subsidy until they reach the age of 65. He stated that if they decide to work somewhere else and do not want the subsidy, they don't receive it.

Mayor Pro Tempore Thibodeau pointed out that it was a recruitment tool and was in line with the other things that were being done. She pointed out that Dare County has a rich

retirement plan for their employees. She stated that it was an idea of attracting capable people. Town Manager Havens stated that it was recruitment and retention.

Councilor Schiano stated that he did not feel comfortable with the fact that if someone left employment with the Town and doesn't participate in the plan but still receives the stipend. He stated that it sounded like an addition to the retirement plan. He thought if the employee stayed on the Town's plan and wanted the plan to bridge them to Medicare, it would be generous on the Town's part to give the employee \$200 per month. He thought the rest of Council may not agree with his thinking, but it was what he was in favor of doing. Mayor Kingston agreed with Councilor Schiano's comments and thought it should be limited. He agreed that there were no checks and balances once the employee leaves.

Mayor Pro Tempore Thibodeau asked Councilor Whitman for his thoughts on the issue since a decision would be made at this meeting. Town Manager Havens stated that he was just looking for direction from Council. He pointed out that Council had a draft resolution in front of them that would not be approved at this meeting. He stated that he was looking for their input, would make the changes, and bring it back to Council's July 5, 2023 meeting for approval.

Councilor Whitman felt that the Town has been lucky to keep the employees it has and they should receive something, adding that this would be a great recruiting tool. He pointed out that almost all of the employees have been with the Town for a long time, with the exception of the Police and Fire Departments. Town Manager Havens stated that he knew that the Town was competing against what other towns were doing. He stated that they were providing retiree health insurance. He pointed out that this was his way of doing something that does not have that liability that continues to build over the years.

Councilor Schiano asked if the Town of Southern Shores pays 100% of their current employees' health insurance. Town Manager Havens stated that he did not have that information. Councilor Schiano thought they did. Mayor Pro Tempore Thibodeau thought they did. Town Manager Havens thought that they did.

Councilor Whitman asked how many towns paid 100%. Town Manager Havens stated that all of them did except Duck but wasn't sure. Councilor Schiano asked how much Duck paid. Town Manager Havens stated that the Duck pays 100% for employees and 75% of the total for spouses/children. Councilor Schiano pointed out that on that level, the Town was competitive with the other towns. Town Manager Havens stated he was correct.

Mayor Kingston thought it was still a slippery slope. He pointed out that some municipalities cannot cover their liabilities, adding that businesses were backing off on issues like this and were forcing people into healthcare plans, HMOs, or eliminating them completely. He reiterated that it was a slippery slope and wanted Council to understand where it was going on it as well as having a narrow path. Mayor Pro Tempore Thibodeau

clarified that Mayor Kingston would approve of the idea of allowing employees to be on a plan but not giving them the \$2,400 stipend. Mayor Kingston disagreed, adding that he was not against the stipend, but thought the only way to control it was for the employee to stay on the Town's plan. He stated that the cost would be controlled that way. Town Manager Havens explained that that was why he structured it. He added that he would not come to any Council and tell them it was a great idea to implement a retiree health insurance plan like this one because of the way the liabilities grow.

Councilor Schiano reiterated that he was not opposed to employees staying on the Town's plan and giving them a supplement as long as they stay on the plan. He thought it was generous. He clarified that it was not generous compared to the other towns. Town Manager Havens stated that it was not as generous, but it was more generous than what the Town currently offers. Councilor Schiano stated that if an employee stayed long enough to retire meant they did not care what the other towns were doing at that point in time. Town Manager Havens agreed, adding that it was the individuals that were making the decision on whether to work for Duck or another town and were looking at what was being done for retirement. He pointed out that Duck wants its employees to stay until they retire. He stated that he was trying to make it a little bit easier to recruit and retain people.

Mayor Kingston asked if Duck lost any applicants because of retirement health care. Town Manager Havens wasn't sure if it had happened. Mayor Kingston stated that he was thinking about the general age of individuals that have been hired with the Town. Police Chief Ackerman stated that applicants that he has recruited have told him that they needed the retiree health. Mayor Kingston wondered how much turnover the Town has had because of retirement healthcare.

Mayor Pro Tempore Thibodeau pointed out that there were richer benefits available elsewhere. She stated that she was fine with the stipend. She appreciated the time and effort Town Manager Havens put in and thought consensus would be completed with Council. She stated that she saw the value in the stipend as well as the impact on the budget. She noted that it was something that could be tracked and she didn't have an issue with it.

Mayor Kingston didn't think there was an issue with the amount of the stipend, but it needed to be controlled. Town Manager Havens stated that Council wanted to have the ability to know for sure that it was accounted for. Administrator Barnes suggested that the Town could require evidence of insurability to track it. Town Manager Havens pointed out that there were ways to control it.

Councilor Schiano thought there was consensus on the wording in that if an employee wants to stay on the Town's plan they could and would receive the stipend or if they want to go somewhere else, they do not receive the stipend. Mayor Pro Tempore Thibodeau stated that there was no consensus on it. Councilor Schiano thought he and Mayor Kingston were in agreement. Mayor Pro Tempore Thibodeau stated that Council did not

know how Councilor Whitman or Councilor Mooney felt about the issue. Councilor Schiano agreed.

Town Manager Havens stated that he would bring the draft resolution back and word it that if an employee stays on the Town's plan, an Option B could be added that could be discussed at the Council's July 5, 2023 meeting. Councilor Schiano thought Councilor Mooney would have good input since he was coming from public service. Mayor Pro Tempore Thibodeau agreed.

Town Manager Havens stated that he had proposed in the budget a tuition assistance program, which was for employees that pursue course work outside of their regular work hours. He stated that it was a maximum of \$1,200 per fiscal year per employee, adding that he had budgeted \$9,600 to start the program. He stated that the goal was to give employees a cushion to help them pursue advanced education. He noted that he was not proposing a tuition reimbursement, but a tuition assistance. He added that if the employee does not meet the requirements, i.e., they don't receive a grade of a C or better, or if they leave employment with the Town, they will have to pay the money back.

Mayor Kingston thought eligible employees would find the money. He stated that there was a certain amount budgeted from the General Fund. He added that if there were three or more employees that wanted to take advantage of the assistance, he didn't want to limit it to that one priority. Town Manager Havens agreed, adding that \$9,600 was budgeted for the upcoming fiscal year, but he wasn't sure how much it would be. He stated that he may have to come back to Council to ask for more money if there was a lot of interest. Councilor Schiano and Mayor Pro Tempore Thibodeau thought it was a good program. Mayor Pro Tempore Thibodeau asked if it was for all full-time employees, including those still on probation. Town Manager Havens stated that the probationary employees would have to finish their probation first.

## **NEW BUSINESS**

### **Discussion/Consideration of Authorizing Staff to Work with the Planning Board on Several Zoning Text Amendments**

Director of Community Development Joseph Heard was recognized to speak. Director Heard stated that the Community Development Department has identified several text amendments that can be considered to close unintentional loopholes or better address issues that have come to staff's attention regarding Section 156.002, Section 156.040, Section 156.058(J), Section 156.111(C), and Sections 156-002, 156.065, and 156.112. He stated that staff was asking for Council's authorization to work with the Planning Board and Town Attorney on each of the potential amendments.

It was *consensus* of Council to allow staff to pursue the amendments.

## **ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY**

Town Attorney Hobbs stated he had nothing to report.

## **ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN MANAGER**

### **Departmental Updates**

Town Manager Havens thanked the efforts of his staff with regard to the budget. He pointed out that it was a team effort and it was a blessing for him to be supported by dedicated and intelligent people as the budget was put together.

Town Manager Havens thanked Councilor Whitman for his hard work as the Town's de facto second maintenance person. He stated that Councilor Whitman has helped with a lot of projects, including helping install the new lighting in the Paul F. Keller Meeting Hall, fixing the solar lights on the boardwalk, and helping Maintenance Technician Kim Pittman with anything he needs help with. He stated that his efforts are appreciated by all staff.

Public Information and Events Director Kristiana Nickens was recognized to speak. Director Nickens gave a brief overview of 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.

Community Planner James Gould was recognized to speak. Community Planner Gould gave an overview of the past month's permit activities as well as a short update on what the Planning Board accomplished for Fiscal Year 2022-2023 to Council and the audience. He noted that future Planning Board annual reports would be given at Council's annual Retreat.

Deputy Fire Chief Clarence Batschelet was recognized to speak. Deputy Fire Chief Batschelet gave a brief overview of the past month's fire activities to Council and the audience.

### **May FY 2023 Financial Presentation**

Administrator Barnes gave a short presentation on the May Fiscal Year 2023 financials to Council and the audience.

### **MAYOR'S AGENDA**

Mayor Kingston stated that the mayors/chairmen meeting will be on June 20, 2023 hosted by the Town of Kitty Hawk. He reminded Council that Town Manager Havens' annual review would be started in the month of July. He stated that he recently met with Mitchell Whitley on June 3, 2023, explaining that Mr. Whitley was interviewing every

mayor in the state of North Carolina for a book he was writing. He added that Mr. Whitley has talked to 550 mayors and he was the 221<sup>st</sup> one he met with. He stated that Mr. Whitley lives in Raleigh and has been traveling around the state for the last year. He stated that it was very interesting and what Mr. Whitley was trying to do was to understand the different towns, the leadership, and why people get into elected office as well as the difference in each mayor. He stated that Mr. Whitley was not sure what the end result would be after he's finished meeting with all of the mayors with regard to having all 550 mayors in one book, having separate books, or dividing it out by the regions.

### **COUNCIL MEMBER'S AGENDA**

Mayor Pro Tempore Thibodeau thanked Town staff for everything they do. She congratulated Police Chief Ackerman and Director Nickens on their tenure with the Town. She gave a short Visitor's Bureau update to Council and the audience. She encouraged the audience to subscribe to the Town's newsletter since it was a great way to get a lot of information.

Councilor Whitman stated he had nothing to report.

Councilor Schiano commended Town Manager Havens and the entire staff on their work on the budget process, adding that it was extremely well done. He gave a short Government Access Channel Committee update to Council and the audience.

### **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 Regular meeting on Wednesday, July 5, 2023 at 6:00 p.m.


### **ADJOURNMENT**

Councilor Whitman moved to adjourn the meeting.

Motion carried 4-0.

The time was 8:40 p.m.

  
Lori A. Ackerman, Town Clerk

Approved: July 5, 2023  
  
Don Kingston, Mayor

