

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
November 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, November 1, 2023.

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

COUNCIL MEMBERS ABSENT: None.

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

OTHERS ABSENT: None

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

Mayor Kingston asked Councilor Randy Morton 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. He asked that any comments related to the public hearings be held off.

Angie Gleason of Ripple Fiber was recognized to speak. Ms. Gleason gave a short overview of the company she works for, adding that internet fiber will be coming to Duck the beginning of 2024, to Council and the audience.

Ben Vorndran of 104 Sea Hawk Drive West was recognized to speak. Mr. Vorndran thanked everyone that attends the Council meetings and thanked Council for their participation and time they take to be part of the Town. He stated that he looked forward to another couple of years of seeing Council and hoped that more people would attend meetings in order to make Duck a better place.

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

CONSENT AGENDA

Minutes from the September 20, 2023, Mid-Month Meeting; Minutes from the October 4, 2023, Regular Meeting; and Resolution 23-13, a Resolution of the Town Council of the Town of Duck, North Carolina, Supporting Operation Green Light for Veterans

Mayor Pro Tempore Thibodeau 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 to a Duck business of their choosing.

Mayor Kingston, Town Manager Havens, and Police Chief Jeffrey Ackerman went on to present Master Police Officer Jason Garrett with his 15-year service recognition certificate and \$150 gift certificate.

Recognition of Lori Ackerman, Town Clerk, for Earning her International Institute of Municipal Clerks (IIMC) Master Municipal Clerk Designation

Town Manager Drew Havens was recognized to speak. Town Manager Havens was happy to relay from the International Institute of Municipal Clerks the Master Municipal Clerk designation to Town Clerk Lori Ackerman. He explained that it represented one of the most prestigious designations that a Town Clerk can receive and represents a lot of work that included continuing education and participation in the Institute where she gives back some of her expertise for the good of the Institute. He acknowledged that the Town of Kill Devil Hills' Town Clerk Michael O'Dell was present. He stated that Mr. O'Dell had told him that there were only 75 Master Municipal Clerks in the entire state of North Carolina. He added that there were 520+ cities and over 100 counties in North Carolina, so Town Clerk Ackerman was in a very rare heir as a Master Municipal Clerk. He went on to present a certificate to Town Clerk Ackerman for her accomplishment.

QUASI-JUDICIAL PUBLIC HEARING

Public Hearing/Discussion/Consideration of SUP 23-008, a Special Use Permit Application by Doug and Laura Davis to Allow a Retaining Wall to Support New Fill at 124 Brandon Court (The applicant for this Special Use Permit has withdrawn the application, so the Public Hearing is no longer needed)

Mayor Kingston noted that public hearing would not be held due to the applicant withdrawing their application.

Public Hearing/Discussion/Consideration of SUP 23-009, a Special Use Permit Application by CWI Sanderling Hotel, LP, at 1461 Duck Road, Amending Prior Permit Approvals to Allow the Conversion of an Existing Indoor Pool Area to an Assembly Space and the Addition of Two New Guest Rooms, Fitness Center, Decking/Patio Areas, and Associated Improvements in the C-1 and C-2 Districts

Mayor Kingston turned the meeting over to Town Attorney Robert Hobbs.

Town Attorney Robert Hobbs was recognized to speak. Town Attorney Hobbs stated that the Council would be sitting as a quasi-judicial body for the public hearing, meaning that they will sit as a court and must make its decision based upon competent material and substantive evidence that will be presented during the course of the hearing. He stated that anyone wishing to give testimony would have to give it while under oath with the applicant afforded due process rights including the right to present evidence, examine, and cross-examine witnesses. He asked if any member of Council needed to disclose any communications about the subject of the hearing that they may have had with the applicant or any person prior to the hearing. There were none.

Town Attorney Hobbs stated that anyone that would be presenting evidence in connection with the hearing would need to take an oath. He asked that anyone wishing to testify come forward to be sworn in.

Town Clerk Lori Ackerman was recognized to speak. Town Clerk Ackerman went on to swear in the applicants and staff for the public hearing.

The following persons were sworn to provide testimony during the hearing: Joseph Heard, Michael Strader, and Lorcan Drew.

Town Attorney Hobbs opened the evidentiary portion of the hearing. He stated that Director Heard would give an overview.

Director of Community Development Joe Heard was recognized to speak. Director Heard noted that the public hearing was properly advertised. He stated that the applicant was requesting a special use permit amending existing conditional use permits to add the following improvements at the Sanderling Resort & Spa properties located at 1461, 1570, and 1574 Duck Road. He noted that the following improvements were proposed on the hotel property at 1461 Duck Road:

- Convert existing storage areas on the first floor of the North Inn into two new guest rooms.
- Add an ADA accessible walkway at the rear of the Main Inn.

Director Heard stated that the following improvements were proposed on the Kimball's Kitchen restaurant property at 1570 Duck Road:

- Add decking and walkways to the rear of the restaurant and parking area.

Director Heard stated that the following improvements were proposed on the spa property at 1574 Duck Road:

- Construct a new, single-story fitness center 1,966 square feet in size on the northern side of the property.
- Convert the existing indoor pool into an assembly space.
- Add decking and walkways to the rear of the existing pool and spa buildings.
- Add paved walkways to the new fitness center.

Director Heard noted that several of the proposed improvements were previously approved under CUP 18-001, which have subsequently expired. He added that these improvements included the two new guest rooms, new fitness center, and much of the proposed decking.

Director Heard stated that the Sanderling Resort & Spa consisted of three separate parcels located on both sides of Duck Road. He stated that the property at 1461 Duck Road was 12.09 acres in size and zoned General Commercial (C-2) and was located on the east side of Duck Road with extensive frontage on the Atlantic Ocean. He added that it contained 120 hotel rooms housed in four separate buildings as well as a conference center, the Lifesaving Station restaurant, and support facilities for the hotel. He stated that the other two properties were located on the west side of Duck Road and zoned Neighborhood Commercial (C-1) with frontage on the Currituck Sound. He added that the property at 1570 Duck Road was nearly one acre in size and contained Kimball's Kitchen restaurant. He noted that the Sanderling Resort leases a portion of the adjoining parcel to the south for use as parking associated with the restaurant. He added that the property at 1574 Duck Road was 1.52 acres in size and presently contained an event pavilion, indoor swimming pool, and spa facilities.

Director Heard stated that several conditional use permits have previously been approved by the Town for the Sanderling Resort & Spa. He pointed out that this application proposed a modification to those existing permits. He explained that CUP 03-003 was an expansion and renovation of the spa/health club facility to allow limited use by the general public, as well as associated parking and site improvements; CUP 11-002 was for construction of an enclosed event pavilion approximately 4,261 square feet in size adjacent to the existing pool and spa building to accommodate weddings and other special events. A wooden deck and storage shed were also approved as part of this application; CUP 12-006 was for the addition of seven guest rooms, two outdoor pools, and a pool service building. Also included was an addition to the existing storage/maintenance building and associated site/landscaping improvements; CUP 14-003 was for the addition of 24 hotel guest rooms and associated parking improvements to the hotel property. A third floor was added to the North Inn building to create 18 new

guest rooms and six guest rooms were added to the Main Inn building by converting existing storage and attic space in the third floor of the building; CUP 18-001 was the addition of 11 new hotel rooms including a third floor addition to the Event House accommodating six guest rooms, conversion of third floor areas of the Main Inn into four new guest rooms, and conversion of existing storage areas on the first floor of the North Inn into two new guest rooms. An existing guest room and other areas in the Event House were converted to conference space and the approval included the addition of seven new parking spaces, a new fitness center building, and decking/patio to the rear of the existing indoor pool and spa buildings.

Director Heard stated that Subsection 156.155 of the Duck Town Code establishes criteria for special use permit applications. He noted that the following standards should be considered as part of the Council's review:

1. The use meets all required conditions and specifications of the ordinance.
2. The use does not materially endanger the public health or safety.
3. The use will not substantially injure the value of adjoining property unless the use is a public necessity.
4. The use will be in harmony with the area in which it is located and be in general conformity with the Comprehensive & CAMA Land Use Plan.

Director Heard pointed out that when granting a special use permit, the Council may prescribe appropriate conditions and safeguards to the location, nature and extent of the proposed use and its relation to surrounding property, for purposes of ensuring that the conditions of permit approval will be complied with; and minimizing any potentially injurious effect of the proposed use on adjoining properties, the character of the surrounding area, or the health, safety and general welfare of the community.

Director Heard stated that since the proposed improvements appear to be consistent with Town development standards, compliant with all required findings for special use permits, and consistent with the Comprehensive & CAMA Land Use Plan, staff was recommending approval of SUP 23-009 and the proposed improvements subject to the following conditions:

1. Use of the fitness center is limited to resort guests only and shall not be available for use by the general public.
2. The applicant must obtain CAMA minor permits for the walkway on the oceanside property and proposed improvements within the CAMA AEC on the soundfront property.
3. Details and specifications for exterior lighting must be submitted and approved by the Community Development Department prior to installation. All exterior lighting must comply with Town standards.

4. The applicant needs to submit a letter authorizing the capacity at the private wastewater treatment facility for Pine Island.
5. The applicant must submit a final site plan and site plan review fees as noted in the Town's adopted fee schedule prior to issuance of a building permit for the project.
6. The Building Inspector and Fire Department must review and approve the proposed improvements for compliance with applicable codes.
7. The fitness center must be constructed and renovated in substantial conformance with the elevation drawings and floor plans submitted with the SUP application, as prepared by Beacon Architecture, and dated February 12, 2018.
8. This special use permit will expire in 24 months from the date of approval if the proposed improvements have not commenced. Any gap of 24 months between the completion of one phase of the project and commencement of another phase will result in the expiration of the special use permit.

Town Attorney Hobbs asked Council if they had questions for Director Heard.

Mayor Pro Tempore Thibodeau asked with regard to the final condition listed, the project was taken as a whole so starting any one within the next two-year period would allow the entire permit to stay valid until such time as the project was completed. Director Heard stated she was correct. Mayor Pro Tempore Thibodeau asked if the new fitness center would abut the spa. Director Heard explained that it was on the same property but did not directly abut it. He added that it was a separate building on the northern side of the property.

Town Attorney Hobbs asked if the applicant had any questions for Director Heard. There were none.

Town Attorney Hobbs asked the applicant to make a presentation.

Lorcan Drew of Brookfield Properties USA, LLC was recognized to speak. Mr. Drew thanked Director Heard and his staff for working with them on the project, thanking Council as well. He thought Director Heard did a good job of explaining the project, adding that he would be happy to answer questions Council had.

Councilor Whitman pointed out that decking was proposed to be added behind Kimball's Kitchen. He asked if it was for aesthetics or if food would be served there. Lorcan Drew stated that it was to link the two buildings, adding that there may be an opportunity to add seating outside on the back side of Kimball's Kitchen. Councilor Whitman clarified that if seating was added, it would take seating away from inside the restaurant with regard to the seating count. Mr. Drew thought it would be just decking for now and would be part of the permit application if they were going to add seating. Councilor Whitman noted that Council may be approving the application at this meeting and the parking may be short before the project even started. Mr. Drew stated that he would defer to the engineer for the project.

Michael Strader of Quible and Associates was recognized to speak. Mr. Strader explained that there was no seating proposed and would be exclusively decking. He agreed that it would potentially affect parking as well as the wastewater.

Councilor Whitman clarified that the indoor pool will be completely eliminated. Lorcan Drew stated he was correct. Councilor Whitman clarified that there were no plans to add a swimming pool anywhere else on the property. Mr. Drew stated he was correct.

Town Attorney Hobbs asked Lorcan Drew if he agreed with the eight proposed conditions. Lorcan Drew stated that he agreed with the conditions.

Mayor Kingston stated that the landscaping was replaced a few years ago when other renovations were completed. He asked if there was a landscaping plan to go with the additions. Lorcan Drew stated that there was ongoing landscaping as part of the property maintenance. He stated that they had a plan to enhance what currently existed.

Councilor Whitman stated that the trees were removed on the hotel side with the last renovation. He asked if there would be a landscaping plan for this side of the street. Lorcan Drew stated that there was and it would be for both sides of the street. He added that the main edge on the main hotel parcel would have something done between the road and the parking lot.

Councilor Whitman asked Director Heard if the applicant would have to come back for a landscaping plan for Council to review since there wasn't one included for this hearing. Director Heard stated that they would not unless Council wanted it be part of the proposal. He thought it could be added as a condition. He noted that if the applicant were to complete landscaping improvements, it would not require any review or permit by Town staff. Councilor Whitman stated that he would like to see a landscaping plan added as a condition.

Town Attorney Hobbs clarified that if there was consensus of Council to add a condition concerning a landscaping plan, the condition would state that it would go back to the Planning staff to review and approve or have it come back before Council. Councilor Whitman stated that he wanted Planning staff's recommendation on it. Town Attorney Hobbs pointed out that it may be difficult to have it come to Council as part of this package. He suggested that it be part of Council's deliberation or Council could ask the applicant how they felt about adding another condition.

Councilor Whitman asked Lorcan Drew how he felt about having a condition added to include a landscaping plan. Lorcan Drew thought if they were adding it and it was going as a permit to Planning where he would not have to come back before Council, he would consider it.

Mayor Kingston asked Lorcan Drew if he had planned on taking any significant landscaping out that currently existed. Lorcan Drew stated that he wasn't, adding that he was looking to enhance what was there.

Town Attorney Hobbs suggested that one option Council could do would be to propose a condition that would have the plan come back to Planning staff or even the Planning Board. He pointed out that having it come back before Council would restart the process.

Councilor Morton asked if the parking lot for Kimball's Kitchen would remain as gravel. Lorcan Drew thought a portion of it was gravel and the rest was a mixture of asphalt and gravel. Councilor Morton clarified that it will remain as gravel. Mr. Drew stated that it would.

Town Attorney Hobbs clarified that the applicant would be receptive to a condition where they would come back to the Planning staff for review and approval of a landscaping plan. Lorcan Drew stated that he would be fine with that.

Michael Strader suggested that Council vocalize their concerns when they begin their deliberations with regard to the landscaping. He stated that, as far as the Town's ordinance for landscaping, the plan was compliant, adding that there were no existing trees of significance that were proposed to be removed. He stated that the idea was to enhance, adding that whatever currently was in place would be more landscaped.

Town Attorney Hobbs asked if any of the sworn witnesses wished to make a presentation. There were none.

Town Attorney Hobbs asked Council if they had any final questions. There were none.

Town Attorney Hobbs closed the evidentiary portion of the public hearing and turned the meeting back over to Mayor Kingston. He noted that a vote of the majority of Council would be required to approve the application. He added that as part of Council's deliberation and if there was a motion to approve the application, there were various findings that would need to be made and it would be helpful if the motion referenced the findings as well as the eight proposed conditions.

Mayor Kingston thought it was a good plan. He thought with regard to the landscaping, it did not need to come back before Council, but thought a landscaping plan could go to the Planning department for review and approval. Mayor Pro Tempore Thibodeau asked Mayor Kingston if he was suggesting that the landscaping plan be added as a condition or as a recommendation. Mayor Kingston thought, unless additional landscaping is removed, it could be a recommendation to work with the Planning staff. Mayor Pro Tempore Thibodeau agreed with Mayor Kingston's comments. She stated that she wasn't sure where the hesitation was with Councilor Whitman, other than there was landscaping removed when larger improvements were completed on the other side of the road. Councilor Whitman stated that was his reasoning, adding that mature trees were removed.

Councilor Mooney thought Councilor Whitman's concern was about the tree removal on the east side of Duck Road. He noted that he lived in that area and the trees that were removed were because they were dying and removing them was a huge improvement.

He thought the landscaping improvements that they made were good improvements. He didn't know why they would want to alter the landscaping on the west side of Duck Road, adding that if they are required to discuss it with the Planning department, it would create an issue that doesn't exist.

Councilor Whitman stated that he was on the Planning Board when the application was approved, adding that he did not remember seeing any plans to remove everything in the front on the east side of Duck Road. He stated that he did not want to see it happening on the west side of Duck Road. He thought the applicant may replace with some larger trees than what currently exists. Councilor Mooney pointed out that the trees will grow and eventually mature. He thought the applicant did a good job and reiterated that Council was concerning themselves with things that were not going to happen. He asked if Council was going to start regulating all landscaping around businesses. He thought it was an overreach, adding that if they were in communication with staff and had proposed to do some clear cutting on the west side of the road, staff would bring it to Council's attention. He didn't see that as something that Council needed to be concerned about or it happening.

Mayor Pro Tempore Thibodeau moved to approve SUP23-009 as presented, with the findings of fact as well as the eight proposed conditions listed.

Councilor Whitman asked if the applicant would be asked to go to the Planning department with a landscape plan. Mayor Pro Tempore Thibodeau thought Council made it clear and didn't think it needed to be added as a condition. She thought the applicant would show what they were proposing to the Planning department, adding that her motion stood.

Councilor Whitman clarified that the recommendation would be kept in the motion. Town Attorney Hobbs explained that the motion was to adopt the proposed permit as presented with the eight conditions which did not include anything with regard to landscaping. He stated that the effect of the discussion from Council was to encourage the applicant to discuss the landscaping with Planning staff but it would not be part of the motion or the permit, adding that it would be in the record of the hearing.

Mayor Kingston asked Mayor Pro Tempore Thibodeau if she would be willing to amend her motion to include a recommendation. Mayor Pro Tempore Thibodeau clarified that, in addition to her motion, she would add a recommendation that the applicant consult with Planning staff as they develop their landscaping plan. She thought it could be added but felt what was discussed was adequate based on the discussion. Town Attorney Hobbs explained that as long as Council understood that it would be a desire and not an enforceable condition. Mayor Kingston stated that Council needed to move forward in good faith and the landscaping recommendation did not need to be included.

Motion carried 5-0.

LEGISLATIVE PUBLIC HEARINGS

There were no Legislative Public Hearings to discuss.

OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS

Discussion/Consideration of Approving a Notice of Extension of the Series 2021B Variable Rate Special Obligation Bond for the Portion of Beach Nourishment Funding to be Reimbursed by FEMA

Town Manager Havens stated that as part of the Town's funding strategy for the 2022 Beach Nourishment Project, the Town issued a fixed rate, five-year Special Obligation Bond (Series 2021A) as well as a variable rate, one-year renewable Special Obligation Bond (Series 2021B). He explained that the second bond was issued to cover expenses for which the Town has a grant agreement with FEMA related to storm damage from Hurricane Dorian. He noted that the Town has not received any reimbursement from FEMA per the agreement with them.

Town Manger Havens stated that, per the terms of the Series 2021B Bond, the Town has to notify the bond holder – PNC Bank – of its intent to extend the bond for another year. He stated that PNC Bank would then provide the Town with the interest rate for the coming bond term and the Town will then sign the Notice of Extension of the Bond. He noted that the Local Government Commission does not need to approve the extension, but staff would make them aware.

Town Manager Havens explained that the Town's initial rate for this bond was 1.64% with the bond issued on December 14, 2021 in the amount of \$2,425,511. He stated that the extension to the Second Term Period for this bond was at an interest rate of 5.06%. He stated that he expected to see this rate increase slightly for the extension period due to the changes made by the Federal Reserve to interest rates over the course of the past year.

Town Manger Havens stated that, per the Bond Issuance Resolution, the Town was only obligated to pay the principal on the bond up to the amount of reimbursement received by FEMA and placed in a special account established for the purpose of receiving these funds. He explained that because construction has not begun, the Town has not received any reimbursement from FEMA and the Town's obligation was to continue to make quarterly interest payments to PNC Bank. He added that the total interest due for the second year of the bond totaled \$61,365 with the last quarterly payment due on December 14, 2023.

Mayor Kingston asked Town Manager Havens if he had any speculation on the interest rate. Town Manager Havens stated that he did not and thought 150 base points would be a good place to start. He added that it was for one year and the paperwork has been submitted to FEMA asking for reimbursement.

Mayor Pro Tempore Thibodeau clarified that when the Town completed the one year, it was in anticipation of receiving the funding from FEMA after the first year and now the

Town is in its third extension. Town Manager Havens agreed, adding that it was 95% due to the fact that the project was not completed on time. He reminded Council that the project was supposed to be performed in the fall/winter 2022 and it didn't start until 2023.

Mayor Kingston clarified that the Town accrued the penalties and FEMA accrued them back to the beach fund and not the Town. Town Manager Havens stated he was correct.

Mayor Pro Tempore Thibodeau moved to approve the Notice of Extension and to authorize the Town Manager to execute the Notice of Extension of 2021B Bond as presented.

Motion carried 5-0.

Discussion/Consideration of Authorizing a Public Hearing on Ordinance 23-14, an Amendment to Height Measurement for Coastal High Hazard Areas in the Definition of Building Height in Section 156.002 of the Town Code

Director Heard stated that Ordinance 23-14 proposes to amend the definition of *Building Height* found in Section 156.002 of the Zoning Ordinance by adding a maximum allowance of three feet above the highest adjacent grade below the structure to begin the height measurement in Coastal High Hazard Area (CHHA) flood zones, similar to allowances in other flood zones. He added that at their October 18, 2023 meeting, the Planning Board voted unanimously to recommend approval of the proposed text amendment for Ordinance 23-14 as the most appropriate solution to fairly address how building height is measured in the CHHA zones.

Mayor Pro Tempore Thibodeau moved to authorize a public hearing on Ordinance 23-14 for Council's December 6, 2023 meeting.

Motion carried 5-0.

NEW BUSINESS

Discussion/Consideration of a Request from Claudia Kozinetz and Carl Hacker, Owners of 100 Beachcomber Court, to Waive Building Permit Fees for the Reconstruction of their Home that was Destroyed by Fire following a Lightning Strike

Town Manager Havens stated that he had received an email from the owners of 100 Beachcomber Court asking the Town to waive building permit fees related to the reconstruction of their home which was destroyed by fire earlier this year. He pointed out that the request came as a result of Council opting to waive building permit fees for beach access steps/platforms that were damaged, on multiple properties, during storm events in late September. He noted that Council has in the past waived permit fees for

multiple property owners who received significant damage to steps/platforms as a result of a storm event.

Councilor Whitman asked if the Town has ever had a request like this one from soundfront owners. Town Manager Havens stated that there had not been any requests.

Mayor Kingston thought Council never waived fees on destruction other than on the beach. Town Manager Havens understood that the only time fees were waived were for multiple losses of beach structures such as walkways. Mayor Kingston clarified that this could set a precedent for significant impacts in the future. Town Manager Havens stated he was correct.

Councilor Morton clarified that fees have not been waived for any other single disaster such as a house fire. Town Manager Havens stated that they haven't. He added that it did not take away the impact of an incident such as a fire on property owners. Councilor Morton clarified that the work associated with inspections for walkways and steps was significantly less than it was for rebuilding a house. Town Manager Havens stated he was correct.

Mayor Kingston assumed that most steps and/or walkways would not be covered by insurance but a house would be significantly insured. Town Manger Havens stated it could be conjecture.

Councilor Mooney understood that walkways and steps to the beach were not insured, adding that he was sure the house was insured. He thought this would be a bad precedent to set. Mayor Pro Tempore Thibodeau agreed with Councilor Mooney's comments, adding that she felt terrible about the devastation of the fire. She pointed out that it was not the first fire that has consumed a home in Town. She agreed that it would set a bad precedent for future disasters and thought it should remain limited to what Council has done in the past with regard to the oceanfront. Councilor Whitman agreed with Mayor Pro Tempore Thibodeau's comments. He did not think when the tornado went through Town a few years ago that building permit fees were waived.

Councilor Whitman moved to deny the request for eliminating the building permit fees.

Mayor Pro Tempore Thibodeau stated that it was a devastating fire and was glad no one was hurt. Mayor Kingston agreed.

Motion carried 5-0.

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

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

Director Heard gave a brief overview of the past month's permit 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.

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

September FY 2024 Financial Presentation

Finance and Human Resources Administrator Jessica Barnes was recognized to speak. Administrator Barnes gave a short presentation on the September Fiscal Year 2024 financials to Council and the audience.

MAYOR'S AGENDA

Mayor Kingston stated that the mayors/chairmen meeting will be on November 21, 2023 hosted by Dare County. He reminded the public that Election Day was Tuesday, November 7, 2023 and early voting is ongoing through Friday, November 3, 2023. He encouraged the residents of Duck to get out and vote.

COUNCIL MEMBER'S AGENDA

Mayor Pro Tempore Thibodeau reminded the public to get out and vote on November 7, 2023. She stated that the Outer Banks Tourism Board will be holding a tourism summit on November 2, 2023 that she will be attending. She stated that the Jazz Festival was amazing and she was so proud of the Town. She thought that Duck was on the cutting edge and thanked Town staff for their work.

Councilor Mooney stated he had nothing to report.

Councilor Whitman reminded the public to get out and vote on November 7, 2023. He wished the other Council members and the two new candidates good luck with the election.

Councilor Morton stated that he filled in for Councilor Whitman at the October 18, 2023 Planning Board meeting as the Council Liaison. He thought it was a good meeting.

OTHER BUSINESS

Additional Public Comments

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

Mayor Kingston noted that the next meeting would be the Regular meeting on Wednesday, December 6, 2023 at 6:00 p.m.

CLOSED SESSION

Mayor Pro Tempore Thibodeau moved to enter closed session in accordance with Section 143-318.11(a)(1) of the North Carolina General Statutes to prevent the disclosure of information that is privileged or confidential, pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.

Motion carried 5-0.

The time was 8:07 p.m.

Upon return from closed session Town Attorney Hobbs stated that the Council reviewed and approved closed session minutes from the following meetings:

November 2, 2022
January 4, 2023
March 1, 2023
August 21, 2023
September 20, 2023

December 7, 2022
February 1, 2023
August 2, 2023
September 6, 2023
October 4, 2023


He noted that these minutes would remain sealed as per current Town policy.

ADJOURNMENT

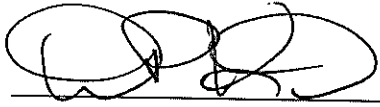
Councilor Whitman moved to adjourn the meeting.

Motion carried 5-0.

The time was 8:18 p.m.


Lori A. Ackerman, Town Clerk

Approved: December 6, 2023



Don Kingston, Mayor

