

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
July 3, 2024**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 1:00 p.m. on Wednesday, July 3, 2024.

COUNCIL MEMBERS PRESENT: Mayor Don Kingston; Mayor Pro Tempore Monica Thibodeau; Councilor Sandy Whitman; Councilor Brenda Chasen; and Councilor Kevin Lingard.

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 Manager Jessica Barnes; Public Information and Events Director Kristiana Nickens; Deputy Town Clerk Christy Drumheller; and Town Clerk Lori Ackerman.

OTHERS ABSENT: None

Mayor Kingston called the meeting to order at 1:00 p.m.

Mayor Kingston asked Councilor Brenda Chasen to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence asking everyone to keep former Mayor Neil Morrison's family in their thoughts as Mayor Morrison had passed away in mid-June.

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 June 5, 2024, Regular Meeting; Minutes from the June 19, 2024, Mid-Month Meeting; Resolution 24-11, a Resolution of the Town Council of the Town of Duck, North Carolina, Honoring the 150th Anniversary of the Chicamacomico Life-Saving Station in Rodanthe and Declaring October 2024 as Life-Saving Service Commemoration Month

Councilor Chasen moved to approve the consent agenda as presented.

Motion carried 5-0.

SPECIAL PRESENTATIONS

Swearing in of Christy Drumheller as Deputy Town Clerk

Town Clerk Lori Ackerman was recognized to speak. Town Clerk Ackerman stated that after Deputy Town Clerk Melissa Felthousen had resigned, there was an opening and Christy Drumheller was recently hired as the Town's newest Deputy Town Clerk.

Town Clerk Ackerman went on to swear in Christy Drumheller as the new Deputy Town Clerk.

Mayor Kingston and Council welcomed Deputy Town Clerk Drumheller to the Town.

Introduction of the 2024 Town of Duck FLOCK Academy Graduates

Public Information and Events Director Kristiana Nickens was recognized to speak. Director Nickens stated that when the FLOCK Academy graduation was held, she mentioned that one of the unifying principles from the Town of Duck was an active and engaged community, adding that the FLOCK Academy was created with the goal of fostering a sense of community and civic engagement to empower the citizens to have an active participation in shaping the Town and its future.

Director Nickens stated that since March, she had 12 participants who had attended sessions led by department directors and Town staff as well as Public Safety to learn about their respective departments and applied their learning with an interactive activity.

Director Nickens stated that she was excited for the project to return in future years. She thanked the participants for their dedication and commitment and went on to introduce the participants from the Academy.

Mayor Kingston thanked all of the participants for participating in the Town's first FLOCK Academy. He thought everyone found it a very valuable experience and learned a lot about the operations of the Town. He congratulated the participants for completing the course, adding that he was glad it was so successful for all.

Mayor Kingston thanked Town staff for their involvement and participation in the FLOCK Academy. He thanked Director Nickens for the idea of the Academy as well as putting everything together.

Introduction of 2024 Lifeguards

Mayor Kingston noted that the introduction of the lifeguards would be held at a later date.

Presentation by Chris Dewitt of VHB on the West Side Feasibility Study

Ricky Wiatt of VHB was recognized to speak. Mr. Wiatt went on to give a presentation on the Town's west side feasibility study to Council and the audience. He then took questions from Council.

Mayor Kingston thanked Ricky Wiatt 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

There was no Old Business to discuss at this time.

NEW BUSINESS

Discussion/Consideration of Resolution 24-10, a Resolution of the Town Council of the Town of Duck, North Carolina, Revising the Personnel Policies of the Town of Duck

Town Manager Drew Havens was recognized to speak. Town Manager Havens stated that an additional revision was being recommended to the Town's Personnel Policies. He stated that the proposed revision to be considered was as follows with regard to voluntary resignations:

1. 30 days' notice is expected of all employees exempt from the Wage and Hour Provisions of the Fair Labor Standards Act.

Town Manager Havens stated that Resolution 24-10 would make this change effective July 3, 2024.

Mayor Pro Tempore Thibodeau clarified that the consequence when an employee does not give 30 days' notice was forfeiture of their vacation time. Town Manager Havens stated she was correct, explaining that the way the policy was structured was if an employee does not provide proper notice, they would forfeit their accumulated vacation leave. Mayor Pro Tempore Thibodeau clarified that "expected" was the correct term in the change versus using "required." Town Manager Havens stated she was correct. He pointed out that there was other language within the policy that states that if an employee gives 30 days' notice, he could tell that employee; "Thank you for your service, we'll pay

you your vacation and your service ends today.” He added that the Town does not have to allow the person to work out a 30-day notice as it was based on the organization. He stated that he expects someone to provide 30 days’ notice, which was the expectation.

Mayor Kingston wondered if “expected” was the right word. He agreed with Mayor Pro Tempore Thibodeau’s comments. Town Manager Havens explained that the language existed in the prior personnel policies, adding that it could be changed but it would not change the interpretation or the application of the policy.

Councilor Chasen asked if there was anything from the League of Municipalities as far as a recommendation of the wording. Town Manager Havens stated that the policy was from the League of Municipalities.

Councilor Chasen moved to approve Resolution 24-10 as presented.

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

Director Nickens gave a brief overview of activities to Council and the audience.

Police Chief Jeffrey Ackerman was recognized to speak. Police Chief Ackerman gave an update on enforcement and public education regarding eBikes to Council and the audience. He also gave an update on the Town’s golf cart ordinance and the feedback he received regarding them to Council and the audience.

Councilor Lingard asked if there was a date when golf carts changed, further asking if there was a specific range of years that would be easy to retrofit a golf cart. He noted that he did not have a problem with grandfathering older golf carts. He thought the Town would need any golf cart manufactured after a certain date to be up to date with the regulations. Police Chief Ackerman stated that it was all over the place. He explained that with certain manufacturers, it could be a certain date while others have changed and have so many different models, it was impossible to do it. He pointed out that North Carolina does define an antique vehicle in their statutes, adding that it does not subject antique vehicles to the same requirements as a 2024 vehicle. He stated that he could do something like that where the definition could be more defined. He didn’t think it would be an exact year but thought that defining it from older to modern would be helpful.

Mayor Pro Tempore Thibodeau agreed that if Police Chief Ackerman was finding unintended consequences already, it would make sense for him to give Council some recommendations. She stated that she didn't want to create a lot of expense for anyone, but the safety piece was the key.

Councilor Chasen agreed with Mayor Pro Tempore Thibodeau's comments, adding that Council's intention was not to create a hardship for anyone. She stated that she would like to see some recommendations.

Councilor Whitman agreed with the rest of Council's comments.

Mayor Kingston asked if the people that rent the golf carts have been cooperative. Police Chief Ackerman stated that there have not been any issues adding that the vast majority of rented golf carts were street legal and up to date with the requirements.

It was *consensus* of Council to have Police Chief Ackerman come back with recommendations at a future meeting.

Councilor Whitman asked with regard to the parking if it was just state roads or private roads. Police Chief Ackerman explained that there was a mix, adding that the private roads that were part of the Town's parking ordinance had opted in. He noted that it did not cover all of the side streets. He assumed that if the Town were to make some exemptions, it would only be subject to those that have opted in at this point, adding that they could also choose to opt out.

Councilor Lingard clarified that this would be for parking at the beach. Police Chief Ackerman stated he was correct, adding that the main reason people purchase a golf cart versus a street legal vehicle was to get from their home to the beach. He noted that more golf carts could be parked at the beach than vehicles and in a few neighborhoods, while the space was there on the right-of-way, the parking ordinance doesn't exempt golf carts and treats it the same as a vehicle, which creates a difficult situation at times. He thought there was some hope that there would be some kind of allowance to be able to park the golf cart there since there was less of an impact on the soil. Councilor Lingard thought Council would be open to suggestions from Police Chief Ackerman on that. Police Chief Ackerman stated that he would work with Town Manager Havens and Director Heard and come back at a future Council meeting with some recommendations.

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

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.

May FY 2024 Financial Presentation

Finance and Human Resources Manager Jessica Barnes was recognized to speak. Manager Barnes gave a short presentation on the May Fiscal Year 2024 financials and an overview of the Town's conversion to Black Mountain Software to Council and the audience.

MAYOR'S AGENDA

Mayor Kingston stated that the mayors/chairmen meeting will be on July 16, 2024 hosted by Dare County. He stated that on July 16, 2024, he would be attending the Blue Zone Ignite OBX with Community Planner Jim Gould. He thought the intent was to address the aging population in Dare County. He thought afterward, they would be asking for people to participate in the endeavor. He stated that he was looking forward to the 4th of July parade as well as recognizing former Councilor Nancy Caviness, who was the second longest serving Council member beyond Mayor Pro Tempore Thibodeau.

COUNCIL MEMBER'S AGENDA

Mayor Pro Tempore Thibodeau stated that she had attended a storm preparation meeting called Hurrex through Dare County Emergency Management and found it very interesting. She gave a Visitors Bureau meeting update as well as the Dare Community Housing Taskforce meeting update to Council and the audience.

Councilor Lingard stated he was looking forward to the 4th of July parade.

Councilor Whitman thanked everyone for the events held in Town. He thanked Community Planner Jim Gould for holding Duck Sweep every Friday.

Councilor Chasen stated that she has been working on the Duck horse project and will be working with Director Nickens and Community Engagement Coordinator Betsy Trimble to get some communication out about it. She stated that she had created some vignettes that were paintings of pictures of things that have been the history of Duck. She stated that she was looking forward to seeing people come out to help paint the horse.

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.

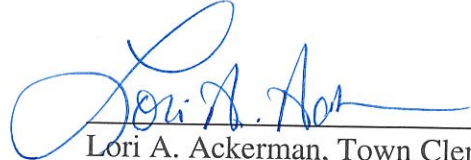
Mayor Kingston noted that the next meeting would be the Mid-Month meeting on Wednesday, July 17, 2024 at 1:00 p.m.

ADJOURNMENT

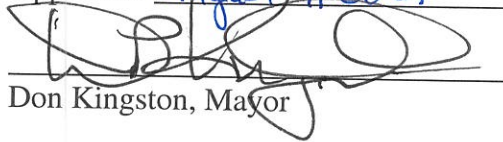
Councilor Whitman moved to adjourn the meeting.

Motion carried 5-0.

The time was 2:48 p.m.



Lori A. Ackerman, Town Clerk

Approved: August 7, 2024


Don Kingston, Mayor

