

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MID-MONTH MEETING
April 20, 2016**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 1:00 p.m. on Wednesday, April 20, 2016.

COUNCIL MEMBERS PRESENT: Mayor Don Kingston; Mayor Pro Tempore Monica Thibodeau; Councilor Nancy Caviness; Councilor Chuck Burdick; and Councilor Jon Britt.

COUNCIL MEMBERS ABSENT: None.

OTHERS PRESENT: Town Manager Christopher Layton; Director of Community Development Joe Heard; Police Chief John Cueto; Fire Chief Donna Black; Town Attorney Robert Hobbs; Director of Public Information Officer Denise Walsh and Town Clerk Lori Ackerman.

OTHERS ABSENT: None.

Mayor Kingston called the meeting to order at 1:08 p.m.

PRESENTATION OF FY 2017 PROPOSED BUDGET

Mayor Kingston recognized Town Manager Layton.

Town Manager Layton gave a presentation on the proposed Fiscal Year 2017 Budget to Council and the audience, noting that he was not proposing a tax increase. He then handed out the proposed Fiscal Year 2017 budget.

Mayor Kingston thanked Town Manager Layton for his presentation. He called for a five minute recess. The time was 2:34 p.m.

Mayor Kingston reconvened the meeting.

DISCUSSION/CONSIDERATION OF RESOLUTION 16-04, A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DUCK, NORTH CAROLINA, IN OPPOSITION TO AND URGING THE REPEAL OF SESSION LAW 2016-3/HB2

Town Manager Layton stated that at Council's April 4, 2016 meeting, staff was directed to prepare a resolution and statement in opposition to session Law 2016-3/HB2, which was signed into law on March 23, 2016. He added that on April 12, 2016, Governor Pat McCrory issued an executive order that sought to address some issues in the law. He pointed out that Council had a draft resolution and statement in front of them for discussion. He stated that he wanted to know if Council wished for staff to send out a press release or post it on the Town's website in order to meet the expectations.

Mayor Kingston stated that Council had copies of the resolution in their agenda package. He asked Council how they wished to move forward with the resolution and statement and if they had any changes. He noted that Governor McCrory's amended comments and executive actions were included in both documents. He asked Council if they had any questions, comments or

changes.

Mayor Pro Tempore Thibodeau thought the statement and resolution really had a good tone and hit a lot of good points. She stated that she couldn't see any changes but was interested in what the other Council members thought. She stated that she liked the idea of having the statement pointing back to the Vision Statement since it tied into what the Town was trying to say, as well as the resolution which addressed the latest actions by Governor McCrory. She thought it was great. She noted one correction to the resolution.

Councilor Burdick stated that he liked the resolution and thought it very well stated the Town's position. He stated that on the proposed statement, he suggested adding expanding on the following language: "...and these and other reasons..." He thought more language should be added instead of having "and other reasons". He thought there was a significant growing potential for economic impact. He added that no one could tell if it was a result of HB2 but there was a growing feeling that it was and that it would have an economic impact on the Outer Banks and Duck. He reiterated that he wanted the language expanded.

Mayor Pro Tempore Thibodeau asked Councilor Burdick to give an example as to what the expanded language would be. She noted that it currently read: "For this and other reasons, the Town Council is opposed to House Bill 2." Councilor Burdick suggested the following language: "For this and additionally, the potential economic impact on our Town and the Outer Banks Community..."

Councilor Britt wasn't sure about the suggested language. He thought that Council referred to the Vision as it does with everything else and the Vision stood for a lot of things about the Town such as economic prosperity and continuing services. He wasn't sure about putting the new language in as he liked the statement the way it was drafted. He thought it was implied without having to make it look like it was the Town's only point.

Mayor Pro Tempore Thibodeau pointed out that if the language was to be expanded, it could include language about municipalities losing autonomy. Councilor Britt agreed, adding that it was more than just the economic side of it. Mayor Pro Tempore Thibodeau noted that if the language was going to be expanded, it should go beyond the economic impact. Councilor Burdick thought it was to the Town's advantage. He noted that people will read the statement and may or may not read the resolution. He thought it was a good suggestion.

Councilor Caviness noted that there were three key points with the bill, which was an affront. She thought it was an affront to human rights, common decency to the citizens and people of North Carolina, a violation of municipal autonomy and all of the economic backlash. She thought they needed to be spelled out. Councilor Burdick stated that he liked Councilor Caviness' suggestion and thought it would strengthen the statement. Councilor Britt agreed.

Mayor Kingston suggested the following language at the end of the statement: "...the Town Council is opposed to House Bill 2, as referenced under Resolution 16-04..." Mayor Pro Tempore Thibodeau thought it was a good idea to tie them both together. Councilors Britt and Caviness agreed. Mayor Pro Tempore Thibodeau stated that if one was reading the statement, they may not be aware of the resolution.

Town Manager Layton suggested the following language for the statement with regard to adding the resolution: "...for this and other reasons as outlined in Resolution 16-04, adopted by the Town Council, the Council is opposed to House Bill 2..." He added that another suggestion was:

“...for this reason, concerns over economic impacts and concerns over local authority, as outlined in Resolution 16-04 adopted by the Council, the Town Council is opposed to House Bill 2...” It was *consensus* of Council to use the suggested language.

Mayor Kingston asked Town Manager Layton to recite the revised language. Town Manager Layton read the new language as follows: “For this reason, concerns over economic impacts and concerns over the erosion of local authority, as outlined in Resolution 16-04, the Town Council is opposed to House Bill 2. The Town Council supports Governor McCrory’s commitment to addressing the issues with the law and urges the North Carolina General Assembly to repeal the legislation.”

Mayor Kingston asked if the date the resolution was adopted should be referenced in the statement. Mayor Pro Tempore Thibodeau wondered if it implied that it was adopted since it was a resolution. Town Manager Layton stated that he was erring on the side of fewer words. Councilor Burdick stated that he liked the language.

Councilor Caviness thought the statement needed to emphasize human rights and wondered if the sentence with the language: “...one of the underlying principles...” covered it with the language about the Vision statement. Mayor Pro Tempore thought it was fine. Councilor Britt agreed.

Mayor Kingston stated that Council had a resolution in front of them with a minor change. He asked for a motion.

Councilor Caviness moved to adopt Resolution 16-04 as amended.

Fire Chief Donna Black was recognized to speak. Fire Chief Black stated that in reading the statement, the second to last line could be misinterpreted by the public. She added that it was confusing to her when she first read it. Mayor Pro Tempore Thibodeau stated that she thought it was conciliatory that Governor McCrory was at least moving off of it in some regard. Fire Chief Black though the language should be clarified.

Town Attorney Robert Hobbs was recognized to speak. Town Attorney Hobbs suggested striking the word “supporting”. Mayor Pro Tempore Thibodeau clarified that the language should read: “...the Town Council urges the North Carolina General Assembly to repeal the legislation...” Town Manager Layton noted that the reason the language was in the statement was to be conciliatory. He wasn’t sure if anyone could say that Governor McCrory didn’t try to address it. He stated that to the extent that Governor McCrory was doing something, he felt that Council should support movement in that area.

Councilor Caviness stated that her opinion has been that there has not been an effort on the part of the Governor to address it and his comments regarding it have discounted people and called them confused and misguided. She stated that there hasn’t been any significant change. She added that she has seen continuing impacts with conventions pulling out and businesses and associations coming on board to condemn it. She stated that in the face of it, there hasn’t been much of a walk-back.

Councilor Burdick suggested the following language: “...the Town Council urges Governor McCrory and the General Assembly to repeal the legislation...” Councilor Caviness thought it was a good suggestion. Town Attorney Hobbs noted that the Governor could not repeal the legislation, but could support urging the repeal. Mayor Kingston suggested the following language: “The Town Council urges Governor McCrory to continue to address the issues and

requests the North Carolina General Assembly to repeal the legislation.”

Town Manager Layton suggested the following language: “Be it further resolved that the Town Council urges Governor McCrory to continue to address the issues with House Bill 2 and appeals to the North Carolina General Assembly to repeal the law.” Town Attorney Hobbs suggested adding a new paragraph with the following language: “Be it further resolved the Town Council urges the North Carolina General Assembly to repeal the law.” He added that by adding a new “Be it further resolved”, the repeal request was separate.

Councilor Caviness withdrew her motion.

Councilor Burdick suggested that Council get the language the way they wanted it and have it put both in the resolution and the statement. Mayor Kingston agreed.

Councilor Caviness clarified that the final paragraph of the resolution should be changed to two paragraphs. Town Attorney Hobbs stated she was correct.

Town Manager Layton asked for clarification of the new language. Town Attorney Hobbs stated that the new language should read as follows: “Be it further resolved that the Town Council urges the North Carolina General Assembly to repeal the law.”

Town Manager Layton read the revised language: “Be it further resolved that the Town Council urges Governor McCrory to continue to address the issues with House Bill 2 (Session Law 2016-3); and {next paragraph in resolution} Be it further resolved that the Town Council urges the North Carolina General Assembly to repeal the law.” Councilor Burdick thought the language was going to be left as is in the first part and just add a semicolon and add the new language. Town Manager Layton understood that the reason it was added was because the word “supports” was stricken from the language.

Town Attorney Hobbs explained that if Council used the word “supports”, it may mean that Council was approving the governor’s take on the issue. Mayor Kingston noted that the word “commitment” should be removed. Councilor Burdick suggested changing one of the “urges” to “requests”. Councilor Caviness suggested that the language read: “...request Governor McCrory to continue to address issues with House Bill 2...”

Councilor Caviness moved to adopt Resolution 16-04 as amended.

Motion carried 5-0.

DISCUSSION/CONSIDERATION OF STATEMENT REGARDING HB2

Mayor Kingston asked Council if they wanted the same language in the statement for the last two sentences. Councilor Burdick thought it should be done. Town Manager Layton suggested adding a new paragraph to the statement after “...contradictory to this principle and the Town’s values.” He suggested the new paragraph read as follows: “For this reason, concerns over economic impacts and concerns over the erosion of local authority as outlined in Resolution 16-04, the Town Council requests Governor McCrory to continue to address the issue and urges the North Carolina General Assembly to repeal the legislation.”

Mayor Kingston clarified that, depending on how the statement was released, the resolution would be attached to the statement. Town Manager Layton stated he was correct. He added that

on the Town's website, there would be a link to the resolution. He asked Council if they wished for staff to issue a press release. He added that staff could do a news release. He further asked if it should be prominently displayed on the Town's website. Mayor Kingston suggested that Council vote on the statement first.

Councilor Burdick moved to approve the statement as amended.

Motion carried 5-0.

It was *consensus* of Council to have a link on the Town's website for the resolution; to have Town staff issue a press release; issue a special e-news statement; and to have the information prominently displayed on the Towns' website.

Town Manager Layton asked if it should be sent to Governor McCrory, Representative Paul Tine and Senator Bill Cook. Mayor Kingston stated that the statement and resolution should be sent to all three. Town Manager Layton recommended including a cover letter that stated what Council had approved. He added that he would work on getting all out on April 21, 2016.

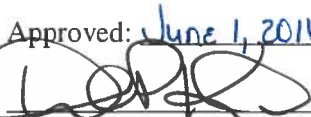
Mayor Kingston stated that the next meeting would be the regular meeting on Wednesday, May 4, 2016 at 7:00 p.m.

ADJOURNMENT

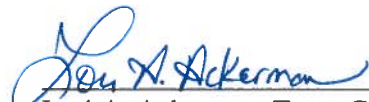
Councilor Britt moved to adjourn the meeting.

Motion carried 5-0.

The time was 3:14 p.m.

Approved: June 1, 2016


Don Kingston, Mayor



Lori A. Ackerman, Town Clerk

