

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
May 4, 2016**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 7:00 p.m. on Wednesday, May 4, 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; Police Chief John Cueto; Fire Chief Donna Black; Director of Community Development Joseph Heard; Town Attorney Robert Hobbs; Director of Public Information Denise Walsh; Public Relations Assistant Betsy Trimble; and Town Clerk Lori Ackerman.

OTHERS ABSENT: None.

Mayor Kingston called the meeting to order at 7:00 p.m. He asked Building Inspector Cory Tate to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence.

Mayor Kingston welcomed the Town's newest employee, Betsy Trimble.

PUBLIC COMMENTS

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

CONSENT AGENDA

Minutes from the March 8, 2016 and March 9, 2016, Annual Retreat; Minutes from the April 6, 2016, Regular Meeting and Budget Amendments

Councilor Burdick moved to approve the Consent Agenda as presented.

Motion carried 5-0.

SPECIAL PRESENTATIONS

Employee Service Recognition Program Recipients

Mayor Kingston stated that in December, 2011, Council had adopted an employee service recognition program that would acknowledge the service of employees of the Town at ten

year intervals by providing them with a certificate of recognition as well as a gift certificate in the amount of \$100 at a Duck business of their choosing.

Mayor Kingston, Town Manager Layton and Director Heard went on to present a certificate to Building Inspector Cory Tate.

OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS

Discussion/Consideration of Authorizing the Town Manager to Execute a Non-Motorized Counts Hardware Memorandum of Agreement with the North Carolina Department of Transportation

Director of Community Development Joe Heard was recognized to speak. Director Heard stated that the Institute for Transportation Research and Education at NC State University and NC Department of Transportation has approached the Town of Duck about the possibility of conducting bicycle and pedestrian traffic count studies along the Duck Trail. He stated that part of the study would include the installation and operation of traffic counting devices in and adjoining the Duck Trail at a location several hundred feet north of Four Seasons Lane. He stated that NCDOT has provided a draft Memorandum of Agreement outlining NCDOT's responsibility for providing the monitoring equipment and certain repairs and the Town's commitment to installing and maintaining the devices and coordinating the data received.

Director Heard went on to show a short video of the installation of the bicycle and pedestrian traffic counters to Council and the audience.

Director Heard stated that Council was being asked to consider authorizing Town Manager Layton to enter into an agreement with NCDOT for the installation, operation, repair and maintenance of a bicycle and pedestrian traffic counter at the designated location.

Mayor Kingston asked how the data was obtained. Director Heard stated that it was through a wireless connection.

Councilor Burdick asked what the installation cost was. Director Heard stated that the installation cost would be approximately \$1,000. Councilor Burdick asked how the information received from the system would help the Town obtain financing for the pedestrian plan. He asked if there was something in the data received that would help the Town. Director Heard thought it was a good possibility. He added that he would have to look at the initial years before seeking out some of the grants. He noted that the information would help support a grant proposal as the Town looks at how many people will use it.

Councilor Burdick pointed out that it will be on one side of the Duck Trail. He asked if it was reasonable to approach NCDOT to see if one could be put on both sides of the Trail. Director Heard stated that there was not a trail on the west side near Four Seasons Lane,

adding that the multi-use path was only on the east side. Councilor Burdick pointed out that there was a multi-use path in the Village area. Town Manager Layton stated that ITRE came to the Town staff to ask the Town to do it. He thought the Town may want to invest in having it in other areas in the future. He stated that one of the questions that staff wanted to have answered was how many people travel from one side of the Village to the other, particularly after the pedestrian plan is implemented with the sidewalks. He thought some of the data would be helpful as the Town planned other improvements. He added that another interesting thing would be to do something in the areas of the boardwalk. He stated that the things staff wanted to get a handle on was getting used to the data and figuring out how to utilize it to the best of its ability.

Councilor Burdick stated that since the trail was on both sides of the street in some areas, it would seem logical to have data from both sides. He added that NCDOT may be amenable to considering it. Director Heard stated that it was something that he could talk to NCDOT about.

Mayor Kingston asked what NCDOT's rationale was for the location chosen. Director Heard stated that ITRE picked three areas with different characteristics where traffic was funneled in.

Councilor Caviness asked how long the installation would take. Director Heard stated that it should take about one day.

Mayor Pro Tempore Thibodeau clarified that the relationship with NCDOT would last five or ten years. Director Heard stated that it was for the life of the equipment, which was estimated to be approximately 10 years.

Councilor Britt noted that NCDOT had a two year warranty. He asked what would happen if something went wrong with the equipment. Director Heard stated that the Town would be responsible for the repairs.

Mayor Pro Tempore Thibodeau moved to authorize the Town Manager to execute a non-motorized counts hardware Memorandum of Agreement with the North Carolina Department of Transportation.

Motion carried 5-0.

NEW BUSINESS

There was no New Business to discuss.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY

Town Attorney Hobbs stated that he had no report.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN MANAGER

Update on Departmental Activities

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.

Police Chief John Cueto was recognized to speak. Police Chief Cueto gave a brief overview of the past month's activities to Council and the audience.

Director Heard gave a brief overview of the past month's permit activities to Council and the audience.

Director of Public Information Denise Walsh was recognized to speak. Director Walsh gave a brief overview of the past month's activities to Council and the audience.

Update on Beach Nourishment Project

Town Manager Layton stated that he had hoped that the National Marine Fisheries permit would have been mailed out on May 2, 2016, but it has not happened. He hoped to have it soon. He stated that it could possibly impact the schedule for the Local Government Commission but he was hopeful that if it gets tied up by June, it will not be an issue. He stated that the last he had heard was that it had made its way up to the lawyer that had the final sign off on some final comments and then it was to be released.

Town Manager Layton noted that Council had a copy of the contract with Great Lakes Dredge and Dock in their packets to show that a contract had been executed. He stated that he has been working on the submittal to the LGC for the bond issuance and was waiting for some documents. He expected to have it sent to them for a Friday, May 6, 2016 delivery. He added that there would be a follow up meeting in Raleigh with the LGC on May 19, 2016 that he and the other finance officers would be attending. He didn't expect any issues with the issuance of the debt, but since the LGC doesn't see anyone from the Town very often, they wanted to take advantage of the opportunity to meet with them about the project.

Town Manager Layton stated that Carter and Associates received two bids for the financing of the project – one from PNC Bank and the other from Regions Bank. He noted that PNC Bank's rate was 1.58% and Region's was 1.88%. He added that the recommendation would be to work with PNC Bank, which was what was being submitted to the LGC.

Town Manager Layton stated that he met with the Army Corps of Engineers as well as their attorney and environmental person who were overseeing the Town's request for access. He added that it was a very quick meeting and he didn't expect any issues. He noted that they were waiting until the Fisheries releases their opinion before they will

finalize the agreement. He stated that the Corps was willing to tweak a few items, notably that the Corps was willing to focus on where their cables are located for the bored road. He stated that there will be a pre-mobilization meeting that will be held before the project commences.

Town Manager Layton stated that on May 18, 2016, he will be bringing the final bond resolution for Council to adopt. He explained that it was the resolution related to the actual issuance of the bond itself. He added that the LGC knows it is coming as well as the timeline for it. He stated that if everything goes smoothly with the permit, the Town would be looking at approval from the LGC on the bonds on June 7, 2016 and a closing on June 10, 2016.

Update on Duck Trail Projects

Town Manager Layton stated that Director Heard had given an update on the project with his overview of activities. He stated that he expected the poles for the lights to be shipped last Friday, but would likely be shipped on May 6, 2016, which has pushed things back by a week. He noted that it wasn't an issue since he did not have the encroachment agreement, but expected it all to be in place by the end of the month. He added that signs would be placed on the poles that will say that it was a demonstration project in order to let the public know and to head off questions as to why they aren't at other crosswalks.

Ethics Training

Town Manager Layton reminded Council that certified ethics training would be held on Wednesday, May 18, 2016 at 10:00 a.m. He recommended that Council recess this meeting to reconvene on May 18, 2016.

Financial Statement for April FY 2016

Town Manager Layton reviewed the financial statements with Council and the audience.

MAYOR'S AGENDA

Mayor Kingston stated that he will be attending his monthly mayors meeting on May 17, 2016. He stated that he received a notice from Drew Pearson of Emergency Management that they would be holding a hurricane preparedness and safety open house on May 20, 2016 at the Nags Head Fire Department from 3:00 p.m. to 8:00 p.m. and would like the control group to be there in the beginning. He stated that the control group would be meeting sometime in June. He added that he would be out of town for the June 1, 2016 meeting.

COUNCIL MEMBERS' AGENDA

Mayor Pro Tempore Thibodeau thanked Director Walsh for her work in getting information out to the public. She noted that Relay for Life will be held on May 7, 2016 at Festival Park in Manteo from 10:00 a.m. to 10:00 p.m.

Councilor Burdick thought the Town had made excellent progress in the Town's beach nourishment project and thought Town Manager Layton, Town Attorney Hobbs and Town staff should be congratulated on their hard work.

Councilor Caviness expressed her condolences to Tom O'Brien on the passing of his wife Kay recently. She stated that the State of North Carolina was informed by the US Department of Justice that HB2 was a violation of the Civil Rights Act. She added that the Town has been receiving a number of comments regarding HB2, mostly good, and unfortunately a narrow focus on bathrooms. She noted that HB2 was not just about bathrooms and thought that hearing from the Justice Department about the broader issues with HB2 was a good step forward and she hoped it would be reversed.

Councilor Britt stated that the department heads did a great job with their presentations. He added that he has been meeting with HGTV Network as they are doing the excursions out of Nor'Banks Sailing for two of their shows.

OTHER BUSINESS

Additional Public Comments

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

Mayor Kingston noted that the next meeting will be the ethics training on Wednesday, May 18, 2016 at 10:00 a.m.

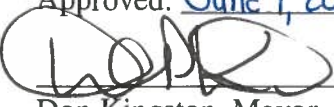
RECESS TO RECONVENE

Councilor Britt moved to recess to reconvene the meeting until Wednesday, May 18, 2016 at 10:00 a.m. for Ethics Training.

Motion carried 5-0.

The time was 8:48 p.m.


Lori A. Ackerman, Town Clerk

Approved: June 1, 2016

Don Kingston, Mayor

