

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MID-MONTH MEETING
June 20, 2018**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 1:00 p.m. on Wednesday, June 20, 2018.

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 Marketing and Special Events Christian Legner; Public Relations Assistant Betsy Trimble; and Town Clerk Lori Ackerman.

OTHERS ABSENT: None.

Mayor Kingston called the meeting to order at 1:03 p.m.

Mayor Kingston asked for consensus that an agreement with CrowderGulf be added to the agenda. It was *consensus* of Council to add the item.

**DISCUSSION/CONSIDERATION OF ITEMS RELATED TO THE PURCHASE
OF PROPERTY AT 1165 DUCK ROAD, 101 and 103 SCARBOROUGH LANE**

Town Manager Chris Layton was recognized to speak. Town Manager Layton stated that there have been many discussions with the parties involved regarding the Town inquiring about the three parcels of property and all finally came to a consensus on the price. He added that the next step in the process was formally getting an agreement to purchase. He stated that it would allow the Town to deposit the earnest money and begin the Phase I environmental, asbestos and survey work. He stated that he was looking over agreements for Phase I of the asbestos and was waiting for the survey proposal, but felt that there wouldn't be any major issues.

Town Manager Layton stated that this would allow the Town to start its due diligence period and then hopefully set up a closing date at which point money would be wired instead of cutting a check.

Budget Amendment

Town Manager Layton noted that the purchase price that was agreed upon was \$1,222,000 for the three parcels and the budget amendment was for budget compliance

purposes in that any time a municipality enters into a contract, he has to sign a document that states that the money was available and has been appropriated for the project. He anticipated that the budget would be amended, similar to the Public Safety building, as it would go back into the Fund Balance and then be re-appropriated after the first of the year or once a closing date has been finalized.

Councilor Burdick moved to approve the budget amendment as presented.

Motion carried 5-0.

Authorize the Mayor to Execute the Agreement for Purchase of Property at 1165 Duck Road, 101 and 103 Scarborough Lane

Councilor Burdick moved to authorize the Mayor to execute an agreement for the purchase of property at 1165 Duck Road, 101 and 103 Scarborough Lane as presented.

Motion carried 5-0.

Mayor Kingston stated that Councilor Burdick had suggested that a press release be issued to the public with respect to the action. He thought it should wait until the first order was executed. He thought the public should be informed of Council's actions. Town Manager Layton stated that it could be done.

Mayor Pro Tempore Thibodeau clarified that the Town was not anticipating any issues with regard to the due diligence period and the actual closing. Town Manager Layton stated that he did not anticipate anything at this point, but as part of the due diligence, he wanted to make sure that there weren't any issues.

Mayor Pro Tempore Thibodeau clarified that the communication would inform the public that the Town had this going on. She asked if any other further steps needed to be taken or if people would ask questions about what was going on with regard to the next steps which were to acquire the property. Councilor Burdick thought Council had discussed forming a group to look at what public uses would fit on the property.

Mayor Kingston stated that he and Town Manager Layton had discussed at one of Council's future meetings, Council would reappoint the Municipal Property Master Plan Advisory Committee. Councilors Burdick and Britt agreed. Mayor Kingston stated that the committee would be tasked with coming up with a plan for the property. Mayor Pro Tempore Thibodeau suggested that there be public input as well. Mayor Kingston agreed.

Councilor Caviness thought the natural questions would be why and when. Mayor Pro Tempore Thibodeau agreed. She stated that the information needed to get out to the public to get everyone on board. Town Manager Layton stated that he anticipated putting out a press release after the agreement was signed from the other parties. He added that it would have points regarding the purchase price of the property, that the unassigned Fund Balance was utilized for the purchase, and that while Council discussed the purposes that

they would like to see for the property, the intent was to go through a process to identify possible uses and develop a plan for it that would eventually be implemented. Mayor Pro Tempore Thibodeau thought it would be helpful.

DISCUSSION/CONSIDERATION OF AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT FOR DEBRIS MANAGEMENT/REMOVAL SERVICES WITH CROWDERGULF

Town Manager Layton stated that when it comes to disaster debris management in Duck, the Town has two options – use the interlocal agreement with Dare County’s contractor or use its own contractor. He stated that, ideally, if the situation arose, it would likely involve the entire Outer Banks, so he would probably coordinate with Dare County. He added that if there was a situation that was specific to Duck or if Dare County had a contractor that he wasn’t comfortable with, it would give the Town options for debris removal.

Town Manager Layton stated that the Town was part of the Request for Qualifications that was sent out by the Towns of Nags Head and Southern Shores back in 2016 and had two years plus two additional one-year approvals. He noted that this was one of the extensions and he was recommending that Council authorize him to execute the agreement as it gives the Town the option of enacting the contract when and if it was needed.

Councilor Burdick clarified that the Towns of Southern Shores and Nags Head were proceeding with the contract. Town Manager Layton stated that they were.

Councilor Caviness clarified that Dare County did not use CrowderGulf. Town Manager Layton stated that they do not. He explained that two years ago Dare County used another company and no one was happy with them, including Dare County. He stated that Dare County re-bid it last year and a company called D & J won the contract and CrowderGulf was a close second. He added that Dare County has rescinded the contract with D & J because the annual renewal had a 45% increase in the potential costs. He stated that Dare County would be rebidding the contract.

Councilor Burdick clarified that it wouldn’t prohibit the Town from using another company than what Dare County uses. Town Manager Layton stated he was correct.

Mayor Pro Tempore Thibodeau moved to authorize the Town Manager to execute the contract with CrowderGulf as presented.

Motion carried 5-0.

CLOSED SESSION

Mayor Pro Tempore Thibodeau moved to enter into 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 1:16 p.m.

Upon return from closed session, Mayor Kingston stated that Council approved all of the closed session minutes.

Mayor Pro Tempore Thibodeau moved that the following closed session minutes would be released: April 17, 2013 as redacted, May 1, 2013 both sets, June 5, 2013 property matter, August 7, 2013 both sets, August 6, 2014, November 5, 2014 both sets, and November 15, 2017 legal matter.

Motion carried 5-0.


Mayor Kingston stated that the next meeting would be the regular meeting on Wednesday, July 18, 2018 at 7:00 p.m.


ADJOURNMENT

Councilor Britt moved to adjourn the meeting.

Motion carried 5-0.

The time was 2:04 p.m.


Lori A. Ackerman, Town Clerk

Approved: July 18, 2018

Don Kingston, Mayor

