

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
June 3, 2020**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 7:00 p.m. on Wednesday, June 3, 2020.

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

COUNCIL MEMBERS ABSENT: None.

OTHERS PRESENT: Town Manager Christopher Layton; Police Chief John Cueto; Fire Chief Donna Black; Deputy Fire Chief Clarence Batschelet; Director of Community Development Joseph Heard; Town Attorney Robert Hobbs; Director of Marketing and Special Events Christian Legner; Assistant to the Town Manager Alyson Flynn; and Town Clerk Lori Ackerman.

OTHERS ABSENT: Public Relations Administrative Assistant Betsy Trimble.

Mayor Kingston called the meeting to order at 7:01 p.m. He welcomed those that were joining the meeting via live stream and thanked everyone for their patience as the technical difficulties were worked out. He noted that that Town Attorney Robert Hobbs was attending the meeting remotely.

Mayor Kingston stated that those that wished to submit comments during the Public Comment period could do so either via email or through the YouTube chat function and they would be read into the record. He stated that the meeting recording would be available on the Town's YouTube channel as soon as possible after the meeting. He asked Councilor Nancy Caviness to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence.

PUBLIC COMMENTS

Mayor Kingston opened the floor for public comments.

Assistant to the Town Manager Alyson Flynn was recognized to speak. Assistant Flynn went on to read the public comments that had been received.

Daniel Verner of 121 Oyster Catcher Lane was recognized. Mr. Verner wrote the following: "Dear Town of Duck Council members: Please accept this request to accelerate the timing of planned repairs to the multi-use trail along Rt. 12 in the Sanderling communities. The trail asphalt surface has badly deteriorated over the past several years and now presents a clear safety hazard to walkers, runners and bikers.

Please see photographs included with my message to Ms. Sandy Cross, copied below. I urge the Town Council take action to repair the trail as soon as possible to mitigate the danger to trail users. Ms. Cross has shared with me the proposed timing of repairs (see message below), but this schedule does not address in a timely fashion what I believe is both a serious safety risk and liability risk to Town of Duck residents. I recommend the Town Council reprioritize capital funds to address this safety hazard as soon as possible.”

Marc Steimer of Sanderling Homes Association was recognized. Mr. Steimer wrote the following: “Dear Town Council, I’m writing to express the ongoing concern our HOA association has regarding the condition of the bike/hike trail running from Oyster Catcher Lane north. As president of the Sanderling Homes Association I’ve received at least ten complaints since the beginning of 2020 from residents regarding the condition of the public walkway. I’ve personally experienced hikers and more so bikers veering off the walkway and into the grassy area that abuts Duck Road. Some bikers have even veered onto the roadway. Last week I saw several young children do this and had a car been traveling north on highway 12 there could have been a true tragedy occur. This area is in need of repair or if not repaired then cordoned off and not used until repairs happen. I’m aware that several members of our community have expressed their concerns directly to Sandy Cross or to Chris Layton. Earlier this year I chimed in with a follow-on email to Chris as I was copied on a community resident’s correspondence concerning this subject. Chris’ response was timely and the timeline for repairs was similar to what is now posted on the Town of Duck website. In conclusion I’d like to suggest that flooding may be a bit less of a concern than root intrusion and actual path “erosion”. Roots and asphalt protrusions are a definite tripping hazard for joggers and walkers and certainly at dawn, dusk and late evenings are less visible to maneuver around. Root and asphalt protrusions cause a “washboard” ripple for bikers that’s a definite riding hazard. Thank you for your concern and hopefully as a town we can see our way through making these needed repairs sooner rather than later. The longer they exist the more people are exposed to this public hazard.”

Tom and Carolyn Shaner of 114 Carrol Drive were recognized. The Shaners wrote the following: “Questions for the Town Council on the Budget Proposal: (1) After the homeowners made 5 years of payments (Special Obligation bond), I thought the project was paid for. You say there are 2 more years of actual debt payments on the project. According to the preliminary budget the money is coming from the Capital Reserve/Beach Fund? Why was it done this way? (2) What is the expected maintenance that Duck needs to do for the beach nourishment? Starting in 2021 will this cost be continual? Is there expected to be another dredging and beach fill in 2022? How has the beach fared since the project? (3) The MSD A and MSD B rates are slightly lower for the new assessment but with the new property assessments won’t the amount be close to the same as before? (4) How many years are left on the Town Hall and land debt? (5) What exactly is dune planting/fencing/fertilization (\$151,000)? The dune has grown extensively in the last 2 years, is this much necessary to maintain it and is this money coming from the MSD-A and MSD-B assessments?”

John Park of the Sanderling Property Owners Association was recognized. Mr. Park wrote the following: "I'm writing on behalf of the Board of Directors of Sanderling Property Owners Association (SPOA). Our Association is comprised of more than 180 members/homeowners in the northern section of the Sanderling community. Patti Bossert, who is a Sanderling resident in the southern association of our community, forwarded this email to make us aware of the effort to get a Dare County EMS ambulance stationed with the Duck Fire/Police Departments in the Public Safety building. SPOA is farther from the Southern Shores-stationed EMS ambulance than almost every other group of homeowners in Duck; only Sanderling Resort, Salt Houses HOA and Palmer's Island Club HOA are farther. In fact, our Sanderling Racquet and Swim Club is north of the Resort. Our Board of Directors is diverse enough that I can confidently say that the Directors' unanimous support of this proposal represents our full membership. Please register Sanderling Property Owners Association, its Board of Directors, and its members as strong supporters of this proposal, initially as a pilot program, but with the expectation of it growing into a long-term positioning of emergency services."

Patti Bossert of 104 Pelican Way was recognized. Ms. Bossert wrote the following: "Council members, This past fall I became aware the Dare County EMS Chief had offered to station a Dare County ambulance at our Public Safety building approximately 4 years ago. The offer was rejected by the fire department citing lack of space at the Public Safety building. I have reviewed blueprints for the proposed new \$6 million-dollar Public Safety building, and they showed only 4 vehicle bays to be constructed with provisions for a fifth bay, if needed. Our current Public Safety building has 5 vehicle bays. Therefore, I challenge the excuse that there is no room at our current Public Safety building to house an ambulance, notably during our busy tourist season when our population increases to almost 25,000. Especially when 50% of 911 calls in Duck are medical and a majority of our year-round population are senior citizens. Room can and should be made to accommodate an ambulance and crew in our Public Safety building now. Having an ambulance here in Duck will save lives. Council members, you need to take action to make this happen."

The Duck Volunteer Fire Department Board of Directors were recognized. The Board wrote the following: "While fully understanding the financial and budgetary constraints imposed by the COVID-19 pandemic, the Duck Fire Department Board of Directors strongly endorses Chief Donna Black's request for three additional full-time firefighters/EMT's. With the changing demographics of our combination department, these positions give us the ability to maintain a minimum of three firefighters for immediate response to all calls for service. Approving these positions, will ensure that the Duck Fire Department will be able to continue to provide the highest level of service to our community."

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

CONSENT AGENDA

Minutes from the May 6, 2020, Regular Meeting and Budget Amendments

Councilor Caviness moved to approve the consent agenda as presented.

Motion carried 5-0 via roll call.

PUBLIC HEARINGS

Public Hearing/Discussion/Consideration of the Proposed FY 2021 Budget

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

Town Attorney Robert Hobbs was recognized to speak. Town Attorney Hobbs opened the public hearing. He noted that if there were any comments or if anyone wanted to speak, Director of Events Christian Legner would read them into the record. He noted that there were several comments that were read during Public Comments regarding the proposed budget. He asked Council if they wished to have the comments read again. It was *consensus* of Council not to have the comments reread.

Town Attorney Hobbs stated that since there were no other comments, he closed the public hearing and turned the meeting back to Mayor Kingston.

Mayor Kingston asked if Town Manager Layton would be making a presentation.

Town Manager Christopher Layton was recognized to speak. Town Manager Layton stated that he was not planning to make a presentation. He noted that there was no intent for the draft budget to be adopted at this meeting as there will be work sessions held on June 10, 2020 at 3:00 p.m. and June 17, 2020 at 1:00 p.m. He expected that there would be more comments and/or information received over the next several days from the public that Council will need to review. He added that the budget will need to be adopted by June 30, 2020.

Mayor Pro Tempore Thibodeau noted that there were a few questions asked during the Public Comment period that could be addressed. She asked how easy it would be for the public to see the budget presentation. Town Manager Layton stated that the presentation was available on the Town's website. He added that staff has received questions and the additional questions that came in will be responded to by staff.

Mayor Kingston reminded the audience that they can continue to send in comments during the meeting and they will be read during the Public Comment period at the end of the meeting.

Director Legner stated that a question came in asking if Council responds to public comments or questions. She asked if it should be addressed so that the general public knew that if they submit public comments, they may not be responded. Mayor Kingston stated that Council does not respond to public comments.

Public Hearing/Discussion/Consideration of Resolution 20-04, a Resolution of the Town Council of the Town of Duck, North Carolina, Adopting the Outer Banks Regional Hazard Mitigation Plan

Mayor Kingston turned the meeting over to Town Attorney Hobbs.

Town Attorney Hobbs opened the public hearing and added that Director of Community Development Joe Heard would be making a presentation.

Director of Community Development Joe Heard was recognized to speak. Director Heard stated that the Town was considering adoption of a hazard mitigation plan to identify measures to protect people and property from the effects of natural and human-caused hazards, to maintain eligibility for mitigation funding and disaster relief assistance from FEMA, and to help improve the Community Rating System scores with the goal of maximizing flood insurance rate reductions. He added that at the Planning Board's May 13, 2020 meeting, they voted unanimously to recommend adoption of the resolution.

Mayor Pro Tempore Thibodeau thanked everyone involved in the process. She added that it was a tremendous amount of work and that it was great that it was taken care of.

Councilor Whitman thanked the Planning Board as they spent a lot of time on the plan.

Town Attorney Hobbs asked if there were any public comments on the proposal.

Director Legner stated that Pamela Dutton of 144 Skimmer Way had a question. She stated that Ms. Dutton asked if the committee advocated for a bridge in Currituck County to mitigate the risks to people trying to leave the Outer Banks during a hurricane. Director Heard stated that Recommendation #16 on the list specifically pulls out that item. He stated that the action description was to lobby North Carolina Board of Transportation and the North Carolina Department of Transportation as well as the North Carolina Turnpike Authority for the construction of the Mid-Currituck Bridge. He added that annually, he provides updates on that to FEMA.

Town Attorney Hobbs asked if there were any comments that came in prior to the public hearing. Mayor Kingston stated that there were no comments that came in.

There being no other public comments, Town Attorney Hobbs closed the public hearing and turned the meeting back over to Mayor Kingston.

Councilor Whitman moved to adopt Resolution 20-04 as presented.

Motion carried 5-0 via roll call.

OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS

Overview of Proposed Fire Ordinance

Deputy Fire Chief Clarence Batschelet was recognized to speak. Deputy Fire Chief Batschelet stated that when the process was started, staff was aware that the current ordinances were widely spread and not very well defined. He stated that staff wanted to streamline where the ordinances were found and make them easier to understand. He stated that they reviewed what constituted local risks and encumbrances while referencing other local fire prevention ordinances to ensure there was validity to what staff was thinking and then collaborated closely with the Community Development Department as the ordinance assists with the Community Rating System and hazard mitigation.

Deputy Fire Chief Batschelet stated that staff wanted to have consistency with the fire safety message. He explained that they set the goal of providing a document that provided consistent, easily read and easily located information. He stated that they also wanted to provide people with the when, what and where someone could burn to reduce the potential for a hazardous fire outbreak. He added that they needed to establish the authority of the Fire Code officials as the fire inspections transitioned from the way it was previously done with the Building Inspector to using Fire Code officials on staff.

Deputy Fire Chief Batschelet stated that staff wanted to address the frequently received questions that would come in with various ordinances through the years regarding access and fire hydrants. He stated that the final goal was to make sure they were educational and functional. He noted that it was important to stress that learning about the potential effects of a violation or not complying with an ordinance that was proposed would be much more effective in a lot of cases as well as providing for a more permanent than punitive result. He stated that they used functionality checks which provided them with a metric to ensure they were working toward the best interests of the stakeholders, while specifically tailoring items toward the Town's 2027 Vision.

Deputy Fire Chief Batschelet stated that the first two sections of the ordinance were 96.01 and 96.02, which were the Purpose and Definitions. He explained that the purpose basically laid out what the ordinance was supposed to do, while the definitions provided a singular location to find any pertinent definitions that were laid out throughout the ordinance. He pointed out that 96.03 was the Fire Prevention Code Adopted as the North Carolina Fire Code was a document put out through the ICC Fire Code and then the State adopts and amends it. He noted that 96.03 establishes the adoption of the current North Carolina Fire Code and any amendments and appendices as well as providing the authorization for fire investigations and the authority necessary for the Town's fire code officials. He added that it explained the process for abatement and appeals of any violations.

Deputy Fire Chief Batschelet stated Section 96.04 pertained to fires. He explained that when staff was developing this section, they considered the environment of the Outer Banks. He noted that it was a fragile area especially when dealing with fire prevention as a lot of the homes were right up against dense vegetation, so staff wanted to make sure

that they were keeping that in mind as they developed things due to the fact that when fire is combined with wind, it makes for interesting exposure conditions that were not necessarily found elsewhere. He stated that they wanted to provide clear answers to common questions and put them in a single, easy to read section. He stated that they realized that they needed to create some authority to limit or stop burning when necessary. He noted that the Fire Department currently has no real authority in that if someone wanted to burn something, they could, and the Fire Department had no authority other than nuisance pieces to stop it. He added that the ordinance seeks to give some teeth in order to stop the unsafe burning when it occurs as well as clarifying what one would be allowed to burn in Duck as the Fire Department still wanted to allow things to be done inside of the ordinance in a safe manner.

Deputy Fire Chief Batschelet stated that Section 96.04 referred back to Section 96.02 for the definitions, but also explained what was allowed, what was prohibited, and what was exempt with regard to burning. He pointed out that the only burning allowed was a contained fire. He stated that in Section 96.02, staff established to clarify what a contained fire was, which was an outdoor fire where the fuel being burned was contained in a fireproof container such as an incinerator, burn barrel, outdoor fireplace, or a barbecue grill. He stated that it also laid out the rules for contained fires as far as a location with an example that contained fires could not be set on an unimproved lot, must be set further than 25 feet from a structure to provide adequate exposure clearance, and required responsible supervision.

Councilor Mooney noted that the draft ordinance stated that responsible supervision could be a competent person 14 years of age or older. He thought a 14-year-old was a little young to supervise a fire. Deputy Fire Chief Batschelet believed the language in the draft ordinance came from existing language in other ordinances.

Fire Chief Donna Black was recognized to speak. Fire Chief Black stated that staff wanted to make sure they were in line with the other towns when creating this ordinance. She added that it was the standard language from each town. She stated that the Fire Department did not have anything about it previously and Mayor Kingston experienced a pyrotechnic fire. She explained that if someone wanted to burn all of the debris in their yard, they can by obtaining a permit with the Division of Forestry. She agreed it was a fragile environment and Duck Fire Department wanted to control it. She pointed out that every other town had the age of 14 years for supervising a fire and staff wanted to be consistent with the other towns and what they were doing. She stated that the ordinance could be changed if Council wished. Councilor Mooney thought that 14 was a little young to supervise a fire and he didn't feel comfortable having a 14-year-old be responsible for any kind of open fire. Fire Chief Black agreed, adding that she was fine with raising the age in the ordinance.

Town Manager Layton stated that the intent was to present the ordinance and receive comments, but not necessarily adopt the ordinance as it would be brought back to Council's July 1, 2020 meeting. He stated that the age change could be made if Council wished.

Deputy Fire Chief Batschelet stated that staff provided some exemptions, specifically for fires set for fire department trainings, fires that are set by State agencies such as Forestry or federal agencies such as the U.S. Fish and Wildlife, as well as emergency burns for Town purposes. He stated that staff relocated the current beach fires and pyrotechnics ordinances to clean things up in the section and make it easier for people to find.

Deputy Fire Chief Batschelet stated that in Section 96.05, staff addressed the biggest concerns with regard to response, which were unimpeded access down a street and clearance to hook to a fire hydrant. He pointed out that being able to hook up to a fire hydrant to fight a fire was a huge part of the ordinance as there could be major access issues due to the design of a road or vehicles parked on the side of the road. He added that the North Carolina Fire Prevention Code addresses clearance to hook up to a fire hydrant, which was an important piece for emergency response in the draft ordinance. He stated that the section addresses a multitude of issues related to insuring safety both during and prior to emergency incidents. He added that fire lanes and emergency access was taken directly from the North Carolina Fire Code.

Deputy Fire Chief Batschelet stated that with regard to protection of fire hydrants and fire sprinklers provision, they came from the North Carolina Fire Prevention Code, adding that if staff tweaked any language in it, it was to make it easier to read and understand the intent of the Code. He stated that with regard to hazardous mitigation and dealing with hazardous materials storage, the ordinance was giving the do's and don'ts of storing items and was designed to be educational. He added that, with regard to maintenance of vegetation, the ordinance was making sure the Town maintained vegetation in a state that doesn't allow for rapid exposure issues due to wind-driven fires.

Councilor Mooney asked for an explanation of uncontrolled growth. Deputy Fire Chief Batschelet explained that it was to prevent a situation where there is a growth of grass that presents a fire danger because it is allowed to grow to a state of disrepair. Councilor Mooney clarified that it wasn't vegetative growth such as what was outside of the Paul F. Keller Meeting Hall. Deputy Fire Chief Batschelet stated that it would not pertain to natural growth of an undeveloped lot but was more of the allowance of a developed lot that could create a condition of which fire could spread to the neighboring properties. Councilor Mooney suggested making the language more clear in the ordinance.

Mayor Pro Tempore Thibodeau asked if it was something that the Fire Department could cite people for or let them know that it looks hazardous. Deputy Fire Chief Batschelet stated that, typically the ordinances have a number for the height such as 24 or 36 inches to reference. He added that it could also be complaint driven.

Councilor Mooney clarified that it would be complaint driven if someone decided not to mow their lawn all summer and would require a response. Deputy Fire Chief Batschelet stated he was correct. Fire Chief Black stated that if there was a complaint about a property, staff would go out to educate the property owner. She added that if Council

wanted the ordinance to be more specific with regard to vegetation, staff can make that change.

Deputy Fire Chief Batschelet stated that Section 96.06 was taken from Chapter 111, Current Alarm Systems, and moved it to this section for clarity. He noted that the North Carolina Fire Code overlapped some of the alarm system requirements and having it all in one section should be helpful to people. He stated that Section 96.07 was the mutual aid agreements. He explained that they were typically written agreements that were already in place and the ordinance would reinforce the statutes as well as helping with the workers compensation pieces with regard to authority outside of territorial limits, if necessary. He noted that mutual aid was very important to staff as it was commonly seen in other ordinances, so it was pertinent to add it to this ordinance. He stated that the fire departments depend on the mutual aid agreements because they rely on each other for calls. He thanked Community Development staff for all of their help with working on the ordinance.

Mayor Pro Tempore Thibodeau thought it was a great idea to consolidate and make it easy to find the ordinances in one spot. She asked if the ordinances that the Town currently had in place would remain or would they be reviewed and pulled out. She further asked if they would be cross-referenced. Director Heard stated that they were basically being removed. He pointed out that there is a provision in the ordinance to eliminate sections in their entirety. He added that there was discussion of it getting consolidated into Chapter 96. He stated that the majority of the proposal were pieces that were being pulled from different areas. Mayor Pro Tempore Thibodeau thought it was a great idea.

Mayor Kingston thought Councilor Mooney had raised a few good points about the age. He thought 14 seemed relatively young for someone to be responsible for a fire. He thought the age should be looked at again. Fire Chief Black stated that she would follow up with the Forestry Service. She noted that the draft ordinance was following what was in other ordinances that staff reviewed.

Councilor Mooney understood that Duck was trying to be uniform with the other towns but pointed out that Duck doesn't have a lot of young children like the other towns, so it was probably important to them to delegate this kind of responsibility to children. Fire Chief Black stated that she would check with the Forestry Service.

Mayor Kingston wasn't sure how the Town could get around the uncontrolled growth. He added that there was a house near him that had a lot of overgrowth and it would be difficult to fight a fire near that home. He asked if it was practical or enforceable. He further asked if there was some way it could be refined. Director Heard stated that it was similar to a lot of the Town's nuisance regulations where they were enforced on a complaint basis. He added that the Town needs to evaluate and appreciate that people want different things. He noted that not every part of Duck was the same in that there were areas that had maritime forests with substantial trees, which some homeowners want. He stated that it didn't mean that just because the property had mature trees, that it

was overgrown. He pointed out that Fire staff would look at it to determine if there were aspects of that situation that needed to be addressed.

Mayor Kingston asked if grills on decks were listed in the ordinance. Fire Chief Black stated that the fire department could not regulate that. She stated that from a legal standpoint, she didn't think it could be regulated. Town Attorney Hobbs stated that he could check into it.

Mayor Pro Tempore Thibodeau moved to schedule a public hearing on Ordinance 20-04 for July 1, 2020 as presented.

Motion carried 5-0 via roll call.

NEW BUSINESS

Discussion/Consideration of Authorizing the Town Manager to Purchase Two New Vehicles, One for the Police Department and One for the Building Inspections Department using Revenues from the Sale of Surplus Vehicles and Equipment

Town Manager Layton stated that the Town typically disposes of surplus property, including vehicles, through public auctions and uses the GovDeals online forum. He stated that this year the Town auctioned various equipment obtained under the Federal 1033 Program, including a 5-ton truck as well as three surplus police vehicles. He added that the auction resulted in \$68,899.45 in revenue, \$24,322.36 of which was 1033 equipment and must be re-appropriated into the Police Department budget for the purchase of law enforcement equipment. He noted that it was requested that Council authorize him to use the funds to purchase two new vehicles – one for the Police Department that would serve as a spare patrol vehicle and the other would be a general Town vehicle that would be used for activities related to the maintenance of Town facilities and assets. He stated that if approved, he would bring a budget amendment back at Council's June 10, 2020 work session.

Mayor Pro Tempore Thibodeau moved to authorize the Town Manager to use the funds from the sale of surplus vehicles and equipment to purchase two new vehicles as presented.

Motion carried 5-0 via roll call.

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

Departmental Updates

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

Director Legner gave a brief overview of upcoming activities to Council and the audience, noting that staff was recommending the cancellation of all events through the end of July. She added that she expected to bring an update on the rest of the events to Council at their July 1, 2020 meeting.

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

Overview of Dare County EMS Ambulance in Duck Issue

Town Manager Layton apologized to the Council members. He stated that sometimes in his line of work, he could be working on something that he thought was a staff level item and Council will correct him on it. He felt that he should have kept Council more aware of things and didn't intentionally keep Council out of the loop on the discussions that were held at the staff level with Patti Bossert and others regarding piloting an ambulance in Duck during the summer months during heavy traffic periods. He stated that he had neglected to keep everyone in the loop and apologized for the mistake. He stated that this was his intent to get everyone back in the loop of what he was trying to do.

Town Manager Layton stated that earlier this year, he was contacted by Dare County EMS to say that there had been some inquiries regarding staging an ambulance in Duck by Patti Bossert. He stated that he initiated with Ms. Bossert and Fire Chief Black regarding what the goals were in order to try to make sure there was some education on the type of things that the Town's EMTs were capable of doing. He added that he had a meeting with Dare County in which the County made it clear that they didn't have any near-term plan to put an ambulance permanently at the Duck Fire Department.

Town Manager Layton stated that during those discussions with both parties, held separately, the idea came up of the time of an ambulance to get from Southern Shores where there were two stations, moving south frequently causing an ambulance not to be available, and the heavy traffic could slow response times. He stated that it seemed to him that it was a good thing to explore in terms of staging something closer to Duck, if possible. He noted that Dare County agreed that they would be willing, at some level, to look at piloting in the summer months on busy days to have an ambulance available. He stated that he took the County up on the offer while working through COVID-19.

Town Manager Layton stated that he recently had a discussion where Dare County let him know that they were ready to put an ambulance in place occasionally as a pilot

program to test things and were ready when the Town was ready. He stated that there were concerns with COVID-19 with regard to getting the process started and he wanted to give it a few more weeks to make sure that the staff that were permanently housed at the Duck Fire Department were comfortable with it and for him to seek to try start the pilot project sometime around mid-June. He stated that at that point, he and Councilor Caviness had a discussion, the result of which were why Council was discussing the issue at this meeting. He stated that, personally, if Dare County was willing to pilot something, it was worth exploring at some level, adding that there was a process that should be followed.

Councilor Caviness thanked Town Manager Layton for adding the item to the agenda. She stated that everyone was copied on an email communication over the weekend and she replied to everyone that the letter she read from a stakeholder in Town was that they were under the impression that a pilot program was about to start, which was something she knew nothing about. She added that she couldn't remember if there had been any discussion about it. She stated that she and Town Manager Layton had a discussion on Monday, June 1, 2020 and her concern at the outset was not about the ambulance but was about the process. She thought the Town stood as a model of good government and that it had a very well-established process when Council looks at anything that happens in Duck, no matter what it was.

Councilor Caviness noted that Council hears comments from stakeholders all of the time and sometimes they act on it and sometimes they don't. She added that when it rises to the level of need, Council generally acts on it, which usually involves bringing in experts, entities, agencies, and people that know a lot more about the issue than Council does. She stated that Council looks at data, statistics, financial implications, and often asks for community input. She stated that once Council receives all of that, they usually propose a solution. She added that in the case of the ambulance, the proposed solution may be a pilot program, but she personally felt that Council skipped over all of the steps.

Councilor Caviness understood that there were one or two people in Town that have a perception about something, but as far as she was aware, Council has never been approached by Dare County or the Fire Department stating that they have a service delivery deficiency where Council thought it should be looked at. She stated that if Council felt it was worth discussing, then she thought it should be started the same way everything else was started where they talk to agency stakeholders and community stakeholders to get a sense of what the best thing to do. She stated that the Duck Fire Department, the Duck Police Department, Dare County EMS, Currituck County EMS, the residents of Southern Shores and Kitty Hawk would all be impacted by this. She stated that there were a lot of stakeholders in Town that have a lot of opinions about public safety vehicles. She reminded Council and the audience that when the first build out of Town Hall was proposed, there were people that had very strong opinions about the Police Department being housed at Town Hall.

Councilor Caviness stated that while she appreciated people having varying perspectives, she felt Council had "leap frogged" over all of it and if it was something that was worth

looking into, then it should be put on the agenda for a Council meeting or the annual Retreat. She thought Council had a good process about demonstration projects or pilot projects/initiatives that have been done for many years, adding that she has been part of all of that and didn't want to see Council jettison that good governance now for something that may be worthwhile. She thought Council needed to take the responsibility to vet it so they could answer questions from stakeholders.

Town Manager Layton stated that he took the blame for the process errors. He noted that there were several issues – the pilot project, which was something that Dare County was willing to do but they have not committed to doing anything except a pilot project and have not given any details. He didn't think their expectation was that they would have an ambulance staged in Duck all summer on the weekends. He stated that staff was trying to get as much as possible out of Dare County. He added that he knew that, long-term, this item has been lumped in with discussions of the Public Safety Building, which was an appropriate place for the discussions. He thought if Dare County had any desire to put an ambulance at any time in Duck, that that was the opportunity to do it, adding that the opportunity has not passed, but it will have to happen with the existing Public Safety building and not the new one and not before it.

Town Manager Layton stated that unless Dare County was willing to compromise, the chance of them putting an ambulance full-time at the current Public Safety building was slim. He noted that it did not negate the Town's ability to see what happens with some kind of pilot project. He stated that if Dare County decided that they did not want to put an ambulance in Duck, then the argument needed to be with Dare County, unless someone was willing to purchase an ambulance and employ paramedics, which was something that Council could decide to do. He didn't think that it was something that was a reasonable expectation right now with the competing costs that were in front of Council as well as with the idea that there was inadequate service. He thought that was the point where there needed to be more education as well as a discussion regarding what the services will be. He stated that the firefighters/EMTs provide a high level of service that was part of the continuity of care, noting that it was not an ambulance, but there was someone that could save lives and could do things that will make any delay on an ambulance a moot point. He pointed out that there were always scenarios someone could come up with that that would not happen, but he felt very comfortable with the level of service and if Dare County wanted to come in and say they wanted to put in an ambulance, and the Town could plan for it, he didn't know of any Council member that would say no to it. He stated that Dare County had not committed to that level in that all that staff received was that they would commit to working on a pilot project. He stated that that was what he was trying to facilitate because he didn't think it would be an issue that would garner so much concern.

Mayor Kingston agreed with Councilor Caviness' comments regarding a process. He thought Council would think that having an ambulance in Duck would be a great idea and something that should be strived for in the future, but at the same time, there was a void with respect to information from Dare County. He understood that Dare County has been back and forth on the issue over the last few years. He wondered when the pilot program

would be – weekends, two days a week, how long the ambulance would be in town, how often it would be pulled away. He agreed there were a lot of people involved as Duck was not the only town serviced by the station in Southern Shores. He thought doing a pilot was a great idea but thought there needed to be an explanation and detail as to what was involved and what the commitment would be from Duck. He noted that there was limited capability at the Fire Department, so the ambulance would have to be housed in the parking lot. He thought there were a lot of questions that Council didn't have answers to. He added that he would be okay with a pilot project, but thought it had to be through the Town and Dare County and not the stakeholders. He thought Town Manager Layton and Fire Chief Black had to work things out with the Dare County Manager and the EMS Chief, because he felt there was a void in the information and there were a lot of questions. He added that while the pilot was a good idea, he wondered what it would involve and if there would be a cost. He wondered if the County had available personnel to staff two locations or if they overlapped. He stated that he wasn't sure how they operated or how they move the ambulances around. He reiterated that Council would probably support a pilot and ambulance, but there was a void right now with respect to the plan for it.

Mayor Pro Tempore Thibodeau agreed with Councilor Caviness' comment about not being aware of the pilot project. She thanked Town Manager Layton for pointing out that he should have brought Council into the conversation. She stated that there were many times where Council relies on the expertise of the public safety officials and professionals. She felt that Council relied on their expertise with a lot with the professional staff members across the County. She stated that they were doing the work and getting into the details. She pointed out that she's been around before Duck incorporated and noted that the Town used to rely on only Dare County services for everything. She added that she was accustomed to the County services with regard to the ambulance and when the Town incorporated, it started enhancing the local services. She stated that Duck has great services, whether it was recycling, trash, or efficiencies. She noted that part of the growth has included the need for going from a volunteer fire department to a paid one, which caused a lot of consternation with adding staff, whether it was police or fire. She stated that when the firefighters were first added, there was a lot of discussion about it and one of the things that made it easy for her was that the firefighters could be EMTs. She thought it was a no-brainer especially since the population in Duck is aging, adding that 50% of the calls were EMT calls. She stated that she was glad there wasn't a lot of fires, but EMTs were needed with quick, efficient reactions. She felt that since the Town has grown, it always had that, adding that she did not see a deficiency.

Mayor Pro Tempore Thibodeau stated that she was excited to have the conversation become more public because regardless of how it plays out, it will shine a light on how the ambulances work. She stated that she understood how it worked since she's lived in Duck for a long time. She noted that there was a certain number of ambulances, there was a helicopter, and it was all County-run with them shifting depending on where the needs were. She thought there was a lot of data available with respect to the ambulances and that it could be obtained. She stated that she would rely on Town Manager Layton in

conjunction with Fire Chief Black to work with the Dare County manager and Chief Jennie Collins to get some ideas. She added that she was not concerned about a pilot program but thought it could be fairly straightforward and resourced based as well as seeing how everything pans out. She thought it would be interesting data and would not change a lot of what was happening, so she wasn't concerned about the details, but it was parking an ambulance in Duck and if there could be an arrangement for it. She didn't think it was a big deal to have an ambulance in Duck, obtain some data, and see what happens. She stated that she didn't disagree with Town Manager Layton that there was no way an ambulance would be stationed in Duck permanently unless the new Public Safety building was built.

Mayor Kingston stated that normally the way things were processed was that Town Manager Layton would bring a project forward with the logistics and Council either has consensus or disagrees and adds suggestions. He didn't think Council was telling Town Manager Layton how to do it but was looking for him to tell Council how it would happen.

Councilor Whitman agreed. He stated that he wanted to know how everything would work and would like to see the number of calls on the north end versus calls that come in on the south end of Town on weekends and weekdays.

Councilor Mooney understood having a process and thought it was a no-brainer since Duck has an aging population as well as a large population during the summer months. He stated that basic life saving qualifications of both the police and fire departments that were working in Town could not compete with a paramedic that would be on an ambulance. He added that it wasn't a problem until it was a problem and the first time something was beyond the capability of basic life saving skills, that person may have to wait 25-30 minutes for an ambulance with a paramedic to take care of them and get them to a hospital. He stated that he didn't want to stand on process if someone dies because Council was talking about a discussion that should have happened that didn't. He wasn't sure why all of Council didn't know about it since it was not a mystery. He noted that Council knew that more than 50% of the fire department calls were health related, which were in all of the statistics that were presented at every Council meeting.

Councilor Mooney stated that Council was now discussing a pilot program and he didn't see any legitimate reason to oppose it. He stated that the discussion needed to continue in order to satisfy everyone's need for data or a better understanding of what was available and what could be done while the pilot program was ongoing. He thought it was a good idea, adding that Council could not get in the way of saving people's lives.

Councilor Caviness pointed out that she has been a member of the fire department for 21 years and no one has ever had to wait 30 minutes for an ambulance to join the Fire Department on any rescue or medical call. Councilor Mooney pointed out that it wasn't a problem until it becomes a problem. He stated that the way the population was growing with the tourist population, Duck was already at peak capacity. He added that the traffic and congestion will only get worse. He understood Councilor Caviness' point, but times

are changing, and Duck needs to change as well. He clarified that the Fire Department needed to have three people on a truck before the truck leaves the house. Mayor Kingston stated he was correct.

Fire Chief Black stated that the Fire Department's goal was for fire protection, adding that the medical piece was a value-added determination that Council supported and suggested to help fill the service gap of an ambulance being in Southern Shores. She noted that the combination department was changing, especially with COVID-19. She added that the Fire Department does not have a bench with the makeup of the Fire Department. She stated that she wanted to have a pager go off and the Fire Department respond with an engine whether it was a medical call, a structure fire, or a car accident; however, the Town was in the business of public safety and at any moment, the call could be an ALS call, cardiac arrest, or extrication call. She pointed out that they had an extrication call back in December and did not have a third member of the Fire Department, so they moved ahead anyway since it was a critical call. She stated that she wanted to have three people there no matter what the call was.

Fire Chief Black noted that Duck Fire had no problem with having an ambulance at the station, adding that it wasn't a problem or a threat to the department. She stated that her concern as the Fire Chief was that she will fail Council because there wasn't the space at the Public Safety building to do it right. She noted that the Fire Department had one room on the second floor, which was the training room/living room/kitchen, and was the only place for anyone, including the Police Department, to gather to do things. She noted that Ocean Rescue Director Mirek Dabrowski was not using the facility due to COVID-19. She added that the first reason for delaying the project was because the volunteers were not allowed in the Fire Department as she was trying to limit the number of staff in there. She asked Council to understand that the Fire Department wants an ambulance and further asked Council to understand the limitations to it.

Fire Chief Black stated that her concern with the conversation was that the data was clear, and the expectation was clear. She added that to make that clear, Chief Collins needed to come in to explain to everyone including the community of how they maneuver so if the expectation was to bring the ambulance to Duck on the weekend at 10:00 a.m. and it moves out by 11:00 a.m., that Council understood as well as realizing that she and Chief Collins have not failed Council. She stated that everyone has to understand how Dare County operates and how Duck Fire Department was the continuity of care for the ambulance. She added that she did not have a problem with the pilot project, but was concerned with accommodating the EMS personnel, the Fire Department personnel, the Police Department personnel, and the Ocean Rescue personnel that everyone was comfortable and safe. She stated that it wasn't just putting an entity there but was mixing people in the middle of it all when it was unclear how it will be dealt with. She added that everyone needed to understand the facts of how Dare County EMS runs and operates and then go from there. She reiterated that Chief Collins should be brought in to explain the data and answer the questions.

Councilor Mooney stated that it seemed to him that everyone was moving in the right direction. He understood that Fire Chief Black was supposed to have a meeting with Chief Collins back in March, but with COVID-19, it was adjourned to another time. He thought Fire Chief Black should meet with Chief Collins to work things out and then come back to Council. Fire Chief Black stated that she would like Chief Collins to come in to give Council the information they are looking for. Mayor Pro Tempore Thibodeau thought it was a good idea as it would not only help Council, but the public as well. She thought the whole Town would benefit.

Mayor Kingston stated that with regard to Councilor Mooney's comment about the aging population and expanding summertime, the County as a whole has the problem. He stated that the population in Dare County swells in the summertime, which was not just a problem in Duck. He stated that the two-lane road in Duck was not unique as there were other two-lane roads in Dare County. He thought Council was confusing a short-term pilot project with a long-term plan. He thought the long-term plan needed to be thought out with respect to working with Dare County and what capability they could give Duck. He added that the short-term was to put together something between the Town and Dare County with respect to the pilot program. He thought both would have something to prove in that regard, adding that it may or may not be feasible. He stated that he did not want to confuse the long-term which was the Public Safety building and full-time ambulance with a short-term pilot project, which may solve some short-term problems in the summer.

Fire Chief Black thought that was where the expectation and data was important. She noted that Chief Collins' data does not support an ambulance in Duck on Sundays and neither does the Duck Fire Department's. She added that her data didn't support Saturdays, but she was not an ALS transport, which was why she wanted to obtain some data for Council while working through the pilot project, so Council can understand what it will look like.

Mayor Pro Tempore Thibodeau stated that the helicopter data will be interesting. Fire Chief Black agreed. She stated that if there was a bad ALS call, the Pine Island Fire Department and EMS Station was four miles from the Sanderling Inn, which was closer than the one in Southern Shores. She stated that they do not hesitate to call the Pine Island station for mutual aid if it was urgent.

Mayor Kingston thought Town Manager Layton and Fire Chief Black should get together with Dare County and put together the pilot program and keep Council informed with respect to what will be done. He thought there could be a longer-term discussion in the future, whether it was at a mid-month meeting or the annual Retreat, to hear what the County's plans were.

Fire Chief Black asked if Chief Collins could come in and present to Council how Dare County EMS operates. Mayor Kingston thought there would be no harm in doing that. Town Manager Layton suggested that he contact Dare County Manager Bobby Outten, along with Fire Chief Black and Fire Chief Collins to see if they could put something

together that would answer the immediate questions and during that process if they want to commit to coming in to help talk about the process as well as what to expect with the pilot project. He stated that the future of an ambulance stationed in Duck permanently was worthy of discussion, but it was also a longer-term discussion that has an opportunity to evolve as the Town moves forward with the Public Safety building. He added that there would be key items where Dare County may want to put an ambulance in Duck, and they would have to make that commitment and would be afforded that opportunity to make the commitment if they wished to do so. Mayor Pro Tempore Thibodeau thought the pilot project would help Dare County get their data. Mayor Kingston agreed.

Councilor Whitman noted that from some of the letters that were received from the stakeholders in the community, a lot of them would be interested in hearing what Dare County has to say since he didn't think a lot of them know what the ambulance service was within the County. Town Manager Layton agreed.

Councilor Caviness stated that her perspective was that the emails Council received showed that the stakeholders were not operating with a full understanding of what the expectation was or what the point of it was. She thought if Council asked anyone, they would be in favor of having an ambulance in Duck, but her point was this was not about the ambulance, but making a decision to pilot something based on something and Council didn't know what they were looking at and could not make a determination of whether it was a success or failure until they have the information from the experts. She thought that maybe the solution would be to pilot it so that Duck could say it was an improvement or not. She stated that she wanted the experts in the room that will be able to give Council the proper assessment of why staging the ambulance at the Fire Department may be the solution to the problem. She added that some people were under the impression it was a response problem, but Council hasn't heard that from Dare County, nor has Dare County approached the Town that there was a problem. She stated that she has been a Council member for a long time and Duck has never received a plea from Dare County or Dare County EMS asking for help on a solution.

It was *consensus* of Council to have Town Manager Layton and Fire Chief Black to work with Dare County and come back with a plan. Mayor Kingston thought that with respect to COVID-19, it probably would not be implemented until sometime in July.

Financial Statement for the Month of May for FY 2020

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

MAYOR'S AGENDA

Mayor Kingston stated that the Control Group meetings have ended as of May 22, 2020. He stated that they met 41 times and he missed the interaction with the other mayors. He stated that he attended the League of Municipalities annual meeting virtually on May 28, 2020. He stated that he was re-elected to the Board of Directors for District 1 for the next two years. He stated that he recently signed on to a letter of the North Carolina statement

on the murder of George Floyd which was initially started by the mayor of Durham and had approximately 82 mayors signing it. He explained that the bottom line was that people could protest but not riot as well as addressing the issues that came out of Minneapolis. He thought what was happening now was a travesty and he hoped that things could get back to normal. He stated that that he was providing leadership for the League of Municipalities addressing Representative Murphy in the 3rd Congressional District and was working with Mayor Hardy out of Kinston. He explained that they were looking to obtain support from 64 mayors in that congressional district so that Representative Murphy can go forward. He added that the key issue was funding of revenue shortfalls for the towns and cities of North Carolina.

COUNCIL MEMBER'S AGENDA

Mayor Pro Tempore Thibodeau hoped that with the events going on nationwide, that everyone could learn from it. She stated that she hoped that the businesses could cope financially from COVID-19. She thought Mayor Kingston could review with Council how the budget sessions work. Mayor Kingston reviewed with the rest of the Council members how Council runs their budget work sessions.

Councilor Mooney stated that he had nothing to report.

Councilor Whitman stated he had nothing to report.

Councilor Caviness thanked Mayor Pro Tempore Thibodeau for her comments and thanked the Police and Fire Departments and their families during this stressful time with regard to rioting and social unrest.

OTHER BUSINESS

Additional Public Comments

Mayor Kingston opened the floor for public comments.

Assistant Flynn stated that additional public comments had come in and she proceeded to read them.

Pam Dutton of 144 Skimmer Way was recognized and wrote the following: "My name is Pamela Dutton and my husband Steve and I own a home located at 144 Skimmer Way, Duck, NC. I write you because of our concerns over how the beach renourishment is being funded and what I believe are fundamental inequities. I have attached a document that was shared during one of the original beach nourishment updates (Town of Duck Beach Nourishment Design) and from which I have pulled the following information. I believe we are located in Section D10 on the maps. The following is our interpretation of what we believe to be the facts relative to D10.

D10 had a 0 risk factor in the overall beach risk pool, D15 and D16 had the highest risk factor of 6. Hence, I believe we were not at risk of losing our beach and it is at least worth asking about. The Town Manager explained to me that the reason oceanfront homeowners are taxed more is because of the risk to their property. Again, those of us owning in D10 were deemed to have 0 risk to our property. D10 had a 51.2 (cy/ft) recommended fill design, compared to D17 with a 155.4 (cy/ft) recommended fill design. D17 required 3 times as much fill than our section D10 and we paid the same MSD tax rate. D10 shoreline changed a positive (1.1) between 1996 and 2012 compared to the D16 shoreline change of negative (-8.4). Hence this calls into question the validity of including us in the project. We respectfully request the following be taken into consideration: Remove D10 from the renourishment project. Increase the Town participation from 6% to cover the cost of removing D10. Increase Duck taxes for all to cover the recurring problem in the affected areas in Town. Consider the more equitable approach both Kitty Hawk and Kill Devil Hills did (not use MSDs to fund their beach nourishment, rather the entire town paid via an increased tax rate).

We are further concerned that in the renourishment budget, MSD A is proposed to be reduced by 55% and MSD B is proposed to be reduced by 14%. A 2021 payment would be unexpected and negatively impact homeowner budgets for 2021 home improvements that have been put on hold based on an anticipated break in MSD taxes in 2021. Thank you for reading my comments.”

Theresa Cullen of 122 Martin Lane was recognized. Ms. Cullen wrote the following: “Since personnel is one of the most expensive items in a budget, I request that Council not add any at this time. The CIP is extremely aggressive, the Town is not growing but the expenses and future plans, with associated costs certainly are. I am aware of a number of letters sent to the Town as early as March 9th concerning the aggressive budget and the CIP. I urge Council members to look at those letters, especially if you do not remember seeing them at that time.”

Karen Blose of 105 Waxwing Court was recognized. Ms. Blose wrote the following: “Isn’t this pilot an opportunity to improve the potential response times to distress calls that are currently not in compliance with national standards. This is a chance to explore the question and is a starting point not a conclusion.”

Patti Bossert of 102 Pelican Way was recognized. Ms. Bossert wrote the following: “I also posed the question about an ambulance at the candidate forum on October 1, 2019 and all Council members gave favorable responses, particularly in the busy summer months. I spoke at the Council Retreat publicly with the Fire Chief. The EMS Chief is the expert and approached the Town 4 years ago offering to station an ambulance. I gave lengthy public comments at April’s Council meeting regarding the chronology of events since October 2019 regarding the ambulance issue. Chris should read the numerous emails he received from the HOAs and concerned citizens.

The current building has 5 vehicle bays and can absolutely accommodate an ambulance. EMTs only provide basic lifesaving and not advanced lifesaving. Firefighters and fire

trucks cannot transport patients. Chris Layton can answer those questions raised by Mayor Kingston. I am absolutely flabbergasted at the lack of attention paid to my prior public efforts in bringing this ambulance issue to the Council. Dare County EMS is willing to work with us on this. I challenge the excuse that there is no room at our current public safety building. We have 5 vehicle bays and our proposed new building only has 4. Why can't we fit the ambulance? Please do not delay this ambulance pilot program.

The data shows Duck Fire Department calls are 50%. Helicopters cannot fly in all kinds of weather. The parking lot at the Fire Department is not an authorized heliport landing. It can be dangerous. Do not delay this pilot beyond mid-June. The majority of citizens of Duck want a Dare County ambulance as evidenced by the numerous large HOAs that sent emails in support of the pilot program. The EMS Chief offered the ambulance 4 years ago."

There being no other comments, Mayor Kingston closed the time for public comments.

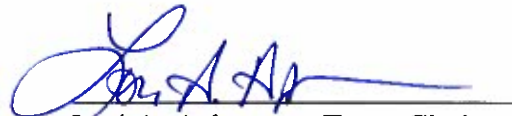
Mayor Kingston noted that the next meeting would be the Reconvened Meeting on Wednesday, June 10, 2020 at 3:00 p.m.

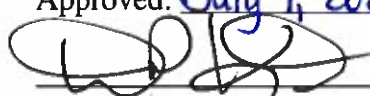
RECESS TO RECONVENE

Councilor Whitman moved to recess the meeting to June 10, 2020 at 3:00 p.m.

Motion carried 5-0 via roll call.

The time was 10:15 p.m.


Lori A. Ackerman, Town Clerk

Approved: July 1, 2020

Don Kingston, Mayor

