

**TOWN OF DUCK
TOWN COUNCIL
RECONVENED MEETING
August 19, 2015**

The Town Council for the Town of Duck reconvened at the Duck Municipal Offices at 5:30 p.m. on Wednesday, August 19, 2015.

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

COUNCIL MEMBERS ABSENT: None.

OTHERS PRESENT: Town Manager Christopher Layton; Town Attorney Robert Hobbs; Director of Community Development Joseph Heard; Public Information Officer Denise Walsh; Administrative Assistant Bethany Conery; and Town Clerk Lori Kopec.

OTHERS ABSENT: Police Chief John Cueto and Fire Chief Donna Black.

Mayor Kingston called the meeting to order at 5:33 p.m.

DISCUSSION/CONSIDERATION OF PROCESS TO BE USED FOR APPOINTMENTS TO THE PLANNING BOARD AND SIMILAR BOARDS AND COMMITTEES

Mayor Kingston stated that Town Manager Layton pulled together input from staff, provided an article from one of his leadership publications and received input from the Planning Board with respect to their thoughts on the types of individuals that would be best on the Planning Board. He passed out a sheet to Council with ideas about subjective and objective qualifications that someone should have to be on the Planning Board or other boards. He thought Council could look at the sheet for discussion purposes and added that they needed to discuss a process, whether Council meets people individually and assess them and bring their thoughts to the next meeting since an appointment would be made at Council's September 2, 2015, or if Council wished to go with a more formalized process where the individuals are scored. He thought Council should first look at the suggested criteria to see if there was anything that should be included or excluded from the list and then perhaps discuss how it should be handled.

Mayor Kingston stated that seven applications have been received for the Planning Board opening, which was great news. Mayor Pro Tempore Thibodeau agreed. Mayor Kingston stated that Council would not see the applications until prior to the meeting. He stated that he had listed five different Objectives – Town resident, preferably full time resident; involved in Town activities, volunteer/other board or committee member; attendance at Town Council/Planning Board meetings; prior experience with other government entities, Planning Board/other boards; and other pertinent business/work experience.

Mayor Pro Tempore Thibodeau clarified that Mayor Kingston obtained the objectives from a synthesis of what the Planning Board was looking for. Mayor Kingston stated she was correct and that he had added to the list.

Mayor Pro Tempore Thibodeau clarified that the full-time resident preference could be someone that lived in Duck partially but was available to attend the Planning Board meetings. Mayor Kingston stated she was correct. Town Manager Layton noted that for the Planning Board, the

requirement was that the individual had to be a real property owner and not a resident. Mayor Pro Tempore Thibodeau clarified that they could not be a resident of another town. Town Manager Layton stated that they would have to own property in Duck, meaning that they cannot be a renter. He added that it was different than the requirement for the Board of Adjustment.

Councilor Burdick asked if the requirement for the Planning Board was a state law. Director Heard stated that it was not. Town Manager Layton stated that it was part of the Town's charter. He added that when incorporation occurred, that provision was put in it. Councilor Burdick clarified that it was in the charter. Town Manager Layton stated he was correct. Mayor Pro Tempore Thibodeau thanked Town Manager Layton for pointing that out since it was not on the list. Councilor Burdick clarified that the individual has to be a property owner. Town Manager Layton stated he was correct, adding that it could be a property owner but live in another town. Councilor Caviness asked if it could be a commercial property owner. Town Manager Layton noted that it only stated that it had to be a real property owner.

Councilor Caviness stated that she would like to hear from the current Planning Board members as to what they were looking for. Councilor Britt stated that when he was on the Planning Board, there were several members that were added and the issue never came up. He added that they worked as a team.

Mayor Pro Tempore Thibodeau stated that she liked the information Town Manager Layton provided with regard to not stereotyping and things to avoid, such as higher education. She thought it was helpful.

Mayor Kingston thought "Town resident" could be taken out under the Objective list and replaced with "Preferably a Town resident". Councilor Britt thought "Town resident" should remain on the list. Mayor Kingston agreed.

Mayor Kingston reviewed the Subjective list – independent thinker; no personal or preconceived agendas; no conflicts of interest; good communication skills, ability to speak to their positions; good listening skills; understands the Town Vision and Value; diversity of experience/skills; able to consistently attend the meetings/Council meetings as required; and team player, respect of other members' opinions.

Councilor Burdick thought "understands the Town Vision and Value" should be changed to "supports the Town Vision and Value". He thought it was critical to the thinking process. Mayor Kingston thought it was a good point. Mayor Pro Tempore Thibodeau agreed.

Councilor Britt stated that he liked the term "understands". He didn't think "supports" was helpful. He felt that "understands" was a better term. Mayor Pro Tempore Thibodeau thought the individual should have an open mind because they should not come in with preconceived notions. She thought it was critical that they didn't have a personal or preconceived agenda. Mayor Kingston clarified that Council liked the term "understands". Councilor Britt stated that he liked it better. Councilor Burdick stated that he was fine with either term.

Town Manager Layton stated that Council spent a lot of time on the Vision and setting it up. He added that, as an advisory board, if something came through to the Planning Board which was contrary to the Vision, then the Vision would most likely need to be looked at again. He stated that Council went through a process for it and one of the goals was what was to be achieved in 2022, so everyone should have an understanding of it in order to work towards a shared goal.

Councilor Burdick stated that he liked the term “supports” because Council envisioned that they were working towards the same set of goals. He added that how Council got there was where the independent thinking came into play. He noted that it didn’t mean people could not be thinking off the wall to support the Vision and thought it was the opposite as Council wanted people to think outside of the box in order to get the best solutions.

Mayor Kingston thought that both “understands” and “supports” could be used. He thought the individual had to have a basic understanding as well as supporting it. Mayor Pro Tempore Thibodeau and Councilor Burdick agreed. Mayor Pro Tempore Thibodeau felt that Mayor Kingston did a nice job of summarizing the input from the Planning Board. She thought that the idea of being able to speak freely and not feeling that they couldn’t say what they thought was important.

Councilor Britt thought that the ability to consistently attend meetings was important. He added that it took new members on the Planning Board a lot of meetings to really understand what was going on.

Councilor Caviness asked if it would preclude a business owner from applying for the position. Mayor Kingston stated that it did not. Councilor Caviness noted that they may not be a resident of Duck. Town Manager Layton explained that they would have to be a property owner. Councilor Caviness pointed out that the criteria had Town resident listed. Mayor Kingston thought it was the preference. Councilor Burdick thought it was going to be changed to “preferably a Town resident”. Mayor Pro Tempore Thibodeau thought it could say; “real property owner, preferably a full-time resident”. She suggested striking “Town resident” and change it to “real property owner – preferably full-time resident” to cover things.

Mayor Kingston noted that Joe Blakaitis, Chairman of the Planning Board was present. He asked if he had anything to add. Joe Blakaitis of 115 Sandpiper Cove was recognized to speak. Mr. Blakaitis thought that everything on the Subjective list was perfect. He added that with the Objective list, he thought it should have “preferably full-time resident or one who spends the majority of their time in Duck”. He thought that was the key. He added that attendance at Council and Planning Board meetings was unrealistic, but didn’t mean that the individual would not be qualified for the position. He stated that prior experience with government entities was good but noted that some of the current members on the Planning Board did not have any prior experience. He stated that since the members were committed and understood Duck, they learned by other Planning Board members. He thought it was important that members could learn by association.

Mayor Kingston thought the key thing was the people on the boards and committees serve at the will of the Council so if there were attendance issues; it would be brought to Council’s attention. He thought a very good list of people have been received to date and thought it would be hard to choose.

Mayor Kingston stated that Council should come to an agreement with respect to how they want to look and evaluate people. He thought if there was nothing else to be added to the list, Council could discuss the process. He added that Council could go from the simplest process where they would get the applications the Friday before the Council meeting and do their own personal assessments looking at the applications with respect to the Objective and Subjective lists and come back with their feelings and priorities of a list of who Council would like to see serve on the Planning Board. He stated that it could be taken to the extreme where Council would have a matrix and score it. He thought that option was too detailed and too much work. He thought

Council could look at each application individually and do their own personal assessment and then come prepared to discuss the individuals. He thought that was the process that should be used. He asked Council what process they preferred.

Councilor Burdick stated that since seven applications were received, he felt that Council needed to meet with the individuals, allowing them a few minutes to speak to Council and then whittle the seven down to two or three and then focus on the two or three to pick the best candidate. He thought there were a lot of ways to pick an individual and thought in fairness to the seven, Council should hear them out rather than base it on what was on their application.

Mayor Pro Tempore Thibodeau stated that she didn't object to having every applicant come in and say a few words. She stated that she hesitated with regard to whittling it down to two or three individuals and then discussing it. She thought it was going to be open and Council could have some dialogue with the candidates offline and individually, but at the meeting it would be an open discussion with all seven present. She stated that she couldn't see whittling it down to two people and felt that it should be hearing the seven and then choosing one.

Councilor Caviness thought one of the nice parts of having an opportunity to speak was that the people of the community get to hear a little background and get to know the seven individuals that want to step up and serve the Town. She thought it was a nice introduction to the Town for the citizens to hear where the individuals were coming from. She thought a matrix scoring would be the most objective way to go.

Councilor Britt agreed with Councilor Caviness' comments and felt that having a matrix was a good idea and fair. Councilor Burdick agreed and stated that he liked it because it took out individual bias. He added that each Council member would have their own preferences but the matrix would allow Council to come to a common agreement.

Mayor Pro Tempore Thibodeau thought that a matrix would have to be developed now. Mayor Kingston agreed. Mayor Pro Tempore Thibodeau thought Council could take some of the objectives and put them in the matrix. She didn't think the subjective side could be put in it. Councilor Caviness stated that Council could use the objectives and check if the candidates met them. Then Council could rank them and come up with a score. Mayor Pro Tempore Thibodeau asked if each Council member should score the candidate. Councilor Caviness stated that they should. Mayor Pro Tempore Thibodeau thought Council could do the matrix scoring offline after the applications were received and rank them individually, hear from the individuals and then decide from there. Councilor Burdick thought the matrix could be done after the individuals speak to Council.

Town Manager Layton stated that Council could make things as simple or as complicated as they wished. He stated that there was a tendency to think that the more complicated it was, the more overall objective it was. He didn't think that was the case because each Council member will have some level of bias. He thought the matrix was a good tool to help Council gather their thoughts about individuals. He thought Council could set the matrix up as a score sheet with what they felt was important objectives. He noted that some may not be scored. He added that they could do a scale of one to five to score it. He stated that the question was how to score the candidates and rank them. He added that the other question was if the top scoring candidate would be the winner or if it was just the top person. He stated that, traditionally, Council has talked about the candidates and selected who they were most comfortable. He thought the key that Council was trying to get at was having a conversation about the applicants and the best way to do it.

Mayor Kingston thought Council didn't want to make the matrix complicated. He thought that Council could look at the objective elements and ask candidates to come to the podium and ask them to talk to those objectives and from that, Council could obtain the subjective thoughts. He didn't think the candidates could be evaluated subjectively from the applications. He thought only the objective issues could be scored. He felt that it needed to be kept simple. Mayor Pro Tempore Thibodeau stated that she liked Mayor Kingston's suggestion. Councilor Caviness stated that she would have to go through some kind of orderly process to find the applicants that she liked. She added that she would like to hear from the candidates if there was time.

Town Manager Layton thought that the matrix was a way for Council to organize their thoughts on each individual candidate so they would be familiar with them, take notes and ask questions or elaborate on specific experiences. He thought staff could put together a form with space for comments to help Council organize their thoughts. Mayor Pro Tempore Thibodeau stated that she didn't need a form. Councilor Burdick thought a form would organize Council better so they were all on the same page.

Councilor Burdick stated that diversity of experience and skills on the Subjective list was one thing that should be part of Council's rating. Mayor Kingston thought prior experience with other government entities on the Objective list covered that. Councilor Burdick pointed out that it didn't list business but other boards. Mayor Kingston pointed out that the last item on the Objective list said other pertinent business/work experience.

Town Manager Layton recommended that Council consider shifting "understands the Town Vision and value" from Subjective to Objective and change it to: "is familiar with the Town Vision". He thought it was important for any of the candidates. He thought the candidates should at least be familiar with the Town Vision. Councilor Burdick thought it was a good suggestion. Mayor Kingston agreed.

Councilor Britt asked if all five Council members will be at the September 2, 2015 meeting. Councilor Burdick stated that he would not be at the September 2, 2015 meeting. Councilor Caviness suggested that the candidates be brought in at Council's Mid-Month meeting on September 16, 2015. Councilor Burdick stated that he wasn't sure if he would be available for the September 16, 2015 meeting. Mayor Pro Tempore Thibodeau thought the mid-month meeting would be hard for the applicants since it was during the day. Mayor Kingston noted that the time could be changed. Councilor Burdick stated that he would prefer the mid-month meeting be held in the evening. Councilor Britt stated that it could be done at Council's October 7, 2015 meeting. Councilor Burdick stated that he would be back in Town on the evening of September 16, 2015. He asked that the meeting be held on Thursday, September 17, 2015. Councilor Britt pointed out that if the meeting was held in mid-September, it wouldn't affect the Planning Board meeting. He thought it should be held in October.

Mayor Pro Tempore Thibodeau asked if it would work to have the candidates come for the October 7, 2015 meeting or if it would hold up the agenda. Councilor Caviness noted that it was also near the date for the Jazz Festival. Town Manager Layton thought Council was committed to a specific amount of time to give each candidate and thought it was wise to have a separate meeting. He added that it depended on how much time Council wanted to give the candidates. He stated that if Council wanted to give each candidate 30 minutes, it would make sense to hold a separate meeting. He added that if they wanted to give them five minutes, it could work at the regular meeting.

Councilor Britt thought the candidates could be given three to five minutes. Mayor Pro Tempore Thibodeau agreed. Councilor Burdick felt they should have ten minutes each. Mayor Kingston clarified the Councilor Burdick would not be at the September 2, 2015 meeting or the September 16, 2015 meeting. Councilor Burdick stated he was correct. Councilor Britt felt it should be done in October as it gave staff more time and did not affect the Planning Board meeting. Mayor Pro Tempore Thibodeau stated that it would be time consuming to hear from the applicants and then have Council discuss it. Town Manager Layton stated that staff could send something out to the applicants to give them time to plan.

Mayor Pro Tempore Thibodeau clarified that Council won't know who the candidates were until the Friday before the Council meeting. Town Manager Layton stated that staff was accepting applications until August 31, 2015. He added that after August 31, 2015, copies of the applications can be given to Council.

Councilor Caviness asked if it made sense for it to be a special meeting. She added that she would prefer to meet with the candidates at a special meeting. Town Manager Layton stated that the only criteria were that it would have to be a public meeting. Councilor Caviness thought there was value in it being a public meeting as well as being televised.

Mayor Kingston suggested holding the meeting on Wednesday, October 14, 2015. Mayor Pro Tempore Thibodeau stated that it would not work for her. Councilor Caviness suggested it be held in late September. Mayor Kingston stated that he would not be available on September 21, 2015. Mayor Pro Tempore Thibodeau suggested it be held on Thursday, September 17, 2015. Councilor Britt stated that it would work for him. Councilor Burdick echoed Councilor Britt's comment. It was *consensus* of Council to hold a special meeting on Thursday, September 17, 2015 at 5:30 p.m.

Mayor Kingston stated that he and Town Manager Layton will work on correspondence to the candidates to let them know about the upcoming meeting. He added that he and Town Manager Layton would also work on the matrix and have it as an agenda item for the September 2, 2015 meeting.

Councilor Burdick liked Town Manager Layton's suggestion of having staff take care of summarizing the scoring results. Mayor Pro Tempore Thibodeau noted that the scoring would be done in real time and that staff would only lay out the matrix for Council. Town Manager Layton understood that Council would have their own individual scoring and it would not be something that staff would summarize.

Councilor Caviness clarified that no application would come forward where an individual was not eligible for the position. Town Manager Layton stated if they weren't a real property owner, their application would not come forward.

Mayor Kingston asked what would happen if an applicant could not make it on September 17, 2015. Councilor Caviness thought they could submit something in writing. Mayor Pro Tempore Thibodeau didn't think it would preclude them from getting a good score. She didn't think that should be an eliminating factor. Mayor Kingston agreed. Councilor Caviness thought if they couldn't make it on September 17, 2015, the candidate could submit something in writing and have the deadline be far in enough in advance that it will be in the Council agenda packet. Councilor Burdick felt it was a good idea.

Town Attorney Hobbs stated that the Planning Board appointment would be so that individual Council members would make nominations. He thought Town Manager Layton could include in Council's agenda packet a copy of Section 31.30 of the Town's Code so when Council reached the ideas of the candidates then the procedure talks of opening nominations and the members debate and put forth the names of possible appointees and then a vote. He added that whoever gets the most votes becomes the newest member. He presumed it would be a 5-0 vote. He noted that the votes were public whether they were written or voiced.

Mayor Kingston suggested that it be put on the agenda for the September 2, 2015 meeting with respect to the number of applicants and the process. He further suggested that it be done under Town Manager Layton's time. Town Manager Layton clarified that the matrix would be an informal presentation under his time. Mayor Kingston stated he was correct.

Mayor Kingston stated that he received a letter from Dare County Chairman Bob Woodard regarding a Consolidation Committee made up of the Mayor, Town Manager and one Council member from every town. He stated that it was to look at possible consolidation issues within the towns and the County. He stated that this came out of a Town Hall type meeting Chairman Woodard had and had committed to look at it. He stated that he put in writing that, while Duck was not an advocate, it would come in with an open mind and participate. He stated that he would like to get an additional Council member to join him and Town Manager Layton in the endeavor. He stated that if a Council member had an interest before the September 2, 2015 meeting, to let him know, otherwise he would like to hear at the meeting who would like to participate.


Mayor Kingston noted that the next meeting would be the regular meeting on Wednesday, September 2, 2015 at 7:00 p.m.

ADJOURNMENT

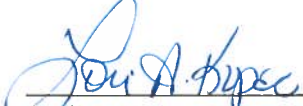
Councilor Britt moved to adjourn the meeting.

Motion carried 5-0.

The time was 6:32 p.m.

Approved: September 2, 2015


Don Kingston, Mayor



Lori A. Kopec, Town Clerk

