

**TOWN OF DUCK  
TOWN COUNCIL  
REGULAR MEETING  
August 3, 2016**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 7:00 p.m. on Wednesday, August 3, 2016.

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

**COUNCIL MEMBERS ABSENT:** None.

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

**OTHERS ABSENT:** None.

Mayor Kingston called the meeting to order at 7:04 p.m. He asked Fire Captain Trey Batschelet to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence.

**PUBLIC COMMENTS**

Mayor Kingston opened the floor for public comments.

Bob Hovey of 300 West Eden Street, Kill Devil Hills, was recognized to speak. Mr. Hovey stated that this was the fourth time he's come before Council regarding beach access. He stated that a police report was filed against him for trespassing on a beach access and after he talked to Police Chief John Cueto regarding his rights, he found that it was a civil matter and he could not be arrested for it. He stated that he had a subsequent meeting with Town Manager Christopher Layton and the matter was referred to Town Attorney Robert Hobbs regarding whether it was a civil or criminal matter. He stated that the decision that came back was that it was criminal and he would be arrested for accessing the beach.

Bob Hovey stated that he was told that he could access the beach at Plover Drive because there was never a homeowner association formed for various reasons. He added that a few days ago, he had received an email from a homeowner at 111 Plover Drive stating that he had sent a letter to Town Council that if they recognized Plover Drive as a public access, they would see a reduction of their home values and at the same time, they were looking into restricting the access. He noted that the access at Plover Drive has been used consistently since the 1970's and he has spoken to various lawyers and members of

the Surfrider Foundation to become more familiar with prescriptive easements where someone could use an access for the public beach.

Bob Hovey felt that everyone could work together and figure something out and have everyone give and take a little bit. He stated that he didn't want it to be that he couldn't access the beach in Duck without being arrested. He hoped that Council could come together and help. He asked that Town Manager Layton encourage a meeting with interested parties such as the people that live on Osprey Ridge Road, Founders Ridge, Amy Lane, etc. in order to figure out a way to peacefully come together to figure out a way to access the beach. He hoped that Council could figure out a way to bridge the gap and keep beach accesses open.

Bob Hovey noted that the beach nourishment project would be coming up in 2017 and a lot of Dare County residents were up in arms regarding funding a project for a beach they cannot access. He thought it would become a hot topic once the funding started for beach nourishment.

Bob Hovey stated that he had a lot to say about parking in Duck and the inconsistency with regard to parking on state roads. He added that the Town has an ordinance in effect that prohibits parking on roads and he felt it was pretty inconsistent and unfair. He noted that it was unfair of the Town to deny handicapped people access to the beach since there wasn't any public parking. He thought the Town could do better at creating parking close to the beach so people could access it. He pointed out that improvements needed to be made to the parking ordinance.

Bob Hovey noted that the last three times he addressed Council, there was no response at all. He thought Council could respond. Mayor Kingston explained that during Public Comments, Council does not respond.

Fire Chief Donna Black was recognized to speak. Fire Chief Black introduced Trey Batschelet as the Town's newest Fire Captain.

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

## **CONSENT AGENDA**

### **Minutes from the July 6, 2016, Regular Meeting**

Councilor Burdick moved to approve the Consent Agenda as presented.

Motion carried 5-0.

## **OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS**

**Discussion/Consideration of the Planning Board's Recommendation regarding Accessory Dwelling Units**

Director of Community Development Joe Heard was recognized to speak. Director Heard stated that over the past three months, the Planning Board has worked with staff to review potential allowances for accessory dwelling units in Town. He added that after reviewing a variety of alternatives and receiving advice from Town Attorney Robert Hobbs, it was the consensus of the Planning Board to leave the Town's standards as they were, which was not to permit accessory dwelling units. He noted that unless the Council requests it, the Planning Board did not plan to give the matter any further consideration.

Councilor Britt asked for an elaboration as to why the issue caused the Planning Board discomfort. Director Heard stated that as the Board discussed the issue, there were more concerns that it couldn't be limited to a use for rental purposes. He thought there were some members that felt that the likelihood was that it would turn into a vacation rental, which could be how someone could maximize the income. He added that it would take it away from a win-win situation for the community.

Joe Blakaitis of 115 Sandpiper Cove was recognized to speak. Mr. Blakaitis stated that the sentiment of the Planning Board to allow accessory structures was that it wouldn't do any harm to the Town regardless of the ownership. He added that the Board had asked Council to give them some questions and the answer to all of the questions received from Council regarding certain exceptions that the Board wanted to place on accessory uses were not allowed as per Town Attorney Robert Hobbs. He stated that once the Board became tied up in the legal aspects, they decided to not pursue the issue any further.

Councilor Burdick pointed out that during the Planning Board's discussions, Director Heard presented a list of the benefits of allowing accessory dwelling units. He added that he did not see a good discussion by the Board of the benefits versus the negatives to see if there was a value in doing it. He added that it wasn't just for providing space for a family member, but the opportunity to provide space for people who needed to be in Town over the summer as well as needing a place to stay. He stated that it afforded someone the opportunity to live in Duck to gain some income from their home for a shorter period of time and not as a summer rental, but as a seasonal rental. He stated that it would be an assistance and provide additional housing in the Town that was needed for the seasonal population. He noted that in some cases, it wasn't just seasonal, but people who work in Duck and would like to live in Town but cannot. He stated that it would be helpful to have Director Heard to review this to see if it was something Council wanted to consider.

Director Heard stated that the Board discussed the issue at their first meeting. He added that some of the potential benefits were identified, such as having allowances for accessory dwelling units which could promote affordable housing on a small scale; providing affordable housing at no expense to the public; establishing conveniently located rental houses for the local workforce; offering opportunities for extended families to live together; companionship and assistance for older or less mobile citizens; providing additional income for property owners; offer a modest increase in property sales and

potential occupancy tax revenues; and creating a potential for more year-round residents which increases the vitality of the Town.

Mayor Pro Tempore Thibodeau clarified that the negative was the risk that, in addition to the benefits, the Town would run the risk of increasing the number of vacation rental properties. She further clarified that the Planning Board was in favor of an owner living on-site but the risk was that it could be unoccupied by the owner. She noted that the benefits outweighed by the risk of having more vacation rental properties than what the Town currently has. She asked if the Town could regulate the length of a stay. Town Attorney Hobbs stated that he wasn't sure if the Board considered it in that context, but the court decision he used in the Planning Board's discussion on ownership was a case out of Wilmington that limited the decision on whether or not a town could require an owner living on the premises, which the court upheld was unconstitutional. He added that the court did not deal with duration of a stay or those types of matters.

Councilor Burdick thought one of the concerns was that it would turn into a defacto bed and breakfast. He thought the thinking process was to provide monthly rental units as opposed to daily or weekly units. He added that if the Town could put some kind of limit on it, he thought it may reduce the risk significantly and allow the Town to reap some of the benefits. He felt that the Board needed to explore the issue more before Council moves forward. Mayor Pro Tempore Thibodeau and Councilor Britt agreed.

Councilor Britt didn't see the negatives outweighing all of the positives. He added that he wasn't ready to leave the issue alone for now. Councilor Burdick agreed. Councilor Britt thought there needed to be a lot more thought to the issue.

Town Attorney Hobbs stated that if Council thought the idea of having some type of leasing agreement that they wanted the Planning Board to look at, examples could be brought forth to the Board. Councilor Burdick asked if the Planning Board needed to look at it or if Town Attorney Hobbs' legal opinion was needed. Mayor Kingston thought the Planning Board should look at it. Town Attorney Hobbs thought it made sense to send it back to the Planning Board and let them study the different ideas.

Mayor Kingston asked if the Board discussed the concerns regarding duration. Joe Blakaitis stated that the Board did not. He added that members of the Planning Board felt it was fine to move forward with it, without the premise of it being owner occupied. He added that once the Board got into the legal aspects, a number of Board members felt strongly that it should be owner occupied. He stated that several members brought up the fact that it probably wouldn't make a difference and all the benefits were discussed. He agreed with Councilor Britt that the negatives were there but he wasn't sure that they outweighed the positives.

Councilor Burdick noted that the Town has the restrictions in a way that they could not be turned into a rooming house or bed and breakfast. Mayor Pro Tempore Thibodeau thought it was an extreme risk. She noted that Council was discussing accessory structures, which was taking an existing property and adding a dwelling into it, either via

a separate garage apartment or making the ground level of the home separate. She pointed out that it wasn't room to room. She didn't see the risk of it but thought that the Planning Board was worried that the Town was going to increase the number of vacation rentals. She clarified that the concern with the Board was if a house was not owner occupied and was a house that was one vacation rental and became two. Joe Blakaitis stated that it was the concern with some of the Planning Board members. Mayor Pro Tempore Thibodeau pointed out that Duck was vacation rental oriented. She stated that she would like to see more discussion on the issue.

Councilor Caviness clarified that the court case Town Attorney Hobbs referenced owner occupancy as out of bounds. Town Attorney Hobbs stated that it was unconstitutional that the town could regulate use of a person's property but not the ownership. He added that in this case, the property owner was assessed a fine for failure to comply with the section of the ordinance that required the owner of the garage apartment to reside either in the main residence or in the garage apartment. He stated that the town challenged that and the court ruled in favor of the property owner by stating that that part of the ordinance was unconstitutional.

Director Heard stated that the Planning Board had a lot of discussion and viewed that the Town could say that someone could establish a second unit of a very small size, could regulate certain aspects of the design and layout and set other parameters for it, but as long as someone was operating within those parameters, it couldn't be said that it had to be owner occupied. He added that there were other ways to limit the impact of that type of use. Councilor Caviness asked how it would impact the requirements that were laid out in the ordinance for bed and breakfasts and bed and breakfast homes that requires an owner occupancy. Town Attorney Hobbs stated that he would be discussing it with the Planning Board.

Councilor Burdick stated that he wanted to see the Planning Board discuss it more. Mayor Pro Tempore Thibodeau and Councilor Britt agreed. Mayor Kingston asked if Council should lay out what they were asking of the Planning Board in addition to the duration. Mayor Pro Tempore Thibodeau suggested that they look at the ideas that were considered positives and look at what the concern was and elaborate on the negatives. She stated that she was not clear on where the negatives were.

Mayor Pro Tempore Thibodeau asked what was next on the Planning Board's agenda. She thought there was more that they would be considering. Director Heard stated that the final aspect was dealing with short term rental properties such as VRBO and people renting rooms in a portion of their home.

Councilor Burdick moved to send the item back to the Planning Board to consider additional factors such as length of lease to determine if there is a meaningful way to take advantage of the potential benefits for the Town as well as reviewing the negative impacts.

Motion carried 5-0.

## **Overview of the Town of Duck Emergency Operations Plan**

Fire Chief Black gave a short presentation on the 2016 Emergency Operations Plan to Council and the audience.

Councilor Caviness moved to approve the Town of Duck Emergency Operations Plan as presented.

Motion carried 5-0.

## **NEW BUSINESS**

### **Items Related to the Town of Duck Personnel Policies**

#### **Discussion/Consideration of Resolution 16-07, a Resolution of the Town Council of the Town of Duck, North Carolina, Amending Article VII, Section 3. Vacation Leave of the Town of Duck Personnel Policies**

Town Manager Christopher Layton was recognized to speak. Town Manager Layton stated that over the past several months, staff has requested that he examine the Town's current policy regarding the accumulation of vacation leave. He explained that the current policy rolls any unused vacation time over 80 hours into sick leave effective June 30<sup>th</sup> and December 31<sup>st</sup> of each year. He noted that while employees do not lose the earned vacation leave, the June 30<sup>th</sup> rollover date has been viewed as problematic because vacation leave – particularly for public safety – is not used in large increments due to workload and staffing needs during the summer months.

Town Manager Layton stated that many employees use their earned vacation leave during the off season when large increments of leave can be granted without a negative impact. He stated that a review was conducted of the policies of the other municipalities in Dare County and it showed that the Town's policy was more stringent than the rest.

Town Manager Layton recommended that Council consider the proposed changes to the Town's personnel policies which would allow a maximum accumulation of 240 hours of vacation leave at the end of every calendar year. He pointed out that the excess leave would roll over into sick leave. He stated that the change would be in line with the other municipalities in Dare County and would provide flexibility to employees for when they take vacation leave as well as assisting in scheduling during the summer months.

Mayor Pro Tempore Thibodeau noted if the hours would be going from 80 to 240, if an employee were to leave, they would receive those hours in pay as opposed to not receiving it. She stated that it seemed like it was a lot of time for an employee to be on vacation. She stated that she wasn't sure how vacation requests were done and if there was a maximum number of weeks that could be taken at a time. She thought scheduling would be an issue no matter what if an employee was accumulating 240 hours. She noted that she was receptive to the new policy, but wanted clarification. She asked if it would

be appropriate to consider paying out for vacation as opposed to rolling it over each year since an employee would probably not be able to use the full 240 hours. Town Manager Layton stated that the payout was done in some areas but was not the most popular from a local government perspective. He stated that it was an approach that could be taken, but he would need to complete more research on it. He added that he has seen other places that do allow the cash out. He stated that in terms of using the 240 hours at once, there was a risk that someone would request that, but the policy allows him to say no in those circumstances. He stated that it would be on a case by case basis, adding that special occasions such as weddings would see an employee asking for more time off. He thought the Town would see more use of the time in smaller blocks, which could be worked around.

Mayor Kingston asked how many employees would qualify for the 240 hours. Town Manager Layton stated that the new policy would make all full-time employees eligible.

Councilor Burdick thought the overriding factor was that the Town was the only municipality that was different in Dare County. He noted that the Town was competitive and thought this was a benefit that needed to be equalized. He added that there were other ways to do it, but thought it made more sense to be equal with the other municipalities in Dare County.

Mayor Pro Tempore Thibodeau asked if an employee used all 240 hours, what would happen. Town Manager Layton stated that any hours over 240 would be rolled to the sick time. He noted that an employee could accumulate more but it would always zero back to 240 at the end of every calendar year. Mayor Pro Tempore Thibodeau clarified that government employees were allowed to accrue comp time. She added that the Town employees are asked to do a lot of extra work. She stated that she was under the impression that if an employee works late, they would receive comp time. Town Manager Layton stated that very few employees accrue comp time. He noted that he, Police Chief John Cueto, Fire Chief Black and Director of Public Information Denise Walsh did not receive comp time. He added that they were positions that weren't hourly positions, as the employees were not paid for their time but for their service. He stated that comp time would apply to an employee such as Public Relations Administrative Assistant Betsy Trimble. He explained that Public Relations Assistant Trimble was salaried, non-exempt and receives comp time. He added that come December 1, 2016, she would no longer be able to receive comp time but would receive overtime. He stated that the threshold for that was a little over \$47,000 and if an employee met that threshold, they would receive comp time. He stated that until that threshold is reached, the employee would have to be paid overtime. He noted that the new rule would be going into effect as of December 1, 2016. He stated that for now, he's asked Public Relations Assistant Trimble to keep track of her hours and he would perform a calculation at the end of that time to see which is the best deal for the Town for her.

Councilor Burdick had a correction to Section e of the resolution.

Councilor Burdick moved to adopt Resolution 16-07 as amended.

Motion carried 5-0.

**Discussion/Consideration of Requesting that the Planning Board Review and Provide Recommendations Related to the Following: Non-Conforming Site Improvements and Protest Petitions**

Director Heard stated that the Community Development Department had identified an amendment that must be made to the Town's zoning ordinance as well as another issue that could be considered for potential amendment.

Director Heard explained that Councilor Burdick had recently pointed out to staff that, while it addresses non-conforming lots, structures and uses; the zoning ordinance regarding non-conforming site improvements did not outline a process or standards for dealing with them and must be brought into compliance. He added that, with regard to protest petitions, the NC State Legislature has eliminated a long-standing provision that allowed a percentage of adjoining property owners to submit a petition requiring a supermajority of votes for Town Council to approve a rezoning application. He noted that since it was no longer applicable, the section needed to be removed from the Town's zoning ordinance. He stated that staff was asking for Council's authorization to work with the Planning Board and Town Attorney Hobbs on the potential amendments.

Councilor Britt asked if there were any examples where there has been a problem and how to deal with it. Director Heard stated that there were a number but the parking situation at Duck Deli would be a good example in that cars have to pull directly in and out and there was just one, wide curb cut. He stated that if there was something in place that if one was doing renovations or improvements in excess of some percentage of the value of the property, the improvements would have to be brought into compliance. Councilor Britt thought a lot of the non-conformities in Town of some of the older businesses were realistically not going to be able to come into conformance without total rebuild. He added that he wouldn't want to see something that would hurt the older businesses.

Councilor Burdick asked if it would provide Director Heard with better guidance and flexibility in being able to handle the cases. Director Heard thought the key would be to require something if that was the desire of the Council. He added that currently, staff can offer suggestions and work with owners on non-conforming situations, but could not require them to do so.

Mayor Pro Tempore Thibodeau asked how it will relate to grandfathering. Director Heard stated that this would be in the same section of the Code that deals with non-conforming buildings and setbacks. He added that there were special provisions in order to allow someone to rebuild. He envisioned that the Planning Board could look at developing something that would create similar provisions with regard to site improvements and what type of things would have to be brought into compliance. He



added that flexibility could be offered in some cases where compliance would not be feasible.

Councilor Burdick clarified that if the provision kicked in today, it would only be for a structure. Director Heard stated he was correct. Councilor Burdick thought it made sense for the Planning Board to look at it.

Councilor Caviness clarified that it would apply to commercial and residential structures. Director Heard stated that it would be more towards commercial structures. Councilor Caviness thought that the projects that have come before Council were commercial in nature. She asked if having the plans and proposals triggered Council to look at and address the issues. She felt that the things that have come forward from a commercial standpoint have triggered non-conforming parking, vegetative buffers, etc. Councilor Britt pointed out that there were non-conforming sites throughout Duck, especially with the older businesses. He thought there was a good spirit of cooperation right now between the merchants in the Village. He added that he would be concerned if it became too strict for the businesses.

Mayor Kingston asked how much of an issue it was. Director Heard stated that it didn't come up very often. He added that it was identified as something that may be worth having a discussion on to see if Council felt it was significant enough to send to the Planning Board. Councilor Britt didn't think it was.

Mayor Pro Tempore Thibodeau echoed the other concerns. She stated that if the Town tried to identify each and every scenario, there may be unintended consequences. She felt that Council has been looking at the whole site with regard to commercial businesses, but didn't see an issue. She thought it would be a very difficult task to come up with every scenario. She felt it would be a tough assignment for the Planning Board.

Mayor Kingston agreed with Council's comments and thought that, unless Council could state that there was an issue every time a situation comes up, it wasn't worth the effort. He thought it was negative for homeowners and commercial owners. He felt that if it becomes a major issue, then it can be addressed.

Councilor Caviness thought that the only time it could be a problem was in using a buffer where there was a problematic public safety issue. She thought that the way the Town dealt with things, if there was an issue, it would come before Council to address the problem. Councilor Britt agreed.

Mayor Kingston noted that Councilor Burdick seemed to be the only one in support of sending it to the Planning Board. Councilor Burdick stated that he wasn't supporting it. He added that he raised the question but he wasn't sure what triggered him asking the question. He thought it was just to look at the existing ordinance for a particular, non-conforming problem and noting that the ordinance covered everything except the miscellaneous site items. He stated that he raised the question that if it covered everything else, the site items should be included as well as it would give the Community

Development staff the opportunity to work better with property owners. He noted that it wasn't to make it more rigid but to provide better guidance. Director Heard stated that the initial conversation came up related to Duck Deli as far as the ability of the Town to do something related to parking.

It was *consensus* of Council to not move forward with the non-conforming site improvements.

Mayor Kingston moved to authorize the Planning Board to move forward with protest petitions, Section 156.181 and come back with recommendations for changes.

Motion carried 5-0.

### **ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY**

Town Attorney Hobbs introduced Will Norrell to Council and the audience as one of the new summer law students working for his firm.

Town Attorney Hobbs stated that Council had a discussion at a prior meeting regarding a case against the Town of Emerald Isle. He explained it was a case in which some property owners were seeking to exclude the public from the use of the dry sand beach. He stated that the Court of Appeals upheld that the public did have a right to use it but the North Carolina Supreme Court agreed to hear an appeal of the decision and it will be heard in the next few months. He stated that Council had approved retaining his firm, specifically Ben Gallop, to work on an amicus brief supporting the Town of Emerald Isle in this case. He stated that, in addition to Duck, all four of the Dare County beach towns signed on to it along with Dare County, Hyde County, Currituck County and the North Carolina Beach Buggy Association. He thought it was a good decision for Duck to enter into the arrangement to work on the amicus brief and he hoped to get a good result from the Supreme Court.

### **ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN MANAGER**

#### **Update on Departmental Activities**

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

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

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

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

### **Prescription Drug Cards**

Town Manager Layton stated that the North Carolina League of Municipalities is providing cities and towns with a cost-saving resource for residents through a partnership with United Networks of America and Restat. He explained that the North Carolina Rx Card program provides prescription discounts of up to 75% off retail costs. He stated that the benefit was for uninsured and underinsured citizens, but could assist mostly anyone including insured municipal employees with non-covered prescription drugs on high deductible health plans.

Town Manager Layton stated that the card was accepted at all major drug stores and most independently owned drug stores. He pointed out that towns could offer the card as a benefit to all citizens who would present the card at the pharmacy. He noted that there were no strings attached, no paperwork or fees and that it was confidential. He added that the program also offers discounts on prescription eyeglasses, hearing aids, Lasik surgery and diabetic supplies.

Town Manager Layton stated that staff would have the cards available to be given out to anyone wishing to take advantage of the service.

### **Estimated Financial Statement for EOY FY 2016**

Town Manager Layton stated that the Town has one loan that will be paid off in Fiscal Year 2018, which was for the original park property. He added that the Town also had a loan for the construction of the Town Hall and the purchase of what was the Herron Family Restaurant property. He stated that the loans were combined and when that happened, the Town received a rate of 3.21%. He stated that he's been in discussions with PNC Bank and they felt they could get the rate for the remainder of the loan down to 1.94%. He noted that it did not change the term of the loan, but the Town could refinance the loan provided that the savings were at least 3% of the total owed. He stated that PNC Bank believed that the Town could save over \$91,000 over the life of the loan. He added that there was a prepayment penalty and his plan was to contact BB&T Governmental Finance and ask them what they could do as well. He stated that if the Town were to change banks and pay off the loan, the prepayment penalty was approximately \$17,000 along with other closing costs, which would bring the out of pocket expenses to \$32,000 and the net savings would be around \$60,000.

Town Manager Layton pointed out that the annual savings beginning in Fiscal Year 2018 would be \$21,000. He added that in looking at the savings on an annual basis, it was a good amount to help with cash flow for other projects. He felt it made sense to further explore this and in order to refinance, he would have to bring a resolution to Council at their September 7, 2016 meeting and it would then go to the Local Government Commission in October. He added that the payment would not be due until November.

He asked Council if they wanted him to pursue this and if so, he could bring something back to them at the September 7, 2016 meeting.

It was *consensus* of Council to have Town Manager Layton move forward with pursuing the financing.

Town Manager Layton reviewed the estimated financial statement for end of year for Fiscal Year 2016 with Council and the audience.

### **Financial Statement for July FY 2017**

Town Manager Layton reviewed the financial statement, beach activities and beach nourishment reports with Council and the audience.

### **MAYOR'S AGENDA**

Mayor Kingston stated that the local mayors and the Dare County Chairman will be meeting in August, but the date has not been determined yet. He stated that he as well as 14 regional mayors received a letter from the League of Municipalities looking to set up a session to see if there was an interest in creating a regional mayors group to address issues and for training. He added that the League has done this around the state and were looking to do it in the region and have invited the six mayors from Dare County as well as nine others. He noted that they would be meeting on August 16, 2016 at the Albemarle Commission. He stated that he would provide feedback on the meeting. He thought it would be very valuable to Duck, depending on the content of the meeting and how often the group would meet.

### **COUNCIL MEMBERS' AGENDA**

Mayor Pro Tempore Thibodeau stated that she was waiting to hear more from the Government Access Channel regarding the marketing program and the publicity consultant. She expected to get more information on it in September and would report back. She stated that, based on input received earlier in the meeting, a discussion could be had regarding parking. She added that the point was made that the Town created the parking restrictions on roads. She stated that he wanted to receive more clarification on it and would be happy to do it off line with Director Heard. She thought it would be interesting to see what Council's views on parking and where the Town was allowed to regulate parking on private and public roads. She knew it was an issue that was discussed when the Town incorporated. She noted that she was aware that Duck does not maintain any of its roads since they were either private or owned by the state.

Mayor Pro Tempore Thibodeau stated that she wanted to address a comment that was made earlier in the meeting regarding tax dollars that were used to fund beach nourishment. She explained that Duck has contributed 20% of the General Fund for engineering of the beach nourishment program and the rest of the Town funds were coming through the Municipal Service Districts that was set up in the nourishment area.

She added that the County contributions have been made exclusively with funds from the 2% occupancy tax. She noted that the occupancy tax is created by visitors and anyone that was paying tax on renting and lodging. She stated that every town has a different formula as to how the funds were collected to pay for the nourishment project.

Mayor Kingston asked Director Heard to clarify the parking. Director Heard stated that staff would provide Council with information at a future meeting.

Councilor Burdick stated that he will not be at the September 7, 2016 meeting as he will be out of town.

Councilor Caviness had nothing to report.

Councilor Britt stated that he would be interested in receiving clarification on the parking inconsistencies.

Mayor Kingston thanked Dylan Shields, Emma Tate and Foster Mattingly for all their hard work over the summer as interns for the Town.

### **OTHER BUSINESS**

#### **Additional Public Comments**

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

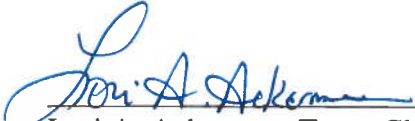
Mayor Kingston noted that the next meeting will be the Regular Meeting on Wednesday, September 7, 2016 at 7:00 p.m.


### **ADJOURNMENT**

Councilor Britt moved to adjourn the meeting.

Motion carried 5-0.

The time was 9:45 p.m.

  
Lori A. Ackerman, Town Clerk

Approved: September 7, 2016  
  
Don Kingston, Mayor

