

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
September 6, 2017**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 7:00 p.m. on Wednesday, September 6, 2017.

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

COUNCIL MEMBERS ABSENT: Councilor Chuck Burdick.

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 7:10 p.m. He asked Joe Blakaitis to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence.

PUBLIC COMMENTS

Mayor Kingston opened the floor for public comments.

Ron Blunck of 117 Canvasback Drive was recognized to speak. Mr. Blunck stated that he has been the president of the Carolina Dunes subdivision for a long time and it was a volunteer position. He explained that the association does a lot of physical work and he lived on the west side of Duck Road with some rental properties on the east side of Duck Road. He stated that he has a couple of golf carts that he and his family use to get to and from the beach. He added that, occasionally, he had to walk to get from one side to his access on the sound and uses a golf cart for hauling gardening equipment. He noted that the Town was more focused on golf carts and prohibiting them from being used on the Duck Trail, which he was in favor. He asked Council to consider some exceptions for communities where there were people in the community that work on behalf of the community and use golf carts in a responsible way. He thought as Council looked at their ordinances and restrictions on the use of golf carts, that it wasn't all golf carts for renters who were driving on the streets or Duck Trail, but there were other responsible uses for golf carts. He added that if he was not able to use his golf carts, he would have to move all of his gardening equipment by himself, which would be difficult for him. He hoped that as Council has discussions on the control of golf carts, that they were mindful that there were some legitimate uses for the golf carts for community service and that Duck not be too restrictive so that Council would rule out the appropriate use of golf carts.

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

CONSENT AGENDA

Minutes from the August 2, 2017, Regular Meeting; Budget Amendments; Amendment to the Capital Projects Ordinance

Councilor Caviness moved to approve the Consent Agenda as presented.

Motion carried 4-0.

OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS

Discussion/Consideration of Authorizing the Town Manager to Execute a Contract with Barnhill Contracting Company for Phase I and II of the NC 12 Pedestrian Improvements

Town Manager Christopher Layton was recognized to speak. Town Manager Layton stated that the Town has been working on the implementation of the Comprehensive Pedestrian Plan improvements over the last several years. He stated that on August 17, 2017, bids were received for the first two phases of the improvements within the Village Commercial area. He noted that these improvements included the installation of a pedestrian refuge island near Sunset Grille, a traffic calming island near Four Seasons, the installation of a bike lane and sidewalk on the east side of NC 12 – from Four Seasons to Duck Deli – and various other associated improvements. He stated that three bids were received for the project and Barnhill Contracting Company was the low bid at \$564,135; followed by Hatchell Concrete at \$605,955 and RPC Contractors at \$623,360. He recommended that Council authorize him to execute a contract with Barnhill Contracting Company to award the bid for the improvements. He noted that the anticipated start date would be in the November timeframe and the completion would be by May 15, 2018.

Town Manager Layton noted that the Town had \$987,000 set aside for the project. He added that there were some items that were not included, with the biggest being the landscaping, which would be handled as a separate project. He expected it to add approximately \$150,000 to the project. He stated that there may be some money remaining that he would ask the Tourism Bureau to allow the Town to carry over or extend the length of the project. He stated that once he receives all of the numbers, he would come back with a recommendation on what could be done if there were funds remaining.

Councilor Caviness noted that it would be November for the start date. She asked if there was an idea as to what the start date would look like in terms of impacts to the road. She stated that she was bringing the issue up as she was receiving comments regarding the

Turkey Trot. She added that she had talked to a number of businesses that have asked her what would be done, but she wasn't sure what the impacts would be. She stated that the businesses asked for her to express that the week of Thanksgiving was the biggest retail week of the year. She stated that if any kind of impediment to the stores could be kept to a minimum, it would go a long way to their economic well-being. Town Manager Layton stated that over the next month, prior to the end of the Jazz Festival, staff has to complete some additional due diligence. He stated that staff would be meeting with the contractor regarding staging, etc. He expected the contractor not to work the entire week of Thanksgiving, but would work with them if need be.

Mayor Pro Tempore Thibodeau asked for an explanation on the bids and how it related to the amount budgeted as well as the indication that staff may be asking the Tourism Bureau for an extension to get more of the project completed under the grant. She asked if there was an indication that the Tourism Bureau would be willing to grant the extension. Town Manager Layton stated that once he receives the final numbers, he could see how much he could possibly complete with whatever funds were remaining. He added that he would go to the Tourism Bureau and point out the amount that was awarded for the project, the Town could extend the money into another phase than originally anticipated since the cost came in lower. He noted that the Town would still have to match the grant funds dollar for dollar, so he could ask the Tourism Bureau if their share of the cost could be extended.

Councilor Caviness moved to authorize the Town Manager to execute a contract with Barnhill Contracting Company as presented.

Motion carried 4-0.

Discussion/Consideration of Authorizing a Public Hearing on Ordinance 17-10, an Ordinance to Amend Subsection 156.124(C)(1) of the Zoning Ordinance with Standards Allowing a Single Support Railing for Dune Walkover Structures within the Beach Nourishment Project Area

Director of Community Development Joe Heard was recognized to speak. Director Heard pointed out that Council had in front of them an updated ordinance that he would be bringing up later in his presentation. He stated that during its annual retreat in February, the Council authorized the Planning Board and Community Development staff to develop the necessary text amendments to address changes and issues associated with the Town's beach nourishment project. He stated that the Town's beach nourishment project resulted in a relatively gentle 1:5 slope on the east side of the constructed dune, adding that the typical profile for the east side of the newly constructed dune runs 70 from the east side of the dune crest to the ocean beach. He added that the longer length of the eastern side of the dune and beach has created greater challenges for people with mobility limitations to access the beach and ocean.

Director Heard stated that during its consideration of standards for dune walkovers at their June 14, 2017 meeting, the Planning Board had a considerable discussion about

accessibility concerns. He pointed out that similar to the decision made by Council, the board recognized that there may be individual situations requiring other alternatives, but opted to recommend a less obtrusive approach with beach access matting instead of hardened ramps or stairways, which was viewed as a better initial approach until the Town can observe how the dune and beach are shaped over time.

Director Heard stated that during Council's consideration of standards for dune walkovers at their July 5, 2017 meeting, there was discussion about the challenges of accessing the beach for people with physical handicaps or limited mobility. He stated that Council discussed several different alternatives such as allowing post and rope barriers, railings or wooden walkways down the eastern side of the dune, but decided to adopt the gentler approach recommended by the Planning Board as an initial step. He noted that Council requested that the Community Development Department work with the Planning Board to evaluate options for providing better access for people with limited mobility.

Director Heard stated that at their July 12, 2017 meeting, the Planning Board discussed a variety of issues and options related to providing more convenient beach access for people with limited mobility. He noted that the following issues were discussed and addressed:

1. Due to the height of the dunes, narrow width of beach accesses, and maximum slope standards for handicap ramps, it is unlikely that any community beach access will be able to accommodate complete ADA handicap access; so the Board members focused on standards to improve access for people with lesser mobility limitations.
2. It was noted that beach access matting and planting vegetation will help guide people to stay on the beach access pathway, not disturbing other parts of the dune.
3. While helpful for keeping people on the pathway, sand fencing and post and rope structures will not provide physical support for individuals with mobility limitations.
4. The consensus of the Board was that an allowance for a single railing adjoining the beach access pathway will provide physical support for individuals with mobility limitations, while minimizing impacts on the dune system.
5. This allowance will apply to community and individual beach accesses.
6. These standards will apply only in the beach nourishment area. However, it is understood that similar improvement areas were already permitted elsewhere along the oceanfront.

7. The concept of allowing special exception applications to consider additional access solutions on individual lots was discussed, but not recommended by the Board.

Director Heard stated that at their meeting on August 9, 2017, the Planning Board considered a draft ordinance allowing a single post and rail structure to be constructed on the east face of the primary dune to provide support for people accessing the beach. He added that after expressing their agreement with this concept, the Board discussed details for the design of such structures and the following specifications were added to the proposal:

1. To keep the structure simple and prevent obstructions for floodwater and blowing sand, the design should only include embedded posts and a top rail. Other support or decoration elements should not be added between or attached to the posts.
2. To provide proper support, each post should be embedded at least four feet into the ground.
3. For structural integrity, the span of each rail between posts should not exceed 10 feet.
4. To provide support down a majority of the dune, but limit potential exposure of the posts due to erosion, the post and rail structure should stop 15 feet above the toe of the dune.
5. If erosion, migration of the dune, or other forces cause any portion of the post and rail structure to extend eastward of the toe of the dune or expose the supporting posts, that section of the post and rail structure must be removed by the property owner.

Director Heard noted that after listening to the discussion, Councilor Burdick expressed a concern that these types of dune walkover structure were already permitted to be installed to serve oceanfront properties in other areas of the beach as well. He added that Councilor Burdick noted that a proliferation of such structures over the dunes could potentially decrease the stability of the Town's dune system. He noted that while Councilor Burdick expressed his support for the proposed text amendment as a positive solution in the beach nourishment area, he also expressed an interest in having Council consider the larger issue in the future.

Director Heard stated that at the Planning Board's request, the Community Development Department undertook the effort to identify other means of beach access for people with physical handicaps or limited mobility. He explained that after searching improvements over many dozens of coastal communities throughout the country, the solutions identified were pretty consistent. He noted that the improvements and initiatives used in other communities generally fell into the following categories:

- Beach access matting – this appears to be the most common approach for providing a physical surface for people with handicaps or physical limitations.

- ADA ramp access – this approach works in areas with dunes of a low or minimal height or areas with a wide area for public beach access.
- ADA ramps/pathways into the sea/lake – this approach will not work in an area as volatile as the ocean beach as the ramp/matting would be undermined or covered up.
- Beach wheelchairs – available in many varieties of push or motorized wheelchairs, this programmatic option appears to be the most widely used among beach communities. Some even offer special wheelchairs with floatation features to allow access into the ocean on calmer days.

Director Heard stated that at its August 9, 2017 meeting, the Planning Board voted unanimously to recommend approval of the proposed text amendment permitting the installation of a single railing down the eastern side of the primary dune to provide greater support for people accessing the beach. He noted that there has been a subsequent discussion about the use of post and rope structures to help guide people down the face of the dune. He stated that the Board recognized that while the structures do not provide support for people, they do serve a function of helping guide people down the slope of the dune so that they were not walking across the face or top of the dune. He pointed out that Council had before them a draft ordinance that also incorporated that concept.

Mayor Kingston asked if the post and rail versus the rope and post was an either/or situation. Director Heard stated that it was not. He explained that they serve different functions to a degree as one was mainly a support structure and the other was used to guide people into a certain area.

Councilor Britt asked if the post and rail would be the same in that it would be able to go 15 feet from the toe of the dune or if it only had to be on the top. Director Heard didn't think it had to be only on the top. He added that if it did, it would begin to spread out. He noted that there wasn't anything in the draft ordinance referencing it, but it could be added if Council wished.

Mayor Kingston pointed out that the Town had two months of experience after the new dunes were completed. He asked if the Town received any kind of feedback on the dunes from the standpoint of traversing them or people walking all over them. Director Heard stated that staff received experiences and concerns from people. He pointed out that it was a 20-foot dune with essentially a flat top going across. He stated that there were a number of comments about visitors who were using that as a pathway and walking all the way back and forth across the top of the dune. He stated that it was important to maintain the integrity of that area since it will be vegetated. He stated that there were comments about people fanning out across the front of the dune when they get to the bottom of an access point instead of walking straight down and then going out. He thought, based on the comments received, this would be of value to help people think about it and guiding them.

Councilor Britt asked if fanning out by walking at an angle would be bad for the toe of the dune. Director Heard stated that it was as the Town was trying to maintain the integrity that would stabilize the dune, particularly as more plantings were put in at the top. He hoped that over the years, the plantings would continue to spread and grow. He added that people walking through that area would not help the plantings flourish. He stated that part of the idea was to keep people in a specific area and allowing all of the other areas to vegetate and be more stable.

Mayor Pro Tempore Thibodeau noted that the ordinance in front of Council did not talk of a single support railing. She thought the definition should be clear in the ordinance title. She asked if it made a difference. Director Heard stated that the intent of the additional post and rope structure was that, in order for it to function correctly, it would have to be on both sides. He noted that there was no intent to limit the post and rope to one side, but pointed out that the draft ordinance read: "A dune walkover may include the installation of a single post and rail structure to provide support..." He added that the draft ordinance that the Planning Board had sent forth, it did have the post and rail structure limited to a single one. Mayor Pro Tempore Thibodeau clarified that it wasn't for the post and rope. Director Heard stated she was correct.

Mayor Kingston asked if it would have the same 10-foot span, embedded four feet on the posts. Director Heard thought the rationale was that it was a not a support structure that people would be leaning on. He added that if Council wished to consider it, staff could add it. Councilor Britt thought there should be some kind of standard. Mayor Pro Tempore Thibodeau agreed.

Councilor Caviness had a question about the beach nourishment area, the changing conditions and the fact that the conditions that currently exist were not there three months ago, and may likely not be the same in the future. She stated that she was not reading anything that was being built into the new ordinance that was embracing the change of conditions. She knew the Town was faced with the situation where there were some areas of the beach that people were deeming too steep or too long, but it was not the case elsewhere in Duck. She understood that the Town was doing this because the beach conditions change. She asked if Director Heard was not suggesting that the permitting of these structures or having them or not having them would keep changing, based on how the dune profile was changing. Town Manager Layton stated that, based on the original discussion on the issue, there was an understanding that Council wanted a very basic set of rules that would be put in place now. He added that the draft ordinance was part of what the intent that Council was trying to achieve. He stated that there was also an understanding that staff did not know exactly how the equilibration would evolve with regard to storms, so there may be a point in six months where Council would want to look at it again. He pointed out that no set date was put in as to when changes would be made, but thought the understanding was that by the time Council has their annual Retreat, there would be a discussion on what has happened and make changes if needed at that point.

Town Manager Layton clarified that, in terms of the post and rope structure, currently if someone wanted to put sand fencing up, they would be allowed to do so as a barrier. Director Heard stated that they would not be allowed under the current regulations. Town Manager Layton clarified that it would not be allowed. Director Heard stated he was correct. Councilor Caviness clarified that it applied to sand fencing as a way of visually marking the path. Town Manager Layton stated she was correct. Councilor Britt clarified that it was not allowed. Director Heard stated he was correct. Town Manager Layton noted that additional sand fencing could be erected without using it as a barrier. He added that, under CAMA rules, post and rope would be allowed and there were a few property owners who have completed this already and have requested that the Town consider allowing it as a way to define what they consider their property to the toe of the dune to allow them, particularly around community access points where the most traffic occurs, as a way of protecting the dune from their property.

Councilor Britt thought it was brought up previously via an email that was received regarding a different set of standards for community accesses as opposed to individual accesses. He stated that he had a lot of concerns with seeing a lot of posts up and down the dunes. He added that he definitely wanted to have the public hearing as he wanted to hear what the public had to say. He thought Council should consider a different set of standards for community accesses. Town Manager Layton stated that Councilor Burdick wanted to make sure that the issue was discussed. He added that if Council felt there needed to be more discussion on it in terms of moving forward with the public hearing, Council has the option of kicking that piece back to the Planning Board for discussion and moving forward with the original request for a public hearing. He noted that the entire request could be sent back to Planning Board and have it brought forward as a new ordinance.

Director Heard pointed out that the Planning Board specifically evaluated whether or not there were standards that should be different for community accesses and individual accesses; however, they opted to apply the proposed standards across the board and not create different standards for individual versus community access. He added that it was a concept that could be used as Town Attorney Hobbs had provided his opinion that, in his initial look at it, he didn't see a reason why the Town couldn't set different standards. He reiterated that the Planning Board had chosen to apply it across the board in their recommendation.

Mayor Kingston asked if an individual homeowner could install sand fencing all the way down the dune if they wanted to. He further asked if there was any limit as to how far they could go down the dune. Director Heard stated that there was, but he wasn't sure at the moment as far as the CAMA requirement. Town Manager Layton noted that the property owner did not have to stay at the top of the dune. Councilor Britt clarified that the Town did that. Town Manager Layton agreed, adding that it was done that way based on the issues the Town of Nags Head had with blowing sand migrating onto properties and accumulating on the west side. He added that the top of the dune was the best way to catch that as well as the benefit of continuing to build the dune. He noted that there was a limit as to how far one could go down a dune, but property owners could add additional

sand fencing, but he wasn't sure of the extent. Mayor Kingston asked if it also applied to planting. Town Manager Layton stated that it did. Councilor Britt clarified that the Town installed fencing across the top of the dune in the project area. Town Manager Layton stated he was correct.

Councilor Caviness thought the public hearing should be held as she was interested in what the public has to say about the issue. She stated that she was leaning towards more of the hardened solutions such as matting and railings that extend out 15 feet, being the more appropriate item at those access points where there will be a lot more use and a much lower impact solution on the individual accesses. She thought there would be dozens of people, during the course of a day, going up and over and up and out at a community access than at a house. She wondered what kind of damage would happen if there were posts and railings and matting coming 15 feet out from every access point. She thought it would be ugly. She reiterated that if they were just at every point where there was also a street marker, from a public safety standpoint, it would be helpful. She thought having them where there were address markers, made sense. She stated that she was interested in what the public has to say. She added that she would like to see two different solutions.

Councilor Britt agreed with Councilor Caviness' comments. He thought it would be a good thing to do. He added that he didn't mind sending the issue forward for a public hearing, but thought the post and rope aspect should be stricken completely since there were no parameters for it. He stated that if it was sent forward with the post and rope included, he suggested that it be sent back to the Planning Board to ask them to define what post and rope meant.

Mayor Pro Tempore Thibodeau noted that what she was hearing was that post and rope systems were currently in place, which were permitted before the ordinance was changed last time. She stated that her concern about the sand fencing was if there were people who were putting legal sand fencing in to accomplish the same goal. She stated that the post and ropes that were installed prior to the last ordinance and sand fencing today, seem to be permitted. She added that what Council was trying to get at was what else would be allowed. She thought it would be helpful to know what was out there and what could be done with sand fencing because people will look to do whatever they can. She noted that she did not have a problem with sand fencing, pointing out that it would not be aesthetically pleasing, but it would help capture the sand.

Councilor Caviness stated that she would rather see a section of sand fencing over post and ropes. Mayor Pro Tempore Thibodeau agreed. She added that post and rope was a guide and sand fencing could accomplish the same goal. She thought that, cost-wise, it was a big change, but wasn't sure how much it would cost to install sand fencing versus putting in a few posts. She agreed that the public hearing should be held, but wasn't sure if the post and rope section should be removed from the draft ordinance as it seemed like something that the Planning Board thought should be included. She stated that she would need to have more discussion about it before striking it.

Councilor Britt noted that the Planning Board's original proposal did not include post and rope; it was put in afterwards. He added that the Planning Board never had a chance to discuss it. Director Heard pointed out that the new ordinance was an alternative based on comments received subsequent to the Planning Board's meeting.

Mayor Kingston clarified that rope and post systems were currently permitted. Town Manager Layton stated that they were not. Councilor Britt pointed out that CAMA permits them but the Town does not. Director Heard added that they were permitted in areas outside of the beach nourishment area. Councilor Caviness pointed out that they do not provide any kind of stability for an adult. She added that if it was being used as a guide, she thought sand fencing would be a smarter option. Mayor Kingston thought a homeowner may want to put in rope and posts versus the post and rail system. He thought they should be given the option. Mayor Pro Tempore Thibodeau asked if homeowners should be given that option since it was less expensive.

Councilor Britt stated that if the Town allowed it for mobility purposes, it would be different. He noted that one was a guide and the other was for mobility. He thought Council was trying to keep it simple and do something to help with mobility. He added that a single rail and post achieves that goal. He stated that he was comfortable with it and thought post and ropes was not a good solution as there was no definition as to where it could go or how far it could go. He noted that there hasn't been any planning to see where it may be applicable; sand fencing filling in the top of the dune may take care of people traversing back and forth. He stated that the Planning Board put a lot of work into the post and rail portion of the ordinance, but added that he felt that post and rope should not be in the ordinance.

Mayor Kingston stated that the only objection would be if there wasn't any public input on the post and rope system. Councilor Britt thought there would be public input on it.

Councilor Caviness suggested having the public hearing with the draft ordinance. Mayor Pro Tempore Thibodeau asked which ordinance Councilor Caviness was referencing. Councilor Britt didn't think he was ready to pass the ordinance as there wasn't a definition as to where post and rope systems could be used.

Councilor Caviness moved to hold a public hearing on Ordinance 17-10 as presented on paper that includes the post and rope language for community input.

Mayor Pro Tempore Thibodeau thought it would be helpful to get an idea of the different costs involved. She thought it would be helpful to people to get a sense of what they will be looking at in terms of differences. Mayor Kingston thought it would be an add-on to the discussion. Town Manager Layton asked if it would be related specifically to post and rope as a barrier. Mayor Pro Tempore Thibodeau wondered if Council could have a general sense of what it would cost for a post and rail, the cost for a double post and rope and the cost for sand fencing generally down a slope. She knew it was broad, but thought it would be an interesting piece of information to have that everyone could benefit from. Town Manager Layton stated that staff would figure it out. Mayor Pro Tempore

Thibodeau noted that she brought the issue up as an enhancement to the discussion and not to change the motion on the floor.

Councilor Britt asked if there was a way for the oceanfront property owners to be contacted about the public hearing. Director Heard stated that they have all received individual notice about the original ordinance that was adopted in July. He stated that he would reach out to them again. Mayor Kingston suggested an email blast be sent out encouraging comments.

Motion carried 4-0.

Discussion/Consideration of Authorizing a Public Hearing on Ordinance 17-11, an Ordinance to Amend the Definition of “Lot Coverage” in Section 156.002 of the Zoning Ordinance by Exempting Public Sidewalks and Similar Public Improvements from Lot Coverage Calculations

Director Heard stated that at their August 2, 2017 meeting, Council authorized the Planning Board and Community Development staff to develop a text amendment creating an exemption for public sidewalks on private properties from lot coverage calculations.

Director Heard stated that the Town planned to begin construction of public sidewalks along the east side of Duck Road in the fall. He noted that in several instances, the sidewalk will meander onto private property, usually to avoid existing utility infrastructure. He added that the Planning Board was proposing to add an exemption for public sidewalks and similar public improvements to not count as lot coverage so as not to penalize the properties for allowing public sidewalks.

Director Heard stated that the Planning Board voted unanimously at their August 9, 2017 meeting to recommend approval of Ordinance 17-11 and that staff was also recommending approval.

Mayor Pro Tempore Thibodeau moved to authorize a public hearing on Ordinance 17-11 at Council’s October 4, 2017 meeting.

Motion carried 4-0.

NEW BUSINESS

Discussion/Consideration of Resolution 17-08, a Resolution of the Town Council of the Town of Duck, North Carolina, requesting that the North Carolina Department of Transportation Post a 35MPH Speed Limit Year-Round from Sandy Ridge Road to North Snow Geese Drive

Town Manager Layton stated that during recent discussions related to CUP 17-002, Nor’ Banks Restaurant, Council requested that staff determine how to make a request to the North Carolina Department of Transportation to lower the speed limit in the vicinity of

Sandy Ridge Road and North Snow Drive to 35mph year-round. He stated that, currently, the speed limit in this area is 35mph during the summer months and 45mph in the off-season. He added that due to limited visibility caused by a hill in the area, it was determined that a lower speed limit would provide for a safety improvement. He noted that Resolution 17-08 would request that NCDOT lower the speed limit.

Councilor Britt stated that he was in favor of the resolution. He thought it would be a good thing and with the new Public Safety building, there were concerns coming the other way on the hill and having the speed limit reduced will help with the traffic coming from the north.

Councilor Caviness stated that she was in favor of the resolution.

Councilor Caviness moved to approve Resolution 17-08 as presented.

Mayor Kingston clarified that when one drives over the hill, it was 25mph. He asked if it would be good to insert it to say it was easier to go from 35mph to 25mph than 45mph to 25mph. He further asked if there was a flashing light that says that the speed limit is 25mph. Town Manager Layton stated that there was a flashing light. Councilor Britt noted that it says 25mph on the caution sign. Town Manager Layton stated that it could be added but wasn't sure if it would make any difference. He thought NCDOT was looking for a formal request.

Motion carried 4-0.

Discussion/Consideration of Authorizing the Mayor to Submit Comments regarding the Preliminary Flood Maps for Dare County, North Carolina

Director Heard stated that on August 4, 2017, the Town received official notice from the NC Floodplain Mapping Program that the 90-day period for submitting comments and appeals concerning the preliminary Dare County flood maps began on August 16, 2017 and will run through November 13, 2017. He noted that during this period, the Town and any affected property owner could submit comments regarding the proposed flood maps or appeal the revised flood zones.

Director Heard stated that the Community Development Department prepared a draft letter outlining concerns about the preliminary Dare County flood maps based on issues identified by planning directors from each of the towns and Dare County. He stated that Council was being asked to consider these concerns and prepare a comment letter to FEMA and the NC Floodplain Mapping Program.

Councilor Caviness stated that she appreciated the draft letter as it was written and was glad that the Town's concerns were stated, but in the wake of what has happened in Houston, Texas, she would support stronger language. She thought the Town's concerns needed to be put out there and hoped that, where possible for the Town to break from what's acceptable and make it safer, that it be done.

Mayor Pro Tempore Thibodeau thought she was seeing a little bit of a difference in the letters between what Dare County was proposing and what Duck was proposing. She stated that she attended a presentation by Spencer Rodgers a long time ago to talk about the issue and it was very enlightening. She agreed that Council needed to get their concerns out even if they were not complete, but it was fine. She added that where she was struggling was the fact that flood insurance is not required in an X zone, creating a false sense of security. She stated that there was the bigger issue regarding flood insurance in general where it doesn't really cover much. She stated that flood insurance itself was not going to do much for anyone as it doesn't cover the ground level, it doesn't cover a household water heater on the ground level of a home, so a lot of education was needed. She added that she was in favor of sending a letter.

Town Manager Layton stated that sooner than later, there will be a coordinated effort to make sure the rules are uniform in Dare County.

Mayor Kingston asked if there was any reason to hold back on the letter. Director Heard stated that he would hold back only if Council had additional thoughts they wished to add.

Mayor Pro Tempore Thibodeau moved to authorize the Mayor to submit comments regarding the preliminary flood maps as presented.

Motion carried 4-0.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY

Town Attorney Robert Hobbs was recognized to speak. Town Attorney Hobbs stated that he had no report.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN MANAGER

Update on Departmental Activities

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

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

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

Public Relations Assistant Betsy Trimble was recognized to speak. Public Relations Assistant Trimble gave a brief overview of the past month's activities to Council and the audience.

Director of Marketing and Events Denise Walsh was recognized to speak. Director Walsh gave a brief overview of the upcoming Jazz Festival activities to Council and the audience.

Update on the Beach Nourishment Project

Town Manager Layton stated that the beach nourishment project was completed in Duck. He stated that they were making quick work of Kitty Hawk as well and hopefully, they should be finished before any of the storms that are coming up the coast get close. He noted that Council had in their packets a copy of the Beach Maintenance Plan. He explained that it was a plan that was required for the length of the project and was necessary if the Town needed to request FEMA funding at some point. He added that it would be updated every year and pointed out that there was a section of the plan that talked of anticipated costs of re-nourishment, which did not include additional permitting and engineering fees, but the amount was significantly less than the original project that was just completed.

Town Manager Layton stated that as the Town gets closer, staff will start trying to tune into what the actual numbers may be with the point being that there will still be funding from the beach nourishment fund through Dare County and the MSD rates can be adjusted down as the Town won't need the same amount for the project, provided that this is the anticipated cost and the same volumes that were quoted in the Plan.

Town Manager Layton stated that there was a recent article in the Spring edition of *Shore and Beach*, which was the American Shore and Beach Association, which the Town of was a member. He handed out an article to Council regarding what to expect with regard to beach equilibration.

Town Manager Layton stated that the North Carolina General Assembly passed a bill that established a coastal storm damage mitigation fund. He added that the next step would be to figure out how to get some funding into it. He noted that NC Byways would continue to advocate for the funding.

Update on the Building Inspector Position

Town Manager Layton stated that at Council's August meeting, he discussed a proposed reorganization resulting from the resignation of Building Inspector Cory Tate. He stated that the plan as proposed would have contracted out the inspector position and added a full-time maintenance coordinator and administrative assistant position. He noted that after exploring the contracted building inspector position, it was determined that possible partners in the endeavor were not willing or able to provide the inspection services; therefore, efforts were renewed to determine if a combined position of building inspector-

maintenance coordinator position could be filled, which appeared likely. He pointed out that Council was not being asked to authorize the reorganization of these positions, but to authorize the addition of a part-time administrative assistant position for the Department of Community Development to remain in place upon the return of Director Walsh.

Town Manager Layton stated that in conjunction with the authorization of the position, Council was also being requested to authorize the addition of a Lieutenant position in the Police Department. He explained that the addition of the position was part of Police Chief Cueto's plan to provide better 24-hour staffing and oversight of the patrol officers. He noted that the addition of the position would be revenue neutral.

Councilor Caviness asked if the new hire was the Lieutenant position. Town Manager Layton stated that it wasn't a new hire, but a promotion from within. He added that it was anticipated that First Sergeant Jeff Ackerman would be promoted to Lieutenant and then there would be two Sergeant positions. He explained that the other Sergeant position would be filled internally.

Mayor Pro Tempore Thibodeau clarified that the Administrative Assistant position would go from part-time to permanent part-time. Town Manager Layton stated she was correct, adding that the current position was brought in when Director Walsh left in order to assist and he was now asking for it to be an actual permanent position. He noted that it was not currently in the organizational chart and he was asking for it to be added. Mayor Pro Tempore Thibodeau clarified that the Town would see the effects of it in the FY 2019 budget. Town Manager Layton stated she was correct.

Councilor Caviness asked if one of the firefighters would be designated as the Fire Marshal. Town Manager Layton stated that he anticipated that all of the Fire Captains would receive that certification, so that there would be three fire inspectors. He added that Permit Coordinator Sandy Cross would be in charge of coordinating the inspections with them to make sure they were completed.

Mayor Pro Tempore Thibodeau moved to support the Town Manager's reorganization by adding a Lieutenant position to the Police Department and making the Administrative Assistant position permanent part-time as presented.

Motion carried 4-0.

Financial Statements for August FY 2018

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

MAYOR'S AGENDA

Mayor Kingston welcome Director Walsh back. He thanked Public Relations Assistant Trimble and Administrative Assistant Madalyn Dunn for a summer of great events. He

stated that has his mayors meeting on September 19, 2017. He stated that he received a telephone call earlier in the week from Paul Meyer, the Executive Director of the NC League of Municipalities, to ask if he would be interested in serving on the board representing District 1, which was the 12 northeastern counties. He added that they were currently represented by Roland Vaughan, who is the mayor of Edenton and has served two terms. He stated that after some soul searching, he submitted his interest form and will find out later in the month if he will be on the board. He did not believe that there was any competition. He stated that as a result, he would be attending the CityVision 2017 conference in Greenville on September 20-23, 2017, at which time they would make the nominations at the business meeting.

Mayor Kingston stated that within the last year, the League called the regional mayors together in Hertford from District 1 and discussed the number one vision of 2030, which they put together as well as organizing the mayor within the state of North Carolina. He added that since then, they have formed a new Mayor's Association with the first meeting in Greenville. He noted that he opted to join it on behalf of Duck on September 20, 2017 and would give Council feedback when he returns.

Mayor Kingston stated that he received a message from Drew Pearson regarding Hurricane Irma saying that people should be ready and if there were any questions regarding re-entry, Dare County Emergency Management should be contacted. He noted that property owners were considered Priority II, so if there were an evacuation, they would be allowed back with a driver's license and/or a tax bill. He stated that this was the first communication from Dare County and if he were to get called in over the next few days, he would let Council know to keep all abreast of things.

Mayor Kingston noted that he would be on vacation from September 26, 2017 through October 2, 2017.

COUNCIL MEMBERS' AGENDA

Mayor Pro Tempore Thibodeau thanked Mayor Kingston for stepping up to take the leadership positions. She thought he would represent the Town of Duck well. She thanked Town staff for all that they do, adding that Duck is very lucky to have such a capable staff working for it.

Councilor Caviness gave a Dare County Tourism Board meeting update.

Councilor Britt welcomed Director Walsh back. He thanked Public Relations Assistant Trimble and the rest of staff for their hard work over the summer. He wished Mayor Kingston luck on the leadership position.

OTHER BUSINESS

Additional Public Comments

Mayor Kingston opened the floor for public comments.

Ron Blunck was recognized to speak. Mr. Blunck stated that there used to be a lifeguard stand on Sprigtail Drive. He wasn't sure what the process was to formally ask to have a lifeguard stand there as well as on Widgeon Drive. He added that with the beach nourishment project, there were a lot more people on the beach, which meant that the lifeguards were needed. He asked if he needed to do anything and if so, when, to formally request two lifeguard stands – one at Sprigtail and one at Widgeon.

Ron Blunck stated that, with regard to the proposed ordinance changes, he knew there was a discussion regarding sand fencing. He asked if a community put down a beach mat, they could also install two sand fences alongside of the mat. He noted that the sand fence would trap sand behind it and thought it may be problematic in terms of putting down beach matting as they will become covered with sand. He asked that either Council or the Planning Board consider this if the Town considers sand fencing as a barrier as opposed to a rope fence since it could create problems. He pointed out that a rope fence would not trap sand so it would be a much better way to have a barrier than sand fencing.

Ron Blunck stated that there was one oceanfront homeowner in the Carolina Dunes subdivision that has posted signs at the toe of the dune that say: "Stay off the Dunes". He wasn't sure if it was permitted or not. He asked if homeowners wished to install the signs, they could do so. Director Heard stated that something of that nature would be permitted as it wasn't considered a commercial sign. Ron Blunck stated that it was located at the toe of the dune in front of their home.

Ron Blunck stated that with the discussion regarding mobility and people accessing the beach in the nourishment area, there was not only a mobility issue but also a lot more wagons and carts on the beach due to the length of the dune and the width of the beach. He stated that he has seen a lot of people struggling with moving their carts up and down the beach. He stated that at the top of each of the community access points in Carolina Dunes were old steps and in order to get down from the top of the dune, people now have to go down the steps. He noted that the steps were an issue from a mobility standpoint. He suggested that Council consider a separate ordinance for community access points to allow for some sort of a ramp instead of the steps in order to replace the first few steps from the existing walkways. He pointed out that all three of the access points in Carolina Dunes have steps and he thought it would be good if they could replace them with a ramp.

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

Mayor Kingston noted that the next meeting will be the Regular meeting on Wednesday, October 4, 2017 at 7:00 p.m.

ADJOURNMENT

Councilor Britt moved to adjourn the meeting.

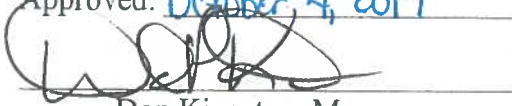
Motion carried 4-0.

The time was 9:54 p.m.



Lori A. Ackerman, Town Clerk

Approved: October 4, 2017



Don Kingston, Mayor

