

Agenda
Town of Duck Council
Paul F. Keller Meeting Hall
January 19, 2022
1:00 p.m.
Mid-Month Meeting

1. Discussion/Consideration of Ordinance 22-01, an Ordinance of the Town Council of the Town of Duck, North Carolina, Amending Ordinance 03-03, Declaring Speed Limit Modifications on North Carolina Highway 12
2. Discussion/Consideration of Resolution 22-02, a Resolution of the Duck Town Council Declaring Certain Property Surplus and Authorizing the Sale at Auction of Said Property
3. Goals Planning Session
4. Adjournment

AGENDA: January 19, 2022

Mid-Month Meeting

ITEM #1:

Discussion/Consideration of Ordinance 22-01, an Ordinance of the Town Council of the Town of Duck, North Carolina, Amending Ordinance 03-03, Declaring Speed Limit Modifications on North Carolina Highway 12

RECOMMENDED ACTION:

- Adopt Ordinance 22-01

SUMMARY OF INFORMATION:

- Please refer to the attached memorandum dated January 10, 2022

ATTACHMENTS:

- Memorandum dated January 10, 2022
- Ordinance 22-01



January 10, 2022

To: Members of Town Council

From: Drew Havens, Town Manager

Re: Speed Zone Correction

As we looked at a good location to install a new radar speed sign south of Plover Drive, similar to the one we have near Four Seasons and the ones at the north end of the village, I asked staff to confirm where the 25 MPH speed zone actually begins. Traveling north the first 25 MPH sign is just south of Settlers Lane with a speed limit reduction warning sign south of Sea Breeze. There is an additional 25 MPH sign just south of Plover.

What we discovered, in looking at our current ordinance and the current NCDOT Speed Limit map, is that the actual transition from 35 MPH to 25 MPH is a point slightly south of the entrance to Four Seasons. No one with NCDOT can determine why 25 MPH signs were put up in a 35 MPH zone, but Chief Ackerman stated that this area has been posted at 25 MPH for as long as he has been here.

I asked NCDOT to come and put eyes on the situation and take whatever measurements they needed to take. Their first solution, while they were here, was to remove the 25 MPH signs between Sea Breeze and Four Seasons. I asked that they “pause” that and send me the paperwork to help get the ordinance and map to align with what is posted. We have had some complaints related to speed, mainly in conjunction with concerns about the safety of the school bus stop near Settlers Lane, and it would not seem wise to actually increase the posted speed limit in this area given these complaints.

Typically NCDOT would want to do a traffic study, look at crash data, etc. before they reduced a speed limit. But in this case, because it has been posted as it has, they will forgo that and simply adjust their map and law if that is what the Council wishes to do. Had we just let them remove the signs, we likely would have had to go through the whole process of a study, etc. in order to keep things as they are now.

On the north end of the village, they found that the signs are 450 feet too far south. They will correct that by moving the signs north. This should help give drivers more time to slow to 25 MPH before getting to the crosswalk at Sunset Grill.

In order to get our Ordinance to match up with the sign placement on the south end of the village, Council will need to consider an ordinance revision. If this is approved by Council, we can submit the Certifications to NCDOT for them to endorse and the Department of Transportation to pass a concurring ordinance.

We have the Ordinance prepared (attached to the e-mail transmitting this memorandum) and have the Certification forms to complete should you vote to revise our ordinance. For your information, SR 1297 is Poteskeet Drive and SR 1425 is Wampum Drive.

This image is a screenshot from NCDOT's speed limit map. Blue is 25 MPH and Green is 35 MPH. The red arrows show the area where the signs show 25 MPH, but the ordinance (state and town) show 35 MPH.



Please let me know if you have any questions or concerns.

**AN ORDINANCE AMENDING ORDINANCE 03-03, DECLARING SPEED LIMIT
MODIFICATIONS ON NORTH CAROLINA HIGHWAY 12**

Ordinance No. 22-01

WHEREAS, pursuant to N.C Gen. Stat. §160A-174 a town may by ordinance define, prohibit, regulate or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the town; and

WHEREAS, pursuant to N.C. Gen. Stat. §20-141(f) a town may determine that a higher or lower maximum speed than those set forth §20-141(b) is reasonable or safe and, with concurrence of the Department of Transportation, may declare a safe and reasonable speed limit.

NOW, THEREFORE, BE IT RESOLVED BY the Town Council for the Town of Duck, North Carolina as follows:

PART I. The speed limit on North Carolina Highway 12 within the town’s jurisdiction is amended as follows:

| <u>Speed Limit</u> | <u>Description</u> |
|--------------------|------------------------------------------------------------------------------------------------------------|
| 25 | SR 1293, from NC 12 eastward to a point 0.30 mile east of NC 12, in Duck. |
| 25 | SR 1297, from NC 12 eastward for a distance of 0.50 mile, in Duck. |
| 25 | SR 1408, from NC 12 eastward to a point 0.30 mile east of NC 12, in Duck. |
| 25 | SR 1409, from NC 12 to a point 0.68 mile east of NC 12, in Duck. |
| 25 | SR 1410, from a point 0.10 mile south of SR 1409, northward toward SR 1409, in Duck. |
| 25 | SR 1417, from NC 12 eastward for a distance 0.50 mile, in Duck. |
| 25 | SR 1425, from NC 12 eastward to end of state maintenance, a point 0.50 mile east of NC 12, in Duck. |
| 25 | SR 1469, from a point 0.30 mile west of NC 12, eastward toward NC 12, in Duck. |
| 25 | SR 1473, from a point 0.10 mile south of SR 1479 northward to a point 0.05 mile north of SR 1474, in Duck. |
| 25 | SR 1474, from NC 12 eastward to SR 1473, in Duck. |

| <u>Speed Limit</u> | <u>Description</u> |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 25 | SR 1475, from NC 12 eastward to SR 1473, in Duck. |
| 25 | SR 1476, from NC 12 eastward to SR 1473, in Duck. |
| 25 | SR 1477, from NC 12 to SR 1473, in Duck |
| 25 | SR 1478, from NC 12 eastward to SR 1473, in Duck. |
| 25 | SR 1479, from NC 12 eastward to SR 1473, in Duck. |
| 25 | SR 1484, from NC 12 eastward to a point 0.30 mile east of NC 12, in Duck. |
| 25 | NC 12, from 0.35 mile south of SR 1297 northward to a point 0.70 mile north of SR 1425, in Duck. |
| <u>25</u> | <u>Between 0.65 mile south of SR 1297 and 0.7 mile north of SR 1425</u> |
| 35 | NC 12, from the northern corporate limit of Southern Shores, a point 0.50 mile south of SR 1293, northward to a point 0.35 mile south of SR 1297, in Duck. |
| 45 | NC 12, from a point 3.10 miles south of the Currituck County line, northward to the Currituck County line, (except a 35 mph zone to be in effect from May 15 to October 15 each year), in Duck. |

PART II. This ordinance shall be in full force and effect from and after the 19th day of January, 2022 and upon the adoption of a concurring ordinance and erection of signs by the Department of Transportation.

Don Kingston, Mayor

ATTEST:

Lori Ackerman, Town Clerk

Date adopted: _____

Motion to adopt by: _____

Vote: _____ AYES _____ NAYS

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Mid-Month Meeting

ITEM #2:

Discussion/Consideration of Resolution 22-02, a Resolution of the Town Council of the Town of Duck, North Carolina, Declaring Certain Property Surplus and Authorizing the Sale at Auction of Said Property

RECOMMENDED ACTION:

- Adopt Resolution 22-02

SUMMARY OF INFORMATION:

The Town Council had previously established regulations authorizing the Town Manager to dispose of surplus property. The Town's financial policies specify that the Town Manager may declare surplus of any motor vehicle valued at less than \$30,000 and use the vehicle as a trade for the purchase of another vehicle, provided the new vehicle is approved as part of the approved budget. The Town has four vehicles, which will not be traded in, that have an estimated value in excess of \$1,000 each but are under \$30,000 each, which the Town has no use for. The attached resolution authorizes the Town Manager to authorize the sale of four vehicles.

ATTACHMENTS:

- Resolution 22-02

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DUCK,
NORTH CAROLINA, DECLARING CERTAIN PROPERTY SURPLUS AND
AUTHORIZING THE SALE AT AUCTION OF SAID PROPERTY

Resolution #22-02

WHEREAS, the Town of Duck, North Carolina, is regularly in possession of certain personal property deemed to be surplus; and

WHEREAS, the North Carolina General Statutes provide for the methods in which a municipality may dispose of real and personal property; and

WHEREAS, Section 160A-266(c) of the North Carolina General Statutes authorizes a Town Council to adopt regulations for the disposal of personal property valued at less than thirty thousand dollars (\$30,000) provided that the regulations secure fair market value for the disposal of the property and provided that a record of the transactions related to the disposition of the property be retained; and

WHEREAS, the Town Council established regulations authorizing the Town Manager to dispose of personal property as efficiently and economically as possible in the approved Financial Policies; and

WHEREAS, the Financial Policies specify that the Town Manager may declare surplus any motor vehicle valued at less than thirty thousand dollars (\$30,000) and use such vehicle as a trade for the purchase of another vehicle provided that the vehicle being purchased has been approved as part of the Town's approved budget; and

WHEREAS, the Town of Duck has four vehicles, which will not be traded in, with an estimated value in excess of \$1,000 each, but under \$30,000 each for which the Town has no continued use;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DUCK, NORTH CAROLINA, THIS 19TH DAY OF JANUARY, 2022, that the Town Council does hereby authorize the sale, at auction, the following vehicles:

1. 2016 Ford Explorer Police AWD SPORT UTILITY 4-DR, 3.5L V6 DOHC 24V, VIN 1FM5K8AT5GGA78729
2. 2016 Ford Explorer Police AWD SPORT UTILITY 4-DR, 3.5L V6 DOHC 24V, VIN 1FM5K8AT1GGA78730
3. 2016 Ford Explorer Police AWD SPORT UTILITY 4-DR, 3.5L V6 DOHC 24V, VIN 1FM5K8AT3GGA78731
4. 2018 GEM E4 "Street Legal" Low Speed Electric Vehicle, VIN 52CG4AGA4J5018295

BE IT FURTHER RESOLVED that the Town Manager is hereby authorized to take all actions necessary to transfer the surplus vehicles to the successful bidder.

Adopted this 19th Day of January, 2022.

Mayor

ATTEST:

Town Clerk