

**TOWN OF DUCK  
TOWN COUNCIL  
REGULAR MEETING  
August 7, 2019**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 7:00 p.m. on Wednesday, August 7, 2019.

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

**COUNCIL MEMBERS ABSENT:** Councilor Nancy Caviness.

**OTHERS PRESENT:** Town Manager Christopher Layton; Police Chief John Cueto; Fire Captain Clarence Batschelet; Director of Community Development Joseph Heard; Town Attorney Robert Hobbs; Public Relations Administrative Assistant Betsy Trimble; Director of Marketing and Special Events Christian Legner; and Town Clerk Lori Ackerman.

**OTHERS ABSENT:** Fire Chief Donna Black.

Mayor Kingston called the meeting to order at 7:02 p.m. He asked Fire Captain Clarence Batschelet to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence asking the audience to join him in remembering the shooting victims of El Paso, Texas and Dayton, Ohio.

**PUBLIC COMMENTS**

Mayor Kingston opened the floor for public comments.

Ben Vorndran of 104 Sea Hawk Drive West was recognized to speak. Mr. Vorndran stated that he took the CAMA Land Use survey recently and thought it could easily be swayed since it asked a question such as if an individual lived in Duck or if they were a renter. He thought the answers could be swayed in that a person could check that they live in Duck but in reality, they do not. He stated that someone in New Mexico could take the survey and check that they live in Duck which would sway the outcome. He added that he may be wrong, but it was how he looked at it. He noted that he was able to take the survey twice and felt it needed to be corrected.

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

**CONSENT AGENDA**

**Minutes from the June 5, 2019, Regular Meeting; Minutes from the July 3, 2019, Regular Meeting; Approval of Memorandum of Agreement between the Town of**

**Duck and the North Carolina Department of Transportation for Disaster Related Debris Removal on State Roads; Approval of Budget Amendments**

Councilor Burdick 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 Sandski, LLC for Surf Rescue Services**

Town Manager Chris Layton was recognized to speak. Town Manager Layton stated that previously the Council had authorized an increase in contracted costs for Fiscal Year 2020 for surf rescue services. He added that during his agenda overview with Mayor Kingston, it was realized that he may not have been clear or misunderstood as to what the base level of service was. He stated that when he was looking at putting the contract together, he was looking at the lowest level of cost that was presented during the presentation. He noted that those base level of services included the addition of two lifeguard stands, additional lifeguards for the fall season, a pay increase for all lifeguards, and international recruiting costs. He stated that the cost for the services for Fiscal Year 2020 increased by \$90,000 for a total of \$486,000 for the services. He noted that the contract term was for five years, with set costs for Fiscal Year 2021 through Fiscal Year 2024 as follows:

Fiscal Year 2021: \$540,000, which included one additional lifeguard stand, \$1.25 lifeguard raise, two additional fall season lifeguards, and H2B Visa assistance.

Fiscal Year 2022: \$577,000, which included one additional lifeguard stand, \$.75 lifeguard raise, two additional fall season guards, and H2B Visa assistance.

Fiscal Year 2023: \$597,000, which included one additional lifeguard stand, \$.50 lifeguard raise, and H2B Visa assistance.

Fiscal Year 2024: \$615,000, which included one additional lifeguard, \$.50 lifeguard raise, and H2B Visa assistance.

Town Manager Layton noted that the contract also included optional years for Fiscal Year 2025 and Fiscal Year 2026 that would be negotiated as part of the budget process. He stated that the issue where he may not have been clear was that Mayor Kingston may have thought that the base line of services would have been for Fiscal Year 2020 and then Council would have the option during the budget process to add services each year. He noted that even adding an incremental level of additional lifeguards and other items could have been more than what was anticipated. He stated that it wasn't anything more than him getting ahead of the discussions.

Town Manager Layton stated that Ocean Rescue Director Mirek Dabrowski was present to answer any questions Council may have. He stated that staff could amend the contract and take care of the minor item while continuing with the actual services, but specify in the contract that after this year, the rate of service level would be determined through the budget process on an annual basis. He added that the numbers shown were included in the five-year forecast, which was why he defaulted to it, but there was no issue with staff changing the language and clarifying it. He noted that he spoke with Ocean Rescue Director Dabrowski and he was comfortable with it as well.

Councilor Burdick stated that he did not have a problem leaving it in the contract as long as there was a provision that it would be reviewed annually. Mayor Pro Tempore Thibodeau asked how it would work reviewing it annually. Town Manager Layton stated that it would be through the budgeting process.

Councilor Burdick clarified that Ocean Rescue Director Dabrowski would propose for the following year an additional lifeguard stand and a raise for the lifeguards. He stated that it would be up to Council to make a decision on whether or not they agreed with it, as long as there was the flexibility to make the change.

Mayor Pro Tempore Thibodeau clarified that Council knew that the baseline would be \$486,000 for Fiscal Year 2020 and then Council has the option to do the other things or if Council had the option to do more than what was listed. Councilor Burdick stated that Council had the option to adjust the other figures up or down. Town Manager Layton stated that he would craft some language that would give the flexibility. He noted that the reality was that in the contract, it specified that all services were subject to actual appropriation funds. He added that if Council did not provide funds for something, then the service could not be provided. He thought he could add that he would clarify that Council would review it on an annual basis and make the final determination as to what that year's contract amount would be through the budget process.

Mayor Pro Tempore Thibodeau stated that it sounded reasonable. She asked if the additions and recommendations were what Town Manger Layton thought was the best way to go or were the minimum of what Ocean Rescue Director Dabrowski was suggesting in his original presentation. Town Manager Layton stated that it was a combination of the number that Ocean Rescue Director Dabrowski provided during his presentation with regard to the number of lifeguards and additional lifeguard stands as well as the specific items that were discussed, but they were considered as optional or as needed for each year. He stated that the intent was not to assume that all would be added in each year. He added that the difference between the base level he used and the larger number was for additional services on top of it. He stated that when he was referencing base level, he was interpreting that as the smaller amount of the range that Ocean Rescue Director Dabrowski had proposed with the additional services. He added that when it became clear to him in the discussion with Mayor Kingston that he did not make that clear, he felt the contract should be re-examined so that everyone was comfortable with it.

Councilor Burdick stated that he looked at the draft contract and thought Council would make decisions after Fiscal Year 2020 on the additions. He thought that was where Council had left things and he was surprised to see it in the draft contract. Town Manager Layton stated that it was his fault. Mayor Pro Tempore Thibodeau stated that she liked the succinctness of the contract and how Council can see the increases and the specifics. She added that it was something that was easy to look at each year and be in favor of or opposed to.

Mayor Kingston suggested that Town Manager Layton and Town Attorney Hobbs work on the revising the draft contract and bring it back to Council at their September 4, 2019 meeting. He added that Ocean Rescue Director Dabrowski was already under contract for this year and he didn't think there would be any issues.

Ocean Rescue Director Mirek Dabrowski was recognized to speak. Ocean Rescue Director Dabrowski stated that based on what Town Manager Layton told him was how he came up with the figures he came up with. He stated that, with regard to long-range planning, he was recruiting for two years, one year, and sometimes the week before. He added that he mainly tries to recruit two years out. He stated that as far as planning went, if he has to wait for a budget year for that year, it would not work for him because his fiscal year is different. He pointed out that he has seasons that he has to accomplish certain things and if Council passes a budget amendment in the middle of July, he would not be able to get any new lifeguards. He stated that the numbers were based upon the number value as well as the number of how many lifeguards he would have, which was based on his long-range plan. He didn't think those were the numbers he would use if Council wanted to go year to year. He stated that the baseline Town Manager Layton presented would not be the baseline for him. He noted that there was always value in long-range planning.

Councilor Burdick clarified that Ocean Rescue Director Dabrowski needed to know at the beginning of the year. Mayor Pro Tempore Thibodeau thought it was sooner. Ocean Rescue Director Dabrowski stated that he was getting ready to write a check to an attorney for \$5,000 to start the H2B Visa process. He noted that there would be additional funds later for the H2B Visa process, which takes approximately six months. He added that he was getting ready to lose 20 lifeguards as they were going back to school and he doesn't hire 20-year professionals, but seasonal employees that work during the summer season. He stated that he has already lost 5 lifeguards because there were RA's in the dormitories of the schools they go to. He stated that he would have to start asking potential lifeguards if they are going to be an RA because they have already left the week prior. He stated that he needs to be smart with his schedule as it was not easy to schedule a lot of people on a daily basis for different shifts. He added that he looks at the long-range and he could come up with something that Council was happy with that he was happy with for the long range, as opposed to an ala cart each year, since the Town's budget year was different than his.

Councilor Burdick stated that he did not have a problem with working two years ahead as Council would have to make two-year decisions. Mayor Pro Tempore Thibodeau agreed,

adding that it was important to know that Ocean Rescue Director Dabrowski needed it a year or two years ahead. She stated that however it dovetailed with the Town, Council needed to be thinking not just for the upcoming summer, but also the summer beyond that. Ocean Rescue Director Dabrowski agreed. He stated that while the Town is going through their budget process, he was already in the busiest part of the year. He added that in the winter, it's not a busy time for him but he stays busy. He thought if there was a conflict, that the contract could be written by December. Mayor Pro Tempore Thibodeau thought it was reasonable, adding that Council has come a long way since the first presentation by Ocean Rescue Director Dabrowski about his needs. She thought Council was getting there. Ocean Rescue Director Dabrowski stated that he did not come to Town Manager Layton asking for more money but wanted to be competitive with the other surf rescue services.

Mayor Kingston appreciated Ocean Rescue Director Dabrowski's comments, but what was being done was providing a level of service for him and Council did not know in the out years if the increases would be affordable. He thought the out years were projections and he thought Ocean Rescue Director Dabrowski had a baseline with the Town and was sure the figures – whether up or down – would not affect the level of service. He thought Council was talking about probably in the February/March timeframe to get a better feel for the budget as well as knowing what the Town could afford as far as the level of service. He stated that he was hesitant to give Ocean Rescue Director Dabrowski firm dollars two years or four years out because Council did not know what the status of the Town would be then.

Councilor Britt wasn't sure if he had a problem with potentially two years out because it got into the loop of hiring and the H2B Visa. He thought the Town could settle on the two-year plan. He understood what Ocean Rescue Director Dabrowski was dealing with in that going one year via ala cart would be hanging him out there. Mayor Kingston pointed out that this year the Town gave him the money for the H2B Visas. Ocean Rescue Director Dabrowski agreed. Mayor Kingston further pointed out that the Town also gave a 25% increase, which was a lot to work with up until about six months from now. Ocean Rescue Director Dabrowski pointed out that the level of service changed with the increase. He added that it was difficult to understand what he was doing, and he understood Mayor Kingston's points. He stated that the increase for the summer season was not that great as he added a lot of services and if Council wanted to cut items, it was up to them as it was their decision, but it was his decision to try to convince Council what it would do for his services.

Mayor Kingston thought Ocean Rescue Director Dabrowski would have enough advanced notice as Council approaches next year with regard to the demand going up or staying flat.

Councilor Burdick thought the point to look at was that Council already agreed on the raise, which was the big issue. He stated that if it was taken out, the question would then be if a couple of lifeguards should be added. He thought it would have a significant effect on Ocean Rescue Director Dabrowski as long as Council could provide a decision

in the early part of the year and not wait until the budget process was completed, such as by the time of the annual Retreat. He added that it would give Ocean Rescue Director Dabrowski an answer in February for the following year. Mayor Pro Tempore Thibodeau clarified if it would be the following year or the upcoming summer. Ocean Rescue Director Dabrowski stated that if that was when Council would be making the decision, then he understood it would be February for the following year as opposed to that season, it would be the following year – 2021. Mayor Kingston noted that it would be July 1.

Mayor Pro Tempore Thibodeau clarified that it would give Ocean Rescue Director Dabrowski a year and a half timeframe. Councilor Burdick stated that it would mean Council would be making a decision in February 2020 for Fiscal year 2021. Ocean Rescue Director Dabrowski stated that the Town's fiscal year and his seasonal year never coincided well when a following year is being discussed. He stated that when Council was discussing 2021, it would be next July for him. Mayor Pro Tempore Thibodeau stated that Council was discussing next summer. Ocean Rescue Director Dabrowski clarified that 2021 would be July 1. Town Manager Layton stated that Fiscal Year 2021 started on July 1, 2020.

Mayor Pro Tempore Thibodeau clarified that if Council was discussing it at their Retreat in February 2020 and making decisions that would not affect Ocean Rescue Director Dabrowski for the summer of 2021, it would be adequate. Ocean Rescue Director Dabrowski clarified that it would be Fiscal Year 2021. Mayor Pro Tempore Thibodeau stated that she was not referencing a fiscal year. Ocean Rescue Director Dabrowski explained that he had to look at it that way since that was how his contract was written. Town Manager Layton explained that it would not be a year ahead, but a few months. Mayor Pro Tempore Thibodeau stated that it was what she was trying to explain, adding that it should be more than a few months.

Councilor Burdick asked Ocean Rescue Director Dabrowski how many months he needed. He further asked when he would need an answer for Fiscal Year 2021. Ocean Rescue Director Dabrowski stated that he would like to know now since Fiscal Year 2021 was July 1, 2020. Mayor Kingston pointed out that the discussion was worth a minimum of almost \$50,000. He wasn't sure Council was ready for it. Town Manager Layton noted that the Town just started Fiscal Year 2020. Ocean Rescue Director Dabrowski understood that Council wanted to look at what they wanted to add. He added that if Council decided that they did not want to add anything, then there could be a COLA increase, which would be minimal. He stated that if Council decided that the lifeguards should get their raise, then he could give a figure of what it would cost, and it could be done in September or October. He stated that if a decision could be made by December, it would be helpful because at that point, he was recruiting lifeguards based on the raise that would be given.

Mayor Kingston understood what Ocean Rescue Director Dabrowski wanted to do in terms of a raise, but Council did not know what the dollar amount was between this year and next year. He stated that Council needed better information as they moved forward.

Town Manager Layton stated that it was clear that he was premature in bringing the contract before Council based on the information he had. He stated that he would work on it and bring something back as well as hopefully being able to describe it in a way that made sense to everyone. Mayor Pro Tempore Thibodeau added that it would also give Ocean Rescue Director Dabrowski some good planning capability. Town Manger Layton agreed. Councilor Burdick didn't think Council wanted to put him in a position where he could not plan. Mayor Pro Tempore Thibodeau agreed, adding that they wanted him to know what he was working with. Ocean Rescue Director Dabrowski understood.

Mayor Kingston directed Town Manager Layton to come back with new language in the contract as well as having a breakdown between this year and next year with regard to the increase, so Council had more information. Town Manager Layton stated that he would do so.

## **NEW BUSINESS**

### **Discussion/Consideration of Authorizing the Town Manager to Execute a Five-Year Contract with Axon Enterprise, Inc. related to the Axon Officer Safety Plus Plan**

Police Chief John Cueto was recognized to speak. Police Chief Cueto stated that the Police Department was seeking Council's permission to authorize Town Manager Layton to execute a contract with Axon Enterprise, Inc. for the Axon Officer Safety Plus Plan. He explained that the proposed five-year contract would total \$148,125.25 with the first year's cost being \$9,857.17 and then the next four years would cost \$34,567.02 per year. He went on to give a presentation on the contract, noting that it implemented the integrated Axon system of body camera and evidence management systems and included the immediate replacement of the existing Taser and body cameras, plus body camera replacements in years three and five of the contract. He also explained that the contract included Axon products such as Axon Records, Axon Citizen for Communities and Axon Evidence.com.

Councilor Burdick asked what kind of training was involved for the officers. Police Chief Cueto stated that all training was included with the plan with Officer John Gilreath as the instructor.

Mayor Kingston asked if there will be any trade-offs with respect to cost for future cameras and equipment. He further asked if trade-offs were looked at against the costs. Town Manager Layton stated that if the Town were to replace all of the in-car cameras, it would be approximately \$160,000, which was less than the entire Axon contract. He added that Axon has in year three and five of the contract, a replacement of the body cameras and associated equipment was in there without having to pay the same premiums for the upgrades.

Town Manager Layton explained that all of the officers were familiar with the equipment as they were already using it, and this was an upgrade. He added that once it was set up, it

took away a lot of the decision making for the officers in that when the body cameras are activated, the associated equipment would also be activated.

Police Chief Cueto stated that the cameras were not new systems to the officers as they are well trained in using the Taser and body cameras. He added that the officers were required to train with the equipment and it was a functionality of their annual in-service training.

Mayor Pro Tempore Thibodeau asked if Police Chief Cueto felt confident about the technology and that it will work the way Axon said it would. Police Chief Cueto stated that he did.

Councilor Burdick thought this was a great step forward in technology and transparency of the Police Department. He stated that the biggest headache one reads about is that the police officer did not have his body camera on during an incident. He stated that the fact it was integrated with the handgun and the Taser put it together in a way that puts the Town in the best position to defend the actions of the officers. He noted that the cameras would be replaced in years three and five. He asked in a two-year period if there was some technology coming that makes it a reasonable thing to do. Police Chief Cueto stated that he did not know when the upgrades would be, but that they were in the works. He noted that it was proprietary information. He added that no other company has married the Taser with the body cameras as it was only Axon Enterprises that has done so.

Councilor Burdick wondered why it was such a short period of time because the Town would be paying for it. Mayor Pro Tempore Thibodeau thought it was part of the contract. Councilor Burdick agreed, adding that, depending on when it was done would depend on where the Town would be going from there, just like purchasing a patrol vehicle. He added that it extended to when the Town would be paying for the next upgrade. Police Chief Cueto stated that sometimes the technology could not keep up with the manufacturing.

Mayor Pro Tempore Thibodeau thought it probably benefitted Axon to have the Duck Police Department out in the field and was a symbiotic thing to have it being used as well as having it upgraded. Police Chief Cueto agreed.

Town Manager Layton thought the biggest challenge for the Town in terms of getting the word out and determining how to integrate it would be the Axon Community and the Evidence.com features that apply to citizens. He asked how that would work. Police Chief Cueto stated with regard to Axon Community, the citizen would automatically link to Evidence.com as it goes through a repository to a triage center in real time. He stated that it will show the officer that checks the triage exactly what happened. He added that there will be a training curve for the community, possibly during the Chief's Brown Bag Lunch.



Councilor Burdick asked if there would be any capability to integrate the system with the fire department so that they could also be part of the system in terms of getting the officers video of critical incidents in Town. Police Chief Cueto stated that the officers would relay information if it wasn't a critical investigative matter. He added that if an officer arrived on the scene of a fire, the body camera would activate and view it. He noted that the officer's cell phone would also sync and the video from the cell phone could be relayed to the fire department. He stated that the integrity of Evidence.com would keep the video housed with the police department. Councilor Burdick thought it may be worthwhile to think about it. Police Chief Cueto stated that there was a mode called Auto Redaction, which was another cost saving situation in that when the officer prepares evidence for court, there were certain things that were not suitable for court. He explained that Auto Redaction would redact any information that would not be suitable to be viewed based on parameters that were set up.

Councilor Burdick stated that he was thinking of how things could be broadened to help build communication between police, fire and surf rescue. Town Manager Layton noted that it could be explored, but the current North Carolina law states that in order for anyone but a police officer to see the video, they would need to obtain a court order to view it. Councilor Burdick thought the police could communicate with the firefighters or surf rescue on site.

Mayor Pro Tempore Thibodeau moved to authorize the Town Manager to execute a contract with Axon Enterprise, Inc. for the Axon Officer Safety Plus Plan as presented.

Motion carried 4-0.

**Discussion/Consideration of Authorizing the Planning Board to Develop Recommendations for Zoning Ordinance Amendments to Allow for the Greater Use of Pervious or Semi-Pervious Parking Surface Materials on Commercial Properties**

Director of Community Development Joe Heard was recognized to speak. Director Heard stated that the Planning Board was seeking the concurrence of Council to develop ordinance amendments that would allow for the greater use of pervious and semi-pervious parking surface materials on commercial properties. He noted that currently, the Town's ordinance only allows commercial parking lots to be improved with asphalt, concrete, pavers, porous pavement or similar dust-proof surfaces. He added that by allowing gravel over a sand base or plastic grid reinforced gravel pavement system, the Planning Board believed that the zoning ordinance would be more in line with the Town's 2027 Vision and CAMA Land Use Plan.

Councilor Burdick noted that the Town had asked one of the local businesses to remove their gravel for safety reasons and replace it with cement. He stated that the Town was pressuring people for other safety reasons. He stated that the sand over the plastic grid was different, but he thought the Town was fairly straightforward in that it didn't want gravel on the street. Director Heard stated that the Planning Board was not proposing

anything specific but were requesting the ability to look at it and talk through some of the issues. Councilor Burdick thought it was a good idea.

Councilor Britt stated that he was at the Planning Board meeting and pervious and semi-pervious applications were more expensive. He added that there was no incentive for commercial developers to use it. He stated that part of the discussion was to use it as a carrot approach. Councilor Burdick stated that he didn't have a problem with it other than the fact that the last thing the Town wanted was putting more gravel out on the streets.

Councilor Burdick moved to authorize the Planning Board to develop recommendations for zoning ordinance amendments to allow for the greater use of pervious and semi-pervious parking surface materials on commercial properties as presented.

Motion carried 4-0.

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

Town Attorney Hobbs stated that he had no report.

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

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

Director of Public Information, Marketing and Special Events Christian Legner was recognized to speak. Director Legner gave a brief overview of upcoming activities to Council and the audience.

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

Fire Captain Clarence Batschelet was recognized to speak. Fire Captain Batschelet gave a brief overview of the past month's fire activities to Council and the audience.

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

##### **Update on Public Safety Building Environmental Assessment**

Town Manager Layton stated that he had hoped to have more information on the assessment, but he did not. He stated that staff was in the process of waiting for the official comments on the environmental assessment to come forward from the Army Corps of Engineers so staff and the consultant could respond to those. He stated that staff was continuing to work on justification, which was one item that the Army Corps of

Engineers had brought up. He explained that they understood why the site was needed, but were not sure a general, who would be reviewing it, would. He stated that they wanted to make sure that staff had sufficient justification on why the property was needed and why the Town did not have another location.

### **Update on Proposed Public Beach Access**

Town Manager Layton stated that at Council's June 6, 2019 meeting, staff was directed to provide suggestions for a future discussion on the issue of ocean public access. He noted that the water access issue was a part of the CAMA Land Use Plan/Comprehensive Plan discussions, including the survey development, so one option was to use these discussions as a placeholder and determine a direction for future discussions at the conclusion of the CAMA Land Use Plan updates. He stated that a second option was to direct staff to develop a comprehensive overview of the current status of ocean public access in Duck, including limitations and opportunities, and then have staff present the document at a future meeting, such as the Council Retreat, with some direction for future discussions or action that would be determined at that meeting. He stated that a third option would be to engage a facilitator or consultant to develop the framework and background for a dedicated public meeting on the ocean public access issue. He noted that the option would include a comprehensive review of limitations and opportunities for ocean public access and would solicit comments from all stakeholders. He added that it would also include a report that would be presented to Council at a future meeting. He pointed out that the cost for a facilitator or consultant would be approximately \$12,000.

Councilor Burdick clarified that the Land Use Plan committee would have to look at this. Councilor Britt stated that they were discussing it. Town Manager Layton stated that they would be looking at it at some level. Councilor Burdick thought it would make sense to combine the second approach of having staff look at it, including the legal aspects, and combining it with what's coming out of the Land Use Plan. Town Manager Layton thought there was a synergy there. He thought as the Land Use Plan committee discusses those items, a critical piece that would need to be understood by that committee was the legal aspect. Councilor Burdick thought it could fit together. Town Manager Layton thought it would.

Mayor Pro Tempore Thibodeau thought the benefit of the idea of having a staff report with the second option was that it would bring everyone to a general understanding of the facts. She thought many of the public comments that were received were from some unknowns about status and what it all meant in terms of land and personal property. She thought if everyone had something that could be referred to with maps and information on what would have to happen in order to do more, would be a common ground for people to have. She added that staff could see how the Land Use Plan discussions go and then have some type of facilitator come in.

Mayor Kingston stated that he and Town Manager Layton had some preliminary discussions. He stated that he preferred the first option and thought it should be done at Council's pace since he did not see a sense of urgency since Council was reacting to

some public comments and some negative social media comments. He added that Council was not coming at this from the standpoint of a demand from the residents and resident property owners. He thought the first option, with the CAMA Land Use under way, would give Council a lot of information to move forward with staff. He disagreed with paying for a facilitator at this point since the Town was already paying for them to facilitate the Land Use Plan. He thought options two and three – no matter what the Town comes up with – will be critiqued the same way by certain people. He thought Council should do this at its own pace. He pointed out that there was the potential change in Council with the upcoming election, so there may be new members that may have different thoughts on the issue. He added that there were also legal proceedings pending due to the issue with Seabreeze Drive. He thought Council should do this at its own pace, let the Land Use Plan play out and then move forward once more information was received and perhaps move it to staff for a potential discussion at the Retreat.

Councilor Britt agreed with Mayor Kingston's comments, noting that he's on the Land Use Plan committee and the issue has come up at both of their meetings. He thought Council should let that committee run its course and plan to do the second option at that point. He stated that he liked Mayor Pro Tempore Thibodeau's comment about bringing staff and everyone in, so they are on the same page. He stated that then Council could take a step back and if they needed to look at a facilitator in the future, then they could. He reiterated that he was in favor of letting the Land Use Plan committee finish their work and then have a staff report afterward and go from there.

Councilor Burdick wasn't sure what the timing of the Land Use Plan would be in order to address the issue. Councilor Britt stated that it would be about a year. Director Heard stated that the total time would be one year. Town Manager Layton thought that the next predetermined opportunity to provide direction on this or any other item for the Land Use committee would be at the Retreat, which would be when Council would receive an update on the Land Use Plan. He thought it was a good opportunity to re-evaluate and at that point Council could decide what further information may be needed.

Councilor Burdick asked Councilor Britt if he agreed. Councilor Britt agreed, adding that if the committee stayed on their schedule, the Retreat would be a good time for it. Councilor Burdick stated that it was fine with him.

Mayor Kingston thought the decision at this time was to move forward with the first option until Council receives more defined data. Councilor Burdick stated that the part of the second option that he liked was getting things in place legally with input to the Plan because it needed to be a basis of what Council could do. He stated that that part of the second option should be done in order to help Council with the framework for discussions at the Retreat. He stated that he was not in favor of staff doing everything.

Mayor Pro Tempore Thibodeau agreed with Councilor Burdick and thought the legal input should be something that was easily understood and basic so that everyone was on the same page. Councilor Burdick agreed.

Town Manager Layton stated that he could work with Town Attorney Hobbs to bring a framework to Council at the Retreat.

Councilor Britt noted that the Land Use Plan will not answer the questions that the public wants to hear as it would be a more general viewpoint that the committee has. He added that to follow it up with a report from staff after that would be critical to get the word out.

Mayor Kingston stated that Council should have the survey data sometime in the late third, early fourth quarter of the fiscal year. Councilor Burdick suggested that the legal piece be available to the Land Use Plan committee, so they have that as part of their framework. Mayor Kingston asked how Council would define legal input. Councilor Burdick thought it was the boundaries. Town Manager Layton stated that they were evolving. He explained that there was simple framework on what tools were available, what basic legal framework currently existed and items that staff did not know how to answer with regard to some of those questions. He stated that in general terms, the Town's position was that there were existing assumptions of what currently existed, and the Town were players in that. He added that the Town was neutral in some of it. He stated that if that assumption was taken away or changes and Council wished to be more aggressive to explore other options, then it was a different framework to get into.

### **Financial Statements for EOY 2019 and July of FY 2020**

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

### **MAYOR'S AGENDA**

Mayor Kingston stated that he has his mayor's meeting on August 6, 2019 in Kill Devil Hills as their July meeting was pushed back. He stated that at the end of July he and Town Manager Layton were invited to a non-emergency Control Group meeting at the EOC to plan for the upcoming hurricane season. He stated that there were new regulations that came down from the General Assembly and they had to make sure the regulations met the criteria for emergencies. He stated that there was a new process to obtain re-entry permits and he encouraged the public to go online to receive their permits. He stated that he had a League of Municipalities finance meeting on September 11, 2019 in Raleigh. He stated that he had talked of the Dare County Complete Count Committee at Council's July 3, 2019 meeting. He explained that Dare County was asking for two people from the Town to represent Duck in order to increase voting participation and registration. He noted that Director Heard and Public Relations Administrative Assistant Betsy Trimble would be representing the Town on that committee. He thanked staff for a great 4<sup>th</sup> of July parade as well as the events that happened over the summer.

### **COUNCIL MEMBER'S AGENDA**

Mayor Pro Tempore Thibodeau thanked everyone for a great 4<sup>th</sup> of July parade. She stated that she donated blood earlier in the day, adding that there was a blood drive that would be held on October 2, 2019 at Holy Redeemer Church in Kitty Hawk and they

were hoping to get first responders involved. She asked that the Police and Fire Departments endorse the blood drive and spread the word about it.

Councilor Burdick echoed Mayor Kingston and Mayor Pro Tempore Thibodeau's comments about the 4<sup>th</sup> of July parade. He gave a Dare County Tourism Board update. He stated that he recently suffered a reaction to a drug he was taking and encouraged the public not to throw out the pamphlets that come with their medications. He stated that he would be missing the September 4, 2019 meeting as he would be out of the country.

Councilor Britt echoed the rest of Council's comments regarding the 4<sup>th</sup> of July parade. He stated that he was on the Land Use Plan committee and encouraged those that have not taken the online survey to do so.

### 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.

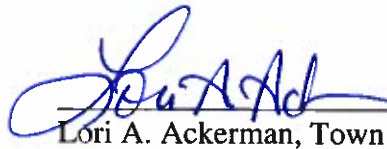
Mayor Kingston noted that the next meeting will be the Regular Meeting on Wednesday, September 4, 2019 at 7:00 p.m.

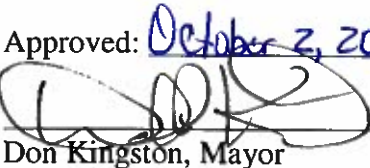
### ADJOURNMENT

Councilor Britt moved to adjourn the meeting.

Motion carried 4-0.

The time was 9:35 p.m.

  
Lori A. Ackerman, Town Clerk

Approved: October 2, 2019  
  
Don Kingston, Mayor

