

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
August 7, 2024**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 1:00 p.m. on Wednesday, August 7, 2024.

COUNCIL MEMBERS PRESENT: Mayor Don Kingston; Mayor Pro Tempore Monica Thibodeau; Councilor Brenda Chasen; and Councilor Kevin Lingard.

COUNCIL MEMBERS ABSENT: Councilor Sandy Whitman.

OTHERS PRESENT: Town Manager Drew Havens; Director of Community Development Joseph Heard; Police Chief Jeffrey Ackerman; Fire Chief Donna Black; Attorney Johny Hallow; Finance and Human Resources Manager Jessica Barnes; Community Engagement Coordinator Betsy Trimble; Deputy Town Clerk Christy Drumheller; and Town Clerk Lori Ackerman.

OTHERS ABSENT: Town Attorney Robert Hobbs and Public Information and Events Director Kristiana Nickens.

Mayor Kingston called the meeting to order at 1:01 p.m. He noted that Councilor Sandy Whitman was excused from the meeting but would be present for the Closed Session.

Mayor Kingston asked Councilor Brenda Chasen to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence.

PUBLIC COMMENTS

Mayor Kingston opened the floor for public comments. He noted that comments will be limited to three minutes as there was a timer for the time limit.

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

CONSENT AGENDA

Minutes from the July 3, 2024, Regular Meeting and Minutes from the July 17, 2024, Mid-Month Meeting

Councilor Chasen moved to approve the consent agenda as presented.

Motion carried 4-0.

SPECIAL PRESENTATIONS

Introduction/Swearing in of Police Officer Richard Deaner

Police Chief Jeffrey Ackerman was recognized to speak. Police Chief Ackerman went on to introduce Richard Deaner to Council and the audience as Duck Police Department's newest Police Officer.

Town Clerk Lori Ackerman was recognized to speak. Town Clerk Ackerman went on to swear in Richard Deaner.

Mayor Kingston and Council welcomed Officer Deaner to the Town.

Introduction of Police Recruits Xavier Berry and Micheal Ohse

Police Chief Ackerman introduced Xavier Berry and Micheal Ohse as the Town's newest police recruits to Council and the audience, adding that they would be attending Basic Law Enforcement Training and afterward would be starting a 12-week field training program with his senior staff.

Mayor Kington and Council welcomed Xavier Berry and Micheal Ohse to the Town.

Presentation of Advanced Law Enforcement Certificate to Senior Police Officer Kelly Mears

Police Chief Ackerman presented Senior Police Officer Kelly Mears with her Advanced Law Enforcement certificate.

Mayor Kingston and Council congratulated Senior Police Officer Mears.

Presentation by Jeff Schwartzberg and Lee Nettles of the Outer Banks Visitors Bureau on the Outer Banks Promise

Jeff Schwartzberg and Lee Nettles of the Outer Banks Visitors Bureau were recognized to speak. Mr. Schwartzberg and Mr. Nettles went on to give a presentation on the Outer Banks Promise to Council and the audience.

Mayor Kingston thanked Jeff Schwartzberg and Lee Nettles for their presentation.

QUASI-JUDICIAL PUBLIC HEARING

Public Hearing/Discussion/Consideration of SUP 24-006, a Special Use Permit Application by NC Coast Restaurant of 1184 Duck Road to Revise the Originally Approved Conditional Use Permit (CUP 18-009) by Expanding the Capacity of the Current Restaurant by 18 Indoor Seats for Lunch Service and 24 Indoor Seats, 1,850 Square Feet of Outdoor Dining Area, and Three Employees for Dinner

Service (The Applicant has submitted a written request to defer this hearing until the November 6, 2024 meeting of the Town Council)

Mayor Kingston turned the meeting over to Attorney Johny Hallow.

Attorney Johny Hallow was recognized to speak. Attorney Hallow opened the public hearing. He noted that there was a written request to continue the hearing for a future meeting with the Council. He recommended that Council make a motion to continue the public hearing to the November 6, 2024 Council meeting.

Councilor Chasen moved to defer the public hearing on SUP 24-006 until Council's November 6, 2024 meeting at 1:00 p.m.

Motion carried 4-0.

LEGISLATIVE PUBLIC HEARINGS

There were no legislative public hearings at this time.

OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS

There was no Old Business to discuss at this time.

NEW BUSINESS

Discussion/Consideration of Resolution 24-12, a Resolution of the Town Council of the Town of Duck, North Carolina, Accepting a Grant Award from the North Carolina Division of Coastal Management in the Amount of \$144,000 for the Anticipated Permitting, Construction Management, and Project Construction Costs for Phase 4 of the NC Resilient Coastal Communities Program and Approving a Budget Amendment

Director of Community Development Joseph Heard was recognized to speak. Director Heard stated that on July 24, 2024, the Town was notified that it had been selected to receive a \$144,000 grant through Phase 4 of the Resilient Coastal Communities Program from the N.C. Division of Coastal Management. He noted that the approved project involved the construction of several nature-based stormwater management solutions such as a central stormwater basin, permeable pavers, and swales in the Teresa Court cul-de-sac. He added that the project would be the first phase of implementation for the neighborhood stormwater study.

Director Heard stated that the \$144,000 grant would cover 100% of the anticipated permitting, construction management, and project construction costs; however, the Town would need to fund the completion of the topographic survey, drainage report, and detailed site plan/specifications which were estimated to cost \$41,000 by VHB.

Director Heard recommended that Council approve Resolution 24-12, which would accept the grant award. He also recommended that Council approve the budget amendment for the grant.

Mayor Pro Tempore Thibodeau asked if the funds for the grant would be immediate. Director Heard stated that they would. He explained that the Town would be looking at contracting with VHB to get the project started. He anticipated the construction to happen over the winter and early spring of the coming year. Mayor Pro Tempore Thibodeau stated that she was proud that Duck was able to get the grant, thanking Director Heard for his work in getting it done.

Mayor Kingston asked if this was the first priority for one of the projects. Director Heard stated it was, adding that it was a good project for the Town because it involved the implementation of three different techniques for stormwater management. He noted that it allows the Town to get it on the ground so people could see it and see how it works, adding that they may want to do it in their neighborhood. He thought it was a good project from that standpoint.

Mayor Pro Tempore Thibodeau moved to approve Resolution 24-12 as presented.

Motion carried 4-0.

Councilor Chasen moved to approve the budget amendment as presented.

Motion carried 4-0.

Overview of the Town of Duck Emergency Operations Plan and Continuity of Operations Plan

Fire Chief Donna Black was recognized to speak. Fire Chief Black went on to review the Town's Emergency Operations Plan as well as the Continuity of Operations Plan with Council and the audience. Town Clerk Ackerman and Deputy Town Clerk Christy Drumheller went on to hand out both plans to Council, staff, and the audience.

Mayor Pro Tempore Thibodeau clarified that the first time the Town adopted the Emergency Operations Plan was in 2020 or if it was this particular plan. Fire Chief Black stated that staff were really good about capturing when the last adoption was, adding that she thought the Plan was first adopted in the early 2000's and has been updated every few years. She noted that staff would be better in capturing the updates on the Plan as it was good for staff to be sure they were following the revisions.

Mayor Pro Tempore Thibodeau clarified that the Plan was updated every two years. Fire Chief Black stated that it was, adding that the Emergency Operations Plan was solidified, and that there was the opportunity to review it this year since the Continuity of Operations Plan was being added to it. She pointed out that if it was being used and it looked fine, she hoped not to bring it back to Council every year. She thought that the

Continuity of Operations Plan would be coming back to Council next year since it was a new document. Mayor Pro Tempore Thibodeau clarified that it would not preclude Fire Chief Black from updating it next year if something happens. She further clarified that it was a guideline that was updated every two years. Fire Chief Black stated she was correct, adding that anyone could suggest changes to it.

Fire Chief Black noted that no action was needed from Council at this meeting, adding that they would be approving both plans at their September 4, 2024 meeting.

Mayor Pro Tempore Thibodeau clarified that once the Plan was in place, Fire Chief Black would make sure all staff understood it. Fire Chief Black stated she was correct, adding that it was usually done with staff in the off-season.

Councilor Chasen asked what the contingency was for Web EOC if the power was out. Fire Chief Black stated that ham radios would be used. Councilor Chasen clarified that things could be called in to Dare County. Fire Chief Black stated she was correct.

Mayor Kingston thanked Fire Chief Black for her presentation.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY

Attorney Hallow stated he had nothing to report.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN MANAGER

Departmental Updates

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

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

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

Community Engagement Coordinator Betsy Trimble was recognized to speak. Coordinator Trimble gave a brief overview of activities to Council and the audience.

June FY 2024 Financial Presentation

Finance and Human Resources Manager Jessica Barnes was recognized to speak. Manager Barnes gave a short presentation on the June Fiscal Year 2024 financials to Council and the audience.

MAYOR'S AGENDA

Mayor Kingston stated that the mayors/chairmen meeting will be on August 20, 2024 hosted by the Town of Southern Shores. He explained to Councilors Chasen and Lingard how he disseminates weather notifications and updates for tropical storms and hurricanes.

COUNCIL MEMBER'S AGENDA

Mayor Pro Tempore Thibodeau stated that the Visitors Bureau did not meet in the past month. She stated that she was happy that Lee Nettles and Jeff Schwartzberg gave a presentation earlier in the meeting. She added that she appreciated everything that Town staff does for the Town.

Councilor Lingard stated that there has not been an Outer Banks Transportation Committee meeting, so he had nothing to report.

Councilor Chasen stated that she has been working on the Duck horse project. She encouraged the public to come and help paint it.

OTHER BUSINESS

Additional Public Comments

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

CLOSED SESSION

Mayor Pro Tempore Thibodeau to enter closed session in accordance with Section 143-318.11(a)(6) of the North Carolina General Statutes to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; and to enter closed session in accordance with Section 143-318-11(a)(5) to establish or instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price or other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

Motion carried 4-0.

The time was 2:28 p.m.

Upon return from closed session, Attorney Hallow stated that he had provided Council with some legal guidance but had nothing further to report.

Mayor Kingston moved to give Town Manager Havens a 10% salary increase and a \$10,000 bonus effective August 1, 2024.

Motion carried 5-0.

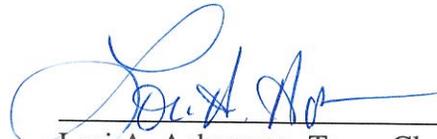
Mayor Kingston noted that the next meeting would be the Regular meeting on Wednesday, September 4, 2024 at 1:00 p.m.

ADJOURNMENT

Mayor Pro Tempore Thibodeau moved to adjourn the meeting.

Motion carried 5-0.

The time was 3:50 p.m.



Lori A. Ackerman, Town Clerk

Approved: September 4, 2024


Don Kingston, Mayor

