

**TOWN OF DUCK  
TOWN COUNCIL  
MID-MONTH MEETING  
October 16, 2024**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 1:00 p.m. on Wednesday, October 16, 2024.

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

COUNCIL MEMBERS ABSENT: None.

OTHERS PRESENT: Town Manager Drew Havens; Town Attorney Robert Hobbs; Police Chief Jeffrey Ackerman; Fire Chief Donna Black; Public Information and Events Director Kristiana Nickens; Deputy Town Clerk Christy Drumheller; and Town Clerk Lori Ackerman.

OTHERS ABSENT: Director of Community Development Joseph Heard.

Mayor Kingston called the meeting to order at 1:00 p.m. He noted that Mayor Pro Tempore Monica Thibodeau would be late attending the meeting.

**Presentation by and Discussion with Ken Willson of Coastal Protection Engineering regarding the 2024 Town of Duck Beach Monitoring Survey**

Ken Willson of Coastal Protection Engineering was recognized to speak. Mr. Willson went on to give a short presentation on the 2024 beach monitoring survey to Council and the audience. He then took questions from Council.

Mayor Kingston thanked Ken Willson for his presentation.

**Public Hearing/Discussion/Consideration of Receiving Public Comment on Resolution 24-15, a Resolution of the Town Council of the Town of Duck, North Carolina, Making Certain Findings Concerning a Proposed Installment Financing Agreement to Provide for the Financing for the Purchase of Real Estate**

Town Manager Drew Havens was recognized to speak. Town Manager Havens stated that Council had received a communication from him earlier in the day regarding the public hearing. He explained that the timing of the advertisement for the public hearing was not right as it was miscounted based on the publication date. He pointed out that Council was not legally able to have the public hearing at this time.

Town Manager Havens stated that he wanted to go through the presentation he would have made for the public hearing, noting that he would make the same presentation at the

public hearing, adding that it was in the public realm what the Council was considering doing. He stated that Council would be considering a resolution to approve entering into an installment finance agreement with a bank to purchase real property; specifically, 101 and 103 Scarborough Lane and 1165 Duck Road. He noted that they were three contiguous pieces of land owned by the Herron family and were property that the Town has been trying to purchase for many years. He stated that it was fortunate to have the signatures of all of the Herrons on the purchase, adding that the Town was under contract to make the purchase for the purchase price of \$2 million, which was the full asking price. He added that the use was an undetermined future public use, pointing out that it has not been specifically stated what it would be used for.

Town Manager Havens stated that the idea behind the purchase was because Duck has very little land that it owns corporately and there wasn't any other available. He stated that the Town had the ability to make this purchase and were able to negotiate it over several years. He pointed out that the 1165 Duck Road parcel was to the south of the Aqua Restaurant parking lot on the east side of Duck Road. He stated that 101 and 103 Scarborough Lane were behind that, adding that once the Town acquires the land, it would go through the process of working with Town Attorney Hobbs to recombine the lots into one large parcel of land.

Town Manager Havens stated that the resolution was to ask Council to make certain findings, adding that under North Carolina General Statutes, it requires Duck to go before the Local Government Commission to borrow money for this purpose. He stated that the Town was making an application to them and the public hearing and adoption of the resolution would both be part of that process. He noted that in approving the resolution, Council would approve no more than 15 annual installment payments, which would be a 15-year installment agreement with the principal not to exceed \$2 million. He added that the Town's counsel will render an opinion about the undertaking of the purchase of land and if the Town could legally purchase land. He noted that the interest rate would not exceed 6%.

Town Manager Havens explained that notice of the hearing must be published 10 days in advance of the public hearing in accordance with North Carolina General Statutes. He stated that because of the timing and the way the local newspaper publishes its paper, the ad would need to get to the paper two weeks ahead of when the public hearing would be held. He stated that, assuming Council wished to hold the public hearing, the advertisement would be running in the paper as soon as possible.

Town Manager Havens stated that Council was being asked to make a motion to hold a special meeting of the Town Council for Wednesday, October 30, 2024 at 1:00 p.m. in order to conduct the public hearing concerning a proposed installment finance agreement for the purchase of real estate.

Councilor Chasen moved to schedule a special meeting of the Town Council for Wednesday, October 30, 2024 at 1:00 p.m. in order to conduct a public hearing

concerning the proposed installment finance agreement to provide for financing for the purchase of real estate.

Motion carried 5-0.

**Discussion/Consideration of Giving Direction to Staff regarding Installment Financing Proposals received to Finance the Purchase of Real Estate**

Town Manager Havens stated that the Town issued a Request for Proposals (RFP) of installment financing on September 23, 2024 seeking proposals for interest rates and terms for a 15-year loan in that amount of \$2 million to finance the purchase of the Herron property. He stated that the RFP was directly sent to three lenders from the Local Government Commission's lender list and one local bank. He noted that only two potential lenders responded to the RFP – PNC Bank and Towne Bank. He added that while neither proposal was completely responsive to the RFP, staff was recommending that Council review what was received and provide direction to staff on how to proceed with financing the land purchase.

Mayor Kingston clarified that the Town has one payment remaining on the Meeting Hall building. Town Manager Havens stated that the last payment will be made in Fiscal Year 2026. Mayor Kingston stated that he was in favor of going with PNC Bank for the financing since it was a shorter term. Mayor Pro Tempore Thibodeau, Councilor Chasen, and Councilor Whitman agreed. Councilor Lingard thought going with Towne Bank would be good since it's the bank that's in Duck, but he was in favor of going with PNC Bank.

Councilor Chasen moved to direct staff to draw up the documents necessary to obtain a loan from PNC Bank for \$2 million for the Herron property purchase, subject to Local Government Commission approval.

Motion carried 5-0.

**Closed Session**

Mayor Pro Tempore Thibodeau moved to enter closed session pursuant to North Carolina General Statute Section 143.318.11(a)(3), to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Motion carried 5-0.

The time was 2:05 p.m.

Upon return from closed session, Town Attorney Hobbs stated that he met with Council and discussed a legal matter where he provided guidance and legal advice to them as well as further direction.

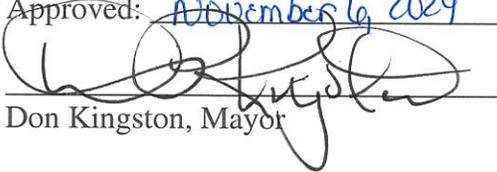
Mayor Kingston noted that the next meeting would be the Special Meeting on Wednesday, October 30, 2024 at 1:00 p.m.

**ADJOURNMENT**

Councilor Whitman moved to adjourn the meeting.

Motion carried 5-0.

The time was 3:26 p.m.

Approved: November 6, 2024  
  
Don Kingston, Mayor

  
Lori A. Ackerman, Town Clerk

