

**TOWN OF DUCK  
TOWN COUNCIL  
REGULAR MEETING  
April 7, 2021**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 6:00 p.m. on Wednesday, April 7, 2021.

**COUNCIL MEMBERS PRESENT:** Mayor Don Kingston; Mayor Pro Tempore Monica Thibodeau; Councilor Nancy Caviness; Councilor Sandy Whitman; and Councilor Rob Mooney.

**COUNCIL MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Town Manager Drew Havens, Director of Community Development Joseph Heard; Police Chief Jeffrey Ackerman; Fire Chief Donna Black; Town Attorney Robert Hobbs; Attorney John Leidy; Director of Marketing and Special Events Christian Legner; Public Relations Administrative Assistant Betsy Trimble; Deputy Town Clerk Kristiana Nickens; and Town Clerk Lori Ackerman.

**OTHERS ABSENT:** None.

Mayor Kingston called the meeting to order at 6:00 p.m. He noted that Councilor Sandy Whitman and Attorney John Leidy were attending the meeting remotely.

Mayor Kingston asked Dr. Jack Bagwell and Tim Sweeney of the College of the Albemarle to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence.

Mayor Kingston thanked everyone that was viewing the meeting remotely and to ensure an orderly meeting, he asked the audience to follow the guidelines for those that wished to submit comments during the Public Comment period. He noted that if the comments were submitted via email, it would be read into the record and if comments were submitted for a later comment, it could be done through the question-and-answer function in Zoom and would be read into the record. He stated that the meeting recording would be available on the Town's YouTube channel as soon as possible after the meeting.

**PUBLIC COMMENTS**

Mayor Kingston opened the floor for public comments. He asked that any public comments regarding the public hearings be held off at this time.

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

**CONSENT AGENDA**

**Minutes from the February 17-18, 2021, Annual Retreat; Minutes from the March 3, 2021, Regular Meeting; Resolution 21-02, a Resolution of the Town Council of the Town of Duck, North Carolina, Declaring the Month of April as Child Abuse Prevention Month; Resolution 21-03, a Resolution of the Town Council of the Town of Duck, North Carolina, Declaring May 9-15, 2021 as “Thanks Outer Banks!” Week; Contract Extension with CrowderGulf for Disaster Debris Management/Removal Services with the Extension Commencing on July 1, 2021 and Terminating on June 30, 2022; Two Agreements with DEC Associates, Inc. for Financial Advisory Services related to the upcoming Beach Renourishment Project Refinancing; Contract with Coastal Protection Engineering for Year 4 Post-Construction Beach Monitoring Services and Pre-Construction Services for 2022 Beach Renourishment; and Budget Amendments**

Councilor Caviness moved to approve the consent agenda as presented.

Motion carried 5-0 via roll call.

## **SPECIAL PRESENTATIONS**

### **Employee Recognition Program**

Mayor Kingston stated that in December 2011, Council had adopted an employee service recognition program that would acknowledge the service of employees of the Town at five-year intervals by providing them with a certificate of recognition as well as a gift certificate at a Duck business of their choosing.

Town Manager Drew Havens was recognized to speak. Town Manager Havens went on to present Fire Chief Donna Black with her 15-year service recognition certificate and \$150 gift certificate.

Director of Marketing and Special Events Christian Legner was recognized to speak. Director Legner went on to present Special Events Administrative Assistant Betsy Trimble with her 5-year service recognition certificate and \$50 gift certificate.

### **College of the Albemarle’s President, Dr. Jack Bagwell and Dean of the Dare Campus, Tim Sweeney, will update Council on the College’s Programs and Current Construction Project in Manteo**

Dr. Jack Bagwell and Tim Sweeney of the College of the Albemarle were recognized to speak. Dr. Bagwell and Mr. Sweeney gave a short update on the College’s programs as well as the current construction project in Manteo to Council and the audience.

Mayor Kingston asked if there were future plans for dormitories. Dr. Bagwell stated that there were not any current plans, but there have been discussions about it. He added that they have not said no to the dormitories but currently they are trying to open the buildings and then figure out the next steps.

Mayor Kingston thanked Dr. Bagwell and Tim Sweeney for their presentation.

## **PUBLIC HEARING**

### **Public Hearing/Discussion/Consideration of SE-21-001, an Application by Golden Sand Holdings, LLC for a Special Exception Seeking Modification in the Minimum Parking Standard for One Parking Space Under the Village Commercial Development Option Relating to Establishment of a One-Bedroom Apartment Above the Existing Retail Shop in Unit 7 of the Soundside Shoppes at 1180 Duck Road**

Mayor Kingston stated that within 24 hours following the initial public hearing on March 3, 2021, business and property owner Phil Morgan with the Seagreen Gallery submitted written comments to the Town concerning the special exception application. He stated that those comments were originally scheduled to be considered by the Council at this meeting during a second public hearing; however, during the week prior to the meeting, the Town of Duck received written requests from both applicant Belinda Pleva and Mr. Morgan to defer the Council's consideration of Mr. Morgan's written comments until the Town Council's public meeting on September 1, 2021.

Mayor Pro Tempore Thibodeau moved that the Town Council defer consideration of Mr. Morgan's written comments and the execution of the special exception permit until the September 1, 2021 Town Council meeting.

Motion carried 5-0 via roll call.

### **Public Hearing/Discussion/Consideration of SE-21-002, an Application by Robin Kokolis, Gaily Healy, Jennifer Tolson, and Suzanne Proctor for a Special Exception to Allow Fill in Excess of Three Feet on Residential Lots Located at 111 and 113 Bayberry Drive**

Mayor Kingston turned the meeting over to Town Attorney Robert Hobbs.

Town Attorney Robert Hobbs was recognized to speak. Town Attorney Hobbs stated that the Council would be sitting as a quasi-judicial body for the public hearing, meaning that they will sit as a court and must make its decision based upon competent material and substantive evidence that will be presented during the course of the hearing. He stated that anyone wishing to give testimony would have to give it while under oath with the applicant afforded due process rights including the right to present evidence, examine, and cross-examine witnesses. He asked that anyone wishing to testify come forward to be sworn in.

Town Clerk Lori Ackerman was recognized to speak. Town Clerk Ackerman proceeded to swear in the applicants and staff for the public hearing.

**The following persons were sworn to provide testimony during the hearing: Joe Heard, Robin Kokolis, and Gail Healy.**

Town Attorney Hobbs opened the evidentiary portion of the hearing. He stated that Director of Community Development Joe Heard would give an overview.

Director of Community Development Joe Heard was recognized to speak. Director Heard stated that the applicant was seeking a special exception to add a significant amount of off-site fill material to raise the elevation of the subject property by approximately 10 feet in certain areas of the property. He stated that the applicant intends to add a substantial amount of fill over a majority of the property to create a mostly level lot with an elevation of 28 feet above mean sea level in the center of the parcel. He noted that the western edge of the property would taper down at a 3:1 slope to where it adjoins the property at 109 Bayberry Drive. He added that the elevation was equal to the building pad elevation of the adjoining property to the east and slightly lower than the adjoining properties to the west and south. He stated that a small portion of this area will be filled higher to accommodate a driveway at the elevation of the adjoining road.

Director Heard reminded Council that at their May 6, 2020 meeting, they voted unanimously to grant approval of a special exception to add a significant amount of off-site fill material to raise the elevation of the adjoining property at 113 Bayberry Drive by nearly five feet in certain areas of the property. He stated that this application and property shared many of the same characteristics as the subject property at 111 Bayberry Drive; however, due to the great similarity between the two properties and situations, the precedent of approving the prior application takes on additional importance. He added that the Council may identify other issues that differentiate the subject property from the adjoining property at 113 Bayberry Drive.

Director Heard explained that the property owners at 113 Bayberry Drive obtained a land disturbance permit to add fill and grade the property consistent with the approved special exception. He noted that the fill was only recently added and as part of its final review, staff has requested survey information documenting the graded elevations for consistency with the approved plan. He added that the fill and grading project was not final and may not represent the proper final elevations.

Director Heard stated that Subsection 156.128(C) of the Duck Town Code establishes special exception review criteria for applications involving fill and grading activities. He noted that the Planning Board concurred with the following findings and added that these standards must be considered as part of the Council's review:

1. The site for the proposed fill is otherwise adequate in size, shape, and other characteristics to accommodate the proposed project.
2. The applicant has demonstrated that the requirements of this chapter are unreasonable or impractical due to the necessity for the fill, lot shape, topographical features, location of mature vegetation, or location and characteristics of existing improvements on the lot.

3. The amount of fill proposed is the minimum necessary to accommodate the proposed project, especially for soundfront properties.
4. The proposed fill will not negatively impact adjacent properties or the surrounding area, especially for soundfront properties.
5. The special exception will be consistent with any applicable goals, policies and objectives specified in the Town's adopted CAMA Land Use Plan and Vision Statement. This review includes the Town of Duck's evaluation of the proposal's consistency with its adopted CAMA Land Use Plan, which may be more flexible or more stringent than interpretations by others.
6. The applicant has submitted a drainage plan consistent with the requirements described in Subsection 156.128(A)(4)(c).

Director Heard stated that since the request complied with all applicable findings, the Planning Board voted unanimously to recommend approval at their March 10, 2021 meeting, subject the following condition:

1. The applicant must submit required application materials and obtain a land disturbance permit prior to commencing fill and grading work.

Mayor Pro Tempore Thibodeau asked about the stability on the amount of fill that would be going in on the property. She asked if there was a timeframe to wait to install the pilings so the fill could settle. She asked if there was any concern that such an extensive amount of fill would render a building unstable. Director Heard stated that he was not aware of a particular requirement related to that as far as it being a particular issue or concern. He stated that Dwight Emory was the engineer that was working with the applicants, presumably has looked at it but at this point, until the Town has a building permit proposal, staff does not get into those types of issues, as all staff was looking at was the fill itself. He noted that staff did not have an actual building permit application where that type of issue would be considered.

Mayor Pro Tempore Thibodeau stated that she noticed when she drove past the site that the other property was undeveloped and did not have as much fill. She stated that she was not sure if it needed to sit before it could be built on. She asked about the drawing of the adjoining property as it had a note that indicated the area was previously approved. She asked if it was because it had to be tapered when the approval was completed last year. Director Heard stated that on the drawing, it showed that the left half was the primary lot that was being discussed at this meeting. He added that the right half of the drawing was the lot at 113 Bayberry Drive. He explained that the reason it tapered down was because the subject property at 111 Bayberry Drive was a vacant lot and it had to be tapered at a 3:1 slope to comply with the Town's standards.

Councilor Whitman asked what the amount of fill would be that was going in. He asked what the finished elevation would be. Director Heard stated that the finished elevation would be 28 feet above mean sea level, which was approximately two feet below the elevation of the road.

Town Attorney Hobbs asked the applicants to make a presentation.

Gail Healy was recognized to speak. Ms. Healy stated that she had no presentation or questions at this time.

Robin Kokolis was recognized to speak. Ms. Kokolis stated that she had no presentation or questions at this time.

Town Attorney Hobbs asked if there were other presentations by the applicant or the applicant's representatives. There were none.

Town Attorney Hobbs stated that the Town of Duck was under a state of emergency and this was, by law, known as a remote meeting meaning that there was a Council member participating via Zoom. He stated that the law required that the Town has special requirements when having a quasi-judicial hearing during a remote meeting. He explained that the Town has to provide the right of individuals to a hearing and decision during the emergency; the Town has to ensure that all persons subject to the quasi-judicial proceeding who have standing to participate in the hearing have been given notice of the hearing and consent to the remote meeting; and that all due process rights of the parties affected are protected. He asked Gail Healy and Robin Kokolis if they agreed that the Town felt like it has provided them with a hearing and decision during this emergency. Ms. Healy and Ms. Kokolis stated that they agreed.

Town Attorney Hobbs asked Gail Healy and Robin Kokolis if they agreed that the Town provided them with notice of this hearing, and they have consented to have this hearing during a remote meeting. Ms. Healy and Ms. Kokolis agreed. Town Attorney Hobbs asked Ms. Healy and Ms. Kokolis if they agreed that the Town has made every effort to protect their due process rights which were rights to a notice in the hearing with regard to this quasi-judicial hearing. Gail Healy and Robin Kokolis agreed.

Town Attorney Hobbs asked if the applicants had any further evidence to present. There was none.

Town Attorney Hobbs asked if any sworn witnesses wished to address the application. There were none. He asked if Council had any remaining questions. There were none. There being no one else wishing to speak, Town Attorney Hobbs closed the evidentiary portion of the public hearing and turned the meeting back over to Mayor Kingston. He noted that a vote of the majority of Council would be required to approve the application. He added that as part of Council's deliberation and if there was a motion to approve the application, there were various findings that would need to be made and it would be helpful if the motion referenced the findings as well as the proposed condition.

Mayor Pro Tempore Thibodeau moved to approve SE-21-002, including the adoption of the proposed findings of fact set forth in the staff report with respect to compliance with the required special exception criteria, and including the condition recommended by the Planning Board as set forth in the staff report. Mayor Pro Tempore Thibodeau further

moved that Council finds that the quasi-judicial hearing that was conducted in this case met all of the requirements of the Town of Duck Code of Ordinances, the North Carolina General Statutes, including Section 16A-19.24(f) of the North Carolina General Statutes that pertains to quasi-judicial hearings held during a remote Council meeting. Mayor Pro Tempore Thibodeau further moved that the Mayor and Clerk were authorized to execute a Special Exception Permit that is prepared by Town staff consistent with this resolution; provided, however, that if the Town receives any written public comments on the subject of the quasi-judicial public hearing within 24 hours after the time that the hearing was closed, the action taken under this motion shall be suspended and delayed until the next meeting of the Council for consideration of the written comments and further action if necessary; otherwise, absent the Town's receipt of further written public comments within 24 hours, no further action by this Council will be necessary to give effect to the approval of the Special Exception.

Motion carried 5-0 via roll call.

**Public Hearing/Discussion/Consideration of CUP 21-001, an Application by Doug Kraus for a Conditional Use Permit to Establish a 28-Seat Restaurant in the Village Commercial District in the Scarborough Lane Shopping Center at 1171 Duck Road**

Mayor Kingston turned the meeting over to Town Attorney Hobbs.

Town Attorney Hobbs stated that the Council would be sitting as a quasi-judicial body for the public hearing, meaning that they will sit as a court and must make its decision based upon competent material and substantive evidence that will be presented during the course of the hearing. He stated that anyone wishing to give testimony would have to give it while under oath with the applicant afforded due process rights including the right to present evidence, examine, and cross-examine witnesses. He asked that anyone wishing to testify come forward to be sworn in.

Town Clerk Ackerman proceeded to swear in the applicants and staff for the public hearing.

**The following persons were sworn to provide testimony during the hearing: Joe Heard and Doug Kraus.**

Town Attorney Hobbs opened the evidentiary portion of the hearing. He stated that Director Heard would give an overview.

Director Heard stated that the applicant was requesting a conditional use permit to convert an existing retail space into a 28-seat restaurant in Units C4 and C9 of the Scarborough Lane Shoppes shopping center at 1171 Duck Road. He noted that due to time constraints, the applicant had obtained permits to proceed with interior improvements at his own risk and will be limited to retail use if the conditional use permit is denied.

Director Heard stated that the property at 1171 Duck Road was presently zoned Village Commercial and contained the Scarborough Lane Shoppes shopping center. He explained that technically, there were two properties totaling just over four acres and that the Scarborough Lane Shoppes function together as a single development containing over 30,000 square feet of space, including 34 commercial units in four retail buildings.

Director Heard stated that the applicant was proposing to convert an existing retail space into a restaurant, which was defined as an eating establishment in the Town's zoning ordinance. He explained that an eating establishment was a conditional use in the Village Commercial zoning district and that the proposed restaurant, Island Smoothie, was locally owned and has one other location in Corolla. He stated that the subject unit was a double unit 30.5 feet in width and 62 feet in depth for a total of approximately 1,890 square feet. He noted that although space within the unit will be redistributed differently, the size of the unit would remain the same under the proposed change of use.

Director Heard stated that in order to grant approval of a conditional use permit, Council must find that the applicant has provided substantial evidence that the following criteria have been met:

1. The use meets all required conditions and specifications of the ordinance.
2. The use does not materially endanger the public health or safety.
3. The use will not substantially injure the value of the adjoining property unless the use is a public necessity.
4. The use will be in harmony with the area in which it is located and be in general conformity with the Comprehensive & Land Use Plan.

Director Heard stated that following the Planning Board's March 10, 2021 meeting, the Board voted unanimously to recommend approval of the conditional use permit, subject to the following conditions:

1. The Building Inspector and Fire Department must review and approve the proposed improvements for compliance with applicable codes.
2. Any new signage must be reviewed and approved under a separate permit by the Community Development Department.
3. This conditional use permit will expire in 12 months from the date of approval if the approved change of use has not been initiated.

Mayor Kingston assumed that the restaurant would have a lot of carryout business based upon its offerings. He clarified that there were no calculations required for parking when a business was both eat in and dine out. Director Heard stated that it depended on the circumstance. He explained that if there was a food service place that was purely take out, then it would be similar to a retail calculation since they would not have the seating that a restaurant parking was based upon. He stated that the applicant will have a sizeable seating area inside, so Town staff used that to calculate the parking.

Town Attorney Hobbs asked the applicant to make a presentation.

Doug Kraus was recognized to speak. Mr. Kraus stated that he had no presentation as Director Heard had given out a lot of information about the project.

Town Attorney Hobbs asked if there were other presentations by the applicant or the applicant's representatives. There were none.

Town Attorney Hobbs asked if the applicant had any further evidence to present. There was none.

Town Attorney Hobbs stated that the Town of Duck was under a state of emergency and this was, by law, known as a remote meeting meaning that there was a Council member participating via Zoom. He stated that the law required that the Town has special requirements when having a quasi-judicial hearing during a remote meeting. He explained that the Town has to provide the right of individuals to a hearing and decision during the emergency; the Town has to ensure that all persons subject to the quasi-judicial proceeding who have standing to participate in the hearing have been given notice of the hearing and consent to the remote meeting; and that all due process rights of the parties affected are protected. He asked Doug Kraus if he agreed that the Town felt like it has provided him with a hearing and decision during this emergency. Mr. Kraus stated that he agreed.

Town Attorney Hobbs asked Doug Kraus if he agreed that the Town provided him with notice of this hearing, and he consented to have this hearing during a remote meeting. Doug Kraus agreed. Town Attorney Hobbs asked Mr. Kraus if he agreed that the Town has made every effort to protect his due process rights which were rights to a notice in the hearing with regard to this quasi-judicial hearing. Doug Kraus agreed.

Town Attorney Hobbs asked if any sworn witnesses wished to address the application. There were none. He asked if Council had any remaining questions. There were none. There being no one else wishing to speak, Town Attorney Hobbs closed the evidentiary portion of the public hearing and turned the meeting back over to Mayor Kingston. He noted that a vote of the majority of Council would be required to approve the application. He added that as part of Council's deliberation and if there was a motion to approve the application, there were various findings that would need to be made and it would be helpful if the motion referenced the findings as well as the three proposed conditions.

Mayor Pro Tempore Thibodeau moved to approve CUP 21-001, including the conditions recommended by the Planning Board as set forth in the staff report. Mayor Pro Tempore Thibodeau further moved that Council finds that the quasi-judicial hearing that was conducted in this case met all of the requirements of the Town of Duck Code of Ordinances, the North Carolina General Statutes, including Section 16A-19.24(f) of the North Carolina General Statutes that pertains to quasi-judicial hearings held during a remote Council meeting. Mayor Pro Tempore Thibodeau further moved that the Mayor

and Clerk were authorized to execute a Conditional Use Permit that is prepared by Town staff consistent with this resolution; provided, however, that if the Town receives any written public comments on the subject of the quasi-judicial public hearing within 24 hours after the time that the hearing was closed, the action taken under this motion shall be suspended and delayed until the next meeting of the Council for consideration of the written comments and further action if necessary; otherwise, absent the Town's receipt of further written public comments within 24 hours, no further action by this Council will be necessary to give effect to the approval of the Special Exception.

Motion carried 5-0 via roll call.

### **OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS**

There was no Old Business to discuss.

### **NEW BUSINESS**

#### **Discussion/Consideration of Appointment of a Town Representative to the Albemarle Commission's Regional Broadband Initiative Working Group**

Town Manager Havens stated that the expansion of broadband services was a top priority for the Albemarle Commission, and they were seeking to establish a regional group comprised of representatives from each county and municipality to address broadband needs in the region. He pointed out that the goal of the Regional Broadband Initiative was to attract or expand affordable, reliable, high-speed internet connectivity throughout the ten Albemarle counties, which would address the economic needs of the region's businesses and families.

Councilor Caviness stated that she was interested in serving on the working group.

It was *consensus* of Council to appoint Councilor Caviness as the Town's representative.

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

Town Attorney Hobbs stated that he did not have anything to report.

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

#### **Departmental Updates**

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

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

Director Legner gave a brief overview of activities to Council and the audience.

### **March 2021 Financial Presentation**

Town Manager Havens gave a short presentation on the March 2021 financials to Council and the audience.

### **Financial Policies Draft**

Town Manager Havens gave a presentation on the financial policies draft to Council and the audience. He stated that he was looking to incorporate any changes Council wished to make and then move to adopt the document at Council's April 21, 2021 meeting. He noted that the policies would become effective on July 1, 2021.

### **MAYOR'S AGENDA**

Mayor Kingston stated that the chairman and mayors bi-weekly meetings continue with discussions on COVID-19. He thought as it moves into the month of May, the meetings would be suspended, and they would only meet on an emergency basis. He stated that they are currently scheduled through the end of April and were very useful. He stated that he has his North Carolina League of Municipalities Board Executive Committee meetings on April 8, 2021 and again on April 12, 2021. He added that he has his Finance Committee meeting on April 13, 2021 along with Town Manager Havens. He stated that he has a Board of Directors meeting on April 20, 2021. He reminded Council that the annual conference, City Vision 2021, would be virtual and held on April 21-22, 2021. He encouraged Council to attend.

Mayor Kingston stated that in March, he was appointed to the North Carolina League of Municipalities Leadership Foundation Board. He did not realize it was a four-year obligation until he was appointed. He stated that they will have their first organizational meeting the week of April 12, 2021. He noted that the Foundation was one of five corporations under the League umbrella and has been stagnant over the last few years. He added that their challenge was to bring it back and make it more of a worthwhile foundation of the League, focusing on education and advocacy.

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

Mayor Pro Tempore Thibodeau gave a Visitor's Bureau Finance and Budget meeting update to Council and the audience.

Councilor Mooney had nothing to report.

Councilor Caviness stated that April was National Volunteer Awareness month. She added that this week was National Public Health Week and thought it was interesting that today's focus was strengthening communities and one of the messages that the American Public Health Association was trying to get out to elected leaders was to never forget the decisions that are made or not made as they do have a direct impact on people's health. She thought as public servants, Council needed to remember that.

Councilor Whitman had nothing to report.

## **OTHER BUSINESS**

### **Additional Public Comments**

Mayor Kingston opened the floor for public comments.

Director Legner stated that no additional public comments had come in.

There being no comments, Mayor Kingston closed the time for public comments.

Mayor Kingston noted that the next meeting would be the Mid-Month Meeting on Wednesday, April 21, 2021 at 1:00 p.m.

## **CLOSED SESSION**

Mayor Pro Tempore Thibodeau moved to enter closed session pursuant to North Carolina General Statute 143-318.11(a)(3) and (6) in order to confer with the Town Attorney regarding a matter within the attorney/client privilege and to preserve that privilege and to discuss a confidential personnel matter in accordance with North Carolina General Statute 160A-168, including but not limited to considering the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee. Mayor Pro Tempore Thibodeau further moved to enter closed session pursuant to North Carolina General Statute 143-318.11(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 the price and other materials terms of a contract or proposed contract for the acquisition of real property for any public purpose located at 101 and 103 Scarborough Lane owned by Larry Herron, Thomas Herron, Kascie Herron and Ciera Herron and property located at 1165 Duck Road owned by Larry Herron, Thomas Herron, Deborah Herron, Vicky Herron and Catherine Herron, by purchase, option, exchange, or lease.

Motion carried via 5-0 via roll call.

The time was 9:11 p.m.

Upon return from closed session, Town Attorney Hobbs stated for the first closed session, Council received advice from the Town Attorney which was protected by the attorney/client privilege. He added that for the second closed session, there was nothing to report and no action was taken.

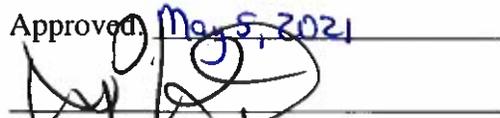
**ADJOURNMENT**

Councilor Caviness moved to adjourn the meeting.

Motion carried 5-0 via roll call.

The time was 10:11 p.m.

  
Lori A. Ackerman, Town Clerk

Approved, May 5, 2021  
  
Don Kingston, Mayor

