

**TOWN OF DUCK  
PLANNING BOARD  
REGULAR MEETING  
July 8, 2020**

The Planning Board for the Town of Duck convened at the Paul F. Keller Meeting Hall on Wednesday, July 8, 2020.

Present were: Chair Joe Blakaitis, Vice Chair James Cofield, Tim McKeithan, Marc Murray, and Randy Morton.

Absent: None.

Also present were: Director of Community Development Joe Heard, Council Liaison Sandy Whitman, and Permit Coordinator Sandy Cross.

Absent: None.

Others Present: Jay McLeod of Stewart Engineering, Douglas Brook, Town Manager Christopher Layton, and Director of Public Information, Marketing and Events Christian Legner.

Chair Blakaitis called to order the Regular Meeting of the Planning Board for July 8, 2020 at 6:30 p.m. He noted that this was a virtual meeting and that the chat feature was disabled for those watching remotely. He stated that if anyone watching remotely wanted to make a comment, they can indicate by raising their hand and/or submit comments through the chat feature in Zoom.

Chair Blakaitis noted that Member McKeithan and Jay McLeod were attending the meeting remotely.

**PUBLIC COMMENTS**

None.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**Town of Duck Comprehensive & Land Use Plan: Review/Recommendation**

Director Heard stated that the current CAMA Land Use Plan for the Town was adopted in 2005 and over the past 15 years, many of the plan's original recommendations have been implemented, new issues have arisen, and changes in the Town's leadership, vision, and policies have occurred. He noted that since the Land Use Plan served as a significant document guiding decisions by the Planning Board and Town Council, it was important for the Town to update the

existing Land Use Plan to better address the issues and opportunities facing the Duck community in the future.

Director Heard stated that Council had passed a resolution establishing a Land Use Plan Advisory committee to assist the selected planning consultant and Town staff with facilitating the planning process and preparing the Land Use Plan update. He explained that in creating the Land Use Plan Advisory Committee, the Council had outlined that the committee should include members from the following backgrounds:

- Two members of the Town Council
- Two members of the Planning Board
- Two members of the Board of Adjustment
- One representative from the Duck Merchants Association
- One representative from a neighborhood association
- Two at-large members

Director Heard stated that after reviewing the pool of candidates for the committee, the Town Council appointed the following people to serve on the committee:

Jon Britt and Nancy Caviness from Town Council  
James Cofield and Sandy Whitman from the Planning Board  
Ed Sadler from the Board of Adjustment  
Leigh Raskin from the Duck Merchants Association  
Jeff Shields from Seaside Property Management  
Henry Blaha from Sound Sea Village  
Douglas Brook from Saltaire

Director Heard stated that over the past year, the Advisory Committee members have been involved in establishing the planning process, developing methods for public input, reviewing/compiling public comments, and reviewing contents and recommendations of the draft plan. He noted that the committee held seven meetings and shared comments and information electronically. He added that before proceeding to a more detailed overview of the planning process for the Land Use Plan, the Community Development Department wanted to recognize and thank the members of the Advisory Committee for their dedication in volunteering to attend the meetings, review comments and draft documents, and share ideas throughout the year-long planning process.

Director Heard stated that during a Request for Qualifications process, the Town received interest from six planning firms. After reviewing their qualifications and interviewing four of the firms, the Town selected Stewart Consulting as the planning consultant. He noted Stewart's responsibilities were as follows:

1. Compile and assess existing plans, studies, and other documents to form part of the baseline information by which the planning process is shaped and to inform the ultimate recommendations of the Land Use Plan.
2. Coordinate a community survey and other opportunities to gather public input.

3. Prepare and format a draft Land Use Plan based on the information gathered, public input on issues, guidance from the advisory committee, requirements of the NC Division of Coastal Management, and professional knowledge and experience.
4. Present the final draft Plan to the Planning Board and Town Council as part of the Land Use Plan adoption process.
5. Following adoption, prepare and submit the final Land Use Plan document.

Director Heard stated that development of the Land Use Plan involved an extensive public participation process with the public offered a variety of ways to provide input regarding community issues and the draft plan throughout the planning process. He stated that on May 22-23, 2019 and June 25, 2019, representatives were invited to participate in a series of stakeholder meetings and shared their thoughts about issues facing the Town, defining what the Town does well, what it needs to improve, and opportunities in the future. He added that between July 24 and August 23, 2019, 803 respondents participated in an online survey to share their backgrounds, perspectives, concerns, priorities, and experiences. He stated that the survey was also available as a hard copy at the Town office. He noted that the survey questions were designed based on input and insight gained during the initial stakeholder interviews and the first advisory committee meeting. He pointed out that the information allowed the survey to be tailored to focus on key, local needs and issues.

Director Heard stated that on September 17, 2019, 66 people attended a public open house to view information and provide input about a variety of key issues facing the Town. He stated that following the development of the initial draft Land Use Plan, the Town distributed the Plan to the public through its website and printed copies. He added that members of the public were invited to review the draft Land Use Plan and submit comments over a five-week period from February 14 through March 18, 2020. He noted that website data showed 395 unique page views and 145 downloads of the document. 12 people submitted several dozen comments that were provided to the Advisory Committee for their review and consideration as the final draft plan was prepared.

Jay McLeod of Stewart Engineering was recognized to speak. Mr. McLeod stated that they started with the Town Vision 2027 and the fact that Duck reaffirms the Vision's goals, which they want to build on. He stated that they met with the public and made sure they were reaffirming the goals. He added that every recommendation in the Plan supports these goals as well as preferences heard from the community.

Jay McLeod stated that with the land use map, they included recommendations for a boardwalk-focused district, eliminated the transitional district, and recognized the uniqueness of the different areas.

Jay McLeod stated that the recommendations are the meat of the plan and are divided into five areas, which were required as part of the Land Use Plan process, which were as follows:

- Land Use Compatibility
- Natural Hazard Areas
- Infrastructure Carrying Capacity
- Public Access

- Water Quality

Jay McLeod noted that these focus areas are required by the State planning statutes. He stated that the Plan goes a step further and addresses other areas of local concern because it was a comprehensive plan and not just a CAMA land use plan. Mr. McLeod stated that other recommendations relate to beach renourishment, erosion on the sound and the importance of the coastal ecosystem. He stated that they discuss the Duck Village experience and protecting the coastal residential character. He noted that they discuss problematic areas and did not shy away from tough subjects such as flooding, climate change and septic issues, adding that the plan is not scoped to solve these problems, but to give a high level look at them and direction/recommendations moving forward. He stated that it is up to Town Council, staff and the citizens to make the decisions about how to proceed with the recommendations. He added that the plan discusses other community aspects such as the Public Safety building, partnering with local residents and businesses, water resources and transportation including the potential to continue the success of the Duck boardwalk northward.

Director Heard stated that on May 14, 2020, the Advisory Committee reviewed the entire list of public comments and requested the planning consultant to make amendments to the draft document. He added that on June 23, 2020, the Advisory Committee reviewed additional comments from the committee members and voted on amendments for the planning consultant to make in the final draft. He stated that following receipt of the final draft, members of the Land Use Plan Advisory Committee voted 7-2 to support the Duck Comprehensive and CAMA Land Use Plan and send the final draft to the Planning Board and Town Council for their review and adoption.

Director Heard stated that as development of the Land Use Plan involved substantial public input to identify issues and solutions important to the community, contains the requirements necessary for a CAMA Land Use Plan, and will serve as an effective guide to decision making, staff is recommending approval of the Plan and asks that the Planning Board consider recommending adoption of the Plan to Town Council.

Chair Blakaitis thought it is apparent that the committee did a great job along with the consultants. Comments from the public have been very supportive of what has been happening on the committee.

Member Murray pointed out that the Duck Village was traditionally called the Village Commercial District and the same rules applied to the development at Nor'Banks, which is zoned commercial. He asked if the zoning district names in the ordinance will need to be changed or if they will remain under the Village Commercial District. Director Heard stated that these are not zoning districts, but character districts created by Stewart to describe the characteristics of those areas. He stated that it helps staff to look at recommendations to determine the things that they may keep in the district or need to be enhanced. He pointed out that they do not necessarily correlate to zoning districts, but because a great percentage of the Town has been developed, and there is more correlation between the districts and the zoning districts than most communities, but reiterated they are not zoning districts themselves.

Chair Blakaitis noted that a report was given to the Planning Board called the companion report by Vice Chair Cofield and Ed Sadler.

Vice Chair Cofield stated that the companion report is pretty straightforward. He stated that with respect to the comments that Ed Sadler offered, he identified two primary areas – risk of failure of septic systems and rising sea level as well as the risk of inlets forming in Duck. He stated that Mr. Sadler is of the opinion that they should be called out in more detail in the report. Chair Blakaitis asked what Ed Sadler meant. Vice Chair Cofield read the following from Ed Sadler’s report: “...however, I do not believe that the Land Use Plan does an effective or acceptable job of identifying the physical risks to the Town with global warming and rising sea levels. It says in the plan that the ocean will rise 1.74 feet in the next 20 years. The Plan does not project how much sound front will be lost if we fail to protect it. It doesn’t project how many septic systems will fail if we do nothing. It doesn’t say how many home sites will be lost. It doesn’t say how much revenue Duck will lose if we do nothing. Responding to this problem is not something an individual homeowner can handle effectively. This is even a greater magnitude than the 1.7 miles of beach nourishment 4 years ago. From my viewpoint this is an urgent problem to be solved and the clock is ticking.” Vice Chair Cofield noted that Ed Sadler is calling out issues that he thinks the report should include.

Chair Blakaitis asked Vice Chair Cofield to discuss his comments. Vice Chair Cofield stated that his comments related to the need for a robust discussion of the residential neighborhoods and single-family residential properties in Duck. He stated that Page 8 and Page 9 reference the community’s Vision 2027, which was not the charge of the advisory committee to change or add the goals of 2027. He pointed out that if one looks at the six goals listed, it includes a vibrant business community, but does not talk about or discuss single-family residential properties. He added that if they are not envisioned in the goals and Vision for the Town, then the Board is missing something. He stated that if the Town fathers do not envision from an opportunity standpoint or risk standpoint, what is the biggest economic driver in the Town, then he thought there is a problem.

Vice Chair Cofield pointed out pie charts in his report that describe the character of land development, adding that 65% of the land in Duck was composed of single-family residences. He stated that the other pie chart shows the total tax value with 87% of the Town revenue comes from single-family residences. He stated that the Vision and goals of the Town do not mention the largest land composition in Duck and this is a problem.

Vice Chair Cofield reiterated that his comments call for a robust discussion of Duck’s residential neighborhoods. He added that he listed the benefits of doing so as it will assist the Town in establishing a forward-looking vision and the goals will protect the Town’s assets; give the Town guidance in protecting and enhancing its most valued asset; give the Town guidance in developing strategies from a planning standpoint, near term and long-term; give the Town guidance in attracting resources that will build upon the Town’s essential asset; assist the Town in understanding where improvements can be made; give the Town guidance in working with and assisting the infrastructure of Duck’s single-family neighborhoods – the homeowners associations; and give the Town guidance in identifying and understanding the risks, challenges, and concerns that lie ahead.

Vice Chair Cofield reiterated that residential neighborhoods are largest land use and economic driver in the Town but are not addressed sufficiently in the plan. He recommended that the companion report and should travel with the plan prepared by Stewart.

Chair Blakaitis clarified that Vice Chair Cofield was suggested that the companion report be sent to Council without approving or disapproving it. Vice Chair Cofield stated he was correct.

Member Murray asked Vice Chair Cofield if his comments were discussed in the meetings of the committee and ignored or if they are things he is bringing up as an individual that he feels did not receive enough attention. Vice Chair Cofield stated that it is both, noting that this is not his first time bringing up the issue regarding residential properties. He stated that there have been changes made in the report to include some comments, not only by him, but from others. He thought that the changes did not sufficiently address the nature of his comments, which is that 65% of the land in Duck is single-family residential properties. He added that it will lead to guidance and assistance in doing the things listed in the report. He stated that at the last Advisory Committee meeting, there was a discussion about it and the vote from the committee was tied regarding the inclusion of the companion report.

Chair Blakaitis clarified that the committee knew about it when they cast their final vote. Vice Chair Cofield stated that they did, but it was a tied vote. Member Murray asked if it was a tie vote to include it or move it forward. Vice Chair Cofield stated that it was a tie vote to include it. Chair Blakaitis clarified that it was not part of the final vote. Director Heard disagreed that there was a tie vote, adding that there were a number of specific amendments voted on but that was not one of them. He added that there was not a tie vote for the inclusion of the general comment that Vice Chair Cofield made. Vice Chair Cofield disagreed, adding that the vote was 4-4. Director Heard pointed out that there are other members of the committee present that could speak to the issue.

Member Murray stated that the reason he asked the question is because it was mentioned that the plan has to go before the State after Town Council votes on it. He wondered how the companion report would be integrated into the Land Use Plan for State review. Chair Blakaitis noted that the Board is not doing that but could include it so Council can consider the issues raised. Member Murray asked how it works procedurally. Chair Blakaitis wasn't sure. Director Heard suggested that the Board think about it as what is being requested, that the companion report become part of the Plan, which is different than it being a public comment. He added that the comment is from a knowledgeable member of the public and includes an alternative point of view that he seeks to present to Town Council. He noted that to include the report as part of the plan itself moving forward would be a significantly different step, if the Board wishes to do that. Conversely, the Board can move it forward as a public comment that the Council can consider.

Member Murray asked if the Board has to vote on it. Chair Blakaitis stated that the Board needs to decide if they want the companion report to be included with the Land Use Plan. He didn't think the Board is charged with approving it, making comments on it or anything else. He thought the report is a well written comment, but it is not up to the Board to take it further. He reiterated that, overall, he thought the plan is a good document, and that it had a lot of effort to put into it.

Vice Chair Cofield moved to recommend approval of the Land Use Plan together with the companion report. There was no second.

Motion failed due to lack of a second.

Member Murray stated that he is comfortable moving it forward with the companion report as a comment but not as part of the Land Use Plan.

Member Morton understood what Vice Chair Cofield is saying and noted mentions of residential use through the draft Plan. He added that if Council does not recognize that residential property is the backbone for financing and largest land use, then he isn't sure if it is necessarily a need to call it out specifically as an action item because a failure to do that is a failure of the Plan. Vice Chair Cofield pointed out that that was the reason why he thought it needs to be emphasized. He stated that not to mention single family residential homes in the Plan is a failure. Member Morton stated that if the Plan does not look out for the residents, then nothing will work.

Chair Blakaitis asked to clarify that Member Morton has no problem in sending the companion report forward as a comment. Member Morton stated he is correct. Chair Blakaitis noted that sending it forth as a comment isn't a whole lot different than sending it forth the way it is presented.

Member Murray felt that there was a committee and a report that was submitted and if the consensus could not be built on the committee to word it the way Vice Chair Cofield wants it worded, he feels that the Board should not undo a year's worth of consensus in one meeting. He stated that he is more comfortable leaving it to Council.

Chair Blakaitis asked Vice Chair Cofield if he agrees to change his motion to making it a comment, then the paperwork could move forward.

Vice Chair Cofield moved to recommend approval of the Land Use Plan as presented with the companion report as a public comment. Member Morton seconded.

Member Murray clarified that Marc Leahy's comments would move forward as well. Director Heard stated that they are public comments that will be presented to the Town Council. Member Murray stated that the things Mr. Leahy asked about were dealt with on Pages 30 and 37 of the report. Member Murray encouraged Mr. Leahy to update his comments for Town Council if he feels strongly about these issues.

Motion carried 5-0 via roll call.

### **APPROVAL OF MINUTES**

There were no minutes to approve.

### **OTHER BUSINESS**

None.

**STAFF COMMENTS**

**Summary of July 1, 2020 Town Council Meeting**

Director Heard gave a short overview of the July 1, 2020 Council meeting.

**Project Updates**

Director Heard gave a short overview on various projects going on in Town.

**BOARD COMMENTS**

None.

**ADJOURNMENT**

Member McKeithan moved to adjourn the meeting. Vice Chair Cofield seconded.

Motion carried 5-0 via roll call.

The time was 7:34p.m.

Approved: \_\_\_\_\_  
/s/ Joe Blakaitis, Chairman