

**TOWN OF DUCK  
TOWN COUNCIL  
REGULAR MEETING  
April 2, 2025**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 1:00 p.m. on Wednesday, April 2, 2025.

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

COUNCIL MEMBERS ABSENT: None.

OTHERS PRESENT: Town Manager Drew Havens; Director of Community Development Joseph Heard; Police Chief Jeffrey Ackerman; Interim Fire Chief Matthew Dudek; Town Attorney Robert Hobbs; Public Information and Events Director Kristiana Nickens; Finance Administrator Lauren Creech; Senior Planner Sandy Cross; Deputy Town Clerk Christy Hanks; and Town Clerk Lori Ackerman.

OTHERS ABSENT: None.

Mayor Kingston called the meeting to order at 1:03 p.m.

Mayor Kingston asked Interim Fire Chief Matthew Dudek and Interim Deputy Fire Chief Jeffrey Del Monte 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. He asked that any comments related to the public hearing be held off.

Steve House of the Dare County Board of Commissioners was recognized to speak. Mr. House thanked Council for all that they do. He invited Council and the public to the celebration of Wilbur Wright's birthday on April 16, 2025 at the Hilton Garden Inn.

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

**CONSENT AGENDA**

**Minutes from the March 5, 2025, Regular Meeting; Resolution 25-03, a Resolution of the Town Council of the Town of Duck, North Carolina, Honoring Wilbur Wright on his Birthdate and the Vital Cultural and Economic Contributions of the**

**Wright Brothers to the “First in Flight” Legacy of Dare County and North Carolina; Resolution 25-04, a Resolution of the Town Council of the Town of Duck, North Carolina. Declaring the Month of April as Child Abuse Prevention Month; Resolution 25-05, a Resolution of the Town Council of the Town of Duck, North Carolina, Declaring the Month of April as Fair Housing Month; Resolution 25-07, a Resolution of the Town Council of the Town of Duck, North Carolina, Encouraging the North Carolina Legislature to Expand Authority to Construct Housing for Local Government Employees; Amendment to the Town’s Adopted Position Classification Table to Add Two Position Classifications to Allow for Some Reorganization without Adding Any Additional Personnel; Contract with Thompson, Price, Scott, Adams & Co., P.A. for Audit Services for Fiscal Years 2025, 2026, and 2027; Fifth Amendment to the Contract between the Town of Duck and Sandski, LLC for Lifeguard Services; and Budget Amendment**

Councilor Chasen moved to approve the consent agenda as presented.

Motion carried 5-0.

### **SPECIAL PRESENTATIONS**

#### **Swearing in of Matthew Dudek as Duck Fire Department’s Fire Chief**

Town Manager Drew Havens was recognized to speak. Town Manager Havens went on to recognize Interim Fire Chief Matthew Dudek, adding that he was recently promoted to the rank of Fire Chief.

Town Clerk Lori Ackerman was recognized to speak. Town Clerk Ackerman went on to swear in Fire Chief Dudek.

Mayor Kingston and Council congratulated Fire Chief Dudek on his promotion.

#### **Swearing in of Jeffrey Del Monte as Duck Fire Department’s Deputy Fire Chief**

Fire Chief Matthew Dudek was recognized to speak. Fire Chief Dudek went on to recognize Interim Deputy Fire Chief Jeffrey Del Monte, adding that he was recently promoted to the rank of Deputy Fire Chief.

Town Clerk Ackerman went on to swear in Deputy Fire Chief Del Monte.

Mayor Kingston and Council congratulated Deputy Fire Chief Del Monte on his promotion.

### **QUASI-JUDICIAL PUBLIC HEARING**

There were no Quasi-Judicial public hearings at this time.

## LEGISLATIVE PUBLIC HEARINGS

### Public Hearing/Discussion/Consideration of Ordinance 24-06, an Ordinance Amending Four Sections of the Town Code to Allow Amusement Arcades as a Specially Permitted Use in the Village Commercial Zoning District

Mayor Kingston turned the meeting over to Town Attorney Hobbs.

Town Attorney Hobbs opened the public hearing, noting that the Council would be sitting as a legislative body. He stated that Senior Planner Sandy Cross would give a presentation.

Senior Planner Sandy Cross was recognized to speak. Senior Planner Cross stated that Ordinance 24-06 proposes to amend several sections of the Duck Town Code to accommodate the addition of *Amusement Arcades* as a specially permitted use in the Village Commercial (V-C) zoning district and associated changes. She explained that the proposed amendments include adding a definition for the term *Amusement Arcade*, adding *Amusement Arcades* as a specially permitted use in the V-C district, a corresponding “S” in the V-C column and prohibited use “X” under all other columns in the use table, and adding a minimum parking standard of one parking space for each 200 square feet.

Senior Planner Cross explained that following consideration of the applicant’s revised text amendment proposal at its December 4, 2024 meeting, the Town Council requested Planning Board review of the revisions and after receiving comments from the applicant, additional public comments, and consideration of the revised proposal at its public meeting on December 11, 2024, the Planning Board voted 3-2 to recommend denial of the proposed text amendment. She noted that the public hearing was deferred to this meeting at the request of the applicant.

Senior Planner Cross pointed out that it was important to recognize that the current text amendment proposal differs from the prior, similar proposal in that it only proposes to add amusement arcades and not the full array of indoor entertainment uses previously proposed which would have included laser tag, escape rooms, etc. She stated that following discussion and consideration at its November 10, 2021 meeting, the Planning Board voted 3-2 to recommend approval of a text amendment proposed to allow *Indoor Entertainment Facilities* as a permitted use in the V-C zoning district.

Senior Planner Cross stated that while reviewing the initial proposal, the Planning Board members raised concerns about the broad array of uses permitted under the proposed definition; in particular, the Board members were concerned that certain types of uses including billiard rooms, bowling alleys, paintball facilities, skating rinks, amusement rides including ferris wheels, spinners, carousels and the like, and electric go-kart tracks that typically have greater impacts than other uses included in the initial definition. She added that after discussion of these concerns, the applicant agreed to remove these uses

with potentially greater impacts and narrow the list of permitted uses in the proposed definition.

Senior Planner Cross stated that after initially reviewing the proposal at its December 1, 2021, meeting, the Council instructed staff to obtain public comments on the issue. She pointed out that a great majority of the public comments received over the next month were in opposition to indoor entertainment facilities and the applicant chose to withdraw the application prior to the public hearing that was set.

Senior Planner Cross noted that staff had compiled a list of standards concerning similar amusement arcades/indoor entertainment uses for other communities on the Outer Banks, as follows:

- Southern Shores – No provisions for amusement arcades or indoor entertainment facilities.
- Kitty Hawk – No provisions specifically for amusement arcades or indoor entertainment facilities but miniature golf, game rooms, and indoor skate parks are permitted as special uses.
- Kill Devil Hills – Billiard parlors, video, and amusement arcades are permitted uses.
- Nags Head – Indoor entertainment facilities are permitted uses.
- Manteo – No provisions for amusement arcades or indoor entertainment facilities.
- Dare County – Indoor recreation uses are permitted uses.
- Currituck County – Indoor recreation/entertainment is a permitted use.

Senior Planner Cross stated that based on the above information, staff finds that the applicant's proposal is consistent with permitted uses in a majority of the local communities. She noted that in all communities where amusement arcades are specifically allowed, they list or interpret similar uses to be permitted uses.

Senior Planner Cross explained that the Town's adopted Comprehensive & CAMA Land Use Plan does not contain recommendations relating to the specific amendment being proposed but contains general policy statements, goals, and recommendations regarding Duck Village and the development of businesses in Duck.

Senior Planner Cross stated that following the Planning Board meeting on November 13, 2024, the applicant submitted a revised application that made substantial changes to the proposed amendments in Subsections 156.002, 156.036, 156.040, and 156.094. She stated that at Council's December 4, 2024 meeting, Council reviewed the text amendment application relating to amusement arcades, decided that the recent changes to the proposal were substantial, and sent the application back to the Planning Board to review the amended proposal and make a revised recommendation. She pointed out that the Council briefly discussed the idea of establishing business license requirements/fees for amusement arcades or machines and requested the Planning Board to evaluate the necessity and appropriateness of this option. She added that the Planning Board considered a revised text amendment application allowing *Amusement Arcades* as a

specially permitted use in the V-C zoning district at their December 11, 2024 meeting where the Board received comments from the applicant as well as members of the public in favor and opposed to the text amendment. She stated that after further discussion and consideration, the Board members voted 3-2 to recommend denial of the revised text amendment proposal in Ordinance 24-06.

Senior Planner Cross stated that Council's discussion concerning the possibility of establishing business license requirements/fees for amusement arcades and/or machines centered around the timing and ease of enforcement, the thought being that a business license could quickly be revoked for noncompliance with zoning standards or conditions of approval. She explained that the desirability of business licensing was briefly discussed by the Planning Board with the majority of the Board members recommending against allowing amusement arcades entirely. She pointed out that establishing a business license requirement for this use would entail a minor amendment to Section 111.03 to remove amusement arcades from the list of exempt businesses, updating the Town's fee schedule to establish appropriate licensing fees, and referring to the business license requirement in conditions for the use in Section 156.036 of the Zoning Ordinance. She added that if Council opted to consider business licensing for amusement arcades, staff would prepare a separate ordinance outlining the changes.

Senior Planner Cross stated that the public hearing would have been held at Council's February meeting but was rescheduled to this meeting at the request of the applicant to ensure that all five members were present. She stated that Council is requested to consider the text amendments and vote to either approve, deny, or approve an amended version of the proposal.

Town Attorney Hobbs asked Council if they had questions for Senior Planner Cross.

Mayor Pro Tempore Thibodeau clarified that after the Planning Board meeting, there were some changes that the applicant made. Senior Planner Cross stated that after the original Planning Board meeting, the applicant heard what the Planning Board said and made changes before it came to Council in November 2024. She added that Council felt that the changes were substantial enough to send it back to the Planning Board.

Town Attorney Hobbs asked the applicant to make a presentation.

Keith Bliss of 140 Schooner Ridge Drive was recognized to speak. Mr. Bliss went on to hand out hard copies of his presentation to Council. He stated that there were some missing elements within the offerings in Duck Village, adding that since Duck was a walkable community, shops, restaurants, activities, and nightlife as well as casual/leisure entertainment was sought out by all ages and demographics. He explained that indoor gaming was an activity that was enjoyed by all ages, particularly the demographic that came to Duck, noting that the average Duck visitor was 47 years old. He stated that most families spend time mingling, socializing, and listening to live music before or after dining and shopping. He added that often, young adults and others of all ages cannot find alternative ways to spend more time enjoying the Town. He pointed out that without

alternative entertainment offerings, traffic, and restaurant business flows away from Duck to go to another town. He stated that arcades offer an option for an entire family to stay in Duck as well as a place for young adults to entertain themselves in a way that they enjoy.

Keith Bliss stated that while most patrons are afforded many restaurants, eateries, boardwalk/backyard bars and musical entertainment, an amusement arcade would be enclosed within a building. He added that in his experience, this type of use will not have any additional impact on noise levels, traffic, or parking than the current types of entertainment and activities that are offered in Duck, noting that it would be complimentary and a more balanced offering to families and visitors of all ages. He pointed out that it was also consistent with the Comprehensive & CAMA Land Use Plan.

Keith Bliss explained that he was requesting a zoning text amendment to allow special use permit applications to be considered for amusement arcade use within the V-C district, with parameters and guidelines to meet certain criteria defined within the Land Development Ordinance and zoning codes. He stated that the text amendment would allow for retail locations to submit for a special use permit as a light-impact indoor entertainment business element in the V-C district, specific to the amusement arcade subtitle use, but would not open all uses as defined in the Indoor Entertainment definition. He stated that he was proposing the following parameters and guidelines for amusement arcade use:

- Maximum area of 1,500 square feet on the main floor.
- Up to 1,000 square feet of additional second story area (not including staircases or entryways) for a total of 2,500 square feet of arcade space.
- Limited to one contiguous space within a group development/shopping center/single property.

Keith Bliss pointed out that limiting the allowable square footage per location would achieve the following: (1) limited scale and scope to match the small-town feel and layout of Duck Village and shops; (2) similar impact to any other popular location regarding parking constraints; (3) smaller scale allows for pedestrian traffic and other activities nearby for other family members or while waiting for availability; and (4) second floor expansion space would be limited to existing commercial spaces with second floors already in place.

Keith Bliss stated that amusement arcades were boutique in nature, especially with the constraints proposed by the zoning text amendment for amusement arcades where approval is through a special use permit. He thought that if the goal was to be the best small town beach village experience, a variety of activities for vacationers should be a priority, not just more of the same t-shirt and board short shops that currently exist. He added that complementing uses in the same building or shopping center would create a well-rounded experience for people and that dining, socializing and amusement arcade spaces within the same shopping center would allow for vacationers to find an entertainment experience for all. He went on to show examples of other amusement

arcades in towns of similar size of Duck to Council and the audience using Banner Elk, NC and Newport, RI. He stated that Duck Village was family oriented and multi-generationally friendly; however, there were some missing elements within the community. He asked Council to move forward and show a willingness to progress and thrive by offering casual/leisure entertainment with the zoning text amendment and allowing special use permit applications for indoor amusement arcades.

Town Attorney Hobbs asked Council if they had questions for Keith Bliss.

Councilor Whitman pointed out that there will be 800 square feet on the first floor and 1,000 square feet on the second floor. He asked if someone else wanted to do it and if they did not have the second floor space, they would still need to get the 1,500 square feet. Keith Bliss stated that it would be 1,500 square feet maximum on the main floor. Councilor Whitman asked Keith Bliss how he felt about having the arcade being close to a place that served liquor. Mr. Bliss stated that he had no concerns at all, asking what it had to do with an amusement arcade. He added that it was more of a question for when he has a special use permit application in front of Council. He stated that it wasn't a question he could answer right now because this public hearing was for the zoning text amendment, adding that he wasn't in front of Council to propose for his building. Councilor Whitman pointed out that Keith Bliss was asking for a text amendment which Council had no clarification on at this point as to what will be put in, as well as what could and could not be done. Mr. Bliss pointed out that it was a written zoning text amendment that was in front of Council. Councilor Whitman noted that it did not have any of the requirements. He stated that Mr. Bliss was just asking Council to put an X under special use permits. Mr. Bliss stated that it was the only thing that could be done at this point.

Mayor Kingston asked what the overall occupancy would be for a 1,500 square foot facility with pinball machines. He asked how many pinball machines would be put in. He thought that Mr. Bliss had thought some of it through. Keith Bliss stated that he did not have a business plan for an arcade in mind at this point. He added that he has been in the real estate development space for a long time and this is not with a specific plan in front because he could not craft that, adding that it did not make sense for him to imagine it and spend time on it if he didn't have the ability to get there. He stated that it would be more of a fire marshal or fire code issue. He added that at the same time, it would be based on assembly use and fire code.

Senior Planner Cross explained that if this was a permitted use through a special use permit, the applicant would have to go through an Appendix B where he would have to provide occupancy information that would dictate how many people would be allowed in the space, how many bathrooms would be necessary, and all would be determined through the building permit process.

Councilor Chasen stated that the examples of arcades that Keith Bliss had listed seemed to be buildings where people could go in, there was no supervision, people could swipe a card in order to play a game and then they were done. She clarified that that was what

the examples were. Keith Bliss stated that it wasn't, explaining that one was manned by five people and the other was boutique enough that the Town of Banner Elk allowed them to have it because the operator/owner also operates two other businesses side by side from where the employees were. Councilor Chasen understood that Mr. Bliss did not have a plan, but he was bringing it to Council to make it a permitted special use. She added that she was trying to figure out Mr. Bliss' intention. She noted that if no one wanted it, she felt that there was no reason for it to be in front of Council. She stated that Mr. Bliss had stated that he would like to do this, asking what he had in mind. She asked what the intent was without a formal plan. Keith Bliss asked Councilor Chasen if she was asking about how it would be staffed. Councilor Chasen stated that she was asking how Mr. Bliss would like to develop it. She asked if he planned to do it where it was not supervised or if there would be people working there. Keith Bliss stated that it came down to examining other arcade spaces versus space he may have versus space that another applicant with a special use permit may have in order to figure out what it would look like because they may have management in an ancillary space which would be supplying employees to monitor and manage that space. He stated that he would not anticipate an arcade to have a cash register of any kind, so it wasn't a matter of moving cash or money but would be more of making sure the games were operating and how many people were in the space. He added that it could be staffed with one person or more if needed. He pointed out that it wasn't any different than staffing a bicycle rental shop.

Councilor Chasen stated that based on the comments Council received, the overwhelming comment was safety, which was a problem for her. She stated that she grew up playing video games, but never did it where there wasn't an adult present at all times. She pointed out that it was the safety of the young people, which was an overwhelming concern, reiterating that she was not comfortable with allowing a special use permit without having some sort of restriction. She added that she was not comfortable with allowing children to go into an arcade without an adult present because it then becomes a responsibility of the Town and the police department to provide that safety, which was where she was uncomfortable about not knowing more of the details. She wasn't sure if Keith Bliss could provide them at this meeting. Keith Bliss explained that it would come with the special use permit as it would have the hours of operation as well as who would be operating it.

Councilor Chasen asked Town Attorney Hobbs if Council was willing to let arcades be a special use, restrictions could be imposed on it, such as stating that it needed to be a supervised area. Town Attorney Hobbs stated that Council could do that.

Councilor Lingard stated that what Council was looking at was a boutique arcade with classic machines. He stated that his issue was that that type of setup would probably not make enough money, so whoever is operating it would suggest that it needed to change to more modern machines or sweepstakes machines. He asked if the Town would be able to restrict the types of machines that would be put into a space like this. Senior Planner Cross stated that she would defer to Police Chief Jeffrey Ackerman on it, adding that sweepstakes machines would not be permitted. Police Chief Jeffrey Ackerman was recognized to speak. Police Chief Ackerman explained that sweepstakes machines were



currently not permitted. Senior Planner Cross stated that the current zoning text amendment read that it prohibited adult arcades. She thought if someone were to come in and change their machines to sweepstakes, if that became permissible in North Carolina, Council could revisit the ordinance and/or classify them as adult arcades. She thought it may also be a question for Town Attorney Hobbs.

Councilor Lingard stated that he was concerned that Keith Bliss was presenting a nice, quaint boutique arcade. He thought it was a slippery slope if Council approved it and it became something else as well as opening the door to other applicants with a different view. Senior Planner Cross explained that the way the text currently read was as follows: "Amusement Arcade. A building or portion of a building in which five or more pinball machines, video games or machines or other similar player operated amusement devices are maintained. The term adult arcade is specifically excluded from this definition and limits the use to arcade games, not laser-tag or other large scale space Indoor Recreation devices." She stated that Council could add "or sweepstakes type machines." She added that, while not currently legal, there was always the potential that they could be legal at some point in the future and Council could stop it before it becomes legal. Town Attorney Hobbs pointed out that this was a text amendment and Council could always further refine any part of the zoning code at any time.

Director of Community Development Joseph Heard was recognized to speak. Director Heard stated that the Town presently restricts all that kind of activity so it would not be permitted. Senior Planner Cross explained that the use table prohibits those type of activities currently.

Mayor Pro Tempore Thibodeau stated that currently if a business owner put in four pinball machines, it was legitimate. She clarified that when over five are put in, it then becomes an arcade. Senior Planner Cross explained that when Duck Duck Burgers was still in operation, it was approved for a 400 square foot arcade. She added that it was approved prior to the prohibited and permitted use table going into effect. She stated that since Duck Duck Burgers has been closed for a period of more than 10 months, it was no longer grandfathered for that, but if it had continued operation past the owner's death, there would potentially still be an arcade there. She noted that she never patronized the business so she wasn't sure if there was an arcade in there or not.

Councilor Whitman clarified if a business such as Wings decided to put an arcade in, they could take 1,500 square feet of the building if this text amendment passes and come before Council for an approval for an arcade in that building. Senior Planner Cross explained that they would have to go through the special use permit process.

Councilor Lingard stated that he was always concerned with special use permits and Council setting precedents. He asked Town Attorney Hobbs to explain why it was not a precedent if Council were to grant a special use permit for one arcade but deny it for another arcade. Town Attorney Hobbs explained that it would go through a quasi-judicial process where Council would use the standards that were set forth in the ordinance, but otherwise Council would rely on professionals to give advice on the planning aspects of

the application. He added that the site itself, which was always unique, the building and other aspects of it and then any proposed conditions that Council could impose on an application or special use permit. He noted that since each one is so different and so unique, then if Council approves one, they do not necessarily have to approve other ones because each property will be different.

Councilor Whitman clarified that there were no ground rules and everyone has their own set of rules when they come before Council. Town Attorney Hobbs disagreed, explaining that the rules were the Town's code. He added that Council has the code that has guidelines for every use in the Town, but some uses were designated as special uses so that Town staff were not able to administratively approve something without Council knowing about it. He stated that this was a higher-level standard that all the applications have to come to Council and Council has to hold a quasi-judicial process where Council could either approve or deny those based on the hearing.

Senior Planner Cross stated that the formula business section of the ordinance speaks to certain criteria, applicability, and limitations. She added that if Council felt that this was something that they were interested in moving forward but not totally comfortable with the language, they could ask the Planning Board to look at further restrictions, similar to what was completed with formula businesses. Town Attorney Hobbs added that Council could add additional guidelines, noting that Council could make changes to the ordinance and go through the same process at any time.

Mayor Kingston stated that the whole theme of Keith Bliss' application was a rising need in Duck. He stated that in all of the years he has been mayor, no one has ever approached him about having an arcade in Town. He knew that historically that they were prohibited. He asked where Mr. Bliss got the feel that there was a rising need in Duck that the Town needs one or more arcades. He pointed out that Council was not receiving that from public input. He stated that he was interested in knowing how Mr. Bliss determined that there was a great need for arcades. Keith Bliss stated that he received 107 signatures on a petition in favor of arcades, just in the past 48 hours. He reiterated that it was within 48 hours, which was how fresh the information was, adding that it was not months of him or anyone else looking for support, but was just within 48 hours, the petition received 107 signatures. He explained that the majority of the rising need was with all the property owners that do not live in Duck or attend the Council meetings and are not part of the annual census of who lives in Town. He added that the majority of the rising need was from past guests at properties to plenty of other discussions of it. He stated that it was not just a rising need for amusement arcades, but a rising need for alternative entertainment.

Councilor Lingard stated that he would be interested to see where the people that signed the petition live. He thought a lot would be in the triangle area for obvious reasons. He added that he wanted to know how many of the people have actually been to Duck. Keith Bliss pointed out that Wes Stepp was the 101<sup>st</sup> signer of the petition. Councilor Lingard understood but change.org was an international website, adding that someone from Sydney, Australia could have signed it. Mr. Bliss agreed. Councilor Lingard pointed out

that Council had all of the emails with the people's addresses, backgrounds, where they lived and their ownership status in them. He understood that Mr. Bliss had the petition with all the signatures, but he was taking it with a grain of salt because Council does not know where the people who signed the petition are from or if they have any association with Duck at all. Mr. Bliss reminded Council that it was not a petition for him to obtain a permit to open an arcade, adding that he wasn't at that point yet. He pointed out that there will be a whole other wave of support or opposing petitioners coming in when the first application comes in. He stated that he did not have the ability to apply but was asking for a chance to allow a fun activity, safe, family-friendly, and a great complement within Duck Village to be allowed for consideration, adding that now he couldn't have the discussion. He noted that it has taken him six months to get to this point to even have permission to have a discussion and now Council would tell him yes or no with regard to continuing the discussion. He reiterated that it wasn't an application for an actual use, or a floor plan with actual games and parking that Council would be asking applicants in the future. He stated that he was just asking for the ability to ask for the chance.

Mayor Kingston pointed out that Keith Bliss had an opportunity to come before Council previously and decided to postpone coming until this meeting. He added that it was not Council delaying the decision on this. Keith Bliss agreed, adding that he was just asking for a chance and that he wanted to be sure all five Council members were present. He noted that it was a scheduling issue that took a couple of months due to conflicts on Council's part and not his. He stated that he was willing to come before Council at any time because all he wanted was to know if it was a good business plan for him to look into, but he did not have the ability to do that yet. He reiterated that he was just asking for the opportunity to be able to add it to the special use table so he could apply for a special use permit, which would come with a larger list of details that Council was asking at this meeting but were not applicable to this public hearing.

Councilor Chasen stated that the Town has received a lot of emails from citizens, visitors, and property owners, which was a broad spectrum of people that have a direct interest in the Town of Duck and were quantifiable. She added that six had sent in an email in support of the text amendment and that was the only thing Council was discussing. She stated that 79 were strongly opposed to the text amendment. She explained that since Keith Bliss had given Council information on his petition, she wanted to give him full disclosure that Council was getting his information but were also receiving other information from representatives that were interested in the Town.

Mayor Pro Tempore Thibodeau thought, knowing the history and background of previous applications and how it has been scaled down, some people were not completely understanding of what Council was trying to do. She stated that one could say the word "arcade" and come up with a lot of different ideas based on one's own personal experience. She felt that there was some misunderstanding of exactly what Council was trying to look at. She further felt if Council were to allow for a special use for this type of activity, and have an applicant come before Council, she wasn't sure there were enough parameters built into what currently exists to be able to say whether or not the use fits within the parameters. She thought there was an appetite for more activities for

families in Town but with a limit. She reiterated that she thought it was a misunderstanding of some people regarding what Council was discussing and some of that was because Council did not have an idea of what they were talking about because it could not be discussed yet. She stated that her concern was if Council allowed a special use permit and then it becomes very subjective because they would not fit the parameters. She wasn't sure if there were enough parameters on this currently. She thought there should be more parameters around special use permits, adding that she thought a lot of people did not know what Council was discussing. Keith Bliss explained that a lot of points have been made today that, legally speaking, Council could vote to approve the text amendment and send it to Zoning to see if there should be other parameters suggested and have it come back to Council to modify it again prior to anyone submitting an application.

Mayor Kingston understood what Mayor Pro Tempore Thibodeau was talking about, but thought most people knew what an arcade was. He stated that all one has to do is walk into the laser tag place in Nags Head and head to where the pinball machines were. He pointed out that it was an arcade, which was what Council was discussing. He added that Council was discussing pinball machines in a room unsupervised. Keith Bliss pointed out that he never stated it would be unsupervised. Mayor Kingston stated that it wasn't that hard to understand, adding that it was a text amendment and if Council wanted to change the Town to allow it or not. Mr. Bliss reiterated that he didn't say it would be unsupervised. Mayor Pro Tempore Thibodeau stated that supervision could be added to the criteria. Mr. Bliss pointed out that all of that would come up during a special use permit application, reiterating that currently he could not apply because it has not been added to the use table for him to be able to apply.

Councilor Chasen thought the problem she was having with the text amendment was that she did not want to open a Pandora's Box and allow the special use permit. She thought she was hearing from the rest of Council that they would like to have some parameters to understand what it is and what would be acceptable. She did not know how to go about looking into that more or what Council would do. She wasn't sure if arcades were a problem or not, but she knew it was her responsibility to figure out some things before she votes in favor or not, adding that she was not comfortable with it currently because she did not have enough details and information about what it was and what it would look like.

Mayor Kingston thought it was more straightforward that what Councilor Chasen had stated because if a restaurant were to open, there would be tables and food would be served. He added that if an arcade were to open, there would be pinball machines and people coming and going. He stated that the question was whether Council wanted it to be a use within the Town. He pointed out that special use permits and all of the parameters could be set up but the question was if Council wanted arcades in the Town. He added that it wasn't hard to visualize a room with a lot of pinball machines, because it was an arcade. He reiterated that it was pretty straightforward. He asked if Council wanted that as an accepted use in Town or not. He thought with special use permits and

all of the parameters were important, but he thought everyone could visualize what an arcade was.

Town Attorney Hobbs asked if any members of the Planning Board wished to give a presentation.

James Cofield of 101 East Bias Lane was recognized to speak. Mr. Cofield stated that he was a member of the Planning Board. He thought everyone took the issues that come before the Planning Board seriously. He thought Council took the issues that come before them seriously. He stated that the Town engages in community planning for a reason, adding that the Town drafted and adopted the Comprehensive & CAMA Land Use Plan. He pointed out that the Town takes these items seriously because he thought everyone had a vision and wanted the best for the Town. He thought the Comprehensive & CAMA Land Use Plan sets out the best long-range vision. He added that the Planning Board, even with their differences, do the same thing.

James Cofield stated that the residents of Duck spoke clearly about arcade facilities in Town a few years ago. He stated that staff, at Council's request, conducted a survey and 90% of the respondents were against it. He thought Council needed to listen to the consensus opinion that is against the type of use that is being considered. He pointed out that he seriously considered the text amendment twice when it came before the Planning Board, adding that he was sure Council would do the same at this meeting. He reiterated that the survey conducted by the Town showed that 90% of the people that responded were against this type of use.

Town Attorney Hobbs asked if any members of the public wished to comment on the proposed ordinance.

Gray Berryman of 106 Bayberry Drive was recognized to speak. Mr. Berryman stated that he was speaking as a father of four as well as on behalf of renters because he owns four rental homes and on behalf of high school students that he coaches. He pointed out that there were a large number of constituents who were not represented at this meeting or in the survey. He stated that, as a father, coach, and community leader, everyone was working to help bring out the best in others, especially with young people. He stated that it was everyone's duty as community leaders to help young people learn how to make good decisions and to do that they need practice, time outside, time in person in school, time at home with family, and time in places that were less structured so that they can meet and interact with others, make buying decisions, politely talk to others, have some freedom from their family, but also be able to come back and interact. He stated that with regard to the people he works with on a regular basis, they were all in support of having arcade type opportunities, or other social opportunities for young people. He pointed out that there was a large number of people that were not represented where this would serve that need. He added that everyone was very privileged to be able to live in Duck, privileged to have the opportunity to have families, and have younger people. He stated that as someone who on a daily basis is working with preteens and teenagers, this was a critical need. He asked Council to consider the text amendment and think of it as a

way that the Town could help give back and return the favor as well as help the next generation be better.

Jim Braithwaite of 135 Bayberry Trail, Southern Shores, was recognized to speak. Mr. Braithwaite stated that with regard to the survey, people seem to put a lot of stock in it, but years ago he developed the gas station in Town, which was a permitted use by law and 400 people signed a petition against it. He reiterated that it was a use that was permitted by law and thought that the same people that voted against it now use the gas station. He stated that he owns a couple shopping centers in Duck and arcades were the missing link, adding that any type of indoor recreation was needed. He pointed out that there is inclement weather, red flag days and people get tired of just shopping and dining. He noted that it was difficult to own a shopping center with just retail and restaurants because something that complements them was needed. He added that the longer people stay there, the more money they make, causing the tenants to do well and it makes for a better combination and was something that was really needed. He stated that he was the one that proposed a laser tag and other activities because he knew that it was needed and it would be successful. He stated that it was clear that it was a needed use and would make the community better for tourists and people that live in Town. He stated that just because someone doesn't need something doesn't mean it's not wanted. He pointed out that Duck now has a sidewalk and a boardwalk, adding that he doesn't use them but they were needed. He pointed out that sometimes Council has to do the right thing and what's good for the community and make it better, which will help tourism, the shopping centers, and vacationers. He stated that he supported Keith Bliss' request.

Carl Wilkerson of 125 Spyglass Road was recognized to speak. Mr. Wilkerson stated that he was opposed to the request for a text amendment. He thought the definition was very worrisome and imprecise to the scale and scope with the unknowns that could be within that permitted use. He pointed out that he wasn't referring to the special use amendments, but the core element of the proposal. He added that the definition would allow all sorts of things from a few people that have voiced their concerns. He wondered if it meant Skee ball, mechanical bull riding, or shooting galleries. He reiterated that it was imprecise and too broad. He thought it would procedurally create unnecessary headaches for Council and the Planning Board because once one special use exception has been provided to an arcade, he believed it would be very hard to deny the next one or the one after that. He added that the Planning Board could decide that four or five arcades would be enough, but six would not be allowed, which pits the applicants against the Planning Board and exposes legal challenges for arbitrary and capricious differentiation. He felt it was a headache that was coming. He stated that he has five adult children who come to visit with their children who love video games, but never have they said that they wished they could go to an arcade. He reiterated that he was opposed to the text amendment as it would contradict the long-standing uniqueness of the Town, adding that he did not agree with the premise that there was a growing need for additional entertainment.

Jessica Fanning of 100 Sea Hawk Drive West was recognized to speak. Ms. Fanning stated that she was in favor of the text amendment. She felt it was a great opportunity to

provide a fun, family activity. She understood that space was limited in Town, adding that there were great options for people to do outside, but when it came to indoor things to do, the Town was extremely limited. She stated that she was in favor of an arcade that was supervised with established rules and proper parameters. She pointed out that she was having a hard time understanding what would be so bad with having an indoor space for kids and families to play some arcade games. She agreed with Mayor Pro Tempore Thibodeau that there was some misguided information on what everyone was being told. She stated that she knew many families that come to visit Duck as well as friends from Southern Shores and Kitty Hawk who would welcome this opportunity to take their kids to an arcade in Duck. She reiterated that she was in favor of the text amendment.

Joe Cortelli of 201 Schooner Ridge Drive was recognized to speak. Mr. Cortelli stated that he did not have any instinctive problem with an arcade, adding that he agreed with a lot of the comments about supervision and things that could go wrong. He understood that this was only a request to consider an arcade, adding that parameters could be created that would be acceptable moving forward. He added that younger people that play video arcade games will be looking for things to do outside of the house on rainy days. He understood the business side of this as Mr. Bliss was looking for opportunities to grow his business over time and keep the people coming to Duck. He stated that he looked up the growth in retail and found there was no growth in retail, adding that in the year 2000, there were 1 million retail locations in the United States and since that time it has dropped by 25%. He thought an arcade would give the Town the opportunity to thrive and look at alternatives for the storefronts rather than them being empty. He thought what should be happening is that Council should consider a special permit for uses like this with parameters that everyone agrees with. He didn't think it was fair that people were saying that arcades would bring trouble to Duck.

Beverly Perkins of 107 Ships Watch Drive was recognized to speak. Ms. Perkins stated that a comment was made about Newport, Rhode Island and how they accepted the arcade. She stated that she did not want to see Duck become like Newport, Rhode Island. She stated that it would increase the traffic if arcades were allowed and no one knows what kind of people will come into Town. She added that other areas have proven that they have had the same problems. She thought Council needed to be very careful on what they were thinking about and looking into.

Maureen Wilkerson of 125 Spyglass Road was recognized to speak. Ms. Wilkerson went on to read a letter from her neighbors, Robert and Kathy Freer: "The application for an arcade in Duck has already met with official and unofficial resistance, i.e., it has been rejected by recent Planning Board vote as well as homeowners in Duck. We do not support any further consideration of an arcade. There are a host of activities either provided by the Town and/or by private businesses that are more in line with the rare, village-like setting of Duck. We encourage the Council to maintain the special appeal of Duck rather than turning it into just another honky beach town that visitors can pass through on the way to someplace else more charming and inviting. Please do not kill the goose that laid the golden egg."

Larry Platt of 108 Seabreeze Drive was recognized to speak. Mr. Platt stated that he did not understand why people feared change so much. He stated that people feared the gas station that Jim Braithwaite had put in, but last summer he stopped at this gas station and used it. He stated that people fear so many things but they don't listen. He thought everyone was spending too much time listening to people who were over 47 years old, adding that the young people that were coming to Duck operate differently than older adults. He stated that when the bars close, they were not drunk like they were years ago, but were looking for something to do as a social activity and an arcade was a social activity. He understood that this was not a final decision, but thought Council should take some time and give Keith Bliss an opportunity to see if an arcade was an alternative that people would use.

Marc Murray of 115 Sea Hawk Drive West was recognized to speak. Mr. Murray stated that he was the Chairman of the Planning Board. He stated that he wanted to highlight the two members of the Planning Board that voted in favor of the proposal since there was overwhelming public resistance. He reminded Council that the Planning Board no longer hears the quasi-judicial hearings, adding that he went through the UNC School of Government training for them. He pointed out that data was great when it was good data, but Council did not have any good data. He noted that the letters and comments were just that, just letters and comments; the petition was just a petition. He stated that, to some degree, as an appointed official to the Planning Board appointed by Council, imagination has to be used to try to figure out what the use will look like and if it was something that would fit within the Town. He stated that a lot of the people that have been commenting do not understand that a proposal for an arcade has not even come before Council yet. He stated that that was why two members of the Planning Board voted for it because they felt like there needed to be an opportunity and the data the Board had was not complete. He stated that with regard to the survey from the prior application, a survey of a non-representative sample was not data but it was just comments. He encouraged Council to give the comments weight, but also take seriously the responsibility that they have, having a higher understanding of this proceeding as well as a higher understanding of what the applicant is asking for – just a text amendment and not a proposal.

Town Clerk Ackerman went on to read the written public comments that had been received. She noted that 72 written public comments had been received regarding the proposed text amendment. with seven in favor, 1 had no opinion either way, and 64 were opposed. She added that she would just be reading the names and addresses of those that submitted written comments, but that their full comments would be recorded into the minutes of the meeting.

Dorothy Donat of 1402A Duck Road and Waynesboro, VA was recognized. Ms. Donat wrote the following: "Members of the Duck Town Council, we do not feel that amusement arcades fit the vision of the Town of Duck. As state and local regulations are often adjusted, it's clear to see that betting machines (games) will be requested in the near future, if not included in this proposal. Our community and police force do not need the scenarios that can arise from arcades (i.e. Virginia Beach dealing with rowdy crowds and needing to post "No Cussing" signage). If folks enjoy arcades, they are available in



Corolla and beaches south of us. Please keep Duck the upscale, breath of fresh air that it is.”

Louis Fedele of 1532 Duck Road was recognized. Mr. Fedele wrote the following: “Dear Sirs, I think Amusement Arcades would be considerably outside the character of the Duck Community.”

John Fletcher of 143 Dune Road and Upperville, VA was recognized. Mr. Fletcher wrote the following: “The Town of Duck, NC is a class act. Don’t cheapen it with an arcade/game room.”

Bob Boester of 112 Marlin Drive and Hampton, VA was recognized. Mr. Boester wrote the following: “Dear Mayor and Town Council: My family and I have been property owners in Duck since 1980 when Wee Winks was the only store. We have watched the Town develop and, with the guidance of Town officials, take on a character that is so appealing that this week it landed on the cover of Southern Living. Amusement arcades have no place in Duck. Each of the Outer Banks Towns have made choices that make them what they are, and amusement arcades belong in Nags Head along with chain stores and national fast-food outlets. The Town correctly denied an attempt to allow amusement arcades just last year and there is no reason to change that decision.”

Todd Ahrens of 117 Old Squaw Drive was recognized. Mr. Ahrens wrote the following: “Hello. No need for an amusement arcade in the Town of Duck. Please vote no.”

Walter Lischick of 228 Ocean Boulevard, Southern Shores and Salisbury, MD was recognized. Mr. Lischick wrote the following: “I am not in favor of an arcade. This is not in keeping with the values of Duck.”

Caryl Brackenridge of 156 Marlin Court was recognized. Ms. Brackenridge wrote the following: “I am writing this email to express my opposition to an amusement arcade in Duck. There are enough things like that in other parts of OBX. Such an addition would completely change the character of the Town. The wonderful beach, the boardwalk, the tasteful stores and restaurants all set Duck apart from the more commercial OBX towns and I would like to see it stay this way.”

Jon Pollard of 124 Buffell Head Road and Middlebury, CT was recognized. Mr. Pollard wrote the following: “As a property owner in Duck for almost 25 years, I am concerned the Town is considering to potentially allow an Amusement Arcade to open. I don’t see the need for Duck to become more like Nags Head. Allowing one or more amusement arcades in Duck will change the character of our town, and not in a good way. We need to stay small and unique, that’s the charm of the Town.”

David Ottaviano 110 Sandy Ridge Road was recognized. Mr. Ottaviano wrote the following: “Dear Leaders of Duck, We understand that there is a new request to change the Town Code to permit some amusement arcade businesses. Our opinion is that we strongly object to this type of business being established in a family town. The ambience

will deteriorate. That being said, the Town would be wise to move in the direction of a more self-service, walking community. The summer traffic is a real hinderance and establishments which encourages walking is advised. Most services are provided which encourages this to happen aside from a good food store. There are two small convenience stores, a vegetable stand and a fish market which thrive during the summer but there is no really good food store with reasonable prices in Town. Keep up your good work in making Duck a well sought out summer community for families.”

Sandra Hassink of 135 Marlin Drive and Wilmington, DE was recognized. Ms. Hassink wrote the following: “Dear Council, I am writing in opposition to the proposal for an amusement arcade in Duck. One of the most unique and special characteristics of Duck is how it encourages connection to nature and family time. As a pediatrician, I am concerned about the epidemic of virtual pursuits have replaced these kinds of connections for our young people. Adding one more virtual pastime will cheapen what Duck has to offer and rob our young people of experiences much more precious than a video game.”

Mike Green of 125 Spindrift Lane was recognized. Mr. Green wrote the following: “*ORD 25-006 The applicant has proposed amendments to several sections of the Duck Town Code to accommodate the addition of Amusement Arcades as a specially permitted use in the Village Commercial (V-C) zoning district and associated changes. Specifically, the proposed amendments include adding a definition for the term Amusement Arcade, adding Amusement Arcades as a specially permitted use in the V-C district, adding a corresponding “S” in the V-C column and prohibited use “X” under all other columns in the use table, and adding a minimum parking standard of 1 parking space for each 200 square feet for Amusement Arcades.* **I am OPPOSED to the proposed amendments to the Duck Town Code to accommodate Amusement Arcades and associated changes as presented above.** A similar request was made and rejected in 2022. I remain strongly opposed for the same reasons as in 2022. The proposed amendments to the Town Code run counter to the “Duck Experience” because the activities in these proposed amendments would move Duck Village closer to being like surrounding towns, thereby eroding and ‘genericizing’ Duck to look and feel like the surrounding towns. Amusement arcades are not in character with the village. I am a full-time resident of Duck. I live here because of the current village feel of Duck. To preserve the Duck Experience, it is imperative that any zoning be maintained that keeps Duck from looking and feeling just like other towns. This speaks to Duck’s character as a village. This is especially important when weighing the commercial offerings that Duck offers. The more the Town Council and Duck business owners press for zoning and code change similarities to the surrounding towns in its commercial offerings, the more the Duck experience, character and activities are lost. Specifically, if this zoning change is approved, just how would this activity enhance the character of the village? No evidence of this is provided other than some concept that kids will play inside when they do that already with their portable devices at home. The Duck experience is about the great outdoors and the beauty of the beach. It is not about inland mall-like entertainment that cheapens the feel of Duck. Moreover, why would Duck want to offer the same entertainment as the surrounding towns? That is not in support of the unique Duck Experience. If these proposed Duck Town Code amendments are approved, then the

aperture is opened for future amendments for broadening these kinds of indoor activities to items, such as billiard rooms, slot machines, indoor mini-golf, etc. The slippery slope begins, and it would be impossible to walk back. This request for the amendments is being made by one applicant. Changing the zoning for just one applicant opens the door to all. This is too broad an action and will change the Duck Experience negatively. As noted, the activities that Duck offers are centered around its outdoors beauty, its unique location, the innovative use of the sound boardwalk, the creative walk/bike shared trail, the unique family-friendly pedestrian focused movement, and the idyllic, picturesque specialty shops and restaurants with small business offerings. This is what separates Duck from the surrounding towns. Fighting to preserve Duck's character requires backbone and vision. For these reasons, I say, "NO" AGAIN. I do NOT support these proposed amendments to the Duck Town Code."

Mary Alice Hayword of 125 Spindrift Lane was recognized. Ms. Hayword wrote the following: *"ORD 25-006 The applicant has proposed amendments to several sections of the Duck Town Code to accommodate the addition of Amusement Arcades as a specially permitted use in the Village Commercial (V-C) zoning district and associated changes. Specifically, the proposed amendments include adding a definition for the term Amusement Arcade, adding Amusement Arcades as a specially permitted use in the V-C district, adding a corresponding "S" in the V-C column and prohibited use "X" under all other columns in the use table, and adding a minimum parking standard of 1 parking space for each 200 square feet for Amusement Arcades. I am OPPOSED to the proposed amendments to the Duck Town Code to accommodate Amusement Arcades and associated changes.* A similar request was made and rejected in 2022. I remain strongly opposed for the same reasons as in 2022. The proposed amendments to the Town Code run counter to the "Duck Experience" because the activities in these proposed amendments would move Duck Village closer to being like surrounding towns, thereby eroding and 'genericizing' Duck to look and feel like the surrounding towns. Amusement arcades are not in character with the village. I am a full-time resident of Duck. I live here because of the current village feel of Duck. To preserve the Duck Experience, it is imperative that any zoning be maintained that keeps Duck from looking and feeling just like other towns. This speaks to Duck's character as a village. This is especially important when weighing the commercial offerings that Duck offers. The more the Town Council and Duck business owners press for zoning and code change similarities to the surrounding towns in its commercial offerings, the more the Duck experience, character and activities are lost. Specifically, if this zoning change is approved, just how would this activity enhance the character of the village? No evidence of this is provided other than some concept that kids will play inside when they do that already with their portable devices at home. The Duck experience is about the great outdoors and the beauty of the beach. It is not about inland mall-like entertainment that cheapens the feel of Duck. Moreover, why would Duck want to offer the same entertainment as the surrounding towns? That is not in support of the unique Duck Experience. If these proposed Duck Town Code amendments are approved, then the aperture is opened for future amendments for broadening these kinds of indoor activities to items, such as billiard rooms, slot machines, indoor mini-golf, etc. The slippery slope begins, and it would be impossible to walk back. This request for the amendments is

being made by one applicant. Changing the zoning for just one applicant opens the door to all. This is too broad an action and will change the Duck Experience negatively. As noted, the activities that Duck offers are centered around its outdoors beauty, its unique location, the innovative use of the sound boardwalk, the creative walk/bike shared trail, the unique family-friendly pedestrian focused movement, and the idyllic, picturesque specialty shops and restaurants with small business offerings. This is what separates Duck from the surrounding towns. Fighting to preserve Duck's character requires backbone and vision. For these reasons, I say, "NO" AGAIN. I do NOT support these proposed amendments to the Duck Town Code."

Jeff LoSapio of 1330 Duck Road and Herndon, VA was recognized. Mr. LoSapio wrote the following: "To the Duck Town Council, I would like to chime in with my 2-cents regarding the potential to allow arcades in Duck. I hope you vote "no". I have lived in Duck several times over the years in my early 20's back in 1992. I had previously lived in KDH and Kitty Hawk, but the charm of Duck won me over. Duck didn't have the fast food restaurants, the big stores, the noise, etc...It felt then as it still feels today – a charming, quiet beach community. I reside part-time in Duck now having built a house in 2017 with the intent to retire here in the coming years. I hope that Duck can continue to maintain the vibe it has done so well to prevail over the years. Thanks for taking my thoughts into consideration."

LuAnn Masterson 154 Ocean Way and Chesapeake, VA was recognized. Ms. Masterson wrote the following: "I don't understand where exactly these arcades would be put in but parking is bad enough in the summer without them & the only way I can see it working is if they were built on the outskirts of Duck. My personal opinion is that it will "junk up" the quaint village feel to the Town of Duck & attract sketchiness."

Karen Carroll of 100 Marlin Drive and Pittson, PA was recognized. Ms. Carroll wrote the following: "I personally oppose the amusement arcade."

Christine Payne of 123 Marlin Drive and Williamsburg, VA was recognized. Ms. Payne wrote the following: "To members of our Town Council, We want to express our opposition to the request to permit amusement arcade businesses in the Town of Duck. As a general rule, any time lawmakers open up code, whether on the local, state, or federal level, we leave ourselves vulnerable to unforeseen, unintended negative consequences. Even allowing a limited change in regulations sets a precedent that, once established, creates leverage for similar business ventures. Allowing the establishment of these businesses would be antithetical to the 2023 Vision reflected in updated community surveys conducted in 2022. As property owners and residents, we share a respect for our fragile and extraordinary natural environment. Our pristine, safe, and uninterrupted beaches are our most valuable asset. Duck and our Village thrives because of its unique charm and character. Those who gravitate towards amusements of the proposed nature can do so in Nags Head, not Duck."

Ron Blunck of 1356 Duck Road and Hyattsville, MD was recognized. Mr. Blunck wrote the following: "Dear Town Council, I am a resident of Duck, own several additional

rental properties in Duck, and president of Carolina Dunes Association and am the coordinator for the Duck HOA and Property Owners Forum. I've received significant feedback from property owners on this issue. They and I are very opposed to changing the Town Code to allow amusement arcades in Duck, period! This would be totally out-of-character with the nature and ambiance of our small town. Anyone who wants this type of business can easily take a short drive south. There's plenty of amusement entertainment in Kill Devil Hills. Please vote against this text amendment when it comes before you."

David Heath of 122 Wampum Drive and Midlothian, VA was recognized. Mr. Heath wrote the following: "Good afternoon, As a new homeowner in Bayberry (Cook Dr.) I am just hearing about this proposal. I also have a home on Wampum Dr. which I have owned for over 30 years. One of the unique features of Duck is it's "Small town feel – homeyness". If you approve this proposal and change it will bring unwanted riff-raff to the town. I hear from renters all the time that the reason they rent in Duck is because they like the quietness, being able to walk places, the small hometown feel which has gone unchanged for decades. Please do not approve this proposal as it will commercialize the town and also attract kids from other areas to Duck who I feel will cause trouble. We need only look at beach weeks in the past to see how teens can cause trouble when in hordes. I beg of you to maintain the atmosphere of Duck which people have come to love in the many decades they have been coming down. This will affect revenue and tourism in Duck in a negative manner. I think if you do some research you will find these are actually dying out – what an eye sore it would be to have broken down arcades. Please see below other concerns about an Arcade: **Faulty Controls/Power Outages:** Arcade machines can have issues with joysticks, buttons, or trackballs becoming unresponsive or malfunctioning. Arcade machines use high-voltage components, and power supply issues (PSU) can lead to problems with controls, PCBs, or even the entire machine. **Fuse Issues:** If a fuse keeps blowing, it indicates a problem with the wiring or a short circuit, not just a weaker fuse. **Electrical Damage:** Burning smells or charred electronics are signs of electrical problems that need to be addressed. **Monitor Issues:** Problems with the monitor, such as missing colors or no image, can also occur. **Preservation of Classic Games:** Classic arcade games are often difficult to maintain and require specialized knowledge, and the parts are often no longer available. **Health and Behavioral Concerns:** **Excessive Gaming:** Prolonged gaming can contribute to sedentary behavior, potentially leading to health issues like obesity. **Loud Noises:** The loud noises in arcades can cause long-term hearing problems. **Potential for Problem Gambling:** Arcade games, particularly those that involve winning prizes, can potentially lead to problem gambling, especially in individuals with a predisposition to addiction. **Other Issues:** **Cost:** Arcades can be expensive to operate and maintain, and the cost of playing games can add up. **Social and Cultural Issues:** Arcades can be seen as a space where certain youth behaviors or social codes are prevalent, and there may be issues with inclusivity or representation. **Damage to Machines:** Some arcade operators report that people damage the machines, especially the controls, when they are upset or frustrated. Thank you for your time."

Ginnie Jones of 106 Sprigtail Drive and Seneca, SC was recognized. Ms. Jones wrote the following: "To whom it may concern, I have been a home owner in Duck for 15 years (renting out most of that time) and visiting Duck for longer. I understand there is a request to add businesses that have arcade games. I do not want arcades added to the town shopping or boardwalk areas. I've visited many shore communities up and down the east coast and find that arcades are a negative element. I feel allowing them into Duck would destroy the town's nature theme and sense of family and community. Thank you for your consideration."

Joanne Von Bischoffhausen of 161 Victoria Court and North Brunswick, NJ was recognized. Ms. Von Bischoffhausen wrote the following: "Good afternoon, as a 35+ year owner in Duck I want to voice my opposition to changing the code to allow amusement arcade. Duck is a place that does not need that. The charm of Duck lies in its simplicity. How Wings was allowed in surprises me. If people want arcades they can go to the bypass. An arcade would ruin the charm of a "village". No one wants this...if they do they can vacation elsewhere. Please think long and hard on what the implications will be."

Lisa P of the Schooner Ridge Subdivision was recognized. Ms. P wrote the following: "Hi, My name is Lisa and we own a house in Duck (Schooner Ridge). I would kindly ask that you vote NO to changing the Town Code to permit some amusement/arcade businesses. I grew up going to Va Beach and they have arcades, etc. and, in my opinion, it has created a "cheap and cheesy" environment there. Duck is a wonderful town with a family and neighborhood appeal that makes it unique and special. I would hate to see that upended with amusement businesses."

Yvonne Du Buy of 104 Wampum Drive and Gaithersburg, MD was recognized. Ms. Du Buy wrote the following: "Dear Council Members: I am writing in regard to the proposed amendments to several sections of the Duck Town Code to accommodate the addition of Amusement Arcades as a specially permitted use in the Village Commercial (V-C) zoning district and associated changes. As a homeowner in Duck since 2001, I am strongly opposed to the proposed code changes to permit amusement arcade facilities due to the negative impacts of amusement arcades on the character and ambiance of Duck as a small, charming, family-oriented beach village as it has always been to all who reside and visit here. A major attraction for residents and visitors alike is that with the Boardwalk, park, bike path, water sports, etc., Duck encourages engaging in outdoor activities, which is especially important for young people in today's world. Please do not consider making any changes that would spoil this significant contribution to their well-being."

Mariana Brook of 142 Marlin Drive and Burlington, NC was recognized. Ms. Brook wrote the following: "I am opposed to having arcades in Duck. Traffic is bad enough and they would be sure to add to that problem."

Bud Jacobs of 156B Plover Drive, Unit 50 and Frederick, MD was recognized. Mr. Jacobs wrote the following: "To whom it May concern, My wife and I would not be in favor of an arcade in Duck."

Brian Nelson of 151 Marlin Court and Arlington, VA was recognized. Mr. Nelson wrote the following: "I am writing to say that we would be very much opposed to the proposed Duck Town Code amendment that would allow amusement arcade businesses in Duck. The Town of Duck has a very unique feel to it that differentiates us from other OBX towns that allow such uses. Bringing these types of businesses will only change that to the negative and our family feels strongly against doing that."

Amy Boshier of 109 Wampum Drive and Midlothian, VA was recognized. Ms. Boshier wrote the following: "*ORD 25-006 The applicant has proposed amendments to several sections of the Duck Town Code to accommodate the addition of Amusement Arcades as a specially permitted use in the Village Commercial (V-C) zoning district and associated changes.* I am writing today to voice my opposition to ORD-25-006 amendments to Duck Town code. I do not support any such changes which would ultimately permit the establishment of an arcade commercial establishment within the Town of Duck. This issue has been discussed previously by the Town Council and I remain opposed. Please consider my position when deciding this matter."

Sharon Horner of 109 Old Squaw Drive and Richmond, VA was recognized. Ms. Horner wrote the following: "I own at 109 Old Squaw and would like to note my opposition to the arcade. During season, the outdoor activities should be more than adequate for guests and I do not believe the residents that live there full time would have a use for arcades. Would be happy to discuss."

Kelly Gleason of 130 Christopher Drive and Windsor, CO was recognized. Ms. Gleason wrote the following: "I have been told there is another permit change request to allow these types of business within Duck Town limits. It seems as if we just had this conversation not long ago. I am **against** these permit changes. We have enough traffic congestion issues without causing more due to these types of business being established in the heart of Duck. It's bad enough the town allowed the zoom to put in golfcarts. Which we now have to deal with illegal parking and underage speeding drivers consistently during the peak season. Our beautiful town was just showcased in Southern Living Magazine. And on the Front Page! It highlights our boardwalk, eateries, and beaches. It portrays a quaint community. If people want amusement park or facilities, they belong down in Hatteras, Kill Devil Hills, or Kitty Hawk where those places have given up their charming community atmosphere. Once again, I ask that you please table this vote. The planning board I believe once already recommended **against** this when last raised a year or two ago. Let's keep Duck unique. A lot of people on spring break are going to miss this announcement."

Ellen Maiolino of 117 Sea Colony Drive, Unit 226 and North Brunswick, NJ was recognized. Ms. Maiolino wrote the following: "Dear Council, I would like to register my opposition to an arcade in our lovely village. I have been vacationing here since the '80's

and also own a condo here. One of the many reasons why I love it here is that it does not have any arcades or boardwalks with games and rides. There are plenty of other places where people can vacation if that's what they want. Please do not allow it."

Sunny Sonner of 134 Bayberry Drive and Norfolk, VA was recognized. Ms. Sonner wrote the following: "I am very much opposed to an Amusement Arcade in Duck!"

Kelly Wilkes of 1347 Duck Road and Richmond, VA was recognized. Ms. Wilkes wrote the following: "Hello, According to the Carolina Dunes HOA, I was told that a public hearing is scheduled to potentially change the code to allow for Amusement permits. This "Amusement" business has been presented before in one form or another, and my stance stays strongly against opening any doors to Amusement activity. As a non-resident property owner who spends approximately 100 days in Duck, I was against an arcade when this issue first arrived in February 2022. My position is the same today, and I am strongly against amending the code to allow such businesses in Duck. Amusement/Arcades can encourage loitering, contribute to litter and trash issues, and may create situations that compromise the safety of minors. Overall, these entertainment uses do not enhance the quality of the environment and community in Duck and could significantly alter its landscape. Therefore, I am against amending the permit to allow these businesses to establish themselves in Duck. Thank you."

Melinda Johnson of 116 Bayberry Drive and Mechanicsburg, VA was recognized. Ms. Johnson wrote the following: "My husband and I live in Bayberry Bluffs. We are opposed to the idea of an amusement/arcade project. It does not meet the climate of our beautiful town of Duck."

Joe Sanderlin of 118 Cook Drive and Salem, VA was recognized. Mr. Sanderlin wrote the following: "We recently were advised that there seems to be interest in an Amusement Arcade development within the Duck city limits. Being a home owner for over fifty years, we have certainly seen Duck grow with strict development guidelines, which is what makes Duck special. Our hope is this will continue and NOT permit this Amusement Arcade from being permitted. To say that this in our opinion is a terrible idea, is an understatement. This will only create a negative environment in the immediate and surrounding areas. We have seen first-hand in our community where a nearby amusement center was created and began to draw an unsavory crowd drawing in drugs, violence, gangs from both youth and adult in an area that was originally an upper scale metropolitan area. In less than ten years the area was degraded. Allowing an Amusement Arcade may seem nonessential to some, but let me assure you this would be the beginning of the Town of Duck erosion."

Terri Burt of 187 Ocean Front Drive and North Chesterfield, VA was recognized. Ms. Burt wrote the following: "Dear Duck Town Council, I would like to register my opposition to an amusement arcade in the Town of Duck. Such a venue would significantly alter the atmosphere and ambiance of the community. There would also be an unwelcome increase in noise and traffic through Duck when during the summer months there is often gridlock at certain points. The negative impact of such a venue



would be very detrimental to the Town of Duck. It could also be the first step toward arcades, etc. I do not believe that Duck wants to become another Virginia Beach or Atlantic City.”

Mary Beth Lopes of 114 Cook Drive was recognized. Ms. Lopes wrote the following: “Good morning, Planning Board Members. I’m writing to document my opposition to changing Town Code to allow for the operation of arcade businesses within the Town of Duck. As non-rental property owner of 25 yrs, and full-time resident since 2022, I have witnessed much change in Town. For the most part, the change has been very positive. I am grateful for the foresight, and commitment that Town Council has demonstrated over the years. Thank you. For the past number of years I’ve worked in businesses located in The Waterfront Shops. Currently, I’m one of the managers at Duck’s General Store. Over the last two years, we have seen a steady increase in the number of unsupervised minors simply “roaming” in our store and throughout Town. While many are respectful, there is an increasing number who are not. We’ve experienced an increase in breakage of items, and shoplifting. Unfortunately, this activity is not only an issue with the younger population. As a resident of Cook Dr., I’ve also been subject to less than desirable visitors in rental properties. The issues some have brought to our neighborhood are unsettling. I fully understand that much of what I experience is part of living in a vacation destination. What I don’t understand, or find acceptable, is the Planning Board possibly amending Town Code to allow a business venue that would be a magnet where unaccompanied kids could potentially just hang out, and meet up. Where adults with questionable intentions could easily prey on young visitors. Duck, NC is not Wildwood, NJ. Nor do we want to be. I ask that the arcade topic be put to rest, and that no change of any kind is made to Town Code. Thank you for taking time to consider my objection.”

Dan Johnson of 164 Ocean Way and Clifton, VA was recognized. Mr. Johnson wrote the following: “Town Council. This is Dan and Cindy Johnson, homeowners in Ocean Dunes since 1985. If put to a vote, we would vote against changing the Duck Town Code to allow for Amusement Arcade Businesses in Duck.”

Frank Del Gandio of 117 Wampum Drive and Gaithersburg, MD was recognized. Mr. Del Gandio wrote the following: “To whom it may concern, I have been advised of the meeting on April 2, 2025 to discuss the town council desire to change a code to allow for amusement centers in the Town of Duck. I am unable to make this meeting, so I am writing to you with my concerns. I have owned a home in the Outer Banks for over 30 years. In these years I have seen many changes to the town of Duck. I can say that most have been good changes. It has gotten a bit overgrown with traffic in the summers unbearable on Duck Road. I am opposing the allowance of amusement areas in the town that would bring in visitors from other neighboring towns creating more traffic on Duck Road. Right now there is limited town parking, and this would create more of a parking problem. Please note my disagreement with this new code change and proposal to allow amusement areas.”

Robin Ulmer of 118 Marlin Drive and Columbus, OH was recognized. Ms. Ulmer wrote the following: “Dear Esteemed Leaders of the Town of Duck, I have proudly owned

property in Duck for 25 years as a non-resident homeowner. I am writing to formally acknowledge the ordinance under consideration and to express my **strong opposition** to the proposed amendment. I am deeply troubled by the audacity of an external business attempting to impose changes on our pristine and cherished community. Duck's Town Code has been thoughtfully designed to uphold the values and unique character of our small town, and any attempt to undermine these principles is unacceptable. Regrettably, I am unable to attend the hearing scheduled for April 2, 2025. Please accept this message as my official position on all matters concerning ORD-25-006."

Leslie Farah with no address given, was recognized. Ms. Farah wrote the following: "Council, I am writing to request the council not change the current code that prohibits arcade businesses in the Town of Duck. I worry how the face of the town will change, opening a door that won't be closed. The quaint atmosphere of Duck is what distinguishes it from the rest of the Outer Banks. I would hate to see Duck loaded with gaudy arcade buildings and candy stores. We are a town of shops, restaurants and nature. Let's keep what sets us apart. Please. Listen to what residents have requested. No change to the code."

Margaret Curran of 110 Jasmine Court and Malvern, PA was recognized. Ms. Curran wrote the following: "Dear Honorable Mayor and Council Members, I am writing to express my strong opposition to the proposed establishment of amusement arcade businesses in the town of Duck. While these establishments may offer entertainment, I firmly believe that their presence would not align with the character and values of our community. **Concerns About the Impact of Amusement Arcades (1) Potential for Excessive Spending:** Amusement arcades often feature games that can lead to excessive spending, particularly among young people. Prize-redemption games, such as claw machines and coin-pusher machines, can entice players with high-value prizes, potentially leading to financial strain on families and a risk of addiction. **(2) Social Impact:** The intense focus on winning prizes can foster a culture of competition and obsession, potentially affecting social relationships and mental health. The bright lights and sounds of arcades can also be overwhelming, leading some individuals to lose track of time and spend more than they intend. **(3) Community Character:** Our town of Duck is known for its unique charm and family-friendly atmosphere. Introducing amusement arcades could alter this character by drawing in crowds that may not align with our community's values. It could also lead to increased noise and traffic, which might detract from the peaceful environment that residents and visitors alike appreciate. In conclusion, while amusement arcades may provide temporary entertainment, I believe their potential negative impacts on the community's well-being and character should not be overlooked. I urge you to consider these concerns and reject the proposal to bring amusement arcade businesses into Duck."

William Roark of 107 Pamela Court and Hershey, PA was recognized. Mr. Roark wrote the following: "Good Afternoon, I will be unable to attend the meeting, but we own property at 107 Pamela Court in Duck that we hope to one day make our permanent residence. As such, I wanted to comment on the possibility of an arcade or amusement park style attraction being added to the Duck area. In our minds, Duck is special and

different than the other areas of the Outer Banks. Duck is peaceful and pristine. It offers a wonderful family lifestyle, while still having a wide assortment of restaurants, walking areas, beach and quaint family entertainment. It “feels” like the small, idyllic, family beach town that people search for. To me, this is what makes Duck different than many, if not almost all, of the East Coast’s beach towns, which have slowly become engulfed by businesses and commerce that take away from that feeling. I am pro business and pro things that enhance the experience within Duck, but Duck’s competition is not Kitty Hawk or Nags Head, where arcades and more commercial interests have overtaken parts of the area. Duck is a place where those of us who truly want to connect with family over beaches, wildlife, special moments and the lack of screen time, in an ever changing world, look to come for that special moment. It is for this reason that I’m against adding an arcade or amusement type businesses within Duck. The peace and solitude of a true beach community is rare and becoming more rare these days. Once that is surrendered there is no backtracking to days gone by...it’s simply gone. Keep Duck the pristine and wonderful place it is for as long as possible.”

Scott Correira of 108 Wampum Drive and Mishawaka, IN was recognized. Mr. Correira wrote the following: “To the Town Council of Duck, and Town Leadership: We are homeowners in duck, and we are writing to oppose the “...proposed Amendments to the Duck Town Code that would accommodate the addition of Amusement Arcades as a specially permitted use in the Village Commercial (V-C) zoning district and associated changes”. Unfortunately, we will not be in town when he meeting is in progress on April 2, so we are expressing our views to the proposed Amendment in this email. As many residents have expressed in the past, we are not in favor of making any changes to the Duck Town Code that would allow for “Amusement Arcades” to be present in Duck. We don’t believe we need such attractions in Duck, nor do we believe they will add any value to the residential and/or vacation experience in the Town of Duck. We have a beautiful community that is thriving with businesses primarily made up of retail shopping, restaurants, and nature activities. We just don’t see why anyone sees fit to bring in “Amusement Arcades”, nor how allowing such will improve the quality of life in Duck for full and part-time residents, or vacationers. As such, we respectfully ask the Duck Town Council to vote “NO” to this proposal. Thank you for reading this, and for your consideration. And thanks for your services to our community. Have a great day!”

Lynn Osman of 134 Plover Drive, Unit B1I and Mechanicsville, VA was recognized. Ms. Osman wrote the following: “Property Owners – Lynn Osman and Christopher Wallis. Address – 134 Plover Road unit 1I, Duck, NC. As owners in the Town of Duck we are opposed to the proposed amendment to the Duck Town Code to accommodate the addition of an Amusement Arcade as special permitted use. Thank you for your consideration.”

Susan Boras of 121 Marlin Drive and Ashburn, VA was recognized. Ms. Boras wrote the following: “Hello Council Members, I am Susan Boras, my husband George and I own two properties in the Town of Duck and we are very concerned by the arcade being proposed. If allowed, it would downgrade our quaint little beach town and make it less Duck and more Virginia Beach or Ocean City, MD. The Town has so much to offer

without the arcade. Is the arcade going to be pinball and other video games? In Florida, they call them arcades and they are video poker and slot machine establishments. I'm not sure where the proposed arcade would be put but I certainly hope the boardwalk isn't a consideration. Currently, in North Carolina, 100,000 illegal VLT's (video lottery terminals) are in operation. I know this is a hot topic for the current legislative session. I can see it now, it starts as an arcade and ends up being a gambling establishment within a short period of time. We are not in favor of this type of establishment in Duck. Thank you for hearing me out."

Jenn Skaff of 119 Canvasback Drive and Gainesville, VA was recognized. Ms. Skaff wrote the following: "I am writing to voice my strong opinion that arcade type facilities should not be permitted in Duck. This place has a special appeal because it specifically does not have businesses like arcades. People come here to experience what is almost a step back in time to when things were simple. The movement is to reduce time spent on screens and with technology so why add a business like this? How about some other type of business that encourages conversation and time together with family and friends. Clay painting studio? Sip and paint? A rotating do it yourself craft type business? I don't know...anything but an arcade or a Sugar Planet!!"

Robert Patchen with no address given, was recognized. Mr. Patchen wrote the following: "Please do not approve or advance or make pending or in any other way continue consideration of the proposed arcade business in Duck. The owners and visitors of Duck have already spoken on this issue and the majority do not support the addition of this type of "attraction" to Duck. Please don't corrupt our planning and zoning process by reversing legitimate prior decisions just to satisfy a moneyed developer."

Robert Ostrum of 121 Wampum Drive and Chapel Hill, NC was recognized. Mr. Ostrum wrote the following: "We bought a place on Wampum Dr in 2010 and have loved living here for the last 15 years. There have been lots of changes, most good but some bad. The addition of the ABC store, remodel of Wee Winks, and addition of Brindley Beach has negatively impacted our community and our lifestyle. There are constant trucks, cars and people not renting/living on our street and we can't imagine what bringing in more business will do to the town. We bought in Duck because it was small, quaint, and family friendly. Use to love taking the kids to Baldy's after dinner. All of this is to preface my remarks that the addition of an amusement arcade at Scarborough Faire would be a DISASTER. Traffic on 12 North is very congested now and with folks walking in crosswalks, the traffic stops especially in the summer months. This arcade would bring added traffic and more people to our small town that is already overcrowded in the season. This sentiment is unanimous amongst our Pootskeet Village community as well as others. Please do not sell out the Town of Duck to entertainment which will ruin our town and increase traffic."

Kathy Freer of 114 Wood Duck Drive and Charlottesville, VA was recognized. Ms. Freer wrote the following: "Council Members, The application for an Arcade in Duck has already met with official and unofficial resistance, i.e., it has been rejected by a recent Planning Board vote as well as home owners in Duck. We do not support any further

consideration of an Arcade. There are a host of activities, either provided by the Town, and/or by private businesses that are more inline with the rare, Village-like setting of Duck. We encourage the Council to maintain the special appeal of Duck rather than turning it into just another honkytonk beach town that visitors pass through on their way to someplace else more charming and inviting. Please do not kill the goose that laid the golden egg! Thank you for your consideration.”

Victor Meiller of 148 Marlin Drive was recognized. Mr. Meiller wrote the following: “Given the uniqueness of the town and the impact arcades could have, we wanted to voice our opposition to arcades in Duck. Duck has a quiet, family feel to it. Arcades do not represent that feel. On the surface arcades may seem family oriented and may not seem like much of an impact. But they do create an environment where parents can readily drop off groups of minors, unsupervised. This has led to problems everywhere for shopping malls and other areas where minors can be left unsupervised. Arcades come with a downside that could negatively impact Duck. There are numerous areas both north and south of Duck where these sorts of activities/facilities are readily available. Vacationers can partake in those services, close by, without changing the character of Duck.”

Linda Helmlinger of 125 Widgeon Drive was recognized. Ms. Helmlinger wrote the following: “We are Duck residents who live in the Carolina Dunes neighborhood. I realize that making money is an important part of the Town of Duck council. I also realize that how that money “plays” into the overall Duck environment is important. So here are our thoughts as property owners for 25 years and residents for 6 years: What demographic would use this most? Answer: young children to teenagers. Will they always be supervised? Answer: no. Will this increase the already ridiculous foot traffic in Duck? Answer: Yes and many without adult supervision. Are “Arcades” often associated with bad influences and drugs? Answer: Yes – look it up. Shouldn’t young people here for a vacation be spending their time with their families and the natural beauty of Duck? Answer: YES!!! So our vote would be NO. Thank you for your consideration.”

William Holden of 154 Marlin Drive and Woodbridge, CT was recognized. Mr. Holden wrote the following: “Dear Council Members --- We strongly oppose the change in zoning to allow amusement arcades. We feel it will change the ambience in Duck in a negative way. We have owned a home in Duck since 1978 and have seen the town grow in so many new ways and we are hoping desperately that this arcade will not be allowed. (It is bad enough that the ugly façade of the huge WINGS has to remain!!!) We respectfully hope that the entire council will oppose such business.”

Debra Shaw of 183 Teresa Court and Henrico, VA was recognized. Ms. Shaw wrote the following: “Christy’s willingness to clarify what this proposed wording would and could mean was very helpful. My husband and I do not have any specific objections to the proposal except to say that we trust the Duck government will continue to exercise good judgment in controlling growth and expanding amenities. We have always appreciated the small town feel of Duck.”

Clifford Firstenberg of 157 Victoria Court and Norfolk, VA was recognized. Mr. Firstenberg wrote the following: "Dear Council Members. We are long-time homeowners in Duck and likely to be full-time residents in the near future. We are adamantly opposed to any amusement arcade businesses in Duck. The allure of Duck is its family atmosphere that is NOT typical of beach resorts. Ask anyone who visits the OBX and they'll comment on the attractiveness, quiet, and family orientation of Duck – even if they're not staying there. Amusement arcades belong along beachfront boardwalks, in malls, etc. They do not belong in this highly desirable small town that has character anathema to arcade-type activity. Please do not modify the Town Code to allow such businesses."

Mark Lipari of 117 Wood Duck Drive and Reston, VA was recognized. Mr. Lipari wrote the following: "To the duck Town Council: With regard to changes to town ordinances to permit an arcade to be opened within the town limits of Duck. We have been homeowners in Duck for over ten years and regular visitors for forty years and have enjoyed the family friendly atmosphere of the town, its beaches and local activities. Permitting an arcade to be opened in the town is not consistent with the family friendly atmosphere we have come to enjoy. Our concerns include, increased traffic from folks that are outside the town, what kind of supervision the arcade would have, who would pay for the supervision, what its hours of operation would be and that most likely other types of amusements would want to follow (such as slot machines and carnival rides). My family and I are opposed to making any changes that would permit an arcade or related business to open in Duck. We do not want to see changes that would negatively impact Duck's family friendly atmosphere and reputation."

Christine Hill of 108 Marlin Drive and Fairfax, VA was recognized. Ms. Hill wrote the following: "Dear Councilmembers – We understand there is another proposition for amusement arcade businesses in Duck. We are not Ocean City, Wildwood, NJ or any other of our barrier island beaches, we are the Town of Duck, which will rapidly lose the charm that vacationers, residents, and we homeowners seek when we are here. If arcade businesses are approved, then what is next? As strict as the Town is with building and environmental issues, let's keep those reins tight on business permits as well. Please, PLEASE continue to oppose these types of special use permit requests. Thank you for your consideration."

Nancy Bolton of 132 Buffell Head Road and Charlottesville, VA was recognized. Ms. Bolton wrote the following: "My husband and I have owned 2 homes in Duck since 1982. We are writing against the potential arcade which does not fit with the ambience that has been created here over the years. Kids need to be outside enjoying this wonderful place, not inside. They can do that at home. Do not corrupt our planning and zoning process."

Tricia Edwards of 122 Sunflower Court and Newport News, VA was recognized. Ms. Edwards wrote the following: "Hi, We are 32 year nonresident owners of our home in Tuckahoe. We appreciate the character of Duck that has developed over this time. We are not in favor of an Amusement Arcade type business. It would definitely detract from the "vibe" of the town that has been so carefully curated by the town to this point. Please

vote “no” to changing the Town Code to permit an arcade business and keep up the good work!”

Robert Hasteadt of 112 Jasmine Court and Wantagh, NY was recognized. Mr. Hasteadt wrote the following: “As a property Owner in Duck I am opposed to an entertainment arcade. It will just become a “hang out” and potential problem area.”

John Gumbrecht of 113 Canvasback Drive and Fort Washington, PA was recognized. Mr. Gumbrecht wrote the following: “To Members of the Duck Town Council: We are opposed to amendments to the Duck Town Code to accommodate Amusement Arcades in the Village Commercial (V-C) District. We believe Amusement Arcades are unnecessary and not in keeping with the family-friendly atmosphere that makes the Town of Duck so wonderful. We think Amusement Arcades will create congestion and increase unsafe situations in the often-crowded town during peak summer months. We have been property owners in Duck for 25 years and regular summer visitors since the 1980s.”

Sherrie Lizza of 106 Sprigtail Drive and Clifton, VA was recognized. Ms. Lizza wrote the following: “As a property owner in Duck, I’m against allowing amusement arcade vendors in the town. I feel the positive draw for people is the pristine beach and family oriented atmosphere of the town. Allowing amusement vendors will not add to that. A picture of Duck was just featured on the cover of Southern Living Magazine and made #39 out of 50 best beaches. There is a reason for that. Let’s keep it that way.”

Patti Bossert of 102 Pelican Way was recognized. Ms. Bossert wrote the following: “Members of the town council, A few years ago a survey was conducted to determine the appetite for an arcade in town. The result of that survey was overwhelmingly against any arcade business in Duck. As a full time resident of Duck, I am against any change to the town code to permit an arcade business. During the tourist season the town of Duck offers a myriad of free events to the public. Not to mention free access to our beautiful beaches and our waterfront walk. I attended the last public hearing on this topic and read the business proposal literature provided to attendees. It specifically stated young people could be left unsupervised at the arcade while their parents had dinner/drinks at local establishments. I do not think this is a good practice. If you recall, just last year an unsupervised youngster overturned a golf cart which resulted in injuries to the occupants. In closing, I would like to remind council your constituents have previously voted against an arcade business in Duck. Video games can be played at home and there should not be any changes to the town code to permit an arcade business in town.”

Lou Ann Jewell of 109 East Tuckahoe Drive and Ashland, VA was recognized. Ms. Jewell wrote the following: “Dear Members of Duck Town Council – I apologize I am unable to attend the public hearing on April 2, 2025 but I have a few thoughts on game arcades. To begin, I am a non-resident property owner who frequents my home over 26 times during the calendar year. There are a mixture of rental and permanent residences around my home. What drew me to Duck is the non-commercial, no hotels, village containing shopping and restaurants. It was family oriented and my idea of a real beach town and not a noisy commercial destiny. In other localities with arcade facilities the

crowds that were drawn there were unsupervised groups of young people. When tired of gaming, they travelled in groups looking for trouble, i.e. vandalism, drugs, potential gangs, but nothing good. I believe the Town of Duck would be inviting this type of activity and once here the flavor of what people like about Duck is changed. The safe, family atmosphere deteriorates along with the feel of Duck. Gaming, once popular in the 80's, is no longer popular since many are home gaming. What happens to the facility where the equipment is housed? About 6 years ago I saw a prime waterfront property in New England with nothing but stacked gaming equipment, closed down and an eyesore. I blame their Planning and Council for allowing this to happen. This is not a fit for Duck and therefore I do not support the Council considering allowing gaming facilities, or changing an ordinance to allow. I think the Planning Board did their homework in not voting in favor of this."

Brian Solomon of 103 West Tuckahoe Drive and Duquesne, PA was recognized. Mr. Solomon wrote the following: "I don't think this is a good idea. Things like this will devalue the area, for which it was created in the first place. Let's keep our town classy not trashy."

Melissa Gibson of 103 Cook Drive was recognized. Ms. Gibson wrote the following: "We absolutely do not want an Arcade in Duck. We don't want to turn Duck into a Myrtle Beach!!!!"

Robert Fitchett of 113 West Bias Lane was recognized. Mr. Fitchett wrote the following: "Please know that I support the Zoning Text Amendment to add Amusement Arcade to the Land Use Table."

Cathy Hawkins with no address listed was recognized. Ms. Hawkins wrote the following: "Hello, I wanted to stand in support for the Zoning Text Amendment to add Amusement Arcade to the Land Use Table. Thank you!"

Shane Oster with no address listed was recognized. Mr. Oster wrote the following: "Dear Members of the Duck Town Council and Zoning Committee, I hope this letter finds you well. I am writing to propose the addition of an arcade in Duck, North Carolina, and to highlight the many ways it could benefit our community. As a visitor, I believe an arcade would be a fantastic asset, enhancing Duck's appeal as a family-friendly destination while supporting local businesses and the economy. Why an Arcade Would Benefit Duck, NC: 1. Family-Friendly Entertainment – Duck is already a beloved vacation spot for families, but an arcade would provide a fun, indoor activity for children, teens, and even adults. On rainy days or during cooler months, an arcade would offer an engaging alternative to outdoor activities. 2. Boost for Local Businesses – An arcade would attract more visitors, increasing foot traffic to nearby shops and restaurants. Partnering with local businesses for promotions (e.g., discounts for arcade-goers) could create a thriving commercial synergy. 3. Year-Round Revenue – While Duck thrives in the summer, an arcade could help sustain tourism during the off-season, providing steady income for the town and local employees. 4. Community Gathering Space – Beyond tourism, an arcade could serve as a hub for residents, hosting birthday parties, teen nights, or even retro



gaming tournaments, fostering a stronger sense of community. 5. Safe, Supervised Fun – A well-run arcade provides a safe, controlled environment for entertainment, reducing the likelihood of underage visitors seeking less constructive activities. 6. Unique Attraction – While Duck offers beautiful beaches and outdoor recreation, an arcade would add a unique, modern entertainment option that complements the town's charm without detracting from its coastal character. Thank you for your time and consideration. I look forward to your thoughts and am happy to assist in any way to make this vision a reality."

Jim Braithwaite of 135 Bayberry Trail, Southern Shores, was recognized. Mr. Braithwaite wrote the following: "Dear Town Officials, This email is written in support of the proposed amendment to add arcades in the Town of Duck. I remember in the early 70's when there were no stores, restaurants and very few houses. Mostly fishermen and crabbers were located here at that time and people had a difficult time making a living. As tourism grew, our community became extremely popular, and people started to move here permanently. We were and are still deeply rooted in tourism. I think people forget this fact. I've been leasing space in the Town since 1985 and have watched the community grow into what it is today. We are a family oriented tourist destination and as such, we need family oriented activities. We have plenty of retail, restaurants and lodging but we need something to complement them and indoor arcade as proposed does just that. It's an activity the whole family can enjoy after or before shopping and dining, not to mention a wholesome activity on inclement weather days. Let's not reject an idea because you personally don't need it, therefore; I don't want it. I don't need a sidewalk but it's a great idea and makes the community safer. I don't need a lot of things but I'm still in favor of them. This proposed use would be a fantastic addition to the Town of Duck and help the few shopping centers continue to thrive. Your kind consideration to this matter would be greatly appreciated."

Robert Lotze of 117 Dune Road was recognized. Mr. Lotze wrote the following: "I am writing in STRONG opposition to Duck allowing arcades. I cannot make the meeting. As a full time Duck resident and business owner, I feel arcades are unnecessary and not wanted. Visitors are welcome to go north to Corolla, or south on the island to find arcades close by. Arcades do not FIT the mission and feel of our town. In looking at the Town of Duck goals for the future, the community Vision and Goals specifically address our community, as arcade visitors are inherently not communicating with others. Our unique character encourages communication with family, the town's many enmities, and with the natural environment of our beaches and sound."

Colin Johnson of 125 Marlin Drive was recognized. Mr. Johnson wrote the following: "Hello Council, I support changing rules to allow arcade style entertainment in Duck. Duck has countless bars and entertainment for adults. I don't believe Duck has one single indoor location with entertainment for kids. Duck leadership should consider how rules like this impact kids living and visiting the town. Most in the meeting will focus on keeping the towns quaintness and charm. If implemented correctly allowing arcades would not harm Ducks charm and would make it a more fun and inviting place. A blank ban on arcades is silly and out of touch in 2025 and reminds me of the town from the movie Footloose that banned rock music and dancing. Thanks for considering."

Dan Harmon of 104 Osprey Ridge Road and Glen Allen, VA was recognized. Mr. Harmon wrote the following: "Good afternoon all, I'm emailing today as a supporter and in favor of the proposed Boutique Amusement Arcade Zoning in Duck NC. We have a home in Schooner Ridge and one of the challenges we face is indoor activities for our kids while in the area, not just in the Summer, but all seasons. Currently our friends and visitors have to take their kids to Grandy for an arcade which is impossible to do in the Summer months due to all of the traffic...and well out of the way in the Winter, Fall and Spring. This addition of a family friendly attraction will draw no additional outside noise, not require excessive parking, offers added and needed entertainment for adults and kids alike, and will support surrounding businesses of Sweet T's, Coastal Cravings, Tap Shack and the gas station near by with additional foot traffic. That's a win all around. The proposed space where it will go fits perfectly in the area. This is something that will stick around unlike the revolving door of businesses that have been in and out of the space over the years that have offered nothing similar. Our family, and many others we have spoken to kindly ask you to please approve this zoning. Thank you for your time and your efforts to do what the community needs!

Robert Mooney of 102 Pelican Way was recognized. Mr. Mooney wrote the following: "Good afternoon everyone, I am writing because I am unable to attend today's meeting. Please read this email into the record. I have attended both a council meeting and a planning board meeting regarding the previous application for an establishment that contains "games". My opposition to this kind of establishment is rooted in experience and observation. There were requests from some constituents to have a survey conducted by the Town to determine the VOTER'S sentiment on this issue. I am aware of the results of a previous attempt to learn the opinion of the people in town and the response was overwhelmingly negative. I have not received any communication from the Town about a survey so I must conclude that no survey has been conducted. Personally, I find that the lack of concern regarding what the people might want disappointing. Now, before everyone starts to explain that today's discussion is merely about changing the ordinance to allow this kind of establishment in the Town. I know how this works. IF the council decides to change the ordinance and allow this kind of business in Town, I can already hear Joe Heard explaining that "we must approve applications from anyone intending to do this kind of business because they meet the parameters of the ordinance. Changing the ordinance without knowing the mind of your constituency is dishonest at the very least. If the Town decides to alter the current ordinance I'm certain the application to but "pinball" machines in an unsupervised setting will be submitted in short order and Joe will be telling the council that they must approve the request. Unfortunately if this ordinance change is voted in I'm afraid the Town will rue their decision. Perhaps the discussion could be tabled until a legitimate survey revealing the voter's sentiments can be determined."

Leo Grohowski of 106 South Baum Trail and Windermere, FL was recognized. Mr. Grohowski wrote the following: "We have been coming to Duck for 30+ years, first as renters and, since 2016, as homeowners. We have children who have and still enjoy it here, and soon hope to have grandchildren. **An amusement arcade is NOT in keeping**

**with the beauty and attractiveness of the town.** Let vacationers travel south the Kitty Hawk, Nags Head or KDH for these amusements, or north to Carolla, as they have done for decades. Why spoil what differentiates Duck from these more commercial towns.”

Stacey Walters of 1211 Duck Road was recognized. Ms. Walters wrote the following: “Members of Duck Town Council and Planning Board, As a business owner in Duck, I am always grateful for the support of our local government to maintain and improve our town. Looking forward to ways of making our community grow and prosper is beneficial not only to area businesses but also our residents. Local businesses keep people employed and give our year round residents places to enjoy year round. Expanding offerings of diverse attractions will only entice visitors to choose Duck as a destination, increasing revenues in the area. I see the proposed arcade as an enhancement to our tourist driven economy. The majority of our receipts occur during the summer months when most visitors are on family vacations. Visitors view Duck as a safe community, allowing their children to explore the town independently, despite the fact that there are very few activities geared to adolescents. I believe the arcade would offer a fun destination for kids, and isn’t that what vacation is for?! It is also my thought that it wouldn’t just be children and teens enjoying the “throwback” video games that are being proposed. Many adults would probably be enticed to play a round or two alongside their kids. As an operator of a business in the complex where the arcade is proposing to open, I am not concerned about parking as most patrons would more than likely be on foot, scooters or bicycles. We are all aware that parking is already an issue in town for every business. It is more of a concern to me when I see people parking in my lot and walking through the bushes to go to Tap Shack or leaving the property to walk through town. At least if the customer’s destination was on my property, they may stop in my shop as well. I also see the proposed arcade as a welcome neighbor, many of my own customers may bring their kids with them, letting the kids play in the arcade while the parents enjoy Sweet T’s. With the kids occupied, yet nearby, patrons of Sweet T’s may stay longer and spend more money. The main point is that the arcade would offer an activity that would be available rain or shine for people of all ages. It would also fill a space in Duck that has been unoccupied for years, adding to the vibrancy of our community. I understand the concerns of the community that this indoor arcade could open the door for other types of activity based entertainment businesses that the town does not want or have space to house. I am confident that the Town of Duck can draft the amendment to control what is allowed, keeping our small community quaint and family friendly.”

Town Clerk Ackerman pointed out that 53 emails were sent in before the Council agenda packet was made available to the public and after the agenda packet was published, 19 more emails were received. She stated that a total of 72 emails were received with 7 in favor of the amendment, 64 opposed to the amendment and 1 who had no opinion either way. She noted that of the 72 emails, 16 came from full-time, year-round residents of Duck.

There being no one else wishing to speak, Town Attorney Hobbs closed the public hearing and turned the meeting back over to Mayor Kingston.

Councilor Chasen stated that she was not opposed to arcades but had a problem with not having more precise language about what the games will be, adding that she would be fine with pinball and video games. She pointed out that the other games were in a gray area where there would be a reward for playing the game. She felt that pinball and video games were less of a problem but she felt that there needed to be some type of restraints so that people could not just walk in on their own. She thought there needed to be someone in the space.

Mayor Kingston stated that he was not convinced that there was a need for arcades within the Town. He pointed out that they were exempted many years ago for many reasons. He thought there was a lot of activity within Duck for young and old people, adding that he thought that this could be something that could turn Duck into something that Council did not want. He thought if the Town started with one arcade, there could then be several. He stated that he did not support the text amendment at this point in time.

Councilor Whitman agreed with Councilor Chasen's comments, adding that he did not have enough information.

Mayor Pro Tempore Thibodeau thought what Council should be tasked with was looking at the whole picture. She agreed that parameters were important when there is any kind of special use. She stated that there was concern and unknown about this type of business, adding that she was weighing that against the idea that the business community is something that Council needs to support in addition to the residents, visitors and out-of-town homeowners. She stated that Duck was a tourist community and having a business like this behind closed doors was like going into a bank - unless one was going into the bank, they were not seeing what was going on because it was not outdoors. She felt it would appeal to some families and that people would enjoy it. She pointed out that she was drawing from experience from being older and used to play pinball, adding that she never played video games but raised children who did. She added that children have also grown up during COVID that no one can really relate to with regard to a lot of the things that they were going through. She stated that it was brought to her attention recently with parents of younger children was the idea of a third space for youth, which was a sociological term where young children had a place to socialize and to have a place to gather. She pointed out that Council had heard a comment about having a little autonomy from their family but that it would be supervised, adding that she did not want to discount it. She noted that as a family community, she felt Council should be considering the entire family, which was where she wanted to be open to the idea and not just close it off because of a concept of honkytonk and neon, which is not permitted in Town.

Mayor Pro Tempore Thibodeau stated that she's been in Duck for a long time and was so proud of what was able to be accomplished before the Town incorporated and after. She stated that the Town has grown so well and did so many things right in the community, even though not everyone agrees with everything that has been done, but thought all had a passion for diversity, inclusion and being able to welcome families, adding that this might be something that could be a nice touch point for people. She stated that it could be down the road if this was successful and people were having fun, another one could be

opened at another shopping center. She noted that there were a lot of boutiques, several restaurants, and a few bars, but it was limited. She added that outdoor activities are encouraged and everyone wanted people to be outside which was why people came to Duck. She stated that having a little bit of variety would really help, would be good for business, and would be a nice option for the youth. She didn't think it would bring people to Duck unless they came from Southern Shores because it can be done anywhere on the beach. She thought for the people in Town, it would be a nice opportunity. She added that she was in support of at least exploring a little bit further whether it was with more parameters, the idea that Council would entertain the idea of something that was diverse from what was currently in place.

Councilor Lingard stated that he had no issue with the boutique approach that Keith Bliss was proposing in the location he was proposing it to go in. He stated that his issue was if Council was opening it up for a lot more obtrusive arcades. He agreed that there needed to be something for the young people to do. He noted that he would not want to see the text amendment moving forward without a provision in it for licensing. He added that if Police Chief Jeffrey Ackerman had issues with an arcade that was approved, the license could be revoked immediately or on appeal so that if there were issues, it could be stopped immediately.

Councilor Lingard stated he was still torn, adding that he could see arguments from both sides. He stated that based on the petition and the emails, it was very obvious there have been organization on both sides. He pointed out that it was interesting to see some of the emails were the same emails with three words changed, so it was obvious there were some campaigns done against it. He knew an HOA president told his HOA to vote against it and send emails in, adding that on the other side, there was a petition with 100 names, but as he looked at the names on the petition there were a lot of the same last names. He stated that he was not holding too much weight with either the emails or the petition. He added that he could see a need but he didn't want to open a Pandora's Box, noting that if he was allowed to abstain from voting, he would, but he would not. He stated that he wasn't sure what his decision would be.

Mayor Kingston stated that Council heard a lot of opinions on both sides, which, while they were only opinions, Council was elected officials by the people making those opinions and they were putting Council in place to make the decisions that they support. He thought it was overwhelming from the standpoint of the opinions received that people in Duck did not agree with expanding the text amendment to have arcades. He thought when Council considers this, he thought they needed to take into account the people they represent, which were the ones that have spoken out either today or via email. He thought Council needed to take that into account, adding that Council's responsibility was to the people that did speak out one way or the other. He stated that his opinion has not changed and he would not be supporting the text amendment.

Councilor Lingard reminded Council that they had another decision approximately eight months ago where there was a survey and the survey was overwhelmingly to go in one

direction and Council completely went against it with a vote of 4-1. He pointed out that Council had a precedent for not taking in account of what the public said.

Mayor Kingston asked what the vote has to be for a text amendment. Town Attorney Hobbs stated that it had to be a majority vote either to approve it or deny it.

Councilor Lingard stated that he would not think about doing this if Council could not put in some provision for licensing. He wasn't sure if approving the text amendment today would preclude Council from doing that or if there would have to be another text amendment. Town Attorney Hobbs explained that Council could look at any text amendment at any time and was not limited to reviewing this exact same issue at a later date, going through the exact same process with an application and it going before the Planning Board and having it brought back to Council with whatever additions or changes were brought forward at that time. He noted that some had already been discussed at this meeting during Council's deliberation. He added that Council was not prevented from considering this again with other features such as additional restrictions, licensing, etc. that comes before Council to review.

Councilor Lingard asked if this text amendment moved forward, who would bring up the question of licensing at a later date. Town Attorney Hobbs pointed out that Council was only approving what was in front of them and if approved at this meeting, then applications received before Council makes any further changes have vested rights. He explained that Council would not be able to make changes later retroactively to an application that has already been received. He thought if Council wanted to change a word or two, then it would be okay, but if substantive changes needed to be made or adding requirements such as licensing, then this would not be the forum to do that and it would need to go back to the Planning Board to look at the changes.

Councilor Lingard noted that the problem was if Council voted for this today, he did not see it coming back as there would be no impetus to bring it back to require a license. He stated that he mentioned licensing back in December and was a little annoyed with the Planning Board that they dismissed it so arbitrarily because they voted against it. He reiterated that he was not prepared to vote for the text amendment at this meeting without a licensing provision. He added that if there was, he would be prepared to vote in favor of it.

Mayor Pro Tempore Thibodeau asked if the text amendment was not voted in favor of today, there was no limitation on bringing it back again. Town Attorney Hobbs stated that there was no limitation on that, it would have to go through the same process again, adding that one would think that if it was considered again at the Planning Board stage, this hearing and discussion should be taken into account as far as Council's current beliefs and thoughts on it. He added that, unlike the special use permit process, which was a one-shot situation, a legislative process such as this did not have any limitations on it.

Mayor Kingston moved to deny Ordinance 24-06 as presented.

Mayor Pro Tempore Thibodeau stated that she was going to vote against the motion and not vote in favor of it. She pointed out that she wanted to represent the Town's constituents and thought Council needed to be thinking of the out-of-town property owners as well as the business community. She stated that Duck was a unique and wonderful place. She thought everyone cherished what they had and didn't think anyone would disagree with that. She felt that Council needed to be open to allowing new things in Town. She pointed out that the Town could have offices by use and by right, adding that there were limited number of uses. She thought it would be a good family thing with the right parameters, which comes at future times. She noted that if Council were to vote for it today, the parameters could be set.

Councilor Lingard stated that he was going to vote in favor of the motion because there was nothing in there regarding licensing. He added that if it was coming back with a proposal included, he would probably be in favor of voting for it.

Councilor Whitman thought there needed to be more parameters on what Council was voting on. He added that it was just too wide open and thought there should be a base formula that an applicant could work with and then ask for other things. He noted that there needed to be an even playing field for everyone.

Councilor Chasen stated that she was not in favor of accepting the text amendment as presented so she would be in favor of voting to deny it.

Town Attorney Hobbs reminded Council that a vote yes would be a vote to deny the application and a vote no would be to approve the application.

Councilor Lingard thought this was not over, adding that bringing it back to Council with changes that Council had suggested may have a different outcome.

Motion carried 4-1 with Mayor Pro Tempore Thibodeau dissenting.

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

#### **Discussion/Consideration of Appointing Two Individuals to Serve on the Planning Board**

Mayor Kingston stated that there were two openings on the Planning Board for a term to expire on May 1, 2028. He noted that the terms of Marc Murray and James Cofield will expire on May 1, 2025 and both had indicated that they wished to be reappointed. He stated that staff advertised the openings and four applications were received. He asked the applicants to introduce themselves to Council and the audience individually.

Marc Murray of 115 Sea Hawk Drive West was recognized to speak. Mr. Murray went on to introduce himself to Council and the audience and explained why he wished to be reappointed to the Planning Board.

James Cofield of 101 Bias Lane East was recognized to speak. Mr. Cofield went on to introduce himself to Council and the audience and explained why he wished to be reappointed to the Planning Board.

Warren Stembridge of 106 Beachcomber Court was recognized to speak. Mr. Stembridge went on to introduce himself to Council and the audience and explained why he wished to be appointed to the Planning Board.

Mayor Kingston noted that Robert Lotze had applied but was not present for the meeting.

Mayor Kingston opened the nominations. Mayor Pro Tempore Thibodeau nominated Marc Murray. Councilor Lingard nominated Marc Murray. Councilor Whitman nominated Marc Murray. Councilor Chasen nominated Marc Murray.

Mayor Kingston closed the nominations.

Motion to reappoint Marc Murray to the Planning Board for a term to expire on May 1, 2028 carried 5-0.

Mayor Kingston opened the nominations. He nominated James Cofield. Mayor Pro Tempore Thibodeau nominated James Cofield. Councilor Lingard nominated James Cofield. Councilor Whitman nominated James Cofield. Councilor Chasen nominated James Cofield.

Mayor Kingston closed the nominations.

Motion to reappoint James Cofield to the Planning Board for a term to expire on May 1, 2028 carried 5-0.

Mayor Kingston called for a 10-minute recess. The time was 3:16 p.m.

Mayor Kingston reconvened the meeting.

## **NEW BUSINESS**

### **Discussion/Consideration of Authorizing a Public Hearing on Ordinance 25-01, an Ordinance Updating Penalties for Violating the Tree Preservation Standards in Subsection 156.137(J) of the Town Code**

Director Heard stated that at the Planning Board's March 12, 2025 meeting, the Board voted 3-2 to recommend approval of Ordinance 25-01, which proposes to amend the current tree protection and penalty standards in the Zoning Ordinance by reducing the minimum size of replacement trees from a three-inch caliper to a two-inch caliper for tree removal violations. He added that during their review, the Board evaluated standards from other communities, determined the availability of larger trees from local and



regional nurseries, and discussed several other potential changes to the Town's current standards.

Councilor Chasen asked what the frequency was with regard to people violating the ordinance. Senior Planner Cross stated that it was infrequent. Director Heard thought it was every other year if that.

Councilor Lingard asked what the penalty was – if it was just replacing the tree or if there was a financial penalty. Director Heard stated that it was a financial penalty up to \$1,000. Councilor Lingard asked what the difference in cost between a two-inch tree and a three-inch tree. Director Heard pointed out that it was in the staff report, adding that it was minimal between \$50.00 to \$100.00 per tree.

Councilor Whitman moved to schedule a public hearing on Ordinance 25-01 for Council's May 7, 2025 meeting.

Motion carried 5-0.

**Discussion/Consideration of Ordinance 25-02, an Ordinance Amending Chapter 96, Sections 96.02, 96.04, 96.06, and 96.99 of the Town Code of the Town of Duck, North Carolina, Relating to Definitions, Fires, Alarm Systems, Alarm System Permitting, and Alarm System Fees**

Police Chief Jeffrey Ackerman and Fire Chief Matthew Dudek were recognized to speak. Police Chief Ackerman stated that they looked at the ordinance and believed they could eliminate the alarm system permitting requirement that was currently for fire protection and burglar alarm systems in Town. He explained that there was a process where permits would need to be filed and a fee paid annually, but they felt that it was no longer a useful thing for their needs. He stated that they wanted to encourage people to get the systems instead of putting an impediment in place to make it harder. He added that they wanted to look at fixing an issue within the current ordinance where a fine was a civil penalty and changing it to a fee.

Fire Chief Dudek explained that a lot of the language regarding alarm systems in the current ordinance was outdated where the older systems had very specific requirements for dedicated telephone lines to either dispatch centers or older fire alarm systems. He pointed out that it no longer applicable to have that language in the ordinance as there was really no need for oversight at the Town level, especially since so many people have access to things such as a Ring camera which can be tied to a smoke detector, there were now multiple vendors as well as internet-based systems. He added that it was cleaning up outdated language. He noted that they put their fee structure in line with each other so there was no difference between police and fire. He stated that when it comes to open burning, when they reviewed the ordinance as part of the hazard mitigation plan, they wanted to clean that up to give him the option to ban open burning in the event of the National Weather Service issuing a red flag warning. He added that a statewide ban

would not matter but even at the local level, if they didn't think conditions were right, they could put a full stop on it.

Fire Chief Dudek stated that the first section of the ordinance under Definitions clearly defines an alarm system business, automatic protection system, and a signaling device. He stated that there used to be a permitting process, adding that he thought some of the language was taken from other areas. He stated that they were trying to incentivize people to have a properly operating system that does not give false alarms, so now the fees were in line with each other on the police and fire side as well as how often, and how many false alarms would trigger the actual amount of the fee. He stated that there were now procedures for periodic testing of automatic protection systems.

Police Chief Ackerman pointed out that the updated ordinance would eliminate the civil penalty associated with violations in Section 96.06 and was changed to a fee that would be in the Town's fee schedule.

Mayor Pro Tempore Thibodeau stated that Fire Chief Dudek added the issuance of a red flag warning by the National Weather Service. She asked if he was able to tell people that they cannot burn things as the Fire Chief or if there had to be certain criteria. Fire Chief Dudek stated that he would have to look it up but believed he was able to do that.

Councilor Chasen moved to adopt Ordinance 25-02 as presented.

Motion carried 5-0.

**Discussion/Consideration of Resolution 25-06, a Resolution of the Town Council of the Town of Duck, North Carolina, Approving an Agreement with the Carolina Dunes Association, Formalizing Conditions Regarding the Use of the Town's Property at 145 Buffell Head Road**

Town Manager Drew Havens was recognized to speak. Town Manager Havens stated that the Town purchased property at 145 Buffell Head Road in March 2023, in the Carolina Dunes subdivision to ensure beach access for regular nourishment and emergency repairs after storms. He added that since the purchase, the Town has engaged in good faith and frequent discussions with representatives of the Carolina Dunes Association regarding the plans for the property and reached an agreement regarding the use of the property for its intended purpose.

Town Manager Havens stated that, initially, staff thought the house on the property would need to be removed to facilitate access for beach nourishment; however, further assessment confirmed that minor modifications to the exterior decking would allow the Town to maintain the house in its current rental program without compromising the use for beach nourishment. He pointed out that the Town understood the covenants on the property and intended to preserve the residential use, which was consistent with other properties in the neighborhood. He explained that for a few weeks every five years, the

property will serve as an access point for vehicles, equipment, and supplies needed for beach nourishment as well as any emergency repairs.

Town Manager Havens reminded Council that the Town purchased the property because other suitable points of access were not available to the Town for a multitude of reasons; the most substantial was the right of a private property owner, including private community owned property, to not allow access over their property. He stated that Resolution 25-06 and the Declaration of Restrictive Covenant would formalize the conditions regarding the use of the property.

Mayor Pro Tempore Thibodeau moved to adopt Resolution 25-06 as presented.

Motion carried 5-0.

**Discussion/Consideration of Authorizing the Town Manager to Execute a Contract for Dune/Beach Planting**

Senior Planner Cross reminded Council that the Town has a beach planting program and the current contract is with Emerald Forest, which the Town has contracted with them through several three-year cycles since 2008 and the Town currently plants two sprigs of American Beach Grass per hole ten rows deep. She added that Emerald Forest also plants Sea Oats for the Town at one per hole, four-foot staggered centers, three rows deep. She stated that they plant a row of Bitter Panicum grass, which was one row every six feet.

Senior Planner Cross explained that the current contract was for \$71,917.07 and will be expiring on June 30, 2025. She stated that the contract was coming before Council in anticipation of budget discussions, adding that she sent out Requests for Proposals back in January, with them being received by February 18, 2025. She stated that she directly solicited seven vendors, had the RFP posted on the Town's website and had it advertised in two issues of the Town's e-news, with three addendums to the original RFP. She stated that two vendors declined to submit an RFP and three vendors did submit RFPs. She pointed out that the reason it went to bid early was to give Council solid numbers that could be presented in the budget discussions. She noted that there was a change from the previous contract in that there would be a reduction of American Beach Grass from 10 rows to eight rows in order to reduce the cost slightly.

Senior Planner Cross stated that the following vendors submitted bids as follows:

- Caribbean Landscaping - \$64,502.50 for American Beach Grass; \$28,002.80 for Sea Oats; \$7,312.05 for Bitter Panicum; for a total of \$99,817.35
- Albemarle Landscaping - \$72,522.00 for American Beach Grass; \$28,289.00 for Sea Oats; \$8,989.00 for Bitter Panicum; for a total of \$109,800.00

- Emerald Forest - \$60,997.44 for American Beach Grass; \$43,569.60 for Sea Oats; \$10,892.40 for Bitter Panicum; for a total of \$115,459.44

Senior Planner Cross noted that the total figure for Caribbean Landscaping was for the first year only, adding that they have an incremental increase each year, whereas Albemarle Landscaping and Emerald Forest stay consistent for all three years. She pointed out that in the previous two contract cycles, there was a 9% increase in the period of 2019-2022 to 2022-2025 and the Town was now facing at 32% increase for 2025-2028 for Caribbean Landscaping. She added that it was a 34% increase for Albemarle Landscaping and 38% increase for Emerald Forest.

Senior Planner Cross stated that the two lowest responsive bidders have no experience with projects of this size or with Sea Oats and Bitter Panicum. She stated that the cost comparison between the lowest bidder – Caribbean Landscaping and the most experienced bidder – Emerald Forest, was \$15,642 for year one, \$12,648 for year two and \$9,563 for year three for a total difference of \$37,583 over the course of a three-year contract.

Senior Planner Cross stated that staff would recommend entering into a one-year contract to ensure that the Town was satisfied with the work product, provided that Caribbean Landscaping can handle the volume and the Sea Oats and Bitter Panicum planting were successful. She added that if it was determined that Emerald Forest was better equipped to provide the services requested, staff could ask them to include the rain garden maintenance in their contract. She noted that, given the increase in cost, staff could scale back the request further and put it back out for bid. She stated that if Council wished to move forward with a contract, staff was recommending a motion be made to award the contract subject to the funds being appropriated in the Fiscal Year 2025-2026 budget and allow the Town Manager to execute a contract on behalf of the Town. She stated that staff was also asking Council to make a determination as to whether they were in favor of a one-year contract with the option to renew for an additional two years or move forward with a three-year contract.

Mayor Kingston asked when the Town has to execute the contract. Senior Planner Cross stated that the Town has a contract in place until June 30, 2025. Mayor Kingston asked if Council had time to go through the budget discussion before a decision is made. Senior Planner Cross stated that they did, adding that if Council decided to make a decision, they should do it subject to funds being appropriated in the Fiscal 2025-2026 budget and allow the Town Manager to execute the contract. Mayor Kingston asked if there was any reason why Emerald Forest was suddenly so much more expensive. Senior Planner Cross explained that Emerald Forest has a system to track their costs and expenses and they were showing an increased cost. She added that when she looked at the numbers and noticed a substantial difference, it was because the difference was mostly in the Sea Oats which indicated that Caribbean Landscaping and Albermarle Landscaping did not understand the intensity of planting Sea Oats because it was such a complicated planting.

Councilor Whitman asked if the cost of Sea Oats had increased substantially. Senior Planner Cross stated that Caribbean Landscaping was quoting \$.95 per plant; Albemarle Landscaping was quoting \$1.38 per plant; and Emerald Forest was quoting \$2.15 per plant. She pointed out that she had asked whether there was an issue and she thought it had something to do with the distributor that they were purchasing their products from, adding that Emerald Forest cannot get their products from Coastal Transplants in Wilmington, NC, but Caribbean Landscaping and Albemarle Landscaping could.

Mayor Pro Tempore Thibodeau asked when the Sea Oats were planted each year. Senior Planner Cross stated that they were planted in the late spring and summer. She added that Emerald Forest may finish planting the Sea Oats before their contract ends, so the Town would fall into the beginning of the November timeframe when this would start with the new contractor, if Emerald Forest was not selected.

Councilor Lingard asked if there was any way to build in some flexibility into this. He noted that his experience was between the Army Corps of Engineers Pier and the Four Seasons subdivision, adding that he felt this year that some planting has gone further than needed because the beach grass was surviving better than in the past. He wondered if there was a way to build in the flexibility and look at what would be needed before planting season and base the contract on that. Senior Planner Cross stated that having someone out there to monitor and choose where and how much to plant would need to be built into it, which meant staff time.

Mayor Pro Tempore Thibodeau asked what the 27,000 linear feet that the Town contracts for on beach grass was. Senior Planner Cross stated that it was the entire length, adding that there were potential savings with what is planted from a volunteer program standpoint. She explained that for this year, Emerald Forest should reduce their total linear footage by 4,000 which was what the volunteers had planted. Mayor Pro Tempore Thibodeau clarified that Emerald Forest took that 4,000 linear feet off of the invoice. Senior Planner Cross stated that they did. Mayor Pro Tempore Thibodeau asked if it was part of the contract. Senior Planner Cross stated that it was.

Mayor Kingston asked if there was any advantage in rebidding. Senior Planner Cross stated that she did not think so. Mayor Kingston asked if there was any harm in making this decision after the Council holds their budget session. Town Manager Havens stated that there weren't, adding that the draft information that Council had included the low bid. He added that, from a business perspective, there wasn't any reason not to accept the low bid if they can agree to the contract terms. He stated that he agreed with Senior Planner Cross that it should be a one-year contract to make sure that they understand the work involved. Senior Planner Cross stated that if Emerald Forest was not chosen for the contract, they may come back next year with a lower bid.

Mayor Pro Tempore Thibodeau asked what the cost differential was between planting the Sea Oats and the American Beach Grass. Senior Planner Cross explained that the cost difference was due to where they were getting their Sea Oats from, adding that Emerald Forest was getting theirs from Florida because Coastal Transplants won't sell to them due

to them being a competitor. Mayor Pro Tempore Thibodeau clarified that in terms of effectiveness on the dunes, it was the time of year that they were planted. Senior Planner Cross stated she was correct.

Councilor Whitman asked if there was any other type of plant that could be put in besides or in place of Sea Oats. Senior Planner Cross stated that *Spartina Patens* could be planted but she did not have a cost for it, adding that she asked about it but did not think it would make a substantial difference.

Mayor Kingston stated that since it was a 32% increase, he would like Council to have a budget discussion on it at their April 16, 2025 meeting before a decision is made.

Councilor Whitman asked how many more days there were before the contract was awarded. Senior Planner Cross was sure they all had a 30-day clause in them, but it expired already. Councilor Whitman clarified that there weren't 45 days in the bid documents. Senior Planner Cross stated that she wasn't sure.

Councilor Chasen asked if it would be possible to split it up and let Caribbean Landscaping try the Sea Oats and Emerald Forest or Albemarle Landscaping do the rest. Senior Planner Cross stated that Sea Oats was the hardest thing to plant, adding that beach grass was very easy to plant. Town Manager Havens pointed out that that was not the way the bid was done. Councilor Chasen stated that another option could be to rebid it. Town Manager Havens agreed, adding that the bid process could be started again. Councilor Chasen asked if everything was planted at the same time. Senior Planner Cross stated that there were separate times of the year for the plantings.

Mayor Kingston asked if there was any reason Council could not delay the decision until Council's mid-month meeting. Mayor Pro Tempore Thibodeau thought the idea of going with the low bidder for one year made sense. Councilor Lingard stated that he was fine with waiting until the mid-month meeting.

It was *consensus* of Council to hold off on considering the contract until their April 16, 2025 meeting.

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

Town Attorney Hobbs stated he had attended the UNC School of Government Attorneys Conference and Fundamentals Workshop and found it really useful.

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

#### **Departmental Updates**

Director Heard gave an 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.

Public Information and Events Director Kristiana Nickens was recognized to speak. Director Nickens gave a brief overview of activities to Council and the audience.

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

### **February FY 2025 Financial Presentation**

Finance Administrator Lauren Creech was recognized to speak. Administrator Creech gave a short presentation on the February Fiscal Year 2025 financials to Council and the audience.

### **MAYOR'S AGENDA**

Mayor Kingston stated that the mayors/chairmen meeting will be on April 15, 2025 hosted by the Town of Southern Shores. He congratulated Fire Chief Dudek and Deputy Fire Chief Del Monte on their promotions.

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

Mayor Pro Tempore Thibodeau stated that the summer season is starting and Easter is also upcoming, meaning everyone will see more people in Town. She thought May would be slower after the surge of the Spring Break weeks.

Councilor Lingard stated that he would be heading to Greenville, NC at the end of the month to attend the CityVision conference. He stated that a few months ago, Council held a public hearing on a special use permit for building height to change the way building height was measured in order to attach a roof to an existing building. He wondered if Council could give the Community Development Department some leeway in instances where a new roof is attaching to an existing one as long as it was within a few inches and bring back to Council. Town Manager Havens stated that it could be looked at.

Councilor Whitman congratulated Fire Chief Dudek and Deputy Fire Chief Del Monte.

Councilor Chasen congratulated Fire Chief Dudek and Deputy Fire Chief Del Monte as well as now being fully staffed. She gave a visitors bureau meeting update to Council and the audience. She noted that she will be out of town on April 6-8 for a tourism conference in Hickory, NC.

## 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.

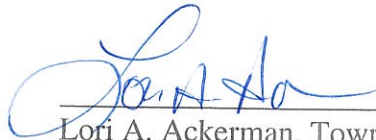
Mayor Kingston noted that the next meeting would be the Mid-Month Meeting on Wednesday, April 16, 2025 at 1:00 p.m. He added that there was a presentation at 11:00 a.m. the same day just for Council.

### ADJOURNMENT


Councilor Whitman moved to adjourn the meeting.

Motion carried 5-0.

The time was 4:51 p.m.

  
Lori A. Ackerman, Town Clerk

Approved: May 7, 2025

  
Don Kingston, Mayor

