

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
July 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, July 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; Police Chief Jeffrey Ackerman; Fire Chief Matthew Dudek; Deputy Fire Chief Jeffrey Del Monte; Town Attorney Robert Hobbs; Public Information and Events Director Kristiana Nickens; Finance Administrator Lauren Creech; Planning and Permits Manager Sandy Cross; and Deputy Town Clerk Christy Hanks.

OTHERS ABSENT: Town Clerk Lori Ackerman.

Mayor Kingston called the meeting to order at 1:01 p.m.

Mayor Kingston asked Town Manager Drew Havens to lead the Pledge of Allegiance. Mayor Kingston led the moment of silence.

PUBLIC COMMENTS

Mayor Kingston opened the floor for public comments. He noted that comments will be limited to three minutes as there was a timer for the time limit. There being no one wishing to speak, Mayor Kingston closed the time for public comments.

CONSENT AGENDA

Minutes from the June 4, 2025, Regular Meeting; Contract with Freese and Nichols, Inc. for Planning and Design Services for the Herron Property and to Authorize the Town Manager to Execute the Contract; Proposal from Coastal Protection Engineering for Design and Permitting Work related to the 2027 Beach Nourishment Project and Authorize the Town Manager to Negotiate and Execute a Contract for the Services as Outlined in the Proposal; Contract for Legal Services between the Town of Duck and Hornthal, Riley, Ellis, & Maland, LLP, Effective July 1, 2025; and Authorizing the Creation of a Limited Service Employee Position for a Planning and Grants Specialist

At this time, Fire Chief Matthew Dudek, Deputy Fire Chief Jeffrey Del Monte, and members of the Duck Fire Department left the meeting for numerous fire calls.

Mayor Kingston noted that there was a change to Consent Agenda item B.

Councilor Chasen moved to approve the consent agenda with the replacement of the revised item B1.

Motion carried 5-0.

SPECIAL PRESENTATIONS

Mayor Kingston stated that since most of the special presentations involved the fire department, he would hold off on them until the members of the Duck Fire Department returned from their fire calls.

QUASI-JUDICIAL PUBLIC HEARING

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

LEGISLATIVE PUBLIC HEARINGS

There were no Legislative public hearings at this time.

OLD BUSINESS/ITEMS DEFERRED FROM PREVIOUS MEETINGS

There was no Old Business to discuss at this time.

NEW BUSINESS

There was no New Business to discuss at this time.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY

Mayor Kingston noted that Town Attorney Robert Hobbs was currently stuck in traffic and once he was present, he will ask him to give a report.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN MANAGER

Departmental Updates

Planning and Permits Manager Sandy Cross was recognized to speak. Manager Cross gave an overview of the past month's permit activities to Council and the audience.

Recognition of Master Police Officer Jeremy Davis on Obtaining his Advanced Law Enforcement Certificate

Police Chief Jeffrey Ackerman was recognized to speak. Police Chief Ackerman went on to present Police Officer Jeremy Davis with his Advanced Law Enforcement certificate.

Mayor Kingston and Council congratulated Officer Davis on his achievement.

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.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY

Town Attorney Robert Hobbs was recognized to speak. Town Attorney Hobbs stated that he had nothing to report.

May FY 2025 Financial Presentation

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

MAYOR'S AGENDA

Mayor Kingston stated that the mayors/chairmen meeting will be on July 15, 2025 hosted by the Town of Nags Head. He reminded Council that they will be working on the Town Manager review this month, adding that Councilor Chasen was coordinating it and she will be receiving input with the meeting for it at the August 6, 2025 meeting. He stated that he was looking forward to the 4th of July parade.

COUNCIL MEMBER'S AGENDA

Mayor Pro Tempore Thibodeau stated that summer was under way and she wished everyone a safe and enjoyable summer season. She thanked Town staff for everything they do to make everything great in Town.

Councilor Lingard gave a short update on the recent Government Access Channel meeting he attended. He asked, with regard to special use permits, if the Town put conditions on the permits and if those conditions were not met, if the Town had any sanctions to make the applicant meet the conditions. He asked if the Town didn't, did it need to have any sanctions. He asked with regard to entertainment areas and the number of restrooms required. He pointed out that he was not trying to criticize the outdoor

entertainment areas, but one restaurant does not have enough restrooms. He asked what the rules were and what the Town could do if the business was not following the rules.

Mayor Kingston asked if Councilor Lingard's questions could be addressed at this time. Town Manager Havens stated the Councilor Lingard had given staff a heads up that he would be asking these questions and that Manager Cross could answer them.

Manager Cross explained that if there were businesses that were not complying with their special use permit, the Town did have recourse. She stated that the Town typically has compliant applicants, adding that there has been one that has been and continues to be non-compliant. She stated that he paid for his site plan review, has his parking agreement in place, but does not have his signage up that lets people know they can park at Twiddy and Company's parking lot. She pointed out that she was referring to NC Coast Restaurant, adding that she informed the general manager earlier in the week and the engineer the day before that if the signs were not up as of today, that she would be issuing a Notice of Violation and that there would be civil citations following that. She noted that staff do not have a timeline for these types of items, adding that if a timeline was set, staff would be held to it and would have to apply it in every instance. She stated that there were businesses that were actively trying to accomplish the conditions that have been placed on them while other times there wasn't a problem. She stated that Roadside Bar and Grill have been doing everything they have been required to do and were doing it in a rapid fashion. She explained that the owner of NC Coast Restaurant was extremely busy with more than one restaurant, adding that she contacts him on a regular basis.

Manager Cross explained that as far as the restrooms go, they were dictated by the North Carolina Building Code. She stated that each commercial establishment, whether it was a new one or one that was completing modifications, were required to provide an Appendix B, which was a commercial guide that was prepared by a professional engineer or architect, that dictates or spells out for the Building Inspector how many restrooms were necessary for the number of occupants based on the square footage. She stated that NC Coast Restaurant, Cravings, and Roadside Bar and Grill have all met those standards. She added that if the Town wanted to put something greater in place, an ordinance amendment would be needed. She pointed out that if Council wanted to do that, they would need to consider all of the commercial establishments and not just NC Coast Restaurant and Roadside Bar and Grill.

Councilor Lingard clarified that one restroom for everyone at Tap Shack was fine. Manager Cross pointed out that there was not just one restroom at Tap Shack, explaining that there was one restroom outside and two more inside, so there were three restrooms associated with Cravings. Councilor Lingard clarified that there were three restrooms for 400 people at Tap Shack plus the 50 people at Cravings, plus anyone that goes to Handee Hugos was enough. He pointed out that he observed the other day the line for the restroom outside stretched across the parking lot with people waiting over half an hour to use it. He added that men were not using the restrooms to do their business because they were using nearby shrubs, which he felt was unacceptable. He stated that if three

restrooms were adequate, he was surprised. He added that he loved Tap Shack and the Back Bar at Roadside and did not want to see anything happen to them, but he thought that the restroom provision was seriously inadequate. He noted that if that was within the Town's rules, then they needed to be looked at.

Manager Cross explained that Building Inspector Steve McMurray was in the process of working on making sure that each of the commercial restaurants and outdoor entertainment areas had established occupancy placards, which was what needed to be in place. She added that if the business owner chose to exceed that, then she would defer to fire and building in terms of how the Town would address the issue.

Mayor Pro Tempore Thibodeau stated that the Town runs into the same issue during the jazz festival each year or any other large event that is held. She thought Town staff could look at advertising where the public restrooms were located throughout Town. She pointed out that there were local establishments that have access to public restrooms throughout the Town that the public may not be aware of. She thought it could be an additional aid to the issue. Manager Cross stated that there was an additional commercial property owner that was looking at adding outdoor port-o-johns and screening them for patrons of their business. She explained that even the commercial retail establishments do not have the manpower or capacity to maintain the restrooms. She stated that the property owner was going to have two port-o-johns put in, screen them, and have them serviced once a week. She explained that if a business owner was being mindful of what was happening, then they should be reacting to the need.

Mayor Kingston asked Councilor Lingard if he was satisfied or if he wanted more information. Councilor Lingard stated that he was satisfied. Town Manager Havens stated that if Council wanted to continue the discussion, Council could send it to the Planning Board for more discussion. Councilor Lingard stated that he would leave it to Manager Cross to decide whether or not it should be sent to the Planning Board.

At this time, Fire Chief Matthew Dudek, Deputy Fire Chief Jeffrey Del Monte, and members of the Duck Fire Department returned to the meeting.

Councilor Whitman thanked Director Nickens and Community Engagement Coordinator Betsy Trimble for everything they were doing with regard to the 4th of July parade.

Councilor Chasen stated that she attended the Outer Banks Visitors Bureau meeting and gave a short update on the meeting to Council and the audience. She asked for Council's permission to request that Ben Vorndran, who was completing the demolition of the house on the Herron property, to create a pile of resources that could be used as long as Council approves it. It was *consensus* of Council to have Mr. Vorndran create a pile of resources from the demolition that can be used at a later date.

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.

SPECIAL PRESENTATIONS (continued)

Recognition of Louis Brock and Matthew Quinn as Duck Fire Department's Master Firefighters

Fire Chief Matthew Dudek was recognized to speak. Fire Chief Dudek went on to recognize Louis Brock and Matthew Quinn as Duck Fire Department's newest Master Firefighters.

Mayor Kingston and Council congratulated Master Firefighters Brock and Quinn on their promotions.

At this time, Fire Chief Matthew Dudek, Deputy Fire Chief Jeffrey Del Monte, and members of the Duck Fire Department left the meeting for a fire call. Fire Chief Dudek mentioned that the recognition of Gregory Fiala and Brandon Boyd would be done at the Fire Department along with a celebration that included a cake to celebrate all of the promotions.

Mayor Pro Tempore Thibodeau thanked all of the families that stayed for the meeting.

Mayor Kingston noted that the next meeting would be the Regular Meeting on Wednesday, August 6, 2025 at 1:00 p.m.

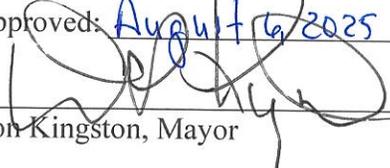
ADJOURNMENT

Councilor Whitman moved to adjourn the meeting.

Motion carried 5-0.

The time was 2:03 p.m.


Lori A. Ackerman, Town Clerk

Approved: August 6, 2025

Don Kingston, Mayor

