

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
August 6, 2025**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 1:00 p.m. on Wednesday, August 6, 2025.

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

COUNCIL MEMBERS ABSENT: Councilor Brenda Chasen.

OTHERS PRESENT: Town Manager Drew Havens; Development and Infrastructure Director/Assistant Town Manager Connor Winstead; Town Attorney Robert Hobbs; Police Chief Jeffrey Ackerman; Fire Chief Matthew Dudek; Public Information and Events Director Kristiana Nickens; Finance Administrator Lauren Creech; Planning and Permits Manager Sandy Cross; Community Planner James Gould; and Deputy Town Clerk Christy Hanks.

OTHERS ABSENT: Town Clerk Lori Ackerman.

Mayor Kingston called the meeting to order at 1:01 p.m. He noted that Councilor Brenda Chasen was excused from the meeting.

Mayor Kingston asked Town Manager Drew Havens and Development and Infrastructure Director/Assistant Town Manager Connor Winstead 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.

Miriam Rollin of 149 Plover Drive was recognized to speak. Ms. Rollin thanked the Town for hopefully moving forward with a survey about night-time lighting. She reminded Council that the lights should be low and low wattage; they should be shielded so the light doesn't disperse widely; and they should be long wavelengths with amber or colored wavelengths. She pointed out that all of this will help reduce the negative impacts on sea turtles. She hoped Council would move forward with the lighting survey and also hoped the general public would take the survey. She noted that the lighting issue was very important to people as well as to the sea turtles. She added that she appreciated that Town staff had added language that specifically related to sea turtles and beachfront lighting because those issues were unique.

Glenn Smith of 103 Schooner Ridge Drive was recognized to speak. Mr. Smith stated that he was the president of the Schooner Ridge Homeowners Association and thanked the Duck Fire Department for their quickness in putting out the fire that recently happened at their pool house. He also thanked Building Inspector Steve McMurray, Community Planner James Gould, and Planning and Permits Manager Sandy Cross for issuing permits and completing the inspections so quickly.

Mark Meana of 132 Seabreeze Drive was recognized to speak. Mr. Meana stated that he was the vice president of the Sand Dollar Shores Homeowners Association and was the longest original owner in the subdivision. He stated that he saw a need for when there is a fire in Town, that the public should know what the final cause of the fire was. He understood that the recent fire in Duck was under investigation and that it took time, adding that the benefit would be to post on the Town's website a collective of those incidents and what caused them. He thought it could serve as a learning tool to anyone that may be in a position to do something to their property or educate their friends or renters. He felt it would be of extreme usage to know what the causes were as well as how to prevent the fires.

Ben Vorndran of 104 Sea Hawk Drive West was recognized to speak. Mr. Vorndran stated that he had a situation at his home where exterior lighting was installed to up light the trees and he didn't realize until they had guests at his home that the lights were shining into the house. He stated that Town staff were kind enough to address the issue and the lights were moved so they were no longer pointing at his home, but recently it happened again. He stated that he likes the lights to be pointing down and not up, adding that it could also be for renters in Town in that they could have the same lighting even though he didn't think it was allowed. He strongly suggested that lights be pointing down except when it comes to lighting the American flag.

Mayor Kingston stated that Ben Vorndran's company completed the demolition of the house on the Herron property that that Town now owns. He stated that Mr. Vorndran presented Council with some of the boards from the house with their names on them. He stated that Council appreciated it and looked forward to the development of the property. He thanked Mr. Vorndran for the wood boards.

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

CONSENT AGENDA

Minutes from the July 2, 2025, Regular Meeting and Budget Amendment

Mayor Pro Tempore Thibodeau moved to approve the consent agenda as presented.

Motion carried 4-0.

SPECIAL PRESENTATIONS

Recognition of the 2024 and 2025 FLOCK Academy Graduates

Mayor Kingston asked the rest of Council as well as Public Information and Events Director Kay Nickens to join him at the podium. He stated that he wanted to take a moment to recognize and thank a special group of people – the recent graduates of the Town’s FLOCK Academy. He explained that the program continues to grow and Council was learning how best to recognize the FLOCK Academy participants in a way that honors their commitment to the Town. He went on to recognize all of the graduates while the rest of Council presented each one with a folio for them to use as they continue to be involved with the Town. He congratulated all of the participants and looked forward to their future participation with the Town.

Introduction of Connor Winstead as the Town of Duck’s Development and Infrastructure Director/Assistant Town Manager

Town Manager Drew Havens was recognized to speak. Town Manager Havens went on to introduce Connor Winstead as the Town of Duck’s newest Development and Infrastructure Director/Assistant Town Manager to Council and the audience.

Mayor Kingston and Council welcomed Assistant Town Manager Winstead to the Town.

QUASI-JUDICIAL PUBLIC HEARING

Public Hearing/Discussion/Consideration of SUP 25-003, a Special Use Permit Application by Bank Woods, LLC, also known as Twiddy & Company, at 109 Scarborough Lane, to Allow for the Expansion of the Eastern Drive Aisle by 5.8 Feet

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

Town Attorney Hobbs stated that the Council would be sitting as a quasi-judicial body for the public hearing, meaning that they will sit as a court and must make its decision based upon competent material and substantive evidence that will be presented during the course of the hearing. He stated that anyone wishing to give testimony would have to give it while under oath with the applicant afforded due process rights including the right to present evidence, examine, and cross-examine witnesses. He asked if any member of Council needed to disclose any communications about the subject of the hearing that they may have had with the applicant or any person prior to the hearing. There were none.

Town Attorney Hobbs asked if there was anyone present that wished to petition the Council for permission to intervene in the hearing as a party. There were none.

Town Attorney Hobbs stated that anyone that would be presenting evidence in connection with the hearing would need to take an oath. He asked that anyone wishing to testify come forward to be sworn in.

Deputy Town Clerk Christy Hanks was recognized to speak. Deputy Town Clerk Hanks went on to swear in the applicants, witnesses, and staff for the public hearing.

The following persons were sworn to provide testimony during the hearing: James Gould, Sandy Cross, and Clark Twiddy.

Town Attorney Hobbs opened the evidentiary portion of the hearing. He stated that Community Planner James Gould would give an overview.

Community Planner James Gould was recognized to speak. Planner Gould noted that the public hearing was properly advertised. He stated that the applicant was requesting an amendment to Conditional Use Permit 13-002 to expand the width of the existing 14-foot-wide eastern drive aisle by 5.8 feet at 109 Scarborough Lane. He stated that the proposed location of the water main will not impact the existing conditional use permit and no additional changes were proposed.

Planner Gould explained that the property contains Twiddy & Company's rental property management and maintenance office which was permitted for development under CUP13-002. He stated that prior to approval by Council on October 2, 2013, Town staff and the Planning Board had thoroughly reviewed the project proposal to mitigate community concerns, which were as follows:

- The reduction of fill being used on site, particularly in the southwest corner of the site and along the western property line.
- Creation of gentler grade transitions to the western adjacent property, through the reduction of finished floor elevation.
- Safety of the eastern drive aisle given its proximity to the top of the hill at Scarborough Lane, specifically whether a stopping site distance was available.

Planner Gould stated that since the development, the property's water main, which was located directly west of the edge of the eastern drive aisle, has been occasionally crushed and broken by vehicles exiting the property. He added that the applicant had noted that the current location of the water main when coupled with the width of the eastern drive aisle has resulted in the destruction of the utility. He noted that, at the advice of the Dare County Water Department, the applicant was proposing to relocate the water main further west and simultaneously expand the width of the eastern drive aisle to the east. He stated that after staff discussed the proposed changes to the site, the owner was advised to apply to amend CUP13-002 to specifically address the change in the eastern drive aisle.

Planner Gould stated that the Village Commercial Development Option offers flexibility from a variety of development standards in the Village Commercial district on a project-specific basis. He noted that while Council made all necessary findings to permit special

development of the property in 2013 under the Village Commercial Development Option, the newly proposed change does not require Council to revisit those findings. He added that pursuant to Town Code Section 156.065(D)(2), the Council was not required to make a finding necessary to grant a new special use under the Village Commercial Development option if:

- (a) New construction or expansion of structures not exceeding 1,000 square feet or 10% of the existing structures on the property, whichever is lesser; or
- (b) Site development or improvements not exceeding a footprint of 1,000 square feet or 5% of the lot size, whichever is lesser.

Planner Gould explained that 5% of the existing lot size of 37,373 square feet equates to 1,868 square feet. He stated that the 185.6 square foot increase in the eastern drive aisle falls under the 1,000 square foot threshold, absolving Town Council's requirement for review.

Planner Gould stated that Subsection 156.155 of the Duck Town Code establishes review criteria for special use permit applications. He stated that as part of its consideration, Council must make findings regarding the following standards. He added that staff evaluated this application and provided the following recommended findings:

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

Planner Gould noted that in addition to the criteria, Section 156.096 of the Town Code contains the following additional criteria for special use permits requesting modification of parking or loading requirements:

5. Will not result in increased traffic congestion or otherwise negatively impact existing traffic flow or pedestrian and vehicular safety.
6. Will not be contrary to the objectives specified in the Comprehensive & CAMA Land Use Plan.
7. Is necessary to permit the reasonable use of the subject property.
8. Will not adversely impact adjacent or the surrounding area.

Planner Gould stated that since the proposed amendment to CUP13-002 appears to comply with the development standards and other provisions of the Town's Zoning Ordinance, staff were recommending approval of the amendment, subject to the following conditions:

1. The applicant must submit the required application materials and obtain the necessary land disturbance permit prior to commencing work.

2. The applicant must submit a final stamped site plan and site plan review fees as provided for in the Town's adopted fee schedule, consistent with the revised layout and parameters of the special use permit amendment approval.
3. A final as-built survey must be provided with lot coverage breakdown prior to issuance of the Certificate of Compliance.

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

Mayor Pro Tempore Thibodeau asked if this would be considered an amendment to the existing CUP or if it would be considered an SUP since the Town no longer have CUPs. Planner Gould explained that this was considered an amendment to the existing CUP; however, it would coincide with the SUP. Mayor Pro Tempore Thibodeau clarified that it would be tied permanently to the CUP. Planner Gould stated she was correct.

Mayor Pro Tempore Thibodeau clarified that the water meter change would be coordinated with the Dare County Water Department, which would happen during the construction and would be part of the entire project. Planner Gould stated she was correct, adding that the replacement of the water meter would not require a special use permit, but would require a trade permit which the applicant could obtain now.

Town Attorney Hobbs asked the applicant to make a presentation.

Clark Twiddy of Twiddy & Company was recognized to speak. Mr. Twiddy stated that Town staff have been great in helping them with things. He stated that he did not have a presentation but would be happy to answer any questions Council may have.

Mayor Pro Tempore Thibodeau stated that the building has become a nice addition to the community and has been a great complement to the Town. Clark Twiddy stated that he appreciated the comment.

Town Attorney Hobbs asked if there were any sworn witnesses that wished to make a presentation. There were none.

Town Attorney Hobbs asked if there were any remaining questions from Council. There were none.

Town Attorney Hobbs asked Clark Twiddy if he was in agreement with the three conditions that were presented by staff. Mr. Twiddy stated that he was.

Town Attorney Hobbs closed the evidentiary portion of the public hearing and turned the meeting back over to Mayor Kingston. He reminded Council that a vote of the majority was required to approve the application. He stated that if there was a motion to approve the permit, it would include the adoption of the findings of fact and conclusions set forth in the draft order, as well as the three proposed conditions.

Mayor Pro Tempore Thibodeau moved to approve SUP25-003 with the findings of fact and conclusions as well as the three conditions.

Motion carried 4-0.

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

Discussion/Consideration of Ordinance 25-04, an Ordinance Amending Ordinance 04-05, an Ordinance Providing for Administration of the Town of Duck, Providing for the Form of Ordinances; Authorizing the Creation of Regulatory Templates; and Establishing a Planning Board for the Town (Check Signing Authorization)

Town Manager Havens explained that the ordinance only dealt with the check signing authorization, adding that the convoluted title of the ordinance goes back to when the Code was originally adopted by an ordinance in 2002. He added that it has been amended since then and that was why it was written as it was. He pointed out that the only thing being changed in the ordinance was one section – Town Code Section 30-04 – which gives check signing authorization to Assistant Town Manager Winstead. He noted that it was not by name but by title. He stated that former Director of Community Development Joe Heard had authority from Council to sign checks, but now a new backup was needed.

Town Manager Havens stated that all checks in North Carolina require two signatures and the authorized signers were the Mayor and Mayor Pro Tempore as well as the Town Manager and now Assistant Town Manager.

Mayor Pro Tempore Thibodeau moved to adopt Ordinance 25-04 as presented.

Motion carried 4-0.

Request that Town Council Consider Establishing an Ad Hoc Parks and Recreation Advisory Committee

Planner Gould stated that in 2004, the Council appointed a Municipal Property Master Plan Study Committee to assist with determining the uses, layout, and design of the 10.33-acre soundfront property that now comprises much of the Duck Town Hall/Town Park campus. He stated that over the following 10 years, the committee met when needed to facilitate the planning, design, and development of improvements on and adjoining the

Town's property. He added that on April 15, 2005, the committee was changed to the Municipal Property Master Plan Advisory Committee with the members advising the Town Council on the selection of a planning/design/engineering consultant, coordinated public input and development of a Master Plan, prepared draft policies for the use of the public facilities, and helped coordinate the design and development of the Town Park, boardwalk, signage, Town Hall, Paul F. Keller Meeting Hall, gazebo and amphitheater. He added that the committee completed their duties and last met in 2014.

Planner Gould stated that in December, 2021, former Director of Community Development Joe Heard started discussions with Council in an effort to create a Property Advisory Committee with the intent being to help guide staff decisions with regard to park and property improvements. He pointed out that at that time, Council had expressed concerns that the request lacked any specific goals, and the objectives were not clearly defined. He added that as a result, Council instead decided to appoint ad hoc committees as the needs arise.

Planner Gould stated that staff continue to discuss and explore funding opportunities to improve and expand the existing playground and recreational areas, which include the Town Park/Town Hall property, the Herron property, the boardwalk, the sidewalks in Duck Village, and the Duck Trail. He noted that one-to-one matching funds for expansions were available through the competitive North Carolina Parks and Recreation Trust Fund (PARTF). He explained that since 1994, North Carolina has consistently awarded grants with funding cycles beginning in March. He added that grants were evaluated using a comprehensive scoring analysis which specifically includes points being awarded for inclusion of a Park Master Plan, site-specific master plans and documentation of surveys and community involvement. He stated that with the recognition that public input will be a key component of the scoring elements, the idea of an ad hoc Town Parks and Recreation Committee has been discussed and was recommended by Town staff.

Planner Gould stated that while staff acknowledge that the adoption of a budget including park expansion and improvements may be a few fiscal years away, it is firmly believed that the timely formation of a committee will ensure future success with grant applications.

Planner Gould stated that Council was being asked to consider establishing an ad hoc Parks and Recreation Advisory Committee and if a decision was made to establish one, then the following would be needed:

1. Review guidelines outlining the role and function of the committee.
2. Adopt a resolution establishing the Town Parks and Recreation Advisory Committee along with accompanying guidelines.
3. Advertise the opportunity for volunteer ad hoc committee members.
4. Consider appointing a Council member to serve as a liaison to the ad hoc committee.

Mayor Pro Tempore Thibodeau stated that the work that has been completed with the park so far and most of the Town's property has been completed with staff and Town Council, adding that the Planning Board was also involved, and over the years the Town has been able to take advantage of a few key grants to get Duck to where it has been. She pointed out that Planner Gould had mentioned it would not change the policy for the public use of the Meeting Hall. She asked what he would be envisioning, because it would happen on the park property that the events that were scheduled would be subject to input from the committee or if it was strictly for recreation and walkways. She further asked where the line would be drawn in terms of what the committee would be discussing. She pointed out that the Town does have a new property and was going to receive public input on what should be put on it, adding that the Town hired a consultant to help. She clarified that the committee would work with the consultant. Planner Gould explained that, regarding programming, the committee would not need to function within the regard of events, adding that the committee would be more specifically aimed at expansion and improvements of properties that the Town currently owns. Mayor Pro Tempore Thibodeau clarified that they were the ones that were considered capital improvements. Planner Gould stated she was correct, adding that some of the improvements may not qualify for that threshold but capital improvements would be there. He stated that the parameters may be further explained in the goals that were listed in Council's packets, pointing out that they were proposed goals and that the final goals would not be done until the selection of the committee was completed.

Town Manager Havens pointed out that the committee would be guided by Town Council and facilitated by Town staff. He stated that Council will provide the scope of work for the committee, adding that the committee would not meet and decide what they want to work on. He reiterated that that it would be guided by the people that were directly responsible for the electorate and the work of the committee would be facilitated by the Town staff. Planner Gould stated that staff would be heavily present in the organization of the meetings and would be the ones that would craft the agendas for those meetings.

Mayor Pro Tempore Thibodeau stated that she could see the advantage of getting more public input, adding that the Town definitely has a lot of good candidates for the committee with all of the FLOCK Academy graduates. She stated that she saw a good value in bringing them in and appreciated Town Manager Havens clarifying who would be directing and who would be working with the committee. She thought it was all collaborative and there was work to be done, adding that it was too much just for Town staff.

Planner Gould pointed out that the committee membership was listed in the guidelines, adding that with regard to Mayor Pro Tempore Thibodeau's comment about the FLOCK Academy graduate, it was something that staff also had in mind. He explained that the committee membership would be composed of one representative from the Planning Board, two representatives from the Duck business community, two representatives who were Duck residents, and two members at large. He pointed out that the at large

members could be anyone, such as a local that had a strong background in landscape architecture.

Councilor Whitman asked if having this committee was a prerequisite for applying for grants. Planner Gould stated he was correct, adding that as part of the scoring, the master plan needs to be created with community involvement. He added that the master plan or anything that the Town creates for the PARTF grant would be valid for two years. He noted that if something did not meet the next fiscal year funding cycle, it would still be applicable for two years to come. Councilor Whitman asked if a non-resident property owner could be an at large member. Planner Gould stated that they could.

Councilor Lingard thought this was a great idea to get people involved. He wasn't sure, with regard to having two members of the business community on the committee, that this was the kind of committee that would exercise the business community. He suggested having one who has to be from the business community plus another at large member which could be from the business community. He thought requiring two members from the business community may mean that there would not be two that would want to serve. He thought the parks and recreation would not be something that was at the top of the minds of members of the business community. He wondered if the composition of the committee could be shifted so that there would be one member of the business community and three at large members.

Mayor Kingston thought this was a good idea on the surface, but thought it was difficult to sit in a Council meeting to design it. He thought there needed to be more discussion with a working session to discuss it. He added that he was confused about the timing because the Town has already engaged the consultant to look at the Herron property. He noted that he could see where the input on the Herron property would be valuable, but the consultants would be completing a survey and asking for public input. He stated that when he thinks about the park, he agreed that the playground equipment needed to be repaired. He pointed out that Council has a strategy session every January where they discuss priorities and what they would like to see. He stated that he was having difficulty with what the committee's role would be. He added that he could see specifically with regard to the Herron property at some point in time, but he felt it was premature. He felt it was difficult for Council to say this was a great idea and that it should move forward. He reiterated that Council needed more open discussion and possibly a working session with staff to bring it in line with everything that needs to be accomplished. He stated that when he thought about the Town property, he didn't see where additional public input was going to help with the exception of the gym equipment. He pointed out that the Town has built garages, a gazebo, a stage, and a picnic shelter, adding that with the new property, Council does not know what will be done with it. He stated that he had a timing problem with this, especially since a consultant was just hired to start working on a preliminary study of the Herron property. He stated that he was in favor of something along these lines, but he felt the timing of establishing it at this meeting was premature.

Planner Gould stated that he wanted to provide some clarity as to what the consultants would be doing with the Herron property, which was that they would be working

exclusively on the Herron property and will not be addressing a master plan for the parks and recreation opportunities. He added that it may be a possibility that the committee would reach out to the consultants in eight to 10 months from now to help with the creation of a master plan. He noted that PARTF would still want to see in the scoring piece some community engagement through a committee that was deemed a Parks and Recreation Committee for this particular grant opportunity. He thought it was important to note that, at this time, the consultants for the Herron property, would not be providing staff with a master plan study, nor was it noted in the guidelines the idea that the volunteer committee will likely not have the expertise to provide a plan that would be acceptable for overall adoption by Council, adding that it may be something that would need be considered in the future.

Councilor Lingard asked if Council wanted to hold a work session if it could be done at the August mid-month meeting. Town Manager Havens stated that if Council felt a work session was needed, they could have one since a mid-month meeting was not scheduled for August.

Planner Gould explained that the proposed goals could be revised which could add better clarity to the objectives of the group, adding that if it was going to be suggested he would welcome continuing the conversation with Council to make sure everyone was fully prepared.

Councilor Whitman asked if Council did not appoint a committee and applied for funding, it meant the Town could not apply for the funding. Planner Gould stated he was correct. Councilor Whitman asked how often PARTF gave money out. Planner Gould stated that they have consistently given out money on an annual basis. Councilor Whitman clarified that it was one time a year. Planner Gould stated he was correct. He added that the Town could see how the Herron property plan goes out, noting that it may provide potential future committee members with an opportunity to gauge the consultant's process. Councilor Whitman clarified that if there wasn't a committee in place, the Town could not apply for the grant. Planner Gould stated he was correct.

Mayor Pro Tempore Thibodeau stated that she could see the benefit of getting a committee in place while the consultants do their work because it was educational for everyone. She thought it would further educate some of the concerned citizens, business members, and people that have an interest in what the Town was doing with its amenities. She stated that she saw the value in having a committee that would work alongside of the consultants as much as Council and the Planning Board would be engaged, with citizens following along with what the consultants were helping Council shape. She added that the consultants would be looking at input and there would be a group of people that would be leading other citizens to get involved. She reiterated that she saw the benefit of it and did not have a problem with it even though Mayor Kingston wanted to flush it out a little more. She stated that she liked the idea of having two businesspeople on the committee because it was a way to "cast a wider net" and receive more involvement. She noted that looking for participation of people that lived out of town or did not live in Duck full time would allow people to get involved and be a part of it. She reiterated that

she did not have a problem with establishing a committee but was a little concerned with just jumping in because the Town has never had a committee like this before. She thought it was interesting that Duck was the only town on the Outer Banks that did not have a Parks and Recreation Committee.

Planning and Permits Manager Sandy Cross was recognized to speak. Manager Cross explained that the Town had advisory committees previously that helped with the planning process for the park as well as the development of the Town property. She stated that, much like the Town's hazard mitigation plan or vulnerability assessment plan, these things help the Town to apply for grants. She stated that having a small list of goals, such as extending the boardwalk from the Waterfront Shops to the Resort Realty property, could be part of the master plan. She stated that Council needed to think about the larger picture, which could include the Herron property improvements as well as any other things that may be desired by the community. She pointed out that the Nature at Play area was created with the help of the Eagle Scouts and the committee could ask the public if they want that expanded upon and then it would go in the plan in order to have something to go off of to show what was in the plan and was the reason for applying for the grant.

Manager Cross stated that the comprehensive pedestrian plan was used to obtain grant money and to get the BRIC project, adding that the Town worked with the National Fish & Wildlife for its resiliency and vulnerability assessments. She added that having a master plan developed, which starts with a Parks and Recreation Advisory Committee, will help the Town in the future, whether it was next year or five years in the future.

Mayor Kingston stated he still had a problem the timing. He thought staff were putting the cart before the horse because this was coming up because the Town has a piece of property that will be developed, pointing out that consultants were just hired and they would be completing public input. He thought it would be confusing, adding that there were a lot of things out there that Council wanted to do strategically. He thought forming the committee was a good idea, but he wasn't sure the timing was right because he wasn't sure all the details were worked through. He noted that the committee would not be working with the consultants because the consultants would be doing their work, surveying, and coming up with their own plans to bring back to Town staff. He reiterated that the timing was not right and thought it needed to be thought through a little more. He noted that it wasn't a bad idea and was probably a good idea and it did work for the Town property. He thought for Council to decide to put this in place at this meeting was something he wasn't comfortable with and wanted to have more detailed discussions.

Mayor Pro Tempore Thibodeau asked Planner Gould how he may envision an advisory committee that would be working with the consultants. Planner Gould explained that the consultants would be engaged with the community, adding that the ad hoc advisory board would offer support. He stated that if the consultants wanted to get a group of volunteers together to go out onto the Duck Trail and solicit responses from people passing by; the advisory committee could offer that support and engagement as a backup. He stated that staff wanted to allow the professionals to do the work that the Town hired them for and

allow the volunteer group to provide backup. He thought it was important that Council not specifically get attached to the Herron property but look at it as a broader Town-wide effort. He agreed that there would be some overlap if there was too much emphasis put on having the advisory committee focus on the Herron property. He thought that would be a lower priority when it comes to what needs to be accomplished by this committee since the professionals have already been hired with regard to the Herron property.

Town Manager Havens explained that in terms of timing, the committee would not be directing the work of the consultants, nor would they be the primary recipient of the results from the consultants as that was on Council. He stated that the budget calendar was not linear, so within the next month Assistant Town Manager Winstead will be starting the Capital Improvement Plan process. He pointed out that staff frequently hear that it would be great to have additional restroom facilities at the Town Park, or it would be great to look at parking at the park. He stated that some of the things that staff could task the committee with would be to help think these things through and then staff could work towards obtaining costs for them to put into the Capital Improvement Plan rather than having it be an idea that doesn't have any backup. He thought having a committee that wasn't involved in the day-to-day detail of what staff do would be a great benefit. He pointed out that it was coincidental that the consultants were working on the Herron property, adding that it was not the reason for the need for this committee.

Councilor Lingard stated that there has been talk of a grant which may or may not have been dependent on having this committee. He asked what the grant was for and how much it would be. Planner Gould stated that the grant was the PARTF grant which was to improve and expand existing playground and recreational areas. He added that all of the property that would be up for proposed expansion would need to be owned by the Town. He noted that the total amount of the grant varies but was a \$500,000 maximum and was a one-to-one matching grant. Councilor Lingard clarified that the bottom line was having a committee would be the difference of no or maybe to obtain the grant. Planner Gould explained that without the committee, the Town will not receive the grant.

Mayor Kingston stated that the only short-term advantage would be the playground area. He pointed out that it was an unknown what will be done with the Herron property, so there was no advantage there. He assumed that the grant would not pay for restrooms in the Park. Town Manager Havens stated that they would. Mayor Kingston stated that there were very limited short-term opportunities available.

Mayor Pro Tempore Thibodeau stated that the Town could take advantage of the ideas that could be on the playground, adding that she heard some good feedback regarding the children that currently use it were things where more minds thinking about it could be helpful as well as what could be done in that amount of space and if it could be expanded a little. She stated that she has heard about the restrooms for several years with regard to expanding them. She stated that she could see a committee focusing on those immediate things as a way to get organized. She agreed with Mayor Kingston that the Town was premature on the Herron property, but she could see the advantage of getting more people involved to see what could be done in the Park and on the boardwalk.

Town Manager Havens noted that it was a two-year commitment for the ad hoc committee, ending in December 2026. Planner Gould stated that they could be reappointed on an as-needed basis. Town Manager Havens stated that staff was not asking Council to create a permanent committee.

Planner Gould stated that there were a number of different things that staff have talked about installing throughout the Town, including the improvement of the Nature at Play area. He stated that it could be considered something that was reasonable to figure out as well as updating the accessways to and from the playground to the Nature at Play area or exercise equipment in various areas to encourage a healthy community.

Mayor Kingston clarified that the limit on the PARTF grant was \$10,000. Planner Gould stated that it was \$500,000 with a one-to-one match. He noted that the match could be supplemented by other grant opportunities which would be the goal since it has been in the past. Mayor Pro Tempore Thibodeau pointed out that the PARTF grant really helped get the Town Park off the ground.

Councilor Lingard clarified that the timing was that the committee needed to be in place so the Town could potentially apply for the grant in this grant cycle. Planner Gould thought it would be pushing it since the beginning of the cycle date was in March, reiterating that there was a two-year expiration date for anything the Town produces. He wasn't sure if the committee would be there yet to get funding for projects in that timeframe.

Councilor Whitman clarified that the Town would not be able to get a grant together that would be legitimate between now and March. Planner Gould stated he was correct. Councilor Whitman clarified that Mayor Kingston's idea of looking at this a little further was a valid idea. Planner Gould thought from the staff's perspective, they wanted to bring it to Council as soon as the idea arose.

Mayor Kingston thought this was a pretty significant decision and thought there was good discussion between staff and Council at this meeting, but to bring it to Council cold where Council only knew about it less than a week ago and now it was being discussed, was premature with regard to making a decision at this meeting with moving forward. He thought Council needed a working session and more time to talk through this. He pointed out that he could not see the sense of urgency because funding would not be available in this fiscal year and the Town was already paying consultants to start completing some of the work. He stated that he had a problem with the timing; however, he thought it was a good idea for the future, but he was not in favor of making a decision at this meeting.

Mayor Pro Tempore Thibodeau asked Mayor Kingston if a month would be a good amount of time. She further asked what his thinking was in terms of making a decision. Mayor Kingston thought it could be something that the new Council could deal with. He thought it needed further discussion before Council establishes a committee.

Councilor Whitman asked if staff could have the information for Mayor Kingston for Council's next meeting. Planner Gould stated that he could. Town Manager Havens stated that staff could meet with Mayor Kingston, adding that he would be happy to meet with him and members of staff. He noted that he and staff could meet with up to two Council members at a time to answer any questions without having to call a meeting. He added that if Council wanted to hold a work session at some point, it could be done. He stated that staff will need to know specifically what questions need to be answered. Mayor Kingston pointed out that these types of issues were usually discussed at Council's annual Retreat in order to have a more in-depth discussion versus a regular Council meeting. He thought meeting one-on-one would be fine but he wasn't sure if it would satisfy the other four Council members. He added that Councilor Chasen has no input because she wasn't present for this meeting. Mayor Pro Tempore Thibodeau stated that she was going to talk to the other towns about how they utilize their Parks and Recreation Committee and get an idea of what they were using them for.

Councilor Lingard asked if Council saved this for discussion at the Retreat, how it would figure in the timeline for the following year's grant. Planner Gould stated that the Town would not meet the deadline for February and March. Councilor Lingard asked what would happen if Council did not discuss it until February. Planner Gould thought it would line the Town up fairly well, given that there was about a year to get the committee established, have goals and objectives established and maybe have a rough draft of the master plan out in a year with monthly meetings as needed in between. Councilor Lingard clarified that if Council discussed this and made a decision at the Retreat, the Town would be in a position to apply for a grant in March 2027. Planner Gould stated that the hoped for that to be the case.

Planner Gould went on to show Council the master plans from other towns for their Parks and Recreation Committees as well as what they were currently working on. He stated that he would enjoy hashing things out because it will only make the committee much more focused when it does get developed. He noted that in past discussions involving former Community Development Director Joe Heard three years ago, the majority of those questions and needs were not fully explored. He saw this new opportunity as an advantage to hash things out.

Councilor Whitman stated that this grant was for additional expansion of the playground. He asked if the Town could use the funds if a playground is decided to be installed at the Herron property. Planner Gould stated that it could.

Mayor Kingston asked Council if they wished to move forward with this or not. He added that he was not in favor of moving forward at this meeting. Councilor Lingard asked if it could be tabled until the Retreat if it will not affect the timing. Mayor Pro Tempore Thibodeau suggested that Council do their due diligence if the item was going to be tabled until the Retreat, that they should be thinking about it now and up until the Retreat so they could come in with some more information. She stated that Council could ask staff any specific questions they may have and try to hone in the discussion regarding focusing the committee, which she felt would be helpful. She pointed out that she did not

want to wait to discuss it at the Retreat but would like to continue thinking about it while getting to the Retreat if that was when Council would be discussing it again.

Mayor Pro Tempore Thibodeau moved to table the discussion on the ad hoc Parks and Recreation Advisory Committee for future discussion. She added that she didn't think it had to wait until the Retreat but didn't think Council would be making a decision at this meeting.

Mayor Kingston asked if the motion should be amended to state that Council will look at it at a special working session to be determined.

Mayor Pro Tempore Thibodeau amended her motion to have Council hold a special working session mid-month prior to the Retreat.

Councilor Whitman asked if Council would be able to review the master plans from the other towns in order to familiarize themselves with what was involved. Planner Gould stated that he would provide Council with digital copies.

Mayor Kingston thought he and Town Manager Havens could work on setting up a mid-month working session in the fall, possibly in September or October.

Motion carried 4-0.

Request that Town Council Authorize the Release of a Lighting Survey to Help the Town of Duck Understand Perceptions about Artificial Light at Night among Duck Residents and Visitors which will, in turn, Guide Future Town Objectives and Possible Ordinance Amendment Discussions

Planner Gould stated that following four months of review by the Planning Board, Council adopted outdoor lighting standards as part of its initial review and adoption of comprehensive zoning ordinance amendments in 2004. He noted that these standards have not substantively changed since then and over the years, staff have run across several aspects of the outdoor lighting ordinance which required clarification.

Planner Gould explained that in December 2024, mounting concerns led staff to seek guidance from the Planning Board to help clarify existing lighting standards in the Town. He pointed out that, almost simultaneously, the State of North Carolina passed Session Law 2024-57 which restricted "downzoning" without adjacent landowner consent. He added that despite the law's potential to make zoning text amendments more difficult, the Planning Board pushed forward over the next three months, reviewed a variety of questions that were posed by staff, and conducted site visits to assess lighting conditions in a variety of areas throughout the Town.

Planner Gould stated that in March 2025, new state legislation, Senate Bill 587, was introduced to address contention revolving around local government control over zoning and land use with the aim of allowing management of growth through downzoning. He

noted that given potential fluctuation in state law, the Planning Board, at their April 2025 meeting, agreed that further review of the outdoor lighting standards should be deferred until the State Legislature could find a resolution. He stated that the Planning Board members agreed in May that they should continue to pursue public input related to perceptions on outdoor lighting and guided staff to develop a community-wide survey. He stated that at their July meeting, members were presented with a draft survey that was developed using previous surveys conducted by the students at the UNC Coastal Studies Institute and the Town of Nags Head as a reference. He noted that a motion was made and agreed by all to present the draft lighting survey to Council for final review and approval.

Mayor Pro Tempore Thibodeau thought the survey was a great idea and thanked Planner Gould for bringing it forward. She stated that, years ago, the Town had a Dark Sky initiative and used to provide residents with shields for their lights. She noted that it was a big push in the Town's history with regard to maintaining the dark sky, adding that she wasn't sure how it would relate to this. Planner Gould explained that recently there has been a small push to reinstate those beliefs and one of those was a video that he and Manager Cross did through CurrentTV that promoted the dark sky initiative.

Mayor Kingston asked how long the survey will be open. Planner Gould thought the maximum time for the survey would be a month, adding that staff could open and close it as needed. He added that there was discussion about potentially opening it before and after certain dates such as centering it around the jazz festival to obtain more input from visitors that may be in Town during that time.

Councilor Whitman thanked the Planning Board for all the time they put into this. He stated that as the Council liaison, he sat through four or five meetings where it was discussed.

Councilor Lingard stated that he could not see a downside with having a survey done.

Councilor Whitman moved to allow the Town to release the lighting survey as presented.

Motion carried 4-0.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN ATTORNEY

Town Attorney Hobbs stated he had nothing to report.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE TOWN MANAGER

Departmental Updates

Fire Chief Matthew Dudek was recognized to speak. Fire Chief Dudek gave a brief overview of the past month's fire 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.

Police Chief Jeffrey Ackerman was recognized to speak. Police Chief Ackerman gave a brief overview of the past month's police activities as well as an overview regarding e-bike regulations and options to Council and the audience.

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

June FY 2025 Financial Presentation

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

MAYOR'S AGENDA

Mayor Kingston stated that the mayors/chairmen meeting will be on August 19, 2025 hosted by the Town of Manteo.

COUNCIL MEMBER'S AGENDA

Mayor Pro Tempore Thibodeau welcomed Assistant Town Manager Winstead. She thanked the entire staff for the 4th of July parade and the community events that the Town has. She reminded everyone to prepare for any storm preparation that may need to be completed.

Councilor Lingard gave a short update on the recent Government Access Channel meeting he attended. He thanked and congratulated Director Nickens and Community Engagement Coordinator Betsy Trimble for all of the events over the summer. He welcomed Assistant Town Manager Winstead.

Councilor Whitman thanked Town staff and volunteers for all of the summer events. He thanked Ben Vorndran for the signs that were presented to Council at the beginning of the meeting.

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.

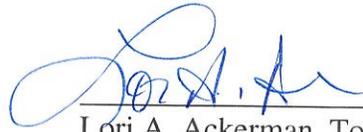
Mayor Kingston noted that the next meeting would be the Special Meeting on Wednesday, August 13, 2025 at 1:00 p.m.

ADJOURNMENT

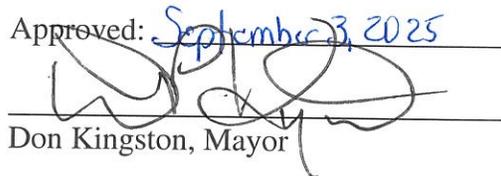
Councilor Whitman moved to adjourn the meeting.

Motion carried 4-0.

The time was 3:31 p.m.



Lori A. Ackerman, Town Clerk

Approved: September 3, 2025


Don Kingston, Mayor

