

**TOWN OF DUCK
TOWN COUNCIL
REGULAR MEETING
September 3, 2025**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 1:00 p.m. on Wednesday, September 3, 2025.

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

COUNCIL MEMBERS ABSENT: None.

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; Planning and Permits Manager Sandy Cross; Community Planner James Gould; and Town Clerk Lori Ackerman.

OTHERS ABSENT: Finance Administrator Lauren Creech.

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

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

CONSENT AGENDA

Minutes from the August 6, 2025, Regular Meeting; Minutes from the August 13, 2025, Special Meeting; Declare Certain Items of Town Property as Surplus and Authorize the Sale of Same; Amend the Position Classification Table to Add the Position of Fire Captain/Fire Marshal at Grade 13; Approval of Updated Town Fee Schedule – Food Truck Fees; Contract with Millstone Marine Construction for \$17,847 to Demolish, Remove and Reconstruct One Retaining Wall North of Georgetown Sands Drive along the East Side of Duck Road; and Resolution 25-12, a Resolution of the Town Council of the Town of Duck, North Carolina, Revising the Personnel Policies

Councilor Chasen stated that she had a question about the Millstone Marine contract and asked if it should be separated out. Mayor Kingston stated that it could be. Town Manager Havens asked if it was just about the change in the date. Councilor Chasen stated that she wanted to know if Town Attorney Hobbs thought Council could do it that way and wanted his opinion. Town Manager Havens stated that it should be moved to New Business so Council could discuss it. Town Attorney Hobbs suggested that when a motion was made, to pull that item off and approve the rest of the Consent Agenda.

Councilor Chasen moved to approve the Consent Agenda as presented and remove the contract with Millstone Marine Construction and put it under New Business.

Mayor Kingston asked what direction the contract was. Councilor Chasen explained that because the Town was not asking for another bid, she wanted to know if there were other bids in the past and who else had applied, and what Town Attorney Hobbs' position was on the Town moving forward without sending it out for multiple bids. She added that there was a date that was incorrect in the contract as it stated that the completion date should be April 1, 2025. Mayor Pro Tempore Thibodeau pointed out that it would be discussed under New Business, adding that Council needed to vote on the motion on the floor.

Motion carried 5-0.

SPECIAL PRESENTATIONS

Introduction of Jacob Teeter as the Town of Duck Police Department's Newest Officer

Police Chief Jeffrey Ackerman was recognized to speak. Police Chief Ackerman went on to introduce Jacob Teeter as the Town of Duck's newest Police Officer to Council and the audience.

Town Clerk Lori Ackerman was recognized to speak. Town Clerk Ackerman went on to swear in Police Officer Teeter.

Mayor Kingston and Council welcomed Police Officer Teeter to the Town.

Recognition and Swearing in of Kyle Kuhar as the Town of Duck Police Department's Police Corporal

Police Chief Ackerman stated that Police Officer Kyle Kuhar was recently promoted to Police Corporal with the Duck Police Department, adding that it was an honor to promote him.

Town Clerk Ackerman went on to swear in Police Corporal Kuhar.

Mayor Kingston and Council congratulated Police Corporal Kuhar.

Recognition of Planning and Permits Manager Sandy Cross on Receiving the Second Quarter Town of Duck SOAR Award

Town Manager Drew Havens was recognized to speak. Town Manager Havens stated that on behalf of the SOAR Committee, he presented Planning and Permits Manager Sandy Cross with the Mighty Duck award.

Mayor Kingston and Council congratulated Manager Cross on her award.

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

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

Community Planner James Gould was recognized to speak. Planner Gould stated that he was before Council to continue the discussion that was had at Council's August 6, 2025 meeting regarding establishing an ad hoc Parks and Recreation Advisory Committee. He stated that the rationale behind the proposal to create the ad hoc committee was because staff continue to discuss and explore funding opportunities to improve and expand upon the Town's existing playground and recreational areas. He explained that one of the more notable grants that the Town has taken an interest in was the PARTF grant and since 1994 the grant has consistently given awards that were 50% matching to municipalities across North Carolina, adding that in their evaluation as to who receives the awards, staff have been told by their representative that the Town will score higher if it was able to create a park master plan and have high-level community engagement. He added that part of the high-level community engagement in creating the parks master plan would come along with what staff believes was the creation of the Parks and Recreation Advisory Committee.

Planner Gould explained that the purpose was to create a committee that will be in line with Duck's 2032 Vision and the Comprehensive & CAMA Land Use Plan to ensure that the Town will promote its goal of environmental stewardship, foster an active and engaged community, and enhance access to high quality recreational spaces and experiences provided by the Town. He stated that the function of the committee would be that they would work for the Council with Council guiding the committee or guide staff in guiding the committee as to what they wished to address. He stated that the

proposed committee membership would be as follows: one representative from the Planning Board; two representatives from the Duck business community; two representatives who are Duck residents; and two at-large members. He pointed out that there was discussion at Council's August 6, 2025 meeting as to what the at-large members may represent. He explained that it could be someone from Nags Head that has expertise in landscape architecture, adding that there were many more examples that could come for the at-large members. He noted that the term would begin upon appointment and would expire on December 31, 2026, unless it was extended by the Council.

Planner Gould explained that the proposed committee goals could fluctuate on the creation of the committee, adding that the following were some of the proposed goals:

- Assist in the development of a Parks and Recreation Master Plan that aligns with Duck's 2032 Vision and Comprehensive & CAMA Land Use Plan.
- Assess existing recreational infrastructure, including the Town Park, boardwalk, multi-use paths, and soundside facilities.
- Collect community feedback through surveys, public meetings, and outreach efforts to understand needs and preferences.
- Identify future recreational infrastructure needs and opportunities for expansion or enhancement of facilities and programs.
- Create site-specific concept plans for improvements to key recreational areas and potential new park spaces.
- Explore public/private partnerships and other collaborations that can expand recreational offerings and improve access to resources.
- Make policy recommendations to the Town Council related to park operations, recreation funding, and facility uses.

Planner Gould reiterated that one of the grants that staff were interested in was the PARTF grant. He explained that the PARTF was a state program that provides matching grants to local governments to acquire land to develop or improve parks, public beach access, and recreational facilities. He added that since its creation in 1994, PARTF has awarded hundreds of millions of dollars in grants, supporting community projects that enhance public recreation, environmental conservation, and quality of life across the State of North Carolina. He noted that the maximum grant award that the Town could receive as a municipality was \$500,000 with a 50% matching requirement. He pointed out that PARTF has funded over 993 projects since their inception and awarded more than \$235 million across the state.

Planner Gould explained that Duck has received these awards previously – in 2010 and 2013 – with the total value of over \$362,000. He noted that those grants coordinated with the creation and further expansion of the soundside boardwalk. He added that Scott Payne was the name of the Northeast Regional Representative for the PARTF grant and in talking with him, he promoted the use of the advisory group to garner public input to assess in the development of the park master plan, noting that the site-specific plan would come along with it to create surveys and to promote community involvement.

Planner Gould stated that PARTF had a schedule for grants that has stayed consistent over the years noting that March 2026 was the application review deadline, May 2026 was the application deadline, and August 2026 was the when the grant recipients were selected. He stated that if the committee was formed in November 2025, it would give the Town four months to submit a package to be reviewed by the state. He pointed out that by forming the committee now it would get things going in the right direction to allow Duck to create the park master plan. He added that the park master plan, once created, was good for two years upon their completion. He explained that during the entire time of the process, staff would also work to offset the matching donations through other available grants across the state or locally.

Planner Gould stated that the Town of Kitty Hawk created a Recreation Master Plan and created a Recreation Committee in 2023 adding that their draft document did not involve an outside resource meaning that they created their master plan with only the volunteers on their committee. He stated that they received grant funding in 1999, 2004, and 2010, and received approximately \$593,000. He stated that the Town of Nags Head created a similar committee in 2011 and created a robust parks and recreation plan and have received some large grant awards with one received in 2012 for approximately \$500,000. He added that they received \$1,075,000 total in grant funding, adding that the Town of Nags Head did not use an outside consultant to create their final product. He stated that the Town of Kill Devil Hills created a Special Projects Sub-Committee in 2004 and, more recently, the West-side Recreation Group. He stated that they received PARTF funding over the years – in 1999 and 2016 they received approximately \$360,000 in funding.

Planner Gould reminded Council and the audience that the Town recently purchased the Herron property and were receiving help on the development of it from Freese & Nichols. He stated that Freese & Nichols would be used to deliver professional products to Council and Council would then review the products and at their direction, implement the use of the advisory committee to provide complementary input or supplemental feedback. He noted that it was important to state that there would not be a lot of interplay or overlap between Freese & Nichols and the advisory group. He stated that he was asking Council that if they wished to move forward, that they adopt Resolution 25-11, direct staff to advertise the opportunity for volunteers and to appoint a Council liaison to the committee.

Mayor Kingston stated that at the August 6, 2025 meeting, he had raised some questions and then met with Town Manager Havens as well as Planner Gould, noting that Planner Gould had made a lot of changes, with most of the changes being made with regard to the Herron property and what the role would be with the committee. He added that he was satisfied with the changes that were made and would support with moving forward with it.

Councilor Chasen stated that she was in favor of it. She stated that at the August 6, 2025 meeting, there was language regarding funding in it. She clarified that it would be as needed if the committee needed funding for something and would be brought before

Council for approval. Town Manager Havens stated she was correct. Councilor Chasen thought this was good and that it will enable the Town to have the necessary community involvement for the projects and would be in keeping in context with the Duck culture to have people involved and figure out the best possibilities for resources for everyone as well as having the benefit of documenting things.

Councilor Whitman stated that he was in favor of it.

Mayor Pro Tempore Thibodeau asked about the timing of the consultants and what their arc was because if everything moves forward with this committee, November would be when the committee would start. She appreciated the idea of letting the consultants do their work but was curious as to how the timing would play out. Planner Gould asked if she was asking about the final product. Mayor Pro Tempore Thibodeau stated that it could be anything. She asked if Freese & Nichols had started. Planner Gould explained that the Town had its kickoff meeting and now it was the routinely scheduled bi-weekly meetings with them. Mayor Pro Tempore Thibodeau thought if anyone was interested or already assigned to the parks and recreation committee could tap in and learn from what the consultants were doing. She clarified that they would be completed by May 2026. Planner Gould stated that Freese & Nichols will still be engaged and actively doing work in Town in the March 2026 timeframe, which was when staff would want to put in its first draft for review to the State for the PARTF grant, if the Town was able to proceed at that speed, which was hopeful. Planning and Permits Manager Sandy Cross was recognized to speak. Manager Cross explained that the contract was for 10 months and they would be presenting at the Retreat and then wrapping things up in the following months, adding that there would be some overlap. Mayor Pro Tempore Thibodeau stated that she was on board with developing this committee and interested in hearing some of the specifics.

Mayor Pro Tempore Thibodeau clarified that when talking about the parks master plan, it was all open areas of Duck or any open spaces that the Town has jurisdiction over. Town Manager Havens stated that it was any publicly owned land by the Town and not jurisdictional, adding that it would be the park facility, the boardwalk, and the Duck Trail. Mayor Pro Tempore Thibodeau suggested that it be made clear to the committee.

Councilor Lingard thought it was a great idea involving the public, which was always good. He thought having input from families with children would be helpful.

Councilor Chasen moved to adopt Resolution 25-11 as presented.

Motion carried 5-0.

NEW BUSINESS

Discussion/Consideration of Authorizing a Public Hearing on Ordinance 25-05, an Ordinance Amending the Zoning Ordinance of the Town of Duck, Subsection

156.050 – Exemptions Generally, and Subsection 156.128 – Land Disturbing Activities

Manager Cross stated that at Council’s annual Retreat in February 2025, Town staff provided Council with a review of Town Code relating to retaining walls and fill, and land disturbing activities. She explained that the presentation included historical background, purpose and permitting history and during that meeting, Council requested that Community Development staff review current fill and retaining wall standards and any other associated or interconnected code standards with the Planning Board, with the assistance of the Town’s consulting engineer.

Manager Cross explained that the matter was discussed at five Planning Board meetings beginning in April 2025 with Town Engineer Mike Robinson attending the April Planning Board meeting and weighing in on the final draft version that was recommended by the Planning Board and presented to Council. She pointed out that changes to Section 156.128 recommended by the Planning Board included the following:

Add definitions to clarify certain items: The draft ordinance includes definitions to help differentiate between “retaining walls” versus “bulkheads” and “fill slopes” versus “cut slopes.” The definition of bulkhead also now includes a graphic representation for clarity.

Fill height allowance: After considerable discussion, the Planning Board recommended that the current maximum three feet of fill be maintained with anything above that amount requiring approval of a special use permit.

Allow fill to be supported by a retaining wall: The Planning Board supported this change to allow retaining walls to support fill. Retaining walls that are supporting fill would need to meet a five-foot property setback.

Require an engineered stormwater plan: The Planning Board supported the continued requirement for a stormwater management plan for any proposal requiring special use permit approval. This would only be required if the height of the fill or retaining wall or bulkhead exceeds three feet.

Latitude for staff: The Planning Board was in favor of this concept. Under the proposal the additional latitude consists of allowing staff to administratively approve the use of retaining walls to support fill as long as the fill height does not exceed three feet.

Maintain the fence/retaining wall height limits: The Planning Board was comfortable with the existing residential maximum of six feet and commercial maximum of 10 feet height limitation for fences and retaining walls. For consistency with Section 156.128, language was added to Section 156.050.

Manager Cross stated that as it updates, further clarifies, and provides for resilient strategies and allows for some flexibility, consistent with the Town’s intent, the Planning

Board voted 5-0 to recommend approval of the proposed text amendments in Ordinance 25-05 at their meeting on August 13, 2025.

Councilor Lingard thought it was great, especially with regard to anything that would reduce the number of special use permit hearings. He added that he has been on Council for two years and there have been three special use permits that came before Council and when he read the item in the agenda packets, he knew how the outcome would be because they were very sensible to do what was proposed. He stated that he trusted the Planning Department to do the right thing and that it was a good step forward.

Mayor Pro Tempore Thibodeau agreed with Councilor Lingard that this was great work by the Planning Board and staff. She stated that it seemed to be really clear. She added that she would support the public hearing.

Councilor Whitman stated that he sat through the five Planning Board meetings with a lot of give and take to get things to where it was. He thought it was very good.

Councilor Chasen thanked the Planning Board and Councilor Whitman for going through it in depth and taking guidance from Council in order to look forward to the future and create best practices and firming up the language. She noted that the addition of graphics to define terms was a game changer and cleared things up.

Mayor Kingston stated that the Planning Board and staff did a very nice job.

Mayor Pro Tempore Thibodeau moved to authorize a public hearing on Ordinance 25-05 for Council's October 1, 2025 meeting as presented.

Motion carried 5-0.

Contract with Millstone Marine Construction for \$17,847 to Demolish, Remove and Reconstruct One Retaining Wall North of Georgetown Sands Drive along the East Side of Duck Road

Councilor Chasen clarified that the Town was not sending it out for bids because there were lackluster bids in the past. Manager Cross explained that the Town was not required to if the project was under \$30,000. She added that Millstone Marine has completed the majority of the retaining walls within the village area of Town and they replaced the retaining wall from Pintail Drive to Wood Duck Drive in 2022, which included the bus stop area. She stated that they also replaced the retaining wall just south of Tuckahoe Drive last year. She noted that the work that they have done was very consistent, they have the same look and style, adding that the Town could put it out to bid but it would not guarantee the same look and style. She stated that, knowing that the contract was under \$30,000 and the Town has the option to complete a sole source, staff decided to recommend that to Council, for consistency purposes, the quality of work, and the aesthetics.

Councilor Chasen stated that she was fine with the contract as long as Town Attorney Hobbs was.

Town Attorney Hobbs stated that public contracts statute for informal bidding starts at a minimum of \$30,000, adding that staff could do it below that level if they wanted to but were not required to.

Councilor Chasen pointed out that the completion date on the contract was listed as April 1, 2025 which would likely be changed, otherwise they would be required to pay the Town \$100 per day before they start. Manager Cross stated that the completion date would be changed.

Councilor Chasen moved to approve the contract with the change of the completion date.

Motion carried 5-0.

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

Manager Cross 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 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.

July FY 2026 Financial Presentation

Town Manager Havens gave a short presentation on the July Fiscal Year 2026 financials to Council and the audience.

MAYOR'S AGENDA

Mayor Kingston stated that the mayors/chairmen meeting that was to be held on August 19, 2025 hosted by the Town of Manteo had been canceled and has been rescheduled for September 16, 2025. He thanked the four incumbent candidates as well as the two new candidates that were running for Council. He pointed out that it was a big obligation for people and thought it was important and a very responsible and rewarding job. He wished all candidates success in their campaigns. He heard about some partisan politics and hoped it wasn't the case, adding that he hoped all candidates would remain non-partisan in their approach as well as focusing on the coastal and Duck issues at hand.

COUNCIL MEMBER'S AGENDA

Mayor Pro Tempore Thibodeau stated that she appreciated Mayor Kingston's comments about running for Council and was excited that there were six individuals running. She added that Mayor Kingston will be missed and thanked him for his years of service. She stated that she was excited about the Herron property, pointing out that there were many years where the Town wanted to have that property. She stated that she was excited about the idea of holding onto it for the future. She stated that she was excited about the shoreline project and hoped the Town could use Director Nickens' expertise to bring the public along on it. She welcomed Merritt Alwin to the Town.

Councilor Lingard gave a short update on the recent Government Access Channel meeting he attended. He congratulated Manager Cross on her SOAR award. He added that he was amazed at the number of people that walk on the beach and pick up trash without being asked. He thanked those that pick up trash on the beach.

Councilor Whitman congratulated Police Chief Ackerman on having a full police force. He congratulated Manager Cross for her SOAR award, Planner Gould for Duck Sweep, and Director Nickens and Community Engagement Coordinator Betsy Trimble for all of the summer programs.

Councilor Chasen thanked everyone, adding that everything that is done in Duck is a team effort with everyone involved. She gave a short update on the recent Visitors Bureau meeting she attended. She also gave a short update on the art projects she's working on. She stated that she has a residential property – 3 bedroom, 2.5 bath – for Duck personnel, municipal personnel or Dare County personnel that will be coming up for rent if anyone was interested.

Mayor Kingston stated that he met a gentleman a few weeks ago whose great grandfather was the original postmaster of the Duck Post Office. He stated that the gentleman lives in Currituck and thought he could be contacted to get some family history. Assistant Town Manager Winstead noted that the gentleman was his best friend, Miles Wood. He stated that he would pass along to him about contacting Director Nickens.

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, September 17, 2025 at 1:00 p.m.

ADJOURNMENT

Councilor Whitman moved to adjourn the meeting.

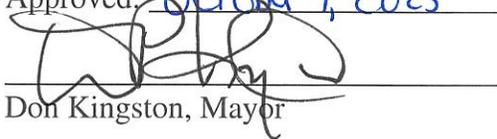
Motion carried 5-0.

The time was 2:42 p.m.



Lori A. Ackerman, Town Clerk

Approved: October 1, 2025



Don Kingston, Mayor