

Agenda  
Town of Duck Council  
Paul F. Keller Meeting Hall  
April 1, 2026  
1:00 p.m.  
Regular Meeting

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1. Call to Order
  - A. Pledge of Allegiance
  - B. Moment of Silence
2. Public Comments
3. Consent Agenda
  - A. Minutes from the February 24 - 25, 2026, Annual Retreat
  - B. Minutes from the March 4, 2026, Regular Meeting
  - C. Resolution 26-04, a Resolution of the Town Council of the Town of Duck, North Carolina, Declaring the Month of April as Child Abuse Prevention Month
  - D. Resolution 26-05, a Resolution of the Town Council of the Town of Duck, North Carolina, Declaring April 10, 2026 as “Local News Day”
  - E. Resolution 26-06, a Resolution of the Town Council of the Town of Duck, North Carolina, Declaring the Month of April as Fair Housing Month
  - F. FY 2026-27 Budget Amendment #9
4. Special Presentations
  - A. Employee Recognition Program
  - B. Presentation by Outer Banks Water Safety
5. Quasi-Judicial Public Hearings
  - A. None at This Time
6. Legislative Public Hearings
  - A. None at This Time
7. Old Business/Items Deferred from Previous Meetings
  - A. Discussion/Consideration of Authorizing the Town Manager to Execute an Installment Purchase Agreement for the Purchase of a Ladder Truck for the Fire Department

- B. Discussion/Consideration of Ordinance 26-05, an Ordinance Amending the Town Code of the Town of Duck, North Carolina, related to Chapter 91, Loud and Disturbing Noise
- C. Discussion/Consideration of Ordinance 26-06, Amending the Town Code of the Town of Duck, North Carolina, Chapter 110 related to Peddlers and Vendors

8. New Business

- A. Discussion/Consideration of Resolution 26-03, a Resolution of the Town Council of the Town of Duck, North Carolina, Revising the Personnel Policies
- B. Discussion/Consideration of Planning Board Appointments
- C. Discussion on the Status of the Mid-Currituck Bridge Project

9. Items Referred to and Presentations from the Town Attorney

10. Items Referred to and Presentations from the Town Manager

- A. Departmental Updates
- B. February FY 2026 Financial Presentation

11. Mayor's Agenda

12. Council Member's Agenda

13. Other Business

- A. Additional Public Comments

14. Adjournment – The Next Meeting will be the Mid-Month Meeting on Wednesday, April 15, 2026 at 1:00 p.m.

**AGENDA:                      April 1, 2026                      Regular Meeting**

**ITEM #3:**

Consent Agenda

- A.     Minutes from the February 24-25, 2026, Annual Retreat
- B.     Minutes from the March 4, 2026, Regular Meeting
- C.     Resolution 26-04, a Resolution of the Town Council of the Town of Duck, North Carolina, Declaring the Month of April as Child Abuse Prevention Month
- D.     Resolution 26-05, a Resolution of the Town Council of the Town of Duck, North Carolina, Declaring April 10, 2026, as “Local News Day”
- E.     Resolution 26-06, a Resolution of the Town Council of the Town of Duck, North Carolina, Declaring the Month of April as Fair Housing Month
- F.     Budget Amendment

**RECOMMENDED ACTION:**

- Approve the Consent Agenda

(As a reminder, the Consent Agenda is intended to be voted on and approved as one motion. If discussion is required on individual items, a motion must be made to remove that item from the Consent Agenda and add it to the Regular Agenda.)

**SUMMARY OF INFORMATION:**

The Consent Agenda includes the minutes from the February 24-25, 2026, Annual Retreat; minutes from the March 4, 2026, Regular Meeting; Resolution 26-04, which declares the month of April as Child Abuse Prevention Month; Resolution 26-05, which declares April 10, 2026 as “Local News Day”; Resolution 26-06, which declares the month of April as Fair Housing Month; and a budget amendment. The budget amendment appropriates funds from the Beach Nourishment Fund to cover expenses related to obtaining releases from Carolina Dunes property owners. Council is asked to approve the minutes, the resolutions, and the budget amendment.

**ATTACHMENTS:**

- February 24-25, 2026 Minutes
- March 4, 2026 Minutes
- Resolution 26-04
- Resolution 26-05
- Resolution 26-06
- Budget Amendment #9 Sheet

**TOWN OF DUCK  
TOWN COUNCIL  
RETREAT  
February 24 & 25, 2026**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 9:00 a.m. on Tuesday, February 24, 2026.

**COUNCIL MEMBERS PRESENT:** Mayor Monica Thibodeau, Mayor Pro Tempore Sandy Whitman; Councilor Brenda Chasen; Councilor Kevin Lingard; and Councilor Marc Murray.

**COUNCIL MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Town Manager Drew Havens, Infrastructure Director/Assistant Town Manager Connor Winstead; Town Attorney Robert Hobbs; Fire Chief Matthew Dudek; Deputy Fire Chief Jeffrey Del Monte; Police Chief Jeffrey Ackerman; Deputy Police Chief Melissa Clark; Public Information and Events Director Kristiana Nickens; Planning & Permits Manager Sandy Cross; Donna Creef of the Dare Housing Foundation; Senator Bobby Hanig; Clay Dills of Dills Architects; Bob Woodard of Dare County Board of Commissioners; Matthew Foreman of the Town of Duck Parks & Recreation Advisory Committee; Finance Administrator Lauren Creech; Deputy Town Clerk Christy Hanks; and Town Clerk Lori Ackerman.

**ABSENT:** None.

Mayor Thibodeau called the meeting to order at 9:01 a.m. and welcomed everyone to the Retreat. She stated that the Retreat was held on an annual basis over the course of two days and was a working session between the Town Council and Town staff, refining direction for the budgeting for the upcoming year as well as the Town's longer-term vision. She noted that around noon Council and staff would recess for a lunch and other business with no food provided for the public this year, adding that snacks were available throughout the day.

**DARE HOUSING FOUNDATION**

Donna Creef of the Dare Housing Foundation was recognized to speak. Ms. Creef went on to give a short presentation on the work completed by the Dare Community Housing Task Force as well as the work completed since the Dare Housing Foundation was formed to Council and the audience. She then took questions from Council.

Mayor Thibodeau thanked Donna Creef for her presentation.

## **SEPTIC HEALTH INITIATIVE**

Planning and Permits Manager Sandy Cross was recognized to speak. Manager Cross went on to give a short presentation on the septic health inspection program, noting that the Outer Banks Association of Realtors secured a grant for a septic health initiative and wished to pilot an inspection program as well as wanting to present the Town with a \$5,000 grant award for the work that has been completed since 2023. She then took questions from Council.

Councilor Chasen moved to accept the \$5,000 grant from the Outer Banks Association of Realtors to launch a pilot inspection program.

Motion carried 5-0.

Councilor Chasen moved to authorize Town staff to accept the \$5,000 grant from the Outer Banks Association of Realtors to begin launching a marketing campaign for the septic initiative and sign the contracts with the vendors.

Motion carried 5-0.

Mayor Thibodeau thanked Manager Cross for her presentation.

## **NC SENATE UPDATE**

Senator Bobby Hanig was recognized to speak. Senator Hanig went on to give a short presentation on the work of the Senate and General Assembly to Council and the audience. He then took questions from Council.

Mayor Thibodeau thanked Senator Hanig for his presentation. She called for a 10-minute break. The time was 10:29 a.m.

Mayor Thibodeau reconvened the meeting.

## **PUBLIC SAFETY BUILDING DESIGN UPDATE**

Mayor Thibodeau stated that before the presentation, she wanted to read a statement that would set the stage as well as keeping everyone informed. She went on to read the following statement to Council and the audience:

“Public safety is foundational to the quality of life that defines Duck. The daily presence of our public safety administration, Fire Department, Police Department, and Surf Rescue provide the safety, stability, and confidence on which the community depends. As the Town continues to grow and service demands increase, so, too, does the importance of ensuring that these essential professionals are supported by facilities that meet current standards and regulations. We know this issue matters to the community, and we want to

provide a straightforward update on the land lease and the steps we're taking to protect public safety while responsibly managing taxpayer dollars.

The current public safety facility has operated on Federally owned land since 1982 under an agreement with the U.S. Army Corps of Engineers (USACE). While volunteers originally constructed the building to support a small, all-volunteer fire department, it now serves three public safety departments with more than 30 full-time personnel, volunteers, and seasonal lifeguards. The facility no longer meets modern space, safety, or operational standards, and the underlying land lease has expired.

Since 2017, the Town has worked cooperatively with the USACE to secure a long-term land lease that would allow the Town to replace or substantially improve the public safety facility. During this process, we have followed Federal guidance, completed required environmental reviews, commissioned appraisals, and paid associated fees. To date, more than \$115,000 in taxpayer funds has been expended in pursuit of a long-term solution.

Despite these efforts, the lease process has remained unresolved for more than eight years. Throughout that time, the Town has negotiated in good faith and responded promptly to all requests from the USACE. Unfortunately, the Town has recently been informed that only a short-term arrangement will be available, after which the Town would be required to vacate the property. The Town is deeply concerned about the impact this sudden reversal by the USACE has on public safety, fiscal responsibility, and long-term planning.

This recent development is frustrating and disappointing. Like you, we want a clear and lasting solution for the future of the public safety building. Our mission goes beyond constructing a new facility. It is about ensuring that Duck's residents and visitors continue to receive reliable, professional public safety services every day.

We will continue to advocate for a fair, lawful, and efficient resolution that protects essential public safety services and respects taxpayer investment. To that end, the Town has elevated this matter to senior Federal leadership and requested assistance in identifying a durable, common-sense solution. Concurrently, we are seeking other solutions to allow for the construction of a facility from which our public safety professionals can serve the community.

The men and women of our Fire Department, Police Department, and Surf Rescue put themselves on the line for this community every day. They deserve a safe and properly equipped facility that allows them to perform their duties effectively and efficiently. We cannot claim to prioritize public safety without also prioritizing the needs of the public safety professionals who make that safety possible. Supporting them with appropriate facilities is not optional; it is fundamental to maintaining the quality of life our community expects and deserves.

To shorten the time between securing land and beginning construction of a facility, the Town contracted with Dills Architects to conduct a space needs assessment and prepare a preliminary design of a facility. We are pleased to have Clay Dills and his team here this morning to explain the current plan of the public safety building.

To that end, all of us here at the Town will continue to keep the community informed as discussions progress. We remain committed to transparency, responsible stewardship of public resources, and the safety of the Duck community.”

Clay Dills of Dills Architects recognized to speak. Mr. Dills gave a short presentation on the design of the Public Safety building, sharing current floor plans, a site plan and exterior elevations that followed input from Public Safety staff as well as multiple iterations of the floor plans to Council and the audience. He then took questions from Council.

Mayor Thibodeau thanked Clay Dills for his presentation.

### **COUNTY UPDATE**

Dare County Chairman Bob Woodard was recognized to speak. Chairman Woodard gave a short County update to Council and the audience. He then took questions from Council.

Mayor Thibodeau thanked Chairman Woodard for his presentation. She recessed the meeting for lunch. The time was 12:05 p.m.

At approximately 12:07 p.m., Town Attorney Hobbs arrived for the meeting.

Mayor Thibodeau reconvened the meeting.

### **ZONING ORDINANCE UPDATE**

Manager Cross gave a short update on the zoning ordinance update that will be needed to Council and the audience. She then took questions from Council.

Mayor Thibodeau thanked Manager Cross for her presentation.

### **DEPARTMENT UPDATE**

#### **Community Development**

Infrastructure Director/Assistant Town Manager Connor Winstead was recognized to speak. Assistant Town Manager Winstead and Manager Cross went on to give a short presentation on what the Community Development department has been doing and what projects and potential projects are coming up to Council and the audience. They then took questions from Council.

Mayor Thibodeau thanked Assistant Town Manager Winstead and Manager Cross for their presentation. She called for a 25-minute break. The time was 1:41 p.m.

Mayor Thibodeau reconvened the meeting.

### **PARKS AND RECREATION ADVISORY COMMITTEE**

Matt Foreman, Chairman for the Parks and Recreation Advisory Committee was recognized to speak. Mr. Foreman went on to give a presentation on the work of the Committee as well as the recommendations for improvements to the butterfly garden and decking at the boardwalk entrance off the north parking lot to Council and the audience. He then took questions from Council.

Mayor Pro Tempore Whitman moved to provide \$8,000 to the Parks and Recreation Advisory Committee for the gardens at the Town park.

Motion carried 5-0.

Mayor Thibodeau thanked Matt Foreman for his presentation.

### **ORDINANCE UPDATE DISCUSSION**

Assistant Town Manager Winstead, Manager Cross, and Town Manager Havens gave a presentation on potential efforts to revise ordinances with regard to peddlers and vendors; noise, Town park use; and protests to Council and the audience. They then took questions from Council.

Mayor Thibodeau thanked Assistant Town Manager Winstead, Manager Cross, and Town Manager Havens for their presentation.

### **TERESA COURT STORMWATER IMPROVEMENT PROJECT**

Manager Cross gave an update on the current status of the Teresa Court stormwater improvement project to Council and the audience. She then took questions from Council.

It was *consensus* of Council to defer starting the project until October 1, 2026. Town Manager Havens stated that Council needed to make a motion to approve the contract. Manager Cross pointed out that the contract that was provided to Council will need to be modified if the Town can extend it to October, so there will be revisions to the contract. Town Manager Havens stated that there will need to be a second motion to approve the budget amendment as well.

Councilor Lingard moved to authorize the Town Manager to approve the Town entering into a contract and to negotiate remaining changes related to the timing of the contract between the Town and H & H Development.

Motion carried 5-0.

Councilor Lingard moved to approve budget amendment #6 as presented.

Motion carried 5-0.

Mayor Thibodeau thanked Manager Cross for her presentation.

### **OPEN DISCUSSION**

Mayor Thibodeau asked Council if they had anything else they wished to discuss.

Councilor Lingard stated that that Town of Manteo holds a very successful First Friday event. He stated that he would like Council to think about doing a Third Thursday event, which would be similar to First Friday and would have to be organized by the Town, but he hoped it would be led by the business community. He explained that in Manteo, the bars have bands, have special food, a lot of the businesses will have special sales, and the book shop often has an author signing. He added that it brings a lot of people into Manteo for the event. He thought it was something, with the layout of the Town, which would require the social district and probably meet the changes the Town was doing to the vendors that Council had discussed earlier. He didn't think it could be done this year and thought it was something to think about in the future because it will need a lot of setting up. He pointed out that he chose Thursday because the Town has the Band on the Green on Thursdays and thought it could be tied in with that. He thought as a Town, working with the business community, it was something that Duck could excel at and would be a major event on the beach.

Mayor Thibodeau thought it was a great idea, adding that she agreed that it could not happen this year. She pointed out that there were already so many of the elements in place currently, adding that it was exciting to think about.

Councilor Lingard thought it would require input from the Town, adding that he would love to see the business community take the lead on it and the Town and business community forming a committee to bring it to fruition. Mayor Thibodeau asked about the social district. Councilor Lingard stated that it was discussed early on, adding that it wasn't here yet but was discussed.

Mayor Pro Tempore Whitman asked Kevin Wright of the DCBA if they would be willing to sponsor the event. Kevin Wright of the DCBA was recognized to speak. Mr. Wright stated that it was an active topic they had been considering within the organization, adding that they have been working with Public Information and Events Director Kay Nickens and Community Engagement Coordinator Betsy Trimble on engaging the business community, which organizationally has been dormant. He stated that their focus has been on looking for some type of shoulder season event to attract more business, but this has a lot of merit and something they have been actively engaged on. He thought the

DCBA would be very excited about some sort of committee where they could work collectively on it.

Councilor Lingard thought if the Town talked about it, people will know what Duck was talking about, adding that the Town was not reinventing the wheel.

Councilor Murray stated that he and Director Nickens were discussing the idea of expanding the jazz festival. He thought if Council was able to help Director Nickens, she may be able to help community members out to expand it over the same weekend, by paying for a portion of a larger bill for one of the venues.

Director Nickens stated that the jazz festival continues to grow each year and is something that she wants to see because it brings a lot of economic drivers to Duck and the Outer Banks community in general. She stated that something she had started to look into was the idea of making it a two-day festival as well as looking further ahead and preparing for when it becomes something that requires more and having satellite stages. She pointed out that Councilor Murray had a great idea of looking at other places to have these types of concerts on the Outer Banks. She didn't think it would be fair to the community or the jazz festival to look at the current model and keep it that way because it has the potential to be more.

Councilor Lingard thought the Town could work with the venues Duck has and make them an official jazz festival partner and publicize that. Director Nickens explained that other venues have expressed an interest in doing something like that. She thought it was inevitable in a good way, adding that she thought that opportunity was there and would be something the Town could take advantage of. Councilor Lingard pointed out that the bluegrass festival in Raleigh, North Carolina has a main venue as well as smaller venues all over the city at the same time. Mayor Thibodeau pointed out that Duck has built up a nice community of artists that have performed previously who may want to return to perform in a smaller group. Director Nickens stated that she and Engagement Coordinator Trimble had discussed having some smaller jazz groups scattered throughout the year as teaser events to expose more people to it.

Walker Allen of 107 Pamela Court was recognized to speak. Mr. Allen stated that, with regard to the noise ordinance, it wasn't a new issue as every town deals with it, it was just trying to get the Code to where it would be workable. He stated that having some kind of measurement would be helpful because there were 10-12 homes around Town that have similar issues, along with his with regard to noise, but there was a stigma about calling the police on venues that have music playing regularly. He thought that kind of reporting has not worked for some of the venues and having a measurement would make it easier for them to know what it should or should not be as well as easier for the venue to self-monitor.

Walker Allen thought the issue was where the noise should be measured. He pointed out that the property line was a good place and he understood that 50 feet from the property line had been discussed, but his porch and most homes were 50 feet from the property

line due to the lot being 100 feet wide. He noted that if it was 75 decibels on a porch, it would be like sitting in a vehicle with the music on at 80%. He added that one could not talk to another person or hear their television and children cannot sleep. He stated that it produces an issue for people renting a home. He stated that people want to coexist with the businesses because they were vital to the community. He stated that as a homeowner and a short-term rental entrepreneur, he has a vested interest in it and there were other people that were similarly situated in Town who haven't said anything. He thought over time without having the objective limits, the music venues have done what they wanted, which they can do, but it has gotten to a point where it was really loud and having some reasonable limits would be helpful.

Bob Wetzel of 141 Betsy Court was recognized to speak. Mr. Wetzel thanked Town Manager Havens and Town staff for the Retreat. He stated that with regard to the noise ordinance, he didn't know what 80 decibels sounded like, adding that he heard it was loud. He noted that loud was in the ear of the beholder, adding that what was loud to a teenager in their bedroom was different from what a parent may consider as loud. He stated that his home backs up to the Dive Bar and one thing he noticed was that if there was a northeast or easterly wind, he rarely hears any noise but when it was a strong southwest wind, he frequently hears not only the Dive Bar but also Aqua Restaurant. He pointed out that this wasn't something that was cut and dry, adding that he did not know how loud 80 decibels was. He suggested that before Council puts 80 decibels into an ordinance, that in the spring, take the decimeter and walk around Town to see what kind of noise levels were being generated by the various restaurants that have music. He stated that the Thursday evening concerts on the Town green and the jazz festival should also be subject to the same regulations and constraints.

Councilor Lingard explained that three decibels equated to a normal noise level; chamber music in a small auditorium equated to 75-85 decibels; and city traffic equated to 85 decibels. He stated that 85 decibels at a property line, depending on where the noise source came from, could be 80 decibels at 30 feet further out. He pointed out that noise is a difficult thing to understand and measure.

Councilor Murray asked if any member of Council owned a decibel meter. Councilor Chasen stated that she has one. Councilor Lingard noted that someone could purchase one for \$25.00. Councilor Murray thought Council could take a field trip in the spring to test noise throughout Town.

Mayor Thibodeau stated that she would be late to the Retreat on Wednesday due to an appointment, but that Mayor Pro Tempore Whitman would be handling the meeting in her absence. She thanked everyone that participated in the Retreat.

Mayor Thibodeau recessed the meeting until Wednesday, February 25, 2026 at 9:00 a.m.

The time was 4:28 p.m.

## **RECONVENE**

The Town Council for the Town of Duck reconvened at the Paul F. Keller Meeting Hall at 9:00 a.m. on Wednesday, February 25, 2026.

COUNCIL MEMBERS PRESENT: Mayor Monica Thibodeau, Mayor Pro Tempore Sandy Whitman; Councilor Brenda Chasen; Councilor Kevin Lingard; and Councilor Marc Murray.

COUNCIL MEMBERS ABSENT: None.

OTHERS PRESENT: Town Manager Drew Havens, Infrastructure Director/Assistant Town Manager Connor Winstead; Fire Chief Matthew Dudek; Deputy Fire Chief Jeffrey Del Monte; Police Chief Jeffrey Ackerman; Deputy Police Chief Melissa Clark; Public Information and Events Director Kristiana Nickens; Ken Willson of Coastal Protection Engineering; Charles Archer of Freese and Nichols; Finance Administrator Lauren Creech; Deputy Town Clerk Christy Hanks; and Town Clerk Lori Ackerman.

ABSENT: Town Attorney Robert Hobbs.

Mayor Pro Tempore Sandy Whitman called the meeting to order at 9:01 a.m. He welcomed everyone to the Retreat and noted that Mayor Thibodeau would be late to the Retreat due to a previous appointment. He noted that at 11:50 a.m., Council and staff would recess for a lunch and other business with no food provided for the public, adding that snacks were available throughout the day.

## **DEPARTMENT UPDATE**

### **Public Information and Events**

Public Information and Events Director Kristiana Nickens was recognized to speak. Director Nickens gave a presentation on advertising, communications and upcoming events to Council and the audience. She then took questions from Council.

Mayor Pro Tempore Whitman thanked Director Nickens for her presentation.

## **BEACH NOURISHMENT AND MANAGEMENT**

Ken Willson of Coastal Protection Engineering was recognized to speak. Mr. Willson gave a short presentation on the completed annual beach/dune survey, the borrow area study, the beach management plans, and the upcoming beach nourishment project to Council and the audience. He then took questions from Council.

Mayor Pro Tempore Whitman thanked Ken Willson for his presentation.

He called for a 15-minute break. The time was 10:15 a.m.

Mayor Pro Tempore Whitman reconvened the meeting.

## **DEPARTMENT UPDATES**

### **Fire Department**

Fire Matthew Dudek and Deputy Fire Chief Jeffrey Del Monte were recognized to speak. Fire Chief Dudek and Deputy Fire Chief Del Monte gave a presentation on the Duck Fire Department's activities and what they were looking to accomplish in the future to Council and the audience. They then took questions from Council.

Mayor Pro Tempore Whitman thanked Fire Chief Dudek and Deputy Fire Chief Del Monte for their presentation.

### **Police Department**

Police Chief Jeffrey Ackerman was recognized to speak. Police Chief Ackerman gave a presentation on the Duck Police Department's activities as well as what they hope to accomplish in the future to Council and the audience. He then took questions from Council.

At approximately 11:20 a.m., Mayor Thibodeau arrived for the meeting.

Mayor Pro Tempore Whitman thanked Police Chief Ackerman for his presentation. He recessed the meeting for lunch. The time was 12:00 p.m.

Mayor Thibodeau reconvened the meeting. She pointed out that the lifeguard service update would be tabled for a future meeting.

## **HERRON LAND PLANNING UPDATE**

Charles Archer of Freese and Nichols was recognized to speak. Mr. Archer went on to give a presentation on the results of the community engagement process regarding the potential uses of the Herron property, including conceptual design options that were developed based upon community input to Council and the audience. He then took questions from Council.

Mayor Thibodeau thanked Charles Archer for his presentation.

## **CAPITAL IMPROVEMENT PLAN DRAFT REVIEW AND FINANCIAL UPDATE**

Assistant Town Manager Winstead and Town Manager Havens gave a presentation on the draft 2026-2030 Capital Improvement Plan as well as a review of debt ratios and a financial update to Council and the audience. They then took questions from Council.

Mayor Thibodeau thanked Assistant Town Manager Winstead and Town Manager Havens for their presentation. She called for a 25-minute break. The time was 1:51 p.m.

Mayor Thibodeau reconvened the meeting. She explained that Council was going to follow up on the discussion regarding the opportunity to purchase a used fire truck, adding that Council needed to take some action so that if the opportunity was available for the Town, Council would be authorizing the Town Manager to take the necessary steps.

Councilor Chasen moved to authorize the Town Manager or designee to negotiate for the purchase of a pre-owned aerial fire apparatus for the purchase price not to exceed \$1,700,000, subject to Town Council approval of the final purchase price and making financial arrangements to reimburse the Town's accounts and associated budget amendments.

Motion carried 5-0.

### **OPEN DISCUSSION**

Mayor Thibodeau asked Council if they had anything else they wished to discuss. She thought there were some great discussions over the past two days.

Ben Vorndran of 104 Sea Hawk Drive West was recognized to speak. Mr. Vorndran thanked Council for the Retreat, adding that he thought more people would have been in the audience. He stated that with regard to the park, he liked the idea of doing it in phases, adding that it was just open green space and would be shocked if it was going to be a restroom stop for people traveling north or south. He hoped that there would be something added to draw people in other than having a picnic table area. He pointed out that a lot of the picnic table areas were not used, noting that a lot of people that come to Duck were at the beach or shopping. He thought it would be nice to have a place for people to convene and do something with their families other than staring at the television. He stated that if it was going to be land with restrooms, it would be a really expensive restroom facility, adding that there should be some kind of function to the property.

Ben Vorndran stated that in his hometown, they installed a fire pit system with chairs around it, which was gas operated and on a timer. He stated that when he visits his hometown, there are always people at this park, but he wasn't sure if it was due to the fire pits.

Councilor Lingard explained that Council will be thinking of things as they go with regard to the Herron property. He thought that trails would most likely be installed in the first year, adding that he didn't think restrooms would be installed right away. He stated that Council could then look at how well the property was used. He thought doing things slowly was the best option and thought the fire pit idea was great. He thought Council

would be coming up with a number of ways to use the property. He wasn't sure if the Town would keep all of the trees on the property as it was fairly wooded, adding that once the trails were installed, Council would have a good idea of what could be added. Mayor Thibodeau agreed with Councilor Lingard's comments, adding that she agreed that some low-cost improvements would be good. She didn't think it had to be fully developed because things will come up as time goes on.

Karen Blose of 105 Waxwing Court was recognized to speak. Ms. Blose thought it was great to be conservative, adding that as a full-time resident of Duck, many have wondered why Council planned to purchase the land without a plan. She thought having heard some of the needs, she asked Council to think about both in the short-term and long-term. She stated that she found it trenchant Police Chief Ackerman's comments about the needs and support of the Town's public service employees and the people that are needed in Duck. She thought that, as a community, it should be thought of in a longer-term range because what has been seen in other communities throughout the state as well as in Dare County, was to do something that may provide Duck with something such as workforce housing for the people that the citizens want to help them thrive in Town. She noted that it takes a very long time, so the temporary pin was one thing, but she implored Council not to give up the strategic thinking about what could be done to help in a place where it was landlocked that all the people that allow the citizens to live in comfort as retirees because the Town has fire and police, could live a little bit closer than to spend an hour commuting to work. She thought the Town should be visionaries for that because Police Chief Ackerman's needs will continue over time as will others, that the Town could not go out to fundraise to buy a new truck.

Councilor Lingard agreed it was important to look at workforce housing and have the Town do something. He thought the way he would approach it, if the Town was to go that route, would be to look somewhere just outside of Town or in Town as there were a couple of townhome communities, which in terms of Duck prices were quite reasonable. He thought if the Town did take that route, rather than building something from scratch, that Council would look at buying some property. He pointed out that there were areas in Kitty Hawk, adding that there was no reason the Town could not buy somewhere outside of Duck to house the employees. He thought if the Town did decide to buy in Duck, the Georgetown Sands subdivision or Nantucket on Jaycrest Road had generally reasonably priced small family homes that may be an option.

Councilor Murray stated that he was not opposed to the Town getting into workforce housing but thought the mechanism to do that was with a land trust. He pointed out to Council and Police Chief Ackerman that he wanted everyone to try and help Council understand that there is a problem and the Town's mechanism to solve it was to send money its way. He explained that workforce housing through the mechanism of a land trust might be the way to do that, but it also brings up the equity issue that Police Chief Ackerman had mentioned in that there were established families who would not see the benefit from it. He thought the alternative was salary and benefits, which was money that would have been put into a project. He thought Council needed to think hard about how to best serve the people that serve the Town but do it in a data-driven way. He noted that

there were things that make a difference and there were things that feel good but don't make a difference. He stated that Council needed to drill down on what would make a difference in those individual's lives and make that happen for retention and recruitment. He thought it could be either one but thought a cost benefit analysis would be needed for both options.

Councilor Murray stated that he did not have a problem with the Town owning land in or outside of Duck and thought Council should make that investment in any opportunity it has. He added that it was so unavailable in Duck and he understood that it was expensive, but he works with people every day that spend a lot of money on land and construction who very seldom regret it.

Councilor Lingard agreed with Councilor Murray's comments, adding that there was a need for long-term rental properties, which was the issue. He stated that if the Town were to buy somewhere that could be rented, it could solve the issue.

Mayor Thibodeau stated that she was grateful to hear from the Police and Fire Chiefs who were struggling with retention and recruitment, adding that she wanted to hear what their thoughts were in whether they could offer anything, what it would be and how it would look so Council was more informed. She thought it was great to think about using the Herron property for that purpose if it was something that everyone from a management standpoint thought would move the needle, adding that it was definitely something that should be looked at. She stated that the nice thing about the Herron property plan was that it was leaving some options open.

Walker Allen of 107 Pamela Court was recognized to speak. Mr. Allen stated that he appreciated Council putting on the Retreat as it was very educational and informative. He thanked Council for their discussion on the noise ordinance. He pointed out that the discussion on the noise ordinance the day before talked of where to measure. He noted that it was implied that noise would be measured at 50 feet over the property line, adding that he interpreted it to be 50 feet into the next property line, which he thought was not correct. He stated that the Town of Southern Shores' noise ordinance read as follows: "...except for noise within multi family or multi tenanted structures, all noise measurements shall be made at or beyond the property line of the property from which the noise originates to determine if the noise creates a disturbance. For purposes of measurement, the back of the curb, the outside edges of the driveways, fences, hedges, or other physical features commonly associated with the property boundaries are presumed to be at a point which is at or beyond the property line..." He thought beyond the property line meant further inside a property of the originating noise and not 50 feet on the other side. He stated that someone had mentioned about completing some measurements in Town. He stated that he would be happy to donate his DBA measurement device if anyone on Council or staff was interested in using it.

Walker Allen stated that it struck a chord with him when Police Chief Ackerman had discussed how to get people to want to work for the Town. He noted that they could be paid a lot more money, but there could be another department that would pay even more,

which was an escalating problem that wasn't durable. He pointed out that his house sits empty for five months of the year, adding that there were probably a lot of other rental homes that sat empty as well. He hoped that there would be a way to coalesce a group of all the homeowners who may have some availability with their houses to be used as short-term rentals for police officers and firefighters when the homes were not rented.

Dennis Zaenger of 116 Cook Drive was recognized to speak. Mr. Zaenger stated he was impressed with the Police presentation on Project Lifesaver. He thought it needed to be used as a promotional item for renters and people coming to Duck for vacation that may have a family member that has autism or dementia.

Ben Vorndran stated that there was a situation in the Osprey Ridge subdivision last year where a child went missing, adding that a lot of people and other agencies helped to locate the child. He thought the drone that the Police Department has was great. He stated that with regard to Project Lifesaver, he knows people that have children with autism and their lives are stressful enough and it would be a nice thing to let the public know that the police department has the equipment if it is needed.

Police Chief Ackerman thanked Dennis Zaenger and Ben Vorndran for their comments, pointing out that Duck was the first community that Project Lifesaver was able to identify that offers Project Lifesaver temporarily to any visitor that comes to the police department. He added that he would be sure to see that the service is marketed better.

Councilor Lingard asked Police Chief Ackerman if anyone would see the e-bikes that were purchased for the police department over the summer. Police Chief Ackerman stated that he was working on an enforcement strategy that would include the Department's e-bikes, adding that his officers were still completing training on driving e-bikes to become certified.

Mayor Thibodeau thanked the audience for attending the Retreat, further thanking staff and all of the presenters for their work. She felt that everyone did a great job. She noted that the next meeting would be the Regular Meeting on Wednesday, March 4, 2026 at 1:00 p.m.

**ADJOURNMENT**

Mayor Thibodeau adjourned the meeting.

There was no vote.

The time was 2:43 p.m.

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Lori A. Ackerman, Town Clerk

Approved: \_\_\_\_\_

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Monica Thibodeau, Mayor

**TOWN OF DUCK  
TOWN COUNCIL  
REGULAR MEETING  
March 4, 2026**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 1:00 p.m. on Wednesday, March 4, 2026.

**COUNCIL MEMBERS PRESENT:** Mayor Monica Thibodeau; Mayor Pro Tempore Sandy Whitman; Councilor Brenda Chasen; Councilor Kevin Lingard; and Councilor Marc Murray.

**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; Finance Administrator Lauren Creech; and Town Clerk Lori Ackerman.

**OTHERS ABSENT:** None.

Mayor Thibodeau called the meeting to order at 1:00 p.m.

Mayor Thibodeau asked Willo Kelly of the Outer Banks Association of Realtors to lead the Pledge of Allegiance. Mayor Thibodeau led the moment of silence.

**PUBLIC COMMENTS**

Mayor Thibodeau opened the floor for public comments. She noted that comments will be limited to three minutes as there was a timer for the time limit.

Police Sergeant Joseph Knight was recognized to speak. Police Sergeant Knight explained that he is part of the Law Enforcement United organization, which has law enforcement officers riding bicycles from Atlantic City, New Jersey to Washington, DC, which was approximately 200 miles. He stated that the ride starts on May 9, 2026 and he and hundreds of other riders will meet on May 12, 2026 from all over the country. He added that each officer rides in honor of a specific fallen officer whose names are engraved on the National Law Enforcement Memorial Wall. He noted that he was asking for Council and the audience's support for this ride by donating to Law Enforcement United as he has a personal goal of raising \$1,750 for the cause.

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

**CONSENT AGENDA**

**Minutes from the February 4, 2026, Regular Meeting; Government & Education Access Channel 2026-2027 Proposed Budget; and Budget Amendment**

Councilor Chasen moved to approve the Consent Agenda as presented.

Motion carried 5-0.

**SPECIAL PRESENTATIONS**

**Dare County League of Women Voters**

Christine Fleisher of the Dare County League of Women Voters was recognized to speak. Ms. Fleisher presented the 2026 Citizens Guide to Council and the audience. She thanked the Town for their support of the guide each year.

**Outer Banks Association of Realtors**

Willo Kelly and Janice Scarborough of the Outer Banks Association of Realtors were recognized to speak. Ms. Kelly and Ms. Scarborough went on to present a \$5,000 check for the Town's Septic Health Initiative program.

**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**

**Discussion/Consideration of Appointing an Individual to Serve on the Planning Board**

Mayor Thibodeau stated that there was an opening on the Planning Board for a term to expire on May 1, 2028 to fill the unexpired term of Tom Burton. She stated that staff advertised the vacancy and received six applications. She noted that Jeannine Cotner had withdrawn her application, adding that Warren Stembridge, Miriam Rollin, Anthony Parisi, Robert Lotze, and Irine Devroude were present for this meeting and would introduce themselves to Council and the audience.

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

Councilor Chasen asked Warren Stembridge if he has completed any local volunteer work. Warren Stembridge stated that he did not because he's been working full-time but wanted to start. Mayor Pro Tempore Whitman pointed out that there was beach grass planting on March 6 and 7, 2026, encouraging him to volunteer for that. Mr. Stembridge stated that he would be happy to help.

Miriam Rollin of 149 Plover Drive was recognized to speak. Ms. Rollin went on to introduce herself to Council and the audience and explained why she wished to be appointed to the Planning Board.

Anthony Parisi of 1540 Duck Road was recognized to speak. Mr. Parisi went on to introduce himself to Council and the audience and explained why he wished to be appointed to the Planning Board.

Councilor Chasen asked Anthony Parisi which states he had a professional engineering license. Anthony Parisi stated that it was in Virginia and California.

Mayor Pro Tempore Whitman asked Anthony Parisi if he had done any volunteer work for the Town. Mr. Parisi stated that he was on the damage assessment committee a few years ago.

Robert Lotze of 117 Dune Road was recognized to speak. Mr. Lotze went on to introduce himself to Council and the audience and explained why he wished to be appointed to the Planning Board.

Irine Devroude of 134 Olde Duck Road was recognized to speak. Ms. Devroude went on to introduce herself to Council and the audience and explained why she wished to be appointed to the Planning Board.

Mayor Thibodeau opened the nominations. Councilor Chasen nominated Irine Devroude. Mayor Pro Tempore Whitman nominated Irine Devroude. Councilor Lingard nominated Warren Stembridge. Councilor Murray nominated Anthony Parisi. Mayor Thibodeau nominated Robert Lotze.

Mayor Thibodeau closed the nominations.

Mayor Pro Tempore Whitman and Councilor Chasen voted for Irine Devroude. Councilor Lingard voted for Warren Stembridge. Councilor Murray voted for Anthony Parisi. Mayor Thibodeau voted for Robert Lotze.

Irine Devroude was appointed to the Planning Board for a term to expire on May 1, 2028.

### **Discussion/Consideration of the Potential Purchase of a Fire Truck**

Fire Chief Matthew Dudek was recognized to speak. Fire Chief Dudek gave a short presentation and background on why the Duck Fire Department needs a new ladder truck,

pointing out that it was 24 years old and had cost the Town \$100,000 in repairs in 2025. He stated that the used truck that was discussed at the Council Retreat ended up not working out so now the fire department would need to purchase a new one. He explained that the other option would be a stock unit that uses a basic design, minor modifications would be needed specific to the Duck Fire Department, and there was a less than 365-day delivery time. He added that there was a custom option that would take a lot longer with the lead time with more options that would need to be customized.

Mayor Pro Tempore Whitman asked Fire Chief Dudek what he needed from Council. Fire Chief Dudek explained that if Council gave permission, he would need to run it through all of the shifts and the proposals. He added that he would like permission to proceed with getting a stock unit.

Mayor Thibodeau clarified that Fire Chief Dudek's preference would be to go with a new truck. She further clarified that the engine that Fire Chief Dudek drove was a stock vehicle. Fire Chief Dudek explained that it was very similar, adding that the differences were not worth \$430,000. He stated that the stock unit would work for the fire department as it was a workable piece of apparatus. Mayor Thibodeau clarified that it would have a ladder which helps with the Town's ISO rating. Fire Chief Dudek stated she was correct. Mayor Thibodeau added that because it was new, the Town would not be looking at a lot of repairs. Fire Chief Dudek agreed, adding that the existing truck had a lot of repairs in the past year.

Councilor Chasen asked what the warranty would be on the new stock. Fire Chief Dudek explained that it was typically five years on the engine, 50 years on the frame, five years on the axles, three years on the ABS systems, 10 years on the cab components, 10 years on the paint, five years on the transmission, five years on the pump, three years for parts and labor, three years for the hydraulic systems, and a one year comprehensive bumper to bumper warranty from when the vehicle is delivered.

Mayor Pro Tempore Whitman asked how many days Truck 11 has been in service this calendar year. Fire Chief Dudek thought it was three or four days.

Councilor Murray asked if buying a stock unit would be leaving the full custom approach that was causing some of the problems on Truck 11. Fire Chief Dudek stated that it would, adding that the stock unit will not put the department at a disadvantage or be a problem in the future. Councilor Murray asked if water could be delivered from the unit without having someone on the ladder. Fire Chief Dudek stated that it could.

Councilor Lingard thought Council was happy to write a check for \$1.7 million at the Retreat. He added that he had no problem adding \$60,000+ to that for the stock vehicle.

Councilor Chasen asked what will need to be added to the stock unit in order to be used. Fire Chief Dudek explained that there were other expenses, but if the Town went with the proposal he gave, the Town would receive a rebate from the engine manufacturer of at least \$10,000-\$20,000 depending on EPA credits, which should cover most of what the

department needs. He stated that he was confident that they could equip the rest of the way within the existing budget as well as what they could get for selling Engine 11. Councilor Chasen asked if Fire Chief Dudek thought the Town could get more than \$50,000 for selling Engine 11. Fire Chief Dudek thought he could, adding that he thought he could get at least \$100,000 for it. Mayor Thibodeau clarified that it would include the radios. Fire Chief Dudek stated she was correct.

Mayor Thibodeau asked Town Manager Havens to explain how this will affect the budget. Town Manager Havens explained that this was programmed for Fiscal Year 2028 in the CIP, which was when the Town was going to replace the truck. He stated that the opportunity came to look at a used engine which led to the opportunity to purchase a stock unit. He stated that if the Town waits until it's programmed, which was one of the options Council had, it would not cost \$1.7 million but would increase as well as having an additional lead time. He felt it was a good opportunity and it made sense to move forward with the purchase if Council authorized it. He added that it would require a \$65,000 prepay and the Town could prepay it and then he would seek proposals for installment financing for 10 years and reimburse the Town with the proceeds of installment finance. He pointed out that the Fund Balance could not be used right now while staying within a comfort margin that the Town's policy dictates. Mayor Thibodeau clarified that the Town would look to finance it over 10 years. Town Manager Havens stated she was correct, adding that it would be his recommendation.

Councilor Lingard asked how it would affect the Town's insurance rating if Truck 11 died and could not be used. Fire Chief Dudek explained that the requirement for the rating was that there be a certified operational aerial ladder within 3.5 miles of the business district of the Town. He noted that it puts the mutual aid partners out of the question and would result in a drop, but he wasn't sure how far and would get the Town in the 3 or 4 range. He pointed out that the reason was because of the height of the buildings, a fire engine has to be able to reach the highest buildings as well as the larger square footage buildings. Councilor Lingard clarified that if Truck 11 were to die, it would affect the insurance premiums of everyone that owns property in Duck. Fire Chief Dudek stated that it was a possibility.

Mayor Thibodeau asked with regard to the delivery, if Council approved this purchase, it would take a year to finish it and the fire department would hold onto Truck 11. Fire Chief Dudek stated she was correct, adding that it would be approximately 1 year.

Councilor Murray understood that the Town was avoiding an EPA requirement that would not be avoided if the Town waited until 2028. He asked what that was. Fire Chief Dudek explained that there was a change in emission standards that come into effect in 2027, adding that the new engine would be part of the new emission controls and was a standard practice.

Mayor Pro Tempore Whitman clarified that there would be a \$430,000 savings to the Town if the engine was purchased now. Mayor Thibodeau stated that was what was in the CIP. Fire Chief Dudek stated that the CIP was \$2.2 million which was based on an

apples-to-apples replacement of the existing apparatus. Mayor Pro Tempore Whitman clarified that the \$430,000 could be a lot higher. Fire Chief Dudek stated that it would increase every year due to new engines and motors having an increased cost due to the EPA compliance.

Councilor Murray clarified that the new stock units were available now because they were trying to get out new old stock motors that do not meet the new EPA requirement. He further clarified that Council was comparing purchasing a custom truck in 2027/2028 with a new stock truck now. He asked if the new stock option would be available in 2027/2028 and what the cost would look like. Fire Chief Dudek explained that the body style was pretty much the same and they would continue with that line because they prebuild a lot of the components. He stated that as far as the power plants go, it would depend on what the pricing was on the compliance with the new emission standards. He pointed out that they did not have pricing on that and were not able to give him numbers on that.

Councilor Chasen stated that she liked it and thought the Town should get the ladder truck in order to keep up the ISO rating. She thought it was a good option for the fire department. Mayor Pro Tempore Whitman pointed out that the Town currently has a ladder truck but it was unavailable and has only been in service for three days over the entire year. Mayor Thibodeau agreed, adding that it was an issue. Councilor Lingard stated that it was a very expensive band aid. Councilor Murray thought it made sense to move forward with it. Mayor Thibodeau thought it was a good deal.

Councilor Murray clarified that it was already in the CIP for 2027/2028 and the Town was not taking delivery until the 2027 timeframe. Town Manager Havens stated that the 2027/2028 would be if the Town had ordered it in that year. Mayor Thibodeau pointed out that Council would be looking at additional funding for Public Safety altogether with the building and other expenses.

Mayor Pro Tempore Whitman moved to have the Town Manager and Fire Chief discuss with the vendor for the purchase of a new fire truck not to exceed \$1.8 million.

Town Manager Havens explained that the motion should be to accept the proposal from Atlantic Emergency Solutions to purchase a 2027 Pierce Enforcer 107-foot aerial for \$1,769,492 and to authorize the Town Manager to sign the agreement. He added that a second motion would be needed for a budget amendment to appropriate the Fund Balance in the amount of \$1,769,492 and increase the Fire Department Capital Outlay budget by that same amount. He asked that the budget amendment motion be completed first.

Councilor Lingard moved to approve budget amendment #8 to appropriate the Fund Balance in the amount of \$1,769,492 and increase the Fire Department Capital Outlay budget by that same amount.

Town Attorney Hobbs asked Mayor Pro Tempore Whitman to withdraw his original motion. Mayor Pro Tempore Whitman withdrew his motion.

Motion carried 5-0.

Mayor Pro Tempore Whitman moved to authorize the purchase of a 2027 Pierce Enforcer 107-foot aerial for a price not to exceed \$1,769,492 and to authorize the Town Manager to execute the documentation.

Motion carried 5-0.

### **NEW BUSINESS**

There was no New Business to discuss.

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

Town Attorney Hobbs stated he had no report.

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

#### **Departmental Updates**

Town Manager Havens stated that due to the Retreat happening the previous week that included updates for each department, only the financial report would be completed.

#### **January FY 2026 Financial Presentation**

Finance Administrator Lauren Creech was recognized to speak. Administrator Creech gave a short presentation on the January Fiscal Year 2026 financials to Council and the audience.

### **MAYOR'S AGENDA**

Mayor Thibodeau stated that she was invited a few months ago to look at the Town's rental property and helped Town Manager Havens complete some minor updates on redecorating the home. She stated that she had received a letter that was addressed to former Mayor Kingston regarding the Town's ordinance on dogs on the beach. She stated that the letter spoke to having Council review the ordinance, adding that she thought the ordinance was something special that has worked fairly well. She stated that she wanted to hear about any incidents that were happening and if there were other issues. She stated that she wanted to bring it to Council to see if there was a desire to review the ordinance.

Councilor Chasen stated that she has dogs and keeps them on a leash while on the beach, but there were a lot of dogs that run around, chase balls, and go into the ocean. She

thought it made sense to allow dogs on the beach without a leash to play. She added that it has been her experience that dog owners have been very responsible and make sure that their dogs are with them. She thought the ordinance was fine as it stood and had not heard that there was an issue that needed to be dealt with.

Councilor Lingard thought it was an opportunity to remind dog owners that dogs are friendly, adding that his dog was friendly and he keeps his dog with him, especially if someone approaches him, until his dog receives approval for the dog to approach the individual. He stated that while an adult may know that a dog was friendly, a small child or little dog may not know that. He pointed out that it was owners being responsible which was on the owners. He added that even though one knows their dog was friendly, others coming toward the dog may not know that. He thought it was a good practice to be a responsible dog owner.

Councilor Murray agreed with Councilor Lingard's comments, adding that it was a good reminder for dog owners to be responsible. He agreed that the ordinance was something that makes the Town special, but he would be open if Council could get some information regarding the number of incidents as well as the nature of them. He pointed out that the incidents in the letter that was received was that nothing bad had happened but there was a perception issue. He thought it could be traumatic to someone that doesn't like dogs. He knew that the police did not patrol the beach and wasn't sure how Council would receive that information.

Mayor Pro Tempore Whitman asked how many incidents there have been on the beach. Police Chief Jeffrey Ackerman was recognized to speak. Police Chief Ackerman stated that he did not know the figure, but it was minimal. He stated that most incidents were very similar to the one that was referenced in the letter that Mayor Thibodeau had received, adding that it was a perception that an incident was going to happen but did not actually occur. He reminded Council that the ordinance does state that even though leashes were not required, the owner was required to be in control of their dog and if their dog was to take off and bite someone, the owner would be in violation of the ordinance, regardless of the leash. Town Manager Havens pointed out that it was just on the beach, adding that dogs needed to be leashed everywhere else in Town.

Mayor Thibodeau asked if the information could be part of the weekly police report. Police Chief Ackerman stated that he could complete some research on it but the problem was that most of the data would be legacy data from the old records management system and would be pretty limited. He added that incidents have not been a major issue in the years he's worked for the Town.

Mayor Thibodeau thought it sounded like Council was in favor of keeping the ordinance as is as well as reminding the public to keep their dogs under verbal command if the dog was not on a leash while on the beach and to respect everyone's right to enjoy the beach.

Councilor Murray asked if there was something on the beach card with the beach rules that has something about dogs and if not, if it could be added. Public Information and

Events Director Kristiana Nickens was recognized to speak. Director Nickens stated that she did not recall but would check, adding that it could be added. Councilor Murray thought it would be a great place to remind dog owners that their assessment of their dog might differ from their dog's reality. Councilor Chasen thought Councilor Murray's suggestion was a great idea. Mayor Thibodeau agreed, adding that dog owners need to be reminded of the rules.

Mayor Thibodeau stated that she was still working very diligently with the housing foundation and will have a report to give after their next meeting.

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

Mayor Pro Tempore Whitman welcomed Irine Devroude as the newest Planning Board member. He reminded Council and the audience of beach planting for the next two weeks if anyone was interested in volunteering to help.

Councilor Chasen thanked everyone for the Retreat. She gave an update on the Outer Banks Visitors Bureau gross sales for each town and Dare County to Council and the audience.

Councilor Lingard stated that with regard to the letter that Town Manager Havens and Mayor Thibodeau had received regarding dogs on the beach, the person that wrote the letter had requested that the rest of Council remove him from the board. He stated that he found the letter offensive in that the person was comparing him to a communist era official, which he found to be extremely offensive. He suggested that if the person who wrote the letter wished to have him removed from Council, that they move to Duck, register to vote, register for the election, and try to get elected to replace him.

Councilor Murray stated that he recently attended the Albemarle RPO meeting and gave an update to Council and the audience.

### **OTHER BUSINESS**

#### **Additional Public Comments**

Mayor Thibodeau opened the floor for public comments.

Bob Fitchett of 113 Cofield Court was recognized to speak. Mr. Fitchett asked with regard to the 2002 Truck 11, when it was purchased. He didn't think it was in 2002. Mayor Pro Tempore Whitman stated that he did not remember. Mr. Fitchett asked if the truck was purchased new. Town Manager Havens explained that it was purchased by the Duck Volunteer Fire Department but he wasn't sure what year, adding that the Town did not purchase it. Bob Fitchett asked if it was purchased new. Mayor Thibodeau thought it was new. Town Manager Havens stated that it was a brand-new truck and the fire department likely took delivery of it in 2003. Fire Chief Dudek explained that it was delivered in 2002 and was most likely spec'ed in 2000 to start the process. Mr. Fitchett

stated that he wasn't sure if it was a previously owned truck. Mayor Thibodeau thought it was custom built by the Duck Volunteer Fire Department.

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

Mayor Thibodeau noted that the next meeting would be the Regular Meeting on Wednesday, April 1, 2026 at 1:00 p.m.

**CLOSED SESSION**

Mayor Pro Tempore Whitman moved to enter closed session pursuant to North Carolina General Statute Section 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Motion carried 5-0.

The time was 2:35 p.m.

Upon return from closed session, Town Attorney Hobbs stated that Council consulted with the attorney on a legal matter, he gave an update and additional advice, but no action was needed.

**ADJOURNMENT**

Mayor Pro Tempore Whitman moved to adjourn the meeting.

Motion carried 5-0.

The time was 2:53 p.m.

\_\_\_\_\_  
Lori A. Ackerman, Town Clerk

Approved: \_\_\_\_\_

\_\_\_\_\_  
Monica Thibodeau, Mayor

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DUCK, NORTH  
CAROLINA, DECLARING THE MONTH OF APRIL AS CHILD ABUSE PREVENTION  
MONTH

Resolution No. 26-04

WHEREAS, children are vital to our state's future success, prosperity and quality of life as well as being our most vulnerable assets; and

WHEREAS, all children deserve to have safe, stable, nurturing homes and communities that foster their healthy growth and development; and

WHEREAS, child abuse and neglect are community responsibilities, affecting both the current and future quality of life of our communities; and

WHEREAS, communities that provide parents with the social support, knowledge of parenting and child development and the resources they need to cope with stress and nurture their children help ensure that all children grow to their full potential; and

WHEREAS, effective child abuse prevention strategies succeed because of partnerships among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community.

NOW, THEREFORE, BE IT RESOLVED, this 1<sup>st</sup> day of April, 2026, that the Town Council of the Town of Duck, North Carolina, hereby declares the month of April as Child Abuse Prevention Month; and

BE IT FURTHER RESOLVED that the Town Council calls upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the community in which we live.

Adopted this 1<sup>st</sup> day of April 2026.

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Mayor

ATTEST:

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Clerk

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DUCK, NORTH  
CAROLINA, DECLARING APRIL 10, 2026 AS “LOCAL NEWS DAY”

Resolution No. 26-05

WHEREAS, Americans overwhelmingly say local news and information is the most important and most trusted source of news; and

WHEREAS, local journalism is a foundational element of a functioning and healthy democracy; and

WHEREAS, local journalism equips communities for civic engagement and action; and

WHEREAS, communities across the state are joining together to recognize and celebrate the importance of local news during the second week of April; and

WHEREAS, the Duck community relies on trusted local news for reliable, vetted information, both in daily living and in moments of crisis; and

WHEREAS, the Town of Duck recognizes the critical importance of local news in many forms.

NOW, THEREFORE, BE IT RESOLVED, this 1<sup>st</sup> day of April, 2026, that the Town Council of the Town of Duck, North Carolina, hereby proclaims April 10, 2026, as “Local News Day” and commends its observance to all residents.

Adopted this 1<sup>st</sup> day of April 2026.

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Mayor

ATTEST:

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Clerk

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DUCK, NORTH CAROLINA, DECLARING THE MONTH OF APRIL AS FAIR HOUSING MONTH

Resolution No. 25-06

WHEREAS, the Fair Housing Act, enacted on April 11, 1968, established a federal mandate to eliminate racial segregation and end housing discrimination in the United States; and

WHEREAS, the Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, familial status, national origin, and disability, and further requires recipients of federal funding to actively promote fair housing in their communities; and

WHEREAS, the Town of Duck remains steadfast in its commitment to upholding the principles set forth by Congress, ensuring fair and equal housing opportunities for all individuals; and

WHEREAS, despite progress, housing discrimination and barriers to equal housing opportunities have not all been eliminated nationwide, conflicting with the vision of fostering diverse and inclusive communities;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Duck, North Carolina, does hereby proclaim April 2026 as Fair Housing Month; and

BE IT FURTHER RESOLVED that the Town of Duck affirms its dedication to being an inclusive community, actively supporting initiatives by both public and private entities to provide, promote, and advocate for equal housing opportunities for all current and prospective residents.

Adopted this 1<sup>st</sup> day of April 2026.

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Mayor

ATTEST:

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Clerk



**AGENDA: April 1, 2026**

**Regular Meeting**

**ITEM #4A:**

Special Presentations

- A. Employee Service Recognition Program Recipient

**RECOMMENDED ACTION:**

- Present Fire Captain Brandon Boyd and Community Engagement Coordinator Betsy Trimble with their 10-year service recognition certificate and \$100 gift certificate

**SUMMARY OF INFORMATION:**

The Town has an Employee Service Recognition Program whereby employees are recognized for their employment with the Town at 5-year intervals. As a part of the program, employees are recognized at a Council Meeting and receive a certificate and a gift certificate from a Duck business. Fire Captain Brandon Boyd will be employed with the Town of Duck for 10 years as of April 10<sup>th</sup> and Community Engagement Coordinator Betsy Trimble will be employed with the Town of Duck for 10 years as of April 25<sup>th</sup> and both will be recognized.

**ATTACHMENTS:**

- None

**AGENDA: April 1, 2026**

**Regular Meeting**

**ITEM #4B:**

Special Presentations

- A. Presentation by Outer Banks Water Safety

**RECOMMENDED ACTION:**

- None

**SUMMARY OF INFORMATION:**

Staff of Outer Banks Water Safety, the Town's lifeguard contractor, will give a short presentation and status report.

**ATTACHMENTS:**

- None

**AGENDA: April 1, 2026**

**Regular Meeting**

**ITEM #7A:**

Old Business

- A. Discussion/Consideration of authorizing the Town Manager to Execute an Installment Purchase Agreement for the Purchase of a Ladder Truck for the Fire Department

**RECOMMENDED ACTION:**

Authorize the Town Manager to enter into an installment purchase agreement, with a lender to be approved by Council, for the purchase of a ladder truck for the Fire Department.

**SUMMARY OF INFORMATION:**

Following the Council's March 4, 2026 meeting at which it authorized the purchase of a ladder truck, staff created and distributed a Request for Proposals for installment financing to finance this capital purchase.

**ATTACHMENTS:**

- Memorandum regarding Financing
- Request for Proposals
- Proposal from Towne Bank



March 23, 2026

To: Mayor Thibodeau and Members of Duck Town Council

From: Drew Havens, Town Manager

Re: Summary of Request for Proposals and Responses  
Installment Financing – Ladder Truck

On March 4, 2026, the Town of Duck sent to three local lenders, and posted to our website, a Request for Installment Financing Proposals seeking proposals from interested lenders for installment financing for a new Ladder Truck.

We asked that proposals consider the following terms:

- Loan Amount - \$1,769,492
- 10 years
- Level Payment – Annual
- First payment due one year from the closing date of the financing
- No pre-payment penalty

Below is a summary of the proposals received:

<b>Financial Institution</b>	<b>Interest Rate</b>	<b>Added Fees</b>	<b>Total Interest</b>
Towne Bank	3.98%	None	409,959.85
Bank Funding, LLC	4.06%	2% pre-pay	420,828.40
Freedom Financial	4.39%	None	454,581.60
PNC Bank	4.42%	None	457,983.55

Our request for proposals sought “proposals from interested lenders for installment financing”, however we did not define the term lender. Bank Funding, LLC is a third-party broker and thus not technically responsive to our request.

We will seek your direction, at your meeting on April 1, 2026, regarding with which lender to contract for this financing.



March 4, 2026

**Request for Installment Financing Proposals – Fire Apparatus**

Dear Lender:

The Town of Duck is seeking proposals from interested lenders for installment financing for the purchase of a 2027 model year ladder truck for our fire department. This piece of apparatus will replace a 2002 aerial platform truck and will serve as our primary ladder truck and also serve as an engine as needed.

Financing Need:       \$1,769,492

Terms:     10 years  
              Level Payment – Annual  
              First payment due one year from closing  
              No pre-payment penalty

Please include any applicable fees and an amortization schedule with your proposal.

Proposals must be received by Friday, March 20, 2026 at 4:00 p.m. Proposals which do not adhere to the requested terms or are received after the deadline will be considered non-responsive.

A recommendation for financing will be presented to the Duck Town Council for approval at their regularly scheduled meeting on Wednesday, April 1, 2026. The selected lender will be notified after approval has been granted. All questions regarding this request for proposals should be directed to Drew Havens at 252-254-5950 or [dhavens@ducknc.gov](mailto:dhavens@ducknc.gov).

We thank you in advance for your time and consideration.

Sincerely,

*Drew Havens*

Drew Havens,  
Town Manager



March 18, 2026

Drew Havens  
Town Manager  
Town of Duck  
P.O. Box 8369  
Duck, NC 27949

TowneBank (the “Bank”) is pleased to offer the following proposal to the Town of Duck, North Carolina (the “Town”):

**BORROWER:** Town of Duck

**PURPOSE:** Financing for the purchase of a 2027 ladder/fire truck.

**LOAN AMOUNT:** Up to \$1,769,492

**FINAL MATURITY:** 10 years from the closing date.

**TAX TREATMENT:** The proposed interest rates assume that the financing will be Bank-qualified under Section 265(b)(3) of the Internal Revenue Code.

**DRAWDOWN:** The proposed interest rates assume that all funds would be fully drawn at closing.

**INTEREST RATE:** 3.98% fixed for a term of ten years from date of closing.

**PAYMENTS:** Level annual payments of principal and interest to begin one year from closing. The loan will be fully amortized matching the ten-year term. Interest will be accrued on an actual/360 basis.

**COLLATERAL:** Security interest / title on 2027 ladder truck to be identified with make, model and serial number or VIN.

**PREPAYMENT:** Borrower may prepay all or any portion of the loan at any time. No fee will apply.

**CLOSING FEES:** TBD, to include *no* origination fee, but will include lien filing fees



**ANNUAL FEES:** None

**OPINION OF TOWN ATTORNEY:**

Provide the bank with an opinion that this obligation has been duly authorized and is a valid and enforceable obligation of the Town of Duck and is exempt from taxation.

**REPORTING REQUIREMENTS:**

So long as the Town is indebted to the Bank, the Town shall submit to the Bank its Comprehensive Annual Financial Report within 270 days of fiscal year end.

**FINANCIAL COVENANTS:**

None

**EXPIRATION:**

This proposal is good for 45 days.

TowneBank is pleased to provide this proposal to the Town of Duck. Please do not hesitate to contact me at (252) 255-4515 if you have questions or require clarification. Please indicate your acceptance by having the appropriate official execute this proposal below. Thanks again for the opportunity to serve you.

Kind Regards,

Landon Price  
Senior Vice President

The terms and conditions set forth above are accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

**Town of Duck, North Carolina**

**By:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Title:** \_\_\_\_\_



Approximate amortization schedule:

Enter Values		Loan Summary			
Loan Amount	\$ 1,769,492.00	Scheduled Payment	\$ 217,945.19	Refi fee	0.0%
Annual Interest Rate	3.98 %	Scheduled Number of Payments	10	To be paid off	\$0
Loan Period in Years	10	Actual Number of Payments	10	Cash flow at closing	\$0
Number of Payments Per Year	1	Total Early Payments	\$ -	Old Payment	
Start Date of Loan	5/1/2026	Total Interest	\$ 409,959.85	New Payment	(\$217,945)
Optional Extra Payments	\$ -				(\$217,945)
Lender Name: <u>TowneBank</u>					

Pmt No.	Payment Date	Beginning Balance	Scheduled Payment	Extra Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
1	5/1/2027	\$ 1,769,492.00	\$ 217,945.19	\$ -	\$ 217,945.19	\$ 147,519.40	\$ 70,425.78	\$ 1,621,972.60	\$ 70,425.78
2	5/1/2028	1,621,972.60	217,945.19	\$ -	217,945.19	153,390.68	64,554.51	1,468,581.92	134,980.29
3	5/1/2029	1,468,581.92	217,945.19	\$ -	217,945.19	159,495.63	58,449.56	1,309,086.30	193,429.85
4	5/1/2030	1,309,086.30	217,945.19	\$ -	217,945.19	165,843.55	52,101.63	1,143,242.74	245,531.49
5	5/1/2031	1,143,242.74	217,945.19	\$ -	217,945.19	172,444.12	45,501.06	970,798.62	291,032.55
6	5/1/2032	970,798.62	217,945.19	\$ -	217,945.19	179,307.40	38,637.79	791,491.22	329,670.33
7	5/1/2033	791,491.22	217,945.19	\$ -	217,945.19	186,443.83	31,501.35	605,047.38	361,171.68
8	5/1/2034	605,047.38	217,945.19	\$ -	217,945.19	193,864.30	24,080.89	411,183.09	385,252.57
9	5/1/2035	411,183.09	217,945.19	\$ -	217,945.19	201,580.10	16,365.09	209,602.99	401,617.66
10	5/1/2036	209,602.99	217,945.19	\$ -	209,602.99	201,260.79	8,342.20	0.00	409,959.85

**AGENDA:        April 1, 2026                    Regular Meeting**

**ITEM #7B:**

Old Business/Items Deferred from Previous Meetings

C. Discussion/Consideration of Ordinance 26-05, an Ordinance Amending the Town Code of the Town of Duck, North Carolina, related to Chapter 91, Loud and Disturbing Noise

**RECOMMENDED ACTION:**

- Review the Proposed Town Code Text Amendment
- Adopt Ordinance 26-05 to amend Chapter 91, Loud and Disturbing Noise

**SUMMARY OF INFORMATION:**

Ordinance 26-05 proposes to amend Chapter 91 following Council direction at their February 2026 Retreat. Ordinance 26-05 has been developed to provide objective and quantifiable means to regulate and enforce loud and disturbing noise.

As this ordinance does not involve amendments to any development standards under the purview of the Planning Board, Council may adopt this ordinance as presented. A 4/5 vote in favor of adoption is necessary without a public hearing. Alternatively, Council may authorize this for public hearing, in which case Staff would advertise this matter accordingly and bring the proposed amendment to Council's May 6, 2026, Regular meeting.

**ATTACHMENTS:**

- Staff Memorandum
- Draft Ordinance 26-05



**MEMORANDUM**

TO: Mayor Thibodeau & Members of the Duck Town Council

FROM: Connor Winstead, Development & Infrastructure Director/Asst. Town Manager

DATE: March 27, 2026

SUBJECT: Ordinance 26-05  
Text Amendment to Town Code Chapter 91

**Background Information**

Town staff presented to the Town Council at the February retreat regarding revising Chapter 91 of the Town Code related to noise standards. The Town first adopted ordinances regulating noise standards in 2004 with a minor amendment in 2017 to the list of noises expressly prohibited. The current standards are subjective in nature and dependent upon the determination of at least one complainant, as well as the investigating police officer, to determine whether a noise is in violation of the ordinance. There are no current standards related to decibel (dB(A)) levels of noise, nor any language related to the measurement of noise relative to its source.

While complaints of excessive noise emanating from residential properties, particularly during the tourist season, are commonplace, staff have begun receiving complaints from residential properties about excessive noise emanating from businesses. Based on feedback from the Town Council, staff have crafted an amendment to Chapter 91 which clearly defines terminology related to noise and the measurement thereof, establishes limits in dB(A) for commercial and residential uses, provides exemptions to the regulations, and further refines complaint and investigation procedures. The language in this amendment largely mirrors regulations found in other Dare County towns.

**Duck 2032 Vision**

The adopted 2032 Vision for the Town of Duck contains many general aspirations for the future of our community. The following guiding principles relate to the importance of understanding our Village needs and supporting our business community.

**Duck and Our Village**

Our residential neighborhoods and Duck Village connect to form the fabric of our community. Our collection of small shops, restaurants, offices, parks and boardwalks combine to shape the Duck experience. The development of the Village has a coastal residential style and scale, and its continuity creates an energetic and walkable experience. Our quality of life is enhanced through innovative solutions that protect and preserve the Village's unique character and environment.



**Vibrant, Thriving Business Community**

The business community plays an essential role in creating the Duck experience. A high level of collaboration and coordination ensures that we have a vibrant town where each and every individual can enjoy the recreation, arts, music, shopping, dining, and lodging unique to Duck.

**Town Council Action**

Ordinance 26-05 is a legislative amendment and therefore a public hearing is not required. Council may approve this amendment on the first reading with a 4/5 majority vote. Alternatively, Council may choose to authorize a public hearing on the proposed amendment and staff will bring back this matter for consideration at the May regular meeting.

**Attachments**

- A. Chapter 91, Loud and Disturbing Noise markup
- B. Ordinance 26-05 draft

## **LOUD AND DISTURBING NOISE**

### **§ 91.35 UNNECESSARY NOISE PURPOSE AND DEFINITIONS.**

It shall be unlawful for any person to create or assist in creating, permit, continue or permit the continuance of, any unreasonably loud, disturbing and unnecessary noise or noise of the character, intensity or duration as to be detrimental to the life or health of any individual in the town. Except for uses and activities identified in section 91.36, the standards in this section shall apply to all uses and activities taking place on lands and waters located within the corporate limits of the town.

The following definitions shall apply to all portions of the Town Code relating to noises within the town.

“A” WEIGHTING SCALE. The sound pressure level, in decibels, as measured with the sound level meter using the "A" weighted network (scale). The standard unit of notation is decibel (dB(A)).

DECIBEL (dB(A)). The decibel is a unit of measure of sound (noise) level relative to a standard reference sound on a logarithmic scale.

EMERGENCY WORK. Work necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger by private or public utilities when restoring utility service.

HOURS, DAYTIME. 7:00 a.m. to 10:00 p.m., local time.

HOURS, NIGHTTIME. 10:01 p.m. to 6:59 a.m., local time.

MOTOR VEHICLE. For purposes of this section, the term motor vehicle includes any vehicle which is propelled or drawn on land by a motor, including, but not limited to motorcycles, passenger cars, trucks, truck-trailers, semitrailers, campers, go-carts, amphibious craft on land, dune buggies, racing vehicles, mopeds, motorized bicycles or motorized scooters or skateboards.

NOISE. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

NOISE, UNREASONABLY LOUD, DISTURBING, OR EXCESSIVE. Any sound which because of its volume, level, duration or character disturbs, discomforts, injures or endangers the health, peace or safety of a reasonable person with normal sensitivities. For purposes of this chapter, such a sound shall be deemed to be a noise disturbance.

PERSON. A person, firm, association, co-partnership, joint venture, corporation, or any entity, public or private in nature.

REAL PROPERTY, BOUNDARY. A line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another, but not including intra-budding real property divisions.

REAL PROPERTY, OWNER. The owner or listed owner, of real property as defined in G.S. 105-302.

RIGHT-OF-WAY. Any street, avenue, boulevard, highway, sidewalk or alley or similar plan which is owned or controlled by a governmental entity or homeowners association.

SOUND AMPLICATION DEVICES. Any radio, tape player, compact disc player, MP3 player, loudspeaker, amplifier, or other device used for the amplification of sound.

SOUND LEVEL (NOISE LEVEL) IN DECIBELS. The level measured on the "A" weighted scale as defined in the American National Standards S-1.4-1983.

SOUND LEVEL METER. An instrument designed for the measuring of sound levels and a means of displaying the sound level using the "A" weighting network.

TENANT. One who resides on or has the temporary use or occupancy of real property owned by another person. In the case of residential property, the term "tenant" shall be considered to mean any individual actually residing at the residential location, whether such person is listed on a lease or not.

ZONING DISTRICTS. Land classifications within the town that regulate the uses and locations of structures. Zoning districts are established in chapter 156 of this Code.

(Ord. 04-09, passed 5-5-2004) Penalty, see § 91.99

**~~§ 91.36 NOISES EXPRESSLY PROHIBITED:~~**

~~—The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this subchapter, but this enumeration shall not be deemed to be exclusive, namely:~~

~~—(A) The sounding of any horn or signal device or any device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or, if in motion, only as a danger signal after, or as, brakes are being applied and deceleration of the vehicle is intended; the creation by means of any like signal device of any unreasonably loud or harsh sound; and the sounding of the device for any unnecessary and unreasonable period of time;~~

~~—(B) The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle;~~

~~—(C) The use or operation of any musical instrument, phonograph, radio, television, loudspeaker, or any other instrument, or sound-amplifying device so loudly as to disturb persons in the vicinity thereof, or in a manner so as renders the same a public nuisance; provided, however, that upon application to the Town Manager, permits may be granted to responsible organizations to produce programs in music, speeches or general entertainment;~~

~~—(D) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity;~~

~~—(E) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in a manner so as to create loud or unnecessary grating, grinding, rattling or other noise, or in a manner so as to cause squealing, or screeching of tires, or in a manner so as to cause the tires to propel rock, sand or gravel;~~

~~—(F) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger;~~

~~—(G) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noise therefrom;~~

~~—(H) The use of any mechanical device operated by compressed air unless the noise created is effectively muffled and reduced;~~

~~—(I) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, except in the case of urgent necessity in the interest of public safety and then only with a permit from the Building Inspector, which permit may be renewed for a period of 3 days or less while the emergency continues;~~

~~—(J) The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;~~

~~—(K) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof;~~

~~—(L) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood;~~

~~—(M) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise;~~

~~—(N) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes, except as permitted by the Town Manager; provided, however, that the use by any governmental unit for a public purpose shall be exempted from the prohibitions of this subchapter;~~

~~—(O) The conducting, operating or maintaining of any garage or service station so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.; and~~

~~—(P) The firing or discharging of a gun, squibs, crackers, gunpowder or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance.~~

### **§ 91.36 NOISES PROHIBITED.**

No use shall be operated or permitted to be operated in a manner that creates prohibited forms of noise or sound that exceeds the maximum sound levels in this section.

(A) EXEMPTIONS. The standards in this section shall not apply to the following uses or activities:

(1) Emergency work;

(2) Generators for production of electricity at times when electrical service has been interrupted due to natural calamity or accidental disruption. Generators used for the production of electricity not exempted by this chapter shall be operated in accordance with the maximum decibel requirements of the zoning district where located;

(3) Parades, fairs, circuses, or other similar public entertainment, sporting events taking place during the daytime hours in areas set aside for such activities, or any activities normally associated with any of the above, including use of a loudspeaker or public address system, provided a special event permit from the Town of Duck has been applied for and approved;

(4) Musical chimes or the sounding of bells emanating from a public, educational, or religious institution or facility provided the sound is of reasonable duration and frequency;

(5) The intentional sounding or permitting the sounding of any fire, burglar, or civil defense alarm, siren, whistle or similar stationary emergency signaling device for emergency purposes or for routine testing;

(6) Any activity to the extent regulation thereof has been pre-empted by State or federal law;

(7) Noise resulting from the loading and unloading, opening, closing or other handling of boxes, crates, containers, building materials, or similar objects between the hours of 7:00 a.m. and 10:00 p.m.; and

(8) Agencies of the United States government, law enforcement agencies, fire departments, ocean rescue services, emergency medical services, and Town refuse collection vehicles or apparatuses, engaged in their official duties are exempt from the provisions of this section; and

(9) Noises and activity associated with public beach nourishment projects and/or road improvement projects undertaken at the town's direction.

(B) MAXIMUM PERMITTED SOUND LEVELS. It shall be unlawful to create, cause, or allow the continuance of a noise disturbance that exceeds the following maximum thresholds:

(1) Sounds affecting residential and special districts: In the single-family residential (RS-1, RS-2), medium density residential (R-2), and special (S-1) districts, it shall be unlawful to create, cause, or allow any mechanical, amplified or sound from any source which registers more than 60 dB(A) during daytime hours or 55 dB(A) during nighttime hours at or beyond the property line of the property from which the sound originates.

(2) Sounds affecting commercial and institutional zones: In the general commercial (C-1, C-2), village commercial (V-C), conservation public recreation (C-PR), and ocean and sound overlay (OSO) districts, it shall be unlawful to create, cause, or allow any mechanical, amplified, or sound from any source which registers more than 75 dB(A) during daytime hours or 65 dB(A) during nighttime hours at or beyond the property line from which the sound originates.

(3) Sounds crossing zoning district boundaries: When the zoning classification of the property where the sound originates differs from the zoning classification of the adjoining sound receiving property, the maximum permitted sound level will be the higher of the two.

(C) PROHIBITED NOISE. It shall be unlawful for any person to engage in the following acts, which are declared to be a prohibited noise in violation of this chapter:

(1) The keeping of an animal which, by causing frequent or long continued noise, shall disturb the quiet, comfort, or repose of the immediate area to such an extent as to constitute a nuisance;

(2) The loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, dumpsters of similar objects between the hours of 10:00 p.m. to 5:00 a.m. the following day, in such a manner as to cause a noise disturbance across a residential real property boundary is prohibited as set forth in the maximum decibel levels set for each zone at the times of day consistent with this chapter;

(3) It shall be unlawful for any person to play, use, or permit to be played any sound amplification device which generates a sound level exceeding the decibel limits set forth in this chapter for the zoning district in which it is located for any of the following:

(A) Any public property including any public street, highway, building, sidewalk, park, or thoroughfare; or

(B) Any motor vehicle on a public street, highway, public space, or commercial space.

(4) Possession by a person of any machines or devices which may be classified as an electronic sound amplification system enumerated and defined in this chapter shall be prima facie evidence that person or those persons operated that machine or device.

(5) Except as allowed in this section, noise caused by the erection (including excavation), demolition, alteration, or repair of any building other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays and Saturdays shall be prohibited.

(A) Erection, excavation, demolition, alteration, or repair of a building may take place outside the hours of 7:00 a.m. and 8:00 p.m. on weekdays or Saturdays, only in the case of urgent necessity in the interest of public health and safety, subject to an emergency construction permit issued by the town manager (or a designee).

(D) NOISE MEASUREMENT TECHNIQUES.

(1) SOUND LEVEL METERS.

(A) For the purpose of determining decibels, (dB(A)s) as referred to in this chapter, noise shall be measured on the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute.

(B) The sound level meter should be certified to meet or exceed the American National Standards Institute or its successor bodies and shall be serviced, calibrated and operated as recommended by the manufacturer.

(C) Persons utilizing the sound level meter for purposes of this chapter shall be familiar with sound level measurement and the operation of sound level measurement equipment, and shall operate the sound level meter in accordance with the manufacturer's instructions.

(2) ALTERNATIVE MEASUREMENT TECHNIQUES.

(A) In the event that the noise cannot be measured on a sound level meter operated on the "A" weighting network (scale) or it is otherwise impractical to utilize this measurement technique under the circumstances:

(1) The complaints of numerous persons, at least one of whom resides in a different location from the other complaining person or persons, when combined with the complaint of an authorized investigating officer, shall be prima facie evidence that the sound is unreasonably loud, disturbing, or excessive noise; or

(2) If the noise is of such a nature that a reasonable person with normal sensitivities should have known that the noise was creating an unreasonably loud, disturbing or excessive noise the same shall be prima facie evidence of a violation of this chapter.

(B) Sound emission decibel measurements shall not be required for establishment of a violation under the circumstances set out above and the same shall be deemed to be a noise disturbance.

(C) In determining whether a noise, under this section, is of such character as to be noise disturbance the investigating officer shall consider the following non-exclusive list of factors:

- (1) Whether the noise crosses property lines;
- (2) Complaints of neighbors regarding the noise;
- (3) Effect on neighbors complaining of the noise;
- (4) Time of day at which the noise takes place;

- (5) The intensity and duration of the noise;
- (6) The type of noise produced;
- (7) The reason or reasons for the noise; and
- (8) The alternative means available which will not produce excessive noise.

(3) LOCATION OF MEASUREMENT.

(A) All noise measurements shall be made at or beyond the lot line of the property from which the noise originates to determine if the noise creates a noise disturbance. For purposes of measurement, the back of the curb, the outside edges of driveways, fences, hedges or other physical features commonly associated with property boundaries are presumed to be at a point which is at or beyond the lot line.

(Ord. 04-09, passed 5-5-2004; Am. Ord. 17-04, passed 6-7-2017) Penalty, see § 91.99

**~~§ 91.37 SOUND-AMPLIFYING DEVICES; PERMITS FOR SPEECHES, ENTERTAINMENT AND OTHER EVENTS.~~**

~~—(A) It shall be unlawful for any person to operate or cause or permit to be operated, any automatic or electrical piano, phonograph, graphophone, victrola, radio, loudspeaker or any instrument or sound-producing or sound-amplifying device of like character so loudly as to unreasonably disturb persons in the vicinity thereof or in a manner as renders the same a public nuisance.~~

~~—(B) Provided, that upon application to and approval by the Town Manager, written permits may be granted to responsible organizations to broadcast programs of music, speeches, general entertainment or announcements as a part of and incident to community celebrations of national, state or town occasions, public festivals or other outstanding events, provided traffic on the streets is not obstructed by reason thereof.~~

(Ord. 04-09, passed 5-5-2004) Penalty, see § 91.99

**~~§ 91.38 PERMIT PROGRAM FOR SOUND-AMPLIFYING SYSTEM OR DEVICES USED OR OPERATED FOR HIRE.~~**

~~—(A) It shall be unlawful for any person to use, operate, cause to be used or operated, or allow to be used or operated, any sound-amplifying system or device for hire without first having obtained a valid permit for the use or operation from the Chief of Police, or his or her delegate.~~

~~—(B) The permit shall be issued upon application, shall specify the permissible hours and location of the use or operation and shall be valid for the hours and location specified therein.~~

~~—(C) If, at any time, the Chief of Police or his or her delegate determines that the manner of use or operation of the sound-amplifying system or device will unreasonably disturb the comfort and repose of any person, at any location outside the location for which the permit has been issued, he or she shall first warn against continued use or operation in that manner.~~

~~—(D) If use or operation continues in the manner warned against, the Chief of Police or his or her delegate shall revoke the permit for the use or operation and the use or operation thereafter shall be unlawful.~~

(Ord. 04-09, passed 5-5-2004) Penalty, see § 91.99

**~~§ 91.39 RADIOS, PHONOGRAPHS OR MUSICAL INSTRUMENTS.~~**

~~—It shall be unlawful for any person to play any radio, phonograph or musical instrument in the town in a manner or with the volume so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.~~

(Ord. 04-09, passed 5-5-2004) Penalty, see § 91.99

**~~§ 91.40 PRESUMPTION.~~**

~~—The complaints of 2 or more persons, at least 1 of whom resides in a different home from the other complaining person, or the complaint of 1 or more persons, when combined with the complaint of the investigating police officer made to the Police Department concerning the emission of sound, shall be prima facie evidence that the sound is a loud, disturbing and unnecessary noise.~~

(Ord. 04-09, passed 5-5-2004)

**~~§ 91.41 COMPLAINT PROCEDURE.~~**

~~—(A) If any person shall have reasonable grounds for believing that the provisions of this subchapter are being violated, he or she may make a report thereof to the Police Department, who shall investigate.~~

~~—(B) If the investigation reveals, in fact, a violation of this subchapter, the investigating officer shall cause a written complaint to be made upon which a warrant may be issued for violation thereof.~~

(Ord. 04-09, passed 5-5-2004)

**§ 91.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to the civil penalty set forth in § 10.99.

(B) Any person violating the provisions of §§ 91.35 **and 91.36** shall be subject to a civil penalty in the amount of \$50 per violation. The person cited for the violation must pay the civil penalty within five days of being cited for the violation. In the event the person cited for the violation does not pay the penalty within the prescribed time, the town may bring a civil action to recover the penalty and the associated cost of court.

(C) In the event the offender does not pay the penalty within the prescribed time, the town may bring a civil action to recover the penalty, together with the cost of court.

(D) Additionally, any violation of this chapter shall constitute a misdemeanor which shall be punishable as provided by G.S. § 14-4. Each violation shall constitute a separate offense.

(Ord. 04-09, passed 5-5-2004; Am. Ord. 19-06, passed 11-6-2019)

**AN ORDINANCE AMENDING THE NUISANCE ORDINANCE  
OF THE TOWN OF DUCK, NORTH CAROLINA DEFINING NOISE STANDARDS  
WITHIN THE TOWN OF DUCK.**

**Ordinance 26-05**

**WHEREAS**, the Town of Duck maintains an interest in regulating general nuisances, including standards for noise; and

**WHEREAS**, the Town of Duck strives to enhance the character and success of Duck's residential and commercial areas; and

**WHEREAS**, the Town Council has determined that review, collaboration and amendments to the Town Code to address regulation of noise are important to the Town.

**NOW THEREFORE BE IT ORDAINED** by the Town Council for the Town of Duck, North Carolina that Chapter 91, General Nuisances Ordinance shall be amended as follows:

**PART I.** That Section 91.35 of the Town Code be amended and restated as follows:

**PURPOSE AND DEFINITIONS**

*Except for uses and activities identified in section 91.36, the standards in this section shall apply to all uses and activities taking place on lands and waters located within the corporate limits of the town.*

*The following definitions shall apply to all portions of the Town Code relating to noises within the town.*

*"A" WEIGHTING SCALE. The sound pressure level, in decibels, as measured with the sound level meter using the "A" weighted network (scale). The standard unit of notation is decibel (dB(A)).*

*DECIBEL (dB(A)). The decibel is a unit of measure of sound (noise) level relative to a standard reference sound on a logarithmic scale.*

*EMERGENCY WORK. Work necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger by private or public utilities when restoring utility service.*

*HOURS, DAYTIME. 7:00 a.m. to 10:00 p.m., local time.*

*HOURS, NIGHTTIME. 10:01 p.m. to 6:59 a.m., local time.*

*MOTOR VEHICLE. For purposes of this section, the term motor vehicle includes any vehicle which is propelled or drawn on land by a motor, including, but not limited to motorcycles, passenger cars, trucks,*

## Attachment B

*truck-trailers, semitrailers, campers, go-carts, amphibious craft on land, dune buggies, racing vehicles, mopeds, motorized bicycles or motorized scooters or skateboards.*

*NOISE. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.*

*NOISE, UNREASONABLY LOUD, DISTURBING, OR EXCESSIVE. Any sound which because of its volume, level, duration or character disturbs, discomforts, injures or endangers the health, peace or safety of a reasonable person with normal sensitivities. For purposes of this chapter, such a sound shall be deemed to be a noise disturbance.*

*PERSON. A person, firm, association, co-partnership, joint venture, corporation, or any entity, public or private in nature.*

*REAL PROPERTY, BOUNDARY. A line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another, but not including intra-budding real property divisions.*

*REAL PROPERTY, OWNER. The owner or listed owner, of real property as defined in G.S. 105-302.*

*RIGHT-OF-WAY. Any street, avenue, boulevard, highway, sidewalk or alley or similar plan which is owned or controlled by a governmental entity or homeowners association.*

*SOUND AMPLIFICATION DEVICES. Any radio, tape player, compact disc player, MP3 player, loudspeaker, amplifier, or other device used for the amplification of sound.*

*SOUND LEVEL (NOISE LEVEL) IN DECIBELS. The level measured on the "A" weighted scale as defined in the American National Standards S-1.4-1983.*

*SOUND LEVEL METER. An instrument designed for the measuring of sound levels and a means of displaying the sound level using the "A" weighting network.*

*TENANT. One who resides on or has the temporary use or occupancy of real property owned by another person. In the case of residential property, the term "tenant" shall be considered to mean any individual actually residing at the residential location, whether such person is listed on a lease or not.*

*ZONING DISTRICTS. Land classifications within the town that regulate the uses and locations of structures. Zoning districts are established in chapter 156 of this Code.*

**PART II.** That Section 91.36 of the Town Code be amended and restated as follows:

### **NOISES PROHIBITED**

*No use shall be operated or permitted to be operated in a manner that creates prohibited forms of noise or sound that exceeds the maximum sound levels in this section.*

## Attachment B

(A) *EXEMPTIONS. The standards in this section shall not apply to the following uses or activities:*

*(1) Emergency work;*

*(2) Generators for production of electricity at times when electrical service has been interrupted due to natural calamity or accidental disruption. Generators used for the production of electricity not exempted by this chapter shall be operated in accordance with the maximum decibel requirements of the zoning district where located;*

*(3) Parades, fairs, circuses, or other similar public entertainment, sporting events taking place during the daytime hours in areas set aside for such activities, or any activities normally associated with any of the above, including use of a loudspeaker or public address system, provided a special event permit from the Town of Duck has been applied for and approved;*

*(4) Musical chimes or the sounding of bells emanating from a public, educational, or religious institution or facility provided the sound is of reasonable duration and frequency;*

*(5) The intentional sounding or permitting the sounding of any fire, burglar, or civil defense alarm, siren, whistle or similar stationary emergency signaling device for emergency purposes or for routine testing;*

*(6) Any activity to the extent regulation thereof has been pre-empted by State or federal law;*

*(7) Noise resulting from the loading and unloading, opening, closing or other handling of boxes, crates, containers, building materials, or similar objects between the hours of 7:00 a.m. and 10:00 p.m.; and*

*(8) Agencies of the United States government, law enforcement agencies, fire departments, ocean rescue services, emergency medical services, and Town refuse collection vehicles or apparatuses, engaged in their official duties are exempt from the provisions of this section; and*

*(9) Noises and activity associated with public beach nourishment projects and/or road improvement projects undertaken at the town's direction.*

(B) *MAXIMUM PERMITTED SOUND LEVELS. It shall be unlawful to create, cause, or allow the continuance of a noise disturbance that exceeds the following maximum thresholds:*

*(1) Sounds affecting residential and special districts: In the single-family residential (RS-1, RS-2), medium density residential (R-2), and special (S-1) districts, it shall be unlawful to create, cause, or allow any mechanical, amplified or sound from any source which registers more than 60 dB(A) during daytime hours or 55 dB(A) during nighttime hours at or beyond the property line of the property from which the sound originates.*

## Attachment B

(2) *Sounds affecting commercial and institutional zones: In the general commercial (C-1, C-2), village commercial (V-C), conservation public recreation (C-PR), and ocean and sound overlay (OSO) districts, it shall be unlawful to create, cause, or allow any mechanical, amplified, or sound from any source which registers more than 75 dB(A) during daytime hours or 65 dB(A) during nighttime hours at or beyond the property line from which the sound originates.*

(3) *Sounds crossing zoning district boundaries: When the zoning classification of the property where the sound originates differs from the zoning classification of the adjoining sound receiving property, the maximum permitted sound level will be the higher of the two.*

(C) *PROHIBITED NOISE. It shall be unlawful for any person to engage in the following acts, which are declared to be a prohibited noise in violation of this chapter:*

(1) *The keeping of an animal which, by causing frequent or long continued noise, shall disturb the quiet, comfort, or repose of the immediate area to such an extent as to constitute a nuisance;*

(2) *The loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, dumpsters of similar objects between the hours of 10:00 p.m. to 5:00 a.m. the following day, in such a manner as to cause a noise disturbance across a residential real property boundary is prohibited as set forth in the maximum decibel levels set for each zone at the times of day consistent with this chapter;*

(3) *It shall be unlawful for any person to play, use, or permit to be played any sound amplification device which generates a sound level exceeding the decibel limits set forth in this chapter for the zoning district in which it is located for any of the following:*

(A) *Any public property including any public street, highway, building, sidewalk, park, or thoroughfare; or*

(B) *Any motor vehicle on a public street, highway, public space, or commercial space.*

(4) *Possession by a person of any machines or devices which may be classified as an electronic sound amplification system enumerated and defined in this chapter shall be prima facie evidence that person or those persons operated that machine or device.*

(5) *Except as allowed in this section, noise caused by the erection (including excavation), demolition, alteration, or repair of any building other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays and Saturdays shall be prohibited.*

(A) *Erection, excavation, demolition, alteration, or repair of a building may take place outside the hours of 7:00 a.m. and 8:00 p.m. on weekdays or Saturdays, only in the case of urgent necessity in the interest of public health and safety, subject to an emergency construction permit issued by the town manager (or a designee).*

### *(D) NOISE MEASUREMENT TECHNIQUES.*

#### *(1) SOUND LEVEL METERS.*

*(A) For the purpose of determining decibels, (dB(A)s) as referred to in this chapter, noise shall be measured on the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute.*

*(B) The sound level meter should be certified to meet or exceed the American National Standards Institute or its successor bodies and shall be serviced, calibrated and operated as recommended by the manufacturer.*

*(C) Persons utilizing the sound level meter for purposes of this chapter shall be familiar with sound level measurement and the operation of sound level measurement equipment, and shall operate the sound level meter in accordance with the manufacturer's instructions.*

#### *(2) ALTERNATIVE MEASUREMENT TECHNIQUES.*

*(A) In the event that the noise cannot be measured on a sound level meter operated on the "A" weighting network (scale) or it is otherwise impractical to utilize this measurement technique under the circumstances:*

*(1) The complaints of numerous persons, at least one of whom resides in a different location from the other complaining person or persons, when combined with the complaint of an authorized investigating officer, shall be prima facie evidence that the sound is unreasonably loud, disturbing, or excessive noise; or*

*(2) If the noise is of such a nature that a reasonable person with normal sensitivities should have known that the noise was creating an unreasonably loud, disturbing or excessive noise the same shall be prima facie evidence of a violation of this chapter.*

*(B) Sound emission decibel measurements shall not be required for establishment of a violation under the circumstances set out above and the same shall be deemed to be a noise disturbance.*

*(C) In determining whether a noise, under this section, is of such character as to be noise disturbance the investigating officer shall consider the following non-exclusive list of factors:*

- (1) Whether the noise crosses property lines;*
- (2) Complaints of neighbors regarding the noise;*

## Attachment B

- (3) *Effect on neighbors complaining of the noise;*
- (4) *Time of day at which the noise takes place;*
- (5) *The intensity and duration of the noise;*
- (6) *The type of noise produced;*
- (7) *The reason or reasons for the noise; and*
- (8) *The alternative means available which will not produce excessive noise.*

### (3) LOCATION OF MEASUREMENT.

*(A) All noise measurements shall be made at or beyond the lot line of the property from which the noise originates to determine if the noise creates a noise disturbance. For purposes of measurement, the back of the curb, the outside edges of driveways, fences, hedges or other physical features commonly associated with property boundaries are presumed to be at a point which is at or beyond the lot line.*

**PART III.** That Sections 91.37-91.41 are repealed.

**PART IV.** This ordinance shall be effective upon its adoption.

\_\_\_\_\_  
Monica Thibodeau, Mayor

ATTEST:

\_\_\_\_\_  
Lori Ackerman, Town Clerk

Date adopted: \_\_\_\_\_

Motion to adopt by: \_\_\_\_\_

Vote: \_\_\_\_\_AYES \_\_\_\_\_NAYS

**AGENDA:        April 1, 2026                    Regular Meeting**

**ITEM #7C:**

Old Business/Items Deferred from Previous Meetings

- C. Discussion/Consideration of Ordinance 26-06, an Ordinance Amending the Town Code of the Town of Duck, North Carolina, related to Chapter 110, Peddlers and Vendors

**RECOMMENDED ACTION:**

- Review the Proposed Town Code Text Amendment(s)
- Adopt Ordinance 26-06 to amend Chapter 110, Peddlers and Vendors

**SUMMARY OF INFORMATION:**

Ordinance 26-06 proposes to amend Chapter 110 following Council direction at their February 2026 Retreat. Ordinance 26-06 has been developed to provide some flexibility and allowances for the use of campers and mobile stands associated with established brick-and-mortar businesses in Duck.

As this ordinance does not involve amendments to any development standards under the purview of the Planning Board, Council may adopt this ordinance as presented. A 4/5 vote in favor of adoption is necessary without a public hearing. Alternatively, Council may authorize this for a public hearing, in which case Staff would advertise this matter accordingly and bring the proposed amendment to Council's May 6, 2026, Regular meeting.

**ATTACHMENTS:**

- Staff Memorandum
- Chapter 110 Markup
- Draft Ordinance 26-06



**TO:** Mayor Thibodeau Members of the Town of Duck Council  
**FROM:** Sandy Cross, Planning and Permits Manager  
**DATE:** March 25, 2026  
**RE:** Ordinance 26-06  
Text Amendment to Town Code Chapter 110

**Background Information**

Town staff presented to the Town Council at your January regular meeting and February Retreat Chapter 110 of the Town Code related to Peddlers and Vendors. The Town of Duck enacted Chapter 110 as part of its initial review and incorporation in 2002 and three (3) amendments to this Chapter have been made since incorporation. The most notable revision occurred in 2012 when Peddlers and Itinerant Merchants were prohibited entirely, with some exceptions. Some of the reasoning behind this prohibition had to do with feuding ice cream trucks and brick-and-mortar business owners opposing mobile businesses competing with them without the monetary commitment associated with a brick-and-mortar location.

As of 2025, we are seeing quaint little campers as desirable additions to some of our local brick-and-mortar establishments and the Town has sought out mobile vendors for the 4<sup>th</sup> of July Parade and the Jazz Festival. Following the direction of the Town Council, staff have crafted an amendment to Chapter 110 which provides an exemption for businesses with brick- and-mortar establishments within Duck. This amendment does not open the door to all itinerant merchants and mobile vendors but rather ensures they are tied to an existing business establishment within the Town. As a 2<sup>nd</sup> option, staff have further provided a size limitation that Council may wish to consider.

**Comprehensive & CAMA Land Use Plan**

While the Town’s adopted Comprehensive & CAMA Land Use Plan does not contain goals and recommendations specific to Peddlers and Vendors, it does contain the following goals and recommendations that may be relevant to your discussion.

4: Guide the character, location, and type of development and activity in town to reinforce the “Duck Experience”.

4.2: Ensure that development of land minimizes negative direct and secondary environmental impacts, avoids risks to public health, safety, and welfare and is consistent with the carrying capacity of the land.

4.3: Enhance the character and success of Duck Village and commercial areas.

4.3.1 Support the development of small, specialty-type shops and the vitality of existing, local businesses. (P)



**Duck 2032 Vision**

The adopted 2032 Vision for the Town of Duck contains many general aspirations for the future of our community. The following guiding principles relate to the importance of understanding our Village needs and supporting our business community.

**Duck and Our Village**

Our residential neighborhoods and Duck Village connect to form the fabric of our community. Our collection of small shops, restaurants, offices, parks and boardwalks combine to shape the Duck experience. The development of the Village has a coastal residential style and scale, and its continuity creates an energetic and walkable experience. Our quality of life is enhanced through innovative solutions that protect and preserve the Village's unique character and environment.

**Vibrant, Thriving Business Community**

The business community plays an essential role in creating the Duck experience. A high level of collaboration and coordination ensures that we have a vibrant town where each and every individual can enjoy the recreation, arts, music, shopping, dining, and lodging unique to Duck.

Ordinance 26-06 is a legislative amendment, and therefore a Public Hearing is not required, however Council must have a 4/5 majority vote to adopt this amendment without a public hearing on the first reading. Alternatively, Council may choose to authorize this for public hearing and staff will bring the matter back at Council's May regular meeting.

**ATTACHMENTS**

- a. Chapter 110, Peddlers and Vendors markup
- b. Ordinance 26-06 draft Option 1
- c. Ordinance 26-06 draft Option 2

## Attachment A

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### CHAPTER 110: PEDDLERS AND VENDORS

#### Section

- 110.01 Definitions
- 110.02 Administration and enforcement
- 110.03 Prohibited activities
- 110.04 Exempt activities and events

#### § 110.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ARTICLES OF MERCHANDISE.** Anything of value offered for sale or solicitation to the public by any person.

**ITINERANT VENDOR.** Any person utilizing any cart, table, equipment, tent or other apparatus designed and intended so as to not be a permanent fixture on a lot, and which is used for the retail sale, display and/or accessory advertising of merchandise or food

**MOBILE VENDOR.** Any person who sells ice cream, food, merchandise or other products from a motorized or non-motorized vehicle operating anywhere within the town.

**PEDDLER.** Any person selling, offering for sale, or soliciting orders for goods, food or services, or distributing, disseminating or gathering information by written or spoken word, upon the streets, sidewalks, multi-use paths, town-owned property, town-owned parking areas, public beaches or alleys of the town, or by going from place to place, whether by foot or by other means of transportation.

**PEDDLING.** The sale, offering for sale, or distribution of any articles of merchandise or advertisement from house to house, person to person, or upon personal property by any person or persons from a cart, truck, automobile, by foot or by other device operated over and upon the streets and highways, sidewalks, multi-use paths, town-owned property, town-owned parking areas, and public beaches of the town.

(Ord. 12-02, passed 6-6-2012)

#### § 110.02 ADMINISTRATION AND ENFORCEMENT.

The ~~Director of Community Development~~ Town Manager or his or her designee will administer and enforce the rules and regulations of this chapter in cooperation with the Chief of Police or designee.

## Attachment A

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(Ord. 12-02, passed 6-6-2012)

### § 110.03 PROHIBITED ACTIVITIES.

Except as otherwise provided for in § 110.04 below, itinerant vendors, mobile vendors, and peddlers and/or the act of peddling shall be prohibited with the town.

(Ord. 12-02, passed 6-6-2012)

### § 110.04 EXEMPT ACTIVITIES AND EVENTS.

The following individuals and activities are exempted from the provisions of this chapter:

(A) Churches, civic organizations and nonprofit organizations that are tax exempt under the provisions of the Internal Revenue Code are exempt for activities involving craft fairs, flea markets and yard sales; provided that those activities will not be held on more than 4 days in any 12-month period.

(B) Children under the age of 18 years who are students in a public or private school, and who conduct door-to-door solicitations for magazine subscriptions or donations for school activities; and

(C) The sale of Christmas trees and other live holiday decorations during the holiday season, for which the itinerant vendor shall meet all licensing standards established and required by the North Carolina General Statutes;

(D) Residential yard sales, provided that no residence shall conduct such sales on more than 4 separate days during any calendar year;

(E) Itinerant or mobile vendors offering for sale or selling goods, food, or merchandise at a special event for which the sponsor shall have obtained a town permit as otherwise required by this chapter.

#### Option 1

\_(F) Itinerant or mobile vendors offering for sale or selling goods, food, or merchandise as an extension of and on premise with an existing commercial brick and mortar location located in Duck, provided Dare County Environmental Health and a Zoning Permit from the Town of Duck have been applied for and approved. The siting and location of any cart, table, equipment, tent or other apparatus designed and intended so as to not be a permanent fixture on a lot, and which is used for the retail sale, display and/or accessory advertising of merchandise or food may not impact required parking for the associated commercial establishment or other businesses within a commercial development.

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#### Option 2

## Attachment A

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(F) Itinerant or mobile vendors offering for sale or selling goods, food, or merchandise as an extension of and on premise with an existing commercial brick and mortar location located in Duck, provided Dare County Environmental Health and a Zoning Permit from the Town of Duck have been applied for and approved.

(1) The siting and location of any cart, table, equipment, tent or other apparatus designed and intended so as to not be a permanent fixture on a lot, and which is used for the retail sale, display and/or accessory advertising of merchandise or food may not impact required parking for the associated commercial establishment or other businesses within a commercial development.

(2) Said cart, table, equipment, tent or other apparatus may not exceed 100 square feet in area.

(GF) Persons who distribute or disseminate religious information by written or spoken word.

(Ord. 12-02, passed 6-6-2012; Am. Ord. 18-05, passed 5-2-2018)

**AN ORDINANCE AMENDING THE PEDDLERS & VENDORS ORDINANCE  
OF THE TOWN OF DUCK, NORTH CAROLINA  
ALLOWING EXEMPTIONS FOR BRICK-AND-MORTAR BUSINESS  
ESTABLISHMENTS WITHIN THE TOWN OF DUCK.**

**Ordinance 26-06**

**WHEREAS**, the Town of Duck maintains an interest in regulating temporary commercial activities such as itinerant vendors, peddlers, and mobile vendors; and

**WHEREAS**, the Town of Duck strives to enhance the character and success of Duck Village and commercial areas and supports the vitality of existing, local businesses; and

**WHEREAS**, the Town Council has determined that review, collaboration and amendments to the Town Code to address changing business dynamics are important to the Town.

**NOW THEREFORE BE IT ORDAINED** by the Town Council for the Town of Duck, North Carolina that Chapter 110, Peddlers and Vendors Ordinance shall be amended as follows:

**PART I.** That Section 110.02 of the Town Code, *Administration and Enforcement*, be amended as follows:

*The Town Manager or his or her designee will administer and enforce the rules and regulations of this chapter in cooperation with the Chief of Police or designee.*

**PART II.** That Section 110.04 of the Town Code, *Exempt Activities and Events*, be amended with the addition of the following Subsection (F):

*(F) Itinerant or mobile vendors offering for sale or selling goods, food, or merchandise as an extension of and on premise with an existing commercial brick and mortar location located in Duck, provided Dare County Environmental Health and a Zoning Permit from the Town of Duck have been applied for and approved. The siting and location of any cart, table, equipment, tent or other apparatus designed and intended so as to not be a permanent fixture on a lot, and which is used for the retail sale, display and/or accessory advertising of merchandise or food may not impact required parking for the associated commercial establishment or other businesses within a commercial development.*

And that Subsection (F) be amended to Subsection (G):

*(G) Persons who distribute or disseminate religious information by written or spoken word.*

**PART III.** This ordinance shall be effective upon its adoption.

\_\_\_\_\_  
Monica Thibodeau, Mayor

ATTEST:

\_\_\_\_\_  
Lori Ackerman, Town Clerk

Date adopted: \_\_\_\_\_

Motion to adopt by: \_\_\_\_\_

Vote: \_\_\_\_\_AYES \_\_\_\_\_NAYS

DRAFT

**AN ORDINANCE AMENDING THE PEDDLERS & VENDORS ORDINANCE  
OF THE TOWN OF DUCK, NORTH CAROLINA  
ALLOWING EXEMPTIONS FOR BRICK-AND-MORTAR BUSINESS  
ESTABLISHMENTS WITHIN THE TOWN OF DUCK.**

**Ordinance 26-06**

**WHEREAS**, the Town of Duck maintains an interest in regulating temporary commercial activities such as itinerant vendors, peddlers, and mobile vendors; and

**WHEREAS**, the Town of Duck strives to enhance the character and success of Duck Village and commercial areas and supports the vitality of existing, local businesses; and

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*(F) Itinerant or mobile vendors offering for sale or selling goods, food, or merchandise as an extension of and on premise with an existing commercial brick and mortar location located in Duck, provided Dare County Environmental Health and a Zoning Permit from the Town of Duck have been applied for and approved.*

*(1) The siting and location of any cart, table, equipment, tent or other apparatus designed and intended so as to not be a permanent fixture on a lot, and which is used for the retail sale, display and/or accessory advertising of merchandise or food may not impact required parking for the associated commercial establishment or other businesses within a commercial development.*

*(2) Said cart, table, equipment, tent or other apparatus may not exceed 100 square feet in area.*

And that Subsection (F) be amended to Subsection (G):

Attachment c  
Option 2

*(G) Persons who distribute or disseminate religious information by written or spoken word.*

**PART III.** This ordinance shall be effective upon its adoption.

\_\_\_\_\_  
Monica Thibodeau, Mayor

ATTEST:

\_\_\_\_\_  
Lori Ackerman, Town Clerk

Date adopted: \_\_\_\_\_

Motion to adopt by: \_\_\_\_\_

Vote: \_\_\_\_\_AYES \_\_\_\_\_NAYS

**AGENDA:**

**April 1, 2026**

**Regular Meeting**

**ITEM #8A:**

New Business

- A. Discussion/Consideration of Resolution 26-03, a Resolution of the Town Council of the Town of Duck, North Carolina, Revising the Personnel Policies

**RECOMMENDED ACTION:**

- Review and adopt Resolution 26-03

**SUMMARY OF INFORMATION:**

Following a winter storm event that caused the closure of the Town Hall for one day, staff did some research and found that we are the only town in the County that requires staff to use their accrued leave time if the office is closed. The proposed amendment to the Personnel Policy, as outlined in the resolution, would allow for employees to not use their leave time, for up to three days per year, if the office is closed, and will provide compensatory time off to public safety personnel who are required to work in an amount equal to the number of hours the office is closed.

**ATTACHMENTS:**

- Resolution 26-03

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DUCK, NORTH CAROLINA, REVISING THE PERSONNEL POLICIES OF THE TOWN OF DUCK

Resolution #26-03

WHEREAS, the Town of Duck Personnel Policies were originally adopted by the Town Council on February 3, 2003; and

WHEREAS, the Town of Duck Personnel Policies were updated on June 16, 2021 and further updated on August 4, 2021, July 5, 2023, and September 3, 2025; and

WHEREAS, the Duck Personnel Policies provide guidance on the policies that govern the Town's personnel administration, including the appointment, classification, pay, promotion, demotion, dismissal, employment conditions, and grievance procedures; and

WHEREAS, a certain section of the Town of Duck Personnel Policies requires some revision; and

WHEREAS, Article XII, Section 3 states that the policy may be amended by resolution appropriately approved.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DUCK, NORTH CAROLINA, THIS 1<sup>ST</sup> DAY of APRIL, 2026 that the Town of Duck Personnel Policies are amended to read as follows:

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 28. Adverse Weather/Hazardous Conditions

The Town has responsibility for several emergency services including law enforcement. Adequate staff are required to operate these critical services seven days per week and 24 hours per day in all weather. Department heads should designate which staff are in critical positions required to report to work regardless of weather or other hazardous conditions.

~~The adverse weather/hazardous conditions policy is established to be as fair as possible to all employees applying the following principles:~~

- ~~1. Maintain adequate staffing at all times of emergency services;~~
- ~~2. Provide for as much safety as possible for all employees in traveling to and from work in hazardous conditions; and~~
- ~~3. Not pay regular salaries to some people for not working when others are required to be at work.~~

~~Town offices and departments shall remain open for the full scheduled working day unless authorization for closing or other deviation is received from the Town Manager's office. The Manager will consider the hazard of driving conditions and other relevant factors in determining~~

~~whether to close Town offices. All departments and offices will be given sufficient advance notice of any authorized closing of noncritical Town functions. Upon authorizing a closing, non-critical staff may use vacation, earned compensatory time, or time without pay for the un-worked hours. Employees who leave work before an official early closing time, as well as employees who report for work late or do not report for work because of hazardous conditions may also use earned vacation or compensatory leave for days or hours not worked.~~

All Town departments are affected by extreme weather conditions. The Town Manager will make decisions related to the delayed opening, early closing, or full-day closure of Town Hall and administrative offices. When these circumstances occur, employee work attendance and compensation will be handled as described:

1. Non-emergency, non-exempt employees: If Town offices are closed due to adverse weather or other hazardous conditions, non-emergency, non-exempt employees will be paid their regular hourly rate for work hours missed due to the closing, up to a maximum of twenty-four (24) hours per fiscal year. If Town offices are open during to adverse weather or other hazardous conditions, non-emergency, non-exempt employees with supervisor approval may use accrued time, or leave without pay, if they are absent from work due to local (proximate to their home) extreme conditions.
2. Non-emergency, exempt employees: If Town offices are closed due to adverse weather or other hazardous conditions, non-emergency, exempt employees will be paid their regular salary for work hours missed due to a full day closing, for a maximum of three (3) full-day closures per fiscal year. If Town offices are open during to adverse weather or other hazardous conditions, non-emergency, exempt employees with Town Manger approval may use accrued time, or leave without pay, if they are absent from work due to local (proximate to their home) extreme conditions.
3. Emergency and weather-essential employees: Many of the Town's employees must function at all times regardless of weather conditions. Emergency and weather-essential employees are required to report to work. The Town Manager will exercise his/her best judgement for each weather situation as to which employees are considered essential. If Town offices delay opening, close early, or are closed for a full day, emergency and weather essential staff who work during this time will receive compensatory time up to but not exceeding twenty-four (24) hours per year due to extreme weather conditions, in the equivalent amount as nonemergency employees.
4. There will be no accrual, no pay-out, and no carry-over of these days from one fiscal year to another.

In the case of mandatory evacuations, where access to the Town is prevented, use of earned leave is not required.

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Mayor

ATTEST:

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Town Clerk

**AGENDA:      April 1, 2026              Regular Meeting**

**ITEM #8B:**

New Business

B. Discussion/Consideration of Planning Board Appointments

**RECOMMENDED ACTION:**

- Direct staff to advertise for two upcoming vacancies to the Planning Board

**SUMMARY OF INFORMATION:**

The terms of Bob Wetzel and Bob Webb on the Planning Board will expire on May 1, 2026. Staff is asking Council to authorize advertising for the upcoming vacancies and have the applicants come to the May 6<sup>th</sup> meeting to introduce themselves and answer questions.

**ATTACHMENTS:**

- Planning Board Roster

## **Town of Duck Planning Board**

### **Bob Wetzel**

**Chair; 3 year term (expires 5/1/26)**

P.O. Box 8353

141 Betsy Court

Duck, NC 27949

(804) 314-9566

email: [rew611@gmail.com](mailto:rew611@gmail.com)

### **Bob Webb**

**Vice Chair; 3 year term (expires 5/1/26)**

1166 Duck Road

Duck, NC 27949

(615) 804-4045

email: [bobwebb@comcast.net](mailto:bobwebb@comcast.net)

### **James Cofield**

**Member; 3 year term (expires 5/1/28)**

P.O. Box 8337

101 Bias Lane East

Duck, NC 27949

(252) 261-5623

email: [jecofield@earthlink.net](mailto:jecofield@earthlink.net)

### **Daniel Snyder**

**Member; 3 year term (expires 5/1/27)**

139A Jaycrest Road

Duck, NC 27949

(703) 402-8652

email: [snyderds@gmail.com](mailto:snyderds@gmail.com)

### **Irine Devroude**

**Member; 3 year term (expires 5/1/28)**

134 Olde Duck Road

Duck, NC 27949

(443) 306-4774

email: [irinelaw@msn.com](mailto:irinelaw@msn.com)