

**TOWN OF DUCK  
TOWN COUNCIL  
REGULAR MEETING  
April 1, 2026**

The Town Council for the Town of Duck convened at the Paul F. Keller Meeting Hall at 1:00 p.m. on Wednesday, April 1, 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; Planning & Permits Manager Sandy Cross; and Town Clerk Lori Ackerman.

OTHERS ABSENT: None.

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

Mayor Thibodeau asked Town Manager Drew Havens 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.

Corinne Saunders of 485 Harbourview Drive, Kill Devil Hills, was recognized to speak. Ms. Saunders stated that she runs *Outer Banks Insider*, which was a local news outlet and wanted to thank Council for considering adopting Resolution 26-05 as well as inviting all to an event she was hosting on Local News Day, which was April 10, 2026 at Waveriders from 9:00 to 11:00 a.m. She added that local news organizations from Currituck to Ocracoke will be represented at Waveriders. She stated that she hoped to see everyone there.

Walker Allen of 107 Pamela Court was recognized to speak. Mr. Allen stated that amending the noise ordinance was a smart and necessary step for the Town. He noted that enforcement was largely subjective and based on perception instead of clear standards, which could lead to inconsistency and frustration for residents, renters, and businesses. He added that Ordinance 26-05 would improve that by introducing measurable decibel thresholds and defined enforcement methods in that it would give law

enforcement clear, defensible tools while preserving flexibility when real world conditions make measurement impractical.

Walker Allen stated that the ordinance will strike the right balance and was not anti-business or anti-resident, adding that it was a balanced framework that will protect residential quality of life while recognizing the role that businesses, events, and tourism play in Duck with higher limits for those zones and exemptions for permitted special events. He noted that it will also align the Town with the other municipalities in Dare County, which will help in reducing confusion and improving consistency. He pointed out that it wasn't about making the rules stricter but retaining the complaint-based enforcement process while making them clearer, fairer, and more equitable for all stakeholders. He encouraged Council to adopt Ordinance 26-05 as presented.

Robert Lotze of 117 Dune Road was recognized to speak. Mr. Lotze stated that he was concerned about the safety issues on the streets in Town, adding that he was specifically speaking about signage that could go on the sidewalks. He pointed out that Community Planner Jim Gould had started the process, adding that he was urging Council to look at it and move forward with some signs. He added that he had sent Planner Gould some signage but wasn't sure if Council had seen signage that was used on sidewalks. He noted that Fort Collins, Colorado has great dismount zone signs, suggesting that Council look it up.

Robert Lotze stated that he was referencing e-bikes specifically on the sidewalks in Duck. He stated that there needed to be dismount zones that were clearly stated. He pointed out that the Town does not have them, rather there was signage directing people to use the bike lanes. He thought the Town could do a lot more, adding that he was willing to volunteer along with others that he could bring with him to paint stencils. He thought the issue was something that the Town needed to move on in order to have a safer environment.

Scott Foster of 135A Jaycrest Road was recognized to speak. Mr. Foster stated that he has been a business owner in Duck for 17 years, adding that 16 years ago he opened the Tap Shack, which was a music venue that specifically uses the North Carolina ordinances that were created for outdoor dining along with the Town ordinances to be able to have an outdoor grill, entertainment area, and refreshment area. He pointed out that he started this project because he needed a place for his patrons to safely wait while his restaurant was on a two-hour wait due to a celebrity that had visited the restaurant. He stated that for the last 16 years, his business has successfully thrived due to being able to accommodate people who have an interest in live music in Town.

Scott Foster stated that his mission was to be able to bring music from outside the area; adding that he was very happy with the local musicians but he wanted outside the area music. He noted that he has created a special place that people come to in order to see concerts in Town all summer long. He encouraged anyone that was having trouble with the music level to consult with him, adding that several neighbors have complained over the years; he dealt with the neighbors directly, and has altered the music as well as the

genre of music in order to accommodate some of the neighbors. He cautioned that before Council changes something that would affect everyone in Town, he suggested they look at the successful past the Town has had with very few issues.

Councilor Lingard asked Scott Foster when he was planning to open Tap Shack for the season. Scott Foster stated that it would be on May 15, 2026. Mayor Thibodeau pointed out that Council does not have interactions with the public during the Public Comment period.

Jim Braithwaite of 135 Bayberry Trail, Southern Shores, was recognized to speak. Mr. Braithwaite stated he liked what the outdoor venues have done for the businesses, adding that he thought tourists and locals like to come to Duck because of the music at the businesses. He pointed out that he leases four different shopping centers that have music. He thought it was a good thing, adding that he didn't want to infringe on any of the neighbors, but there should be a happy medium with everyone. He stated that he did not know the difference with regard to noise decibels but pointed out that if the wind was blowing in a certain direction, sometimes you could hear music and if it was blowing in a different direction, you could not. He thought the proprietors needed to give their input on the issue.

Town Clerk Lori Ackerman was recognized to speak. Town Clerk Ackerman went on to read the following public comments:

“Edward Tupper of 310 West Lookout Road, Nags Head was recognized. Hey there, I am sending you this message in regard to the noise ordinance meeting that is happening today. I am working and cannot attend but I'd like to share my thought. I feel 10pm is such a reasonable time for all bands and music to stop in Duck. It would greatly affect many businesses negatively if it were to be pushed to any earlier time. As a working musician that spends a great deal of my season in the Town of Duck it would also affect the whole summer of music I and many other working musicians have already booked. The live music in Duck is a thriving scene that many people rely on and provides something to go do for so many vacationers and locals alike. I hope you will take all of these things into consideration. Thank you!”

“Timothy Lusk of 307 West Palmetto Street, Kill Devil Hills was recognized. Concerning the noise ordinance in Duck. I live in Kill Devil Hills and frequent Duck for events particularly music and arts. We almost always will shop and eat in the area while up there. Stopping venues from being able to have outdoor music activities would be detrimental to tourism. More so than the few in the surrounding area of those venues that are somehow disturbed by music, arts, and happiness. 10pm is not late. Also keep in mind and remind them; this is a resort area, vacation area, and beach town. Their properties are in the vicinity of commercial properties. They are always subject to change; evolve into something they may not like. Knowing they have moved to an area like this they should be willing to evolve with it. To try and change the heart and soul of an area you love to fit to your need seems selfish to me. But everyone has a voice, I

understand people can get upset. They deserve to try. Let them know though they knew what they bought into beforehand. The Town shouldn't bend to the few. Good luck."

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

### **CONSENT AGENDA**

**Minutes from the February 24-25, 2026, Annual Retreat; Minutes from the March 4, 2026, Regular Meeting; 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; Resolution 26-05, a Resolution of the Town Council of the Town of Duck, North Carolina, Declaring April 10, 2026, as "Local News Day"; 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; and FY 2026-2027 Budget Amendment #9**

Councilor Chasen moved to approve the Consent Agenda as presented.

Motion carried 5-0.

### **SPECIAL PRESENTATIONS**

#### **Employee Recognition Program**

Mayor Thibodeau stated that in December 2011, Council adopted an employee service recognition program that would acknowledge the service of employees of the Town at five-year intervals by providing them with a certificate of recognition as well as a gift certificate to a Duck business of their choosing.

Mayor Thibodeau went on to present Community Engagement Coordinator Betsy Trimble with her 10-year service recognition certificate and \$100 gift certificate.

Mayor Thibodeau noted that Fire Captain Brandon Boyd was on a fire call and would be recognized once he returned.

#### **Presentation by Outer Banks Water Safety**

Riley Young of Outer Banks Water Safety was recognized to speak. Mr. Young went on to give a short presentation as the Town's newest surf rescue provider to Council and the audience.

Mayor Thibodeau thanked Riley Young for his presentation.

### **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**

Town Manager Drew Havens was recognized to speak. Town Manager Havens noted that Fire Captain Brandon Boyd had returned from the fire call.

Mayor Thibodeau went on to present him with his 10-year service recognition certificate and \$100 gift certificate.

### **Discussion/Consideration of Authorizing the Town Manager to Execute an Installment Purchase Agreement for the Purchase of a Ladder Truck for the Fire Department**

Town Manager Havens reminded Council that at their last meeting, they had approved the Town purchasing a ladder truck for the fire department. He stated that one of the action items that Council had directed was for him to look into getting some installment financing. He explained that the Town issued a Request for Proposals for installment financing with the following terms:

- 10 years
- Level payment – annual
- First payment due one year from closing
- No pre-payment penalty

Town Manager Havens stated that the RFP was sent directly to three lenders and put on the Town's website, adding that four responses were received by the deadline with the lowest being Towne Bank with an interest rate of 3.98% and no additional fees. He stated that he was recommending that Council accept their proposal.

Councilor Lingard stated that he was pleased that Towne Bank was chosen since they have a branch in Duck. He stated that it was good to support a company that supported the Town.

Councilor Chasen noted that the only additional fee would be a lien filing fee, which was an insignificant amount. Town Manager Havens agreed, explaining that it was typical across all banks.

Councilor Chasen moved to authorize the Town Manager to enter into an installment purchase agreement with the lender, Towne Bank, for the purchase of the ladder truck for the fire department.

Motion carried 5-0.

**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**

Development and Infrastructure Director/Assistant Town Manager Connor Winstead was recognized to speak. Assistant Town Manager Winstead explained that staff had presented the text amendment to Town Code Chapter 91 at Council's Retreat in February, which was related to noise standards. He stated that the Town first adopted ordinances regulating noise standards in 2004 with a minor amendment in 2017 to the list of noises that were expressly prohibited. He noted that the current standards were 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. He added that there were no current standards related to decibel (dB(A)) levels of noise, nor any language related to the measurement of noise relative to its source.

Assistant Town Manager Winstead stated that complaints of excessive noise emanating from residential properties, particularly during the tourist season, are commonplace, staff have been receiving complaints from residential properties about excessive noise emanating from businesses. He explained that, based on the feedback from the Council, staff 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. He pointed out that the language in the amendment largely mirrors regulations found in other Dare County towns.

Assistant Town Manager Winstead noted that Ordinance 26-05 was a legislative amendment and a public hearing was not required and Council could approve the amendment on the first reading with a 4/5 majority vote. He added that Council may choose to authorize a public hearing on the proposed amendment and if so, staff would bring the ordinance back for consideration at Council's May 6, 2026 meeting.

Mayor Thibodeau pointed out that this does not require a public hearing but she would welcome one since it was a wholesale change to how the Town has been operating.

Councilor Lingard did not think Council wanted to change anything in terms of entertainment in Duck, adding that he didn't think Council had the appetite to do that. He thought it was good to have measurable limits, but he was not sure Council was currently in the position to pass the draft ordinance at this meeting. He stated that he would be happy with the limits for residential properties but wasn't sure about the commercial properties. He noted that he understood sound in that he used to be an engineer and most of his work pertained to sound but he didn't know what 75 decibels at the boundary actually sounded like. He reiterated that he did not want to pass the draft ordinance at this meeting until he had a better idea of what it sounds like.

Mayor Pro Tempore Whitman stated that he read through the draft ordinance but did not think there was enough information for him to vote on it at this meeting. He stated that he would like to see the Community Development Department or the Police Department spend the summer taking readings and come back to Council in the fall with the results.

Councilor Chasen stated that she went out earlier in the day because she needed to find things and quantify what was happening. She pointed out that her voice was registering 74.71 decibels at this meeting. She added that she went out and measured different things including construction work that was being done on Scarborough Lane which was measuring in the upper 60's and the ocean was at 60 decibels earlier in the day. She stated that she was not confident with the numbers as they were currently and knew enough about the noise that was happening in the community. She pointed out that the Town has a lot of activities that were outside that may have fluctuating noise levels. She stated that she would like to have staff get some more information and Council revisit this later in the year after the season ends. She reiterated that she was very hesitant, until Council had more data about what the noise levels were at various areas throughout Town while there was peak season activities going on, adding that she was not ready to move forward with the draft ordinance.

Councilor Murray agreed with the rest of Council's comments that there should be a public hearing and that it should be later in the year. He stated that he had some draft language that he wanted to have added to the ordinance in Section C, Prohibited Noise. He pointed out that some of the prohibited noises were clarified that they were between 10:00 p.m. and 5:00 a.m. and that they were subject to the constraints of the rest of the ordinance, while others it was not clear that they were. He pointed out that there was no time constraints listed with regard to keeping dogs, adding that requirements from the other part of the ordinance were not listed as far as decibel levels and thought it needed to be added so it was clear. He stated that in Section C (4) it should have the following language: "...excluding car stereos..." because every car has a stereo which could be violating the ordinance. He thought it needed to be stricken or cleaned up. Assistant Town Manager Winstead stated that he could do either one.

Mayor Thibodeau appreciated that staff was trying to quantify noises. She reminded Council and the audience that there is one decibel meter device that is standardized that everyone would be using, adding that Council could avail themselves of one through Amazon. She agreed that Council needed more data to understand noise levels, adding that the decibel levels may not be the right ones for the Town, noting that if Council decided to limit things that there be more latitude than what the decibel level numbers suggest. She wasn't sure if the numbers were from other ordinances or just standard numbers. She stated that she did not want people who had already made summer plans with their businesses that this would take away from them. She understood that noise does bother some people and everyone wanted to be good neighbors to each other. She thought there was a consensus to table the ordinance while more information is gathered through the summer and have it before Council in the September or October timeframe.

Town Attorney Hobbs suggested that a motion be made to refer the ordinance back to staff and report back to Council in the fall.

Councilor Chasen moved to refer Ordinance 26-05 back to Town staff with the direction to collect objective noise data during the summer and report their findings back to the Town Council this fall for further discussion.

Councilor Murray thought Council wanted to preserve music in the Village Commercial District. He added that because the majority happens after hours, if staff needed any assistance, he would be happy to volunteer.

Motion carried 5-0.

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

Planning and Permits Manager Sandy Cross was recognized to speak. Manager Cross explained that Town staff had presented to Council at their annual Retreat Chapter 110 of the Town Code related to peddlers and vendors. She explained that the Town enacted Chapter 110 as part of its initial review and incorporation in 2002, adding that three amendments to the chapter have been made since incorporation. She pointed out that the most notable revision occurred in 2012 when peddlers and itinerant merchants were prohibited entirely with some exceptions. She stated that some of the reasoning behind the 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.

Manager Cross stated that as of 2025, staff saw quaint little campers as desirable additions to some of the 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. She stated that following the direction of Council, staff crafted an amendment to Chapter 110 which provides an exemption for businesses with brick-and-mortar locations within the Town. She noted that the amendment does not open the door to all itinerant merchants and mobile vendors but ensures they are tied to an existing business establishment within the Town. She added that as a second option, staff further provided a size limitation that Council may wish to consider.

Manager Cross stated that Ordinance 26-06 was a legislative amendment and a public hearing was not required; however, Council must have a 4/5 majority vote to adopt the amendment without a public hearing on the first reading. She stated that, alternatively, Council may decide to authorize a public hearing where staff will bring the matter back to Council at their May 6, 2026 meeting.

Councilor Chasen asked what the value was in having a size cap. She further asked if the conditions of the business location automatically do that. Manager Cross stated that it can. She added that there was a food truck in Town that was pretty large and took up two

parking places. She stated that there was another business that has a trailer that they use for catering that had a sizeable camper. She added that it was a matter of perception with regard to how much it would increase the business's footprint.

Councilor Lingard asked if the Town could do that as a percentage of the size of an existing business. He noted that some businesses, such as Tap Shack, if they wanted to replace their grill with a pseudo-food truck, it was a lot more space to do that there than there is at a business such as Vine & Board which has a much more limited area. He thought a percentage of the existing area may be an option rather than a set limit of something like 100 square feet. Manager Cross explained that it would have to be looked at from a zoning perspective because if the space was going to be added then staff would need to calculate that into what the parking requirements would be. She pointed out that Council could add a limitation or limit it based on the zoning requirements, adding that if 100 square feet was added, technically it could be allowed without impacting the parking requirements for outdoor areas. She stated that if one went beyond that, then parking requirements would need to be looked at.

Mayor Thibodeau clarified that it was beyond 150 square feet. Manager Cross stated that the Town has an allowance for up to 150 square feet of an outdoor eating area without requiring additional parking spaces. Mayor Thibodeau wondered why it would not be up to 149 square feet if a limit was put on it.

Councilor Lingard asked if a store in Town was holding a tent sale at least once year was being done illegally up to now. Manager Cross explained that tents require a permit and were limited up to four per year. Councilor Lingard asked why it would not fall within the itinerant vendor category. Manager Cross stated that there was specific language in place for special events and tents under signage. She added that tents go up and come down, but the ones in the draft ordinance would probably stay up even though they were not permanent fixtures.

Councilor Murray asked Manager Cross if she had talked to Dare County Environmental Health. He pointed out that because they were temporary, he wondered if the language should be as follows: "...provided that they don't violate existing environmental health or zoning permits..." He thought they didn't have any criteria to evaluate anything temporary. He understood Zoning's perspective that a parking space should not be taken up but he wasn't sure about Environmental Health. Manager Cross stated that if Dare County Environmental Health stated that they don't need anything, then nothing would need to be provided to them. Councilor Murray pointed out that the way the language was currently written, the ordinance states that an individual has to get a permit from Environmental Health and he felt that it should be changed so that they have to get approval from Environmental Health but it wasn't a permit since it wasn't a permissible thing for the health department. Manager Cross clarified that the suggested language should read as follows: "...approval from Dare County Environmental Health..." Councilor Murray suggested it state review of the health department. Manager Cross pointed out that Dare County Health could be stricken altogether and require it as part of the Town's zoning approval. Councilor Murray agreed.

Mayor Thibodeau thought the suggested language could also have “if applicable” because she wasn’t sure how many times Manager Cross would need an environmental health permit. She stated that she wasn’t sure if it was a lengthy process. Manager Cross stated that it could be stricken from the draft ordinance and make it as part of the zoning approval. Mayor Thibodeau clarified that it would be up to Town staff to determine the zoning approval in terms of whether it would impact the parking and the calculations. Manager Cross agreed.

Mayor Pro Tempore Whitman asked if a business such as Treehouse Coffee would have to stay on their own property and could not take their food truck to another shopping center. Manager Cross stated he was correct.

Mayor Thibodeau clarified that the ordinance would infer that it was one per business, adding that she did not see that in the draft ordinance. Manager Cross stated that it was a good point. Mayor Thibodeau asked if it was the intent. Councilor Lingard thought if they stayed within the limit the Town sets, he wasn’t sure it would matter. Mayor Thibodeau agreed. Manager Cross stated that she did not expect every business in Town to come in for a permit.

Councilor Murray asked if the language was sufficient in the zoning ordinance for the current uses Manager Cross was aware of currently. He asked if Council needed to think about adding language to the zoning ordinance so that Manager Cross can state that people have met the requirements of the zoning ordinance. He thought that since they were prohibited, they were not dealt with in the zoning ordinance. He asked if it was just parking and further asked how setbacks were handled. Manager Cross thought it was a good point, noting that she could add language in the zoning ordinance. She suggested requiring a referral to the Planning Board because it becomes a development aspect. Councilor Murray thought in lieu of that, the language could be as follows: “...provided that they do not violate the existing zoning permit...” He thought it would allow the Town to try it and see how it goes. He added that if Manager Cross found people being extraordinarily creative, then Council could add something in the zoning ordinance. Manager Cross thought that was why the Town would be asking for a zoning permit. She added that staff could develop a zoning permit, but this part was not identified in the zoning ordinance, adding that there were other things in the zoning ordinance that speak to setbacks. She pointed out that staff could look at it more closely as they do their zoning review which was what the Planning Board has been working on or she could bring more language back to Council at their May 6, 2026 meeting.

Councilor Murray reiterated that most of the businesses that were mentioned were located in shopping centers. He thought there could be language regarding approval of the owner of the property. He felt it needed to be clear that a business cannot use another parking space over their own. Manager Cross stated that with regard to shopping centers, staff looks at all the businesses and the parking spaces. She hoped that vendors would not put their trailer in any parking spot that was on land and over a septic tank, which was the intent. She added that an open space where they can park a trailer that was not over a

septic system and not on a parking space would work unless they have excess parking. She pointed out that not many of the facilities in Duck have excess parking.

Councilor Lingard stated that he was thinking of language similar to what Councilor Murray had suggested, requiring the property owner's permission. He stated that he would not want someone in the Waterfront Shops putting a trailer there because the Town said they could and the owners of the Waterfront Shops saying they didn't want it there.

Councilor Murray thought it was possible if Council was adding zoning language that language should be added based on what staff wanted to see. He pointed out that Manager Cross had stated that she wanted it on vacant ground that was not a septic tank and not required for parking.

Manager Cross explained that some of the urgency with the ordinance was existing and the season approaching. She asked if Council wanted to consider moving the ordinance forward. She stated that when staff processes permits, they have a process in that the applicant has to provide environmental health approval, a set of plans, etc. She noted that the owner's permission was not always required for development permits unless there were multiple contractors coming in with questions about the same project. She added that in that case, staff would require the owner's signature on it. She pointed out that the owner's permission can be a form that would be included when an applicant applies for a permit. She wasn't sure if it needed to be in the ordinance, but staff could add it.

Councilor Lingard clarified that Manager Cross preferred to have the draft ordinance passed by Council sooner than later and then tweak it at a later date. Manager Cross stated he was correct.

Councilor Chasen asked who currently had the largest itinerant vehicle in Town. Manager Cross stated that she didn't count Treehouse Coffee because she has never seen them using it, except at the Turkey Trot, which was a sponsored event and she did not think to reach out to them for it; however she reached out to Sam from Swellsa Brewing and Jen from Vine & Board to ask what size their campers were because it was more in line with what staff was focusing on because they were not full blown food trucks. She added that a business owner was present for this meeting that wants to have a food truck on their property for breakfasts. Councilor Chasen asked where they would park it. Manger Cross stated that in that situation, the business was not open during the day and they wanted to do a breakfast food truck, so it would be a to go thing and they would be in and out and would be off-site when they weren't using it. She pointed out that there were a lot of different scenarios that could come up and if the Town did not put a limitation on the size, then it frees staff up for a little flexibility, but staff could come back to Council if something was not working.

Councilor Murray noted that a size limit could be added if size becomes an issue. Manager Cross agreed.

Mayor Pro Tempore Whitman asked about the question that was raised about permission from the owner of the plaza or the property owner. He thought Duck had some property owners that own in Town where someone could put in a food truck and no one would know about it. He thought there should be a property owner's signature. Manager Cross agreed, adding that it was a reasonable ask, but she didn't think it needed to be in the ordinance. Mayor Pro Tempore Whitman clarified that it would be as part of the permit. Manager Cross stated he was correct.

Mayor Thibodeau thought Council understood that they want to move forward with allowing some leniency with allowing the merchants to have things this summer. She clarified that Council was in favor of not having a size limit, which was Option 1, as a start to see how things evolve during the summer as well as working the language to be more in line with how Council may want to firm it up. Manager Cross suggested removing Dare County Environmental Health and changing the language to read as follows: "...provided zoning approval..." and have staff work on the approval process.

Councilor Murray asked if it was acceptable for Council to defer a public hearing and change the language in the interim and then move forward with the public hearing with the altered language. He further asked if Council needed to discuss the altered language first. Mayor Thibodeau thought the language should be set before the public hearing. She thought a public hearing was not required at all, adding that Council could just obtain public input while the language was being worked on. Councilor Murray thought Mayor Thibodeau was suggesting tightening up the language and try to get a 4/5 majority since a public hearing was not required.

Councilor Lingard asked if a motion could be made that Council would approve the ordinance with the language amendment. Manager Cross stated that Council could do that. She stated that the motion would be that Option 1 which was Part II (F) would read as follows: "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 Zoning approval from the Town of Duck has been applied for and approved." She noted that everything else in that section would stay the same, adding that as part of the process, staff would require owner permission to be included with the approval before staff can review it for approval.

Mayor Pro Tempore Whitman asked if there was a size limit that staff would have in mind. He asked what would happen if someone came in with a 10x40 foot trailer. Manager Cross explained that a 10x40 foot trailer would be 400 square feet, adding that staff would look more closely at that for parking requirements and occupancy issues. Mayor Pro Tempore Whitman asked if the applicant would have to come back for an adjustment to their site plan. Manager Cross stated that they would. Mayor Pro Tempore Whitman suggested going to 149 square feet as a limit without having to come back to staff.

Councilor Murray asked what the size was for a typical food truck. Scott Foster was recognized to speak. Mr. Foster explained that he had a 60-foot box truck and it entailed

rigorous health department approval to get that in that they have to come on site to the restaurant to see where the food truck would be put as well as seeing the process, adding that it was an expensive process to get a food truck approved. Councilor Murray clarified that it was the restaurant side. Scott Foster stated he was correct. Manager Cross stated that it was more complicated when it came to food trucks. She pointed out that Dare County Environmental Health was removed from the draft ordinance, but the applicant would still have to get it if they wanted to use a 26-foot food truck. She stated that if it was a to-go situation, the parking requirements would be very low in comparison to a sit-down restaurant. She stated that there were a lot of things that she would have to look at from a zoning aspect and zoning ordinance for eating establishments as to how this would apply. She added that all staff was trying to do was give the businesses the option, noting that they would still have to come to the Town and there would still be a review process and if they decided to go larger, more things would be triggered. She stated that the ordinance would open the door for the businesses to be able to do that.

Councilor Lingard clarified that if Council set the limit at 150 square feet and if the applicant wanted a bigger truck they would have to come before Council for a special use permit. Mayor Thibodeau didn't think it would be with a special use permit. Manager Cross stated that the language was not in the draft ordinance for a special use permit. Councilor Lingard asked how the business would obtain permission to have something bigger. Manager Cross explained that if Council wanted 149 square feet or more, the applicant would not have that option and would be limited to the 150 square feet.

Councilor Murray noted that 26x8 feet was 208. Manager Cross agreed. Councilor Lingard stated that he was in favor of having no limit and if it becomes a problem, Council can look at it later on. He thought Council was struggling to picture what the size will look like. He reiterated that he was in favor of having no limit and seeing how things go.

Mayor Thibodeau asked the rest of Council how they felt about having no limit. Councilor Chasen stated she was in favor of it. Manager Cross pointed out that the applicant would have to meet additional requirements for a food truck before it comes to staff.

Councilor Chasen moved to approve Ordinance 26-06 as amended.

Motion carried 5-0.

## **NEW BUSINESS**

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

Town Manager Havens stated that following a winter storm event in February that caused the closure of Town offices for one day, staff did some research and found that Duck was the only town in Dare County that requires staff to use accrued leave time if the office is

closed. He explained that the proposed amendment to the personnel policy, as outlined in Resolution 26-03, would allow for employees to not use their leave time for up to three days per year if the office was 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. He added that if the Town offices were open during adverse weather or other hazardous conditions, employees with supervisor approval could use accrued time or leave without pay, if they were absent from work due to extreme conditions local to their home.

Councilor Chasen understood the non-exempt, hourly employees would be compensated up to 24 hours, but she had an issue with salaried employees. She clarified that if Town offices closed, the salaried employees would not be paid part of their salary for that day if they don't use other time with the way it was currently written. She further clarified that the Town would dock their pay. Town Manager Havens disagreed, adding that everyone would get paid. He explained that Assistant Town Manager Winstead was exempt and salaried, but the way the policy was currently written, he would have to use vacation time if the office closed, but under the new policy he would not.

Councilor Chasen stated that she had worked in corporate America for most of her career and for the most part, she was a salaried employee, worked 60-70 hours, and did not get overtime nor did she get docked if something happened and the office closed. She added that she was considered an essential employee and if she did not show up to the office, she did not get anything extra, but received comp time for being an essential employee; however, there were also hourly employees that received straight time for the time they were in the office on top of the hours they worked, meaning they received a full day of extra pay.

Mayor Thibodeau asked Councilor Chasen what she was recommending. Councilor Chasen stated that she would pay people that show up for the time they worked, for non-exempt employees. She added that she wasn't sure about the salaried employees. She pointed out that they don't get anything taken from their salary nor do they get anything added because they are salaried. Mayor Thibodeau thought that was what Town Manager Havens had explained. Councilor Chasen agreed, adding that the non-exempt employees that have to come in receive comp time. Mayor Thibodeau stated that it was because they were emergency personnel and were coming in. Councilor Chasen agreed, adding that she would pay them straight time and not double time. She explained that an hourly firefighter that showed up and worked his shift hours and because the office was closed and the firefighter had to be in the office, he would receive an additional salary. Mayor Thibodeau clarified that it was instead of comp time. Councilor Chasen stated she was correct. Town Manager Havens stated that the new policy was set up that way except the employee was not receiving money and the employee was not being paid double time. Councilor Chasen agreed because the employee did not work double time; they only worked their 40 hours during that time, but they would get additional straight pay for that period. Town Manager Havens agreed. He explained that firefighters work a 24-hour shift and during that shift the office closes for eight hours, adding that for that eight hours if the Town paid the firefighter money straight time pay on top of their straight time pay,

it would be double time for that eight hours. Councilor Chasen pointed out that the employee did not work those hours so it wasn't double time pay. Town Manager Havens stated that he was explaining people that were working. He explained that the essential public safety people would receive comp time if they were at work. He added that if they were scheduled to work their shift and the office shuts down for those eight hours, rather than paying them additional money, they would receive comp time. Councilor Chasen asked what was more valuable for those employees – money or comp time. Town Manager Havens thought it would be money, adding that he was trying to keep things as dollar neutral as possible and was trying to be conservative with spending money. Councilor Chasen stated that she was looking at it from an employee perspective and dealing with issues that her employees had with this. Town Manager Havens hoped that they would acknowledge the fact that getting comp time was more than what the other towns were doing. Councilor Lingard pointed out that it was more than what they have now.

Mayor Thibodeau clarified that none of the other towns were doing this, adding that she was in favor of it. Mayor Thibodeau further clarified that Town Manager Havens recommended the comp time as opposed to monetary compensation for working. Town Manager Havens agreed, explaining that if the office was closed and Manager Cross stayed home, she would get paid for the eight hours. Councilor Chasen clarified it would be for a salaried employee. Town Manager Havens stated she was an hourly employee and would get paid the eight hours to be home and then at some point in the future, an employee could use their comp time and would be paid eight hours to be home. He reiterated that he was trying to be a little more equitable, adding that he was trying to give non-essential personnel a similar benefit.

Councilor Chasen asked Fire Chief Matthew Dudek and Police Chief Jeffrey Ackerman what was more valuable to the non-exempt employees. Fire Chief Matthew Dudek was recognized to speak. Fire Chief Dudek thought it depended, adding that he was sure some employees would like the additional pay, but time off was also valuable. He thought either way, it would be appreciated that there was something that wasn't available before. He noted that the only revenue neutral concern was if there was time off for Public Safety, someone would have to backfill that spot, which meant eight more hours of time off that someone would have to fill in for. He wasn't sure how that would work out as it would depend on when the time was taken, whether it would trigger overtime, or minimum staffing issues. He reiterated that either way it would be appreciated. Police Chief Jeffrey Ackerman was recognized to speak. Police Chief Ackerman agreed with Fire Chief Dudek's comments, adding that the comp time could always be an issue because someone has to work.

Councilor Murray clarified that it meant it wasn't revenue neutral. Councilor Chasen thought it had the potential. Mayor Thibodeau stated that it could be not revenue neutral. Town Manager Havens explained that it would be similar to all the vacation and sick leave, adding that it was potentially another 24 hours in a year that needed to be accommodated in terms of scheduling. He stated that they could be paid instead. He

suggested not passing the resolution so he could go back and put a dollar amount on it if that was what Council wanted. Councilor Chasen stated that she was in favor of that.

Mayor Thibodeau thought Council wanted to do the best they could for Town employees without too much consternation for Town Manager Havens. She understood that the policy stated that if it was a hurricane evacuation or the whole area was shut down, it would not impact the employees' normal pay. Town Manager Havens stated she was correct. Mayor Thibodeau stated that it was confusing to her. She stated that if it was a mandatory evacuation, she believed that some police and fire personnel would still be in Town. She asked if it would trigger the same compensation that weather would do. Town Manager Havens stated that it was not compensated by the change in the policy. He explained that staff would continue to handle the hurricane type situation as it is done currently. Mayor Thibodeau clarified that it was if staff was not on the job, they would not be paid. Town Manager Havens disagreed, adding that with named storms, staff would be paid. Mayor Thibodeau clarified that Town Manager Havens would deal with essential and non-essential personnel a little differently than with the bad weather situation as evacuations were a separate category. Town Manager Havens stated that the new policy only applied to winter storms.

Councilor Lingard hoped there would not be any more winter storms this year, adding that it was not urgent to pass the resolution now. Mayor Thibodeau agreed. She asked Town Manager Havens if he wished to refine the resolution. Town Manager Havens asked Council what they wished to see in the resolution. He asked if Council wanted to have staff be paid and did it mean just non-exempt personnel. Councilor Chasen noted that exempt personnel were being paid no matter what. Town Manager Havens agreed, adding that they would be required to use leave time. Councilor Chasen disagreed. Town Manager Havens asked what would happen if someone took a day off. Councilor Chasen stated that it would be because he closed the office. Town Manager Havens stated that if an employee took a vacation day, they would have to use leave time. Councilor Chasen agreed. Town Manager Havens clarified that if the office was shut down, did it mean they would not have to use leave time. Councilor Chasen explained that if they were supposed to be working and the office was closed and they were not to come to work it wasn't their fault and if they are salaried, to her it wouldn't change the pay because it's salaried and they receive the same thing whether they were working extra hours or not. Town Manager Havens agreed, pointing out that the policy does up to three days' worth of that whether the employee was exempt or non-exempt.

Councilor Chasen stated that she was getting hung up on the essential personnel. Town Manager Havens explained that firefighters and police were essential. He clarified that the hang-up was that the Town should pay them and not give them comp time. Councilor Chasen thought they should be given the choice because depending on the situation, one may be a lot more valuable to them and she thought that flexibility may be something that the Town could market as something that could be done and help them out. She pointed out that no other town was doing that.

Councilor Lingard pointed out that this was about money, adding that if it was going to cost a lot more to pay them the time, giving them comp time was something they haven't gotten now and was something that no one else does. He thought Council needed numbers in terms of money to be able to make a decision.

Mayor Thibodeau wasn't sure that Council needed hard numbers because she thought they would fluctuate depending on the circumstance. She asked if it would be appropriate to open up the comp time and give the employee a chance to decide on what they want to use or if it was too much of an administrative burden. She thought they could either take a comp time day or could take the actual pay. Councilor Chasen added that it would be straight time. Councilor Murray pointed out that it would result in a cost savings because Town staff can take off but don't have to be backfilled by mandatorily required personnel. He added that if they took time off, it could be a savings to the Town.

Mayor Pro Tempore Whitman asked if this was a problem because some people have used up their comp time or that they have to use it if they take a day off. Town Manager Havens thought when the office was shut down under the current policy, the employee would have to use their accrued leave time. He stated that there was a sense that the employee did not choose to use the leave time they earned for this. He added that there were some employees that carry low balances. He thought it was about the choice and in this case, he was making the choice that the employee had to take a leave day and the new policy would give them a leave day because it wasn't safe to come into the office and they would not be required to use vacation time because he felt it was unsafe for an employee to come into the office.

Councilor Chasen stated that she was fine with that for those employees that live farther away. Mayor Thibodeau thought the essential personnel that have to work could be given a choice of whether they do the straight time or the comp time. Town Manager Havens stated that it was up to Council. Councilor Chasen stated that she would like to see an option for the essential personnel. Councilor Lingard asked how that would be administered for police and fire. Town Manager Havens stated that it was easy to do, administratively.

Mayor Thibodeau asked if Council was comfortable with making a change to the language to allow for the essential personnel to either use comp time or straight pay. Councilor Murray thought Councilor Chasen was suggesting that everyone would have that choice – both essential and non-essential personnel. Mayor Thibodeau asked Councilor Chasen if that was what she was suggesting. Councilor Chasen stated that she was hung up on the critical employees because they didn't have a choice. She thought 24 hours per calendar year was pretty generous. She wondered if it would be exceeded. Town Manager Havens stated that it was never exceeded. Councilor Chasen stated that she still had a problem with the essential personnel because they don't have a choice and have to go to work. Councilor Lingard pointed out that they would be compensated, adding that currently they were not being compensated. He stated that he didn't see a

problem. Councilor Chasen stated that she saw great value in allowing them to have that option.

Town Manager Havens explained that the only reason he put it in the resolution was for equity. He stated that he would say to an employee such as Manager Cross to stay home and she would be paid to stay home and then for the Public Safety people, they would come in and be given eight hours to stay home. Councilor Lingard stated that he was fine with that, adding that it wasn't the issue. He stated that the issue was the complication of choosing comp time or straight pay and Council not knowing if it would cost more to give the employee pay over time off. He thought the way it was proposed works and gives everyone more than what they receive currently, it gives the essential personnel something that other towns do not offer, and he did not see the point in overcomplicating it by saying the employee could choose either to be paid or have time off. He reiterated that it was over complicating things just to get eight hours. He didn't see any point in making it more complicated than it needed to. He pointed out that if a Council meeting falls on a day Town offices were closed, Council would not get paid. He stated that he can't see any point in making things more complicated. He stated that if the employee works when the office is closed, they should get eight hours of comp time. He noted that he was not adverse to doing something else but was just thinking that Council was over complicating things.

Mayor Thibodeau didn't know if Council could ever put an exact dollar amount on the comp time for emergency personnel, just based on the fact that when they are eligible to take the comp time, there may be a short-staffed situation and the Town may have to pay someone extra or bring in an extra person. She pointed out that Council will never know exactly how much it will cost. She added that she didn't disagree with Councilor Lingard and was hearing that, administratively, for the emergency personnel that it was not that hard to decide whether they would get the eight straight hours or the comp time. She reiterated that she did not disagree with what Councilor Lingard had said, but Council will never know exactly how much it will cost.

Police Chief Ackerman stated that Town Manager Havens went out of his way to make things equitable for Public Safety. He stated that he understood Council's concerns, adding that he and Fire Chief Dudek discussed that if there was a cost to this, they could handle it in their existing overtime budgets. He stated that with regard to overtime versus pay was that sometimes it was in the Department Director's best interest to make a decision and there may be a short staffing situation where they can't grant someone comp time because it cannot be backfilled and, in those cases, it would be beneficial to let the employee know that they will be paid for it. He stated that he understood Councilor Lingard and Councilor Chasen's concerns, but he wanted to point out that the change Town Manager Havens was proposing was a great one and both he, his staff, Fire Chief Dudek, and Fire Chief Dudek's staff all appreciate it. He reiterated it was a good thing and he thought if Council let the Department Directors have some internal leeway on how to flush it out, it could easily be done.

Councilor Murray clarified that it needed to be changed to give the department heads some leeway since it was currently just giving comp time. Police Chief Ackerman stated that it was the only change he would suggest, which was giving some leeway for the department heads to be able to make that decision, adding that they could do it in consultation with Town Manager Havens based on available funding. He pointed out that police officers and firefighters value home time over the money, adding that a lot of times, comp time was more valuable.

Mayor Pro Tempore Whitman clarified that it would be six people for police and three to four for fire for a 24-hour period. Police Chief Ackerman stated that the last snowstorm was not typical because it was a large one that required bringing in more people, but with smaller snowstorms where the office would close, there would be a regular contingent of staffing. Fire Chief Dudek pointed out that he usually brings his staffing up to four when there is inclement weather.

Town Manager Havens suggested bringing the resolution back to Council's May 6, 2026 meeting with a revision.

It was *consensus* of Council to table the resolution until their May 6, 2026 meeting.

#### **Discussion/Consideration of Planning Board Appointments**

Mayor Thibodeau stated that the terms of Bob Wetzel and Bob Webb on the Planning Board will be expiring on May 1, 2026. She stated that staff was asking for authorization to advertise the upcoming vacancies and have the applicants come to Council's May 6, 2026 meeting to introduce themselves and answer questions.

Councilor Lingard stated that when the Board of Adjustment members were reappointed, there was an issue because Council reappointed all seven members. He wasn't sure if there was any way to suggest to incumbent members that would be applying. Mayor Thibodeau asked for a clarification. Councilor Lingard explained that with the Board of Adjustment, they were up for reappointment at the same time, adding that there were several applicants in addition to the seven incumbents that applied for the positions with Council reappointing all seven incumbents. He knew that there was an issue from other people who applied for the Board, but it looked like Council overlooked them. Mayor Thibodeau asked what Councilor Lingard wanted. Councilor Lingard explained that he was asking if there was a way that Council could state that the two incumbent members on the Planning Board were eligible to reapply for the position just so it was clear.

Mayor Pro Tempore Whitman pointed out that Bob Wetzel was the Chairman and Bob Webb was the Vice Chairman for the Planning Board. Mayor Thibodeau thought it was a good point, adding that they were both eligible to reapply for the position. She stated that the vacancies would be advertised, knowing that the two current members were eligible to reapply along with anyone else that was interested in applying.

Town Attorney Hobbs explained that the ordinance requires the advertisement in order to encourage people to apply and not necessarily rubber stamp existing members. He stated that he did not see a problem with including in the advertisement that the existing members were eligible for reappointment.

Mayor Thibodeau moved to direct staff to advertise the vacancies for the Planning Board, noting that the two existing members were eligible for reappointment and asking any interested parties be prepared to attend the May 6, 2026 Council meeting to introduce themselves and answer questions.

Motion carried 5-0.

### **Discussion on the Status of the Mid-Currituck Bridge Project**

Mayor Thibodeau stated that Councilor Murray represents the Town on the RPO Committee as a non-voting member, adding that she had the opportunity to go to a regional planning and organizational meeting in Hertford with Assistant Town Manager Winstead in which NCDOT and the toll authority gave an overview of where the project has been – sitting in the STIP – for about 10 years. She stated that the cost estimates have continued to escalate with \$173 million in the funding and the estimates being over \$1 billion for the bridge. She stated that the STIP program that was instituted in 2014 had the bridge qualified at that time and she thought NCDOT was wondering how the RPO felt about continuing it in the list of approved projects awaiting funding and permits or if there was an appetite to pull it from the list of projects and have it start over. She stated that there was quite a bit of conversation about it with Currituck County as well as other towns that were interested in the bridge along with the County, who was a voting entity in this, but none of the towns have a vote. She hoped to have a discussion with Council on Duck's position on the issue and because the vote is happening on April 15, 2026, she thought Council could have a resolution that Town Manager Havens could draft that would allow for Duck to put its position out that Council would like the bridge to stay in the STIP for another two-year cycle while costs and tolls were researched.

Councilor Murray stated that the meeting where a decision will be made will be on April 15, 2026, adding that he would be attending the meeting via Zoom. He believed that this project has the support of Dare County Chairman Bob Woodard. Mayor Thibodeau stated he was correct, adding that the Board of Commissioners would be considering a resolution at their next meeting.

Councilor Murray moved to approve a resolution to support the Mid-Currituck Bridge Project and to authorize the Town Manager and Mayor to develop language for the resolution and to direct the Mayor's signing.

Motion carried 5-0.

### **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**

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

*At this point in the meeting, Fire Chief Dudek left to respond to a fire call. The time was 2:56 p.m.*

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

Assistant Town Manager Winstead gave an overview of the past month's activities to Council and the audience.

Councilor Chasen moved to approve accepting the grant from NC Trails as presented.

Motion carried 5-0.

Police Chief Ackerman gave a brief overview of the past month's police activities to Council and the audience.

*At this point in the meeting, Fire Chief Dudek returned from a fire call. The time was 3:10 p.m.*

### **February FY 2026 Financial Presentation**

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

### **MAYOR'S AGENDA**

Mayor Thibodeau stated that former Mayor Pro Tempore Allan Beres' wife Amy passed away recently, adding that she will be missed. She stated that the Army Corps of Engineers and the Town were at an impasse with regard to leasing the property where the Police and Fire Departments are housed. She stated that stern letters were written to the highest offices in the Federal government and last week Town Manager Havens received a response via email indicating that the Army Corps of Engineers understood the Town's situation and were willing to work with the Town further on a lease payment. She stated

that Council was cautiously optimistic adding that all options were on the table as staff worked to get the best solution for the Town.

Mayor Thibodeau stated that she would be meeting with the Carolina Dunes Homeowners Association on Saturday, April 4, 2026 and will be discussing the Town's property on Buffell Head Road that will be used for beach nourishment purposes. She added that she recently attended her Mayors lunch in Nags Head.

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

Mayor Pro Tempore Whitman expressed his condolences to Allan Beres and his family. He stated that he helped with the recent sound side clean up. He added that Duck Sweep will be starting on Friday, April 10, 2026.

Councilor Chasen expressed her condolences to the Beres family. She added that John Pucciano also recently passed away in February, noting that he had served on the Board of Adjustment. She gave a short Visitors Bureau updated to Council and the audience.

Councilor Lingard expressed his condolences to the Beres family. He stated that he was running as the Representative for District 1 on the North Carolina League of Municipalities Board.

Councilor Murray expressed his condolences to the Beres family.

### **OTHER BUSINESS**

#### **Additional Public Comments**

Mayor Thibodeau opened the floor for public comments.

Walker Allen of 107 Pamela Court was recognized to speak. Mr. Allen thanked Council for considering Ordinance 26-05, adding that adopting the ordinance would not change the experience of the patrons. He stated that less noise would be beneficial and that the decibel meter would allow for self-monitoring. He pointed out that he received a low review from renters for his house due to the noise at his property.

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

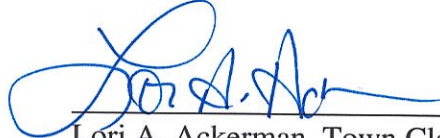
Mayor Thibodeau noted that the next meeting would be the Mid-Month Meeting on Wednesday, April 15, 2026 at 1:00 p.m.

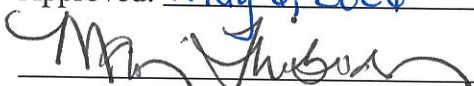
### **ADJOURNMENT**

Mayor Pro Tempore Whitman moved to adjourn the meeting.

Motion carried 5-0.

The time was 3:38 p.m.

  
Lori A. Ackerman, Town Clerk

Approved: May 6, 2026  
  
Monica Thibodeau, Mayor

