

MINUTES
KITTY HAWK TOWN COUNCIL
Tuesday, April 6, 2021
Kitty Hawk Town Hall, 6 PM

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. A Resolution Thanking Citizens, Businesses and Town of Kitty Hawk Employees for Their Help During the Pandemic and Declaring “Thanks, Outer Banks!” – A Week of Gratitude (May 9-15)/Presented by the Rotary Clubs on the Outer Banks & The Outer Banks Hospital
5. Consent Agenda
 - a.) Approval of January 25, 2021 and March 1, 2021 Council Minutes
 - b.) FY 20-21 Budget Amendment #9
 - c.) Child Abuse Prevention Month April 2020 Proclamation
 - d.) Coastal Protection Engineering of NC, Inc. Agreement for Year-4 Post-Construction Monitoring Services and Pre-Construction Services for 2022 Beach Renourishment
6. Items Removed from the Consent Agenda
7. Public Hearings:
 - a.) Text Amendment – Sec. 42-502, Temporary uses; Sec. 18-11 Outdoor events and gatherings. The proposed text amendments would specify requirements for temporary signage associated with temporary uses and outdoor gatherings/events.
 - b.) Text Amendment – Chapter 38. Subdivisions, Chapter 42. Zoning. Multiple proposed text amendments would make chapters 38 and 42 consistent and compliant with the new N.C.G.S. Chapter 160D.
8. New Business
 - a.) Request for Waiver of Building Permit Fees
9. Reports/General Comments from Town Manager
10. Reports/General Comments from Town Attorney
11. Reports/General Comments from Town Council
12. Public Comment
13. Recess to Monday, April 26, 2021, 9 a.m. Budget Workshop

COUNCILMEMBERS PRESENT:

Mayor Gary Perry, Mayor Pro Tem Craig Garriss, Councilman David Hines, Councilwoman Lynne McClean and Councilman Jeff Pruitt

STAFF MEMBERS PRESENT:

Town Clerk Lynn Morris, Town Attorney Casey Varnell, Management Assistant Melody Clopton and Police Officer I Aaron Nelson

STAFF MEMBERS ABSENT:

Town Manager Andy Stewart

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1. CALL TO ORDER

Mayor Perry called this meeting to order at 6 p.m.

2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Following a moment of silence, the Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA

MPT Garriss made a motion, seconded by Councilwoman McClean, to approve the agenda. The vote was unanimous, 5-0.

4. “THANKS, OUTER BANKS!” RESOLUTION

Mayor Perry read aloud the following resolution presented by the Rotary Clubs on the Outer Banks & The Outer Banks Hospital.

**A Resolution Thanking Citizens, Businesses and Kitty Hawk Employees for Their Help
during the Pandemic and Declaring “Thanks, Outer Banks!” – A Week of Gratitude**

Whereas, the Outer Banks has a 434-year history of resilience and strength coupled with a powerful sense of community; and,

Whereas, the world has suffered a horrible pandemic with over 500,000 people dying from COVID-19 in the United States alone; and,

Whereas, Dare County has not been spared the ravages of the pandemic to our personal health, to our personal lives, our lifestyles, and to our economy; and,

Whereas, vaccines are now being provided that give us hope for our future health and well-being; and,

Whereas, the Outer Banks has pulled through together – from families to first responders to front line workers to medical facilities – with Courage, Compassion and Strength to get past the worst of the pandemic.

Now, Therefore, be it Resolved, that the Kitty Hawk Town Council does hereby declare May 9 – 15, 2021 as “Thanks, Outer Banks!” – A Week of Gratitude and urges all citizens and businesses to participate to show their gratitude; and,

Be It Further Resolved that Kitty Hawk Town officials and employees are encouraged to support the efforts of “Thanks, Outer Banks!” showing the Town’s gratitude to our employees and citizens.

Adopted by the Kitty Hawk Town Council this 6th day of April, 2021.

Councilman Hines made a motion to adopt the resolution. Councilwoman McClean seconded and it passed unanimously, 5-0.

Mr. Carl Classen, a Rotary Club member, thanked council for adopting the resolution.

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Perry: *I want to add, while talking about things like this, the Dare County Department of Health and Human Services has done one heck of a job. They really have. You may not know this, but they have fought to get the vaccine here. They have done an outstanding job of stepping up, getting it delivered and how they set up to vaccinate. There is no question they have had help from every other part of the management department and all the rest of them. I just want to take this opportunity to say a special thank you to all those people. It goes along with this resolution.*

5. CONSENT AGENDA

a.) Approval of January 25, 2021 and March 1, 2021 Council Minutes. *(An approval of the consent agenda will approve these minutes.)*

b.) FY 20-21 Budget Amendment #9. This amendment, in the amount of \$2,400,000, adds \$450,000 to the current fiscal year reserve of \$50,000 for a new fire truck and adds \$1,950,000 to the current fiscal year reserve of \$50,000 for a new police station. *(An approval of the consent agenda will approve this amendment.)*

c.) **Child Abuse Prevention Month April 2020 Proclamation.** On March 31, 2021 Mayor Perry signed this proclamation sent by the Children & Youth Partnership for Dare County and the Dare County Department of Health and Human Services, Social Services Division. It calls upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in efforts to support families thereby preventing child abuse and strengthening the communities in which we live. *(An approval of the consent agenda will acknowledge this proclamation.)*

d.) **Coastal Protection Engineering of NC, Inc. Agreement for Year-4 Post-Construction Monitoring Services and Pre-Construction Services for 2022 Beach Renourishment.** This service agreement includes the Year-4 post-construction beach profile monitoring and the update to the Town's Beach Maintenance Plan required to receive FEMA reimbursements following a post disaster event. The agreement also includes the pre-construction services for the 2022 beach renourishment project associated with the Borrow Area A bathymetric surveys and sediment sampling, conduct supplemental beach sediments surveys, develop construction plans and specifications, provide bidding assistance, assist with dredge contract negotiations and any other pre-construction services leading up to the commencement of the 2022 project. The services associated with those items will be performed for a lump sum fee of \$125,563.75. The services associated with Borrow Area Surface Sample Sediment Analysis (task 5) will only be conducted if necessary and will be completed on a time and materials basis not to exceed \$4,736.25. *(An approval of the consent agenda will approve this agreement.)*

Councilman Pruitt made a motion, seconded by MPT Garriss, to approve the consent agenda. The vote was unanimous, 5-0.

6. ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed from the consent agenda.

7. PUBLIC HEARINGS

a.) **Text Amendment – Sec. 42-502, Temporary uses; Sec. 18-11 Outdoor events and gatherings. The proposed text amendments would specify requirements for temporary signage associated with temporary uses and outdoor gatherings/events.**

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MPT Garriss made a motion to go into public hearing. It was seconded by Councilwoman McClean and the vote was unanimous, 5-0.

Planner Testerman reviewed the follow staff memo with council.

Proposal

Staff is proposing the following amendments which would clarify and set specific regulations as to signage permitted with approved temporary uses and outdoor events and gatherings.

42-502. Temporary uses.

The town council may approve, as conditional uses under the application provisions of section 42-99, the following temporary uses notwithstanding other restrictions of this chapter, but including such additional conditions and safeguards as may be required by the council as a provision of such approval:

- (1) ...
- (2) ...
- (3) The sale of Christmas trees and wreaths (whether natural or artificial) during the period beginning November 1 and ending December 31 of each year, subject to the following terms and conditions:
 - a. A temporary use permit must be obtained from the town planning department. The town manager and planning staff members designated by the town manager shall be authorized to issue temporary use permits. If a temporary use permit application is denied by the town planning department, the applicant may appeal the denial to the town council at its next regular meeting by filing a written request to be on the town council agenda with the town clerk at least seven days prior to the next regular meeting of the town council and by also informing the town planner of the appeal to the next regular meeting. The town council will approve, deny or defer action on the application until a subsequent meeting;
 - b. No trees or wreaths shall be located within the town or state rights-of-way or in sidewalks or fire lanes;
 - c. The temporary use activity may utilize not more than 20 percent of the required parking on site as well as the open space areas and excess parking areas;
 - d. No Christmas tree sales shall be conducted after 11:00 p.m. and prior to 8:00 a.m.;
 - e. No music shall be produced on the site with the temporary use which music is audible beyond the property lines of the lot on which the Christmas tree sales are being conducted;
 - f. ~~Any signs used in connection with the temporary use activity must meet current standards of this chapter and applicable sign permit requirements;~~
 - f. Signs allowed with this temporary use are: 1 banner up to 36 square feet, 1 small sign up to 16 square feet each for every 25 feet of road frontage with a maximum of 4 signs per lot.
 - g. No signs allowed by this section shall be placed in the right of way
 - g-h All exterior light generated in connection with the temporary use activity must be contained on the site and exterior lights must comply with current town standards;
 - h-i The temporary use can occur only on commercially zoned property, and the issuance of a temporary use permit to an applicant does not create a vested right for approval of temporary use permits in subsequent years. The town may deny a temporary use permit who had temporary use permit violations in the prior year which were not corrected as required by the town planner;
 - i-j An application must be submitted for each calendar year, and a deposit of \$100.00 must be made with the town planner before the issuance of the temporary use permit. The applicant shall remove all Christmas trees and other materials in connection with the temporary use within ten days following the expiration of the permit. If the trees and materials are not removed, then the town may remove the material and trees and deduct the cost of such removal from the \$100.00 deposit held by the town. The deposit or balance remaining from the deposit after deducting the aforesaid cost will be refunded to the applicant;
 - j-k Trailers or vehicles used to transport trees and materials to the site of the temporary use shall be concealed from observation from town streets to state rights-of-way; and
 - k-l In the event of a conflict between the provisions of this section and chapter 16, pertaining to licensing and business regulations, then the provisions of this section shall control.

4)Temporary sales of lawn and garden supplies.

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- a. Sales of lawn and garden supplies and equipment may be allowed as a temporary conditional use only in the BC-3 zoning district subject to the standards and requirements set forth herein.
- b. The applicant shall complete the temporary conditional use application setting forth the square footage of the site being designated as the temporary by town staff to complete the application.
- c. The applicant must designate the location where the proposed temporary conditional use will be conducted on the approved site plan.
- d. The duration of a temporary conditional use permit issued pursuant to this subsection shall not exceed 120 days.
- e. No additional lighting shall be allowed on the site for the temporary conditional use.
- f. ~~All signs, banners and advertising displays must comply with the requirements of this chapter. The maximum sign area authorized by this chapter shall not be exceeded.~~ Signs allowed with this temporary use are: 1 banner up to 36 square feet, 1 small sign up to 16 square feet each for every 25 feet of road frontage with a maximum of 4 signs per lot.
- g. No signs allowed by this section shall be placed in the right of way
- gh. Parking for the temporary use shall not be allowed in public or private rights-of-way, fire lanes or travel lanes designated on approved site plan.
- hi. Only the parking spaces in excess of the minimum required shall be used for the temporary sales of lawn and garden supplies.
- ij. The temporary sales of lawn and garden supplies can be permitted administratively by the planning and inspections department on an annual basis when the proposal is of the same scale, location, and configuration as approved during previous year by town council. If a code violation related to the temporary use has been noted during the previous year, then the application for a conditional use permit is not eligible for administrative review and must proceed through the traditional approval process for conditional uses outlined in section 42-99.

Sec. 18-11 Outdoor events and gatherings.

- (9) The amount, type, and location of temporary signage, subject to the following:
 - a. ~~The total amount of temporary signage shall not exceed 250 square feet in area. Such signage may be in a single sign or a combination of signs.~~
Outdoor gatherings with more than one vendor shall meet the following temporary signage:
 - 1. The event may have up to a maximum of 250 square feet of signage with the following restrictions:
 - a. Each vendor may have a banner displayed at the point of sales up to a maximum of 36 square feet.
 - b. Each vendor may have two small signs displayed at the point of sale up to a maximum of 16 square feet each.
 - 2. The event may have the following additional signage:
 - a. Small signs up to 16 square feet each for every 25 feet of road frontage with a maximum of 4 signs per lot
Outdoor gatherings with one vendor shall meet the following temporary signage:
 - 1. 1 banner up to 36 square feet.
 - 2. Small signs up to 16 square feet each for every 25 feet of road frontage with a maximum of 4 signs per lot.
 - b. All temporary signs shall be located within the boundaries of the area in which the event will be held.
 - c. Temporary signs may not include sandwich boards, inflatable signs, and tethered balloons.
 - d. Temporary signs shall not be illuminated.
 - e. Temporary signs shall be displayed only during the actual time period of the event and shall be promptly removed by the permittee at the ~~close of said event;~~ end of each day.
 - f. ~~Temporary signs shall not be located in a manner that impedes the ingress and egress movement of pedestrians or life safety vehicles to and from all areas of the event.~~ If the event has multiple vendors, temporary signage shall not be placed in a manner to impede the ingress and egress of pedestrians or emergency vehicles within the event area.
 - g. No signs allowed by this section shall be placed in the right of way

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Background & Analysis

Recently, the Town has been receiving a number of calls concerning the number, and location of temporary signage that is used in conjunction with temporary uses or outdoor gatherings. The proposed text amendments to Chapters 42 and 18 would set specific limitations and regulations in place that would make it easier for the Code Enforcement Officer to ensure compliance from the temporary uses. As you can see, the signage permitted for temporary uses listed under Sec. 42-502 are limited one banner up to 36 square feet in size, as well as one sign, up to 16 square feet in size per every 25 feet of road frontage utilized by the temporary use, with an upper limit of four 16 sq. ft. signs. Additionally, it is codified that no temporary signage shall encroach into any public right-of-way.

Temporary uses that are permitted as an outdoor gathering/event allow a total of 250 sq. ft. of signage for outdoor gatherings/events with more than one vendor. Each vendor within the event is permitted signage at their point of sale. The events are also permitted one 16 sq. ft. sign per 25' of road frontage, limited to four. Single vendor outdoor gatherings are permitted one 36 square foot temporary banner, as well as the 16 sq. ft. signs along the road frontage. Additional language is provided for removal of signage at the end of each day, and the placement of the temporary signage.

Consistency with Land Use Plan

The following policies and objectives relevant to this application are stated in the CAMA Land Use Plan:

Objective #4a: Enforce, and amend as necessary, the Town zoning ordinance and provisions regulating signs.

Goal #5: Remain aesthetically pleasing while maintaining coastal village image.

Policy #5a: Kitty Hawk will continue to adopt, enforce, and amend as necessary ordinances and procedures to regulate and improve community appearance.

Objective #5a: Enforce and amend as necessary, Town zoning ordinances and provisions regulating signs.

Planning Board Recommendation

At its February 11, 2021 meeting, the Planning Board unanimously recommended approval of the requested text amendment.

Perry: *I have one question. The signage, in addition to the 250 square feet, four signs per lot. Why do they need so many signs?*

Testerman: *That was the number that allows them to get their visibility but not have them litter the entire frontage of the parcel like it has been previously. If council feels that is too many, we can ...*

Perry: *I mean they had it littered. There must have been a dozen or more.*

Testerman: *The way this is written is one sign per 25 feet of road frontage. For a 100-foot lot they could have up to four, less than 100 feet they would be limited to three or less.*

Perry: *Well for me it is better than it was for sure. Anybody else?*

There were no further comments or questions.

MPT Garriss made a motion to go back into regular session. Councilwoman McClean seconded and it passed unanimously, 5-0.

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MPT Garriss made a motion to adopt the proposed text amendments to Section 42-502 and Section 18-11 setting specific regulations and limitations for temporary signage associated with temporary uses and outdoor gatherings and events. The town council has found this proposal consistent with the town's adopted Land Use Plan. Councilwoman McClean seconded and it passed unanimously, 5-0.

b.) Text Amendment – Chapter 38. Subdivisions, Chapter 42. Zoning. Multiple proposed text amendments would make chapters 38 and 42 consistent and compliant with the new N.C.G.S. Chapter 160D.

Councilwoman McClean made a motion, seconded by Councilman Pruitt, to go into public hearing. The vote was unanimous, 5-0.

Town Planner Testerman reviewed the following staff report with council.

Attachments: Excerpts from Ch. 38, Subdivisions, Ch. 42 Zoning, Articles I, II, III, IV, V. It should be noted that only those subsections with significant changes have been included. Pages with simple reference updates, or terminology updates were excluded from this packet, but will be provided if requested.

Background & Analysis

In 2019, the North Carolina General Assembly adopted legislation creating the new Chapter 160D of the NC General Statutes. Under the new Chapter 160D, current city and county enabling statutes from Chapters 153A and 160A are consolidated into a single chapter and also includes related statutes that were previously spread throughout the General Statutes. As such, the Town's zoning ordinance must be amended to be consistent with the new Chapter 160D. Outlined below are the changes from each affected article. The new Chapter 160D checklist lays out changes that must be made, items that the state now grants localities authority to do, but does not mandate, and lists items to be aware of in the future.

It should also be noted that 160D requires each locality to keep a "reasonably maintained" comprehensive plan. It has been determined that CAMA Future Land Use Plans can be considered a comprehensive plan. There is no exact definition as to what constitutes "reasonable maintained", but guidance from the UNC School of Government suggests that a plan should be reviewed and/or updated every 5 to 10 years.

Ch. 38. Subdivisions

- References to 160A have been updated throughout the chapter to reference the appropriate section of 160D.
- Sec. 38-6 has been updated to be consistent with 160D that outlines that land cannot be subdivided or sold by use of a plat showing a subdivision prior to the subdivision being properly approved and recorded.
- Sec. 38-8 codifies notice requirements for amendments to Chapter 38.
- Sec. 38-82(a)4. *Security for incomplete performance* has been stricken and replaced with the language provided for in 160D for *Performance guarantee*.

Ch. 42. Zoning

Article I. In General.

- References to 160A updated to the relevant section in 160D throughout the article.

42-1. Definitions.

- Definition added for *dwelling*.
- Definition amended for *manufactured home* to be consistent with 160D.

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-Definition for *mobile home* stricken

-Definition for *mobile home park* amended to *manufactured home park*

-Definitions added for *minor* and *major modification* as they relate to site plan and special use permit amendments. 160D allows for minor site plan and special use permit amendments to be approved administratively, which Kitty Hawk also currently allows, but 160D dictates that if the Town is to continue to do so, a minor modification must be clearly defined.

-Definition for *sleeping unit* added.

-Definition for *special use permit* added. The special use permit is what Kitty Hawk currently refers to as a conditional use permit. 160D replaces conditional use permits with special use permits.

Article II. Administration and Enforcement

-References to 160A updated to the relevant section in 160D throughout the article.

-42-40. Amendments. Updated advertisement requirements for zoning text and map amendments

-42-40. Amendments. Added language allowing Town Council to act on a zoning amendment without the recommendation from the Planning Board, if that recommendation is not received within 30 days of referral of the amendment to the Board.

-42-40. Amendments. Adds language requiring that the Planning Board advises whether proposed amendments are consistent with the approved land use plan, and requires that statement in a written recommendation to the governing board.

-42-69. Adds language clarifying that no development can proceed without proper approvals, and that the applications for development can be made by the landowner, lessee, person holding an option or contract to purchase the land, or an authorized agent of the landowner. **Note: This language will be moved from its current section to Sec. 42-100(e).**

-Sec. 42-73(b) Appeals. Clarifies that notice by first-class mail shall be deemed received on the third business day after mailing.

-Sec. 42-95. Creates new section 42-95, which codifies what are deemed conflicts of interest for the Town Council, appointed boards, and administrative staff; consistent with those conflicts defined in 160D.

-Sec. 42-98. Creates new subsections (o), (p), and (q), describing and codifying revocation of approval, approval applicability, and permit choice.

-Sec. 42-99 becomes Sec. 42-100, changes all references of conditional use permits to special use permits.

-Sec. 42-100(b)10. Describes the minor modifications to special use permits that are permitted to be approved administratively.

-42-101. Creates the new section 42-101 to describe site-specific vested rights.

Article III. Zoning Districts Generally; Zoning Map

-References to 160A updated to the relevant section in 160D throughout the article.

-Sec. 42-193 updates a reference from conditional use to special use.

Article IV. District Regulations

-References to 160A updated to the relevant section in 160D throughout the article.

-Updates references of conditional use permits to special use permits throughout the article.

-42-275 VR-3, High density village residential. Updates all references of mobile homes to manufactured homes.

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-42-275(b)5.i. Strikes a portion of the language that currently dictates that only mobile/manufactured homes constructed after July 13, 1994 can be installed in the town, and only if those mobile homes are being relocated from another location within Dare County. 160D-910 dictates that the town cannot exclude manufactured homes based on the age of the home. The text modification removes the manufacture date but keeps the wind zone requirement.

-42-275(c)8 updates a reference from "mobile home park" to "manufactured home park"

Article V. Special Districts, PUDS, Overlay Districts. Etc.

-References to 160A updated to the relevant section in 160D throughout the article.

-Updates references of conditional use permits to special use permits throughout the article.

Article VI. Supplemental Regulations

-References to 160A updated to the relevant section in 160D throughout the article.

-Updates references of conditional use permits to special use permits throughout the article.

-Updates references of mobile homes to manufactured homes.

Consistency with Land Use Plan

No specific policies or objectives within the CAMA Land Use Plan address the types of text amendments proposed, however, it is stated in various locations that the Town supports applicable State and Federal laws and regulations regarding building, land uses, and development, thus it is reasonable to assume that the proposals are consistent with the Land Use Plan

Planning Board Recommendation

At its February 11, 2021 meeting, the Planning Board unanimously recommended approval of the requested text amendments.

Perry: *There is another bill that has been put in that will overlay on this too if I understand it correctly.*

Testerman: *Yes. That was filed about ten or eleven days ago. It would change 160D from what has already been approved. If it gets approved there will be more changes to our residential zones.*

Perry: *Heard anything more on it?*

Testerman: *I do not know the status of it at this point.*

Perry: *It will mandate ADU's. We allow ADU's but it mandates where they can be placed.*

Testerman: *It essentially says that any single-family residence must be allowed to have at least one accessory dwelling unit. It will not be subject to any additional parking requirements and the way ours is currently written there must be one additional parking space for an ADU. I think the bigger impact to our zoning ordinance is it creates a definition for middle housing which they define as duplexes, triplexes, quadplexes and townhomes and they will be, if this gets approved as filed, they will have to be allowed in every residential zone.*

There were no further comments or questions from the public or councilmembers.

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Councilman Pruitt made a motion, seconded by Councilwoman McClean, to go back into regular session. The vote was unanimous, 5-0.

Mayor Perry, commenting council does not have much choice, **made a motion to approve this text amendment, Chapter 160D, as presented to council tonight. Councilwoman McClean seconded and it passed unanimously, 5-0.**

8. NEW BUSINESS

a.) Request for Waiver of Building Permit Fees

Perry: Early this year a local Kitty Hawk teen was injured in a car accident. If you have followed The Outer Banks Voice you have followed this event. The family anticipates that she will be coming home from the hospital in approximately one month. As such the family is planning some remodeling work to the house to make things more accessible. Staff has received a request from the contractor working with the family to waive the associated building permit fees. Based on the cost estimate provided for the proposed work building permit fees will be approximately \$350.

Councilman Hines made a motion to waive the building permit fee at 5121 Locust Court for proposed improvements as described to the planning department staff. The waiver does not include additional unrelated improvement/permit fees. Councilman Pruitt seconded.

Perry: We have done this many times before for storm damage related improvements.

The vote was unanimous, 5-0.

Garriss: That was definitely the right thing to do for this family.

9. TOWN MANAGER

Mayor Perry stated the manager is in Florida with his children.

10. TOWN ATTORNEY

There were no comments from the attorney.

11. TOWN COUNCIL

Perry: I am going to start tonight because I need to update you on some things.

Mayor Perry moved to the computer near the lectern to show pictures on the monitors.

Kitty Hawk Park Connector Trail Crossover Project

Perry: *With regards to the connector crossover project. An MOU that the town can live with about biking and how the trails can be used and how the management can be taken care of in concert with the state conservation staff has been reached and signed. And a contract has been signed to build the crossover. They will lay out a path tomorrow and the contractor will start work Monday if all goes well.*

Now what I want to address is bike path management. Jeff and I went out and looked at what the conservation folks are concerned about and we are concerned about it too. I made all the councilmembers aware of what is going on.

This is what is not going to be allowed on Kitty Hawk land or anywhere in the conservation zone. In this picture they have either used a chainsaw or ax, something, and they have hewed off pieces of wood so they can make a ramp to jump over and things of that nature. This is not exactly a natural trail setting. This is a kind of teeter totter and is on private property, so this is not what they were fussing about. We looked at both private land and what the state owns. I guess they ride up on this, it tips over, and then they keep on going. Again, it is not something that is envisioned by council or management of town property.

These are three ramps on a very, very steep hill. If you come off that hill on those ramps you are flying. Literally flying. Again, private property. But this is not what the trail management and conservation land is about, and I am trying to bring this to your attention. If people think this is what we are going to allow it is not.

This picture shows holes. The sand removed from here was to build a ramp over the log that you see laying there. It was put in place to build a ramp basically in a place where it did not have a hill to jump. That is dangerous. The town and conservation staff have certain liabilities and these things, if you leave a hole and that is right in the path ... so if you missed the jump and you fall in the hole there are all kinds of things that are not right.

What I have done is brought you some pictures to show what we really do not want to happen. Sometimes a tree will fall across the path. I know we had word from the group that said the first complaint from the staff is you cannot cut a tree. Well, I mean this is not practical. If something like that would fall, I am sure management, along with the town council, staff and others would agree that the path needs to be cleared but you do not need all these other things or to go off the trail and make another trail. That is what I am trying to show here. We want a trail that is useable by all, that shows conservation and is a nice place to go. We do not want to abuse it.

In the end the management plan that is in existence today, that we are a part of, depends on volunteers to do a lot of the work. It also includes our town staff, police, public works. That sort of help to manage this. What we are trying to do is to provide a decent place for people to access the trail and enjoy something that was set aside.

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I want to add one more thing. A lot of people do not realize this, they think this is old growth, but it is not. Kitty Hawk Woods was owned by a timber company back in the 1900's. There are still folks around that remember this, so I was able to pull this together. Sometime between 1916 and 1918 Kitty Hawk Woods was logged from the sand dunes all the way to the sound. That logging was carried to the sound by locomotives on what was called the lokey track. There were two of them that ran from the sand dunes all the way to the sound. Then out in the sound were piers for the lokey track. The locomotive pulled the logs out, dumped them in the water and then they were rafted together and hauled to Elizabeth City.

Kitty Hawk Woods has been logged twice since then. A second time by a different timber company and then again by some kind of a boot leg outfit that got in there. They were not supposed to, they were basically on private property.

One other thing, and I remember this, in either the late '40's or early '50's a lumber company came in, a specialty company, and logged all the dogwoods. They were mature and they were logging them, from what I understand from my mother, to make net needles out of them. Journalist Kip Tabb has researched this and told me they were also making bobbins. Clifton Perry told me they would make them into certain size slabs and then I guess they would do something else with them. The reason they used dogwood is because it is a closed, hard, grain and when you machine it down, basically it is a smooth surface. The dogwood harvesting extended into Southern Shores and I do not think those folks know that.

I just wanted to give you a little history to show that this is not old growth, but we would like for it to become old growth for the current generation to pass on to the next generations. Some of the old folks, if you want to ask questions, they know about the old lokey track and are still alive today.

Pruitt: *Thank you Gary for walking the trail with me. I really enjoyed it.*

I do not know if anybody has had a chance to go by and look at the Bath House, but our public works staff has done a fantastic job on some new improvements. I would like to thank them for that. It saves the town a lot of money which is passed on to the taxpayer. Also, the fire department. I noticed they were working hard all weekend tearing down the old training building. I am sure that is going to be a big savings to us also. I would like to thank the police department. I know this week has been extremely busy and thank you guys for keeping us safe.

Garriss: *I went by and looked at the Bath House. It looks great. I thank Willie and staff. You saved us a lot of money and I appreciate it very much.*

At the March meeting we took a vote on the Hurdle Street issue and I cast a negative vote. I want to explain that vote. I also found out that not everybody knew what a paper street is. It is a street that is shown on paper and has not yet been developed. It is owned by the town. Is Hurdle Street an option for future parking? Yes, it is, but I believe we need to do a comprehensive study of our parking in Kitty Hawk. I believe there are better areas. I think we are going to discuss one later

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tonight, Luke Street. I think Andy and Willie have already started on their own looking for other options. Hurdle Street is there, but I think there are better and more cost-effective options out there.

Public comment. *I also spoke about this at the end of the last meeting. We have gone to one public comment period on the agenda, and I think that is appropriate. I was never a fan of the two public comment sections, one at the beginning and one at the end. At the special meeting we had in March the people came and talked and we had the comment period at the beginning of the meeting. I really liked hearing what they had to say. I like to hear people's input. If people, citizens, know we are going to vote on something I think they have a right to speak their mind and provide input before we vote. I would like to go on record saying I am in favor of the public comment period being at the beginning of the meeting, not at the end and staying with the three-minute time limit.*

Again, I thank all staff for what you do.

Perry: *You want to shift from the end to the beginning?*

Garriss: *Yes sir. I think it is better for the public to be able to say what they have to say before we vote on something that night.*

Perry: *And I get that. I do. One reason we had two was because some people did not want to stay for the whole meeting. The other reason is if they can speak at the end of the meeting and we have done something they like or do not like at least they can input but if we do not have the second one then they just go away. I can do it either way but let's not get into it tonight until we hear from the others and then we will make a decision.*

McClean: *There are merits to having it in both places. I do not know which is better. We need to have input from the folks and accommodate them. If they do not want to stay for the meeting that is their prerogative. They have spoken on an issue in front of us and if they do not want to stay around for the outcome, I do not think we need to force them. It does give us an opportunity to know what people are thinking which I think is very important. I would like to not do anything with it tonight. I would like to ponder on it for a period of time.*

We do need to find some parking. I do not know the answer to this, but I am glad Willie and Andy are looking into it. I have talked with them about and have all the confidence they will find some more.

Traffic is increasing. We have a lot of visitors in town, so everybody be careful out there.

Hines: *I want to thank everybody for all the hard work they have done. I know the first responders are going to have a long season. It has already started, and the Bath House looks good.*

12. PUBLIC COMMENT

Perry: *We have something I need to read into the record, and before I do, is there anyone that wants to speak? (There was no one in the room or on the telephone that wished to make a comment.)*

Luke Street Parking

Perry: *The first email is talking about Luke Street parking. It is an email from Mr. Russ Eriksen, and he said he will be out of town so he could not make the presentation. He wants this read at the town council meeting tonight. "I live on the southwest corner of Luke and Lindbergh and have recently learned that the town is considering changing beach parking on Luke from parallel to angled. I would like my opposition to this change to be noted, as this change would increase density on the beach. Also, a lot of people walk to the beach on Luke Street, many with small children. Cars parked at an angle might not be able to see as well while backing out. Any improvements to the parking on Luke should include some sort of barrier to make vehicles continue to park parallel to the street as some will park at an angle or double park side by side on heavy traffic days."*

There was also a second one from Emilie Klutz and she was also talking about cars speeding and that sort of thing.

There are no plans at this particular time to do anything on any of this parking. It is too late in the season and we have too much on our plate. We are looking at the police station and beach renourishment. There is just too much going on and we are too close to the season, so nothing is going to happen this year.

Four way stop signs have been installed and I am told they will be installed tomorrow at Luke Street. If the police chief is listening, or if he is not, I am going to ask the police officer attending to carry him a recommendation if council agrees. Except for Eckard Street and East Kitty Hawk Road maybe look at the rest of those cross streets to do a four way stop. It would slow traffic down. It cannot hurt anything other than make some people mad and we have already done that. Is everybody in agreement? (Councilmembers replied yes.)

How did the residents know about this? We did not know Luke Street was going to be surveyed. It was done in concert with the Hurdle Street survey which showed some definite places where people are impinging on town property. Luke was surveyed because it is an odd duck. It was a paper street, like Hurdle, and well before my time, it was paved for the express purpose of parking. They made it a full cross street unlike what we did at Lillian Street. When they built the street, as the survey shows, they shifted it south, so you have less berm on the south side and more berm to park on the north side. That way you could park parallel and be further off the road. It became a street for the express purpose of parking, and yes, there was pushback at the time. The record will show that. There is no plan to do anything today.

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Canopies on the Beach

Perry: *The next one is canopies on the beach. An email from Miss Jill Kramer. I am reading this into the record at her request. "I am a resident in Sea Dunes. Year after year guests put up canopies and leave them up all week. I understand there is a law prohibiting this and yet it is not monitored by the town or lifeguards. It is particularly troubling in July, usually the second and third week when there is a big family reunion of up to 75 to 100 people yearly that leave five to six canopies up for the entire week. I urge the Town of Kitty Hawk to monitor this and take the canopies down and store them. The owners of these canopies should be fined. I cannot attend this meeting but please read this at the meeting."*

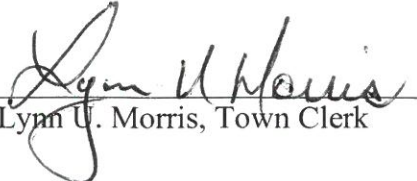
Some illumination. Last year was the first year we really stressed not leaving canopies on the beach. As a result, lifeguards do monitor, and public works and the police department will respond if needed. Last year was a profound difference. If the lifeguards see them laying out after they do their shift they tag them. You cannot do this if the canopy is still up in the morning. Then public works goes out and picks them up and takes them straight to the recycling center. They do not store them.

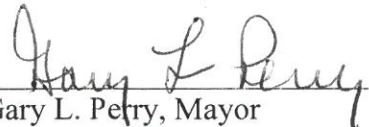
What you are asking for is already being done, we are just not into the season yet. But just to be sure Willie went out, ran the beach. There are no canopies up yet which is to be expected. The lifeguards will come on Memorial Day weekend and things will get back to the way it was. They will start monitoring the way they did last year. I do not quite know where Miss Kramer is coming from as far as ... well she is ahead of the curve on this one. I will inject one other thing. Ninety-nine percent of the canopies opposite the Dunes townhomes are from Dunes inhabitants.

13. RECESS

MPT Garriss made a motion to recess to Monday, April 26, 2021, 9 a.m. budget workshop. Councilwoman seconded and it passed unanimously, 5-0. Time was 6:43 p.m.

These minutes were approved at the May 3, 2021 council meeting.


Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor