

MINUTES
KITTY HAWK TOWN COUNCIL
Monday, October 7, 2019
Kitty Hawk Town Hall, 6 PM

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Public Comment
5. Consent Agenda
 - a.) Approval of September 16, 2019 Council Minutes
 - b.) Ordinance Amendment: Ch. 22, Article II – Abandoned, Nuisance and Junked Vehicles. Ordinance No. 19-06
 - c.) 2020 Town Council Meeting Dates and Times Resolution
6. Items Removed from the Consent Agenda
7. Planning:
 - a.) Schedule Public Hearing for 42-94(b)2; 42-247(d)5; 42-248(d)5; 42-249(d)5; 42-273(d)5; 42-274(d)5; 42-275(d)5; Minimum Roof Pitch
8. New Business:
 - a.) Ordinance Amendment: Ch. 6, Sec. 6-28 Beach Equipment and Sec. 6-29 Excessive and Unsafe Digging or Piling of Sand on the Ocean Beach Prohibited
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. Adjourn

COUNCILMEMBERS PRESENT:

Mayor Gary Perry, Mayor Pro Tem Craig Garriss, Councilwoman Lynne McClean, Councilman Jeff Pruitt and Councilwoman Tina Tice

STAFF MEMBERS PRESENT:

Town Manager Andy Stewart, Town Clerk Lynn Morris, Town Attorney Casey Varnell, Planning Director Rob Testerman, Finance Director Liliana Noble, Police Sergeant Jimmy Helms, Fire Chief Mike Talley and Public Works Director Willie Midgett

1. CALL TO ORDER

Mayor Perry called this meeting to order at 6 p.m. and welcomed those in attendance and those who will view it later on their television or computer.

Kitty Hawk Town Council Minutes: October 7, 2019
Page 2

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 to approve the agenda. It was seconded by Councilwoman Tice and the vote was unanimous, 5-0.

4. PUBLIC COMMENT

1. Carl Classen, 5204 Winsor Place, Kitty Hawk, NC: *I asked you for a lot of help earlier this year with flooding and drainage problems in our neighborhood. You all stepped up and did a great job working on the ditches. I don't know if they have ever been cleaned out. The contractor did a great job and the public works director stayed with them and they cleaned up afterwards. Was it perfect? No but I tell you it drained a lot faster after Hurricane Dorian. I appreciate all the work.*

Perry: *We appreciate it and agree with you about public works and all the good work they do.*

No one else came forward to speak.

5. CONSENT AGENDA

a.) Approval of September 16, 2019 Council Minutes. *(An approval of the consent agenda will approve these minutes.)*

b.) Ordinance Amendment: Ch. 22, Article II – Abandoned, Nuisance and Junked Vehicles. Ordinance No. 19-06. Staff discovered discrepancies in this ordinance and has rewritten it to make it easier to understand and enforce. It was discussed at the September 16, 2019 council meeting and staff was asked to provide a copy without red type or mark throughs. *(An approval of the consent agenda will approve this amendment.)*

c.) 2020 Town Council Meeting Dates and Times Resolution. The Kitty Hawk Town Council meets on the first Monday of each month at 6 p.m. except for the following during the calendar year 2020: Tuesday, July 7th, Tuesday, September 8th, (both at 6 p.m.) and Monday, November 2nd, at 5 p.m. The resolution also adds a tentative January 27th Capital Improvements workshop and a Budget Workshop on April 27th (both at 9 a.m.) *(An approval of the consent agenda will approve this resolution.)*

Councilwoman Tice made a motion, seconded by Council Councilwoman McClean, to approve the consent agenda. The was unanimous, 5-0.

6. ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed from the consent agenda.

7. PLANNING

a.) Schedule Public Hearing for 42-94(b)2; 42-247(d)5; 42-248(d)5; 42-249(d)5; 42-273(d)5; 42-274(d)5; 42-275(d)5; Minimum Roof Pitch. Recent state legislation has made a portion of our ordinance regulating a minimum roof pitch unenforceable. It is suggested the public hearing be held on November 4, 2019.

Perry: *Before I call for a motion on this, I have a question for Rob. A few years ago I think a developer, speaking for other developers, came to us. There was a problem with the number of floors in a residential area with regard to height and where we started base flood elevation in order to get in things like vaulted ceilings and things of that nature. They wanted some text amendment changes. Most of that had to do with trying to change how you calculated where the footprint was and started the base flood elevation. The legislature has changed this so in effect we could go back to having flat top roofs in residential areas. Is that correct?*

Testerman: *Right.*

Perry: *What would that do to the number of floors that might be allowed and things of that nature?*

Testerman: *I guess it could open it up to squeezing in an extra floor by flattening the roof top. We would still have the same 35' height limit so they would still be capped with that but depending on the elevation of the ground and how they worked out their plans I suppose they could work in an extra floor of living space. They would also be capped by the septic permit for the number of bedrooms and occupants. This would not have any effect on that. It would just be the height and living space they would be able to get.*

Perry: *When we hear this next month would you look into this and come back with information so council can have some idea of how it affects us. The reason I am concerned, not that we can change this, but we are also making a decision on whether or not to do it for multi-developments. We may or may not want to do that. We need to let the public know how it may affect them. Good or bad.*

Mayor Perry made a motion to set a public hearing at the Town Council meeting on November 4, 2019 to consider the proposed text amendment to amend Subsections 42-94(b)2; 42-247(d)5; 42-248(d)5; 42-249(d)5; 42-273(d)5; 42-274(d)5; 42-275(d)5; which would eliminate the current minimum roof pitch requirement on everything. As it currently is ...

Testerman: *As it is right now for all residential.*

MPT Garriss provided a second and it passed unanimously, 5-0.

8. NEW BUSINESS

a.) Ordinance Amendment: Ch. 6, Sec. 6-28 Beach Equipment and Sec. 6-29 Excessive and Unsafe Digging or Piling of Sand on the Ocean Beach Prohibited

Mayor Perry suggested tabling this until the next meeting. He would like to give the public extra time to think about it. No one on council objected and **Mayor Perry made a motion to table this ordinance until the November 4, 2019 meeting. Councilwoman McClean seconded and it passed unanimously 5-0.**

9. TOWN MANAGER

Hurricane Dorian Debris: Manager Stewart said President Trump has approved the request from North Carolina Governor Cooper for assistance for 14 counties affected by the hurricane. He invited Public Works Director Midgett to give an update on the debris pickup.

PW Director Midgett said the pickup began about two weeks ago and is about 60% collected. They have collected almost 6,000 cubic yards of debris and are looking at about 10,000 total. They have also cut about 500 hanging limbs from Town and State rights-of-way. It will probably take another two weeks to get it all.

Mayor Perry added this has had a slow start because we were not sure if FEMA was going to pick up the cost. If they pay for it we must follow their rules and regulations.

Free Flu Shots: The OBX Hospital staff will administer a shot to anyone over the age of 18 on October 17, Kitty Hawk Town Hall, 2:30 p.m. to 5:00 p.m.

Flooding around the Rabbit Hollow area of Town: Town Engineer John DeLucia has been contacted and will provide suggestions for helping to alleviate some of the flooding in this area.

U.S. Coast Guard Station Oregon Inlet, Coast Guard Auxiliary and Kitty Hawk Fire Department Ocean Rescue Video: A short video was shown of the coordination and partnering between the three agencies during a water rescue training.

10. TOWN ATTORNEY

There were no reports or comments.

11. TOWN COUNCIL

Demolition: Mayor Perry asked about the demolition of the 3 structures (Bonanza Cottage Court) on Virginia Dare Trail. Manager Stewart replied the contractor is waiting on the asbestos report.

Kitty Hawk Town Council Minutes: October 7, 2019
Page 5


12. PUBLIC COMMENT


There were no public comments.

13. ADJOURN

Mayor Perry made a motion, seconded by Councilman Pruitt, to adjourn the meeting. The vote was unanimous, 5-0. Time was 6:15 p.m.

These minutes were approved at the November 4, 2019 council meeting.


Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor