

MINUTES
KITTY HAWK TOWN COUNCIL
Monday, January 6, 2020
Kitty Hawk Town Hall, 6 PM

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Presentation
 - Public Works Supervisor Jamie Ewers/5 Years of Service Recognition *(Removed during the meeting)*
 - Planning Director Rob Testerman/5 Years of Service Recognition
 - Ken Willson, Program Manager/APTIM Coastal Planning and Engineering 2019 (Year-2) Beach Monitoring Project Report
5. Public Comment
6. Consent Agenda
 - a.) Approval of December 2, 2019 Council Minutes
 - b.) Resolution Opposing Reclassification of Jurisdictional Waters
 - c.) Cell Phone Stipend for Town Councilmembers
7. Items Removed from the Consent Agenda
8. Planning
 - a.) Schedule a Public Hearing/Chapter 14, Flood Damage Prevention Ordinance *(Removed during the meeting)*
9. New Business
 - a.) Consider Entering into an Agreement with APTIM/2019 Post Hurricane Dorian Beach Profile Survey
 - b.) Recreation Committee Liaison Appointment
 - c.) Northern Beaches Library Discussion *(Added during the meeting)*
10. Reports/General Comments from Town Manager
11. Reports/General Comments from Town Attorney
12. Reports/General Comments from Town Council
13. Public Comment
14. Recess to January 27, 2020 for a Capital Improvements Plan Workshop, 9 AM

COUNCILMEMBERS PRESENT:

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

STAFF MEMBERS PRESENT:

Town Manager Andy Stewart, Town Clerk Lynn Morris, Town Attorney Casey Varnell, Planning Director Rob Testerman, Finance Director Liliana Noble, Management Assistant Melody Clopton, Police Chief Joel Johnson

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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

Perry: *I am going to pull item 8(a) which is a call for a public hearing on the Flood Damage Prevention ordinance. After reading it I realized it is a very complex, somewhat intrusive and potentially expensive for property owners. We are rushing it for a different reason and it just does not hold water for me at this time. This is important to the people and it will be important to them for a long time. To give you an example of how intrusive it can be there is a passage that says if we passed it, once a year, a government official can walk on your property and has every right to do so. I do not think there are many people who want government officials walking on their property. We do not have enough people to do that and I am not going to buy them to do it either. That is one of the reasons I want to slow this down and give the planning board plenty of time to do what they need to do and give us some good advice. Then we need to inform the people how this impacts them.*

The other thing I want to add is 9(c). This has to do with a possible library in Southern Shores. I received some information over the weekend and some of the committee members are really going gangbusters and they expect the Towns of Kitty Hawk and Duck to go along with them. They have reached a point where they have a building and engineered plans, but they still lack the East Albemarle Regional Library System endorsement which I am not sure they will get. But in any case, I need to hear from you since I am on that committee. I will be asking you later for comments.

The last thing to remove is the presentation to Public Works Supervisor Jamie Ewers. He will not be with us tonight.

Do I hear an approval of the agenda as amended?

Councilwoman McClean provided a motion to approve the amended agenda and MPT Garriss seconded. It passed unanimously, 5-0.

4. PRESENTATIONS

- **Public Works Supervisor Jamie Ewers/5 Years of Service Recognition** *(Removed from the agenda)*

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- **Planning Director Rob Testerman/5 Years of Service Recognition.** Manager Stewart presented Mr. Testerman with his plaque for 5 years of service with the Town. Council thanked him for his service.
- **Ken Willson, Program Manager/APTIM Coastal Planning and Engineering 2019 (Year-2) Beach Monitoring Project Report**

Summary: The project placed a total of 2,120,000 cubic yards of sand along the Town's beach. This amount of sand is equivalent to about 120,000 average size dump truck loads of sand. In May of 2019 a two-year post construction beach nourishment profile survey was conducted to gauge volumetric changes of sand. The survey measures not only the visible dry beach but also accounts for volumetric changes of sand in the near offshore. The near offshore sand aids in reducing wave energy which aids in reducing further erosion of the beach.

The engineer indicated to the Town Council that after two years the project appears to be functioning as designed. Since the project was completed in 2017 the Town has received very little ocean over wash during major wind and storm events. In two years the beach has lost approximately 843,000 cubic yards of sand from the system. The engineer also reported that sand loss is showing signs of stabilizing. Losses between June of 2018 and May 2019 were an estimated 168,700 cubic yards of sand; a much smaller amount than the total 843,000 cubic yards lost since the project was completed.

The Town anticipates a re-nourishment project to take place in 2022. A copy of the complete study can be found online at www.kittyhawkncc.gov under the Beach Nourishment Tab or watch the council meeting under the Government/Town Council/Town Council Meeting Videos Tabs.

Perry: *What is Duck and Kill Devil Hills doing towards re-nourishment in 2022 that we are not?*

Willson: *Neither is doing anything that you are not. One thing that has come up is the post-Hurricane Dorian survey. Also, when we were originally hired by the Towns of Kill Devil Hills and Duck, they had gone through a formal request for qualifications for an engineering firm. By the time it came for Kitty Hawk to get on board it was clear that they were moving in that direction. It was fairly straight forward the project that needed to be done and so all three Towns moved forward with working with us. That covered through the construction of the project but now that you are into this post-Dorian situation with FEMA, FEMA will require that you have gone through proper procurement procedures if you are going to submit reimbursement for engineering services. You are going to have to show that you have gone through a proper procurement process so right now everyone is sort of on hold.*

We feel very strongly that because those surveys need to be done as soon as possible that you could explain to FEMA why you moved forward with the engineer of record to do those surveys but to really get into the analysis and to coordinate a design of repair project for FEMA we feel like you need to go through that RFQ process.

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My understanding is that the Town of Duck is working on putting together a request for qualifications and they have been coordinating with Andy and Kill Devil Hills to see if that one process would work for all three Towns and potentially four Towns. If that process can happen, hopefully by the end of February, then everyone has their i's dotted and t's crossed.

The proposal that is later on your agenda to discuss is simply to collect the data needed to do the analysis for FEMA. It does not really get into any design.

Perry: *It is possible we could pay you for the survey but at some point, the three Towns could wind up with somebody else?*

Willson: *That is correct. We are the ones that told the Towns about this. It does not serve us to say why don't you go out for selection and you potentially select somebody else but in order to do this correctly it is what needs to happen. Whether you select another firm or not the data collected will be provided to you on a hard drive and the other firm can do exactly what we could do with the analysis or design or whatever needs to be done.*

Perry: *Okay. Everything you said about sand loss. How much of that was intended sacrificial loss? We knew some of it was going to be lost.*

Willson: *That is a good question. The sacrificial loss is about 30% of the volume that was placed.*

Perry: *If the starter dune holds true and stays in place, we do not have to do that again. It is only putting the berm part out. Is that correct?*

Willson: *Correct. The original project I believe placed close to 90 cubic yards per linear foot along the beach. I think that was about the average along Kitty Hawk. The re-nourishment would be looking at placing around 30 cubic yards per linear foot. So again, about 1/3 of the initial construction would go back out there.*

Pruitt: *Do you also measure how much sand went westward versus washing down the beach? When we talk of loss can it be up on the starter dune that has seemed to grow. Is that measured into the amount of sand lost?*

Willson: *Yes. Each time they run the survey, especially in Kitty Hawk, they start right around where the road begins, and they survey across any dune that is there. They will capture all that volume and when we do the volume comparisons the program goes to wherever there is overlap. So as long as they start it at the road on both surveys, they will capture all of the dune that is there as well.*

Perry: *We have been through a couple of storms and they have had an impact. How are you going to convince us and FEMA what was lost from Hurricane Dorian versus what was lost in the other storms?*

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Willson: *One of the concepts we have looked into is the Field Research Facility Pier wave data. We can take that wave data and look at the amount of wave energy that has occurred and has impacted the beaches between your May survey and whenever this post-Dorian survey occurs. We can see the amount of energy that was developed for each one of those storms and we can try to deduce the energy that has been impacted.*

Perry: *Whether they accept that is yet to be seen.*

Willson: *Correct. They have a guy that works with a lot of the coastal Towns and he understands how the systems work. We have worked with him in other communities and he is who FEMA is going to ultimately rely on to say is this legitimate or not. He can wrap his head around things like this analysis we would present to him.*

Perry: *When this first started there was some talk that the state has a possible source of funding for this and maybe others down the road. Have you followed up on that at all?*

Willson: *That came from some folks at the county. I know they were concerned about their Buxton project after Hurricane Dorian and they received positive feedback from the state that there was potential in getting reimbursed for doing some post-Dorian surveys for that project. I have not heard it confirmed by anyone at the state.*

Perry: *We need to follow it up. If we can find a source for funding other than our own, then we need to know.*

Stewart: *Right.*

Perry: *Thank you. Does anyone want to speak during public comment?*

5. PUBLIC COMMENT

There were no public comments.

6. CONSENT AGENDA

a.) Approval of December 2, 2019 Council Minutes. *(An approval of the consent agenda will approve these minutes.)*

b.) Resolution Opposing Reclassification of Jurisdictional Waters. The NC Wildlife Resources Commission, in an August 2019 meeting, decided to move forward with determining boundaries defining inland and coastal waters based on a 2.6 salinity value. In 2017 the NC Marine Fisheries Commission determined there was no basis to adjust jurisdictional boundaries. The proposed reclassification of jurisdictional waters would be a loss of approximately 144,984 square acres of 226.5 square miles of coastal and commercial fishing waters thus creating more confusion and regulations to the already over-regulated NC commercial fishing industry. *(An approval of the consent agenda will approve this resolution.)*

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c.) **Cell Phone Stipend for Town Councilmembers.** This recommendation for a \$40 per month stipend is intended to offset the costs of cellular service for councilmembers and is consistent with what other essential personnel in the Town receives. *(An approval of the consent agenda will approve this recommendation.)*

MPT Garriss made a motion to approve the consent agenda. It was seconded by Councilwoman McClean and passed unanimously, 5-0.

7. ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed from the consent agenda.

8. PLANNING

a.) Schedule a Public Hearing/Chapter 14, Flood Damage Prevention Ordinance. The Town must adopt, by June 19, 2020, the new model Flood Damage Prevention ordinance which in effect adopts the new Flood Insurance Study and maps. It is recommended the public hearing be held on February 3, 2020. *(Removed from the agenda)*

9. NEW BUSINESS

a.) Consider Entering into an Agreement with APTIM/2019 Post-Hurricane Dorian Beach Profile Survey

Stewart: *This survey is going to be required by FEMA to show there was sand loss as a result of Hurricane Dorian. Staff has been on the phone with the state and our FEMA representative and we told them we are going to be claiming this. At this point we only have to notify them. After the survey, if there is sand loss and FEMA approves the results, the Town will be eligible for reimbursement under Category G. If there is no sand loss, then we will not be reimbursed.*

Perry: *There is one thing I will add. If FEMA approves this, we will not receive any reimbursement until such time as we do a re-nourishment. It would be deducted from the cost of that re-nourishment.*

Stewart: *That is correct.*

Perry: *It is entirely possible I guess, since we are two years out before we even do a re-nourishment, we could be waiting on multiple FEMA reimbursements.*

Councilwoman McClean I make a motion to approve the um APTIM contract for the beach survey post-Hurricane Dorian beach profile survey. Councilman Pruitt seconded and it was approved unanimously, 5-0. (The contract amount is \$36,959.00)

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b.) Recreation Committee Liaison Appointment

Perry: *Do I hear a nomination for this appointment?*

MPT Garriss made a motion to a nominate Mayor Gary Perry to serve as Recreation Committee liaison until a successor is named. Councilman Pruitt seconded. Hearing no further nominations, the vote was unanimous for Mayor Perry, 5-0.

c.) Northern Beaches Library Discussion (Added to the agenda)

Perry: *The Town of Southern Shores has a committee that is working to put a library in Southern Shores to better serve Duck, Southern Shores and Kitty Hawk and whoever else may want to go there. The committee is really working hard. They have found a place for a \$1 a year rent for 10 years and they have engineered plans for the location. They lack several steps with one of them being asking the county and the Albemarle Regional Library System which both would have to approve it. The funding for the redesign of the building would have to be borne by the county or someone and that someone is possibly us.*

What I need to know is, because they are presenting to their council tomorrow night, are we in favor of putting money and effort for another library or does the Kill Devil Hills one serve us satisfactorily?

Pruitt: *I would have to see the numbers and what are they asking of Kitty Hawk. We have a lot on our plate right now that we need. We have a police department that needs higher ground and right now I do not think we have the money. Beach re-nourishment is getting ready to be at our doors again. Right now, I think it is important for the people in the Town of Kitty Hawk for us to prioritize.*

Perry: *I will add they are kind of going to lean on the county to do the funding however we all pay county taxes, so we are still paying.*

Hines: *I agree with Jeff. I need to know more about exactly what is going on with it. I think we have things to do in Kitty Hawk and I just do not know enough about it.*

Perry: *We have a library in Kill Devil Hills, fully funded, and now there could be one in Southern Shores. Do you think the citizens of Kitty Hawk want and need that?*

McClean: *I personally do not think Kitty Hawk needs to stretch for this. They are saying the leased space is a dollar a year for 10 years. What happens after 10 years? What is going to be taken away from the Kill Devil Hills library to support this? The library budget at the county level is only so big and I would hate to see Kill Devil Hills, which is a very nice functioning library, with a lot of services ... I would hate to see them losing anything. Also, the furthest reach of Kitty Hawk is not that far away from Kill Devil Hills. I want to hear more from people in Town who are for it before*

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I am comfortable saying yes. I am going to reserve comment and say I do not think we need this. We have our own infrastructure to get in place and a library is not part of that right now.

Perry: *You brought up another good point. The Albemarle Regional Library System and Dare County allocates so much money to them and they get it from other sources. A representative came to one of our meetings and told us that their funding is being diminished, not increasing, and to add something like this very likely would mean they have to reallocate. Take from one to put to another. That is something for you to think about and decide whether this is a good idea. Thank you for bringing that up.*

Garriss: *I think we have a consensus here. There is a lot that I do not know. The gentleman that came to speak to us a few meetings ago made some good points. About 80% of the people who responded to the survey are in favor of it. I am not sure where that 80% lives because what I am hearing when I am out in the public is that Kill Devil Hills is a great library, just a few miles down the road. I do not think we have the money at this time to invest in this project. I am not in favor of it.*

Perry: *I tend to agree with everything you all have said. I do not think this is necessary for Kitty Hawk either. Do you want me to tell them that it does not look like the Kitty Hawk Town Council is in favor of this project?*

There was a consensus to let the committee know that council is not in favor of this project.

10. TOWN MANAGER

Manager Stewart announced the next large item pickup will be February 10th.

11. TOWN ATTORNEY

No comments or reports.

12. TOWN COUNCIL

Councilman Pruitt thanked staff for assisting him today. It is nice to come to the Town Hall and be helped by friendly staff.

Councilman Hines said Planning Director Testerman does a remarkable job and the Town is lucky to have him.

MPT Garriss wished everyone a Happy New Year!

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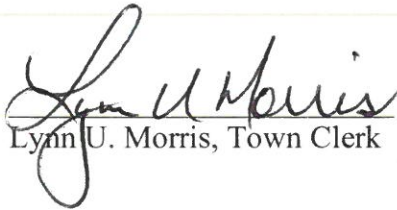
13. PUBLIC COMMENT

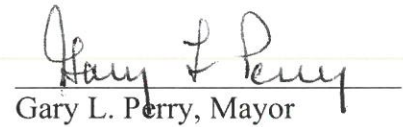
No one came forward to speak.

14. RECESS

Mayor Perry made a motion to recess until January 27, 2020 for a Capital Improvements Plan workshop at 9 a.m. at the Town Hall. Councilman Pruitt seconded and it passed unanimously, 5-0.

These minutes were approved at the February 3, 2020 council meeting.


Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor