

MINUTES
KITTY HAWK TOWN COUNCIL
Monday, April 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
 - Beach Nourishment MSD Information/Mayor Perry
5. Public Comment
6. Consent Agenda
 - a.) Approval of March 2, 2020 Council Minutes
 - b.) Child Abuse Prevention Month April 2020 Proclamation
 - c.) Request for Qualifications for Professional Services/Coastal Engineering and Design Services
7. Items Removed from the Consent Agenda
8. New Business:
 - a.) Approve Grant Application Assistance from APTIM Engineering for Coastal Storm Damage Mitigation Funds
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, Councilman David Hines, Councilwoman Lynne McClean and Councilman Jeff Pruitt

STAFF MEMBERS PRESENT:

Town Manager Andy Stewart, Town Clerk Lynn Morris

The COVID-19 pandemic was declared on March 11, 2020. Due to gathering and social distancing guidelines from the federal government and the CDC, other staff members were excused so that some seats were available for the public and press (no one else attended this meeting). This meeting was also available to watch by computer (live streaming) or listen by telephone through Zoom Video Communications.

Kitty Hawk Town Council Minutes: April 6, 2020
Page 2

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 to approve the agenda. It was seconded by Councilwoman McClean and unanimously approved 5-0.

4. PRESENTATION

- **Beach Nourishment MSD Information/Mayor Perry:** *This is pre-budget hearing comments to Kitty Hawk property owners concerning continuation of the current Municipal Service District. Please note that I stated the issue as for property owners versus registered citizens. Property owners whether living within the town boundaries or elsewhere pay this tax for a specific purpose and are therefore entitled to have voice in the matter. This is not a ballot box issue other than "to throw the bums out" at voting time. In this case the decision must be made prior to the next vote which means this council must hear from you this year in order to set the MSD tax rate.*

Now, having stated the objective, I need to clarify some previous information that council indicated during the initial hearing leading to the establishment of the Municipal Service District. We led you to believe that any continued phase of beach nourishment would require new hearings and property owner notification like the original procedure. We transmitted that understanding because we believed that to be the case. However, as we have gained better understanding it became apparent new hearings and property notifications might not be required. To that end I instructed the town manager to inquire of the North Carolina School of Government what is required to continue an MSD.

I know anybody watching this can read but I need to read this into the record.

I asked the manager to ask the following question of the NC School of Government. An MSD was initiated after proper hearing for the purpose of constructing a beach nourishment project, since completed. The bond funding an MSD tax, plus a town-wide tax put in place for the project, runs for five years. What, if any, action is required by this governing body to continue the MSD and tax for the purpose of maintenance re-nourishment anticipated to occur on a five-year interval? The response from the School of Government: once an MSD is established by the governing board it remains in existence

Kitty Hawk Town Council Minutes: April 6, 2020
Page 3

until officially abolished by the board. In other words, an MSD may not be created for a limited time period. The board each year decides whether or not to levy the MSD tax. If the board ceases the tax the district continues in existence until council officially abolishes it.

The hearing can be part of the budget hearing ... that is the takeaway from what I am trying to get across ... without special hearing or individual property owner notification. For that reason council is taking this extra step to ensure you have the facts and just as important you understand that at the budget hearing if majorities of property owners do not want beach re-nourishment to occur you had better tell us. Otherwise, I would expect council to continue the current MSD tax rate.

I am aware of a recent statement by the financial gurus advising the Town of Southern Shores stating that once you nourish you never get out. That is not true. If a majority of Kitty Hawk property owners told this council to stop taxing for re-nourishment we must listen. However, a far more accurate statement as affects Kitty Hawk is "Once Out, Never Back". The already limited amount of money available in the county controlled occupancy tax would surely be allocated to other places. Again, I repeat "Once Out, Never Back". There is no other source available to us.

Finally, council always accepts your comments via email, telephone, written correspondence or in person at the budget hearing scheduled for June 1, 2020. You do not have to be present to be heard. We take all your comments into consideration. We did the first time and we will do it again. Thank you.

5. PUBLIC COMMENT

Manager Stewart asked if anyone listening by telephone wished to make a public comment. There was no answer.

Mayor Perry said council received an email request to read a letter that was addressed to the Dare County Board of Commissioners. Under advice of the town attorney, since the letter was not addressed to the Kitty Hawk Council, it will not be read into the record.

6. CONSENT AGENDA

a.) Approval of March 2, 2020 Council Minutes. *(An approval of the consent agenda will approve these minutes).*

b.) Child Abuse Prevention Month April 2020 Proclamation. On March 30, 2020 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).*

Kitty Hawk Town Council Minutes: April 6, 2020
Page 4

c.) **Request for Qualifications for Professional Services/Coastal Engineering and Design Services.** The Towns of Duck, Southern Shores, Kitty Hawk and Kill Devil Hills are working together for qualifications from a qualified coastal engineering/environmental firm(s) or team(s) for the provision of professional engineering consulting services for future beach nourishment and related shoreline management efforts. This was discussed at the March 2, 2020 council meeting and it was requested that the background section for Kitty Hawk be reworded. *(An approval of the consent agenda will ratify this RFQ).*

Councilwoman McClean made a motion, seconded by Councilman Pruitt, to approve the consent agenda. It passed unanimously, 5-0.

7. ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed.

8. NEW BUSINESS

a.) Approve Grant Application Assistance from APTIM Engineering for Coastal Storm Damage Mitigation Funds

Perry: *This subject matter is a program where you can apply, with certain stipulations, for a grant of up to \$2 million towards beach nourishment. We will spend \$5,000 with a good chance, we hope, of getting a considerable amount towards future nourishment.*

MPT Garriss made a motion to approve the grant application assistance from APTIM Engineering for coastal storm damage mitigation funds. Councilman Pruitt seconded and it was approved unanimously, 5-0.

9. TOWN MANAGER

COVID-19

Stewart: *Everything we have been doing with the COVID-19 pandemic is on our website. We have received questions regarding the bridge closure and access to Dare County. We are referring them to the Dare County hotline.*

We have scaled back town staff now that there is a case of possible community spread. We are going to try and eliminate as much contact with each other as possible in hopes that we can continue to stay well. We are allowing people to come into the Town Hall, but they are not allowed into the office area. Everybody has been instructed to have good hygiene, wash hands, and try to prevent any possible spread. Everybody is practicing social distancing. I think that is a key element to all this. We are going to try and stay open as long as possible. Hopefully, this will come to an end shortly.

Kitty Hawk Town Council Minutes: April 6, 2020
Page 5

Chipping

The chipping service has been suspended and the Recycling Center is closed.

Information from the Town and Dare County

Town specific information, as well as information from Dare County, is emailed out. Please consider joining the email list for updates.

10. TOWN ATTORNEY

There were no comments.

11. TOWN COUNCIL

McClean: *Stay home, stay healthy.*

Garriss: *Andy, I want to thank you and your staff for the daily emails letting us know what is going on. Melody has done an awesome job ... all the staff. Mayor Perry I also want to thank you. I know you have attended a lot of control group meetings either in person or on the phone. You have done an outstanding job and you are keeping us all apprised of what is going on.*

Pruitt: *I also want to thank you Gary for what you are doing. The time it is taking to help in any way with the spread of this virus on the Outer Banks. We live in a community with a lot of seniors and we must take this seriously. Times are tough and everybody is making sacrifices so we must continue to do what we are doing. I am proud of the people of Kitty Hawk. You are doing a fantastic job. Just continue to be safe.*

I also want to thank the first responders, all our Dare County deputies, our police officers, fire, rescue and medical personnel for putting their lives on the line. We are sitting 6 feet apart for this meeting. It is hard for them to do that in their profession and they still go to work and continue to keep our town, our community and our state safe. So please wash your hands, try to keep 6 feet apart. We have a beautiful beach, beautiful weather. Parents, please tell your younger ones to stay home or if they do go to the beach stay 6 feet apart. Just for the consideration of our residents. It is the right thing to do. Thank you.

Perry: *Everything you said is true. I will add, when you mentioned the beach and I know this is being put out in the bulletins, the Town Council is being proactive by putting ocean rescue on the beach patrolling. It is a little early, but the specific purpose is to remind people if they are in groups that they need to heed distancing and be careful. Help make sure we can keep the beaches open. The reports are coming back good. People are going out and enjoying the beach and they are practicing the distancing and they are not in large groups. If they do this, we can fight the good fight to keep it open. That is the bottom line.*

Kitty Hawk Town Council Minutes: April 6, 2020
Page 6

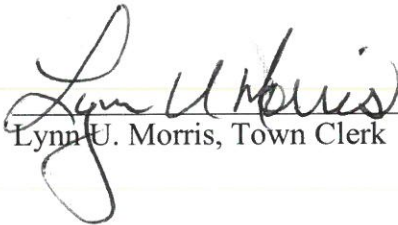
12. PUBLIC COMMENT

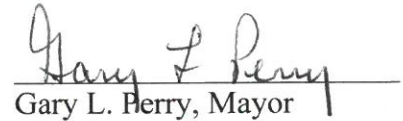
Manager Stewart asked if anyone on the telephone had a public comment. No one responded.

13. ADJOURN

Mayor Perry made a motion to adjourn. It was seconded by Councilman Pruitt and passed unanimously, 5-0. Time was 6:15 p.m.

These minutes were approved at the May 4, 2020 council meeting.


Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor