

MINUTES
KITTY HAWK TOWN COUNCIL
Monday, October 5, 2020
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 8, 2020 Council Minutes
 - b.) FY 20-21 Budget Amendments #2, #3 and #4
 - c.) Bid Award for Stream/Ditch Debris Removal
6. Items Removed from the Consent Agenda
7. Planning
 - a.) Schedule Public Hearing: Conditional Use Permit. 3834 N. Croatan Hwy - Church – Sheepdog Ministries – The applicant has requested a conditional use permit for a church to be located at 3834 N Croatan Hwy. It is requested the public hearing be scheduled for November 2, 2020 at 5:00 p.m.
8. New Business
 - a.) Revised FY 2020-21 Budget (*rescheduled for October 9, 2020*)
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 October 9, 2020, 9 a.m.

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, Town Attorney Casey Varnell, Police Officer III Jimmy Helms and Police Detective Justin Langley

This meeting was live streamed on YouTube and could be listened to by telephone.

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1. CALL TO ORDER

Mayor Perry called this meeting to order at 6:00 p.m.

2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF AGENDA

Mayor Perry made a motion to approve the agenda after removing item 8, the budget revisions, and recessing until October 9, 2020 to discuss it. MPT Garriss and Councilwoman McClean seconded and it passed unanimously, 5-0.

4. PUBLIC COMMENT

1. Katie Morgan, 57 Deer Path Lane, Southern Shores, NC: *I did not expect to speak tonight. I just wanted to speak on behalf of Leeann Fletcher. I did not know her. I just know there are a lot of people that are very concerned about what is happening. I am not here to talk about police or anything. I am just curious what are you all are thinking about this. I mean did you elect this guy to serve the public and take care of things? I am nervous as a citizen of Kitty Hawk. Right now, I do not trust anything that is coming from the Kitty Hawk Police Department. I really just want to know if you guys have any concerns yourselves.*

Perry: *Are you speaking for others?*

Morgan: *No, I am speaking for myself. I just thought there would be more people here. I am just nervous because I feel like I am being ganged up on but there are some more people here now.*

Perry: *There are a couple of things we need to get clear. First off, the council does not involve itself in an active investigation. I do not know about Seattle and Portland and all those kinds of places and how they operate but in North Carolina that is not the way it works.*

The second thing is Kitty Hawk is a council manager system. What that means is council sets policy, tax rates, enacts codes, establishes the number of personnel, and salaries, those sorts of things. The manager controls the staff. The manager hires and fires and council does not involve itself with that at all. Council has no legal jurisdiction to become involved in police investigations, active or passive.

Speakers are limited to three minutes. We will listen to all who want to speak. If there is someone who is representing a multitude of people, please tell us that and it will save everybody from listening to the same thing over and over.

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There is something we need to do to let you know where you stand coming into this. The Kitty Hawk council fully supports the Kitty Hawk Police Department and I expect that support to continue going forward. The council also fully supports Kitty Hawk management, our staff. All those people have been doing a good job for us all these years and we have seen no reason not to continue to support them. If that changes here tonight, then so be it but that is the way we are going into this. Does that help?

Morgan: *Yes, and I am definitely not like anti police or anything. It is just this specific case. It just feels so wrong.*

Perry: *Thank you. Who is next?*

Member of audience (not at the microphone): *I'll let you go _____ nowhere so it looks like if we get up there and say anything it is getting us nowhere just like _____ doing their jobs correctly.*

Perry: *If you want to speak please come up if not ...*

Member of audience: *It honestly seems like a waste of time because it does not seem like you guys care.*

Perry: *If nobody is going to come up to speak proper then we are going to move on with the meeting. Your last chance. For those listening we have someone getting ready to speak. They are signing their name and where they live.*

2. Judy Swortwood, 46211 Old Lighthouse Road, Buxton, NC: *I live in Buxton and there are three other people, out of the few that are sitting here, from Buxton. We are really not very happy about having, what we all consider a prime suspect in a murder case, running around Buxton for the past two months. I think that is why there are four people from Buxton tonight.*

Perry: *Thank you. Anyone else?*

3. Alexis Lowe, 310 Burns Drive, Kill Devil Hills, NC: *I have never spoken at one of these before. I have been a resident of Dare County for over 8 years and I live in Kill Devil Hills, but I have lived in Manteo. I work in Duck so I pass through Kitty Hawk two times a day, five days a week and I just want to say that Leeann Fletcher's death and the investigation into what happened to her has made me feel less safe in the community. I have lost confidence in law enforcement and I do not understand why so little was done by officers at the scene where she was found. Or how so much was missed and not processed and why it took the family hiring a PI firm to bring seriousness to the situation. I cannot stop thinking about her because that could have been any of us or my sister. I just wanted to say that.*

Perry: *Anyone else? Did you say you were speaking for some others?*

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Swortwood: *No. I just said there were other people in the room from Buxton.*

Perry: *If you were speaking for them, I wanted to document how many you were speaking for. Is there anyone else before I move on to other business?*

Swortwood: *No disrespect but if that is all that is going to be covered tonight on this subject we are going to head back to Buxton.*

Perry: *That is unless you want to speak at the second public comment but that will be after we do our business.*

Council thanked them for coming.

5. CONSENT AGENDA

a.) **Approval of September 8, 2020 Council Minutes.** *(An approval of the consent agenda will approve these minutes.)*

b.) **FY 20-21 Budget Amendments #2, #3, #4.** These budget amendments recognize and record the open purchase orders as of June 30, 2020. The encumbrances are purchase orders #7329, #7275, #7119 and #7063. *(An approval of the consent agenda will approve these amendments.)*

c.) **Bid Award for Stream/Ditch Debris Removal.** The town has received funding from the Hurricane Florence Disaster Response Act to remove vegetative debris from streams/ditches caused by Hurricane Florence. Two bids were received and staff is recommending the low bid of \$59,702.40 be awarded to Bell's Tree Service.

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

6. ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed from the consent agenda.

7. PLANNING

a.) **Schedule Public Hearing: Conditional Use Permit. 3834 N. Croatan Hwy - Church – Sheepdog Ministries – The applicant has requested a conditional use permit for a church to be located at 3834 N Croatan Hwy. It is requested the public hearing be scheduled for November 2, 2020 at 5:00 p.m.**

MPT Garriss made a motion to set a public hearing at the town council meeting on November 2, 2020 to consider a conditional use permit application to a church at 3834 North Croatan Highway. Councilman Hines seconded and it passed unanimously, 5-0.

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8. NEW BUSINESS

a.) Revised FY 2020-21 Budget (*rescheduled for October 9, 2020*)

9. TOWN MANAGER

Stewart: *The Outer Banks Hospital will be offering free **flu shots** to community members from ages 18 to 64. The drive through event will take place here at the Kitty Hawk Town Hall from 2:30 to 5:30 on October 22, 2020. We had a really good turn out last year. You will need to register and make an appointment. Information and a link is on our town's website or you can register by calling 252-449-7300.*

*October 19th is the town's **fall chipping** service. Put out your brush and the town will come by and take it away for you.*

*The last announcement and reminder is that our next meeting on November 2nd will be at **5 p.m.** due to the elections the next day.*

10. TOWN ATTORNEY

There were no comments.

11. TOWN COUNCIL

Hines: *There are a couple of areas on the beach road I would like for us to think about putting crosswalks. The Black Pelican and a couple of other areas. I think it would be a good idea to look at figuring out how to make them safer.*

Perry: *You do know that the sand that blocks a driver's vision on the west side there at White Street and several other places CAMA will not let us move it.*

Hines: *Maybe we could look at lighting.*

Perry: *On this subject I asked Southern Shores who paid for their lighting and signs and the state paid for one and they paid for others. So, if that is what you want to do then Andy you need to look at budgeting this. Follow up on what David is asking us to do. Is that okay with you?*

Pruitt: *It is with me.*

Garriss: *I think it is a great idea. Thank you, David.*

Hines: *And I am happy to help look for grants or do whatever I can do to help.*

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Perry: *The state is not going to help. They told us no and they told Southern Shores no.*

Hines: *Maybe the Tourism Board.*

McClean: *There are some very nice, not in your face, lighted signs. The border of the sign, when there is a pedestrian in the proximity, will start to glow. It might be better because it would not be lit up all the time.*

Garriss: *Again, great idea David. Thanks to the staff for what you do each and every day.*

Perry: *The only thing I am going to leave us with is the fact that we have had a tragedy in the Town of Kitty Hawk. It is dragging on not due to any fault of the people we have working for the town. I have been briefed on the situation and I cannot and will not discuss it but as mayor I was obligated to find out what is going on. I will say they have done all they can do at the moment. They will follow up on whatever comes out, when it comes out and until then that is the way we have to leave it. I have no complaints with our police, our staff, or manager.*

12. PUBLIC COMMENT

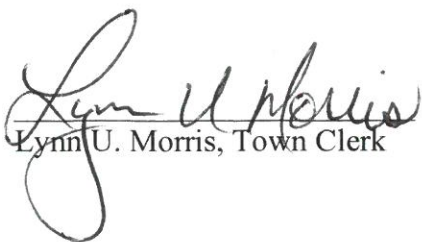
Perry: *Anyone wish to speak? We still have two folks in the room. You were very brave getting up. A lot of people are just as nervous as you were, but you have nothing to fear from us. We do want to hear from folks when they have a concern.*

Let the record show no one came forward from the audience nor were there any speakers on the telephone.

13. RECESS

Mayor Perry made a motion to recess to October 9, 2020 at 9 o'clock in the morning for a discussion of the budget revisions. Councilman Hines seconded and it passed unanimously, 5-0. Time was 6.17 p.m.

These minutes were approved at the November 2, 2020 council meeting.


Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor