

Kitty Hawk Planning Board Meeting  
January 14, 2021 – 6:00pm  
Kitty Hawk Municipal Building

**AGENDA**

1. Call to Order/Attendance
2. Approval of Agenda
3. Approval of Minutes:
  - a. October 15, 2020
4. Public Comment
5. Text Amendment:
  - a. NCGS Chapter 160D Overview
6. Comments:
  - a. Chairman Richeson
  - b. Planning Board Members
  - c. Town Attorney
  - d. Planning Director

7. Adjourn

1. **Call to Order/Attendance**

Chairman Richeson called the January 14, 2021 Kitty Hawk Planning Board Meeting to order at approximately 6:00pm.

**Board Members Present:**

John Richeson, Chairman; Dusty Rhoads, Member; Chuck Heath, Member; Gary Muir, Alternate; Rob Testerman, Planning Director

**Absent:**

Bryan Parker, Vice Chairman; Jim Geraghty, Member; Matt Spencer, Alternate; Casey Varnell, Town Attorney

- Mr. Richeson noted that Gary Muir, Alternate, would be the voting member in place of Jim Geraghty, Member and Bryan Parker, Vice-Chairman

2. **Approval of Agenda:**

Hearing no objections/changes/corrections to the January 14, 2021 Agenda, the Agenda was approved unanimously.

3. **Approval of Minutes:**

Hearing no objections/changes/corrections to the October 15, 2020 Meeting Minutes, the Minutes were approved with Mr. Rhoads making the motion to approve and Mr. Richeson seconded and the Minutes were unanimously.

(For the record, there was no Administrative Report due to no scheduled Town Council Meetings)

4. **Public Comments:**

There were no audience members in attendance; therefore, Mr. Richeson closed this portion of the meeting.

5. **Text Amendment:**

- a. NCGS Chapter 160D Overview
  - Mr. Testerman proceeded with the information regarding the Text Amendment.
  - In 2019, the NC General Assembly adopted legislation creating the new Chapter 160D of the NC General Statutes.

Kitty Hawk Planning Board  
Meeting Minutes  
January 14, 2021

-2-

- 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. The Town's Zoning Ordinance must be amended to be consistent with the new Chapter 160D. Some of the changes will be as simple as changing references from 160A to 160D, while some will require definition changes and procedural changes to the Code.
- In addition, there will be more substantial changes; i.e., adding definitions, adopt Conflict of Interest statements into the Code, etc.
- Mr. Testerman distributed two packets: UNC School of Government which is the G.S. Chapter 160D Checklist of Changes to Local Ordinances, Policies and Practices and the UNC Chapter 160D Question and Answer packet.)
- The checklist elaborates on the new language which in essence states what must be amended in 160B and in 160D in the Town's codes.
- Mr. Testerman stated that he will bring to the Board and Council all the changes required.
- 160D also requires each locality to have an adopted Comprehensive Plan. CAMA Land Use Plans can be used as a comprehensive plan. According to the UNC School of Government, the comp plan has to be 'reasonably' maintained and updated every 5-10 years. The Town's current plan was adopted in 2003 so, it will need to be reviewed.
- Question from Mr. Richeson posed concerned the definition off "Conflict of Interest". As an example, he asked, "if a subdivision plan would come before the Board by a Town staff Member or someone's relative on the Board was to be the General Contractor would that Board Member be required to recuse themselves from voting on the Application?"
- Mr. Testerman stated that the "Conflict of Interest" clause will apply to Members of the Council, Board and any Staff members or any Town decision makers where the Ordinance clearly defines what a "Conflict of Interest" is; i.e., receiving a financial gain from such a decision.

Kitty Hawk Planning Board  
Meeting Minutes  
January 14, 2021

-3-

- Mr. Testerman further stated that 106D-109 refers to “Conflict of Interest” regarding close familial or close business relationships that any of the Board, Council or Staff decision maker may have. To further clarify, Mr. Testerman stated that a “Staff” person would be able to issue permits but cannot to a ‘close’ friend or ‘family member.’
- At the February, 2021 Board Meeting, Mr. Testerman will go into more details on any new procedures and Mr. Varnell will be there to clarify and interpret any of the new regulations.

6. **Comments:**

- a. Chairman Richeson – no comments
- b. Planning Board Members – no comments
- c. Town Attorney – absent
- d. Planning Director – no comments

7. **Adjourn:**

Hearing no further comments, Mr. Richeson adjourned the January 14, 2021 Planning Board Meeting at approximately 6:15pm.

Respectfully submitted by Patricia Merski, Recording Secretary