

MINUTES
KITTY HAWK TOWN COUNCIL
Monday, February 1, 2021
Kitty Hawk Town Hall, 6 PM

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Introductions
 - Firefighters Caleb Chik and Henry Hardison
5. Consent Agenda
 - a.) Approval of January 4, 2021 Council Minutes
 - b.) Financial Statements as of December 31, 2020
 - c.) FY 20-21 Budget Amendment #8
 - d.) Resolution to Obtain a Water Resources Grant for a Shore Protection Project
6. Items Removed from the Consent Agenda
7. New Business
 - a.) Kitty Hawk Park Connector Trail Project Bid Award
8. Reports/General Comments from Town Manager
9. Reports/General Comments from Town Attorney
10. Reports/General Comments from Town Council
11. Public Comment
12. 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, Town Attorney Casey Varnell, Police Sergeant Jeff Wiggins

1. CALL TO ORDER

Mayor Perry called this meeting to order at 6 p.m. I don't know what happened to January but here we are.

2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

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

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3. APPROVAL OF AGENDA

MPT Garriss made a motion, seconded by Councilwoman McClean, to approve the agenda. The vote was 5-0.

4. INTRODUCTIONS

- Firefighters Caleb Chik and Henry Hardison – Fire Chief Mike Talley introduced the firefighters and council welcomed them to the Town of Kitty Hawk.

5. CONSENT AGENDA

- a.) **Approval of January 4, 2021 Council Minutes.** *(An approval of the consent agenda will approve these minutes.)*
- b.) **Financial Statements as of December 31, 2020.** *(An approval of the consent agenda will acknowledge these statements.)*
- c.) **FY 20-21 Budget Amendment #8.** This amendment, in the amount of \$4,093, is to recognize the insurance claim refund for a police department vehicle involved in an accident with a deer. *(An approval of the consent agenda will adopt this amendment.)*
- d.) **Resolution to Obtain a Water Resources Grant for a Shore Protection Project.** This resolution must be adopted to complete the process to receive \$1,408,247.19 from the State of North Carolina to help renourish the beach. *(An approval of the consent agenda will adopt this resolution.)*

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

6. ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed from the consent agenda.

7. NEW BUSINESS

a.) Kitty Hawk Park Connector Trail Project Bid Award

Stewart: *The town received bids this morning at 10 o'clock for the connector trail project in Kitty Hawk Park. As council recalls we recently received a grant from the North Carolina Parks and Recreation Trust Fund and then we also received a grant from the Tourism Board for a total amount of \$117,000. The bids were received to make the connection from the park to Kitty Hawk Estates. It is about 1.8 miles long.*

We are a little short of this project being 100% funded by grants and we will not know the final cost of the project until the contractor has had a chance to go out and get started. The project was

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bid by the linear foot and as we get into it, if it is less, we will work with the contractor to reduce the cost and if it is more then we may be back before the council with a budget amendment. We will be back in March to give you an update on where we are at with the actual start of the construction.

Albemarle and Associates bid the project and we received two bids. It is suggested council award LSI Marine Construction with the low bid of \$129,912.60.

MPT Garriss made a motion to approve the bid received by LSI Marine Construction, LLC in the amount of \$129,912.60 for the Kitty Hawk Park Connector Trail Project. The motion was seconded by Councilwoman McClean and was unanimously approved, 5-0.

8. TOWN MANAGER

Stewart: *The contractor for the **cleaning of the canals and ditches** is mobilizing and will begin work soon.*

***Large item pickup** is Monday, February 8th. More information is on the town website for a list of items to be picked up.*

9. TOWN ATTORNEY

There were no comments from the town attorney.

10. TOWN COUNCIL

Garriss: *Thanks again to the staff for what you do and welcome once again to our two new Kitty Hawk firefighters.*

Pruitt: *I would also like to welcome our new firefighters.*

Perry: *We received a big thank you to our Kitty Hawk Fire Department from Barbara Brown and she asked me to read it into the record.*

“My husband’s man cave, and Maggie’s place also, was a hot blaze last Sunday night. Remember Sunday was a major football day/night. We’d been watching two great football games and pigging out on food all day ... probably with the majority ... and if not for my puppy dogs who take a late-night tinkle, we all would’ve been in a warm coma on our sofa, clueless. There’s no telling what else would’ve caught fire! So, I open my back door for our walkabout and saw terrible, high, roaring flames! I called 911 and poor Steve went into shock.

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We are beyond words grateful to our wonderful Kitty Hawk Department. The firemen responded quickly and they did a very professional job of knocking the fire down while saving a couple of other important nearby buildings as well.

Thank you so much for the great job helping us! You're the best! Barbara Brown and Stephen Brown, Maggie and Diver Dog too."

That was nice to hear. It is always good when something positive comes out of a bad situation. I rode by there and it looks like quite a bit of damage but the whole building did not burn down. Best of luck to them.

11. PUBLIC COMMENT

1. Cheryl White, 3801 Hallett St., Kitty Hawk: *Good evening everyone. I commend you for coming out on a cold night. We had us a little bit of hominy snow when I was coming in. I could see it on the windshield. I would like to see a good snow, but I do not like to drive in it.*

I am speaking here tonight on the Hurdle Street project that was spoken about at the January meeting. My husband and I own the oceanfront that is at the end of that paper street and as you saw from my email before we have taken time in getting it taken care of. We have put out thousands of American Beach grass plugs, sea oats plugs and rolls and rolls of sand fencing to preserve this dune. I met with Ron Renaldi with CAMA, the district manager, very recently and he was impressed with how big that dune was. I told him that 20 plus years ago when we were putting out our sand fencing, we did not know what we were doing and we did not realize that it was not supposed to be perpendicular to the dune and so that is the way we put it up and it was not very turtle friendly but it caught a bunch of sand. When it was almost filled up and covered up, we put another layer on top of it. By binding it together it created more sand and that has become the backbone of that dune because it has the sand fencing binding holding it together.

So, on the north side of ... as we were sitting there talking about the dune and looking around, we noticed that the dune, in its vastness, has migrated across the beach road and created what he, as we know CAMA speaks a lot of, has created a starter dune on the west of the beach road and that dune is quite significant itself. It has mature plantings on it. It has natural grasses that have started and are in a mature state as well. So, we realize this dune is also protection to the homes that are around it as well.

So, as you know, the Kitty Hawk lifesaving station house borders that paper street, and it was moved from the oceanfront to save a piece of history. But the problem was that house is 33 feet 3 inches wide. But the county allowed it to be moved to this lot because they did not want to lose the Kitty Hawk lifesaving station to another township. We want to keep it in Kitty Hawk. So, to allow it moved to that lot we have a setback issue where it is 3 feet 3 inches over. What they did was the town allowed them to put the home there and put the overage on the south side which is the side of the paper street so as not to infringe hardship on the north neighbor.

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Now this starter dune, this migrated dune as it is now, (the 3-minute timer beeps) I am sorry that beep kind of scared me, creates a buffer for those homes that are around it. It protects the homes and it protects that lifesaving station. If we have a storm coming in from the north and the south we have this extra dune that is protecting it. But if you put a street there you are taking out a dune. You are eliminating something that protects us.

My husband is a farmer, and we all know that farmers take care of the land and that is what we have done with our oceanfront. We took care of it. When a farmer takes care of his land, he feels he is taking care of his family and that is what we are doing too because everyone in this room, wherever you are sitting at, you have friends that you think of like your family and you have made that comment oh they are like family to me, I love them like family. Well, our neighborhood is a family, and we love and take care of each other and we do not want anything to happen to each other. We will do anything we can to help them and I do not want to see a street come in here that is an unnecessary street in a built-out neighborhood that is going to trap water and we are going to be inside this bubble of water because it cannot get out. Kitty Hawk has prided itself all these years in not having streetlights and sidewalks. We are keeping a natural atmosphere and this little path, this little street, is also a natural setting that should be preserved. Paving the street is not going to serve our neighborhood. It is going to cause havoc to it.

You have had negative feedback. I got a text as I was waiting to come over here tonight that said that she had sent an email out. I think that is number 30 that you have received from this community. You have pictures. This one speaks a thousand words of what this neighborhood has. We do not need anything else coming here with a negative impact. All of you are here tonight and I am asking as a recommendation that you decide tonight, while you are all here, to leave this area alone and let it be like it is now. An area of Kitty Hawk that is untouched by asphalt and creating a problem for the town because that is what it will do to our little community. Thank you.

2. John Howton, 3808 Hallett St., Kitty Hawk: *Evening Mr. Mayor and honorable town council, Mr. Stewart. My name is John Howton. I have a home at 3808 Hallett Street which is exactly in that same area where my neighbors are. As a matter of fact, the house that my land was built on I bought from Cheryl and Mike back in 1998 when we built that home.*

I know that I have already sent letters to everyone, so I am not going to go over all the details of the letters that I sent to you, but I did want to stand here before you today and give you my voice opposition to this proposed Hurdle Street project for several reasons. One of them that Mrs. White has already touched on.

First of all, I just want to say that I am opposed to this project going forward because even though I respect the work that the Recreation Committee does, I know they have a job to do, they are trying to do their job. I get that they have already made a recommendation that this project be approved. They made a recommendation to council and this recommendation has been made without them really knowing all the facts. Facts are many. One of the facts is that by building this proposed parking area on Hurdle Street it is going to reduce the percolation of water into the sand

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when we have storms, floods that kind of thing. And in addition to that when you put that pavement on top of the sand it is going to catch water and then all that water is going to run off into the yards on either side of it and all of those yards on both sides of the proposed project are already like fishbowls. They flood, they retain water. In harder rains they retain water for days. In some rains they have retained water for weeks. After Hurricane Isabel it retained water for almost 3 months. And we are going to add to that water if we elevate a road, cover it with pavement and then force that water down into these yards. So that is another disservice for the property owners there.

The Recreation Committee's proposal does not address the ecological damage that is going to be done to the landscaping, again talking about the dune on the west side of the beach road. There is a secondary sand dune that was built because of the sand dune in front of it has grown so large and it does in fact help keep a lot of water from coming over (the 3-minute timer beeps) to Hallett Street when you have over wash.

It also does not address the neighborhood. Like Mrs. White was saying earlier we have very few rental houses in that neighborhood. It is mostly people like myself. I am a twice retired law enforcement officer. I was very proud to work for the Town of Kitty Hawk and spent over five years in the fire department here. So, I have 33 years of public safety so I did not make a lot of money at what I was doing but I loved my work and so I took my money, and we built this home. First as a primary residence then I got called back to work in Virginia and so we had to just use it as a secondary residence so that is what we have done.

Another concern that the Recreation Committee does not address I do not think adequately is the traffic. And when I say traffic I am talking about vehicular traffic, pedestrian traffic and bicyclists. With the proposal as it is scheduled to go to enter from the beach road and exit to Hallett Street I can foresee a lot of rear end and failure to yield crashes from people who all of a sudden do not realize oop here is the parking lot then slam on the brakes, you have an accident. Or they are driving north bound and they say oh there is a parking lot and they turn right in front of somebody. So, you are going to see those accidents pretty regularly during the season.

I am also worried about pedestrian accidents and bicycle accidents. We already have a lot of pedestrians and bicyclists on Hallett Street because they go there to avoid the traffic on the beach road and on the bypass. And I will tell you my wife and I walk all the time and we do that same thing. We do not walk on those roads, so I understand that but if we pour more traffic onto Hallett Street, which by the way, is a very narrow street with no shoulders it is going to exasperate that traffic problem. And I worry about people getting hit, especially kids.

So, I guess I am just kind of reiterating some of the same points I made to you before when I issued those letters. I am going to summarize by saying that in all of the years I have been in Kitty Hawk I have always known the town council and the town manager to have a good moral compass of where they wanted to take this town and I am very proud to be a member of this town. I was very proud to work for this town for those years that I did. I am just asking the town council to follow

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their moral compass on this project and reject the Recreation Committee's proposal. That you accept this contract as fruition. I ask you to do this for the sake of our homes, our neighborhood and our safety and with that I thank you for your time.

Garriss: *I think we need to stick with the 3-minute time limit.*

Perry: *Lynn you have been setting the timer?*

Morris: *Yes sir.*

Garriss: *That is the beep that is going off and when she raises her hand 3 minutes is up.*

Perry: *I did not see that. I was paying attention to the speaker and I did not hear the beeper.*

There were no further comments from the floor and no commenters on the telephone.

Garriss: *I would just like to say Mr. Howton I am not aware of any recommendation or proposal coming to this council from the Recreation Committee. I have not seen any such recommendation.*

Perry: *It has not happened.*

White: *I know where it came from. It came from the minutes of the Recreation Committee.*

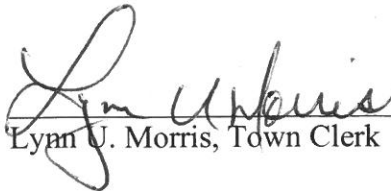
Perry: *But it has not come to us yet.*

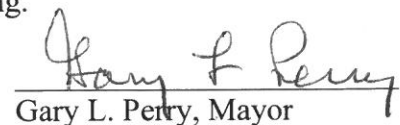
White: *It came from that and I got a phone call from someone after the meeting. That is all I know.*

12. ADJOURN

Mayor Perry made a motion, seconded by Councilwoman McClean, to adjourn. The vote was unanimous, 5-0. Time was 6:25 a.m.

These minutes were approved at the March 1, 2021 council meeting.


Lynn J. Morris, Town Clerk


Gary L. Perry, Mayor

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