

MINUTES
KITTY HAWK TOWN COUNCIL
Monday, November 7, 2022
Kitty Hawk Town Hall, 5 PM

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Presentations:
 - OBX Jeep Charities Donation to the Ocean Rescue/Fire and Police Departments
 - Fiscal Year 21-22 Audit Report/Teresa Osborne, Dowdy & Osborne, LLP
5. Public Comment
6. Consent Agenda
 - a.) Approval of October 3, 2022 Council Minutes
 - b.) Financial Statements as of September 30, 2022
 - c.) Bid Award for Stream/Ditch Debris Removal
 - d.) Proclamation Expressing Appreciation and Support for Dare County Elections Staff and Precinct Workers
7. Items Removed from the Consent Agenda
8. Public Hearing:
 - a.) Text Amendment: 42-419(7), Standards and requirements, Planned Commercial District overlay. Applicant proposes to amend the maximum building height in a PCD from 35 feet to 45 feet in height.
9. New Business:
 - a.) Recreation Committee Appointment
10. Reports/General Comments from Town Manager
11. Reports/General Comments from Town Attorney
12. Reports/General Comments from Town Council
13. Adjourn

COUNCILMEMBERS PRESENT:

Mayor Craig Garriss, Mayor Pro Tem Jeff Pruitt, Councilman David Hines, Councilwoman Lynne McClean and Councilwoman Charlotte Walker

STAFF MEMBERS PRESENT:

Interim Town Manager Melody Clopton, Town Clerk Lynn Morris, Planning Director Rob Testerman, Finance Officer Liliana Noble, Police Lieutenant Jimmie Helms, Fire Chief Mike Talley and PWD Willie Midgett

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1. CALL TO ORDER

Mayor Garriss called this meeting to order at 5:00 p.m.

2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF AGENDA

Councilwoman McClean “so moved” for the approval of the agenda. It was seconded by Councilwoman Walker and the vote was unanimous, 5-0.

4. PRESENTATIONS:

- OBX Jeep Charities Donation to the Ocean Rescue/Fire and Police Departments

Steve House, President of the OBX Jeep Charities Board of Directors and a Dare County Commissioner, gave a brief presentation on the success of this second-year event. The first year 450 jeeps were registered and this year it had 796. The non-profit associated with this previously decided to back out of the project so they formed a 501(c)(3), OBX Jeep Charities, so it could move forward. One of the events was a charity drive on Kitty Hawk's beach and in appreciation he presented a \$500 check to the police department and \$3,500 to the fire department and ocean rescue.

- Fiscal Year 21-22 Audit Report/Teresa Osborne, Dowdy & Osborne, LLP

Ms. Osborne handed out an addendum and went over the audit highlights. The town has received an unmodified audit opinion on its financial statements, the best opinion that can be received. She thanked staff and asked if there are any questions. Not hearing any she offered to talk with council at any time should questions or concerns arise.

5. PUBLIC COMMENT

1. Spencer Oliver, 4932 Lunar Dr., Kitty Hawk, NC: *I asked the mayor earlier why Andy Stewart resigned, and he would not tell me. He said it is a personnel matter. I have been in public positions, both elected and appointed, for more than 45 years and when the chief executive officer of a public entity resigns it is usually a matter that the public has a right to know why. I do not know whether it is personal or if it is some personnel problem that should not be revealed and that maybe we should know. But if it is a policy disagreement like it is in most cases when people offer their resignation then I think the public has a right to know. That is all I would like to say. Thank you.*

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2. Lynette Fenton, 4010 Smith St., Kitty Hawk, NC: *Back in July of 2021 I stood in front of the other mayor about public safety and the speed on the main highway, 158. It came to my attention after all these years that I really could not recommend to my family, friends and self that I could cross very safely on that road. And at 50 mph it seemed like a bare minimum as people were flying by. So, at the time I made my 3-minute presentation and then I called the mayor, Mr. Perry at that time, and I said what do we do about it. Like we are Kitty Hawk. Don't more of us think that road is so fast. And I really got the run around and then I got sent to Edenton and when I connected to that gentleman, I asked him the question of how he knew what Kitty Hawk needed. He wasn't a Kitty Hawker. That road is dangerous, dangerous.*

Well, this year it came up again. I hit the bridge in Currituck and it is down to 45 mph. They are buzzing in from all locations. Coming in they slow down, and we speed them up again here in our village. I started really observing the beach road to Duck. To feel that road and how it feels in Kitty Hawk. Like Eckner is the only safe place to cross. We have a lot of people now. Even locals drive to the beach. We do not walk and bike anymore.

What I am bringing up is why are we speeding up and not slowing down. I feel like we have lost our integrity. We should be a beach, fishing village and people come blazing through at 50 mph and over that. You know that is a minimum. I do not think we are digging deep enough to accommodate modern beach issues. That five-lane road is dangerous. We need to be saying if we all feel it ... I mean talk among yourselves and talk real. Sit at 7-11 and TW's and just watch some shenanigans go down. It is dangerous. We have had deaths we know it. (3-minute timer) We have to feel like something can shift.

Mayor Garriss noted her 3 minutes are up and said he believes Mayor Perry sent her to Edenton because that is a Department of Transportation matter and it is the district headquarters office. Public works is here tonight and hears her concern. There are certain times it is dangerous and is why everyone needs to cross at crosswalks and intersections with a traffic light. Bicyclists and pedestrians.

Fenton: *But we have very few of those.*

Mayor Garriss thanked Mrs. Fenton.

6. CONSENT AGENDA

a.) Approval of October 3, 2022 Council Minutes. *(An approval of the consent agenda will approve these minutes.)*

b.) Financial Statements as of September 30, 2022. *(An approval of the consent agenda will acknowledge these statements.)*

c.) Bid Award for Stream/Ditch Debris Removal. The Town received 3 bids to conduct removal of debris from the designated canals and ditches within the Town. Staff recommends accepting the low bid of \$6.30 per linear foot from LSI Marine Construction. This project will be funded by a previously accepted grant utilizing the Streamflow Rehabilitation Assistance Program (StRAP). *(An approval of the consent agenda will accept this grant.)*

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d.) **Proclamation Expressing Appreciation and Support for Dare County Elections Staff and Precinct Workers.** Mayor Garriss proclaimed November 7, 2022 as "Election Hero Day." It expresses the council's sincere appreciation and support for the Board of Elections, staff members, poll and precinct workers. *(An approval of the consent agenda will acknowledge this proclamation.)*

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

7. ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed from the consent agenda.

8. PUBLIC HEARING:

a.) Text Amendment: 42-419(7), Standards and requirements, Planned Commercial District overlay. Applicant proposes to amend the maximum building height in a PCD from 35 feet to 45 feet in height.

Councilwoman McClean made a motion, seconded by Councilwoman Walker, to go into public hearing. The vote was unanimous, 5-0.

Planner Testerman reviewed the following staff report.

Proposal

The applicant has proposed a text amendment that would amend the maximum building height in the PCD district from 35 feet to 45 feet.

42-419(7) Height limitations. Maximum total height shall be 35 45 feet from existing grade exclusive of chimneys, flagpoles, communication masts and aerals.

Background

Planned Commercial Developments are intended to provide developers with an option by which they can achieve flexibility of design, the integration of mutually compatible uses, and optimum land planning with greater efficiency, convenience, and amenity than may be permitted as of right under other parts of the zoning ordinance. PCD's can be approved in within the BC-1, BC-2, BC-3 and BH-1 zoning districts in town [42-411(d)], if certain site requirements are met. A PCD must be at least five contiguous acres in size, with not less than 500 feet of total road frontage on US Highway 158 or NC Highway 12, except that portions of the site may be separated by public or private rights-of-way not more than 60 feet in width.

Currently, the townwide height maximum, aside from the BH-2, beach hotel district is 35 feet. The BH-2 district allows for a maximum total height of 76 feet. While significantly taller than the maximum height required in the rest of town, the BH-2 district is very limited in scope, so the majority of town is unaffected by the increased height limit permitted in the BH-2 district. Like the BH-2 district, the PCD districts in town are do not make up much total area of town (approximately 69 total acres) and are limited from widespread expansion due to the site constraints listed above.

Although the proposed maximum height language would be in conflict with the standards currently listed in the BC-1 and BC-2 districts, Sec. 42-412 states that should there be any conflict between any PCD development standards and the standards elsewhere in the zoning ordinance, the PCD standards shall apply.

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Consistency with Land Use Plan

The following policies and objectives relevant to this application are stated in the CAMA Land Use Plan:

Policy #4f: Kitty Hawk will continue to regulate building intensity and oversized structures by enforcing, and amending as necessary, the zoning ordinance. The zoning ordinance regulates building intensity factors such as building height, lot coverage, and building setbacks for commercial and residential building development.

Policy #7a: Kitty Hawk supports the concept of development design standards.

Planning Board Recommendation

At its September 29, 2022 meeting the Planning Board recommended denial of the proposed text amendment by a vote of 3-2.

Mayor Garriss, noting there were no questions of Rob, asked if the applicant would like to say anything.

1. Eddie Goodrich, applicant: *The first thing I would like to say is I was very close to pulling this off the agenda because I know how controversial it is. Height is pretty much the sacred cow in all of Dare County and especially Kitty Hawk. But I am only asking for it in a Planned Commercial Development. It is extremely limited. I cannot say any more than what Rob just said because he did a wonderful job, and he is 100% correct. So, my curiosity got the best of me, and I am here. I have a great deal of respect for this board you do a good job. I know you have given it a great deal of consideration. I thought I would come here and hear what you have to say.*

Garriss: *Thank you. Any questions for Mr. Goodrich?*

Not hearing any further questions or comments, **Councilman Hines made a motion to return to regular session. Councilwoman McClean seconded and it passed unanimously, 5-0.**

Garriss: *For the record our town clerk received four emails today. One from Henry and Barbara Barker, Beverly Brooks Kissinger, Michael and Tammy O'Dell and Nancy E. Bailey. They are all opposed to this project.*

MPT Pruitt made a motion to deny the proposed text amendment to Section 42-419(7) maintaining the current 35' building height maximum with the PCD overlay district. The town council finds this proposal is inconsistent with the town's adopted Land Use Plan. I also agree with the planning board's decision. Councilwoman McClean seconded and the vote was unanimous, 5-0.

9. NEW BUSINESS:

a.) Recreation Committee Appointment

Garriss: *Mr. Fish has resigned. He has worked hard on this committee and we are going to miss him.*

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Councilwoman Walker made a motion to appoint Dave Klebitz to Mr. Fish's unexpired term on the Recreation Committee. The term of office expires June 30, 2024. Councilwoman McClean seconded and the vote was unanimous, 5-0.

Mayor Garriss welcomed Mr. Klebitz to the committee.

10. TOWN MANAGER

Clopton: *Good evening mayor and council. I have a couple of things to go over tonight. First is the **police department building update**. We had a wonderful groundbreaking ceremony on October 28th, and we are so pleased with everybody who could join us. I think it was a nice event. We will be releasing a video of it shortly.*

We are moving forward with the demolition of two portions of the building soon and we are working on finalizing contracts for the electrical and HVAC work. Work is also underway with the design architectural firm to develop a schematic that we can use for bidding on the renovation portion of the project.

*We also want to thank Kitty Hawk resident **Louie Hoppe**. He was the owner of Kitty Hawk Iron and Steel Works. He donated his welding services to fix a swing set at the Paul Pruitt Park on The Woods Road. We really appreciate that.*

***Veteran's Day** is coming up on Friday. Town offices will be closed in observance of that and due to the holiday, our **trash collection** for residents will take place Monday and Wednesday instead of the normal Monday and Thursday.*

*And finally, the **OBX Marathon** is on Sunday. Normally they start on The Woods Road, to Kitty Hawk Road and so forth. They have changed their route this year and they are starting in Nags Head and going along Bay Drive to Moore Shore Road in Kitty Hawk then turning around and ending up at the Wright Memorial Park. So, we will not have runners on Kitty Hawk Road and The Woods Road this year.*

11. TOWN ATTORNEY

The town attorney was not in attendance for this meeting.

12. TOWN COUNCIL

Walker: *I have two reports tonight. The Recreation Committee had another energized, productive meeting. Many ideas were presented and discussed. Among the concerns addressed were the needs for pedestrian and bicycle safety. It was reported that a path along the west side of 158 bypass from Kill Devil Hills line to Wal-Mart has been approved with Kitty Hawk's portion of the funds*

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being set aside for construction in 2025. A word of caution was that this being a state project, funding could be on schedule or delayed, depending on budget issues.

The possibilities of two other activity related items were construction of a pump track with more information to be presented to council soon. Also, addition of pickle ball courts in Kitty Hawk. We have suggested that the current Kitty Hawk email list be used to send a survey to get public response on these items. Sandy Myers and Ryan Thibodeau will be working on the draft.

Chairman Paul Henriques recommended that Dave Klebitz be nominated for the resignation vacancy of Tim Fish's position on the committee. I had the pleasure of meeting with Dave this past week and he indeed will be a great addition.

The next report I have is on October 8th I was notified by Mr. Bill Cress and Mr. Ken Hyde that Kitty Hawk would no longer be considered for the location of the Wright Brothers Tribute Museum and Observatory. Several other locations have come forward and talks are ongoing. While I feel this is a loss for our town, I am happy this amazing project will continue in a welcoming environment free of the complications that the Kitty Hawk site encountered. This museum and observatory are not if or when, it is where. I personally intend to volunteer and be involved with this museum and observatory moving forward should it remain in this area. I believe strongly in what this will mean to children, students, the future of technology, aviation advancement and to the many guests that visit our area. This project will be the fusion of science and technology, math, astronomy and history all in one beautiful space. I would like to ask educators and supporters of all projects, not just this one, to remember that your voices are very important too. If everything that is heard by those making decisions is negative, we all suffer the consequences. Sometimes good things fall apart so that better things can fall together.

And, mayor, the work is ongoing at the dog park.

Garriss: *Thank you.*

Walker: *You're welcome. Glad to do it.*

Pruitt: *You had mentioned you would like me to give an update on the committee we are forming. We have had a lot going on this month as everybody knows. Rob has been extremely busy. I think we lack one person for filling the committee so I will be getting back with everybody that has volunteered. I think Rob has a meeting next week or the following week. I will be getting back with you.*

I would like to thank Louie Hoppe. I saw him today and he did not tell me he had welded that but thank you Louie.

I would also like to thank OBX Jeep Charities. That was mighty nice. It was a good gift, and I am glad it worked out for them, and we could help them.

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McClean: *To echo Jeff there is a warm spot in my heart for jeep people. We had a jeep for a number of years. It is a jeep thing. I was delighted that we hosted an event. As far as I am concerned, they can have an event as soon as they want to which will be in May. To everybody that supported them thank you very much. And to the rest of the people and the staff. Welcome Melody.*

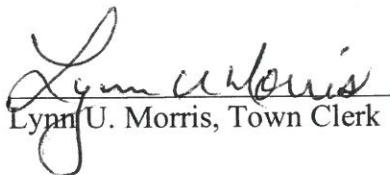
Garriss: *Steve and I had a couple of conversations about the OBX Jeep Charities, and I did tell them not mess up the beach and he remembered that. That is a great event, and it is wonderful we got money out of it for ocean rescue and the police department. We thank you so much. Melody welcome, thank you.*

Tomorrow is election day. Voting will be here at the town hall from 6:30 a.m. to 7:30 p.m. I see some of our poll workers are in the audience waiting for us to get out of the way so they can set up. Everybody please turn out to vote if you have not already. I would also like to say be kind to your election poll workers. They put up with a lot of stuff and it is not always good. They do a wonderful job and it is sometimes a thankless job.

13. ADJOURN

Councilwoman McClean made a motion to adjourn, and Councilwoman Walker seconded. It passed unanimously, 5-0. Time was 5:38 p.m.

These minutes were approved at the December 5, 2022 council meeting.


Lynn U. Morris, Town Clerk


D. Craig Garriss, Mayor