

MINUTES
KITTY HAWK TOWN COUNCIL
Monday, March 6, 2023
Kitty Hawk Town Hall, 6 PM

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Presentation
 - Wall that Heals/Dare County Board of Commissioners Vice-Chairman Wally Overman and Veterans Services Officer Patty O'Sullivan
5. Public Comment
6. Consent Agenda
 - a.) Approval of August 10, 2022 Council Minutes and February 6, 2023 Council Minutes
 - b.) Transfer Within Functional Areas
 - c.) Selection of Auditor
 - d.) Government Education Access Channels Committee FY 23-24 Budget
 - e.) Resolution Requesting the NCGA Revise and Expand the Good Samaritan Law G.S.90-6.2
 - f.) Street Resurfacing Sunrise View & Pine Hill Lane Bids
7. Items Removed from the Consent Agenda
 - a.) Approval of the Proposal from Dills Architects for the New Police Station
8. Reports/General Comments from Town Manager
9. Reports/General Comments from Town Attorney
10. Reports/General Comments from Town Council
11. Recess to March 16 and 17, 2023, Budget Workshops, 9 a.m., 4400 Johnston Lane, Kitty Hawk, NC

COUNCILMEMBERS PRESENT:

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

STAFF MEMBERS PRESENT:

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

1. CALL TO ORDER

Mayor Garriss called this meeting to order at 6 p.m.

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2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF AGENDA

Mayor Garriss said there is a change to the agenda. Consent agenda item 6(g) will be moved to #7. **Councilwoman McClean made a motion to approve the amended agenda. It was seconded by Councilwoman Walker and the vote was unanimous, 5-0.**

4. PRESENTATION

- Wall that Heals/Dare County Board of Commissioners Vice-Chairman Wally Overman and Veterans Services Officer Patty O'Sullivan

Vice-Chairman Overman said this wall is an exceptional replica of the Vietnam Veterans Memorial in Washington, DC. It will be displayed at the Soundside Event Site in Nags Head in November of this year. After seeing the presentation, he hopes that the town will choose to support this event wholeheartedly. The wall is being brought here through the efforts of the Dare County Veterans Advisory Council.

At this time a video was shown of a 53-foot trailer carrying the 375-foot-long wall arriving at a site and being set up.

Ms. O'Sullivan said the names of the 58,281 Americans who died and remain missing in action are on the wall. It is a tribute to them as well as the 2.7 million Vietnam Veterans who served and returned home. The truck that carries the wall turns into an education center. It arrives on November 14th, is set up on the 15th and is open 24 hours a day until November 19th at 2:00 p.m. Volunteers are needed to help set it up, take it down and staff the area.

Councilman Hines asked for one of Ms. O'Sullivan's business cards and said he would like to participate if he can.

Vice-Chairman Overman continued and said they are making a presentation to all the towns, county, Chamber of Commerce and the Board of Realtors. Dare County is the final stop of the tour this year. They hope to have an escort for the truck of around 150 to 200 motorcycles as well as some jeeps. The escort will start in Plymouth, travel across the old Manns Harbor Bridge, go through Manteo and into Nags Head. They hope it is green lighted all the way through. All donations, whether personal or business, will help bring the wall here and will also support Dare County veterans through the Veterans Advisory Council. The Town of Kill Devil Hills made a nice donation and the Board of Commissioners voted to donate. He said no one needs to worry about the money being wasted, it is going to a good cause. They also hope to have a 21-gun salute over the sound. He thanked Councilman Hines for his support.

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Mayor Garriss said he thinks it is safe to say he has the full support of this town council.

Ms. O'Sullivan added it is a 501(c) that is collecting the donations, so everything is considered tax deductible and more information is on the website.

5. PUBLIC COMMENT

There were no public comments.

6. CONSENT AGENDA

a.) Approval of August 10, 2022 Council Minutes and February 6, 2023 Council Minutes. *(An approval of the consent agenda will approve these minutes.)*

b.) Transfer Within Functional Areas. A transfer of \$3,000 from Capital Outlay equipment to police uniforms for 5 vests and Capital Outlay Land Use Plan Update to service and maintenance contracts is necessary. *(An approval of the consent agenda will acknowledge these transfers.)*

c.) Selection of Auditor. After reviewing the four proposals received for audit services, staff is recommending the town enter a contract with Johnson Mizelle Straub & Murphy for a fixed price contract of \$24,000 for each fiscal year 23-24, 24-25 and 25-26. *(An approval of the consent agenda will approve the selection of Johnson Mizelle Straub & Murphy.)*

d.) Government Education Access Channels Committee FY 23-24 Budget. The GEAC committee is requesting that the town council approve their recommended budget in the amount of \$325,626.00. *(An approval of the consent agenda will approve the GEAC committee's FY 23-24 budget.)*

e.) Resolution Requesting the NCGA Revise and Expand the Good Samaritan Law G.S.90-96.2. This resolution is requesting the North Carolina General Assembly consider revising and expanding the Good Samaritan Law to include a broader spectrum of substance-related threats to citizens as a matter of public safety.

f.) Street Resurfacing Sunrise View & Pine Hill Lane Bids. The Public Works Director is recommending that the town contract with the low bidder, Barnhill Contracting Co., in the amount of \$97,400 for resurfacing Sunrise View & Pine Hill Lane. *(An approval of the consent agenda will approve this recommendation.)*

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

7. ITEMS REMOVED FROM THE CONSENT AGENDA

a.) Approval of the Proposal from Dills Architects for the New Police Station.

Manager Clopton reviewed the following memo provided to the council.

The Town has completed the Request for Qualification Process for a vendor to perform Construction Document Creation, Site Engineering and to oversee Construction Administration for the new Police Station. The selection process included an individual review and scoring by each committee member. A group review of scoring resulted in consensus and reference checks.

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The selection committee found that Dills Architects, located in Virginia Beach, VA, to be the most qualified to handle this project for the Town. We have previously worked with Dills to produce the Design Schematic and Building Rendering. They are the most familiar with the project, have provided excellent customer service and are very sensitive to project deadlines. They are very knowledgeable and have extensive experience in the requirements for a Public Safety Building.

Staff and I feel very comfortable recommending Dills Architects to provide the Town these services. In addition, the proposal meets the requirements of G.S.143-128(a1) 1 Single Prime Bidding and the cost of \$472,513 is in the Town's budget.

Approval of the enclosed proposal by the Town Council will authorize the Town Manager to enter into a contract with Dills Architects.

Mayor Garriss asked the manager if she believes someone is needed in this role and she replied yes. He added that Dills had already reached out to Manager Clopton and offered to come to a future council meeting to address this matter in person.

Hines: *A general rule for these design contracts is normally 6% of what the project will cost. Our budget is \$1.5 million or \$1.7. The one we originally set out with.*

Clopton: *This year \$2.5 million was put into the budget.*

Hines: *Even at \$2.5, \$472,513, using the general rule of design services, is not 6%.*

Clopton: *Correct.*

Hines: *Looking over this proposal, and having the more detailed one at my seat when I got here, I appreciate that ...*

Clopton: *I just got that today.*

Hines: *I appreciate it but \$163,928 for design documents? I mean ... being in the business it is hard for me to absorb.*

Clopton: *I understand.*

Hines: *When I look at that building, and I am only going to speak for me, I cannot speak for the council, but when we went through that building during the contract and inspections phases, we already had a good understanding of what needs to be done. Why would we spend that much money on a roof plan and drawings? What am I missing? I thought we were moving a few walls and doing a few different things which is when you get a structural engineer involved. Then you hire a general contractor to facilitate all ... we know it needs a new roof, we know we need siding, windows, flooring and paint. I just feel like unless they can tell me something else they are providing for this town's taxpayers I think it is really high.*

Clopton: *At our budget workshop we are going to talk about the budget for this project.*

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Garriss: *If they were to appear in person there may be things we could ask them if we can do without to cut costs. It is best to have them here to answer questions. I am not an architect, and I would not know where to start so I do not think there is ...*

Hines: *And just so I am being clear, I am not saying that they are not a company that can do what they are trying to do by no means. I am just looking at our budget for the Town of Kitty Hawk and what we purchased the building for. Being in the business and having done these projects personally, not a police department, but the same commercial criteria of "A to Z," I would like to stick to our budget, and it is going to be hard to do that. We have a building inspector here, I mean there are others, Willie, there's ... I want to hear more before I can get on board with this.*

Clopton: *I understand. There is approximately 8,000 square feet of renovated space and over 6,000 square feet of new space based on the design schematic. We have already said we are going to pare that down. How to do that structurally and what to do we need? We need guidance. Yes, David Lewis is very experienced, Willie is experienced but I would contend that both have full-time jobs, and they may not be the most qualified to provide those services.*

Hines: *I would contend that he is the chief building inspector for Kitty Hawk, and he is going to be inspecting every phase of this building.*

Clopton: *Yes, he will.*

Hines: *I respectfully disagree with that side of it.*

Garriss: *But he is not an architect. I do not think we have anyone in house that can handle this situation.*

Hines: *I understand. That is not what I am getting at. I am just saying there must be a way and I want to see more on this.*

Clopton: *For clarity, when we hire a contractor, what does the contractor need to do the job and to bid on the job.*

Hines: *A set of drawings, sealed by a structural engineer and building permits. And then fire suppression plans or whatever the design shows. If you have changes in the electrical ... you have to have all those trades that are licensed to do the project go to our planning department and pull a permit once all those plans are created and the engineers have signed off on them. I contend that I know this can be done for less than what they are charging. Even hiring those people to do so.*

Clopton: *Okay.*

Hines: *Then we can put more money into the building. If we can scale some of this back it will make a better building for the police department.*

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Clopton: *Do we do another RFQ to find these people?*

Hines: *You can do like Nags Head. I think they did a hard contract proposal where they bypassed this and there are other ways to get to it. I do not know exactly how Nags Head did it because I did not have time to call one of the commissioners before I got here.*

Clopton: *They used Oakley Collier which does a lot of Dare County's plans. I reached out to Dare County who in turn reached out to Oakley Collier. Their estimate to do this type of work for us was over \$500,000.*

Hines: *I understand. But I am talking about Nags Head, not Dare County. Until this group can talk to us, I guess in person, I think I am spinning my wheels here with my concerns.*

Clopton: *I am willing to do whatever this council wants us to do.*

Hines: *I am curious to hear how the rest of council feels too. That is just how I feel. Thank you for letting me speak.*

Garriss: *Sure David. Lynne?*

McClean: *How many of us have ever really built a commercial building. I know I am looking at all of this and saying well we need that, but do we need something that expensive. And just looking at these details without being able to digest them. I have started seeing redundancies and different things that we may not need. So, I am not willing to say this is right on the money let's start tomorrow. What I am saying is it is just a lot of money but then this is a lot that they have listed. The first thing that jumped out is the HVAC system type will be determined during 35% design phase. I thought we had HVAC. I thought that was all buttoned up. Why are we revisiting that?*

Clopton: *And they may not know that information.*

McClean: *And I am giving them the benefit of the doubt. But just to say yes let's go forward at this point, I have some reservations. We do need some architectural services and someone to create the plans.*

Hines: *Agree.*

McClean: *There is an awful lot here that I do not see us needing and there is a lot here that we cannot do without. I think we need to look at it further.*

Pruitt: *I think there is some confusion here and maybe it would be best to wait and ask this company. There are architectural and structural designs. We are remodeling, not building. They talk about plumbing and mechanical. The place is pretty much plumped, and the electrical*

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is already done. There is going to be some new but the majority ... the existing part is already complete. It is not like we are going to tear it out and start all over. So, this seems an awful lot. I was hoping that some of the stuff could be done internally. We could start moving on the things that we know about like putting out bids to fix the roof. That will stop the deterioration of the building.

But \$460,000 is an extremely large amount of money. We kind of went in with a project like this on the EMS station and it snowballed, and we ended up with a \$14 million building that we could not afford, and we ended up losing money. If we hire one of these companies and we find out we cannot afford what they provide or if we decide we do not like their design or the documents then we are going to be out a lot of money just to stop the process. Is that right Casey?

Varnell: *You are right. We went through it.*

Pruitt: *We have been through this, and I do not want to do it again. I would like them to come in and explain to us why certain services are so expensive. I too am not an architect, but I dabble in construction. I would like them to come to a meeting and maybe they can explain to us exactly why the prices that they have are so high before we commit to something like this.*

Walker: *This project is way different than I had envisioned when we purchased the building. I thought we were going to make do with a lot of things that were already there. Get our police department in a building that is not going to flood. I am floored at these prices, and I do not know if I can go along with it. I think we are getting close to what we could not afford to begin with. I need more information as we all do.*

Clopton: *Like I said it is a proposal and if they are not the ones we can go in a different direction or we can tweak this how we want it to be. As Craig and I said, we need to set a budget to accomplish what we need, what we think we absolutely need. They are working off the design schematic that was provided. It had all the department's wishes. Are there things that can be reduced? Absolutely. I think once we know what we can afford or want to afford and what direction we want to go in, then I think we will find the right people to do it.*

Hines: *You are saying it is just a proposal, right? But it being on the consent agenda would have given staff the authority to enter into an actual contract.*

Clopton: *Yes.*

Garriss: *That is why it was taken off the consent agenda. It should not have been on there.*

Hines: *Correct. That is where I was going with it.*

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MPT Pruitt made a motion to defer this until the time the council can meet with Dills Architects and see if they can chisel this down some. Councilman Hines seconded.

Garriss: *You have something Melody?*

Clopton: *If we decide that Dills is not the right company, before we even get to that point, like you said, a structural engineer ...*

Hines: *I think it is in everybody's best interest to have them explain to all of us because right now I have a lot more questions. I know it is kind of giving you a quick overrun of how it is done. It is not as easy as when I just threw it out there a second ago, but it is not rocket science.*

Clopton: *I just did not want to make the motion commit to Dills if we were going to explore other options.*

Hines: *I am committed to listening to them.*

The motion passed unanimously, 5-0.

Garriss: *Melody, can you reach out to them and see if they can come to our next meeting? We promised our police officers a building they can be proud of and a building that the town can be proud of. I do not think there is anybody sitting up here that thinks differently than that. We also said we were not going to go the cheap way. We were going to do it right so we would not have to go back and do it a second time, which is what you referred to earlier.*

Hines: *That is correct.*

Garriss: *Let's get some answers and we can discuss it some more. It is also on the agenda for our retreat to talk about.*

8. TOWN MANAGER

The police department's **Spring Skate Camp** is Saturday, March 11th from 12 to 2 p.m. It is an event for 8- to 13-year-olds and will be held at Kitty Hawk Park on West Kitty Hawk Road. There is going to be food, drinks, giveaways, prizes and skateboarding instruction. Preregistration is recommended. For more information contact the police department - 261-3895.

April 17th has been set as the **Spring chipping** date. Please have limbs and branches out for removal as early as the week before the 17th. Visit the town's website for more information about branch size and placement.

Next a video was shown about the Kitty Hawk Ocean Rescue. Manager Clopton said she could not be prouder of their efforts, enthusiasm and professionalism.

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Mayor Garriss asked Chief Talley to express council's thanks and appreciation to his staff for the wonderful video.

9. TOWN ATTORNEY

Attorney Varnell did not have any further comments.

10. TOWN COUNCIL

Hines: *Some time ago we worked on ADU's. The front versus the back. There was one with a driveway and one without. I would like to get that brought back up. I do not know what we need to do but that way people will stop calling me and complaining about how we got it half right.*

Garriss: *Rob, can you come up with something to present to the council?*

Testerman: *Yes. It must go back to the planning board, but I can do that.*

McClean: *I am glad to be back, but the groundhog is governing our weather right now. We should stop listening to him. I am anxious for Spring.*

Pruitt: *We saw a great presentation of bringing the wall to Dare County. I do not know how the rest of the council feels but I would like the town to support them in some way. I am not sure what the value would be. Maybe we could help. This is a great thing and I believe this is something that the town should help and be a part of.*

Chief Talley that was a great video. I appreciate everything everybody is doing. Rob, thank you for sticking with the vendors and Willie, it is great to have you back.

Garriss: *If the council agrees with Jeff's suggestion let's do something towards the wall. That would be wonderful.*

Hines: *It is probably a good time too with the budget coming up right?*

Walker: *This afternoon Jeff, Paul, Melody and I met with Erik of the Coastal Reserve. We are making progress and moving forward in getting the Birch Lane Trail improved and going to Phase II on the Sandy Run connector. I think we have the state's support.*

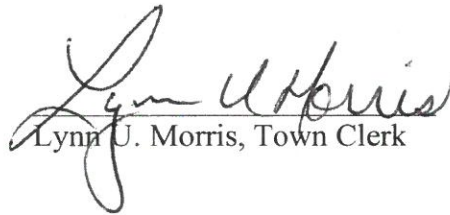
Garriss: *Willie, welcome back. Going back to the police station, I think we all want to do the right thing. I am looking forward to getting some answers at the next meeting. I do not like riding by and seeing nothing happening. I am ready to get going on this project.*

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11. RECESS

MPT Garriss made a motion to recess until March 16 and 17, 2023 for the Budget Workshops beginning at 9 a.m., 4400 Johnston Lane, Kitty Hawk, NC. Time was 6:48 p.m.

These minutes were approved at the April 3, 2023 council meeting.



Lynn U. Morris, Town Clerk



D. Craig Garriss, Mayor