

MINUTES
KITTY HAWK TOWN COUNCIL
Monday, May 1, 2023
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 April 3, 2023 Council Minutes
 - b.) Financial Statements as of March 31, 2023
 - c.) FY 22-23 Budget Amendment #13
 - d.) FY 22-23 Budget Amendment #14
 - e.) FY 22-23 Budget Amendment #15
 - f.) FY 22-23 Budget Amendment #16
 - g.) FY 22-23 Budget Amendment #17
 - h.) FY 22-23 Budget Amendment #18
 - i.) Amendment to Fund 41 – Capital Project Ordinance
 - j.) Resolution of Continuing Support for The Lost Colony
6. Items Removed from the Consent Agenda
7. Planning:
 - a.) Commercial Site Plan Modification. 1004 W Kitty Hawk Rd. Owner is proposing to convert the existing bathhouse at the Hostel property into dwelling units.
 - b.) Schedule Public Hearing. Text Amendments: 42-1 & 42-528. Proposal to amend the definition of ‘accessory dwelling unit’ and eliminate the regulation restricting accessory dwelling units from being served by a driveway separate from that of the primary residence.
8. New Business:
 - a.) FY 23-24 Budget/Motion to Schedule a Public Hearing for June 5, 2023
9. Reports/General Comments from Town Manager
10. Reports/General Comments from Town Attorney
11. Reports/General Comments from Town Council
12. Adjourn

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, Town Attorney Casey Varnell, Planning Director Rob Testerman, ASD Laura Walker, Finance Officer Liliana Noble, Interim Police Chief Jimmy Helms, Fire Chief Mike Talley and PWD Willie Midgett

Kitty Hawk Council Minutes: May 1, 2023

Page 2

1. CALL TO ORDER

Mayor Garriss called this meeting to order at 6 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 made a motion, seconded by Councilwoman Walker, to approve the agenda. The vote was unanimous, 5-0.

4. PUBLIC COMMENT

There were no public comments.

5. CONSENT AGENDA

a.) **Approval of April 3, 2023 Council Minutes.** *(Approval of the consent agenda will approve these minutes.)*

b.) **Financial Statements as of March 31, 2023.** *(Approval of the consent agenda will acknowledge these statements.)*

c.) **FY 22-23 Budget Amendment #13.** This amendment, in the amount of \$4,575, is to appropriate a donation from the Kitty Hawk Fire Fighters Association to cover the cost of the Ocean Rescue ATV rental for the summer season. *(Approval of the consent agenda will approve this amendment.)*

d.) **FY 22-23 Budget Amendment #14.** This amendment, in the amount of \$50,000, is to appropriate the grant award from the NC Department of Environmental Quality for the fire access road construction. *(Approval of the consent agenda will approve this amendment.)*

e.) **FY 22-23 Budget Amendment #15.** This amendment, in the amount of \$17,000, is to appropriate funds for the purchase of a 2023 Yamaha Jet Ski for Ocean Rescue. *(Approval of the consent agenda will approve this amendment.)*

f.) **FY 22-23 Budget Amendment #16.** This amendment, in the amount of \$91,800, is to appropriate funds from interest earnings to various expenditure accounts. *(Approval of the consent agenda will approve this amendment.)*

g.) **FY 22-23 Budget Amendment #17.** This amendment, in the amount of \$2,500,000, is to transfer from the General Fund to the Capital Project Fund 41 for the remodeling of the police department building at 5200 N. Croatan Highway. *(Approval of the consent agenda will approve this amendment.)*

h.) **FY 22-23 Budget Amendment #18.** This amendment, in the amount of \$1,500, is to recognize the grant to the police department from Wal-Mart. It will be used for training. *(Approval of the consent agenda will approve this amendment.)*

i.) **Amendment to Fund 41 – Capital Project Ordinance.** This amendment to Ordinance No. 22-14 adopted on September 6, 2022, adds \$2,500,000 to the fund for remodeling the police department building at 5200 N. Croatan Highway. *(Approval of the consent agenda will approve this ordinance amendment.)*

Kitty Hawk Council Minutes: May 1, 2023

Page 3

j.) **Resolution of Continuing Support for The Lost Colony.** This resolution expresses its sincere thanks and appreciation to the Board of Directors of the Roanoke Island Historical Association for its hard work and pledges continuing support for The Lost Colony. *(Approval of the consent agenda will approve this resolution.)*

Councilwoman McClean moved to approve the consent agenda. It was seconded by MPT Pruitt and the vote was unanimous, 5-0.

6. ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed from the consent agenda.

7. PLANNING

a.) **Commercial Site Plan Modification. 1004 W Kitty Hawk Rd. Owner is proposing to convert the existing bathhouse at the Hostel property into dwelling units.**

Planner Testerman reviewed the following staff report.

Proposal

The applicant has submitted a site plan modification request to convert the existing two-story bathhouse into sleeping units. The original plan was for the sleeping unit to house Kitty Hawk Ocean Rescue members, as noted in the application, however the Fire Department is no longer pursuing this avenue.

Background Information

On February 7, 2000, the Town Council approved the construction of a single-story bathhouse in the current location. At some point afterwards a previous owner expanded the second story and added sleeping units to the structure. The Town was made aware of this in 2001 and on July 20, 2001, sent a violation letter to the previous owner noting that it was not consistent with the approved site plan, and that to pursue this option would need council approval.

Per a letter dated April 9, 2019 from retired Fire Inspector, Ben Alexander, the occupied building is limited to 16 dwelling units without a sprinkler system. Also, according to the letter, any new additional units would require new units to meet the Fire and Building codes.

The parcel is approximately 4.85 acres, VR-3 zoning regulations allow a maximum density of four dwelling units per acre. Zoning will allow for 19 dwelling units on this parcel. The owner has indicated the desire to convert the bathhouse into one dwelling, which would not exceed the maximum density requirements.

Staff Analysis

Proposed Use: Residential dwelling unit

Lot Area: The subject parcel is approximately 4.85 acres.

Lot Coverage: Lot coverage would remain unchanged. Staff does not have a current as-built survey denoting existing lot coverage.

Building Height: The proposed modification would occur to an existing two-story building; the height would not change.

Parking: Multi-family dwellings require “one parking space per bedroom or loft”, a parking layout has not been developed for this proposal at the time of this writing, but as can be seen in the aerial imagery, there appears to be

Kitty Hawk Council Minutes: May 1, 2023

Page 4

sufficient parking for one additional dwelling unit. The property owner will submit more detailed parking information prior to the meeting.

Wastewater: Prior to any building permits being issued, a copy of a permit from Dare County Environmental Health would be required.

Other approvals: In addition to the septic permit, the conversion would be required to meet all other applicable codes, including the Building and Fire Codes.

Attached: April 9, 2019, Fire Inspector Letter
July 20, 2001, Violation letter, and February 2002 Follow up Letter
Floorplan
Aerial imagery indicating location of existing bathhouse and parking

Land Use Plan

The Town of Kitty Hawk's adopted CAMA Land Use Plan designates the subject property as a "Higher Density Residential" on the future land use map. As part of its review, the Planning Board is asked to make a determination that the proposed development is consistent with the goals and objectives outlined in the land use plan.

Planning Board Motion

At its April 13, 2023 meeting, the Planning Board unanimously recommended approval of the proposed site plan modification to convert the existing bathhouse into a dwelling unit.

Planner Testerman added that 25 parking spaces are required. The owner told him today they measured and found they currently have a total of 47 parking spaces, so they have more than enough.

Garriss: *Just for clarification for everyone, even though zoning allows for 19 units, the applicant is just requesting to convert the Bath House into one dwelling unit.*

Pruitt: *Was the applicant made aware that the Bath House was a condition of the campground? Meaning if he changes now, he can no longer have a campground. Is that correct?*

Testerman: *Yes, he is aware and the tent camping part of it is a special use associated with a hostel. As far as I am aware, camping has not happened on site in a couple of years, so the special use would have expired.*

Garriss: *The planning board was aware of that also when they voted correct?*

Testerman: *I believe so, yes.*

Pruitt: *I had spoken to some of them about it.*

Hines: *Should he add another Bath House now, so he does not have to come back for reapproval later down the road?*

Testerman: *The current owners have not had tent camping but if they want to in the future, they will need to add a Bath House and apply for a Special Use permit.*

Kitty Hawk Council Minutes: May 1, 2023

Page 5

McClellan: *But right now, even if they build a Bath House, they do not have the Special Use permit to use it.*

Testerman: *I guess it could be used by the people living there but otherwise it would kind of just be sitting there.*

MPT Pruitt moved to grant approval of this site plan amendment to convert the existing Bath House at 1004 West Kitty Hawk Road into a dwelling unit. It was seconded by Councilwoman McClellan and approved unanimously, 5-0.

b.) Schedule Public Hearing. Text Amendments: 42-1 & 42-528. Proposal to amend the definition of ‘accessory dwelling unit’ and eliminate the regulation restricting accessory dwelling units from being served by a driveway separate from that of the primary residence.

Councilman Hines made a motion to set a public hearing at the town council meeting on June 5, 2023 to consider the proposed text amendment to Section 42-1 & 42-528 pertaining to accessory dwelling units. The motion was seconded by Mayor Garriss and approved unanimously, 5-0.

8. NEW BUSINESS

a.) FY 23-24 Budget/Motion to Schedule a Public Hearing for June 5, 2023

Councilwoman McClellan made a motion, seconded by Councilman Hines, to set a public hearing for the Fiscal Year 23-24 budget at the June 5, 2023, 6 pm at the town hall. The vote was unanimous, 5-0.

9. TOWN MANAGER

Clopton: *You have received a draft of the Fiscal Year 23-24 budget. I also want to add it is available on the town’s website for public inspection and is available here at the town hall for anyone that wants to come and view it prior to the public hearing at our next meeting.*

I received word that a state inspector from the NC Department of Agriculture came here to review the work done on cleaning out our canals and ditches. We received a grant for this. The contractor cleaned out 20,000 linear feet of canals and ditches and the inspector gave a seal of approval so we will be reimbursed via the grant funds for that project.

Spring chipping was done last week, and they collected 120 cubic yards of vegetation and clippings from the town rights-of way.

Another reminder for citizens is that our on-demand bulk collection stops May 20, 2023 for the summer season. It will resume on 9/20. This has been a very popular program that we offer.

Kitty Hawk Council Minutes: May 1, 2023

Page 6

Another reminder is that Dare County is hosting a hazardous waste collection at the Kitty Hawk town hall parking lot. It is Thursday, May 11th from 9 to 3. They are usually set up at the top part of the parking lot and I encourage you to visit our website to see the list of materials that you can bring and dispose of.

Town offices will be closed for Memorial Day on May 29th and there may or may not be a trash collection schedule change. We will send out an email or you can always visit the town website.

Garriss: *What about the Youth Fishing Tournament?*

Clopton: *That is Sunday, 10 am, Kitty Hawk Pier.*

Hines: *Has that grown each year? More and more people, children and how about sponsors?*

Helms: *Yes, everything has increased.*

10. TOWN ATTORNEY

There were no comments or reports from Attorney Varnell.

11. TOWN COUNCIL

Mayor Garriss thanked staff and said there is a lot going on.

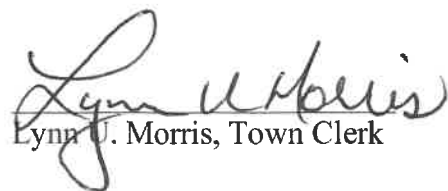
MPT Pruitt thanked staff for preparing the budget and working so hard. He thanked the Public Works Director for helping to acquire the grant for cleaning out the ditches and canals. Getting some of the trees out does not fix the flooding problem, but it helps in letting the water flow out at a faster pace. It has made a big difference and I appreciate it.

Councilwoman Walker said there have been some very productive Recreation Committee meetings, two lasting until 9 o'clock. Everything is to date and the plan will be grant worthy should it be needed. She thanked Sandy Myers for her help with the plan.

12. ADJOURN

MPT Pruitt made a motion to adjourn this meeting. It was seconded by Councilwoman McClean and passed unanimously, 5-0. Time was 6:15 p.m.

These minutes were approved at the June 5, 2023 council meeting.


Lynn U. Morris, Town Clerk


D. Craig Garriss, Mayor