

MINUTES
KITTY HAWK TOWN COUNCIL
Monday, August 7, 2023
Kitty Hawk Town Hall, 6 PM

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Presentations
 - Employee Recognitions
 - OBX Bicycle and Pedestrian Safety Coalition
 - OBX Jeep Invasion *(added during the meeting)*
5. Public Comment
6. Consent Agenda
 - a.) Approval of July 10, 2023 Council Minutes
 - b.) FY 23-24 Budget Amendment #1
7. Items Removed from the Consent Agenda
8. Public Hearing:
 - a.) Text Amendments: 42-1.-Definitions; 42-502.- Temporary Uses; Sec 16-2.- Yard sales; Sec 18-11.- Outdoor events. Proposed amendments to clarify temporary use process, regulate temporary outdoor markets, commercial yard sales, and revise outdoor events regulations.
9. Planning:
 - a.) Schedule Public Hearing. Text Amendments: 42-1.- Definitions; 42-247(d), 42-248(d), 42-249(d), 42-273(d), 42-274(d), 42-275(d). Proposed amendments would redefine how minimum lot sizes are calculated on new subdivisions, excluding all wetlands from the required minimum square footage. It is requested that the public hearing be scheduled for the September 5, 2023 council meeting.
 - b.) Land Use Plan Update. Draft document would replace the existing 2003-2004 plan as Kitty Hawk's CAMA Future Land Use Plan and Comprehensive Plan. It is requested that the public hearing be scheduled for the September 5, 2023 council meeting.
10. Possible New Business
11. Town Manager
12. Town Attorney
13. Town Council
14. Adjourn

COUNCILMEMBERS PRESENT:

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

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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, Police Chief Mike Palkovics, Fire Chief Mike Talley and PWD Willie Midgett

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

Mayor Garriss amended the agenda to include a presentation from OBX Jeep Invasion. **MPT Pruitt made a motion to approve the amended agenda and it was seconded by Councilwoman Walker. The vote was 5-0 for approval.**

4. PRESENTATIONS

- **Employee Recognitions** – Town Manager Clopton recognized Public Works Director Willie Midgett for his exceptional job serving as Acting Town Manager while she was away. She also recognized Lieutenant Jimmy Helms for his exemplary work serving as Interim Police Chief after Chief Johnson retired. Police Chief Palkovics added he cannot thank Lieutenant Helms enough for all he did to make it a smooth transition for him.
- **OBX Bicycle and Pedestrian Safety Coalition** – Jim Gould, Vice-Chairman of the coalition, presented a short PowerPoint on the need for this group. Their mission is to help facilitate the education and awareness of practical and pedestrian safety to drivers, pedestrians, cyclists, for all those who live on or visit the Outer Banks. Mayor Garriss said he had been a member of the coalition for many years and said they do great work, and everyone appreciates it. Councilwoman Walker said the town has a very active Recreation Committee and this sounds like something they might be interested in getting involved with.
- **OBX Jeep Invasion** – Steve House presented the police and fire departments with a check for \$3,500 each for their assistance with the charity beach drive during the jeep invasion in May.

5. PUBLIC COMMENT

1. Sue Walters, 3914 Ivy Lane, Kitty Hawk, NC: *Good evening, my name is Sue Walters and I live in Kitty Hawk Landing, specifically on Ivy Lane. Kitty Hawk Landing started around 1971 in its development. Now it is comprised of about 215 property owners in a stable community, almost all of which are Kitty Hawk residents, full-time.*

We are here today to talk to you about concerns from 15 homeowners owning 17 lots that are seeing concerning flood changes to our street and homes in the last 12 to 16 months. I want to make a disclaimer here which is we are not talking about the severe weather of named storms and tropical depressions and so forth. We understand the OBX is vulnerable in all that. What we are talking about are regular sustained high winds and/or rain events that come through from the west, the south, the southwest and the northwest. They are causing street flooding and threats to our homes that we need to address in front of these approximately 17 properties.

So, who have we resourced up to now? An engineer by the name of Andy Deel who came highly recommended from several sources. He came and toured the area with us so we could get advice on what could be done given his expertise in stormwater management. He recommended roadside culverts directing the water to the end of our cul-de-sac flowing into a marshland. He viewed that as a natural gift from Mother Nature that he does not see in most neighborhoods around here.

Additionally, we have talked to another engineer, John DeLucia, who happens to be a resident of Kitty Hawk Landing. He had several ideas that we might be able to consider. He also shared that remediation was also done on Tarkle Ridge Road in Kitty Hawk Landing as well as Kitty Hawk Estates nearby for similar problems.

Additionally, Willie Midgett met with us at our request to discuss what we are here this evening to talk about. He mentioned that Ivy Lane used to have a culvert system but over the decades from 1971 it is clear that they have gotten filled in. The other two arteries are Tarkle and Pineway within our community. They continue to have culverts which help those streets, and we do not have them.

So, what changed? In the last 12 to 16 months two lots, numbers 3910 and 3904, put in bulkheads where they did not exist before. All that is really, really, good as erosion being sustained by those properties was significant and a growing problem. 3910 also built a home after building up their lot an additional four feet, all allowed in our code. That forced all water making it past the two new bulkheads by driving winds and rain directly to Ivy Lane through adjacent properties with a stronger force. Nobody was foreseeing that, including us. Earlier I was talking to a resident that is here and it is not that the water is coming at us, it is what is happening after it gets in that is causing the problem now that we have changed our landscape. Once the blown rain and waves get over the new bulkhead it gets trapped and cannot get back out as it could before. Ivy Lane is now a full-on river in these events that now delivers water distribution both to the north and the south of this area of Ivy Lane. People who have not had flooding now do and those who had minor effects now get way more and Ivy Lane remains flooded more frequently.

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I have a handout for the council to review with additional details. I dropped it off with the clerk. Everybody has their own. It includes a map at the back so you can really get a visual if you have not driven down to Kitty Hawk Landing to see the 17 properties owned by 15 people. You can see what we are talking about. It will provide additional details on who we are. Facts that support what we are seeing.

We do thank you for your time this evening and hope to continue with the dialogue as we seek Kitty Hawk's help to remediate this growing problem that has been plaguing us for the last 12 to 16 months. Lack of remediation will bring further damage. It already has to our road and homes now that things have been permanently altered. Our efforts are not to blame anyone, only to fix it now that we are in this predicament.

Garriss: *Thank you Ms. Walters. You are speaking for the entire group?*

Walters: *I am. Everybody raise your hand if you are here for this subject.*

Garriss: *No one else is speaking about this topic? Correct? We think you have a great group to come up and show your support and share your concerns. Thank you. I will say that we are aware of the situation. We are having conversations and we will continue to have those conversations.*

Walters: *That is just great to hear.*

2. Donna Creef, 124 Swan View Dr., Kill Devil Hills, NC: *Good evening. I am Donna Creef and I serve as the Government Affairs Director for the Outer Banks Association of Realtors. I am here tonight to speak to you a little bit about flood insurance. Advocacy of insurance issues is one of my responsibilities as the government affairs director and I have been going around for the past couple of weeks talking to towns and the county. I was at the Dare County Board of Commissioners meeting this morning. I am talking about the same issue.*

Recently the Board of Directors for the Outer Banks Association of Realtors adopted a resolution in support of federal legislation that would extend the National Flood Insurance Program for five years and make significant changes to the NFIP. That federal legislation is entitled the National Flood Insurance Program Reauthorization and Reform Act of 2023. Currently the NFIP is set to expire on September 30th of this year. We have sent a copy of our resolution to Senator Budd, Senator Tillis, Congressman Murphy, Congressman Patrick McHenry who serves from the 10th district of North Carolina and he oversees the House Financial Services Committee which oversees insurance issues.

The ask tonight is for the town to consider adopting a similar resolution. The county did adopt it this morning after I spoke to them. Southern Shores and Duck are scheduled to discuss it at their September meeting after I spoke at their public comment. The town participates in the community rating system which is part of the National Flood Insurance Program so support of this resolution is consistent with that. I am going to stop right there and thank you for your time this evening.

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3. Sharon Sullivan, 3708 Herbert Perry Road, Kitty Hawk, NC: *Good evening. I am here to express my dismay over the development along my street and in Kitty Hawk Village in general.*

My property has been in my family for over 100 years, and I am committed to maintaining it. There is a developer who is planning to build two ADUs without a permanent residence on a tiny lot next to me. He has taken down one 100-year-old live oak and has destroyed the root system of another with a septic field. He has taken a portion of our street turnaround, which is a subject that has been volleying back and forth, between the town and DOT. Herbert Perry Road was a quiet residential street and now my neighbors are going to have two houses right up on the setbacks of our property. I know right from wrong, and this is just wrong with no value other than the money he will pocket from these two Airbnbs.

I also want to express my support for Mark Perry's text amendment to protect our marshes and water quality and the lower density in our village neighborhoods. I know there is a public hearing about that on the 5th of September. It may be too late for myself and my neighbors, but I do not want to see this happen anymore in this town that I love. Thank you.

4. Amy Wells, 3749 Herbert Perry Road, Kitty Hawk, NC: *My name is Amy Wells and I live on the same road as Sharon on Herbert Perry Road. I have not been to a council meeting in a while, but I am glad you still say the Pledge of Allegiance and allow us to speak in public comment.*

I wrote the letter to all the councilmembers regarding having the turnaround at the end of our road blocked by the contractor, or the developer, and I did call the police. He was parked in the middle of the road and in the turnaround and they had string, survey markers, across the turnaround so you could not use it. And when I turned around, I had to turn around, and I had to run over his string in order to turn around, so I did call the police and tell them I had run over his string. He was still in the middle of the road. I tried to call and see if I could find anybody, but nobody answered. And then it was my understanding that a nice police lady came and asked them to move. I think they did move off the right of way and she left.

But just to let you know the kind of people we were dealing with, as soon as that nice lady left, the contractors pulled both, three trucks to the turnaround and one in the turnaround on the east side. There is an east and west "T" turnaround. So, they blocked it completely.

I had to go on and do some other business so I came back, and I just went down there, and they were still blocking the road and they told me that they did not have to move and that I could not use the turnaround. It was private property. So, he whipped out his survey and showed me that the property did include two parking places that he was claiming on the turnaround so that he could get his lot coverage and parking places for these two other units he is trying to build.

I have not gotten a good answer from anybody yet. It has been several weeks. I probably made 30 phone calls and emails and I ended up getting a nice reply from our district representative saying that we would have a turnaround at the end of our road, but it was going to take DOT some time

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and construction to get it resolved. So, I thought that was great. I appreciate it and I appreciate his response because it is one of the only responses I have gotten.

Our concern is ... we have been out there and watched the garbage truck turn around. It cannot turn around at the end of our street without using the entire turnaround. We still do not have details about when the turnaround will be finished and who is paying for it. Is it my tax dollars paying for the turnaround at the request of this developer to move it? I am not really cool with that. I do not know whether it is the state or if it is the town, I really do not know who. I do not know who is going to make sure that it is completed and to what specifications and when. If he starts his construction during the time that the turnaround is being constructed it is just a horrendous problem (3-minute timer). We will not be able to turn around. Is that the timer?

Garriss: *Yes.*

Wells: *Sorry. But that is all I have to say. Thank you. Except ADUs are a tremendous problem in our community and it is ruining our neighborhoods. Thank you so much.*

5. Tom Buttke, 3909 Ivy Lane, Kitty Hawk, NC: *I am also a resident of Kitty Hawk Landing and some of these issues have already been addressed by Mrs. Walters. I understand, Mr. Mayor, that you said that some of this is already under investigation, but I just wanted to pass on some information to kind of clarify how serious I think this issue has become to us.*

I have been living in Kitty Hawk Landing for 17 years now and I have been a resident of the Outer Banks for 20 years. My wife and I had a dental business up until 2 years ago when we turned it over to my daughter so instead of doing root canals every day, I take care of grandsons. I am not sure which is harder to do.

We have been here for, like I said, 17 years. We have been through a couple of hurricanes and as Mrs. Walters said we are not discussing that because that is part of the Outer Banks. But the neighborhood, our street in particular that is shown on that first page, I live down there and it shows where my house is on the end of Ivy Lane. We get all those west winds. It shows the arrows on there and although I have been there all this time something has really changed in the last, I would say, couple of years. I think most of us would also say that Kitty Hawk Road seems to be flooded more than it used to, more frequently, but maybe not to a greater depth.

On the second page, inside that white rectangle, that is the area that I really want to address my concerns about. The arrow points to my house but that rectangle in front is the area where I am looking out my window. I can take pictures and see what is going on.

If you go on to the next page, it says December 23rd of last year. This was not a hurricane. This was not a rainstorm. This is just sustained winds of about 50 or 55 miles an hour. The black arrow shows the water coming into our driveway and you can see the sound is right there. It is just kind of rolling across the property. Now that the property has been bulkheaded, which is the absolute

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right thing to do, but now the water has ... is coming in and has no place to go. This also happened on April 1st. There is a picture showing that again with lower winds and again one more time on April 30th with winds of around 40 miles an hour.

If you flip to the last page, again from my house, everything is in that rectangle. This is what the road looks like now after it has been wet and it starts to dry a bit. It is being really eroded, I believe by the rainwater, the stormwaters and the sound water that are all coming in here and sitting. Our issue is it is not going anywhere. We are asking the town to please do a study that would look at what is possible to address this issue and then get back to us and let us know.

6. Charlie Hancock, 3914 Ivy Lane, Kitty Hawk NC: *I live in Kitty Hawk Landing as well. I am not going to reiterate all the issues. I am going to offer videos of all three events that Tom referred to. If somebody can provide me with an email, I will be more than happy to email them copies of those videos so you can see how serious the problem was.*

Mayor Garriss asked the manager or clerk to make sure he gets an email address.

7. Katie Morgan, 101 Maddox Crossing Lane, Kill Devil Hills, NC: *I have lived on the Outer Banks my whole life. I do not currently live in Kitty Hawk. I live in Colington, but I hope to move back to Kitty Hawk soon. I am a certified arborist, and I am an owner of a local tree company here on the island.*

I have been speaking very closely with the Town of Nags Head about how they have regulated the live oak. They make it so there are different permits and different regulations where you cannot just cut live oaks, you cannot cut down a 100-year-old living oak that adds to the charm and the value of people's property. I have been talking with them very closely and I am trying to figure out how to get it implemented in each town. I would love to know who I could start talking to about that kind of thing because I would love to see some kind of regulation of companies and I am a company asking to be regulated. I know there are a lot of companies out here that are not insured, they are not real companies, they are just cutting, just doing hack jobs, and cutting everything down and coupled with their erosion problems ... I mean the trees help with erosion and just seeing all the clear cutting all the time it is just breaking my heart.

I have children, a one and a four-year-old, and I would love to have them grow up and have the same kind of childhood I had. I am just trying to do anything and everything in my power to try to help preserve some of the charm especially of Kitty Hawk. If I can speak with anybody later that would be awesome.

Garriss: *I suggest you get the email address of the town and email your concerns and your contact information. We will go from there.*

Morgan: *Okay. I would volunteer my time and my expertise. I would help with that.*

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8. Ann Summers, 4149 Tarkle Ridge Dr., Kitty Hawk, NC: *I hate to say it, but I also live in Kitty Hawk Landing, not on Ivy. I was looking over the information about the Land Use Plan that has been online. There are a lot of things from the past that are just being moved on and I would like the council to consider relooking at some of those things.*

House size I question because of some personal issues. When I was told it is just heated square feet that affects the setbacks ... you can have a house that has 1,000 heated square feet and a five-car garage and they still only have a 10-foot setback from the side. I would like you to readdress that. When I asked about it, they said that is just the way it has always been. Maybe think about that in terms of how you count house size.

Garriss: *I can tell you we are currently looking at that too.*

Summers: *And the other thing is they were talking about the 4 or 6 feet of fill ... it creates flooding everywhere and the only thing that we can do about it ... I have met with Mr. Varnell and Mr. Testerman as well. There is a policy that it is not supposed to hurt people around them but when it comes down to it, we can take them to court. I just feel like if they are not supposed to be damaging the surrounding properties that it should be Kitty Hawk's responsibility to look at that.*

6. CONSENT AGENDA

a.) **Approval of July 10, 2023 Council Minutes.** *(Approval of the consent agenda will approve these minutes.)*

b.) **FY 23-24 Budget Amendment #1.** This budget amendment, in the amount of \$100, is to recognize the donation to the fire department from Joe Lamb Jr. & Associates. *(Approval of the consent agenda will approve this amendment.)*

Councilwoman McClean made a motion, seconded by Councilwoman Walker, 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 Amendments: 42-1.-Definitions; 42-502.- Temporary uses; Sec 16-2.- Yard sales; Sec 18-11.- Outdoor events. Proposed amendments to clarify temporary use process, regulate temporary outdoor markets, commercial yard sales, and revise outdoor events regulations.

Planning Director Testerman reviewed the following staff report. He added that the police and fire chief brought up safety concerns for a couple of the amendments and they should be addressed before adoption.

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Proposal

In fall of 2022, Council reviewed and adopted minor changes to Sections 16-1 and 18-11 (attached). Since that time it was requested that staff form a small committee of residents/business owners to discuss potential ordinances that would address the issues at hand. After several discussions with those members, staff attempted to draft language that would be satisfactory to all involved in the process.

Issues that the ordinance attempts to address include providing an avenue for local business owners to host small scale, temporary markets while not having such loose regulations that the markets are happening so frequently that they begin to have a negative impact on the permanent businesses in Town. In addition to the proposed new language, staff has recommended amending Sec 42-502 to allow staff to approve temporary uses, rather than requiring Council approval, as has been the practice in the past.

The third part of the proposal is to amend Sec. 18-11 back to its basic previous language with minor changes. If used to regulate large outdoor events and gatherings, as staff feels was the intent (bike week, the marathon, surf contests, etc.), Sec 18-11 appears to be sufficient as was previously written.

Staff also discussed with the Planning Board the issue of established commercial uses setting up outdoor sales of their own merchandise. Staff has drafted the attached amendment proposals to Sec. 16-2. Yard sales. The proposal attempts to clarify the existing ordinance (definition of a yard sale currently is within the zoning ordinance, the proposal would restate the definition of a residential yard sale but list it in the appropriate section of Town Code.) The proposal also defines commercial yard sales and puts forth standards for conducting such a sale.

As the council considers the proposed modifications to the Town Code, it is important to consider the stated goals and objectives of the existing Land Use Plan relevant to this proposal.

Note: The Planning Board also heard proposed language relating to mobile food vendors/food trucks. The Board received feedback that due to being the busy season, the restaurant association had not had the opportunity to review and comment on the proposal and requested that that portion be tabled. The Planning Board voted unanimously to table the recommendation on the food truck regulations until their October meeting.

Consistency with Land Use Plan

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

Goal #4: Ensure continued commercial development in commercially zoned areas of Kitty Hawk and the continued vitality of existing businesses.

Objective 4b: Encourage local support and patronage for Town businesses.

Objective 4d: Seek input from business owners concerning Town policies.

Objective 4e: Seek ways to provide and ensure a safe environment for pedestrians in commercial areas; to minimize pedestrian-vehicular conflicts in commercial areas; and, to improve circulation patterns in commercial areas.

Objective 4g: Periodically assess land use type needs, commercial zoning district boundaries, economic development conditions and emerging trends, and the types of permitted uses allowed in commercial zoning districts.

Goal#5: Remain aesthetically pleasing while maintaining coastal village image.

Policy 5a: Kitty Hawk will continue to adopt, enforce, and amend as necessary ordinances and procedures to regulate and improve community appearance.

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Planning Board Action

At its June 29, 2023 meeting, the Planning Board recommended approval of the proposed amendments, as presented to the Council.

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

1. Ralph Calfee, Martin's Point, NC: *My name is Ralph Calfee, and I am representing 5708 North Croatan Highway. That is where you will find Trio, Knitting Addiction, Miss Lizzies and Absolutely Outer Banks.*

The proposed action is a bit much for any detailed discussions so I can only reiterate a few summary comments. The current regulation in the books today to regulate outdoor events says you can have two consecutive days. The event must be contained within applicant property, which is kind of a loose regulation, just keep it on your site. It allows six events per parcel in a 12-month period. There is no apparent constraint on what an event promotes or sells or even is, so really the current outdoor events regulations appear to be a poor vehicle for regulating what we were calling itinerant vendor sales, and which are now called temporary outdoor markets.

The proposals before you recommend several actions. The first is to restore the outdoor events regulations to deal with things like bike week and marathons and that sort of stuff. The second thing it does is it brings up a new definition for outdoor markets which we will call "toms" (temporary outdoor markets) for short. It defines a "tom" sponsor.

So, what commercial entity would be involved? It regulates that a "tom" has to offer the same use as a sponsor does. This is something that prevents an outside marketer from going from shop to shop saying I will give you a cut of the proceeds. How about I do a bunch of sales with you. The "toms" size is limited to 30% of the ground floor area which says it will be an appropriately sized outdoor market based on the size of the sponsor. There are two events per sponsor per 12-month period. So that means if there is a multi-unit site like I deal with there are four different businesses and they can each have two as opposed to saying just six per site plan. And the events are limited to two consecutive days.

The other thing it does is it allows commercial yard sales to be permitted. This is really a regulatory allowance of what has been done casually where people did stuff and they said we can allow that, we can tolerate it, keep it under the shade, keep it under an awning or something. Well, this now actually says here is the regulation that says you can have a commercial outdoor sale and here is what you do. There are four events allowed per commercial establishment per 12-month period. So that would be four commercial yard sales in the events that are permitted for seven consecutive days. Now remember seven consecutive days does not give you two weekends. It is one weekend. Most of them I suspect would not be as long as seven but nevertheless they could be. I hope you will favorably consider the proposal before you. Thank you.

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There were no further comments and **Councilman Hines made a motion to go back into regular session. Councilwoman McClean seconded and the vote was unanimous, 5-0.**

Garriss: *Council what are your wishes or desires in this matter. Before we go any further this has been going on for a long time. Too long in my opinion. I would like to hand out a big thank you to Jeff Pruitt, Rob Testerman, the planning board, and the subcommittee. They have worked very, very hard on this matter. They have done a lot of work and I think we all appreciate what they have done. It seems like no matter what decision we make somebody is not going to be happy, but we are going to decide.*

Pruitt: *I would also like to thank everybody that has participated in the subcommittee with Rob and for helping us get to where we are.*

Rob has put this into four different categories, and I guess we should probably go one at a time. He has also brought up some new safety concerns and we should be addressing some of them.

Garriss: *Easier for you and us to be honest. Let's look at revised Section 42-502, Temporary Uses.*

Pruitt: *I do not see any problem with this temporary use.*

Garriss: *Would you like to make a motion?*

MPT Pruitt moved to approve the proposed text amendment to Section 42-502 allowing town staff to approve those temporary uses listed in the ordinance. The council has found this proposal to be consistent with the town's adopted Land Use Plan. It was seconded by Councilman Hines and approved unanimously, 5-0.

Pruitt: *Due to the safety concerns that were brought up by the chiefs I would like to send this back to the planning board.*

MPT Pruitt made a motion to send the proposed Section 42-502(6) Temporary outdoor art markets back to the planning board for safety reviews. It was seconded by Councilwoman McClean and the vote was unanimous, 5-0.

Walker: *#3 has some of the same safety concerns.*

Council agreed and **Councilwoman Walker made a motion to send this back to the planning board. Councilwoman McClean seconded and the vote was unanimous, 5-0.**

MPT Pruitt made a motion to approve the proposed text amendment to Section 16-2 Yard sales as described in the provided language. The council has found this proposal to be consistent with the town's adopted Land Use Plan. Councilman Hines seconded and the vote was unanimous, 5-0.

9. PLANNING:

a.) Schedule Public Hearing. Text Amendments: 42-1.- Definitions; 42-247(d), 42-248(d), 42-249(d), 42-273(d), 42-274(d), 42-275(d). Proposed amendments would redefine how minimum lot sizes are calculated on new subdivisions, excluding all wetlands from the required minimum square footage. It is requested that the public hearing be scheduled for the September 5, 2023 council meeting.

MPT Pruitt made a motion to set a public hearing at the town council meeting on September 5, 2023 to consider the proposed text amendment to the definition of Minimum Lot Size in Section 42-1 and in the relative district regulations as noted in the staff report. Councilman Hines seconded. The vote was unanimous, 5-0.

b.) Land Use Plan Update. Draft document would replace the existing 2003-2004 plan as Kitty Hawk's CAMA Future Land Use Plan and Comprehensive Plan. It is requested that the public hearing be scheduled for the September 5, 2023 council meeting.

Councilman Hines made a motion to set a public hearing at the town council meeting on September 5, 2023 to consider the adoption of the draft future land use map to serve as the town's comprehensive plan. Councilwoman McClean seconded and the vote was unanimous, 5-0.

(Clerk's Note: The above motions were not made in order during the meeting but are reflected correctly in these Minutes.)

10. NEW BUSINESS

There was no new business.

11. TOWN MANAGER

*Clopton: The Kitty Hawk Police Department participated in **National Night Out** which was sponsored by Kill Devil Hills. This was the first time I believe that they have extended Kitty Hawk an invitation or that we have participated. Our department was well represented, and we had a lot of fun. Thanks to the Mayor and Councilman Hines for coming out and supporting the police.*

*As far as the **police station building** is concerned, we believe we have finalized the floor plan for the building. Currently civil engineering is working on a revised parking site plan and Dills is working with their cost estimator to provide us pricing options based on the things that we have discussed. We should have that in the next several days.*

*The **Beach Medical** lease is coming along thanks to public works. The painting is complete throughout the medical office suite and flooring installation should begin sometime this week. We*

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have also had public works construct a temporary wall to restrict access to the police department side and it looks nice. They even hung-up artwork. Beach Medical would like to move in as early as November, and we are trying to make that happen.

Lastly, on Friday morning several of us joined Kitty Hawk Fire Rescue at the Bath House where Chief Talley presented Callie Basnight with the Kitty Hawk Fire Rescue Lifesaving Award. On Monday, July 31st Callie, a Kitty Hawk Fire Rescue Lifeguard, was instrumental in helping to save the life of a visitor. Callie was patrolling the beach and with the assistance of a few other bystanders she was able to administer life saving techniques to stabilize the patient. In coordination with Kitty Hawk Fire Rescue, Kill Devil Hills Ocean Rescue and Dare County EMS the patient was transported to the hospital and based on Callie's quick response, her immediate engagement and her training kicking in, it made all the difference. We are pleased to report that the patient was expected to be released from the hospital last week. Callie is a North Carolina State University student and a second-year guard for Kitty Hawk Fire Rescue. We are very proud.

Garriss: *Very proud. Thank you.*

12. TOWN ATTORNEY

Attorney Varnell said he is glad he could help with the confusion over the motions made earlier in the meeting.

13. TOWN COUNCIL

Walker: I am very interested in talking with you Katie. I live on Bay Drive in Kitty Hawk, and I happen to think we have an awful lot of west wind now. I can feel for what you are going through.

Pruitt: I would like to thank Jimmy once again. Thank you for everything you have done. Willie, appreciate what you do. You are a great town manager. Welcome chief and I would also like to thank Steve House. It is really a pleasure to let that group come to our beach for a couple of days to raise money and for them to chip some back into our town. It is very nice, and I would like to thank him. I would also like to thank Ocean Rescue. That was a great outcome. Chief you are doing a great job and pass along to Callie that we certainly appreciate her heroic duty. Thank you.

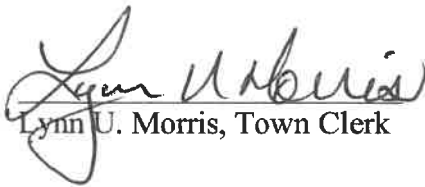
Garriss: Congratulations to Callie. I had the honor this afternoon at 5 o'clock to swear in Mike Palkovics to his position as police chief. It was more than an honor. I take those things personally because I have been there, and I know what it means. You had family members here and I could tell in your face that it meant a lot to you too. So, I just want to congratulate you and welcome you. Lieutenant Jimmy Helms you have been outstanding my friend. Thank you for what you have done. And thanks to everybody for coming out tonight. We had a large group. You have been respectful. You stated what your concerns are, and I appreciate it very much. Sometimes they are not respectful meetings. This has been a great meeting. I am leaving here with a smile on my face. Anything else council?

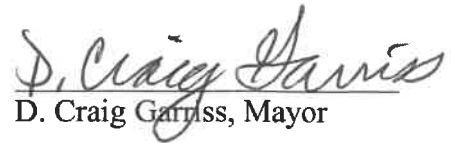
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14. ADJOURN

Not hearing any further comments, **Councilwoman McClean made a motion to adjourn the meeting. It was seconded by Councilwoman Walker and the vote was unanimous, 5-0.** Time was 7:09 p.m.

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


Lynn U. Morris, Town Clerk


D. Craig Garriss, Mayor