

MINUTES
KITTY HAWK TOWN COUNCIL
Monday, October 2, 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
 - Kitty Hawk Elementary School Playground
5. Public Comment
6. Consent Agenda
 - a.) Approval of September 5, 2023 Council Minutes
 - b.) Resolution in Support of Honoring Veterans by Participating in Operation Green Light
 - c.) 2024 Town Council Meeting Dates Resolution and Calendar
 - e.) Resolution in Support of Maintaining Local Governmental Authority in Affordable Housing
 - f.) Resolution Opposing Consolidated Atlantic Highly Migratory Species Fishery Management Plan Amendment 15, Section F, Subsection F2
7. Items Removed from the Consent Agenda
8. Public Hearing:
 - a.) Text Amendment: Sec. 42-581.- Proposed amendment would allow placement of digital message boards by, or on behalf of a governmental body, in addition to the number standard signage permitted by this chapter. (*Ordinance No. 23-08*)
9. Planning:
 - a.) Text Amendment: 42-502.- Temporary uses, 18-11.- Outdoor events and gatherings. Revised proposal to add public safety measures for temporary outdoor markets and outdoor events and gatherings. (*Ordinance No. 23-09 and 23-10*)
 - b.) Site Plan Review. 3600 N Croatan Highway; applicant proposes 4,194 sq. ft. addition to existing 11,005 sq. ft. commercial structure.
 - c.) Schedule Public Hearing - Text Amendment: Sec. 42-414.- Proposed amendment would allow define and allow mini-warehouse storage facilities as a special use in the Planned Commercial Development overlay districts. It is suggested the public hearing be scheduled for the November 6, 2023 council meeting.
10. New Business:
 - a.) Nominations for the Dare County Tourism Board
11. Reports/General Comments from Town Manager
12. Reports/General Comments from Town Attorney
13. Reports/General Comments from Town Council

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14. Closed Session

N.C.G.S. § 143-318.11(a)(3) to consult with the town attorney regarding matters protected within the attorney-client privilege and to preserve that privilege; and as allowed by N.C.G.S. § 143-318.11(a)(6) to discuss one or more confidential personnel matters and N.C.G.S. § 143-318.11(a)(1) for approval of November 1, 2022, December 5, 2022, April 3, 2023 and July 10, 2023 minutes.

15. Return to Regular Session

16. 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, 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

Councilwoman McClean made a motion to approve the agenda and it was seconded by Councilwoman Walker. The vote was unanimous to approve, 5-0.

4. PRESENTATION

- Kitty Hawk Elementary School Playground

Dr. Lisa Colvin, Principal, Kitty Hawk Elementary School, Macey Chovaz and Kellie Flock provided a PowerPoint overview on a Universally Designed Playground. Money is being raised to build one. The project started when two friends wanted to play together at recess but could not because the playground was not accessible. It is envisioned that this will serve as a community playground as well as be something visitors may use while on vacation. They currently have \$152,000 towards the \$800,00 it is projected to cost.

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Mayor Garriss said he and Melody had taken a tour of the current playground and agreed that new equipment is needed.

The council agreed it seems to be a good and needed project.

5. PUBLIC COMMENT

Curt Baskette, 3605 Rabbit Hollow, Kitty Hawk, NC: *Mayor Garriss, Councilmembers and Town Manager, I am Curt Baskette. I am here to make some comments about the proposal on the agenda tonight for an expansion at 3600 Croatan Highway, the CRT Building. My property backs up to the back of their property. Personally, I have no problem with the proposed expansion. I do have three concerns though and I would like to make sure they are addressed properly so I can continue to support this project. Two issues are probably minor.*

One is stormwater runoff. Since the building is being expanded the portion of the building that has an additional roof line on the west side will back up to my property. There is going to be more stormwater runoff and it is also covering up the building, will cover up some of the paved area. The runoff in that area now is directed towards a stormwater retention basin. Infiltration basin. Now it would be called the property itself. I just want to make sure that you all look at the plans and make sure there is not more water, that somehow the design be such, that the water coming off the west side of the roof be captured by a gutter system and taken out to either the ditches or the east side of the building or on the west, Tateway, side of the building. Not to the back of the property which would drain towards my property which is a very low area. That whole area there, the Kitty Hawk drainage basin, tends to flood and we do not need more water back there.

The second thing is probably minor. That is the sanitation part of it. Even if it is only increasing the size of the building by a third, I understand it is for storage purposes and not additional personnel, I wonder if more bathrooms are needed. If there is a need to increase the drainage field, I request consideration for it be extended either north or south, not to the west. We do not need more sanitary discharge toward our properties back there. (3-minute timer) We have a big enough problem as it is.

Garriss: *Your time is up sir.*

Baskette: *Is my time up already? The main issue is why I am here tonight. The vegetative border. When I talked to Mr. Testerman today ...*

Garriss: *Time is up.*

Baskette: *I talked with Mr. Testerman today about the vegetation border. When Gateway Bank was there, prior to CRT, there was a vegetation barrier between my property and the bank property. I think it was the mainly the Russian Olive bushes. You know they are very big. It was a visual barrier and a noise barrier from the highway traffic on the bypass.*

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Garriss: *Mr. Baskette we must keep to the 3 minutes.*

Baskette: *I would ask that you look at the drawings. I believe you will find the barrier is required by the permit with Gateway Bank and it should have been covered by CRT. I just ask that in this expansion they put up a barrier, not a fence, but some kind of vegetation barrier that provides both noise and a visibility buffer between us.*

There were no further speakers.

6. CONSENT AGENDA

a.) Approval of September 5, 2023 Council Minutes. *(Approval of the consent agenda will approve these minutes.)*

b.) Resolution in Support of Honoring Veterans by Participating in Operation Green Light. This resolution encourages citizens to recognize the importance of honoring all those veterans who made immeasurable sacrifices to preserve our freedom by displaying green lights in a window or place of business or residence from November 6 through November 19, 2023. *(Approval of the consent agenda will adopt this resolution.)*

c.) 2024 Town Council Meeting Dates Resolution and Calendar. The Kitty Hawk Town Council regular meeting is the first Monday of each month at 6 p.m. If that first Monday is observed as a town holiday the meeting will be rescheduled for Tuesday or the following Monday. When the Dare County Board of Elections is using the Smith Room for an election following a council meeting, the council meeting will begin at 5:00 p.m. *(Approval of the consent agenda will adopt this resolution.)*

d.) Emergency Operations Plan. This plan has been updated and is presented for the council's review and approval. *(Approval of the consent agenda will approve this plan.)*

e.) Resolution in Support of Maintaining Local Governmental Authority in Affordable Housing. This resolution is in opposition to Section 24.8(a) of the North Carolina 2023 Appropriations Act which removes Kitty Hawk's ability, as well as the five other municipalities in Dare County, to regulate land use and balance growth and development with the needs of their residents, property owners, businesses, and infrastructure. *(Approval of the consent agenda will ratify this resolution.)*

f.) Resolution Opposing Consolidated Atlantic Highly Migratory Species Fishery Management Plan Amendment 15, Section F, Subsection F2. This resolution opposes adding a crushing financial burden on our already overregulated commercial watermen and seafood industry in the Outer Banks specifically and on the pelagic longline fishing industry of the East Coast. Deadline to comment is October 2, 2023. *(Approval of the consent agenda will adopt this resolution.)*

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: Sec. 42-581.- Proposed amendment would allow placement of digital message boards by, or on behalf of a governmental body, in addition to the number standard signage permitted by this chapter.**

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

Planner Testerman reviewed the following staff report.

Proposal

Signs in the public right-of-way or on public property.
42-581(1) Permanent signs

a. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic. **Such public signs shall may include digital message board signage, and may be in addition to standard signage permitted by this chapter. Such signage shall be located so that it does not impede line of sight at any intersection.**

Background & Analysis

Currently, signage is limited to one freestanding sign per property, with a few exceptions. The proposed amendment would allow for governmental agencies to place an additional sign to be used for public messaging on public property (Federal, State, County or Town owned property). The proposal also dictates that digital message boards are permitted in these scenarios. This will allow for governmental agencies to rapidly disperse public messages and information that could include public safety information, public notices and alerts, etc. The Planning Board recommended changing “shall” to “may”, in order to convey that the sign is not required to be a digital message board. Additionally, the Board recommended language that any such signage should not interfere with line of sight at intersections.

Consistency with Land Use Plan

The comprehensive plan is silent on proposals of this nature.

Planning Board Action

At its 9/14/2023 meeting, the Planning Board unanimously recommended approval with the changes noted in the staff report.

There were no questions or comments from the council and no speakers.

MPT Pruitt made a motion, seconded by Councilwoman McClean, to return to regular session. The vote was 5-0.

MPT Pruitt made a motion to approve the proposed text amendment to Section 42-581 as presented in this staff report. The town council finds this proposal consistent with the town’s adopted Land Use Plan. Councilwoman Walker seconded and it was approved unanimously, 5-0. (Ordinance No. 23-08)

9. PLANNING

a.) Text Amendment: 42-502.- Temporary uses, 18-11.- Outdoor events and gatherings. Revised proposal to add public safety measures for temporary outdoor markets and outdoor events and gatherings.

Planner Testerman reviewed the following staff report.

Proposal

At its August 7, 2023 meeting, the Town Council held a public hearing on the proposed regulations relating to temporary outdoor markets, temporary uses, outdoor events and gatherings, and commercial yard sales.

The language proposed for Sec. 42-502.- Temporary uses, and language for 16-2.- Commercial yard sales were adopted as proposed. The council voted to send the proposals for the outdoor events and gatherings, and temporary outdoor markets back to the Planning Board to include language relating to public safety.

In an attempt to address concerns that were brought up by the Police and Fire Departments, staff has inserted language that would a) require that parking and drive aisle areas that are being used as a part of the market and/or outdoor event shall be closed to vehicular traffic; and b) that any tents or canopies associated with the market or event must be secured to prevent wind driven movement.

Consistency with Land Use Plan

The newly adopted future land use plan is silent on this matter.

Planning Board Recommendation

At its September 14, 2023 meeting, the Planning Board unanimously recommended approval of the proposed revisions.

Mayor Garriss thanked everyone who helped with this amendment.

MPT Pruitt made a motion to approve the text amendment to Section 42-502(6) allowing temporary outdoor art markets as described in the provided language. The town council finds this proposal to be consistent with the town's adopted Land Use Plan. Councilwoman McClean seconded and it passed unanimously, 5-0. (Ordinance No. 23-10)

Councilwoman McClean made a motion, seconded by Councilwoman Walker, to approve the proposed text amendment to Section 18-11 revising the regulations pertaining to outdoor events and gatherings. The council has found this proposal to be consistent with the town's adopted Land Use Plan. The vote was unanimous, 5-0. (Ordinance No. 23-09)

b.) Site Plan Review. 3600 N Croatan Highway; applicant proposes 4,194 sq. ft. addition to existing 11,005 sq. ft. commercial structure.

As you heard during public comment, Planner Testerman reviewed the following staff report on this site plan addition.

Proposal

The applicant has submitted a site plan modification request to add 4,194 sq. ft. of storage area to the existing 11,005 sq. ft. commercial structure.

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Background Information

The structure at 3600 N Croatan Hwy was originally constructed as a bank. Several years ago, CRT Sales and Services located their business in the location. A previous addition was constructed to close off the drive-thru and convert it into workspace.

Per Sec 42-99 because the proposed addition is greater than 15% of the existing structure, the site plan modification must be reviewed by the Planning Board and Town Council.

Staff Analysis

Proposed Use: Storage addition for existing permitted commercial use, total square footage of the structure to equal 15,199 sq. ft., below the 25,000 sq. ft. maximum for the BC-1 district.

Lot Area: The subject parcel is approximately 1.15 acres.

Lot Coverage: A survey dated 8/1/02 indicates existing lot coverage of 60%, the maximum permitted. The site plan indicates that much of the proposed addition is going in over an existing asphalt drive-aisle, and the applicant has indicated that a portion of the existing drive aisle that loops behind the building will be removed. An as-built survey will be required prior to issuing a CO, at which time it will be verified that the lot coverage is not over 60%

Building Height: Proposed total height of the addition has not been provided, however, per the attached elevation drawings, the walls are to be approximately 20' in height, and the total roof height is lower than the existing roof height.

Setbacks: The BC-1 district requires a 10' side setback, which is shown on the site plan in relation to the proposed addition. Additionally, the BC-1 district requires a 50' separation of commercial structures to an adjacent residential zone. The 50' setback line is also shown on the site plan. The minimum front setback is 15', however there is no change in the front of the building.

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

REVISED:

Buffer: As part of the original site plan approval, a Type A or B vegetated buffer was required, as per Sec. 42-649, "Unless specified otherwise in the various district regulations, buffers within the commercial zone shall be required between all uses in commercial zones and abutting residential zones." At some point over the years, the vegetative buffer has been removed. Staff recommends that the site plan approval be conditioned on the vegetative buffer being replanted/replaced."

Land Use Plan

The Town of Kitty Hawk's adopted CAMA Land Use Plan designates the subject property as a "Invest & Improve" on the future land use map. This designation is for areas primarily in high traffic corridors, where commercial or employment activity already exists, or where conditions create the potential for higher intensity uses and development. See Page 42 of the newly adopted CAMA Land Use Plan for more information. 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 Recommendation

At its September 14 meeting, the Planning Board unanimously recommended approval

Garriss: *Mr. Baskett made some very good points during public comment. It sounds like the vegetation has been taken care of. The stormwater runoff and sanitation at some point, if it is not correct, the permit will not be approved, correct?*

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Testerman: *Right. We will need the permit from Dare County Environmental Health prior to issuing the building permit to address the septic issues. I do not know offhand if the state would require a revised stormwater permit since it is not really increasing the lot coverage or imperviable pavement on here. I believe we could make it a condition of approval for any stormwater runoff generated from the addition to be directed to the existing basin.*

Varnell: *I do not see any issue with that. That is fine. As for the vegetative buffer I do not think there is one out there right now. If I heard right, you are saying as part of this plan the recommendation would be to require the replanting of a buffer.*

Hines: *The applicant submitted this with no calculations on anything that is going in or taken out. I have a hard time of why we would wait until the end to do that, and he does not have the Dare County Health Department permit.*

Testerman: *He does not need to go to the health department at this point. He is just asking for the zoning approval. As far as the lot coverage is concerned, because most of the area going in is on existing concrete there is very little change. It will be reflected on the "as built." If it is over 60%, he will have to take asphalt out or change out some of the pavement. It is something that can be helpful at the front end, but it can be addressed at the back end as well.*

Hines: *I cannot tell who did the rendering.*

Testerman: *I cannot recall.*

Hines: *It is fine, but I do not know why you would not do all that groundwork up front. You know where it is going so go ahead and calculate it all. It is more of a comment from me than it is anything else.*

Testerman: *And if the council prefers to have those numbers in front you can table this and get them before any approval.*

McClellan: *The "as built" will show the correct numbers.*

Varnell: *And that will be another chance for Councilman Hines to address those issues if he wants. Not trying to sway, just pointing out.*

Hines: *I am not trying to hold his project up. I just would not have submitted it this way personally. More of a comment from me. One more comment. I do think there needs to be a vegetative buffer put in because of the residential houses.*

McClellan: *And if the vegetation is there that should help absorb some of the runoff on its way back towards the residential properties.*

MPT Pruitt made a motion to approve this site plan modification for a 4,194 square foot addition to the structure located at 3600 North Croatan Highway. I would like to also add that the buffer be a condition to be replaced where the existing buffer was and I would also like stormwater to be directed into the existing stormwater management for that property. The motion was seconded by Councilwoman McClean and the vote was unanimous, 5-0.

Garriss: *Mr. Baskette, how does that sound to you sir?*

Baskette: *Sounds good.*

c.) Schedule Public Hearing - Text Amendment: Sec. 42-414.- Proposed amendment would allow define and allow mini-warehouse storage facilities as a special use in the Planned Commercial Development overlay districts. It is suggested the public hearing be scheduled for the November 6, 2023 council meeting.

Councilman Hines made a motion to set a public hearing at the town council meeting on November 6, 2023 to consider the proposed text amendments to Section 42-414. Councilwoman McClean seconded and it passed unanimously, 5-0.

10. NEW BUSINESS

a.) Nominations for the Dare County Tourism Board

Mayor Garriss noted that the term of office for Councilman Hines will expire in December, and he has expressed a desire to stay on the board for another two-year term. Three names must be submitted to the Dare County Board of Commissioners in order of preference. They will make the selection.

MPT Pruitt made a motion to present Councilman David Hines as first choice, followed by Mayor Garriss and Councilwoman Walker. Councilwoman McClean seconded and it passed unanimously, 5-0

11. TOWN MANAGER

Clopton: *I want to start off with a police department building update. We have received the 35% design submittal from Dills Architects. The submittal includes preliminary floor plans, site plans and mechanical, electrical, and plumbing system designs as well as cost estimates for the project. Members of the staff, along with Councilman Hines, met on Friday to review the submittal. The proposed floor plan generally meets the current and future needs of the police department. There are several items in the system design that need to be addressed.*

We also requested that Dills identify areas for cost savings, provide value engineering now and throughout the next phase of the process to reduce costs, maintain functionality and stay within

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the town's budget for this project. We will be providing our feedback to Dills on or before October 10th so this project can stay on schedule. The next step will be the 90% submittal which will include generally the construction documents. We expect to receive those documents by mid-December and hope the bidding process will start in early February.

Upcoming town activities. Fall chipping is October 9th. Visit the town's website for more information.

Our police and fire departments will be representing the town this Saturday at the Oink and Oyster Roast. This event is sponsored by the First Flight Rotary and will be held between 12 noon and 4 p.m. here in Kitty Hawk at Longboards.

National Fire Prevention Week is October 8th -14 next week. The Kitty Hawk Fire Department will be at The Home Depot on October 14th between 10 and 2. They will be providing educational demonstrations on all kinds of topics including Hands Only CPR, Stop the Bleed, dryer safety, vehicular extrication and much, much more.

Just a reminder the League of Women Voters is sponsoring a municipal election candidates forum. Kitty Hawk's Forum will be on Tuesday, October 10th at 7 p.m. here at the town hall. This meeting is also livestreamed and recorded.

The Outer Banks Hospital will be here on-site Wednesday, October 25th to provide free flu shots, between 1:30 and 4:30 p.m. In addition, they can also do wellness screenings which includes cholesterol, blood pressure, heart rate, blood sugar, body mass. Employees and community members can stop by. An appointment is recommended but not required. Everything is free and no insurance information needs to be provided.

Lastly, due to the November municipal elections on November 7th, our November 6th town council meeting will begin at 5 o'clock p.m. This helps the precinct folks get in a little early and set up the equipment.

12. TOWN ATTORNEY

There were no further comments from the attorney.

13. TOWN COUNCIL

Garriss: *I would like to thank all the departments that worked hard on the Emergency Operations Plan we have now. A lot of hard work in the document.*

I also want to thank everyone who has been working on the police station project. I think we are all a little like "when are we going to see something happening?" But we have a process to follow. I think I have aggravated Melody to death, and she keeps calming me down. She does a great job.

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It is just frustrating to ride by and see nothing happening, but we must follow a process and that is what we are doing. I know, David, you are on that committee. Thank you for what you are doing.

On our consent agenda tonight, Item 6(e), was a Resolution in Support of Maintaining Local Governmental Authority in Affordable Housing. I would like to make a statement please.

“Regarding this resolution, a provision was included in this year’s state budget that would strip certain powers from local governments and the other five municipalities in Dare County. This provision was included in the 2023 NC Budget without the prior knowledge of any of the towns. By the time we found out about it, it was too late. The Bill specifically targets how Dare County municipalities govern affordable housing projects. The ruling would exempt new construction of affordable housing from municipal and zoning regulations which includes public hearings, setbacks, and height limitations. In short, to obtain and build affordable housing in Dare County a company or contractor can come into our towns and not have to abide by regulations that we already have in place that were approved by this council and other councils in the past. This is wrong.

Kitty Hawk has joined with other towns in Dare County to keep this legislation from being implemented and to hopefully omit this provision in the future. We will fight but we will not be fighting against anybody, any person or someone, instead we will be fighting for the citizens of Kitty Hawk, the Town of Kitty Hawk. I encourage everyone in Kitty Hawk to contact your local senators, representatives, and Dare County officials to voice your opposition to this legislation.

I recently spoke with Dare County Manager Bobby Outten to show my support for the creation of some sort of task force that would include members from each town and from Dare County that would meet to address and discuss the housing issue in Dare County. I certainly hope the creation of that group comes to fruition.

This may end up being a long-drawn-out legal battle. I am not sure. But in the meantime, the Town of Kitty Hawk will continue to operate as usual and only approve plans and proposals that meet our current regulations already in place pertaining to zoning, setbacks, and height limitations. I have the very highest wishes that the towns, Dare County, and the state can all come together to address the housing issue. Thank you.”

Pruitt: *First, we worked on the outdoor gatherings and the events sites and food carts ... we had a committee that worked on that for quite a while, and I would like to thank all the members of the committee for participating. It helped Rob and me work with finally putting these ordinances, cleaning them up and going ahead and getting them on the books. I am glad to get that over.*

Craig, thank you very much for bringing this up to the people of Kitty Hawk. We are going to have to start speaking up. I mean it is to point where they are taking your local politician’s power to govern our own community. Something is not right here. That is all.

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Walker: *I second that. I was very disappointed to find out that had happened, and I am glad you are being proactive and going to help get this straightened out. Thank you.*

McClellan: *Thank you very much for putting that together. Very concise and thoughtful and making sure everybody understands. Kitty Hawk has traditions, height limits, densities. These things have all been worked on and worked out for the people of Kitty Hawk and it may not be what anybody anywhere else in the state understands. Kitty Hawk needs to remain Kitty Hawk and the other municipalities need to have the same consideration. The state needs to let us do what we have been doing very well.*

I just want to say one other thing. When I was reading the Emergency Operating Plan, I was reading the preparations for the police department. What everybody had to go through and the one paragraph that outlined boxing up all the paper and records and moving them to the second floor. All I could think of is won't it be great to delete that section. That is what I am really looking forward to.

Hines: *I do not have anything this evening thank you.*

Garriss: *I want to add when we first found out about the legislative housing issue, I touched base with each council member, and we were not all 100% together, we were 200% together. That is the way we need to be. Council, thank you very much.*

Folks, we now need to go into a closed session to discuss a matter. Everyone in the room will need to leave. At the conclusion of the closed session, we will be returning here for a short regular session. Thank you all for coming.

Mayor Garriss made a motion to go into closed session regarding North Carolina General Statutes 143.318.11(a)(3) and NCGS 143-318.11(a)(1). Time was 6:52 p.m.

14. CLOSED SESSION

a.) N.C.G.S. § 143-318.11(a)(3) to consult with the town attorney regarding matters protected within the attorney-client privilege and to preserve that privilege; and as allowed by N.C.G.S. § 143-318.11(a)(6) to discuss one or more confidential personnel matters.

N.C.G.S. § 143-318.11(a)(1) for approval of November 1, 2022, December 5, 2022, April 3, 2023 and July 10, 2023 minutes.

15. RETURN TO REGULAR SESSION

MPT Pruitt made a motion to return to regular session. It was seconded by Councilwoman McClellan and the vote was unanimous, 5-0. Time was 7:13 p.m.

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Garriss: *Mr. Leidy would you please make the presentation regarding the changes to the Town of Kitty Hawk's Personnel Policy.*

Leidy: *The manager and I have worked on an amendment to the Personnel Policy that would apply to your current retiree health insurance program. This would change the policy with these specific and important features. First, for employees who were hired before January 1, 2005, the town will now pay the full retiree medical premium until the retiree turns age 65. At 65 the town will pay the full premium for the retiree to be on the town's Medicare supplement policy.*

Secondly, for those retirees who were hired between January 2, 2005, and January 3, 2013, the town will pay the full retiree medical premium until the retiree turns 65 and then the retiree could join on the town's Medicare supplement policy, but the town will pay a premium based on a 50%, 75% and 100% schedule like you have in effect right now.

And then finally, for those retirees hired after January 3, 2013, the town will pay the retiree medical premium based on the 50, 75, 100% schedule until the retiree turns 65. At that point the retirees would not be able to join in on the town's Medicare supplement policy. Did I leave anything out Melody?

Clopton: *I do not think so.*

Garriss: *Council, any discussion? Questions?*

MPT Pruitt made a motion to approve the changes to the town of Kitty Hawk's Personnel Policy, Article X, Employee Benefits as presented. Councilwoman McClean seconded and it passed unanimously, 5-0.

Leidy: *Mr. Mayor, if I may now recite the terms from the settlement agreement that the council approved in closed session.*

Garriss: *Yes.*

Leidy: *In connection with the pending lawsuit brought by James Ray Watts against the town the council has approved a settlement that has already been agreed to by Mr. Watts. Mr. Watts will be allowed to continue in the retiree medical program the town has and will be able to join in the part of the policy that you just adopted. The town will pay for his full medical premium until he turns 65 and then pay for his premium to be on the retiree supplemental Medicare policy. In addition, he will be paid the sum of \$15,000. In exchange he is giving a complete and general release of all claims against the town and the lawsuit will be dismissed.*

Garriss: *Thank you Mr. Leidy.*

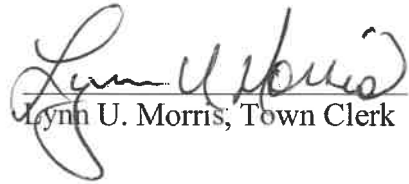
Varnell: *Also, while in closed session, minutes were approved as stated on the agenda.*

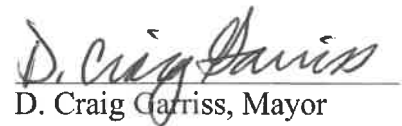
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16. ADJOURN

Mayor Garriss made a motion, seconded by Councilman Hines, to adjourn until the November 6, 2023 meeting at 5 p.m. The vote was unanimous, 5-0. Time was 7:17 p.m.

These minutes were approved at the November 6, 2023 council meeting.


Lynn U. Morris, Town Clerk


D. Craig Garriss, Mayor