



**Minutes**  
**KITTY HAWK TOWN COUNCIL**  
**Monday, December 4, 2023**  
**Kitty Hawk Town Hall, 6 pm**

- 1. Call to Order**
- 2. Moment of Silence/Pledge of Allegiance**
- 3. Approval of Agenda**
- 4. Remarks by Departing Councilwoman Lynne McClean**
- 5. Oaths of Office**
  - Council-Elect David Hines
  - Council-Elect Dylan Tillett
- 6. Brief Recess/Reconvene**
- 7. Remarks by Newly Elected Councilmembers**
  - Councilman, David Hines
  - Councilman, Dylan Tillett
- 8. Presentation for former Councilwoman Lynne McClean**
- 9. Presentation to Kitty Hawk Police Department from FBI-LEEDA**
- 10. Thank you to Sandy Myers, The voice and face of the Town 21.5 Years**
- 11. Public Comment.**
- 12. Consent Agenda.**
  - a.) **Approval of November 2023 Council Minutes.** *(Approval of the consent agenda will approve these minutes.)*
  - b.) **Financial Statements – as of October 31, 2023**
- 12a. Items Removed from the Consent Agenda**
- 13. Public Hearing - Planning**
  - a) Text Amendment Sec.: 42-414.- Proposed amendment would define and allow mini-warehouse storage facilities as a special use in the Planned Commercial Development overlay districts.
  - b) West Village Subdivision – applicant proposes a 27-lot subdivision off of West Kitty Hawk Road
- 14. New Business**
- 15. Reports/General Comments from Town Manager**
- 16. Reports/General Comments from Town Attorney**
- 17. Reports/General Comments from Town Council**
- 18. Adjourn**

**Council Members Present:**

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

**Staff Members Present:**

Town Manager Melody Clopton, Town Attorney Casey Varnell, ASD Laura Walker, Finance Officer Liliana Noble, Police Chief Mike Palkovics, Fire Chief Mike Talley, Director of Planning Rob Testerman, Public Works Director Willie Midgett, Police Lt James Helms.

**Agenda**

- 1. Call to Order**
- 2. Moment of Silence/Pledge of Allegiance**
- 3. Approval of Agenda**

**Garriss:** *Removal of item 9 FBI Leeda presentation: our presenter was unable to come tonight. Hopefully, that will be a future date, David.*

**Hines:** *All pursuant to the authority provided in section 38:36c of the Town Code, I am requesting a traffic impact study be provided prior to reviewing and acting on the proposed preliminary subdivision plat; as a result, I motion that we remove the proposed subdivision review from tonight's agenda until these reports are obtained.*

**Garriss:** *Thank you, David; I would like to also add the report from the county school superintendent regarding school bus safety and traffic. Is the Council okay with that? Do I have a motion?*

**McLean:** *Second.*

**Garriss:** *All in favor of removing those items from the agenda, please say aye.*

**All Council:** *Aye.*

**Garriss:** *I know there are a lot of people here tonight regarding the West Village subdivision. We just found out about this about an hour ago, to be honest, so that will not be on tonight's agenda.*

**Walker:** *But you can still talk.*

**Garriss:** *We are still going to have public comment. You are very welcome to stay for public comment later on and speak your mind. Okay. Remarks departing Councilwoman Lynne McClean: Lynne, I cannot believe it's here.*

#### **4. Remarks by Departing Councilwoman Lynne McClean**

**McClean:** *I cannot believe it is either, but it is here, and I have been keeping the seat warm for eight years and now it's time to stand up and walk away. I would like to thank everybody in the town for trusting me to make the that are the best for the town and everybody else and thank all the staff in the different departments: Administration, Police and Fire and Public Works, please public works, great people. Thank everybody for being there to work with me on all the things we have been doing. My fellow council people, thank you so much, and it's with great pleasure I am going to give my seat back to somebody.*

**Garriss:** *Next, we will have the oaths of office. Councilman David Hines, will you come up front, please?*

#### **5. Oaths of Office**

- Council-Elect David Hines
- Council-Elect Dylan Tillett

**Garriss:** *Stand there and just repeat after me, please. I, state your name.*

**Hines:** *I, David Hines.*

**Garriss:** *Do swear that I will and do swear that I will well and truly execute the duties Town Council Member according to the best of my skill and authority, according to the law; so, help me God. So, say I do.*

**Hines:** *I do.*

**Garriss:** *I, state your name.*

**Hines:** *David Hines.*

**Garriss:** *Do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties as a Town Council Member for the Town of Kitty Hawk; so, help me God.*

**Hines:** *I do.*

**Garriss:** *Congratulations. Dylan, are you ready?*

**Tillett:** *Yes.*

**Garriss:** *I, state your name.*

**Tillett:** *Dylan Tillett.*

**Garriss:** *Do swear that I will and do swear that I will well and truly execute the duties Town Council Member according to the best of my skill and authority, according to the law; so, help me God. So, say I do.*

**Garriss:** *I, state your name.*

**Tillett:** *Dylan Tillett.*

**Garriss:** *Do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties as a Town Council Member for the Town of Kitty Hawk; so, help me God. So, say I do.*

**Tillett:** *I do.*

**Garriss:** *Congratulations. That made the whole night worthwhile. Okay folks, we are going to take just a short recess to allow Dylan to come up and take his seat and get rearranged just about five minutes.*

## **6. Brief Recess/Reconvene**

## **7. Remarks by Newly Elected Councilmembers**

**Garriss:** *Okay, folks, thank you for bearing with us. We are back in session. Remarks from David Hines: David, do you have any remarks for us, my friend?*

**Hines:** *I don't have a whole lot this evening just like to thank everybody for giving me another chance to sit up here for four more years. But I thank everybody for coming out. I welcome Dylan.*

**Garriss:** *Dylan?*

**Tillett:** *Thank you, Mr. Mayor. Sitting up here is a tremendous honor. I love this town, and I love the people in this town. I have always been inspired to one day become a town councilman. It's an honor to finally have that opportunity. First of all, I would like to thank Miss Lynne for her tireless efforts and her commitment to the Town of Kitty Hawk. I know I have big shoes to fill sitting in this seat. Secondly, I would like to thank the voters of Kitty Hawk. I stood outside the Town Hall for the majority of the day on election day. I was truly surprised by the number of folks who showed up to vote. I enjoyed talking to each and every one of you who came up and spoke to the candidates that day. Lastly, I would like to thank my wife, my family, and my friends for supporting me in achieving this goal. Many of you in this room tonight know me well, and I appreciate you all being here. I look forward to working with the Town, the Mayor, and members of this Council. I look forward to being a bigger part of this community. Thank you.*

**Garriss:** *Good job, Dylan. Lynne McClean, could you come up front, please?*

## **8. Presentation for former Councilwoman Lynne McClean**

**Garriss:** *You thought you had escaped, didn't you?*

**McLean:** *I had hoped.*

**Garriss:** *I am going to miss this lady right here. You were a planning board alternate for four years. A permanent or full-time planning board member for two years and you were chairman for at the end of that, correct? You have been a Town Council member for eight years, correct? You are currently the town's representative for the Dare County Land Transfer Tax Appeals Board. She is also the Albemarle Commission Transportation Committee Advisory; you are on that board, too. We have a gift for you, but I want to say something before you leave. Why don't you come up? Lynne and I talk a lot, and we text a lot. I learned very quickly if Lynne texts me and says, "Have you got a minute?" I learned if I was not already sitting, I needed to find a chair. It was not going to be a short conversation. We would start off talking about the town, but we would end up talking about other things. That is how much Lynne thinks of this Town and Kitty Hawk and the people in it. If there was something she didn't understand we were going to vote on, she would say, "have you got a minute"? If it was something she wanted to vent to me, "Hey, have you got a minute?" If she wanted to call and talk to me about something else, "have you got a minute"? I would always say yes. But again, they were not short conversations. Lynne, we love you, we will miss you, and we thank you for everything you have done for this town. You and Tom both have done so much for this town over the years. We got a gift card for you there. Don't spend it all in one place. We thank you for what you have done for the Town of Kitty Hawk. Thank you.*

**Garriss:** *Okay, remember item nine has been removed from the consent agenda.*

## **9. Presentation to Kitty Hawk Police Department from FBI-LEEDA – Removed from the agenda**

### **10. Thank you to Sandy Myers - The voice and face of the Town 21.5 Years**

**Garriss:** *Item number 10, I hope you will all jump in here too. Sandy Myers, who is the face of our front desk, is retiring after 21 and a half years. If you came to this Town Hall to do any business, you went to the front door and turned left, and there was Sandy and her smiling face dealing with you. We are going to miss her; I was hoping she was going to be here tonight, but she is not. We are going to miss you, Sandy. You have done so much, and I can only say I hope you enjoy that new grandbaby because every time you showed me a picture whenever I would come in here, she would say, let me show you the recent picture. Wonderful, so Sandy, again, we thank you for what you have done for the town. You have been wonderful, and we wish you the best of luck. Please stop by to visit if you are watching for visiting. Charlotte? Is there anything you would like to say about Sandy?*

**Walker:** *Yes, goodness, Sandy just takes care of so many things. It's always been said that if you don't know how much somebody does until, they stop doing it. I appreciate her very much. She gets the town birthday cards out every month, and she does those quite a bit. I will miss Sandy.*

**Garriss:** *Jeff?*

**Pruitt:** *Now I, too, will miss Sandy. I look back during the COVID days when things were really difficult here in the town to do business, and Sandy stayed right there at the front desk where a lot of other towns shut down and did other things. The Town of Kitty Hawk kept going, and Sandy held the fort down for us during the pandemic. For twenty-one and half years other than that, but thank you very much, Sandy.*

**Garriss:** *Thank you, Dylan?*

**Tillett:** *Ever since I can remember, Sandy's been at the front desk, and I want to thank her for her service to the town and all she has done for the town.*

**Garriss:** *Thank you, David?*

**Hines:** *I just want to comment that every time I was here, no matter what was going on, she was just pleasant every time. I will say this: I would randomly see her on a ferry to Ocracoke; I don't know why, but I knew not to talk about anything about the town. But I am going to miss Sandy. She did a great job.*

**11. Public Comment.** The public is invited to address the town council on any topic. Please sign up with the Town Clerk before the meeting, and when your name is called, come forward and speak into the microphone at the lectern. Please limit comments to 3 minutes.

**Garriss:** *Thank you, David. Okay, folks, next, we have public comment. Laura, has anyone signed up for public comment?*

**Walker, Laura:** *Yes, sir, Gary Perry.*

**Garriss:** *Mr. Perry, come on up.*

**Garriss:** *Mr. Perry, come on up. May I ask you all to stick to three minutes for your comment? If, for example, you have a group of people and you would like to send a spokesman up front, that's allowable, too.*

**Mr. Perry:** *Gee, I did not know that. My comments deal with the West Village and things associated with it. I am going to go ahead and speak as if that was still on the agenda because that is the way I have written it up. Good evening, Mayor, and Council; my name is Gary Perry, and my address is 3831 Herbert Perry Road, Kitty Hawk. It's getting crowded at the end of my road. Anyone that might want to understand what the front of the subdivision can bring to the village needs only to drive down to the end of my road. The proposed subdivision before you tonight have been problematic from the first introduction to Council. Although passed the first time, it came back a second time due to problems and revisions. Original problems plus additional questions tabled the second version, awaiting some answers from the planner. This was before Rob Testerman. The council never received answers to the questions, I suppose, because the subdivision deal fell apart. Any citizen wanting to understand what occurred, the minutes of the*

*meeting December 2, 2013, and June 2, 2014, are available on the town's website; you will find them informative. Tonight, you are faced with much the same issues as previous, except the Text Amendment recently passed seems to be deemed moot because of wording. Remembering the oft-voiced word, so if former councilwoman and English major, Emily Klutz's words matter. To that end, she single-handedly went through the town code, making many corrections. I stand before you and add to her statement that words have no meaning unless intent of purpose is revealed in the subject matter. The intent of the recent text amendment was intended to bring 404 wetland building set back in alignment with CAMA set back requirements. Holding the line on high-density residential lots was voiced very clearly to the Council. If Town Planner and Town Legal Council did not review the wording submitted by a town citizen for clarity of intent and correction, then Council and citizens have been improperly served. There is some bull dust surrounding the issue, Council must address the issue. Before passing the subdivision plat, questions asked at the June 2, 2014, Council meeting minutes should also be answered and put in the record. Thank you.*

**Garriss:** *Thank you very much. Laura?*

**Walker, Laura:** *Wade Tillett.*

**Garriss:** *Come on up, Wade. Folks, these public comment periods are for anything you want to talk about, but I know what you want to talk about, Wade.*

**Tillett, Wade:** *Yes, Sir. My name is Wade Tillett; I was born and raised in Kitty Hawk Village. I honestly wasn't planning on speaking at all, but I have a friend of mine here, and he said, Wade, you need to speak. Then, all of a sudden, the engineers all left. But do I need to speak into this thing?*

**Garriss:** *Yes.*

**Tillett, Wade:** *The topic I am talking about is the Subdivision that Mr. Gary Perry was just talking about. I was born and raised hunting and trapping on that ridge, and I do equipment work. The slope of that stuff keeps wanting the same trees. It's really, really, really hard to do a big landscape on those ridges without harming anything around it. If you go up six or eight inches of a tree trunk, it will kill it. Those lots are so small; by the time you get the house, the septic system, and the driveway going to the house, that is the lot. There are two subdivisions to the east and west of it, and those lots are nice. They are big, and I understand that they have got to do x amount of property to make the subdivision profitable, but I wish I know that ridge can be developed someday but I just hope that they can do it at a reasonable standard. Anyways, that was just off the hip. It's an honor to see you all, and I appreciate you all's time.*

**Garriss:** *Thank you, Laura?*

**Walker, Laura:** *Amy Wells.*

**Garriss:** *Come on up, Miss Amy.*

**Wells:** *Thank you for allowing me to speak. My name is Amy Wells, and I live on Herbert Perry Road, just a few houses down from Gary Perry, our former mayor. And I would like to second everything he said. I would like to speak about our text amendment and the West Village Subdivision, even though it is not on the agenda. I am so glad everybody came out here tonight because I think it is a good opportunity to have a lot of things said, have a lot of things exposed, and maybe get to come clarity about our amendment. I think we ask and expect our Town Council to show some leadership, strength, and character. If somebody did not understand that amendment, they should have said something. Because I think most of the people who are here again tonight. I think it was clear for all of us here tonight, or most of us that were here the majority, certainly that it meant a continuous piece of high ground, so if you didn't get that message or intent, you either weren't listening or there is some disingenuous vote. Because it was a unanimous vote. I'm not sure where the misunderstanding occurred but I would like somebody to find out and clarify. The other thing I want to say is I don't think anyone of us do not want Mr. Scarborough, the seller or the developer, to get his money and sell his property. That is not the intent. It is a beautiful piece of land. I am not sure it is the highest and best use to divided into 30/27 smaller parcels of land. He's probably not even getting what it is worth. But I think it is a disservice to all of us to keep coming out. It's a disservice to him as the seller; it's a disservice to the buyer to have this wishy-washy policy or text; it needs to be clear to everybody. I think it is only fair to all of us for somebody to make this clear and get the policy straight. There is some little bit of confusion or concern about the subdivision itself, but since we are not talking about that tonight, I want to go into that. But I think all of us have concerns about the traffic, the road, and the sharp turn. There are even some questions about some fire code issues; there are supposed to be two fire apparatus access routes, and they are not there. Thank you.*

**Garriss:** *Laura?*

**Walker, Laura:** *You have one written statement that was sent in; that is all I have.*

**Garriss:** *Yes, is there anyone else?*

**Walker, Laura:** *That is all I have.*

**Garriss:** *Thank you. Anyone else would like to speak on any matter? I've got an email that came in late that would like his email to read into the record regarding the subdivision. Anyone else? Thank you.*

*For the record:*

*My name is Robert Moody, and I own a home at 4340 Ridge Road, Kitty Hawk, NC 27949. I have been an occasional resident along with several family members and friends since 2008. I wish to address a concern about the development of the West Village Subdivision currently under consideration. Specifically, a development of this size could have a significant negative impact on both the local infrastructure that residents rely on as well as the "charm" of a small, well-planned community and the comforts we all enjoy now. As to the impact on infrastructure, as a homeowner and a retired career firefighter with over 32 years in that profession, I am acutely aware of the limited water supply available for both a potable water supply for domestic use and, specifically, the water necessary for adequate firefighting operations. An example of the strain on current firefighting that I can remember occurred several years ago. A house fire in Kitty Hawk*



*Landing resulted in a "smoking hole in the ground" in spite of the best efforts of the responding units and personnel. Firefighters had an inadequate water supply to address the fire load of the wood frame home involved. That loss was due, in part, to that inadequacy. I'm sure there were other factors involved and I am also sure that there have been other examples that I am not able to address. The point is that the existing water supply is barely adequate to meet the demands as they are today. The infusion of a potential 54 new households would strain the capacity even more. As a homeowner, any development that further strains that limited resource is of great concern to me. Either we will watch as our water supply is stretched further, or we will be taxed in our pocketbooks with the cost to upgrade that vital resource to meet that abruptly increased need. As both a retiree and as a homeowner, I can little afford either of these outcomes. I encourage the Council to reconsider any decision to allow this development to move forward. Respectfully submitted. Thank you for your consideration. Again, anyone else would like to speak in public comment. Let the record show no one else. Ma'am, sure you can.*

**Morgan, Katie:** *My name is Katie Morgan. I am from 101 Maddox Crossing; I am actually in Collington. I am also speaking about the same development. From what I have seen, the same development has come before board in 2013, 2014, and 2015. Mayor Garriss was quoted in 2014 as saying, "I have a big concern about this development being built in that location." In 2015, Mayor Perry motioned to deny this development for multiple reasons, part of which was the intense quantity of proposed to build areas for the road and individual lots was inconsistent with the land use plan and will have a negative impact upon water quality to adjacent canals and natural streams that empty into Kitty Hawk Bay a habitat to maturing shrimp, crab and numerous fish species, Mayor Garriss seconded this motion in 2015. To fast forward to today or whenever we vote on this, it's the same development in the same location. Had the developer ever gone to the site after heavy rain or a nor'easter? I drove by the proposed site the other day, and it's sopping wet. There was just a marsh text amendment past this year by the town council to help not let these types of developments happen in this exact type of area. My real question, I guess, is, what has changed? Why are we bending over backwards for these developers when it is so obviously wrong? Everyone in the room knows how bad floods are in this area. I just don't understand. To top it all off, there is an active bald eagle's nest in the area that they want to irresponsibly develop. There is a Golden and Bald Eagle Act requiring a permit process that the developer has to go through. I feel like they have to get that before an ethical decision can be made whether they are going to approve or deny it. I have alerted multiple people about the eagle's nest at all levels from federal to local government. So, I ask the Council to please consider why you are elected. To be a voice for the citizens and not to be bullied by developers. Thank you.*

**Garriss:** *Would anyone else like to speak tonight?*

**Snyder, Noah:** *Yes, I would.*

**Garriss:** *State your name and address, please.*

**Snyder, Noah:** *Noah Snyder, address is 4433 Ridge Road. I just found out about this, so I do not have anything written or anything like that, so I am just going to speak from my thoughts. Twiddyville got put in Kitty Hawk, and I've seen the impacts of that through the wetlands, the*

wildlife, the traffic. Up and down the road, which was a development that is not as big as this one. But it's a pretty good size, and the impacts of that have been felt all the way around, so I have seen it with my own eyes. It's definitely going to have an impact. I think some of the decisions that you might think are good could end up being not good. That's just what I have seen; it's been an issue that all of us down the road have dealt with. Hopefully, that can carry some weight in you' all's decision. Thank you.

**Garriss:** Thank you so much, sir. Anyone else? You would like to speak. Common up, sir. Please state your name and address, sir.

**Reece, Eric:** My name is Eric Reece. I live at 4147 Bob Perry Road. I actually emailed you all, and the only thing I wanted to say was that I have seen this come up in Kill Devil Hills and Nags Head, and what it comes down to is everybody is here this time, and they will be next time and for the rate of development that goes on here. All of you all live in Kitty Hawk. Some of the town personnel also live in Kitty Hawk, and some don't. But you all care about what goes on, and you all live here for a reason, and I said this the last time, is we are all trying to preserve the specialness of our place, and we all love our place. And we might argue about this particular development being developed in this particular way. But the crux of the matter is the weight of development. I am sure most, if not all, of the people here, are here because they are not looking for this place to be developed as fast as possible. We are trying to slow it down. A parcel that could be six lots, we know engineers, and we know that they can figure that out, and we know that lawyers speak a certain language that we are not privy to, and there is always little avenues around that, so if the text amendment is not exactly perfectly right, there's guys that can figure a way around it. We, as regular citizens, can only vote for the people that represent the spirit of what we are looking for. I feel like everybody we have elected and everyone that I talk to really wants to preserve the sanctity of this area, a place that has six houses. Six houses are not going to affect the entire town. You take that six-house lot, whatever that size is, and you figure out a way to put 38 houses on there, 26 it changes the essence. That is one place; after that, it will be next to Walmart, after that will be the next piece of undeveloped property until every single undeveloped lot is developed. We know that that is coming eventually. But it could come at a slower rate. One house, two houses, not 48 houses. I grant that the lawyers and the engineers are smart as whips, and they will figure out the narrow thing but look at the overall picture. Thank you.

**Garriss:** Anyone else would like to speak tonight? Okay, let the record show no one else chose to speak; thank you. Council, I need a motion to approve tonight's consent agenda.

**Hines:** So, moved.

**Garriss:** Motion made by David, seconded?

**Walker:** Second.

**Garriss:** Second by Charlotte. All in favor?

**All Council:** Aye.

**Garriss:** *All opposed? We had no items removed from the consent agenda. Planning, Rob, text amendment regarding a matter that was tabled at the last meeting.*

**12. Consent Agenda.** Items on the consent agenda are non-controversial, routine in nature, or items not requiring a presentation to or discussion by the town council to be considered. Any item may be removed for discussion by the Council or by any member of the audience who wants to hear the item presented and discussed.

c.) Approval of November 2023 Council Minutes. *(Approval of the consent agenda will approve these minutes.)*

d.) Financial Statements – as of October 31, 2023

### **12a. Items Removed from the Consent Agenda**

### **13. Planning**

c) Text Amendment Sec.: 42-414.- Proposed amendment would define and allow mini-warehouse storage facilities as a special use in the Planned Commercial Development overlay districts.

**Testerman, Rob:** *All right, this is resuming the voting for 42-414.b specific special uses. It's to allow a mini warehouse for special use in the planned commercial development. I won't run through the entire staff report because I know you guys talked about it in the last month when I was unable to be here, but at that meeting, there were some concerns raised which needed some additional answers. One of them was related to the signage. The proposed language would prohibit any customer or tenant from utilizing storage space in the building, from utilizing their own signage on the building or any kind of advertising signage. Typically, with these types of commercial developments, other businesses, contractors, plumbers, what have you, rent some of the storage units to store some materials in. This language is just saying those businesses will not be able to put a sign advertising that their business is in that location. That is covered in section b4b, where it states Tennant Identification signs and advertising signs are prohibited. All signs shall compliment the exterior building design and construction, all building signs shall be consistent with division 3, which is our sign ordinance. Next part is from my viewing of the videos. If there is anything else that needs to be addressed, I can try to answer them on the fly for you here. Another issue that was raised dealt with these types of businesses that may use this type of facility for storage, as I was just talking about. I took it from the video; Council wanted to ensure businesses that are utilizing space would simply be for storage and would not be using it for holding meetings, office space, and what have you. I've inserted language the applicant has agreed to stating that the mini-warehouse facilities shall not be used as a base of operations for any business or Tennant utilizing storage space within the facility. Those were the two specific concerns I heard in the meeting. If there is anything else I can try to answer, the applicant is on hand as well.*

**Garriss:** *Thank you, Rob. Jeff, I know you had some concerns as well.*

**Pruitt:** *They answered mine.*

**Garriss:** *Okay. Anybody else have any comments or questions for Rob?*

**Testerman, Rob:** *I guess I will note also through conversation I have heard about that there was concern some of the exterior of storage warehouses you see chain link fence with campers and boats and trailers all stored. There is language in section A that says that keeping stored or parking any type of motor vehicle or equipment outdoors is prohibited, so that would be something. If they ever did drive by or we get a complaint that there is a camper being stored there, it would fall under the code enforcement, and we could address it that way.*

**Garriss:** *Yeah, we do not want that. Thank you, Rob.*

**Tillett:** *Rob, I have one question for you. In your staff report, it says the town has a similar use mini facility in the VC2 district. Do you anticipate this use as far as design constraints? Do you anticipate following the same design constraints and minimum parking requirements? Items like that for this new use?*

**Testerman:** *Yes, for minimum parking and typical lot coverage would apply to it where we don't have a specific minimum parking requirement in there specifically, we would fall back to the most similar use which would be the warehouse.*

**Garriss:** *Does that answer your question, Dylan?*

**Tillett:** *Yes, sir.*

**Garriss:** *Okay, any more questions? No? Council, I will entertain a motion?*

**Hines:** *I should be able to comment, so by what we are doing tonight, it's not necessarily approving the entire project. It's just giving affording the opportunity to move to the next phase, is that correct?*

**Testerman:** *Correct, so this is just a text amendment that would allow them to put this as an allowed special use in the zoning ordinance. So if the applicant wanted to move forward if it gets approved, the next step would be applying for the special use permit, which would be the specific site review and as part of a planned commercial development, they already have a conceptual site plan approved for it so they would have to modify the conceptual site plan at that stage also.*

**Hines:** *Does that go back to the planning board or come back here?*

**Testerman:** *Yes, it goes back to the planning board and then back here.*

**Garriss:** *Cleared up for you, David?*

**Hines:** *Yes, thank you, sir.*

**Garriss:** *Any more questions for Rob?*

**Walker:** *No, that was my question.*

**Garriss:** *Okay, Council, I will entertain a motion? Motion from anybody. If not, I will make it. I move to approve the proposed text amendment Section 42-1, 42-414.B defining the meaning warehouse and allowing them special use in the plan commercial overlay districts as presented in this staff*

report. Town Council has found this proposal to be consistent with the town's adopted land use plan. Do I have a second?

**Tillett:** *Second.*

**Garriss:** *Second by Dylan; any further discussion? All in favor?*

**All Council:** *Aye.*

**Garriss:** *All opposed? Okay, motion carried. Thank you, Rob.*

**Pruitt:** *Brings back pretty building.*

- d) West Village Subdivision – applicant proposes a 27-lot subdivision off of West Kitty Hawk Road – Removed from the agenda.

#### **14. New Business**

**Garriss:** *okay, we have no further new business. Town Manager, Miss Melody, it's your turn.*

#### **15. Reports/General Comments from Town Manager**

**Clopton:** *Yes, sir, I just have a few things this evening. I wanted to let everybody know the Local Advisory Committee Meeting for the Kitty Hawk Woods Reserve is scheduled for December 14 at 2:00 pm here at Town Hall. Agenda topics include Infrastructure Updates, Visitor Use Study, Recent Community events, and the 2024 NC Coastal Reserve Undergraduate Internship and Reconnection of Fire Access Road Trail. The public is invited to attend this meeting.*

**Garriss:** *What's that time again, Melody?*

**Clopton:** *Two o'clock. And Staff and I are excited to present the First Ever Town of Kitty Hawk, Santa's Motorcade, which will be held on Wednesday, December 20, leaving Town Hall at 6:00 pm. All the Town Departments are participating. There's going to be reindeer and elves and all kinds of things. Santa will be on board, and we will be providing sweet treats along the way. We have a route that we will be releasing soon, and we will have stops for everyone to visit at Jejac Street and W. Tateway Road, Hilton Garden Inn, Winsor Place, and Birch Lane and Rogers Street and Ridge Road. So, we hope that everybody will enjoy it with us and come out and participate. We are very excited. And lastly, I just want to remind everybody that New Year's Day falls on the first Monday of January, so our Town Council meeting in 2024 will be on the second Monday, which is January 8. That's all I have.*

**Garriss:** *Thank you, Melody. Casey?*

#### **16. Reports/General Comments from Town Attorney**

**Varnell:** *Mayor, I would just add that Councilman Hines made that motion earlier where he had discussed some ordinance provisions that we have on that subdivision approval that was removed from the agenda. That was based on 38-36; it's also the exact same language that is contained in*

*the 38-48, and what it's essentially stating is that the planning board, but in this case, you guys are sitting as the planning board because it was denied. So, it comes to you in that exact same capacity, essentially. But so, it correlates to you guys being able to request essentially any and all reports from officials or agencies directly affected by the proposed development. Your mayor, for example, specifically named the county school superintendent, and then-Councilman Hines falls under any and all other agencies that are affected, so just wanted to clarify where the authority for the motion itself was coming from. And the key there is that before acting on the plat, these reports may be requested. So, that was the appropriate time to request before it ever gets to you guys.*

**Garriss:** *Okay, Thank you, Casey. David?*

### **17. Reports/General Comments from Town Council**

**Hines:** *I am going to add on to that a little bit. The reason I requested that to be done was because of the phone calls I received from residents about traffic and other concerns. So, I feel it is owed to them to get as much information as we can provide them with as well. I would also like to see if our Fire Department can check if six hydrants are enough. This is all information that people, residents need to have, and so does Council. So, I am glad it was removed for tonight. I think there are too many open things that need to be learned.*

**Garriss:** *And this, as you were saying, this Council makes decisions based on facts. We have to have the facts in front of us. That's what we, everything we vote on, deal with: facts, not just speculation. I am glad you made that motion so we can get some more information. That's very good. Dylan?*

**Tillett:** *I have nothing else, Mr. Mayor; just want to wish everyone safe travels throughout the holidays at the end of this month and Merry Christmas to everybody. We will see you in January, and again, it's an honor to be here.*

**Hines:** *One more thing I failed to add, Lynne, I am going to miss you sitting up here, and you can still text, "Do you have a minute?" I will still be sitting down when you do. Thank you.*

**Garriss:** *Trust me, if you are not sitting down, do it.*

**Hines:** *I sat in the Harris Teeter parking lot for an hour. I am going to miss you.*

**Garriss:** *Me too. We all will. Jeff?*

**Pruitt:** *Yeah, Lynne, what a ride. You started when I tried to make up my mind when I was going to run for Town Council. I said I am going to need some help, Lynne said let's go. Thank you, Lynne, and thank you for let's going ever since. Dylan, way to go, buddy. I appreciate you sticking your family and yourself out on the limb. I really appealed it. All right, now I am not going to go into this subdivision; I am going back to our text amendment. Cause that is where I think we need to start. These people have been coming and coming here over and over. They started in December of, when did they start December 2, 2013, the first day I was elected on Town Council. June 2,*

2014, here they are back, they have been back over and over and over. Some of the same questions that were asked all the way back, December 2, 2013, have yet to be answered. To me or to any of you all. You all haven't heard the answers; I have not either. I believe the text amendment you all brought forward to this Town Council; I believe in the intent that you brought it forth. The intent was for us to have one buildable lot of 15,000 square feet. David and I talked about, hey, if you like the few hundred feet, could you use your fill permit to make the few hundred foot to make that a part of that lot. We agreed that that is a great idea, that's fine. It goes all the way back to Gary Perry wanted to know about pumping septic from one lot to another. He was told by Joe Heard we could do that, and nothing ever changed since then. I want to get to the bottom of the text amendment. I believe the intent was there. I feel like we have kicked the can tonight, and that's fine. But we owe you all the answers, and I am going to get to the bottom of it. I am starting as soon as I can. Next time you show up here, you deserve some answers, and I hope you get them. That's all I have to say.

**Garriss:** Thank you, Jeff. Charlotte?

**Walker:** Tonight, there's been a lot of talk about our chairs up here. Lynne talked about her chair, and Dylan talked about his chair. Well, this is more than a chair to me, this is so important to me. My mission from this minute on is to get this amendment clarified and taken care of. So, I am on it, and I appreciate you all's patience.

**Garriss:** Thank you, Charlotte. Those were great comments by the Council. Thank you. Thank you, Casey, for your input. This is our last meeting for 2023. It's gone by quick, hasn't it Charlotte? We won't be back, someone said earlier. I just want to wish everybody a Merry Christmas. Our Staff, again, is above none other. They have done great work with the same amount of personnel and, in fact, sometimes with fewer personnel than they normally do during the summer. Thank you all, Police, Public Works, Willie is great, Fire, and Town Staff. In fact, we have had some changes here, and we are dealing with it. Melody, thank you for everything you are doing here.

**Clopton:** My pleasure.

**Garriss:** And again, Happy New Year; we will be back January 8. If no one has anything else, I'll entertain a motion to...

**Hines:** I have a comment. I slid a note over to Dylan to ask if he was having fun yet.

**Garriss:** Wait until he gets a whole meeting. Council, I need a motion to adjourn.

**Hines:** So, moved.

**Walker:** Second.

**Garriss:** Second by Charlotte, all in favor?

**All Council:** Aye.

**18. Adjourn at 6:56 pm**

These minutes were approved at the January 8, 2024, council meeting.

  
D. Craig Garriss, Mayor