



MINUTES OF THE KITTY HAWK TOWN COUNCIL MEETING

February 5, 2024

ELIZABETH A. SMITH ROOM, KITTY HAWK TOWN HALL
6:00 PM

TOWN COUNCIL PRESENT:

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

TOWN PERSONNEL PRESENT:

Town Manager Melody Clopton, Town Attorney Casey Varnell, Administrative Service Director Laura Walker, Town Clerk/PIO Kristi Fellenstein, Police Chief Mike Palkovics, Director of Planning and Inspections Rob Testerman, Public Works Director Willie Midgett, and Police Lieutenant James Helms.

SAFETY BRIEFING

Town Manager Melody Clopton directed those in attendance to view the Smith Room and Town Hall safety briefing. Following review, Mayor Garriss called the meeting to order.

CALL TO ORDER

Mayor Craig Garriss called the Kitty Hawk Town Council meeting to order on Monday, February 5, 2024, at 6:00 PM. Mayor Garriss thanked everyone for coming in person and for watching live at home.

MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

Mayor Craig Garriss asked Members of the Council and Citizens in attendance to join him for

a moment of silence and reciting the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Garriss asked for a motion to approve the agenda. A motion was made by Councilman Hines and seconded by Councilwoman Walker. The motion passed unanimously.

Mayor Garriss announced that Town Attorney Casey Varnell was delayed in a Superior Court Case but is on his way to the Council meeting.

PUBLIC COMMENT

Mayor Garriss opened the floor for public comment. The public is invited to address the Town Council on any topic at these forums.

Ms. Sue Walters of 3914 Ivy Lane came forward to offer public comment. She thanked the Council for the opportunity to discuss the flooding on Ivy Lane. Ms. Walters shared highlights from the past year. She noted that in 2022, the neighborhood saw major changes, with a new home built four feet above everyone else. Additionally, two lots became bulkheaded, which was good for the properties but not for the road. Ms. Walters stated this request isn't being made by Kitty Hawk Landing, HOA. She noted that the Town approved and authorized remediation for flooding on Tackle Ridge, which is another artery within Kitty Hawk Landing. There was no record of funding given to the HOA at that time. It's been six months since the neighborhood last presented. The roads are still a concern. There is a fair amount of deterioration and cracks on the road. The ends of driveways with standing water have grown from one or two to many more. Standing water is standing for a longer time.

Ms. Walters noted remediation would be helpful to the road system. The potent small storms that come in much more frequently with westerly winds seem to have higher wind gusts and longer sustained winds. We were lucky this year. I ask for your help again. She shared concerns of high anxiety before every storm. She stated she looks forward to our partnership on this.

Mayor Pro Tem Pruitt requested confirmation of Ms. Walters' address. Ms. Walters confirmed "3914 Ivy Lane." Mayor Garriss thanked Ms. Walters for her comment and called up Ms. Midgett.

Ms. Diane Midgett of 1101 West Kitty Hawk Road came forward to offer a public comment: Ms. Midgett thanked Mayor Pro Tem Pruitt for coming in person to view her property and the issues she has had following the bridge renovation on Kitty Hawk Road. She commented on her work to clean out brush and debris growing near the bridge and reported the instability of the bridge to NCDOT. She was all for the bridge being put in, but the effect it has had on her property is negative, devastating, and unexpected. She noted that when her

property goes underwater, it will cause a domino effect and will cause more problems for neighboring properties. She noted emphatically that the flooding needs to be addressed before any consideration of sidewalks or parks.

Mayor Garriss thanked Ms. Midgett and noted there was no further public comment.

CONSENT AGENDA

- JANUARY 8, 2024, TOWN COUNCIL MINUTES
- FY23-24 BUDGET AMENDMENT #8 GENERAL FUND, TOWN LAND USE UPDATE PROJECT- COMPLETED. The Town entered into an agreement with Stewart Engineering Inc. to update the Land Use Plan. The project started in October 2022 (FY2022-2023) and was completed in November 2023 (FY2023-2024). Total Contract \$102,814.
- FY 23-24 BUDGET AMENDMENT #9-General Fund, Legal Settlement, Town of Kitty Hawk vs James Ray Watts. This budget amendment allocates funds to the expense account for the Settlement payment.
- FY 23-24 BUDGET AMENDMENT #10-General Fund & Capital Reserve Fund, Transfer from Capital Reserve to General Fund. The purpose of this budget amendment is to transfer funds from the capital reserve beach nourishment for repairs at the Byrd Street access observation deck.
- RESOLUTION OPPOSING A HOMEOWNERS' INSURANCE RATE INCREASE. Requested by the North Carolina Rate Bureau. Kitty Hawk Town Council has adopted a resolution opposing the proposed Home Insurance Rate Increase by the NC Rate Bureau.
- FY 23-24 BUDGET AMENDMENT #11-General Fund, Interest Earnings, Project: Turn-Key Access Control System. The purpose of this budget amendment is to allocate unexpected interest earnings to the Key access control system project at the listed facilities: 1) Town Hall, 2) Fire Station, 3) Public Works
- AUTHORIZATION OF CONTRACT: Key Access Security System Contract: Staff requests authorization to enter into a contract with KDH Fire and Security for the installation of key card door accesses and software at Town Hall, Public Works, and the Fire Department. The cost of the project is approximately \$96,000.00.

- **BID AWARD FOR ROADWAY REPAIR AND RESURFACING.** Staff is recommending the bid be awarded to CD Rose Construction for the amount of \$98,399. The roads requiring work are Ivy Lane, Thick Ridge Road, Winsor Place, and Poplar Court.

Mayor Garriss called for a motion to approve the Consent Agenda.

The motion was presented by Councilman Hines and seconded by Councilwoman Walker.

ITEMS REMOVED FROM CONSENT AGENDA

Mayor Garriss informed the Council that no items were removed from the Consent Agenda.

OLD BUSINESS

SOUTHERN PORTION OF IVY LANE DRAINAGE EVALUATION

Presentation By: John DeLucia of Albemarle & Associates

John DeLucia of Albemarle & Associates introduced himself and noted that he resides in Kitty Hawk Landing, and shared he is fully aware of what transpires relative to flooding. Mr. DeLucia noted he met with homeowners and presented a color-coded map prepared with input from citizens. He thanked members of the community who participated. He shared with the Council that there are no outlets along the roadway. He noted that if you have an existing pipe that goes into the sound, you are typically allowed to make modifications. There are no pipes in this case, so it would be very difficult to receive CAMA approval. The roadways are lower than the vegetation. The lots have built up, and the water cannot drain. He commented that there is a price to pay to live near the water. He complimented DOT for their work on Kitty Hawk Road in raising the road. He mentioned that there are now inches of water rather than feet of water standing following a storm. He shared some of the pictures and videos residents have submitted and again thanked them for their cooperation. He addressed some of the citizens' suggestions, noting issues with ditches and putting culverts under driveways. He also noted that there is no place to put the ditch to eliminate the water, and this option is not very practical.

Mayor Garriss noted that he drove through the area with Mayor Pro Tem, Pruitt, and Mr. Midgett of Public Works and discussed swales, culverts, and ditches. They talked about what would happen to all the citizens' landscaping. As a result of that meeting, they decided to connect with Mr. DeLucia.

Mr. DeLucia noted there are a couple of things we recommend to make the situation better. It will not make it perfect. One of the recommendations is to create infiltration swales

between the driveways. To create the swale, the edge of the pavement would be shaved and would gently drop about eighteen inches to the right of way. It would be a gradual slope that is shallow enough so that the right of way could still be utilized for parking. It would give us more volume and take some of the water off the road more quickly. The flooding we see in The Landing is a safety concern. Driving cars through salt water is tough, and it's not good for the vehicles. Mr. DeLucia also noted several areas where lot line swales could be utilized. This would move water and be closer to the canal.

He further said he wouldn't touch any driveways, and he would try to get the swales below the driveway elevation so the water would run from the driveways and onto the sides. Short of that measure, Mr. DeLucia noted that he is unclear as to what else can be done. He recommended that citizens who live in flood-prone areas should prepare their homes and garages in advance by moving important items off the ground and select finishes that are more resilient to flooding.

Mayor Pro Tem Pruitt asked to view the coded map and noted that when he visited the neighborhood on January 11, 2024, during a storm event, the water was crashing across the bulkhead. He noted water was moving quickly down the road at the end of the cul de sac. He questioned if we could do something to increase the volume of water moving through that area as it is owned by the State of North Carolina and managed by the Coastal Reserve. Mr. DeLucia stated CAMA and the Coastal Reserve would likely not approve any outfall in that area. He said by clipping the shoulders, cutting the grass out, and lowering the grade, we will have a lot more water coming off the road, which may increase the flow slightly. It would also get the water off the pavement. Mr. DeLucia stated he wished we had several outfall pipes in this area, but we do not. Mayor Pro Tem Pruitt stated he feels if this is on private property, it is going to be a hard sell to get all parties to approve the utilization of the areas. Mr. DeLucia stated most of the work would be completed in the right of way.

Councilman Hines asked if there was a way to utilize the space between two property lines on the west end of the affected area. Mr. DeLucia stated it was possible, but it would be subject to CAMA regulations, and we would need to seek their approval of anything going within 75 feet of the water. The right-of-way swales along the road would not need CAMA approval. Mr. DeLucia stated when you are trying to get more infiltration area from a couple of inches of water standing on the road, and the shoulders are too high, it is a very slow process. If the water can run off the road into some 15-foot-wide depressed area, it will disperse more rapidly.

Councilman Tillett asked Mr. DeLucia to explain the green and red "x's" on the map. Mr. DeLucia stated this was a system the property owners came up with. The red indicated where the house floods occasionally, and the green showed where the driveways have standing water. Councilman Tillett confirmed with Mr. DeLucia that this portion of Ivy Lane was Town of Kitty Hawk right of way. Mr. DeLucia stated it was at least 50 feet right of way,

and the septic system is supposed to be at least 10 feet away from the right of way. He noted that the swales should not affect septic systems. Mayor Pro Tem Pruitt verified this project would affect 15 to 16 properties. Mr. DeLucia added that for property owners who currently have piping on their property, we may be able to get CAMA's permission to upsize those pipes. Mayor Garriss called Public Works Director Willie Midgett for his input and stated he deferred to Mr. DeLucia. Mr. Midgett further discussed his support for scraping the shoulders, feeling it would be the best way to go. Mayor Garriss stated maybe we should start with the scraping. Mayor Pro Tem Pruitt asked if people in this neighborhood would support something like this. Mayor Garriss asked if we could do a quick survey with a turnaround time. The council expressed concerns about completing any work without having property owners on board. The council directed Manager Clopton to send a survey out and provide a report at the next meeting.

Mr. DeLucia also discussed a suggestion to change the roads to permeable pavement. He noted that parking lots that utilize these materials are not subject to buses and dump trucks, and he is not certain they would hold up utilized as a roadway.

NEW BUSINESS

Mayor Garriss noted that there is no new business to come before the Council and called on Ms. Clopton to give her Manager's Report.

REPORTS & GENERAL COMMENTS

Ms. Clopton noted that she received the grant contract from the Dare County Tourism Board. This grant was awarded back in October to help the town cover the cost of the multi-use path that connects Cypress Knee Trail to Cameron Street. We will work on completing the contract and await the grant award.

Ms. Clopton updated the Council on the development of the new Police Building, noting that 100% of the design submittal has been received from Dills Architects, which is on target. She will receive the larger renderings in the coming days and prepare them for bid at the beginning of March.

Mayor Garriss thanked Ms. Clopton for her report and asked Council members if they had any additional items to discuss.

Mayor Pro Tem Jeff Pruitt shared that he visited Ms. Midgett's property on 1101 West Kitty Hawk Road. He stated anyone who looks at how the water has been diverted from the bridge onto her property knows that it is not right and has a negative impact.

He noted that he understands Ms. Midgett's frustration and suggested to Mr. Midgett of

Public Works to continue to contact NCDOT to provide a solution.

He also reiterated that a survey makes sense regarding addressing the flooding on Ivy Lane. He noted that it's important to get the input and that it needs to be more than a phone call; it needs to be a survey.

Mayor Pro Tem Jeff Pruitt applauded Councilman Hines' efforts on the Tourism Board.

Councilwoman Walker shared that she would like Mr. Midgett to continue to work to resolve the issue with Ms. Midgett's property, and she, too, would keep an eye on it.

Councilwoman Walker updated the Council on the January 30th meeting of the Town's Recreation Committee. She noted that their discussion included a proposal to create a simple walking trail around Town Hall. She stated that the aim is to provide an extended option for those who already walk the property. She shared that she often observes walkers, dog walkers, and community members walking for exercise in the parking lot. Councilwoman Walker further shared that creating a Trail will be a community effort, and the Committee is currently identifying the necessary equipment, resources, and needs for the project. The Committee is also ensuring that the project meets all Town regulations. The plan is to complete the project by the end of the fiscal year.

Mayor Garriss thanked the Council and staff for their reports and updates. He then informed the public that within the Consent Agenda, the Council approved a Resolution opposing the proposed homeowner insurance tax rate increase. Given the opposition deadline, he shared that the Council had to move quickly.

Mayor Garriss informed the Citizens that the Council would move into a Closed session pursuant to 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. A motion to enter into a Closed session was presented by Mayor Pro Tem Pruitt and seconded by Councilwoman Walker.

Following the conclusion of the Closed session, the Town Attorney stated there was no action to report, and the Council moved into adjournment.

ADJOURNMENT

A motion to adjourn the meeting was made by Mayor Pro Tem Pruitt and seconded by Councilman Tillett. The Meeting of the Kitty Hawk Town Council adjourned at 8:13 PM.

The Minutes of the February 5, 2024, Kitty Hawk Town Council Meeting are scheduled to be approved at the March 4, 2024, Kitty Hawk Town Council Meeting.


D. Craig Garriss, Mayor