



**PROPOSED AGENDA
KITTY HAWK TOWN COUNCIL**

Monday, April 1, 2024
Kitty Hawk Town Hall, Smith Room
6:00 PM

- 1. Call to Order**
- 2. Moment of Silence/Pledge of Allegiance**
- 3. Approval of Agenda**
- 4. Introduction of New Town Staff Members,** Alsu Lewis, Administrative Planning Assistant, Drew Weston, Police Officer, Mark Everett and Nicholas Antonis, Public Works Technician.
- 5. 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.
- 6. Consent Agenda** – Items on the consent agenda are considered to be non-controversial, routine in nature, or items not requiring a presentation to discuss by the Town Council in order to consider the items(s). 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.
 - a) Approval of March 4, 2024, Council Minutes and March 19, 2024, Budget Meeting.** (Approval of the consent agenda will approve these minutes).
 - b) Budget Amendment #11** – General Fund. Recognize reimbursement for payments to classes and dues for an employee no longer with the town.
 - c) April Child Abuse Prevention Month Proclamation.** Mayor Garris has signed a proclamation declaring April as Child Abuse Prevention Month in cooperation with the Children and Youth Partnership for Dare County and Dare County Department of Health and Human Services, Social Services Division.
 - d) Resolution** - Adopting Title VI Policy to Prohibit Discrimination in Programs and Services and Activities Receiving Federal Financial Assistance; and Non-discrimination Policy Statement.



- e) **Amendment** - Article IV Recruitment and Employment – Section 1 Statement of Equal Opportunity Policy & Section 2 Implementation of Equal Employment Opportunity Policy, update of nondiscrimination language.

7. Items Removed from Consent Agenda

8. Public Hearing

- a) Special Use Permit & Site Plan
4907 & 4911 Putter Lane – applicant proposes new EMS Substation
- b) Text Amendment
Definitions Minimum lot size - The applicant proposes a revised definition requiring all uplands area used to fulfill minimum lot size requirements be contiguous.

9. Old Business:

10. New Business:

11. Reports/General Comments from Town Manager

12. Reports/General Comments from Town Attorney

13. Reports/General Comments from Town Council

14. Adjourn

***To Watch Livestream on YouTube:**

Go To: <https://youtube.com/live/sVUkFCGSnui?feature=share>

The meeting will also be available to watch on the Town's YouTube channel on demand the next day.

****Send Comments and/or Questions via email:**

You may always send comments or questions at any time to info@kittyhawktown.net. If you would like your question or comment read at this meeting, please send it by 2:30 PM on Monday, April 1, 2024, and note that you would like it to be read at the meeting. Be sure to include your full name and address. Please keep your comments to three minutes.



Minutes
KITTY HAWK TOWN COUNCIL
Monday, March 4, 2024
Kitty Hawk Town Hall, Smith Room, 5:00 PM

1. **Call to Order**
2. **Moment of Silence/Pledge of Allegiance**
3. **Approval of Agenda**
4. **Police Chief Palkovics** introduction of our newest Police Officer, Corey Morris.
5. **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.
6. **Consent Agenda** – Items on the consent agenda are considered to be non-controversial, routine in nature, or items not requiring a presentation to discuss by the Town Council in order to consider the items(s). 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.
 - a) **Approval of February 5, 2024, Council Minutes.** (Approval of the consent agenda will approve these minutes)
 - b) **Approval of the 2024-2025 Government & Education Channels (GEAC) Budget** for the operation of the Government and Education Channels. The proposed budget, which has been approved by the Government & Education Access Channels Committee, must be approved by the governing Board of every participating member entity of the channels, which includes Kitty Hawk. The proposed budget would take effect July 1, 2024. The budget as proposed requires no additional funding from the participating entities above the current annual \$1,000 membership fee.
7. **Items Removed from the Consent Agenda**
8. **Planning – Schedule Public Hearings**
 - a) **Special Use Permit & Site Plan** - 4907 & 4911 Putter Lane – applicant proposes new EMS Substation
 - b) **Text Amendment** - 42-1 Definition Minimum lot size - applicant proposes a revised definition requiring all uplands area used to fulfill minimum lot size requirements to be contiguous.
9. **Old Business:**
 - a) **Presentation:** Kitty Hawk Bridge Flooding, by citizen Diane Midgett, 1101 W. Kitty Hawk Road
10. **New Business:**
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. Recess to March 19, 2024. Budget Workshop, 9am Kitty Hawk Fire Department, 859 West Kitty Hawk Road, Kitty Hawk, NC 27949.

Council Members Present:

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

Staff Members Present:

Town Manager Melody Clopton, Town Attorney Casey Varnell, Administrative Services Director Laura Walker, Finance Officer Liliana Noble, Police Chief Mike Palkovics, Fire Chief Mike Talley, Public Works Director Willie Midgett, Sergeant Anthony Edwards, Police Officer Corey Morris, Detective Jason Rigler, Administrative Zoning Technician, Jessica Everett.

Agenda

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

Garriss: *Good evening, I would like to call the March 4th, 2024 Town Council meeting to order we are in the Kitty Hawk Town Hall it is 5:00 O'clock pm thank you all for joining us this evening, those of you who are here and those of you who are watching at home. If you would join us, if you are able to stand join us for a moment of silence followed by the pledge of allegiance.*

Council, I need a motion to tonight's agenda please?

Pruitt: *So moved Mayor.*

Garriss: *Motion made by Jeff, second?*

Hines: *Second.*

Garriss: *Second by David. All in favor.*

All Council: *Aye.*

4. Police Chief Palkovics

Garriss: *None opposed. First, we have a presentation by Chief Palkovics to introduce a new Kitty Hawk Police Officer at this time, but that Police Officer is out working and is on a call for service. So as soon as he gets here we will take up that matter with the Chief. Thank you all for bearing with us on that. Public Comment. Laura, has anyone signed up for public comment?*



5. Public Comment

Walker, Laura: *Yes sir, we do have one, Debbie Swick, of 59 Deer Path Lane, Southern Shores*

Garriss: *Garris welcomed Ms. Swick. Please keep in mind you are allowed three minutes during public comment and if you would speak directly into the mike so you can be heard.*

Debbie Swick: *Thank you, Mayor. Good evening, Mayor and Council members, my name is Debbie Swick I am the face behind the ban balloon releases NC. I have submitted and I hope you received a proposal for legislation ordinances in your Town, I have done with all the municipalities on the Outer Banks. I have also contacted all one hundred counties and I am working with a state legislator at this time. I understand that ordinances are very hard to execute I do know this one is probably up there in the top 10, but I ask that you consider banning the release of helium balloons for your Town. It is causing an exorbitant amount of litter on our beaches; it is killing our wildlife and in doing so there is a four-part proposal of four different items that I would like to be addressed by your Town Council to write into ordinances. If some of you just got this today, I do apologize as I did send it out on January 31st and I am not really sure, so I will certainly come back at another time to give you some time to look it over and come up with any questions that you may have. So, thank you very much.*

Garriss: *Thank you for coming in and Council we will take a look at this, and discuss.*

Garriss: *Laura, has anyone else signed up?*

Walker, Laura: *No, sir.*

Garriss: *Anyone else like to speak at tonight's public comment section.*

Brian Morgan, Board of Elections: *I am Brian Morgan, and I am with the Board of Elections among other things. I have been able to work with Kitty Hawk for many years. I just wanted to express my appreciation, thank you, guys, very much for making it possible for us to use the room and not only that for helping and doing so. Thank you very much.*

Garriss: *Thank you, we are glad to do it. It's our duty. Anyone else like to speak in Public Comment? About any topic? Let the record show no one else chose to speak. Chief Palkovics, I think our officer is here now.*

Palkovics: *Yes, he is. Mr. Mayor, Council Members, Ms. Manager, good evening. Thank you for this time, it is my pleasure to introduce you to our newest sworn Police Officer, Corey Cantrell Morris. Corey was born in Norfolk, Virginia and he has a twin brother who I understand is not quite as tall as Corey. Corey graduated from Northeastern High School in Elizabeth City where I believe he played basketball and then he attended Winston Salem University where he changed his sport*



to football and graduated with a Bachelor of Arts degree in Justice Studies. He has previously worked in the area working for Twiddy and Company and Moneysworth Beach Equipment. He graduated from Basic Law Enforcement Training Academy in December 2023 where he was the class president. I understand at some point in his training he was deemed to be considered the driver supreme, I am not sure what that is, but I saw that name attached to him in some way.

Palkovics: *Corey was sworn in last Monday, February 26th by Mayor Garriss here. Due to time constraints, we had to get it in quickly and we were able to do that. Present were his wife Barbara and his mother Shirley Morris. He is now in field training with Sergeant Travis Hardman who I guess is still out on a call as I did not see him make it in here. That is the way things go right, he is supposed to be here for a meeting, and police work gets in the way, but we were able to adapt and overcome and made it happen. I was trying to find some stuff on Corey basically, so I went to his Facebook page. So BIG C posted a quote and this was after he was sworn in, "To the Town of Kitty Hawk, thank you for all the support you have shown me throughout this process. I promise you will be the best of me every day and as I stated yesterday, I will not let you down. My journey is just beginning, Officer Morris is here at your service." To say we are looking for big things from Corey probably be one of the biggest understatements I could make. It is my pleasure to introduce you to our newest sworn Police Officer in Kitty Hawk, Corey Morris.*

Officer Corey Morris: *I just want to thank the Town of Kitty Hawk for everything, investing in me to want to thank those I serve in the Town, like I said, I won't let you down.*

Hines: *I have a question.*

Officer Corey Morris: *Yes, sir.*

Hines: *If you ever have to have a talk with the new officer, are you going to stand on a desk?*

Palkovics: *I am going to stand on the platform out the back door, and he will stand in the parking lot, and then we will see eye to eye.*

Garriss: *Corey, we want to officially welcome you. You and I have known each other for a good while as I am involved in the training, law enforcement training. I can tell you Chief we take it seriously who we name as our class president and I can tell you it was not really much of a discussion. It was Corey Morris from the very beginning. We made the right decision. Corey, we look for big things, I said BIG things, didn't I? Thank you for being here, we have the best. All of our departments are great thank you for being here.*

Officer Corey Morris: *It was my pleasure, I am excited.*



Palkovics: *A great example of Corey's personality, how many six-foot-ten elves do you know of? He did so well at the Christmas Parade it was a great opportunity. To see kids who usually would be very intimidated.*

Walker, Charlotte: *All I can tell you is my four-year-old grandson assured me that you were in charge of all the elves. He knew.*

6. Approval of the Consent Agenda

Garriss: *Thank you, Corey, thank you Chief. Council with the Consent Agenda, I need a motion to approve tonight's Consent Agenda, please.*

Walker, Charlotte: *So, moved.*

Garriss: *Motion made by Charlotte. Second?*

Hines: *Second.*

Garriss: *Second made by David. All in favor?*

All Council: *Aye.*

7. Items Removed from the Consent Agenda

Garriss: *All opposed? We had no items removed from the Consent Agenda.*

8. Planning

Garriss: *Planning. Council we need to set a public hearing for a special use permit and site plan 4907 and 4911 Putter Lane applicant proposes a new EMS Substation. Can I get a motion for a public hearing in that matter?*

Hines: *I will make a motion for a public hearing.*

Hines: *I will make a motion for the special use and site permit plan for 4907 and 4911 Putter Lane.*

Garriss: *At the April 1st, 2024, Council meeting?*

Hines: *Yes, sir.*

Garriss: *Okay, very good. Can I have a second?*



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Pruitt: *Second.*

Garriss: *Second made by Jeff. All in favor?*

All Council: *Aye.*

Garriss: *All opposed? No opposed. Text Amendment item 8b. Definition of minimum lot sizes, the applicant proposes a revised definition requiring all wetlands areas used to fulfill minimum lot size requirements to be contiguous. May I have a motion in that matter?*

Pruitt: *Mayor, I moved to set a public hearing at the Town Council Meeting on April the first 2024 to consider the proposed text amendment to the definition of minimum lot size in section 42-1 and then the relevant district regulations as noted in the Staff report.*

Garriss: *Thank you, Jeff. Can I get a second?*

Walker, Charlotte: *Second.*

Garriss: *Second by Charlotte. No further discussion. All in favor?*

All Council: *Aye.*

Garriss: *All opposed? No opposed. Thank you. Item 9, we have a presentation from Ms. Diane Midgett (1101 West Kitty Hawk Road), if you are ready Ms. Midgett? How are you, ma'am?*

Midgett, Diane: *I have some pictures I wanted to go through.*

Midgett, Diane: *OK folks, this first picture, this is the bridge in 2008. This corner piece of the property, that is our property. That's what was all overgrown when my husband and I moved into the house in 2008. We started clearing all of this off. She was rough, but we worked on her and got her cleaned up. You can see how level she is with the road. And then, this is what we brought her to. We put a lot of time in. This is the ridge behind our house. Take a note how pretty and green, full and thick it was. This is down the canal. Here we start the construction of the bridge. This first part, this is the corrugated metal sheets of metal forty feet long. The part that went down along the side for the sidewalk. This is the bulkhead; this is directly in front of my house. That's how long it was. They had a machine that sits on top of it that just shakes that all the way down. Supposed to go straight down, but it did not always work. They would pull it in and pull it out it took quite a bit of work to get it all to go down. It was a really big ordeal. This is the pilings they are putting in. It takes 60 of those hits onto that piling to get it to go one foot. They had to take it from forty feet to eight. And there was 16 of those pilings. So that's a lot of pounding. That's a lot of sound. That was a lot of shaking and if you will notice each time it does that you see smoke from the top there. That's like diesel sludge, that stuff covered everything in sight. It*



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covered my entire house, roof, windows, plants. I lost all of my shrubs, my gardenias, rose bushes everything because it all got covered in that black. This is where you see, they had to keep one side of the road open while they were working on the other side of the bridge. There was two traffic lights on each side to stop traffic so it would be one-way traffic. We live right in the middle. We were in the middle of the two traffic lights, we never knew what color the light was unless there was until we saw a car go by and then we knew we were safe to pull out. It was crazy, it was very challenging to live through this construction. You will notice how much higher the road is, this is before they have even put the asphalt on this layer. This is of course Twiford Street, that's the curve going, the curve that goes, you have Twiford coming out right here at this corner where that little white church is sitting. That shows you how much higher that corner is and now you know when you go around that curve and you see that whole area there that is just underwater, the water has nowhere to go anymore, it's trapped there on that side. That's really high, that's a lot higher. And people always complained when it was going across the street there, what a pain in the neck it was, but water is going to travel to water and the water would go across the street to the other canal and continue on, but now it has nowhere to go so it stays trapped there. And I just want to show you again how this is my front yard, how level this is with the road, with the road that was here before. This is taking the road up, this picture here is actually been taken from my bedroom window. This is how close all of this was to my house. Then this is how the lane would come out while they were doing construction on the other lane. I had six trees across the front and I had a circular driveway. I no longer have the six trees or the circular driveway. That's the cars going up the one way. Now they are on my side, this picture is taken from my bedroom window. This is right in my yard. And you can see how high its being raised up. This is the four pilings on this side that were pounded down, again this was taken from my bedroom window. You can actually see the lock on my window right there at the bottom. I took the picture from my bedroom window; my house is 635 square feet. It's not a big house. Their trucks, utilities, everything was just right in my yard. They used my yard for whatever was needed. You can see again, this is from my bedroom window. My bedroom window, you can see the screen of the window. This is some pretty heavy equipment that was all over the yard and I was being told, we are going to take care of it, don't worry about it we are going to take care of it, everything is going to be fine. This is where they had the pipes. These pipes are part of the drainage and so forth. This is where they stored them while they were waiting to put them in the road. They stored everything right there on the yard on the corner. With that rain, the only place I could park my car was up on that ridge during that flooding while they were working. This is more flooding. The only thing I have is the trees. I had to carry my little dogs to the house cause this was the only dry spot in my yard. There is my back from the side, it's all underwater and this is what I got left with. This is the finished product of this bridge. This is when they finished it up and they pulled out. This is what they left me with. This is the drain that goes right straight into my front yard. There is the storm drains up here in the bridge that are piped down into that draining into my front yard and you can see how much higher that road is. All the trees are gone, there's my driveway. They did no grading no filling in of my land, you can see nothing was, that's what they left me with, and that part right up there, that is sand, you could not drive a vehicle on it cause you would sink. I could not even cut the grass, it would sink. It was absolutely a nightmare. You can see the storm drains there in the bridge, there's



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two of them that's what is piped into my front yard. That's my driveway my only driveway. And you can see how much higher the road is there. Now after two years, I got some grass to grow on there, that was how much I was able to maintain. You see all that weeds and brush and vines, that's what they planted. This is supposed to be my yard and that's what they gave me those weeds to look at out my window and see. They do not maintain that by the way, they are supposed to, but it's been four years they have yet to come and clean any of this. They do not maintain it period. Now here is the first real storm. This is my side yard, that's the canal there. Look at that mess. It took me another two years to get that cleaned off. That's where it just goes and stays under the house. My husband had started replacing the pilings, but then they came and told us they were going to start the bridge, so they advised him to stop doing that until they finished it, so he did. Unfortunately, he passed away with cancer right after they completed the bridge. So, he lived through all of this nightmare in that little house and he was so sick. Look at that, that's what NCDOT left in my yard, why would they do that? Here's your drain, lovely right? I have cleaned that. Now because all of that vines and everything that's there, when the rain was coming down the bridge it was just coming down the side, it wasn't going in there because it was coming down the path of least resistance and that's just straight down the side filling up my yard. That's what happens now. It comes down after go down the brush you will see where it just runs down off the bridge from the road down the side. You can see the little paths that it will take down the sides. And the storm drains clog, nothing going to go down those storm drains. So, then it runs down the bridge, down the road, down the side and there she goes and that will just eventually start filling up with water. It's pretty full today, I said what a day to come and talk about flooding right? You can see when we get the Northeast winds, that doesn't bother me, it's the west winds. It can be northwest, southwest, or just west and you see how deep it is. That is just rainwater. This is not a storm, it's just rainwater. This is the back; this is how it would flood out. That's my neighbor's trash can from her house it ends up in my back. This is the only place I can park my car, it's the end of the driveway because that's the highest point, everything else is completely underwater. My neighbor next door Heather Doyle, she wanted to be here tonight, but she had to work. She has never flooded before. Her yard is completely underwater. She has water on the other side of her too, it's just all coming in. The road was also raised in front of her house, not quite as high as mine. When they put the traffic lights in, the two traffic lights. They actually plugged into her electricity for the traffic light, she never received a dime for that. She was getting electric bills that were up to \$300, and this is a single mother putting girls through college and a cancer survivor and they stuck her with electric bills. This went on for several months.

Walker, Charlotte: *They stuck her, whose they?*

Midgett, Diane: *NCDOT.*

Hines: *I have a comment on that as well, so did she ever reach out to the DOT on that?*

Midgett, Diane: *They reached out to her and told her that they were going to take care of it, which they did not.*



Hines: *Was there any follow-up?*

Midgett, Diane: *The minute they pulled out, they were done. Casey will tell you, you could not get in contact with them. They did not want to discuss anything period and they put every block up that they thought they could do. This has changed the landscape of not just my home because when mine goes down, hers is going to go down. The next one is the street with six houses, before you get to Corinda Lane, it's going to be a domino effect. I will show you what else is going on here.*

Garriss: *Show us another picture, Miss Midgett. Keep going, we need to keep going through these slides.*

Midgett, Diane: *That's my back, that's the whole thing. This is them; those pictures are December last year excuse me, December the year before last. This is this past December. This is where Heather had to park her car up on the hill here cause there was no more place for her to park. It continues coming in and you can see that whole area that is between our two houses is completely over and her yard is completely under water too. This is showing the back, this is just the other day that rainstorm we had a couple of days ago and you can see where it starts coming up to fill up to the road, same thing. This is my back; this is that part that was so pretty and green. I now have an inlet coming through. The other day, this is the storm from just a few days ago and the wind just blows it right through the ridge that is just behind my house now. That ridge is almost gone. I promise you in two years it will be gone. It will be completely gone. There's your storm drains, this is a couple of days ago. This is that ridge now. What was so pretty and green and flourishing with wildlife. We have watched the eagles and the herons and cranes, you name it we have had it, we don't anymore, not like we did. This is not a storm I took this yesterday; this is what this looks like now. This is so sad. That's my property, so what is green on this map is State. What I thought was Coastal Preservation or Coastal Reserve that is not how it is zoned, that is not how it is listed by the State, but it is also VR-1, which is low density correct? Everything you see outlined in red, this is everything the State owns or that is deeded to the State. Everything that is south of here from my house is deeded as this VR-1 low density. This is always going underwater too, and nothing is being done about this. I have asked questions why can't we dredge and put some of that back on the ridges, wouldn't that help to build them back up, no they would not do that but my question is .*

Walker, Charlotte: *You are still talking about DOT, right?*

Midgett, Diane: *Yes, but this gets into dredging and what I talked to Jeff about before is putting it back over into the ridge are we dealing with CAMA, who are we dealing with then?*

Hines: *If you have black needle grass you are going to be dealing with CAMA. If there is black needle grass, as a wetland area. That's going to be CAMA grass.*



Midgett, Dianne: *But I think it's got to be addressed. At some point, we are seeing all of this just going underwater. It is literally going underwater. We have got to address it somehow, work with the state or whatever, need somebody to go to Raleigh I will go.*

Walker, Charlotte: *That's where you need to be, in Raleigh.*

Hines: *I agree.*

Midgett, Diane: *I am talking to somebody about this because what we are dealing with, and if you look at this, it really surprised me cause look at how deep. I think it was 2018, I am sure it has been longer but when they came to us in 2018 and told us the bridge was going to be built and they actually, somebody when they did the zoning, they did not do it correctly. So, they came and looked. We actually owned three...*

Hines: *Who is they with the zoning?*

Midgett, Diane: *I don't know who they said did the zoning, but whoever they said did the zoning was supposed to go from the center lane 15 feet, and they went center lane 12. So, they wanted to come back and they took the three feet they said was theirs and that's probably up the hill that is high.*

Walker, Charlotte: *There is no question you have been wronged, there is no question that you have a situation, but you need to be in Raleigh making this presentation.*

Hines: *I agree.*

Walker, Charlotte: *I don't know what we can do about this, but Raleigh can. This is a State matter.*

Garriss: *This is NCDOT matter, not a Town of Kitty Hawk matter, hold on let me tell you where we are. I know you have worked hard, and you got some great pictures there that tell a lot. This council, I have personally signed letters to three different people. I met with the Town Manager this morning at 10 o'clock. We have not heard anything since then, right Melody?*

Clopton: *No.*

Midgett, Diane: *They have been around.*

Garriss: *Our next step on your behalf is, again this is not a Town issue. This is NCDOT I want to make that clear, and make sure everybody knows that. On your behalf, we are going to contact Regional board of Directors, Allen Moran, (NCDOT Board Member for our region) if we hear nothing from him and we are going higher on your behalf.*



Midgett, Diane: *Thank you.*

Garriss: *That is what everybody Charlotte and David just said. You need to be going to Raliegh with these pictures. I hear your concerns, we all do. We have discussed your concerns but there is nothing this Town can do.*

Midgett, Diane: *My point though is I want to make sure you understand this is what happened, so for future reference or if anything pops up about this information you know what you are dealing with.*

Hines: *We cannot stop them in the future either, they are working inside of easements.*

Garriss: *They are doing their job ma'am.*

Hines: *Whether it is right or wrong we cannot go in there and tell the state to stop working on a bridge.*

Midgett, Diane: *Oh no, look we were the ones that reported the bridge, we were the ones who kept saying you need to come fix this thing. This looks bad, we are 100% in agreement that the bridge needed to be replaced, it was extremely unsafe. That's not the point. The point is, you can't come in and make that kind of big improvement, and it was, and not affect everything around it and it did. It changed the landscape of stuff. But, as far as I want the Town to be aware of is how this is happening, and we need to be more diligent when they are doing things within our Town limits that we can have some kind of control about when it comes to our residents. First thing I did when they started pulling this stuff in our yard. The very first thing I did was go to the Mayor, and it was Mayor Perry and I said, are you aware that this is going on? This is in your Town, this is within Town limits, and I am a citizen here, are you aware that this is going on? And that's when he said, "you know this doesn't look all kosher like it should be, let's check into it." And that's when he said let's get in touch with the Town attorney and let's see what we can do and that's where I went with it.*

Garriss: *Once again, you are talking to the wrong people. I am trying to be just as polite as I can because I don't want you to waste your time when you need to be talking to somebody with the State. Those pictures you got are wonderful, you have worked hard. Let us reach out to the representative Allen Moran (NCDOT Board Member for our region) if don't hear anything we will go higher than that on your behalf and I promise you we will keep you involved in everything we do and let you know what's going on.*

Midgett, Diane: *That's what I need, that's what I am asking for.*



Garriss: *Jeff went, trust Jeff I believe every word he says. He said there is definitely an issue there but I do not know how to fix it.*

Hines: *I have been by there as well.*

Garriss: *I think we all have, so let us work on that for you.*

Midgett, Diane: *I greatly appreciate that, that's what I need you to do for me. I have felt like I have been sitting there for the last couple of years just with no hope, no hope of what's going on with this and I am drowning out there. When I go down, it's going to be a domino effect.*

Garriss: *Can we get on that tomorrow morning Melody?*

Clopton: *Absolutely.*

Garriss: *Thank you.*

Clopton: *You are welcome.*

Walker, Charlotte: *I am happy you put a handrail on your stairs, I was worried about you going up and down the stairs.*

Midgett, Diane: *Well and I would like to get a front porch back, we had a front porch taken off. That was the thing the state, that NCDOT was going to do. They were going to put our front porch back on, they were going to grade our yard, raise the front up where it was, and they did nothing.*

Walker, Charlotte: *Get it in writing next time.*

Midgett, Diane: *This is the last part I just want to share this with you all. This is very nice. This is the nice thing you need to know about. After the bridge was built, some little boys went under there and did some of their four-letter words. The Kayak companies got together, hired some local artists that came in that did some beautiful work underneath the bridge. Now that is one side of it, which I can look out my bedroom window and see. I told them if you want my blessing you need to put something on that bridge that pertains to my husband to pay respect and in his memory. There's my husband.*

Garriss: *That's great.*

Midgett, Diane: *This is a combination of this picture which was in the local McDonald's for years and years. This is Granddaddy that's his truck old Maude and that's his dory. The house that I am living in was his, so it is a combination of that picture and my husband playing the guitar. And they put him on the bridge. The other part of it is down here, they are still coming back to finish it up.*



So, this part down here is Bodi Island and the boat the dory, and everything so that was the one highlight of that bridge. If you want to go see it, please you are more than welcome to come into my yard and look at it, it is really great.

Midgett, Diane: *Thank you so much.*

Garriss: *Thank you, Ms Midgett. Council we have no new business, Town Manager, Miss Melody?*

11. Town Manager Report

Clopton: *I am happy to report that the invitation to bid on the police station project was posted on Friday. We are going to have a pre-bid meeting on March 7th. And then a bid opening will take place on March 22nd. We are looking forward to getting through this process.*

Garriss: *Thank you.*

Clopton: *In relation to Ms. Midgett, and she is aware she has received copies of the letters. We have reached out to three different eastern regional highway engineers and so forth and we have not heard anything from them. There is no response at this time.*

Midgett, Diane: *Ms. Midgett indicated they had been around taking pictures.*

Clopton: *Maybe that's promising, but we will get another letter out. As far as Ivey Lane goes, we did send out an electronic survey. We sent out fifteen surveys to the affected area and we received nine responses. There were several questions brought forward and I am waiting for John DeLucia to respond to those questions and then we will go from there. We have a community Trash Collection Event coming up on Saturday, March 9th, Debbie Swick has been really integral in getting this going and helping us with this. It is called Keep it Clean Kitty Hawk. It will begin here on Saturday at 10 am and we have quite a few volunteers, but we can always use more. We will dispatch people to certain areas, and we have contacted local businesses for parking, thank you to Casey's office for letting us park in your parking lot.*

Varnell: *No problem.*

Clopton: *Once we complete our clean-up we are going to have a celebratory lunch here at the Town Hall. We have a lot of businesses donating for that, Jessica has been coordinating all that for us. If you are interested in participating, please contact the Town Hall or you can register on the Town's website. Debbie told me the weather is going to be beautiful. We are hoping the report we see currently is incorrect, but we will be monitoring the situation. If we have to reschedule or change, we will. We have everybody's email, and we will also post it on our social media if we do have to reschedule, that is all I have.*

12. Town Attorney



Garriss: *Casey?*

Varnell: *Nothing Mayor.*

13. Town Council

Garriss: *Council? Town Council, David?*

Hines: *I have nothing this evening.*

Garriss: *Wonderful, Dylan?*

Dylan: *I just want to welcome Officer Morris and thank him for his service to Kitty Hawk. I don't know if it was just me or not, but I have heard a lot of sirens over the past month, and every time I look out there's a police officer or a fire truck, and just want to say thanks to all those folks who keep us safe and work so hard for us while we get to enjoy the services, I just appreciate them it just cannot be said enough. That is all I have.*

Garriss: *Thank you, Dylan. Jeff?*

Pruitt: *Just the same thing, welcome Officer Morris to the force and I hope he just stays safe.*

Garriss: *Charlotte?*

Walker, Charlotte: *I am good.*

Garriss: *Thank Charlotte. This past Saturday it came around pretty quickly a delegation from Germany contacted us and wanted to go to our Icarus Monument that is behind the rest area. I met them Saturday Morning past at 10 o'clock, no it was 11:30 wasn't it? I had a few apprehensions, but I will tell you I left that meeting so positive and feeling so good. Chief Palkovics his department showed up, Chief Talley and his staff showed up with the fire truck and they were bragging about the new fire truck. I gave the guy some Kitty Hawk Hats and they wanted to take pictures and if you saw any pictures on Facebook, they had their Kitty Hawk Hats on. It was a wonderful experience. They were in Charlotte on some business, and they said since they were so close they wanted to see where the Wright Brothers was. We are a long ways from Charlotte, but it's closer than from here to Germany I am sure. Between me talking, Chief Palkovics, Chief Talley came up to me at the end and they said they were very aware of how proud we were of our Town of Kitty Hawk, and I said we are. We love it, I cannot brag enough about our Town, and it was obvious to them, we all left there with a very positive attitude. After they had lunch, they went to the Wright Brothers Memorial to tour that site. It was just a wonderful experience. My question the whole time, what does Germany have to do with this? I think Germany was involved in making*



some of the engines, early engines so that is how they are involved. I cannot tell you what it meant to me and to everybody that was present in this Town, it was very positive. Ms. Midgett, we are going to do what we can for you. Thank you for coming, you are always polite and understanding, and thank you for that. Thank you to the staff, thank you to the Council, with the rain I wish you could see my front yard right now Ms. Midgett mine is bad too, but it always is. Anything else Council? All right, I am going to make a motion that we recess until March 19, 2024, for a budget workshop, 9:00 am at Kitty Hawk Fire Department, Kitty Hawk North Carolina, do I have a second?

Hines: *Second.*

Garriss: *Second, all in favor?*

All Council: *Aye.*

Garriss: *We are recessed, thank you everyone.*

The Minutes of the March 4, 2024, Kitty Hawk Town Council Meeting are approved at the April 1, 2024, Kitty Hawk Town Council Meeting.

D. Craig Garriss, Mayor



Minutes
Recessed Meeting

KITTY HAWK TOWN COUNCIL BUDGET REVIEW

Tuesday, March 19, 2024
Kitty Hawk Fire Department
9:00 am

1. Call the Recessed Meeting of March 4, 2024, to Order
2. Council Decision Making Options
David Owens, MPA, JD - Retired Professor of Public Law and Government – UNC Chapel Hill
3. Fiscal Year 2024-2025 Budget Presentations and Discussion
4. Adjourn

Council Attendees: Mayor D Craig Garriss, Mayor Pro Tem Jeff Pruitt, Councilman David Hines, Councilman Dylan Tillet, Councilwoman, Charlotte Walker

Town Staff: Town Manager Melody Clopton, Director of Planning & Inspections, Robert Testerman, Finance Director, M Liliana Noble, Police Chief, Mike Palkovics, Fire Chief, Mike Talley, Public Works Director, Willie Midgett, and Administrative Services Director, Laura Walker.

Guest: David Owen, MPA, JD, Retired Professor of Public Law, and Government at UNC Chapel Hill.

At 9:04 am Chief Talley provided a brief safety briefing advising all present of exits, rally point, and location of AED and fire extinguishers.

Town Manager, Melody Clopton welcomed all in attendance.

1. Call the Recessed Meeting of March 4, 2024, to Order

At 9:05 am, Mayor Garriss called the recessed meeting to order. He thanked Fire Chief Talley for hosting the event at the Fire Department.

Town Manager, Melody Clopton, provided a brief overview of the planned agenda and then introduced David Owen to speak regarding planning decision-making for the Town.

2. Council Decision Making Options

David Owens, MPA, JD - Retired Professor of Public Law and Government – UNC Chapel Hill

In Mr. Owens overview, he discussed the decision-making process and the rules that are set by the State of North Carolina. There are four types of decision processes open to municipalities to consider.

The definition of each of the following is detailed in the attached memo provided to the Town Council as part of the agenda packet for this meeting.

1. Legislative
2. Administrative
3. Quasi-Judicial
4. Advisory

Councilman Hines would like more clarity on the Planning Board's authority to deny the application which is in support of the Plat plan.

Mayor Pro Tem Pruitt feels this subdivision request goes against the nature of the land use plan. What kind of action can be taken if the residents want to have more say, the land use plan references wildlife and run off so what would be the approach to indicate it is not in compliance with the Land Use Plan? He would also like to know if the Land Use Plan can be a reference for a denial.

Mr. Owens indicated a change in the zoning would preclude this if you determined the minimum lot size and then rezoned in that area. It can take up to 3 months to complete a rezoning process and in many cases, the developer will walk away.

Councilman Hines requested clarification, so going forward this can potentially be fixed, but existing applications would not be subject to the revised zoning if this is correct. Mr. Owens confirmed that is correct.

The Council thanked Mr. Owens for his time and education in the process.

5. Fiscal Year 2024-2025 Budget Presentations and Discussion

10:20 am

Town Manager Melody Clopton provided the council with an update of accomplishments for the fiscal year to date 2023-2024.

Some of the items discussed included:

- Development of the lead team and targeted training
- Development of a formal Performance Appraisal Process
- Development of onboarding process for employees and council members
- Software installation for document management, more to come with New PIO/Clerk on this project
- Two new communitywide events Halloween and Santa's Motorcade
- Renovation of Beach Medical facilities
- Implementation of the Town's retiree benefit plan and policy
- Ongoing projects for the New Police Station, EMS Fire Bay with Dare County, and the Multi-Use path

Project updates were provided as well on the following projects:

The Police Department Building Renovation, bid opening will happen on Friday, March 22, 2024. We require a minimum of three bids from responsible, responsive bidders which we expect to receive.

Ocean Rescue Housing, thank you to the Public Works and Fire Department for doing the renovations on this facility to provide dorm-style housing for Ocean Rescue this year. We have all six beds filled at this time and look forward to the team's arrival in May.

NCDOT Multi-Use Path is moving forward, and we have signed the contract and paid the Town's portion of the fund. NCDOT is awaiting final federal funding, once received we will move forward to the engineering phase of the project.

The performance management process will incorporate our Mission, Vision, and Core Values, which have been something the lead team has been working on for a few months.

Town Manager Melody Clopton proposed the following as the **Mission Statement** for the Town.

The Town of Kitty Hawk emphasizes community involvement, family values, and responsible use of Town resources. Our top priorities include preserving the town's rich history, enhancing natural resources and promoting resilience. We are committed to striking a balance between the needs of our year-round residents and visitors, while continuously improving the quality of coastal living.

Town Manager, Melody Clopton proposed the following as a **Vision Statement** for the Town.

We are committed to maintaining the tradition of persistence and innovation that has been the foundation of our community for centuries. We aim to be highly skilled, adaptable, and resilient so that we can successfully navigate through any challenges that come our way. We will follow our TIDES to create abundant opportunities for our team and community.

Town Manager, Melody Clopton presented the Core Values adopted by the Lead team.

TIDES

Teamwork - *We strive to go beyond our individual efforts and viewpoints to establish a shared objective and responsibility. Our goal is to develop the necessary skills to build a strong and effective team. We place great value on cooperation and encourage it through fostering a positive culture and partnering with our community. Our combined efforts are aimed at achieving our stated goals and organizational vision. By working together, we will improve ourselves, our team, and our community.*

Key Terms: collaboration, improvement, encouragement, development, shared purpose, competence

Integrity - *Integrity is the backbone of high moral and professional standards that guide our actions and decisions. It is a value that stands alone and must not be compromised for anything. We will always be truthful and transparent in all our actions, words, and decisions, and will follow through on our commitments without fail. Never compromise on doing what is right, irrespective of who is watching. Our integrity sets us apart from the rest.*

Key Terms: Truthfulness, high morals, transparent, follow through/commitment.

Dedication - *We are deeply committed to achieving the goals set by the Town and our Departments. We approach every opportunity with a proactive mindset, always seeking to learn and collaborate and bring forward innovative solutions that will help us all succeed. With a positive attitude and unwavering presence, we will remain dedicated to our mission.*

Key Terms: Commitment, proactive, learning, collaboration, innovative, positive attitude, presence

Engagement - *We are enthusiastic about our roles, highly motivated to meet expectations, and empowered to make valuable contributions. We understand what is required for professional success and will take responsibility for our own behavior by remaining proactive. We take our positions seriously and actively seek development opportunities to learn, grow, and improve.*

Key Terms:

Motivation, empowered, take responsibility, proactive, seek development opportunities.

Service - *We will prioritize the interests of our organization and community, making strategic and intentional decisions that benefit those we serve. We will communicate openly, with a friendly and helpful approach.*

Key Terms: strategic, intentional decisions; focus on organization and community, open communication, friendly approach

Councilman Pruitt inquired how we would differentiate the merit pool and whether would it continue year over year. Ms. Clopton indicated the merit piece will be annually reviewed. If employees do not meet the criteria the following year it will be suspended.

Councilman Hines indicated he was in support of paying those who are high performers.

The council asked Chief Palkovics his thoughts on the process, and he indicated he believes that individuals who exceed expectations should be rewarded. Chief Talley indicated it was a developmental process for leadership to do this, and it can be difficult, to be honest.

Town Manager Melody Clopton presented her recommendations for the Non-Departmental Budget for the Council

- Establishing a Community Relations budget of \$10,000
- Provide a 401K match of 5% for General and Fire employees, creating equity with the Police and keeping pace with local municipalities), \$72,000
- Four percent pay plan adjustment for all employees
- Merit pool of 1-3%

10:58

Finance Director, Liliana Noble presented revenue projections.

Ms. Noble explained to the Town Council the reduction in project revenues related to the County and municipalities' shared revenue related to Sales, Occupancy, and Land Transfer tax.

Due to other municipalities increasing their tax base in 2023-2024, the Town of Kitty Hawk's portion of this shared revenue will decrease for the fiscal year 2024-2025 by \$177,732. It was noted historically that Kitty Hawk, unlike other municipalities has not had an increase in taxes in the last ten years, while neighboring municipalities have increased, some as much as three times (Kill Devil Hills).

Options presented to the Council to mitigate the revenue reduction included.

1. Increase Property Taxes by 0.01
2. Increase Property Taxes by 0.02
3. Reallocation of 0.01 of the Beach Nourishment funds to the General fund

Councilman Hines voiced concerns about the funds required for Beach Nourishment for the next 5 years as an unknown factor. He was not aligned with raising taxes and wanted to review the overall Town budget to ensure we could not find savings in other areas.

Councilman Pruitt expressed concerns about raising taxes just because other municipalities were doing so, Ms. Noble explained the allocation of that fund and the impact long term for not making a change.

Town Manager Melody Clopton indicated the budget being presented to the Council includes all requests by department heads. It does not provide any contingency funds, no funds for repairs or infrastructure, and leaves only \$12,000 not assigned.

The Council determined they would hold further discussion of this subject until they have reviewed in detail the departmental requests and a special meeting would be held to review the budget in detail with the Town's leadership.

Rob Testerman, Director of Planning & Inspections reviewed his budget request for his department. His requests centered around upgrades to the Planning Software iWorQ to assist in automating many tasks to make the team more efficient and effective. He also reviewed the recent restructuring of his department roles including adding a trainee for a building inspector in preparation for David Lewis's planned retirement in May of 2025.

Chief Tally presented requests for the Fire Department. The challenges include continuing to save funds for much-needed Fire apparatus replacement. An Engine needs replacement in 2026 and the ladder truck in 2030. Currently, we are saving \$200K annually in anticipation of purchases. One other item discussed is the lead time of potentially 2 years to secure the equipment.

Additionally, we have a vehicle that is past the 8-year 80K guideline for Town Vehicles. It was removed from last year's budget request. The vehicle is beginning to be costly in terms of maintenance, so it needs replacement. Other requests are related to AED equipment, new chainsaws, and other extrication tools.

Chief provided the operations and maintenance remained flat based on this year's budget. In addition, they have partnered with Kill Devil Hills on annual physicals to save money. Chief Talley wanted to ensure the Town Council is aware of ongoing mechanical challenges with equipment which is costly and ongoing.

Councilwoman Walker inquired how many AEDs were needed, Chief Talley confirmed it was a total of five. Councilman Hines indicated he may be aware of a grant and would make sure Chief Talley has the information.

Chief Palkovics invited his leadership team who assisted with the budget to join him in reviewing the requests for the department. Joining him was Det Jason Rigler, Records Clerk, Sharon Davenport, Det Jeff Gard, and Lieutenant James Helms.

Chief Palkovics reviewed the statistics for the department compared to the last four years. His review included traffic enforcement, traffic crash data, DWI arrests, and crime review by major categories. The crime rate is calculated in Kitty Hawk at .016 percent.

The Chief presented the Mission, Vision, and Values of the Kitty Hawk Police Department.

Mission

The Kitty Hawk Police Department will provide outstanding police services to the public. We will prioritize the improvement of the overall quality of life for our residents, business owners, and visitors. Our mission is to protect the public's rights, safety, and property, which will ultimately enhance the well-being of everyone.

Vision

We will address crime in an impartial and fair manner by taking proactive measures towards crime prevention, enforcement, and rigorous follow-up. We will utilize technology in a highly efficient and effective way, while emphasizing advanced training and offer development. By doing so, we aim to exceed the high expectations that our community has and deserves from our department.

Values

Integrity – Being honest and demonstrating a consistent adherence to strong moral and ethical principles.

Professionalism – Producing exemplary and thorough work while maintaining a high standard of conduct, behavior, and attitude.

Respect – Treating others as you expect them to treat you. A positive feeling towards another person, their skills, opinions, or other unique characteristics and honoring a person's beliefs, ideas, or culture.

Compassion – Appreciating and being empathetic to the difficulties of others and what they may be experiencing through our expressions of kindness, caring, and helpfulness, creating greater trust and learning for all involved.

Current activities at the department include:

- Active participation in establishing a police presence this summer with beach patrol and cross-training once again with Fire and Ocean Rescue.
- Establishment of the Officer of the Quarter with the recognition of peers as well as the privilege to drive the department's Mustang for the quarter.
- Creation of a community advisory board, they need one more participant.

The department is looking at beginning the process for CALEA or NCLEA accreditation process. This is a detailed review of policies and procedures by peer departments to obtain this accreditation.

The Chief is also looking at enhanced career development programs for the team.

The Operating budget requested totals \$189,028. The Maintenance and repairs budget is \$53,000 and is no increase from the prior year. The capital outlay requested is \$289,487 and includes a drone for police search and rescue as well as town use.

There is a need to replace a 2017 Ford Explorer with over 80K miles which has also become a maintenance challenge. The plan was to find a reliable used sedan and this vehicle to be used for non-marked services such as out-of-town training.

1:55 pm

Liliana Noble, Finance Director, presented the needs for the finance department for the coming year. The only request is capital savings to prepare for potential upgrades and enhancements to the Town's Finance Software platform, InCode. The request is to defer \$10k annually to prepare for those potential costs in the future. As a reminder, the implementation of the program five years ago was a cost of \$90k to the town.

2:07 pm

Willie Midgett, Public Works Director provided some accomplishments for the Public Works team this year.

1. Renovation and refurbishing the Coastal Reserve building and creating an Ocean Rescue Dormitory-like living space for our team this summer.
2. Renovation and maintenance of the Medical Center and Bayer Drugs locations. Assuming the role of the maintenance team for that location.
3. Byrd Street deck replacement

Mayor Garriss thanked the entire team for their participation in the budget process and preparation for the meeting. In agreement, the council determined they would take some time to review in detail the information provided and consider the options.

Mayor Garriss made a motion to adjourn, Jeff Pruitt made the motion and Dylan Tillett seconded.

The meeting was adjourned at 2:22 pm.

D. Craig Garriss, Mayor

Post Office Box 549
101 Veterans Memorial Drive
Kitty Hawk, NC 27949



Phone (252) 261-3552
Fax (252) 261-7900
www.townofkittyhawk.org

MEMORANDUM

TO: Mayor Garriss and Members of the Town Council

FROM: Rob Testerman, AICP, CFM, CZO

DATE: March 8, 2024

RE: Council Decision Types

Attachments:

Types of Development Decisions – Adam Lovelady, 8/24/21

Making a Quasi-Judicial Decision – Jim Joyce, 4/4/23

Can I Be Heard? Who Gets to Speak on a Quasi-Judicial Matter? – David Owens, Rev. 6/13/22

The attached articles are being provided as educational materials for Council as we move forward in discussion of how to look at subdivision applications. Staff has highlighted some of the key points in each article. Please read through them, as they provide a very detailed and clear discussion of each topic.

Types of Development Decisions, by Adam Lovelady

Details the three types of decisions the Town makes as it relates land use/development. Those being administrative (site plan review, subdivisions); quasi-judicial (variances, special use permits); and legislative (Town Code, zoning map amendments).

As noted in the article, administrative decisions are based on “clear, objective criteria” (regulations set forth within the ordinances). If an application meets those criteria, the Town is legally obligated to approve the application.

Quasi-judicial decisions are also based on standards written into the ordinances. However, these decisions are to be based on an evidentiary hearing. Witnesses are sworn in, must testify on relevant facts, and may require expert witnesses on some technical matters (for example – the opinion of a neighbor who thinks a development would create too much traffic cannot be considered as “evidence” and cannot be considered during the decision making process – however, if a traffic engineer testified that they have studied the proposal, and in their professional opinion, the development would create unsafe traffic conditions – then Council could factor that into their decision.

During the hearing, if an applicant provides sufficient evidence that to prove the proposal meets the requirements of the Town, burden then shifts to any opponents with standing to present their evidence that it does not. If the opponents counter with relevant evidence, Council must weigh the evidence of both side, resolve any contested facts, and apply the standards of the ordinance while making a decision. If the applicant presents sufficient evidence, and opponents do not

have relevant, fact based evidence – the applicant is entitled to approval.

In his article, Mr. Lovelady specifically addresses the option of using the quasi-judicial decision making process for subdivision review. In such cases, in addition to the clear, objective standards in the ordinance (lot size, density, etc), we can apply additional requirements (is it in harmony with the area? Will it harm property values?). If this is the case, it is the responsibility of the applicant to present fact based evidence that it meets the requirements, and would be on opponents with standing to present their fact based evidence to the contrary, possibly hiring expert witnesses to testify to technical matters.

Legislative decisions are the only decision type of the three where Council can, and should, consider the opinions of the public. Legislative decisions are where we set the standards that we hold our quasi-judicial and administrative decisions to. If we feel that a number of recent development proposals are too dense for an area, if they meet the ordinance, they still are legally obligated to be approved. If the consensus is that it is too dense, then we change the ordinance and apply the new regulation to any future development.

Can I Be Heard? By David Owens

In this article, Mr. Owens illustrates the purpose of the evidentiary hearing, where he highlights that the purpose of a quasi-judicial hearing is **not to solicit public opinion and comment about policies** (density, lot size, etc) – those policies have already been set in a previous legislative hearing. The sole purpose of a quasi-judicial evidentiary hearing is to gather facts regarding whether a proposal meets the existing standards.

Persons who are not parties to the case do not have a constitutional right or statutory right to present evidence to the Council. Further, if Council allows persons who are not parties to the case to present – if they present irrelevant evidence, Council should make clear that that testimony will not be considered when making a decision. Any person permitted to be sworn in and testify during a quasi-judicial hearing should be reminded that this is not the time or place to offer opinions, or suggest policy changes

Making Quasi-judicial Decision, by Jim Joyce

In this third article, Mr. Joyce goes into more detail about the quasi-judicial decision making process. He very early on notes that quasi-judicial decisions **must** apply standards and regulations that have already been previously set through legislative hearings – regardless of policy preference or political pressure. Mr. Joyce quotes state statute in stating that “every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record.”, so again, opinions are not considered in this type of decision making process (unless professional opinions of an expert witness) – as noted in the article where traffic impacts are discussed.

Material evidence is required for the decision. That is to say evidence presented should relate to the standards that the applicant is trying to prove compliance (or opponents are trying to counter to show non-compliance).

Mr. Joyce excellently explains the burden of proof, highlighted on page four of his article. If an applicant provides sufficient evidence, the burden shifts to the opponents. If opponents do not provide sufficient competent, material and substantial evidence in response- **Council lacks authority to deny the request.**

Given the information presented by Mr. Lovelady, Mr. Owens, and Mr. Joyce, it is staff's strongly held opinion that rather than rewriting the subdivision ordinance and recreating our entire process for subdivisions – the Town would be better served to identify what aspects of the recent subdivision that Council, and the residents of the town, are uncomfortable with (density, lot sizes, etc.) and direct staff to write text amendments that would go through the legislative decision making process and invite the residents to voice their opinion, during a decision in which Council can actually legally consider their opinions. To be clear, any changes would only apply to developments that are applied for after adoption of any changes.

AGENDA ITEM # Consent

DATE: April 1, 2024

SUBMITTED BY: Finance Director

SUBJECT: Budget Amendment #11- General Fund

REF: Refund to the Town

BACKGROUND:

The purpose of this budget amendment is to recognize the reimbursements for payments to classes and a dues fee (Kristi Fellenstein).

DISCUSSION:

RECOMMENDED MOTION:

Consent Agenda Item

Date _____



CHILD ABUSE PREVENTION MONTH APRIL 2024 PROCLAMATION

Whereas, children are vital to our state's future success, prosperity and quality of life as well as being our most vulnerable assets;

Whereas, all children deserve to have safe, stable, nurturing homes and communities they need to foster their healthy growth and development;

Whereas, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community;

Whereas, communities that provide parents with the social support, knowledge of parenting and child development and resources they need to cope with stress and nurture their children ensure all children grow to their full potential;

Whereas, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community;

Therefore, I, Craig Garriss, Mayor of the Town of Kitty Hawk, do hereby proclaim:

April as Child Abuse Prevention Month and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

This the 1st day of April 2024.

D. Craig Garriss, Mayor

AGENDA ITEM # 6d & 6e

DATE: April 1, 2024

SUBMITTED BY: Administrative Services Director

SUBJECT:

Resolution Adopting Title VI Policy to Prohibit Discrimination in Programs and Services and Activities Receiving Federal Financial Assistance; and Non-discrimination Policy Statement.

Amendment - Article IV Recruitment and Employment – Section 1 Statement of Equal Opportunity Policy & Section 2 Implementation of Equal Employment Opportunity Policy, update of nondiscrimination language.

BACKGROUND:

The purpose of the above Resolution and Amendment is to ensure the Town of Kitty Hawk is compliant with the Federal Requirements for entities receiving funding for projects and grants. Specifically, this will provide citizens with limited English speaking with resources available to them. This will ensure compliance with the Department of Homeland Security Civil Rights Evaluation tool requirements.

DISCUSSION:

RECOMMENDED MOTION:

Approval with Consent agenda.



Town of Kitty Hawk

A RESOLUTION ADOPTING A TITLE VI POLICY FOR THE TOWN OF KITTY HAWK TO PROHIBIT DISCRIMINATION IN PROGRAMS AND SERVICES AND IN ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

WHEREAS:

- Title VI of the 1964 Civil Rights Act of 1964 prohibits discrimination in any activity which is financed by federal funds or receives federal financial assistance; and
- Since the adoption of Title VI, additional federal regulations and court decisions have refined the definition of "federal financial assistance" and what entities are affected and controlled by Title VI; and
- The Town of Kitty Hawk currently has no formal policy in place for defining and preventing discrimination in the activities and for the entities Title VI affects; and
- Interpretation and application of said federal law are not intuitive or readily understood, requiring an understanding of what "federal financial assistance" might be in any particular situation and what persons or entities must comply with Title VI; and
- Adoption of a policy and procedure for reporting violations will provide guidelines for the Town, Town personnel, and private persons and companies doing business with the Town and receiving federal financial assistance.

NOW, THEREFORE, BE IT RESOLVED by the Town Council that the attached "Title VI Policy" is hereby adopted as the official policy of the Town of Kitty Hawk for applying, reporting, and enforcing Title VI of the Civil Rights Act of 1964.

IT IS FURTHER RESOLVED that the Town Manager is authorized to approve and renew this policy yearly, as amended, and in conjunction with the adoption of the annual Town budget.

Adopted this 1st day of April, 2024.

D. Craig Garris, Mayor



Town of Kitty Hawk

Town of Kitty Hawk

Article IV Recruitment & Employment

Section 1. Statement of Equal Opportunity Policy

Section 2. Implementation of Equal Employment Opportunity Policy

APRIL 1, 2024

It is the policy of the Town of Kitty Hawk to ensure that no person shall, on the ground of race, color, national origin, limited English Proficiency, income level, sex, sexual orientation, gender identity, age, or disability, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any Town of Kitty Hawk program or activity, including, where applicable, religion, as provided by Title VI of the Civil Rights Act of 1964 and other pertinent nondiscrimination authorities.

The following practices are hereby prohibited throughout the Town of Kitty Hawk to comply, at a minimum, with Title VI and related requirements:

- Denying to an individual any standard service, financial aid, or other program benefit without good cause;
- Providing any service, financial aid, or other benefit to a person which is distinct in quantity or quality, or is provided in a different manner, from that provided of other under the program;
- Subjecting a person to segregation or separate treatment in any part of the program;
- Methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
- Different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual or other integral activities;
- Acts of intimidation or retaliation, including threatening, coercing, or discrimination against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because she/he/they made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing;
- Discrimination in any employment resulting from a program, a primary objective of which is to provide employment.

Adopted this 1st day of April, 2024.

D. Craig Garris, Mayor

Post Office Box 549
101 Veterans Memorial Drive
Kitty Hawk, NC 27949



Phone (252) 261-3552
Fax (252) 261-7900
www.townofkittyhawk.org

MEMORANDUM

TO: Mayor Garriss and Members of the Town Council
FROM: Rob Testerman, AICP, CFM, CZO
DATE: April 1, 2024
RE: Special Use Permit: EMS Station – 4907 & 4911 Putter Lane

Note: Special use permits are quasi-judicial evidentiary based hearings. Comments that are considered in the decision making process by Council should be limited to “competent, material, and substantial evidence”. If the evidence supports that zoning standards and other conditions are met, then the applicant is entitled to the special use permit.

Proposal

The applicant is requesting approval of a special use permit to construct an EMS station located at 4907 & 4911 Putter Lane. EMS stations are permitted in the MS-1 zoning district as a special use, with no specific conditions listed in the ordinance. The proposed station will also include a bay for Kitty Hawk to station a fire truck during storms, or at other times as necessary.

Background Information

The subject properties are presently zoned Emergency and Governmental Services (MS-1). The site is currently unimproved.

Directly abutting the subject property to the north is a vacant Town owned parcel also zoned MS-1. Abutting the subject parcel to the west is the Sea Scape Golf Course. To the east across US 158 are single-family residences zoned BR-1. To the south is BC-1 zone containing a real estate office.

Staff Analysis

Lot Area: The development area is 40,000 sq. ft. in size (two lots, each at 20,000 sq. ft.).

Lot Coverage: Maximum allowable lot coverage is 60%. Proposed lot coverage is 58.2% or 23,261 sq. ft.

Building Height: Maximum building height is thirty-five feet (35') from the existing grade to the peak of the roof, exclusive of chimneys, flagpoles, communication masts and aerials. Proposed building height is 33'7"

Building Setbacks:

<u>Setback</u>	<u>Proposed</u>	<u>Required</u>
Front	16 feet	15 feet

Rear	72 feet	20 feet
Sides	11 feet (north)	10 feet
	93 feet (south)	10 feet

Access: The subject properties are proposed to be served by two ingress/egress drives off US 158. The drive aisle circles around the back of the proposed structure to allow emergency vehicles to pull in and access the parking bays from the rear of the building. The southern ingress/egress drive is proposed to be 24' wide, while the northern drive is proposed to be 54.3' wide, which is where the exiting emergency vehicles will exit the site onto US 158.

Parking: Town code does not include any minimum parking standards for the proposed use. The applicant has provided parking using the requirements for general commercial – 1 space per employee + 5 additional space. With 6 employees, this would come to 11 required spaces. 16 parking spaces have been provided, one of which being a handicap accessible parking space. This appears to be sufficient for the parking needs of the proposed use.

Buffers: Buffers shall be required between all uses in commercial zones and abutting residential zones. The only abutting residential zone in this scenario is the golf course to the west. It is staff's interpretation that a buffer is not required in this scenario as an EMS station is not commercial use, and the MS-1 district is not a traditional commercial zone.

Waste Management: The applicant has proposed to utilize roll-out refuse containers.

Lighting: A lighting plan has been included, and appears to meet the requirements of Sec 42-515

Signs: No signage has been proposed at this point, should the applicant desire to have signage, a sign permit will be applied for and reviewed by staff for compliance.

Wastewater Disposal: Septic improvement permits from The Dare County Environmental Health Department will be required prior to the issuance of any building permits. The septic area is proposed to be located on the southern portion of the parcel.

Flood Zone: The subject properties appear to be located entirely within an X flood zone, Kitty Hawk regulates X zones to require first floor elevation of 8' NAVD. The proposed first floor elevation is at 14' NAVD.

Land Use Plan

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

POLICY 6.1: Maintain and provide ocean rescue services, emergency services and fire and police protection.

Conditional Use Findings

Per the standards of Section 42-100(b)(8), in order to approve this application, the Town Council must make findings that the proposed conditional uses:

- a. does not materially endanger the public health or safety,
 - If all of the required State and other permits are obtained, then the authorized agencies will have reviewed and permitted the driveway designs and locations, septic systems, water lines, stormwater management, and erosion and sediment control plan. Therefore, it can be presumed that these improvements will be made in a safe manner.
- b. does meet all required conditions and specifications,
 - The proposed development is consistent with all required conditions and zoning specifications, as reflected in this staff report.
- c. will not substantially injure the value of adjoining property or be a public nuisance, and
 - The applicant has supplied the following evidence to support that this condition is met:
 - The architectural style of the building blends with and complements the existing adjacent building and residences in the general area.
 - The building is not located in a residential neighborhood.
 - The building is located on, and will directly access N Croatan Hwy, a major thoroughfare.
 - The same emergency vehicles, along with emergency vehicles from other agencies, already traverse this highway for emergency responses.
 - The location of the station will provide quicker response times benefiting residents.
 - There are no existing residences with a direct line of sight to the side, in front of, or behind the new station.
 - The residences behind the new station are separated by a golf course greenway and a line of dense trees/vegetation. The closest residence in this direction is approximately 400 feet from the new building.
 - The existing residences directly across N Croatan Hwy are separated with dense trees/vegetation. These residential properties are accessed from a side road and not from N Croatan Hwy. The closest residence in this direction is approximately 230 feet from the new building.
 - There is a nighttime response protocol for siren use.
 - The building and grounds will always be maintained in good condition by the county.
- d. will be in harmony with the area in which it is located and be in general conformity with the comprehensive plan.
 - The area in which it is located is zoned for emergency and medical uses, abutting a commercial zone, which is in harmony with the area in which it is located, and is located in an “invest and improve” area of the future land use map.

Recommended Conditions of Approval

- Prior to issuance of building permits, parcels must be combined into one parcel by the applicant.
- Combined parcel be re-addressed to have a N. Croatan street address
-

Planning Board Recommendation

At its February 15, 2024 meeting, the Planning Board unanimously recommended approval of the proposed special use for an EMS station at the subject parcel, with the conditions listed above.

Town Council Recommended Motion

Action by the Town Council may include approval, denial, approval with modifications, or tabling of the proposed special use permit.

If approval of the proposed special use permit is sought, then the following motion can be used:

“I move to grant approval of the special use permit to allow an EMS substation at 4907 and 49011 Putter Lane, with those conditions listed in this staff report. Town Council finds that the proposal meets the conditions of Sec 42-100(b)8, as described in the staff report.”

If **denial** of the proposed conditional use permit is sought, then the following motion is recommended:

“I move to deny the proposed conditional use permit for an EMS substation at 4907 and 4911 Putter Lane. [Insert reasoning].”

Directions to the Subject Property

(from Kitty Hawk Post Office, N. Croatan Highway & Kitty Hawk Road)
Drive approximately 2 miles north on N. Croatan Highway.
The subject property is located on the left (west) side of the highway.

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MEMORANDUM

TO: Mayor Garriss and Members of the Town Council

FROM: Rob Testerman, AICP, CFM, CZO, Director of Planning & Inspections

DATE: April 1, 2024

RE: Text Amendment: 42-1, Definitions – Minimum Lot Size

Note: A zoning text amendment decision is a *legislative decision*. The purpose of the hearing is to solicit public comment and opinion on the matter. Council may use public opinion to weigh options and use judgement to determine what is in the best interest of the Town.

Attachment: Standards held by other towns of the Outer Banks for minimum lot size

Proposal

42-1.- Definitions

Minimum lot size means the minimum lot area as required by the various zoning districts. Marsh and wetland areas, as determined by Federal, State, and Local Agency regulations, may not be used for the minimum lot size. **All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements**

BR-1; 42-247(d)1: The minimum lot size is 15,000 square feet. Marsh and wetland areas, as determined by Federal, State, and Local Agency regulations, and areas waterward of the oceanfront vegetation line, as determined by CAMA regulations, may not be used for the minimum lot size. **All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements**

BR-2; 248(d) (1)The minimum lot size is as follows:

- a.For single-family detached residences, a minimum lot size of 15,000 square feet. Marsh and wetland areas, as determined by Federal, State, and Local Agency regulations, and areas waterward of the oceanfront vegetation line, as determined by CAMA regulations, may not be used for the minimum lot size. **All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements**
- b.For duplexes, a minimum lot size of 25,000 square feet.
- c.For multifamily dwellings, for each acre or portion thereof, a minimum lot size of 15,000 square feet for the first dwelling unit and a minimum lot size of 9,520 square feet for each additional dwelling unit.

BR-3; 42-249(d) (1)The minimum lot size is as follows:

- a.For single-family detached residences, a minimum lot size of 15,000 square feet. Marsh and

wetland areas, as determined by Federal, State, and Local Agency regulations, and areas waterward of the oceanfront vegetation line, as determined by CAMA regulations, may not be used for the minimum lot size. **All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements**

b. For duplexes, a minimum lot size of 25,000 square feet.

c. For multifamily dwellings, a minimum lot size of 15,000 square feet for the first dwelling unit and a minimum lot size of 9,520 square feet for each additional dwelling unit.

VR-1; 42-273(d) The minimum lot size is 15,000 square feet. Marsh and wetland areas, as determined by Federal, State, and Local Agency regulations, ~~and areas waterward of the oceanfront vegetation line, as determined by CAMA regulations,~~ may not be used for the minimum lot size. **All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements**

VR-2; 42-274(d) (1) The minimum lot size is as follows:

a. For single-family detached residences, a minimum lot size of 15,000 square feet. Marsh and wetland areas, as determined by Federal, State, and Local Agency regulations, ~~and areas waterward of the oceanfront vegetation line, as determined by CAMA regulations,~~ may not be used for the minimum lot size. **All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements**

b. For duplexes, a minimum lot size of 25,000 square feet for each acre.

c. For multifamily dwellings, for each acre, a minimum lot size of 15,000 square feet for the first dwelling unit and a minimum lot size of 9,520 square feet for each additional dwelling unit.

VR-3; 42-275(d) (1) The minimum lot size is as follows:

a. For single-family detached residences, a minimum lot size of 15,000 square feet. Marsh and wetland areas, as determined by Federal, State, and Local Agency regulations, ~~and areas waterward of the oceanfront vegetation line, as determined by CAMA regulations,~~ may not be used for the minimum lot size. **All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements**

b. For duplexes, a minimum lot size of 25,000 square feet for each acre.

c. For multifamily dwellings, for each acre, a minimum lot size of 15,000 square feet for the first dwelling unit and a minimum lot size of 9,520 square feet for each additional dwelling unit.

Background & Analysis

Recently, a text amendment was adopted that excluded any type of wetland from being included in minimum lot size calculations. It has been brought to staff's attention that the majority consensus of council is that they intended for the 15,000 sq. ft. to be contiguous in nature. In other words, to be considered adequate square footage for a new lot during the subdivision process, the 15,000 sq. ft. of upland land area must be uninterrupted by any wetlands, marsh, streams, roads, etc.

The desire for the uplands area to be contiguous was never relayed to staff during the review and adoption process of the previous text amendment, and thus was not included in the language that was presented to the Planning Board and Council. Had there been any discussion of the desire for the upland area to be contiguous during the Planning Board or Council reviews, it would

have been included previously. However, that discussion did not occur until after the language was already adopted. In order to enforce this intent, the language must be included in the ordinance. Therefore a new text amendment is required to be adopted in order to require 15,000 sq. ft. of contiguous uplands.

The applicant proposed language to add the language to the definition of ‘minimum lot size.’ Since the minimum lot size is dictated by each individual zoning district, staff recommended the applicant add the amendments to each subsection, as drafted in this staff report and agreed upon by the applicant.

During the Planning Board review of the proposal, there were concerns brought up during Public Comment, as well as by Planning Board members. The primary concern being that if the intent of the proposed text change is to protect and preserve wetlands, adoption of the proposed language could actually have the opposite effect. Should the amendment be adopted, the concern is that potential developers would then obtain permits to fill as much of the wetlands as possible, in order to gain the 15,000 of contiguous uplands prior to applying for a subdivision. The resulting action could potentially result in more lots/development on a tract as there would be greater amounts of non-wetlands area to work with and would result in greater impacts to the wetlands.

Additionally, there is no specifics as to what constitutes the uplands being “continuous, contiguous and connected”, meaning a developer could have a potential lot that contains 10,000 sq. ft. in one pocket, and 5,000 sq. ft. in another area. After obtaining fill permits, they could connect the two pockets by a thin strip of newly constructed uplands. The wetlands would be filled, and use of the strip would be impractical, as it would be done simply to connect the uplands area, but the hypothetical lot would be compliant, and get approved.

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

Policy 3.1: Manage land use and development to minimize primary and secondary impacts on resources and existing residents through standards for developments.

Policy 3.4: Encourage residential that fits Kitty Hawk’s character.

» Maintain zoning regulations that protect the character of Kitty Hawk’s neighborhoods.

Policy 4.1: Encourage the preservation of maritime forest, floodplains, marshes and wetlands through development regulations and land protection initiatives.

Planning Board Action

At its February 15, 2024 meeting, a motion to recommend denial of the proposed text amendment was made. The motion failed by a vote of 2-3, thus the proposal comes to Council with a recommendation of approval.

Town Council Recommended Action

Action by the Town Council may include approval, denial, approval with modifications or tabling of the proposed text amendment.

If **approval** of the proposed text amendment is sought, then the following motion can be used:

“I move to approve the proposed text amendment to the definition of ‘minimum lot size’, Sec. 42-1, and relevant district regulations, as presented in this staff report. Town Council has found this proposal to be consistent with the Town’s adopted land use plan.”

Should Council wish to **deny** the proposed text amendment to Sec 42-1, the following motion could be used:

“I move to deny the proposed text amendment to Sec 42-1 and associated district regulations, keeping the existing definition of ‘minimum lot size’. Town Council finds that this proposal is inconsistent with the Town’s adopted land use plan, [insert any additional justification for denial].”

MINIMUM LOT SIZES

Southern Shores

RS-1.- Single-family Residential – 20,000 sq. ft.

RS-8.- Multi-family Residential – for SFR- 20,000 sq. ft.

RS-10.- Residential – 20,000 sq. ft.

R-1.- Low-density Residential – 20,000 sq. ft.

Ch. 30.- Subdivisions

Area. The minimum lot area shall conform to the zoning requirements of the district in which the subdivision is located. Additional lot area may be required when a lot is not served by public water. In such cases, said lot shall not be less than the size required by the county board of health for installation of a well and/or septic tank.

Duck

RS-1.- Single-Family Residential Conventional – 20,000 sq. ft. if served by private well; 15,000 sq. ft. if served by central water supply.

RS-2.- Single-Family Residential Conventional – 20,000 sq. ft. if served by private well; 15,000 sq. ft. if served by central water supply.

R-2.- Medium Density Residential Conventional – for SFR -20,000 sq. ft. if served by private well; 15,000 sq. ft. if served by central water supply. For a duplex 25,000 sq. ft. – if served by public or community sewage disposal, 15,000 sq. ft.

Chapter 155.- Subdivisions

Lot size.

(a) All lots in a new subdivision shall conform to the requirements of the Zoning Chapter for the district in which the subdivision is located.

(b) Conformance means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the [Chapter 156](#). It is not sufficient merely for the average lot to meet the requirements.

(c) No land area shall be omitted from a plat when to do so would have the effect of creating a residual parcel of inadequate lot size.

Kill Devil Hills

OIR - Ocean Impact Residential Zone.- 15,000 sq. ft. for SFR, 20,000 sq. ft. for duplex

RL - Low Density Residential.- 15,000 sq. ft. for SFR; 20,000 sq. ft. for duplex or two SFRs

RH – High Density Residential.- 15,000 sq. ft.

Ch. 152.- Subdivisions

Lot size.

(1) All lots in new subdivisions shall conform to the requirements of the zoning code for the zoning district in which the subdivision is located. Conformance means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning code. It is not sufficient merely for the average lot to meet such requirements.

(2) No land area shall be omitted from a plat when to do so would have the effect of creating a residual parcel of inadequate size.

(a) *Area.* All lots served by an approved central water supply system shall have an area of not less than 15,000 square feet. Additional lot size may be required by the zoning code or when soil conditions in the area to be subdivided are classified as provisionally suitable as currently

defined by the North Carolina Department of Human Resources, Division of Health Services, Environmental Health Section (codified as 10 NCAC 10A.1934-1968).

(b) *Building setback lines.* The minimum setback from property lines shall be recorded on the final plat.

(3) Residential subdivisions in the Residential Low Zoning District on parcels greater than five acres shall comply with the following:

- (a) Lot size shall be a minimum of 7,500 square feet;
- (b) Lot width shall be a minimum of 50 feet;
- (c) Right-of-ways shall be dedicated to the town and must have a sidewalk or multi-use path on at least one side;
- (d) Five percent open space shall be provided; and
- (e) Twenty-five percent of the lots shall exceed the minimum lot size requirements.

Nags Head

R-1.- Low density Residential.- 20,000 sq. ft.

R-2.- Medium-density Residential- SFR- 20,000 sq. ft.; Two-family- 30,000 sq. ft.; lots using individual well/septic tanks – 20,000 sq. ft. per dwelling unit.

R-3.- High-density Residential - CR.- Commercial Residential – C-1.- Neighborhood Commercial – C-2.- General Commercial -SFR- 15,000 sq. ft.; Two-family- 22,500 sq. ft.; lots using individual well/septic tanks – 20,000 sq. ft. per dwelling unit.

C-4 Arts and Culture- SFR- 15,000 sq. ft.; Two-family- 15,000 sq. ft.; lots using individual well/septic tanks – 20,000 sq. ft. per dwelling unit.

C-5.- Historic Character Commercial – SFR – 22,500 sq. ft.; Lots using individual wells/septic – 20,000 sq. ft. per dwelling unit.

Manteo

R-2.- General Residential – 7,500 sq. ft.

R-5.- Historical Residential – 7,500 sq. ft.

B-1.- Village Business – SFR – 7,500 sq. ft.

B-2.- General Business – SFR – 7,500 sq. ft.

B-3.- Entrance District – SFR – 7,500 sq. ft.

B-4.- Westside Waterfront – SFR – 7,500 sq. ft.

Lot. A parcel of land which fronts on and has ingress and egress by means of a public right-of-way or an approved private street and which is occupied or intended to be occupied by a building or groups of buildings as provided herein with the customary accessories and open spaces. For the purposes of this ordinance "plat," "lot," "parcel," "plot," and "tract" shall be considered synonymous.

Lot area. The total horizontal area included within lot lines.