



Minutes
KITTY HAWK TOWN COUNCIL
Monday, May 6, 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. **Recognition of our Town's Team Members** – Fire Appreciation Day, May 4, 2024, National Police Week May 12-18, 2024, and Public Works Appreciation Week, May 20-26, 2024.
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 April 1, 2024, Regular Session Council Minutes and April 16, 2024, Budget Council Meeting Minutes** – Approval of the consent agenda will approve these minutes.
 - b) **Budget Amendment #12** – General fund. Reimbursement from Towns for training cost sharing.
 - c) **Financial Statements as of April 22, 2024.**
 - d) **Budget Amendment #13** – Donation to the Fire Department and Police Department from OBX Jeep Invasion.
 - e) **Town Code Amendment - Sec. 4-6(c)12.** Staff proposes removing references to specific registration fees, and replacing references to the fee schedule.
 - f) **Procurement Policy Amendment** – Proposal to raise the purchase order minimum from \$500 to \$1,000.
 - g) **Mid Currituck Bridge** – Letter of support from the Town of Kitty Hawk for the project.
7. **Items Removed from Consent Agenda**
8. **Planning**
 - a) **Zoning Text Amendment - 42-1.-Definitions and 42-528.- Accessory Dwelling Units.** The applicant proposes language requiring long-term occupancy on sites in the VR-1 district that contain an Accessory Dwelling Unit
 - b) **Zoning Text Amendment - All districts allowing single-family dwellings** – Maximum dwelling size and occupancy. Staff proposes language that would set a maximum dwelling size of 6,000 sq. ft. of conditioned living space and 14 occupants.
9. **Old Business:**
 - a) **Balloon Release Ban Discussion**
 - b) **Ivy Lane Flooding**
 - c) **Budget Amendment – Police Station Building Fund 41**



10. New Business:

a) FY 24-25 Budget Presentation and Motion to Schedule a Public Hearing for June 3, 2024.

b) Roosters in Kitty Hawk

11. Reports/General Comments from Town Manager

12. Reports/General Comments from Town Attorney

13. Reports/General Comments from Town Council

14. Motion to go to closed session per:

a) NCGS 143-318.11(a)(6) Town Manager Review

15. Return to Regular Session

16. Adjourn

Council Members Present:

Mayor Craig Garriss, Craig, Mayor Pro Tem Jeff Pruitt, Jeff, 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, Police Lieutenant James Helms, Fire Chief Mike Talley, Public Works Director Willie Midgett, Administrative Zoning Technician, Jessica Everett, Finance Technician, Lauren Cavendish.

1. Call to Order

2. Moment of Silence/Pledge of Allegiance

3. Approval of Agenda

Garriss: Council I need a motion to approve tonight's agenda, please.

Tillett: So, moved.

Garriss: Motion made by Dylan, second?

Hines: Second.

Garriss: Second made by David, all in favor?

All Council: Aye.

Garriss: All opposed, none. I just want to make an announcement, I know we have a large number of people here and I think you are here to talk about ADU's, but I just want to make sure you know tonight we are just setting public hearings for our next meeting for June 3, 2024. It will



not be discussed but you are more than welcome to speak in public comment if you would like to, okay.

Varnell: Mayor there will be no decisions made tonight on those items, is that correct?

Garriss: That is correct. No decisions we are just scheduling a public hearing for the next meeting. I urge you all to come back June 3, 2024, if you would like to attend.

4. Recognition of our Town's Team Members – Fire Appreciation Day, May 4, 2024, National Police Week May 12-18, 2024, and Public Works Appreciation Week, May 20-26, 2024.

Garriss: Recognition for the Town's team members. We have some great employees in this town, and it just so happens May is a very popular month. Fire Appreciation Day was May 4th, just this past weekend. National Police Week happens every year from May 12-18th. National Police Officers Memorial Day always falls on May 15th. Public Works Appreciation Week, May 20th through the 26th. We want to honor and thank all of the employees and staff. We wish you best wishes and thank you all for what you do. We are very fortunate to have you. Any comments about that Council?

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.

Garriss: Public Comment, Laura has anyone signed up for Public Comment?

Walker, Laura: Yes, sir we have quite a few Joe Anlauf.

Anlauf, Joe: Good evening, Joe Anlauf.

Garriss: Keep in mind you have three minutes, and we ask you to speak directly into the mic so we can pick up your voice, go ahead.

Anlauf, Joe: Joe Anlauf, 4721 West Eckner Street. I am here to talk about items 8a and 8b. I have lived here since 1999. I have raised four daughters in a little house on Eckner Street. I understand the challenges of ownership of property. All my daughters are now young adults. I would like them to be able to live in Kitty Hawk. It has been a dream for my daughters to live near me my entire life. I understand the challenges of trying to own property as a young person in Kitty Hawk. Also, I understand the difficulty or the work it takes to operate a short-term rental. There is a lot of work in getting reviews, making sure your linens are changed, and cleaning services are all there. If my daughters want to buy a property that has an ADU on it and they need to do short-term rental, and they are willing to do the work in order to be able to cover that note, the mortgage, that option should be available. I don't think that any ordinance in this town should get involved in someone's private business as how they make income. We are all here as a function of tourism and we need to



promote that, so I strongly oppose any text amendment that would change or involve themselves in how people operate their accessory dwelling units. I strongly oppose it.

Garriss: Thank you sir.

Anlauf, Joe: Second item on the zoning text amendment, Dare County, unincorporated Dare County had in their ordinance for a long time an ordinance that tied the area of the land to the number of bedrooms, it was 15,000 square feet for a six-bedroom house or 720 gallons per day. For every additional bedroom you wanted above six bedrooms, it was another 2,500 square foot requirement. So, if you had seven bedrooms you had 17,500 square feet required. Eight bedrooms, 20,000 square feet. At some point, that part of the ordinance was very quietly removed from Dare County's ordinance because it was determined it was not a legal precedent. I do not know all the ins and outs of the legality of it but tying land area to number of bedrooms and maximum building size, I don't support that either. If the land can facilitate it, you should be able to build as big of a dwelling as you want. There is a tract of land near my house, it's 112 acres. If someone wants to build the next Biltmore Mansion there, so be it. Let the economy drive it. So, I oppose that as well.

Garriss: Thank you, sir. Next Laura?

Walker, Laura: Kyle Stickly.

Garriss: Come on up sir.

Stickly, Kyle: Kyle Stickly, 5120 The Woods Road. I am here to address short-term rentals and ADU's, my name is Kyle Stickly my wife Carol Anne and I along with our two children purchased our home at 5120 The Woods Road in 2020, having both grown up here we wanted to have privacy away from the chaos of the Outer Banks. On our hunt for some more secluded, we found our sanctuary on just over an acre on a private shared driveway off the Woods Road which included three other homes and backs up to the nature preserve. We were very excited to find this, and it's off the beaten path, and no further development can be made around us. Just like many other people in our community, we are now turning into victims of the Air BNB Market. Our neighbors have closed their attic and built a large deck on the side of their home to access their upstairs ADU for short-term rental. The large deck and staircase overlook our fenced-in backyard. We have tried speaking to them about this invasion of our privacy, but they did not care to try to come up with a solution that we were comfortable with. The deck has a seating area that allows for tenants to observe our young children playing in our backyard and you are able to see into all of our bedrooms on the right side of our home, including our children's bedrooms. The proximity of the ADU to our children's bedroom and family living area is less than 30 feet. Excessive noise and additional outside lighting they have installed is another concern. Our quiet secluded lot, personal space, security and meanwhile property value are being affected by their desire to make money. Our hope is the town of Kitty Hawk can start implementing regulations for short-term rentals, including but not limited to, not allowing short-term rentals in certain districts, requiring the owner's to purchase a yearly permit to rent out part of their home, a cap on the number of short term rental permits that would be issued and having yearly safety inspections to ensure the owners are keeping their tenants safe and in the same



standards that hotels are built to. Occupancy tax and beach nourishment tax should be paid to the town and requiring short-term rental owners who also live the house as a primary residence. My wife and I have lived on the Outer Banks for thirty plus years and as homeowners and community members, we hope that our island can take a stand on short term rentals that are trying to take away our privacy and way of life. Thank you for your time and listening to my concerns.

Garriss: Thank you sir. Laura?

Walker, Laura: Gia Palacorrolla

Palacorrolla, Gia: Gia Palacorrolla, 5004 Radcliff Court. Good evening. As we know, the Outer Banks is a resort community. I did not get to experience the cottage court, but I have heard about it, and I think it sounds like a wonderful thing and something I would like to see come back. It is the removal of these cottage courts that has neglected these short term stays and small groups. We have towns nearby that are growing like Raleigh and Virginia Beach, Richmond, where a lot of these small groups are coming from. These folks that are coming on vacation are booking through platforms like Air BNB, VRBO and various other platforms. The towns are connected and receive this occupancy tax immediately. So, does State and Local government. The taxes are then going to our towns and we as residents are able to enjoy these taxes and what is being brought back into our community. I would also like to second the comment that was made earlier in reference to being able to have auxiliary dwellings allowing us to be able to afford to live here. Thank you.

Garriss: Thank you. Next, Laura?

Walker, Laura: Grace Anlauf.

Garriss: Come on up ma'am.

Anlauf, Grace: Grace Anlauf, 4109 Ivy Lane. Good evening, I hope you are all doing well. My name is Grace Anlauf, I am a local real estate agent. I was born and raised in Kitty Hawk, that's my dad. I spoke at one of the previous advisory board Council meetings. I do try to stay neutral usually because I am a real estate agent, but I have clients who have purchased property with the current code in the VR1 zoning district that allows them to have accessory dwelling units. They have bought these properties knowing they can rent both sections accessory dwellings units and main home out for short term rental which then provides a plethora of jobs including cleaners, management. It includes occupancy tax; it goes to the town that is used for other sections of the town. It includes maintenance folks, and the list continues. Also, the people that bought those properties, are banking on that income to pay their mortgage and to take that property right away after it has already been granted when they bought the property will cause an issue for those renters. Also, with accessory dwelling units that have already been built, a lot of those units cost \$250,000 plus to build. They were built with the idea they could be short term rentals. If you take that away and it becomes long term rental ability like KDH has done and other places have done, it takes away the value of the property. It takes away the thought they were going to be able to build that accessory dwelling unit and make \$30 to \$50 thousand dollars a year, potentially more and then restrict it to maybe a \$1,000



a month, which is \$12,000 a year. We can go on about the details of money, but if that property was built for short term rental to begin with and then that owner rents it for short term rental for a certain period of time. Then they choose to sell it because the property is already built, they can use it for the highest and best use to then become a long-term rental and use for somebody else. Essentially, what I am asking the Council to allow to occur is natural free market enterprise capitalism. Allow that to maintain the course. We are seeing a lot of short-term rentals go back to long-term rentals. Please allow the economy to do that, don't restrict people's personal property rights. Please do not change the text amendment. I ask you to allow us to let it stay the way it is, because people's livelihoods depend on it. Our occupancy tax is built off of tourism in all the towns. I have always appreciated the Town of Kitty Hawk has allowed folks to use their properties in other ways. They are not the Currituck Club, they are not Killmarlic, they are not even the Town of Nags Head that puts a lot more restrictions on what people can and cannot do with their homes. So, I just ask that they allow the owners to make the decisions that are appropriate for their properties within reason. If there are other reasons that need to be addressed such as noise, parking things like that if we could focus on making our community a better place, on that front, and staying away from infringing on personal property rights. Thank you so much, have a great evening.

Garriss: Thank you, Laura?

Walker, Laura: Debbie Swick.

Garriss: Come on up Mrs. Swick.

Swick, Debbie: Debbie Swick. 59 Deer Path Lane, Southern Shores. Good evening, Mayor and Commissioners, I am Debbie Swick, 59 Deer Path Lane, Southern Shores and the creator of Ban Balloon Releases NC. Thank you so much for putting it on your agenda this evening. I ask that you consider creating an Ordinance, not so much just to follow Southern Shores and Duck and Nags Head as they have done, but because it is the right thing to do for our environment and our community. A Helium balloon can last up to 100 years. It does not break down into anything but micro plastics which we know are a hazard. There are no such thing as biodegradable balloons, this ribbon attached to balloons lasted in the environment for over 150 years. The ramifications for the wildlife here are horrible. They travel a very long distance. If I were to take this and throw it on the ground, he is going to write me a ticket and he is going to tell me to pick it up. The problem with enforcing this as litter, it does not become litter when it is filled with helium until it is released. Once it's released, it's going up and it's unretrievable. That is what I hope to accomplish by going town to town. While there is a bill going on short session, hopefully soon, I am encouraging all the local municipalities to do the right thing for our towns, our visitors and our environment here. They litter our beaches, they litter our roadways, they get stuck in trees, and they kill wildlife, not to mention they do cause fires. I encourage you to please consider and ordinance. A resolution is a very nice thing to acquire as well, but that means you should not do it. When you say ordinance, it means you cannot do it. People are releasing balloons for graduations, weddings, gender reveals, and memorials. Sadly, those organizations and groups of people that release them are not releasing one or two, even though damage can be caused from them, we are seeing numbers in the 100's and those are the ones that are going to travel and land in the ocean. I encourage you without a doubt,



I will stake anything on this, ask any commercial fisherman out here how many balloons they see out in the ocean. I promise you the number is staggering. So please give consideration to the creation and ordinance to ban the release of helium balloons. We need to send a message to our residents that you care about his place, and we need to educate all of our visitors as well that the balloons that they release from wherever they come from wind up in our ocean. Thank you very much.

Garriss: Thank you Debbie. Laura?

Walker, Laura: Ron Tumolo.

Garriss: Come on up Ron.

Tumolo, Ron: Ron Tumolo, 3916 Ivy Lane. Good evening, Mayor, members of Town Council, Town Manager. I am here to talk about two things which are somewhat related. Specifically, as how it relates to our Land Use Plan which was approved in September of 2023. Specifically referring to the historical and cultural areas of our town. Currently, in Kitty Hawk there is no historical preservation ordinance for historical landmarks or properties. As identified in the Land Use Plan, there are 19 historical properties. Three of them have been study listed, 16 of them have been surveyed. And as called out in our plan, no action has been taken to further get those properties recognized. What I would like to do today is ask the Town Council if they would be willing to support the establishment of a historical landmarks committee that might work on getting the ball rolling and getting these properties identified. Kitty Hawk was founded in a small commercial village based on fishing we still honor that. We are internationally recognized as a historically significant place. I am proud of that, and I want to do what I can to preserve that history. In addition to that I know many of these properties or all of these properties are owned by private citizens. There are both State and Federal tax benefits to be received through the registration on the national registration and the State of North Carolina. Again, I would like to ask you to think about that this evening. I want to talk about that first in Public Hearing, I was not sure if this is an issue that needs to go before the Planning Board or another Committee, but I thought it was important to come speak of this in public.

The second but related issue is, long before the Wright Brothers came here, there were these little saplings called live oaks. Since I have been here, I have one on my property that is 150 years old. I cannot think of a tree anywhere else in the world that represents the Outer Banks other than the live oak. I am asking the Town Council to consider establishing an ordinance that adopts or identifies the live oak as the Town Tree for the Town of Kitty Hawk. I know it is easy to come up here and ask for it, but I want you to know everything I am asking for tonight, I am willing to make an effort to do either one. There is precedence here, we are not the only town that recognizes this is an issue. Nags Head, Kill Devil Hills both have historical committees, they both recognize the live oak. I am not just talking about an ordinance that says you cannot chop it down, if it's in the building plan to build your house of course. What I don't want to happen is for it to be knocked down because it blocks my view of the sound. Or if it becomes damaged, it should not be topped. Topping a live oak tree is the same thing as cutting it down. In order to do this, I would be happy to draft an ordinance to protect the live oak.



Garriss: Thank you Ron. Anyone else signed up?

Walker, Laura: Duke Garaghty.

Garaghty, Duke: Good evening, Duke Garaghty, Outer Banks Home Builders Association. Mr. Mayor, Council members. I am going to speak quickly on items 8a and 8b. Item 8a has to do with accessory dwelling unit. I congratulated Kitty Hawk a long time ago for being one of the first towns to adopt an ordinance allowing ADU's in the town. Congratulated them at the time, put them in, then made some changes to it a few years ago. Now we are looking to tweak it again. The only complaint our association has with it is we have a lot of owners and some of our members expended a lot of money building them. They followed the rules at the time they built them, they put them in, and they should be grandfathered in. If you change the ordinance, the text amendment, they should be grandfathered in because they followed the rules and did the job when it was built. Item 8b has to do with single family dwelling sizes. We know the Town has the authority to limit the size of the bulk and the height and a lot of the different zoning ordinances. In 2015, Senate Bill number 25, and it's a long paragraph. Regulations prohibited by this subsection may not be applied directly or indirectly to the number of and types of rooms and the interior layout of rooms. What that was put in place for was that we had Towns, it was a growth period, and general assembly thought it was a benefit of everyone to not be able to zone by bedrooms. You have all kinds of rumors going on, houses are starting to become big. They were big by 2015. So, they put this in, and I asked them at the time, put it in as you regulate by septic. By that they changed the wording to directly or indirectly. When you are looking for the occupants, you look at the number of bedrooms, and your septic is directed by the number of bedrooms. They took that out as far as you can zone by it. The wording was applied directly or indirectly so like you are saying, you have 14 occupants, you are looking for 14 occupants maximum, you really don't have the authority to do that according to this bill that was submitted in 2015. I am going to leave the legal definition and the paperwork with the Town Attorney, and he can look it up maybe for the public hearing next month if you are setting a public hearing tonight. I know you want to follow the rules that were there, so you are leaving yourself open to a lawsuit. Now whether the towns have done it and they have said, go ahead and sue us. So, it's an idea. We are a trade association, and we would not want it to go that far.

Garriss: Thank you Mr. Garaghty. Laura, next?

Walker, Laura: One more, Gary Perry.

Perry, Gary: Did you say Gary Perry?

Walker, Laura: Yes sir.

Perry, Gary: Good evening.

Garriss: Good evening, Sir.

Perry, Gary: Gary Perry, 3831 Herbert Perry Road, the village. The purpose of speaking tonight is to bring important background information to the Council and citizens relating to the commercial



VRBO issue that I thought was going to be before you. Before an ADU or VRBO term, the term accessory structure such as garage, workshop or outbuilding somehow morphed into the term accessory dwelling for living space but without a cooking stove. I do not know when that occurred, but the Town went along with accessory dwellings being used as rentals or mother-in-law facilities. Short-term VRBO and greed corrupted the accessory use. I was still Mayor when the manager and planner told me an applicant wanted to build a small primary residence on one corner of a residential lot, and three accessory dwellings on each of the remaining three corners of the lot for a total of four living structures on a standard residential lot. Based on prior administrative interpretation of accessory dwellings the planner felt he had no choice but to approve the request. Now understand this would have been administratively approved. No Planning Board, no Council involvement, no knowledge until the stuff hit the fan when the citizens saw it happen. As Mayor, I informed the planner and the manager that this must not happen and instructed him to immediately sit with the Town Attorney to stop any action. The instruction included history and a land use plan that clearly showed the citizens of this town would not put up with that kind of density. I further instructed them to bring to the Council a rule, dealing with ADU's to get rid of the sham of a living dwelling without cooking facilities. The Town Planner Testerman deserves credit for bringing it to my attention. I know that property rights will be an issue for some, or others will point to the beachside residential areas that have been short-term residential rentals forever. Times have changed. Strange visitors moving and out of west side neighborhoods is clearly an unwelcome commercial operation in those parts of town. Lay citizens are attempting to suggest text amendments but lack the professional skills to deal with all the complications. The Council has the ability to direct the town staff and legal counsel to bring forth text proposals that mirror what your citizens want.

Garriss: Thank you Mr. Perry.

Perry, Gary: You have what you want, you know what they want. I expected five minutes, I did not know you changed.

Garriss: We have not changed, three minutes sir, thank you.

Perry, Gary: A hearing is five minutes.

Garriss: Thank you sir. This is a public comment. Anyone else signed up Laura?

Walker, Laura: No sir.

Garriss: Does anyone else like to speak at public comment? About any subject? Feel free. Okay let the record show no one else chose to speak. Council I need a motion to approve tonight's consent agenda?

Pruitt: So moved Mr. Mayor.

Garriss: Thank you Jeff. Second?



Walker, Charlotte: Second.

Garriss: All in favor?

All Council: Aye

Garriss: All opposed. None. So, we have no items removed from the consent agenda.

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Budget Council Meeting Minutes – Approval of the consent agenda will approve these minutes.

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c) Financial Statements as of April 22, 2024.

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e) Town Code Amendment - Sec. 4-6(c)12. Staff proposes removing references to specific registration fees, and replacing references to the fee schedule.

f) Procurement Policy Amendment – Proposal to raise the purchase order minimum from \$500 to \$1,000.

g) Mid Currituck Bridge – Letter of support from the Town of Kitty Hawk for the project.

7. Items Removed from Consent Agenda

8. Planning

a) Zoning Text Amendment - 42-1.-Definitions and 42-528.- Accessory Dwelling Units. The applicant proposes language requiring long-term occupancy on sites in the VR-1 district that contain an Accessory Dwelling Unit

b) Zoning Text Amendment - All districts allowing single-family dwellings – Maximum dwelling size and occupancy. Staff proposes language that would set a maximum dwelling size of 6,000 sq. ft. of conditioned living space and 14 occupants.

Garriss: Items 8a and b which we were just talking about, Council we need to set some public hearings. Let's go to item 8a first, Text Amendment – 42-1.

Pruitt: Mr. Mayor, I move to set a public hearing at the Town Council Meeting on June 3, 2024, to consider the proposed text amendment to section 42-1 and 42-528 regulating the use of Accessory Dwelling units as short-term rental in the VR-1 district.

Garriss: Thank you Jeff, can I get a second?



Hines: Second.

Garriss: Second by David, any further discussion? All in favor?

All Council: Aye

Garriss: Thank you, now we have item 8b, zoning text amendment referencing single family dwellings. I need to set a public hearing there also Council. Anyone wish to make a motion?

Pruitt: Mr. Mayor, I move to set a public hearing at the Town Council Meeting on June 3, 2024 to consider the proposed text amendment to all districts that allow single family dwellings, to regulate maximum size and occupancy.

Garriss: Thank you Jeff, motion made by Jeff, second?

Hines: Second by David. Any further discussion? All in favor say aye.

All Council: Aye.

Garriss: All opposed? None

Garriss: Now Item 9a

9. Old Business:

a) Balloon Release Ban Discussion

Garriss: Miss Debbie Swick spoke earlier about the balloon release. I have asked Melody and I think Rob worked together about what other towns are doing. Melody please.

Clopton: We have given you some information. We sent this out last week and some things have happened and changed in that time. The Town of Duck did pass an ordinance that prohibits the release of any balloons inflated with liquid air or gas. The Town of Kill Devil Hills recently passed a resolution, but I believe they are still exploring the idea of an ordinance. The Town of Nags Head did pass an ordinance to prohibit the release of balloons on Town owned property and public access beaches. The Town of Southern Shores recently passed an ordinance as well. Ms. Swick came back in March; she was here again tonight. We would like to have direction from Council as to what you would like to see for the future.

Garriss: Thank you Melody, Council I think we need to make a decision here. At one time we first talked about starting with education. What kind of discussion do we have on this?

Hines: I am going to start off. We educate about fireworks and that does not work.



Garriss: I know.

Hines: I am past that.

Garriss: I agree.

Hines: I have been offshore too many times and I have seen way too many balloons out there. I am personally in favor of it. We need to do something; I don't think education works. Putting signs out is not going to matter.

Garriss: Are you leaning toward a resolution or an ordinance?

Hines: I am happy to keep discussing, I think we need to do something. Educating is not going to work.

Garriss: I agree with you 100 percent. Dylan?

Tillett: Can I ask, is the release of helium balloons is that already considered littering, which is illegal? Chief, can you provide some insight on that?

Chief Palkovics: Well sir, I would have to look into it more. Yes, you are releasing something, but litter is typically on the ground. You would see the person and you would charge them based on that. I am not aware of anyone being charged with releasing a helium balloon as in litter. I could be very wrong. I am not well educated on it, but I can do some research if you would like.

Tillett: I would be interested in hearing what that entails. If releasing to the air is considered legal. I am totally against releasing balloons as well. I am not a fan of cluttering ordinances in two different places when it is already in one place. If we can group that into an existing law that is already there, I am all for that as well.

Chief Palkovics: Let me look into it and see if I can give you some advice there and maybe talk to Casey for some advice as well.

Tillett: Thank you very much, I appreciate it.

Varnell: I can certainly look into that as well.

Hines: I have a follow up comment on that, I might be wrong but, I think the difference is once you release it, unless you are sitting out there in ocean and watch it come down. I don't think you can jumble that in with litter because it's not litter yet.

Walker, Charlotte: You would have to prove who let it go.

Garriss: I think this whole thing is going to be an enforcement nightmare.



Varnell: Enforcement is a critical part of this entire thing, but Councilman Tillett raises a novel point that deserves some research. I have no problem doing that, I can work with the Chief to do it.

Garriss: Jeff.

Pruitt: Well, I am a commercial fisherman, and I am sick of seeing those balloons floating around. I agree 100 percent, I support whatever we have to do to put an end to it. A resolution to me is not going to work. If there is some way to put it, say an accident someone let one go coming out of the dollar tree is different from a wedding and letting 30 balloons let go, I don't care where they land. I know where they land in our waterways. I am for whatever we can do to help control it.

Garriss: Thank you Jeff, I agree. Council, do you want to wait until we get a clarification back from Casey and Chief before or would you like to do something tonight?

Pruitt: I would like to see.

Varnell: If I understand it right is like two prongs here. One is this something that would already be covered under the general littering charge that is already enforceable, then stemming from that what techniques could we use to enforce. What could we insert into an ordinance if that comes up to help with enforcement?

Hines: Well, we have to be careful with that, cause if it is a Town Ordinance it is like a \$25 fine. That is not going to stop somebody from doing that.

Varnell: Which can be chargeable because I don't think we have adopted anything to the contrary. It can be chargeable also by a misdemeanor. That would be under 160d, that is something that again can be incorporated into an ordinance. That comes from again statutes that allow for those types of misdemeanors.

Hines: It is an enforcement nightmare, we know that, so do we have to look further?

Varnell: I think that was my second prong there. It is what if anything from an enforcement standpoint could be implemented.

Hines: Do we have the authority to tell Harris Teeter they cannot sell them anymore?

Varnell: That is a totally different in my opinion issue.

Garriss: We cannot stop them from selling them, it's releasing them.

Varnell: Right.



Garriss: As long as they have the weight on them, some have the ordinance as long as they are weighted down.

Hines: I get it, sometimes you walk out of the store with balloons and the wind is blowing and they go.

Varnell: I will say this, and I think this came from a conversation I had with Rob. Potentially, Ms. Swick may have brought this up at a KDH meeting, of course I serve as their Town Attorney. But there may have been other towns in North Carolina who have attempted to do what you are discussing Councilman Hines which is take stores and restrict what they can and cannot sell within your jurisdiction. If the Council wants me to, I would be happy to look into what if any fruition came from that which would be just another source of diminishing the impact.

Hines: That may be an idea. We don't allow fireworks, yet they end up here.

Varnell: I will look into it.

Garriss: I hate to wait another month, but Council, do you want to let Casey see what he can find out? Summer is upon us, and we are going to have balloons being released.

Walker: Wedding planners would be another place to start and let them know it is not acceptable. They can discourage somebody that is coming from out of the state with their wedding plans. They would be a big instrument for helping with that.

Garriss: Melody, do you have a suggestion?

Clopton: Yes, I have been in contact with most of the Towns about what they are doing. If you feel comfortable, we can certainly get the information you have requested tonight. It is possible we can communicate in the meantime and perhaps have a draft ordinance if that is what you want to do for June.

Hines: That's a good idea.

Clopton: So, we will be in touch, and we will communicate what we find in our research, our goal would be to have a draft for the June meeting.

Varnell: That will work fine, because then what I can then do just like we would at any other hearing is where you are presented with something. I can give feedback on what I have found. You can compare that versus the ordinance that we have in front of you and we can go from there.

Garriss: And we do not need a motion because it is just for informational purposes only, right?



Varnell: Correct, but I think the consensus is if I have heard it right, I do some research in cooperation with the Chief. In the next meeting, we will bring you a draft ordinance concerning the release of balloons.

Garriss: We all good Council? That's great. Thank you, Ms. Swick, sorry we cannot make a decision tonight.

Swick, Debbie: That's alright I will keep coming back.

Garriss: You are more than welcome.

Hines: The good news if we do not have a whole lot of wedding venue homes, which helps.

b) Ivy Lane Flooding

Garriss: Melody, Ivy Lane flooding. I know you have an update there.

Clopton: In your package I included a final recommendation from John Delucia from Albemarle and Associates. The residents on the southern end of Ivy Lane brought forward their concerns regarding flooding at the end of their street. Back in August 2023, the Town instructed us time to explore options and asked the engineer to come up with a preliminary plan. This was presented at the February 5th council meeting. At that time the Council also requested a survey of the effected residents to determine their interests, questions and concerns. You have in your packet their responses. The Town engineer has completed the final review. He tried to reach out to the residents and offer to have another meeting. There does not seem to be any consensus that this is anything the majority of the people want to do. The engineer's final recommendation is not to pursue the project since there is not enough support from the residents. That is his recommendation, Council can decide how they want to proceed.

Garriss: As Melody said the survey was sent out to every resident and we did not have 100% compliance in taking the survey. Correct Melody?

Clopton: Correct.

Garriss: Council this is just for informational discussion purposes for us.

-

Pruitt: Mr. Mayor, I suggested going to the people and if the majority of the people do not support this project, then I do not want to do something that the majority of the people are not in favor of.

Garriss: We have tried, and it has already cost us money, and that's not an important thing.

Pruitt: Sometimes I wonder if the damage is worth the once in a while flood. That it would create back there to the landscaping. Who knows where the water is going to go then?



Garriss: Is the Council pretty much on board with that? We good Melody?

Clopton: We are good.

Garriss: Thank you.

c) Budget Amendment – Police Station Building Fund 41

Garriss: Item 9c the Budget Amendment for the Police Station Building Fund 41. Melody?

Clopton: In accordance with GS 159-28, before any governmental unit can incur a financial obligation, the Finance Officer must ensure there is enough money to authorize the expenditure and sufficient money remains to cover the obligations. You have been provided with a copy of the construction contracts which have not been signed. The town needs to ensure that the police department capital fund has sufficient funds to cover anticipated expenses as we move forward. We are requesting a budget amendment for fund 41 in the amount of \$230,307. This will cover the special agent inspection fees of \$32,574, security cabling and equipment expenditures of \$159,070 as well as the balance owed for future services of the already approved Dills Architect contract in the amount of \$97,664.

Garriss: This is something Council expected when we got to this point. Any discussion on this?

Hines: What is the total amount we are trying to move?

Clopton: The budget amendment is for \$230,307.

Hines: On top of what we allocated before right?

Garriss: I think we expected this, but we did not have the amount at that time.

Tillett: Melody I do not want to venture outside of the lane here, but is this budget amendment included in the next topic we are going to discuss? This is prior to the information packet in the budget.

Clopton: This will be done this fiscal year so we can move forward with any contracts that we are going to sign.

Tillett: It is in the 2023/2024 budget year.

Clopton: Yes. There is money in the general fund, and it also depends on how we end up at the end of this year. Our interest earnings have been more than we anticipated. It is not a direct, move from the General fund to the police fund, it's a Budget appropriation. It will all be hashed out at the end of the fiscal year.



Garriss: Thank you Melody.

Hines: Do you think this is the last amount of money you are going to ask for?

Clopton: No.

Garriss: There is some more coming.

Clopton: It was asked at the last meeting, some of the things we need to have now versus things we need to have in the future. Furniture and equipment are not in this one. This would give us enough money to move forward with everything we know of now to get through the construction process. This is all on estimates as you know.

Hines: Here we are, I don't what to keep opening the vault. I get that things happen, but we set that money aside, I feel like. You are going to have things that come up. I understand that we have not even gotten into addressing the contractual side of change orders and all this other stuff and hope that does not happen and will occur too. That is all in the contractual stuff that Casey reviewed, which I have a couple of recommendations as well.

Garriss: We have to do this to move forward.

Hines: I understand, it puts me in a tough spot because I want to see the police station built. We have to keep a handle on these costs.

Pruitt: I feel the same way. I know we have to keep going. We can't keep every month, just say General Fund, General Fund and have the police department just spiral out of control. It is already a little out of control, I think.

Hines: I don't think anybody sitting up here wants this more for the Police Department than we do. I just want to keep a handle on the cost. I am in a tough spot because we have to do it to move forward. We really have to do something different moving forward on some of these costs for whatever is coming up.

Garriss: These are all things that we expected and knew we just did not have the amount at that time, now we have the totals before us. What does the Council want to do?

Walker: I see this thing a little different, from a different perspective than you are looking at it. I see the money that we saved when we decided not to build a brand-new building on lots, we already owned for \$14 Million. I see the fact that we bought this building for \$4.1 Million, and we have income producing in that building. It grew tremendously from what I had anticipated when we were just going to make do with what existed and fix some of it up and use it for the police department. It kinda grew legs and got away, but we were going to have to have a mortgage on \$14 Million dollars. That was way more than we should have ever been thinking about doing. I



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want to see it done. We have the money, and we can do it. It is unfortunate that it keeps creeping up, but we are already deep, we are already in it.

Hines: Oh, I know. That is why we did not do the \$14 Million dollar project.

Walker: We are still so far ahead of the game, even with that \$230,000 we are way ahead of the game if we had built the station, and we would not have even started that.

Garriss: I will say for third time tonight. This was not something we did not expect, we knew this was coming.

Hines: I am not disagreeing that we did not expect it, I just want to make sure we are keeping a grip on this as best we can.

Walker: It is all documented, the exact amounts are there.

Garriss: I agree with you Charlotte, we need to get rolling, but we need to limit what else comes in Melody.

Walker: This has to be done in this fiscal year.

Clopton: It should be, if we can get through our contract process, Liliana cannot proceed. What is it called Liliana?

Noble: We cannot sign the contract unless we have the money budgeted by law.

Walker: Then I recommend approval of the budget amendment of the Police Station Capital Improvement fund 41 in amount of \$230,307.

Garriss: Thank you Charlotte, who has a second?

Garriss: I will second that. Any further discussion. All in favor?

All Council: Aye.

Garriss: All opposed? NONE. Thank you, Council, very much, I know it's a tough one, thank you very much.

Varnell: Mayor, do you mind if I speak really quick on my agenda item?

Garriss: Sure. Go ahead.

Varnell: I did want to make note, it could be that it has already surfaced. Some of you may be aware of this, but as of today the house and the senate have ratified a huge bill that had a lot of



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different things in it. One of the important things was that Dare County local bill that essentially stated that when it comes to affordable housing in Dare County the construction of that housing, basically our ordinances did not apply. They could come in, make applications and there were very few things that meant anything as far as what our actual zoning ordinances state, they could ignore those provisions. Everyone knows now that the County has voted to return the money that was given, I guess via a grant to the county for affordable housing. But also, the governor tomorrow will receive this bill. It has been ratified and is seeking to repeal the ordinance which means do away with delete the ordinance which says our ordinances do not apply to any affordable housing projects. There was no opposition really in the house or the senate which generally means that the governor is not going to have much of a problem signing. It is also a benefit that there was a lot on this bill. When that happens, some things are more important than others. Given this as a local bill, we have all the hope in the world that the governor will soon sign it and as soon as he does, I will let you guys know. It does not really change much in terms of how we discuss things, however it will be gone soon, very soon is our hope.

Garriss: That is great news.

Walker: Very good news.

Varnell: May I be excused?

Garriss: Anything else? No, go on.

Varnell: Thank you sir.

10. New Business:

- a) FY 24-25 Budget Presentation and Motion to Schedule a Public Hearing for June 3, 2024.**

Garriss: Item 10a, Budget Presentation, Melody.

Clopton: Good evening, Council, community and staff members. I am here tonight and happy to present the 2024-2025 fiscal year budget. Before we get into the budget nitty gritty, I wanted to go over the 2023-2024 Highlight of our accomplishments. We have had a busy year. Townwide, we developed the town Mission, Vision and Core Values. We completed a police station building design and development process. We completed a property exchange with Dare County for construction of an EMS station and a Town fire bay. We have held successful community events. We have leased all available space in the medical office building. We have received a \$400,000 grant from the Outer Banks Tourism Bureau for the multi-use path. We have developed an employee performance appraisal system, and we conducted a multi department active shooter drill. In Administration and Finance, we have realigned job duties for open positions to best support the town. We have launched mandatory harassment and diversity training for all staff and new hires. We have begun personnel policy review and updates. We have implemented an electronic benefits enrollment system. Our Finance Officer has assumed the role of procurement



officer for the police station building project. Our Finance Tech received her notary certification and we have expanded the finance scope by cross-training and utilizing Stacy in the Fire department for accounts payable help. In Planning we completed our annual CRS Certification and maintained a class 6 CRS Rating. We have adopted a newly updated CAMA future land use plan. We participated in phase one and two of the North Carolina resilient community plan and we should finish this in June. We have appointed a new Building Inspector/Code Enforcement trainee who has achieved probationary status. We have transitioned the Office Administrative Assistant position to a dual role as Administrative Planning Assistant and we have expanded the role of the Administrative Zoning Technician.

Before I go on to the next department, these are the things the team has done, but you all have enabled us to do these things, so we are very appreciative. Fire Rescue completed the meet Federal Civil Rights and Civil Liberties criteria for grant funding. If you notice on the bottom of our agenda tonight, we have Spanish on there now, that is related to this, we cannot get Federal grants if we don't have this stuff taken care of. We received a US Lifesaving Association Advanced Lifeguarding Certification. We have initiated joint training between the Police and the Fire department. Captains Joe Case and Brad Antons received ATV/UTV Instructor certification, and we have already provided training for fire and police and upcoming rescue guards. Master Firefighter David McCullough completed Fire Instructor certification. Firefighter Tobi Wild successfully completed her probationary period, and Captain Antons achieved fire code inspections one and two certification.

The Police Department expanded community engagement efforts by organizing and participating in eleven events. They increased the Police Department's social media presence with significant positive feedback. Implemented the Officer of the Quarter Program. Officers Amy Heckhouse and Aaron Nelson completed field training and officer training. Sergeants Travis Hardman and Tara Poulin attended FBI Leeda Certification. They completed the final phases of the AXON in-car video camera phase in. They formed a community advisory board and Detective Jason Rigler received Officer of the Year.

Last but not least, Public Works completed medical center upgrades of repairs for the tenant and the tenant is outstanding. I think, as I have mentioned previously, she is leasing the last remaining suite as of June 1st, which will increase the Town revenues a little bit. We have replaced 50 percent of Byrd Street Beach access walkway and the deck. We have completed \$100,000 of road repairs on Ivy Lane, Brickridge Court, Winsor Place and Poplar Court. We have done some large repairs to the Lillian Street access walkway. They have worked with the Fire Department to convert 983 West Kitty Hawk Road into a three-bedroom one and half-bath dorm for Ocean Rescue personnel. That has been a joint between Fire and Public Works. I would invite you there, but we have our first resident already. It looks fantastic, people who have stayed in employee housing say it is better than anything offered, it is better than any first apartment that we ever had. It is very nice; they have done an incredible job doing the work and building practically everything in there. We have completed about 265 bulk curbside collections and have hired two new Public Works technicians. That is just to highlight the things that have been done over and above just doing our daily work. Let's talk about next year's budget. Proposed revenues and expenses are balanced at \$11,957,726. The budget highlights this year is no unrestricted funds to balance the budget. There is no property tax increase. We have established a community relations line item to help us with some of our special events and we are funding some capital reserve for future purchases. Our top



five revenue sources you will see are taxes, occupancy tax, utility tax. Our second highest is property taxes and then you can see other revenue. Somebody asked me where the revenue for the rental property comes from, it goes into other revenue, permits, and fees. Expenditures by function. Again, you will see Public Safety, which as you would expect is the highest spend in our 2024-2025 budget. General Government is 3.4 Million, then we have the Beach Nourishment fund, trash collection is 1.2 million and then our transportation cost. The general fund is made up of personnel, departmental and operating expenses, capital purchases.

In personnel this budget includes a 4% pay plan adjustment it also includes a one step increase for all staff. We have an implementation of a performance evaluation process with a merit pay attached to that for the people who exceed expectations in their performance. We did receive an overall 7.9% increase in premiums because of our claim's history. It was 13%, then they said 9% and we negotiated it down to 7.9%. What you have in the budget is 9%. We have elected to keep employee health premiums flat. We also have one new custodial position in Public Works included in the budget.

As far as operating expenditures, we are going to replace one fire vehicle which is the Chief vehicle, purchase some fire equipment including AED's, extrication kits and saws. We plan to upgrade the permitting software in Planning which allow for more workflow and will allow for credit card processing. Replacement of two police vehicles, and purchase of a drone. Replace in car laptops. Purchase a single axel dump truck and replace one Public Works vehicle. That is all included in this year's budget for operating expenditure.

Included in this year's proposed budget we are funding the capital reserve for the future. This includes funds for the land use plan update, replacement of the caterpillar backhoe, boardwalk and dock repairs, upgrade to the public works building, HVAC replacement of the Fire station, rehab of the fire house galley, fire truck replacement and in car police radios. Anybody have any questions?

Hines: I have a question; didn't we get a grant for police radios or something for communication with law enforcement a couple of years ago?

Clopton: They have gotten some grants, I don't know, Jimmy, do you know?

Talley: That was for the Fire Department.

Hines: So that was the Fire Department.

Clopton: Beach Nourishment. The Town continues to dedicate three and a half cents of the townwide 30 cents to Beach Nourishment. We also have a Municipal Service District which is ten cents, and those funds are restricted for beach nourishment. This year the transfer to the Beach Nourishment fund is \$152,172.

Police Station Fund, this is without the budget amendment that you just made, but it is part of our budget, it is fund 41. Right now, the available balance is \$3,599,010.56. We will get the budget amendment done and we will be able to increase that for the \$230,000 that you voted on earlier. In conclusion, the Town remains in a strong financial position, and revenues and expenditures are



balanced. No unrestricted funds are needed to balance the budget. The Town's emergency fund of 3.5 million dollars is maintained.

I just want to say thank you, Staff and I appreciate your guidance, support and your input and carrying out the work of our town. We are all in this together.

Garriss: Great job Melody and Liliana and Lauren.

Clopton: Thank you, they are all here.

Garriss: Any questions and any comments? Council? Great job, if not we need a motion to schedule a public hearing at our next meeting to present our budget.

Tillett: I will make a motion to schedule a public hearing next meeting, June 3rd, 2024, to do budget presentation.

Walker: Second.

Garriss: Motion made by Dylan, Second by Charlotte, any further discussion? This is for the 2024-2025 budget. All in favor?

All Council: Aye

Garriss: All opposed NONE. Very good.

b) Roosters in Kitty Hawk

Garriss: Now let's talk about roosters.

Clopton: This is another item that the staff would like your input and guidance on. Within the last several years we have had some complaints about roosters crowing actually in a neighborhood here near Town Hall. The primary complainant has involved the police. This has been going on for a year or two. The rooster owner faced a civil lawsuit based on the Town's noise ordinance that went to court. The Town's ordinance was upheld; however, the roosters are still crowing, and they crow during the day, it is not covered by the town ordinance because it is during the day. I think some of the Council has gotten some calls about this as well. Other Towns allow chickens, several stipulate that roosters are not allowed. Some towns like unincorporated Dare follow like the Town of Kitty Hawk a noise ordinance. We would like your thoughts on should we continue to allow roosters throughout the town. Do we update the noise ordinance in some way? Do we specify no roosters in certain zoning areas? Do we ban roosters all together? Southern Shores does not allow chickens or roosters, Manteo allows chickens but no roosters. Kill Devil Hills allows chickens but no roosters. Nags Head, Town of Duck and Unincorporated Dare have a noise ordinance and they allow chickens and roosters.

Garriss: I know this is not a laughing matter.



Clopton: As I said it has been going on for a very long time.

Garriss: We had the same call last year.

Walker: What is the zoning for where the complaints are coming from?

Testerman: VR-2.

Walker: VR-2

Pruitt: But that is not the only, there are people here tonight who are for chickens and are in another area. There are two sides to the story. Nobody wants a rooster crowing out their window day and night, I don't. I have a friend who will have a fit if you ban his rooster right now. I think this is something, I think personally should go back to the Planning Board, find out what everybody else is doing. Start back there and bring the chicken ordinance to us.

Walker: How long do roosters live?

Clopton: I don't know.

Pruitt: That is part of it, I would hate for somebody to have to get rid of their rooster.

Hines: You are not going get rid of my rooster.

Pruitt: Like I said, my buddy.

Walker: He just cannot get another one.

Pruitt: I do understand. I believe we should have chickens and no roosters, but I don't want to make the people with roosters right now get rid of them. How we solve this, I don't know.

Garriss: I agree, this is one of those things we don't have to make a decision tonight, but Jeff I think that is a great idea. Send it to the Planning Board and ask them to do some research. Bring us something that we can look at and talk about. David, do you have something?

Hines: Can you grandfather in an existing rooster? Do you have to have a permit to have them?

Garriss: If we grandfather the existing, that does not solve the problem.

Hines: I mean, but you cannot have it anymore.

Pruitt: Get the Planning Board on this and let Casey and them figure out a way. Maybe you can make them come register their roosters, I don't know. I am not for making anybody get rid of a



rooster. Some of the roosters here are very elegant roosters, they are not like the one you are thinking about, foghorn, leg horn.

Garriss: Evidently the noise ordinance is not working. Right? It has already been taken to court and it did not stop the problem from happening.

Palkovics: Yes sir, good evening Mr. Mayor, Town Council and Town Manager. It is my understanding it is a civil case and not a criminal case so anything we would be involved in would be a criminal case. I am not familiar with which part of that ordinance went there but I can tell you from the criminal court, we will take an enforcement action. It does specifically talk about particular animals and the noise that they make, but the terms that are in there do allow for some interpretation. It talks about frequently or continued duration create a noise and then becomes an interpretation of the officer that is going out there. What is continued duration? Much like any of these others there is a discretion involved in this as to what you hear and what you observe and what you are able to take any action on. -So that is specifically in the code, and I am looking at Kitty Hawk North Carolina ordinance which is 18-2.

Clopton: They have it.

Walker: That would be the same as a dog barking.

Palkovics: Yes, that is correct. Animals are going to make noise. We have to use some common sense in that to say they are going to make some noise, but they don't but if a dog were to be barking for an hour outside somebodies house, I would think it at that point, it would be the responsibility of the owner to take some kind of action to address their animal. A person does have the right to peacefully reside in their house or on their property and at that point we would have to get involved. The fact that a dog barks once or twice, three times, I don't see where anybody can take any action on something like that, brings that to criminal court for them to decide.

Pruitt: Our noise ordinance is like an outdoor event; it does not kick in until 10 o'clock is that right? It's at night, right?

Palkovics: So, sir there are parts that would be amplified music which that is true. There are hours that exist with that. It is from 7 am to 10 pm.

Pruitt: If you go to a place, which is just amplified music?

Palkovics: Well, the covenant is very lengthy. It gets into specific things, like loudspeakers and public address systems. They are talking about bans from 10 pm to 7 am on the public right of way. But there is a specific part for animals and birds that I was specifically talking to.

Pruitt: I think the Planning Board needs to dissect this thing.



Garriss: Council, you are all right with this.

Clopton: Okay, thank you got it.

Garriss: Thank you Chief.

Hines: Is there a way to send out a questionnaire to the residents like we did with Ivy Lane?

Clopton: About roosters? Sure, like everybody?

Hines: Maybe not like HOA's because they are already, but maybe back in the village or maybe by my house?

Clopton: What we have is the survey system is email based so we would use the emails that we have, and we send the newsletter to and things like that. So, it could be a cross-section of different people. But we can say, are you a resident of Kitty Hawk and what area do you live in?

Hines: I am not trying to create more work; I am just trying to make sure who knows about it.

Garriss: Not a bad idea.

Clopton: Okay.

Garriss: Thank you, Melody.

Clopton: You are welcome.

11. Reports/General Comments from Town Manager

Garriss: Okay, Melody, comments from the Town Manager.

Clopton: I am very happy to report we had a great community trash collection event on April 20th. There were over 50 volunteers and staff present and we collected over 500 pounds of trash, two shovels, a roll of flashing, a lot of cardboard boxes, large pieces of metal, and quite a bit of lumber from what I understand off the side of the bypass. Everyone that came out was extremely positive. There were a lot of smiles that day and they seemed to share a common love of our community. We have great community business support from them allowing us to use their parking lots to local businesses and grocery stores donating food and gift cards so we could serve a buffet lunch. We had a volunteer who made dozens of cookies, it was a really nice event, we had a really nice time and the weather cooperated as well.

I just want to remind everybody that on Thursday, May 9th it is Hazardous Waste collection that Dare County does. They do it up here at the top of the parking lot here at Town Hall. They collect



hazardous items such as old paint, pesticides, aerosol cans and automotive fluids and such and they will dispose of them properly. Usually, it is a very well-attended event. For more information about what is allowed and what is not, visit DareNC.gov. That is all I have.

12. Reports/General Comments from Town Attorney

(Provided earlier)

13. Reports/General Comments from Town Council

Garriss: Town Council, I will just echo what Melody said, the trash pickup day was a lot of smiles, a lot of laughing, and a lot of trash picked up. It was a good day, we worked hard, ate good. It was a great event. Thank you to everybody who worked on the housing. Willie, Fire Department, Willie's staff, police. That is for the housing for the Ocean Rescue and lifeguards. That is a great thing. So, I know that is going to be positive for everyone. Thank you again to all the employees, and everyone who worked on the budget. Wonderful job. Charlotte?

Walker: I am very thankful, thank you.

Pruitt: I would also like to thank the staff for working with us with the budget. Thank you, Liliana. Thank you everybody. Sometimes we fuss a little bit over money, but anyway. I would like to bring forward what Ron brought to us, I think that is a great idea. I think it is important for people to know where our historic landmarks and everything is in our community. You know, I have lived here my whole life, and I probably don't know half of them. I think it is a great idea. Also, and Oak tree, I think there is a bunch of us in here that love those oak trees. If there is any way we can work to help preserve those trees on the Outer Banks, I am like you. I have a great big one in my front yard and every tree can blow down in a hurricane, and I do is pray that one doesn't hit the ground. So, I understand and thank you for coming and maybe we can somehow get this started. I support it, I just want you to know.

Garriss: I do too Jeff. Dylan?

Tillett: I just wanted to thank Melody, Liliana, and all the department heads again, I know we are sounding like a broken record, but I know that was not an easy feature to do, but we appreciate it very much, so thank you. I agree with what Jeff said, I like Mr. Tumolo's ideas with the historic preservation and the oak tree. I think that is a good thing. That is part of Kitty Hawk that we love. Most of the comments I heard tonight from the public were all addressed to the ADU's and I think that is going to be handled next month. There was one that stuck out and I wanted to ask a little bit more about that from Mr. Stickly. Not a question for Mr. Stickly, but a question for Melody. That is the first time I am hearing about adjacent property owners having issues with the lighting and the noise, and privacy. Is there anything in the ordinance that assists with adjacent property owners?

Clopton: Not to my knowledge.



Tillett: Is there a buffer?

Testerman: Not currently.

Tillett: Maybe we should look at talking about that or looking into that more, and I think that would be tied into next month's meeting as well. I just wanted to bring that up. That is all I have.

Hines: Everybody has already said, I agree. I think I am good.

Walker: I have worked on this live oak thing for quite a while, and it is a little more complicated than just saying we are going grandfather all these trees and not let you cut them down. There has to be penalties for having cut one down. You have to figure out if they are going to have to plan two for the price of one, they have to cut down on building the house. It's a lot to it, to protect them, but they are absolutely beautiful, and they should be protected. It is going to be a little bit of work.

Tillett: Drawing the line on when you can and when can you not.

Walker: It is not as simple as saying, okay we are going to do that.

Garriss: Anything else Council during regular session? I will make a motion to go into closed session pursuant to NC GS143-318.11(a)(6) for a Town Manager review. Folks in the audience will have to say goodbye to you, thank you all for coming. Thank you.

Hines: I will give you a second on that.

Garriss: Second. All in favor.

All Council: Aye.

14. Motion to go to closed session per:

a) NCGS 143-318.11(a)(6) Town Manager Review



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15. Return to Regular Session

16. Adjourn

17. Adjourned at 8:39 pm

The Minutes of the May 6, 2024, Kitty Hawk Town Council Meeting are approved at the June 3, 2024, Kitty Hawk Town Council Meeting.

A handwritten signature in black ink, reading "D. Craig Garriss", is written over a horizontal line.

D. Craig Garriss, Mayor