



Minutes
KITTY HAWK TOWN COUNCIL
Monday, September 9th, 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. **Town Staff Member Recognition-** Aaron Nelson, five years of service, Police Department; new staff member Greg Hardin, Public Works
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 August 5th, 2024, Regular Session Council Minutes** – Approval of the consent agenda will approve these minutes.
 - b) **Proclamation-** Declaring Diaper Need Awareness Week September 23 -September 29, 2024
 - c) **Reasonable Accommodation for Pregnant Workers Policy-** Employee Handbook update Article VI, Section 11.2
 - d) **Budget Amendment #2 FY 2024-2025-** Transfer funds previously saved for the replacement of the AC system at the Fire Station from the Capital Reserve Fund 21 to the General Fund 10
7. **Items Removed from Consent Agenda**
8. **Planning – Schedule Public Hearing**
 - a. **Zoning Text Amendment – 42-360.-** Sound waters district. Proposal to reclassify piers as permitted use, and amend maximum pier length
9. **Old Business:**
 - a. **Roosters in Kitty Hawk-** Staff to report community survey results, and Planning Board recommendation.



10. New Business:

- a. **Ordinance proposal-** Live Oak as official Town tree
- b. **Recreation Committee Trail Plan Proposal**
- c. **Subdivision- 800 W. Kitty Hawk Rd** – proposed 2 lot subdivision from 2.41-acre parent parcel
- d. **Appointment of Planning Board Alternate Member**
- e. **Proposed Police Department Pay Plan Adjustment**

11. Reports/General Comments from Town Manager

12. Reports/General Comments from Town Attorney

13. Reports/General Comments from Town Council

14. Closed Session- Pursuant to N.C. Gen. Stat. 143-318.11(3), Town Council will now enter into closed session for the purposes of receiving legal advice from the Town Attorney and to preserve the attorney-client privilege concerning a recently filed lawsuit styled Mina v. Town of Kitty Hawk, et al.

15. Adjourn

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, Police Lieutenant James Helms, Fire Chief Mike Talley, Public Works Director Willie Midgett, Planning Director Rob Testerman, Public Information Officer/Town Clerk, Lauren Garrett

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.

Pruitt: So moved, Mr. Mayor.

Garriss: Motion by Jeff, do I have a second?

Walker, Charlotte: Second.

Garriss: Second by Charlotte. All in favor?

All Council: Aye.



Garriss: All opposed? None, thank you. Staff recognition, Chief Palkovics are you going first with Aaron Nelson? I understand you had to clear a call before you got here, thank you for that.

4. Town Staff Member Recognition

Palkovics: I am very pleased and honored to have Aaron join us tonight. Unfortunately, he is one of those guys who schedules something like this then he must go out and make a traffic stop so there's always a chance he might not make it. That's the dedication he has here but I'm very pleased to have Aaron here tonight to recognize his five years of service to the Town of Kitty Hawk. Aaron is one of those guys you can't say enough about, the way he does his job each day, the passion he has for his job, he goes out and tries to help people but also take care of people who are not doing the right thing and address them to make our town safer. We are grateful to have him and his leadership and what he contributes to the Town and Police Department, so I want to recognize Aaron. The plaque says July 23, 2019, to July 23, 2024, Aaron is presented this certificate of appreciation for five years of service to the Town of Kitty Hawk. Congratulations, we can't wait to do your 25th.

Garriss: Congratulations, I've known Aaron for a while and we're thankful that you are here in Kitty Hawk. Willie, you have a new staff member, Greg Hardin.

Midgett, Willie: Mr. Mayor, I would like to present Greg Hardin. He is taking the custodial position for the Town of Kitty Hawk which is a new position we hired this year. Greg is a resident of Kitty Hawk, he is a Marine veteran, he previously worked with a local real estate company for ten years before joining us and we're happy to have him. He's already taking the bull by the horns and taking care of items and doing some maintenance as well. We'd like to thank him for everything he's been doing and plans to do. Thank you.

Garriss: Thank you, we're glad to have new people coming to Kitty Hawk. Thank you for being here. Public Comment, Lauren do we have anyone signed up for Public Comment tonight?

5. Public Comment

Garrett, Lauren: No sir, we do not.

Garriss: Thank you. Is there anyone who would like to speak at Public Comment tonight? Alright, let the record show that no one chose to speak at Public Comment tonight.

6. Consent Agenda

Garriss: Council, I need a motion to approve tonight's Consent Agenda.

Walker, Charlotte: So, moved.

Garriss: Motion made by Charlotte. Second?

Tillett: Second.



Garriss: Second by Dylan, all in favor?

All Council: Aye.

Garriss: All opposed? None. No items removed from the Consent Agenda.

7. Items Removed from Consent Agenda

Garriss: Item 8A, we need to schedule a Public Hearing, Council. Zoning text amendment for sound waters district.

8. Schedule Public Hearing

Tillett: Mr. Mayor, I move to schedule a Public Hearing at the Town Council meeting on October 7th, 2024, to consider the proposed text amendment to Section 42-360.

Garriss: Thank you, Dylan. Do I have a second?

Pruitt: Second.

Garriss: Second by Jeff. All in favor?

All Council: Aye.

Garriss: All opposed? None. Thank you, Council. Old Business, Number 9, let's talk about roosters.

9. Old Business

Garriss: First of all, we had a survey that went out and we had a great response from the public on this topic and I want to thank you, this entire Council wants to thank you, that was great.

Testerman, Rob: Alright, as you mentioned a few months ago, the Council directed the Planning Board to talk about keeping roosters in Kitty Hawk. Town staff have put together the survey you just referenced. After being online for some time, we have received 119 responses. I won't go through all the survey responses, but they are in the Council packets. Currently, the Town does not have any specific regulations on keeping roosters. It's always been handled under the noise ordinance and Planning Board after reviewing the survey responses and the information given to them, their recommendation was that no new specific regulations be drafted citing that it is already covered under Section 18-2F, specific prohibitions says animals and birds, owning or possessing or harboring any animal or bird which frequently or for continued duration howls, barks, meows, squawks, or makes other sounds which creates a noise disturbance across residential real property boundary or within noise sensitive zone. I didn't include any recommended motions for Council. I think if the Council agrees with the Planning Board, then I don't think there's any necessary motion. If they do want us to draft something, then come with a motion to direct us to do so.



Garriss: Thank you, Rob. Personally, I agree with what the Planning Board has done. They put in a lot of hard work along with you, Rob. I agree with their findings. Casey, we do not need a motion, correct?

Varnell, Casey: That's correct. It's for informational purposes only. There's nothing being proposed as I understand it.

Garriss: Any comments from Council? None? Okay, we will leave it as is. Thank you, Rob. Item 10, Mr. Tumolo let's have a presentation on the Live Oak. A lot of hard work has gone into this too, thank you.

10. New Business

a) Ordinance proposal- Live Oak as official Town tree

Tumolo, Ron: Good evening, Mayor and members of Town Council and Town Manager. Back in May, I had the opportunity to come here and ask about a couple of things I felt are important to the Town. One of them was adopting the Live Oak as the official Town tree of Kitty Hawk. In addition to adopting the Live Oak as the Town tree, I thought it made sense to propose an ordinance to include some controls and protections of our Live Oak. Pursuant to that I coordinated with Melody and the Town Clerk as well as coordinating my findings and the draft ordinance with the Director of Planning. I did research of most every jurisdiction in our area and found there they have protections for the Live Oaks and other trees with the exemption of our Town. The Town of Nags Head and the Town of Manteo do enforce the protection of Live Oak with fines and in the draft ordinance that I submitted in coordination with the Town Clerk and Planner, there's a fine proposed. Has everyone had an opportunity to review the proposal? So, just in addition to coming here and saying we need an ordinance, and we need to protect the trees, we didn't just come up with this. I had an opportunity to talk to with Councilmen as well as former residents of Kitty Hawk where they're really disappointed and I understand. At some point in time, portions of the Town of Kitty Hawk were clear cut, to use the term, of trees, especially Live Oak trees. That's happened in a lot of jurisdictions, and I think it's a great opportunity to put some protection around the Live Oak trees in Kitty Hawk. In addition to being a great opportunity to preserve our environment, it's also clearly called out in our Town's Land Use Plan. Under the Land Use Plan and compatibility policy 4-3, enhanced tree cover in the Town of Kitty Hawk that's already listed as ongoing, perhaps this could be applied towards a goal in that effort moving in that direction. Trees provide several benefits including enhancing property values and aesthetics, inexpensively mitigating storm water management, improving air quality, providing wildlife habitat and energy savings. We have a Live Oak tree in our backyard that is 150 years old. I can't tell you how many times I have seen Bald Eagles in that tree, osprey, and all other sorts of wildlife and it's just a great resource here on the Outer Banks. As you can see here in the ordinance, I did a bit of research since I didn't want to reinvent the wheel and I thought the best thing to do would be to identify a resource or ordinance already in use in Dare County, reached out to a couple of towns, reached out to our colleagues at the Town of Nags Head and their policy seemed the most simplistic and most reasonable. I reached out to them and asked their permission to use that as a sort of baseline for crafting our own. I removed a few things out of theirs because they had an entire table talking about other kinds of deciduous trees so the ordinance that you have before you is clean, cut and fair. I think it does what need it to do here in the town. So, I'm here tonight to ask the Town Council to consider implementing this ordinance in addition to naming the Live Oak as our official town tree. I don't think it makes sense to do anything unless we are going to do



something to protect it. I'm happy to answer any questions, anything I found during my research. I do find that there are thousands of communities that are starting to do this because there is so much building going on and this isn't anything to slow down building. This is an opportunity to integrate what we have here in our environment with the design. I was driving around town the other day in Kill Devil Hills in a small neighborhood where they have literally built a single-family home around a 100-year-old Live Oak tree in the front yard. It's not that hard and I think we can do it. What helps us to do that is to have something in writing to protect that says you can't just knock down a tree in your backyard because it blocks the view of the sound. That's my story and I'm sticking to it.

Garriss: Thank you, Ron. So, would this be amending an ordinance that's already in place?

Testerman, Rob: We don't have anything currently in place.

Garriss: So, why does this mention "amending"?

Clopton, Melody: The ordinance would be amending the Town Code.

Garriss: If Council chooses to adopt, we'll need to amend the date. He's got August 5th.

Varnell, Casey: Yes, it would be effective if adopted. That's probably the date that it was presented. It would be effective as of the date of adoption which would be today, if action was taken today.

Tumolo, Ron: Mr. Mayor, August 5th was the date I came here to Town Hall to meet with Melody, Town Clerk, and Director of Planning. We went through and Mr. Testerman had some concerns about the ordinance that we went through and addressed those concerns completely. What you see in front of you is a result of that.

Garriss: Great job. I know we've had this come up before, but we haven't acted on it so I'm glad we're finally moving forward, hopefully, with it. Council?

Pruitt: Mr. Mayor, I think this is a great ordinance, however sometimes with spur of the moment we might overlook something, and I was wondering if this is something we would like to have the Planning Board look over. I'm just throwing it out there. I'm willing to go ahead and go but I'm just saying that maybe that would be a good idea.

Garriss: I'm fine with that if that's what the Council would like to do, good idea. Just go ahead and let the Planning Board review.

Tumolo, Ron: The best ordinances are the ones that are researched and have transparency. I think it's a great opportunity.

Pruitt: Let them see it and you work with the Planning Board, Ron, and if there's something we can tweak a little bit more and this will also give opportunity for Public Comment. Thank you very much, great job.



Tillett: I do have a question while you're still up here. Did you by any chance speak to an arborist too? Consult with an arborist on this?

Tumolo, Ron: I've spoken with an arborist informally and since you're bringing this up this up, the Director of Planning pointed out a lot of Town Codes, they like their Planning Directors to go out and say yes or no to whether you can cut a tree down or yes, that tree is sick. We don't have the resources to train everyone to be an arborist so whoever wants to knock down a tree and there's no shortage of arborists on the Outer Banks. The applicant would have to hire an arborist to do an assessment or review at no cost or little cost.

Tillett: I'd love to see some views from that point of view as well just see you know they've got any beneficial input as well if that's possible.

Tumolo, Ron: Absolutely.

Garriss: David, I know you just walked in. We are talking about the Live Oak ordinance, maybe sending it to the Planning Board and then seeing if they have any changes. Are you good with that?

Hines: Perfect.

Pruitt: Do I need to make a motion? Casey, does this need a motion or is this good like it is?

Varnell, Casey: Are we going back to the Planning Board? I think by consensus you all can just state that you want it to go back to the Planning Board.

Pruitt: I think that has been done.

Garriss: Good. Thank you, Ron. Okay, a big item here. Recreation Committee, Kitty Hawk Town Hall Trail. Come on up, Mr. Kip. Charlotte, I know you are the liaison so any time you want to jump in it will be much appreciated.

b) Recreation Committee Trail Plan Proposal

Tabb, Kip: We have the full committee here and they will be able to answer questions and come up as needed or we can simply answer them at the end of the presentation. The Town of Kitty Hawk Recreation Committee is proposing a series of trails on Town Hall property, highlighting the beauty of our maritime forest that would benefit residents and visitors. We would like your approval of our proposal. This trail is consistent with the Town's CAMA Land Use Plan. The concept of a trail highlighting the maritime forest surrounding Town Hall is not new. The 1987 plans for Kitty Hawk Town Hall included an extensive trail network. Our preliminary walk of the property suggests the 1987 trail really is not practical, it would include swamp and marsh and that would just be difficult to do. In our initial walk back there, we found some beautiful areas. This is an American Beech that is on the Southwest side of the proposed trail system. There's some beautiful high ground on the North end up here, this is a ridge that runs North to the Sandpiper Cay property. It is possible that Sandpiper Cay may wish to connect to the Town trail although that of course would be their option. The Recreation Committee did create an online survey asking respondents to evaluate personal preferences and Town needs. The survey showed



very widespread support for Town trails. There was a total of 279 responses, 176 were from full-time Kitty Hawk residents. When you look at the responses, you see a very clear preference with 66.7% indicated hiking and walking as a preferred use. When you get into the Town residents, it is really overwhelming with 84% of the Town residents wanting more trails. Again, the survey showed a very clear preference again for more trails. More than anything else, trails are the one thing that people wanted to see in the Town. That was across everyone including business owners and part-time property owners. This is what we are proposing, it is a two-phase plan with Phase 1 in red which is a little more than a mile in length. The trail head is on the North side of the property by the parking area which is not used that much right now so that would probably work very well. The first phase of the trail does bring the trail right in front of Town Hall. There's been a little bit of preliminary work on the trail just to get a sense of what it's going to be about. This is the North end of the trail where what would be the trail head. The trails are to be built to North Carolina Extension Service Guidelines, that's four feet in width, the clearing height depends on what we're going to use them for, seven feet for foot trails, eight feet for bikes, and ten feet for equestrian trails. As we walked through, we realized that we are going to need bridges for low areas. A preliminary survey established three bridges will be needed, the proposed design is already in use in Kitty Hawk Woods sound view trail. This is designed by Chairman Henriques, the approximate cost is \$2,400 per bridge. It is possible a fourth bridge may be necessary and until we start putting the trail in, it's going to be difficult to tell. This is what the bridge looks like, and you'll notice the way this is designed and when the ground is very wet, this will allow water to flow underneath the trail and in the wetlands that is very important. This is what the overall design will be, right here. The approximate cost is \$2,400 and this is where the budget is coming in. We are going to need a sign at the trail head advising people about the trail. There may be tools and equipment we may also need. If a fourth bridge is needed, that would bring the cost to \$9,600, if our estimates are correct. The total cost estimate will be \$7,600 to \$10,000. The current fiscal year Recreation Committee budget is \$10,000 so we would be right within where we're supposed to be. We do have a timeline which would be after the end of tick season, I can't blow these photos up for obvious reasons. We are planning on beginning work on the trails pending Town Council approval in October. We anticipate completion of Phase 1 by March or April of next year. The Recreation Committee members are committed to working on the trail itself. We also have Wesley Robinson here, he's an Eagle Scout candidate who is going to work with us as part of his community service requirement. We anticipate getting additional volunteers. So, this is what the future holds. There's Phase 1B that I think we'll need to discuss. If you notice this solid tan line, this will be area 1B which is right back here and you can see the yellow arrow over here, that is an area that is very low. It's right behind Town Hall, it's roughly 370 feet in length. It's very poorly drained and it's not practical to have a trail there without some form of mitigation. The estimated cost to bring that up to a level that we could use that as a trail would be \$8,000 which is really one reason why we are suggesting we need to put that off. Our budget is \$10,000, obviously we can't invest \$8,000 into that one section. Phase 2 is over here, on the East side of the VEPCO power line right of way, this is our right of way right here and Phase 2 is over here. We have had a chance to walk that, and it is wonderful back there. It will take some clearing; it is dense back there. So, that is it, there's still a couple issues to be resolved. We do need some waivers, especially if we have volunteers. I think it was in April or May, we met with Willie and Melody and at that time we discussed whether Town staff could help with this project. Willie indicated that there may be an ability for the staff to help but we need to make sure that's all covered. We also must advise VEPCO power of the trail, I think that has been done. I think Alsu has sent an email to them, but we will double check on that. There's also a question about what exactly this is going to be, like a Town project and if so, we'll have to take a look because there could be



some issues. Casey, we are meeting tomorrow so we can discuss. Other than that, we need the Town Council to approve the project so we can move forward. If you have any questions, please let us know. We have everybody here.

Hines: I have a few, I think this is a great idea. My personal vote would be that if you do it you make it wide enough for horses.

Tabb, Kip: The four feet width would accommodate horses and riders.

Hines: I thought you said it had to be ten feet.

Tabb, Kip: No, it would need to be ten feet in height. In other words, you'd have to clear up to ten feet.

Hines: Got it. That might change it a little bit but that's where I would like to see it go.

Tabb, Kip: That would be very doable. Obviously, it takes more to clear up to ten feet but since a lot of people like to get their horses on the trail, we certainly want to do that.

Hines: I'm sure they will pitch in and help. I'm sure there are low-lying limbs and things like that, I would imagine.

Tabb, Kip: Yes, that's a lot of what would need clearing out.

Hines: When you talk about the cost of the bridge, where did you get that bid from? Is that volunteers doing or trying to hire someone?

Henriques, Paul: I made a design and estimated the material cost. To explain a little more about it, it's a 20 feet section of bridge with two tapered 5 feet sections. It's a good-sized bridge, low only a foot or 16 inches above ground so it doesn't need any rails, so it has minimal cost. So, I priced it as labor and materials for the building with the hope for all of us to purchase materials and have volunteers build them. Typically, the way it works is 50% materials and 50% labor. We could have a 50% savings if could get enough volunteers.

Tabb, Kip: Yes, and if I could add, when you budget, you always budget high.

Hines: Trust me, I get it. Then, the only other thing I would add is that Jeff, if you remember, we had some complaints last year about the Trex material being slippery. I would make sure you consider that, if it's not getting sun on it then it can get slippery.

Pruitt: I think the horse fell last year.

Hines: I think the Fire Department had to respond. Just a suggestion on that, and you talked about the wetlands. Did anyone verify if that's CAMA? Did you say it's low or it's wetlands back there?

Tabb, Kip: I would consider it low.



Hines: Did you see any cattails out there?

Tabb, Kip: By the beech tree there are.

Hines: Okay, that would be CAMA jurisdiction. Have you guys requested any grants through the tourism board?

Tabb, Kip: I don't think we can request a grant until the Council approves the proposal.

Hines: I understand, but there is money there so it's worth asking.

Garriss: We may have a contact for you.

Hines: Mine are more just comments, I think this is a great idea. I'm very interested in making sure the trail can be used by all, and I know the folks who ride horses would really enjoy it.

Tabb, Kip: That would be the intent, and that's why we want to make sure everyone can enjoy it.

Hines: I wish we had the money to do it all at one time. I think it's a wonderful idea and I appreciate you all putting the time into it. I know there's a lot that goes into that presentation to get to where it's at and I'm thankful for it. That's all I have.

Garriss: Thank you, David. Dylan?

Tillett: Melody, can we confirm that \$10,000 was budgeted for this?

Clopton, Melody: Yes, that is correct.

Tillett: Okay, that's all I have.

Pruitt: Was there any left over from last year?

Clopton, Melody: We don't carry over from previous years.

Pruitt: Okay, it doesn't carry over. I don't have anything else to add.

Garriss: Charlotte?

Walker, Charlotte: It has been very exciting to work with the committee on this project and I hardly ever come to Town Hall when there's not someone here walking around this area as it is. They walk their dogs over here and it is a very popular place for people to use. I have all hopes that it will go through just like it should.

Garriss: Thank you, Charlotte. The Recreation Committee has done an outstanding job. Great job.



Hines: I can't say enough, there's a lot of work that goes into that.

Garriss: Council, I will entertain a motion.

Hines: I move to approve the proposed Kitty Hawk Town Hall Trail by the Recreation Committee. The Town Council finds the proposed trail project to be consistent with the Town's proposed Land Use Plan as well as the Recreation Committee's adopted Master Use Plan.

Garriss: Thank you, David. Do I have a second?

Walker, Charlotte: Second.

Garriss: Second by Charlotte. Any further discussion? All in favor?

All Council: Aye.

Garriss: All opposed? None. It has passed. Kip, great job, great presentation.

c) Subdivision- 800 W. Kitty Hawk Rd

Garriss: Item 10C, we've got a subdivision. Rob? Council, I believe you all got an amended plat.

Testerman, Rob: To start, note that you did have a revised plat handed out at your seat this evening. That came because of last Friday afternoon, Councilman Tillett caught something that I had missed in the original plat. There was a shed that was shown to encroach the side yard setback. After discussing with the engineer this afternoon, he quickly put together a revised plat that shifts that lot line over by two and half feet to make it compliant so that the shed is no longer in the setback area. So, this is for a two-lot subdivision, 800 West Kitty Hawk Road. The parent parcel is 2.41 acres, I think we've had a couple of these recently where it doesn't qualify as an exempt because parent parcel is greater than two acres, so it must go to the Planning Board and Council for review. There are no new roads or infrastructure proposed as the new subdivision. There are two existing dwellings on the current parcel, this subdivision would put it so that one dwelling is on each property. In VC1 district the minimum lot size is 15,000 square feet of contiguous upland area, with the revision the two lot sizes 35,210.46 square feet with 28,414 of those being contiguous upland area and the other lot is 69,561.25 square feet with 69,800 square feet being contiguous uplands area. The maximum density in the VC1 district is two dwellings per acre this proposal comes out to 0.82 dwellings per acre. The minimum lot width in the VR1 district is 75 feet measured at the front setback, you can see on the plat that both lots are compliant with that requirement. As I mentioned with the revision that was presented tonight, the building setback issue has been taken care of. The Planning Board reviewed this at their August 15th meeting, and unanimously recommended approval. This is being presented as both preliminary and final plat since there's no infrastructure being proposed there's no need for them to bring a final plat. The engineer is on hand if there are any questions for him and with that, I will turn it over to the Council for any questions to me as well.

Garriss: Council, any questions for Rob?



Pruitt: I have one, Rob. The easement that is shared for the two dwellings, how does that work out?

Testerman, Rob: So, that would be just a recorded easement on the deed that would run with the property saying that in perpetuity unless both parties agree to abandon the easement, access would be given through that existing driveway.

Pruitt: So, the easement is going to be on lot A2. Are they the ones that are going to have to give access?

Testerman, Rob: Yes.

Pruitt: Can they not agree to the easement or is it once you plat it, they must agree?

Testerman, Rob: I think the owners are agreeing to put it in currently and then it will run with the land from there on out and if they ever wanted to abandon it, then both property owners in the future would have to agree to abandon it.

Varnell, Casey: Correct.

Pruitt: I just didn't want one person to abandon it and leave somebody hanging.

Varnell, Casey: Yes, that is the entire idea of that recorded document.

Pruitt: Okay, I don't have any more questions.

Garriss: Thank you, Jeff. Any questions for Rob? Is the applicant here? Any questions for the applicant, Council?

Rubino, Brian: The applicant had an emergency this afternoon but I'm here with WithersRavenel/Quible.

Garriss: Okay, any questions? Thank you. Alright Council, what would you like to do here?

Pruitt: Mr. Mayor, I move to approve the proposed preliminary plat for Jean B Beachem Heirs subdivision as shown on the submitted plat.

Hines: Second.

Garriss: Thank you, Jeff. Second by David.

Hines: Second the corrected plat, right?

Pruitt: Yes, the corrected plat. Thank you, David.

Garriss: Any further discussion? All in favor, signify by saying, "aye".



All Council: Aye.

Garriss: All opposed? None. Thank you, Council. Thank you, Rob. Council, Item 10D appointment of Planning Board member since Dr. Merrill has resigned and left the area. We've got a list of names here. Go ahead, Charlotte.

d) Appointment of Planning Board Alternate Member

Walker, Charlotte: Mr. Mayor, I would like to make a motion to appoint David Morton as an alternate member of the Planning Board for the term of office to expire June 30, 2025.

Garriss: Thank you, Charlotte. Any other names to come before Council? Do we have a second to Charlotte's motion?

Tillett: Second.

Garriss: Second by Dylan. Any further discussion? All in favor?

All Council: Aye.

Garriss: All opposed? None. Thank you, Mr. Morton and Melody, you will make the proper notifications tomorrow? Thank you so much. Glad to have him. Okay, Item 10E, an important topic here. Proposed Police Department Pay Plan Adjustment. Melody?

e) Proposed Police Department Pay Plan Adjustment

Clopton, Melody: As you know, we have had meetings with each of you to discuss the Police Department and some of the issues we're having with recruitment and retention. The proposal that we are coming up with this evening is just one aspect of trying to level the playing field for recruitment of police officers. Laura, Chief Palkovics, and I have been gathering data from all departments and all positions. We have looked at our positions, years of experience, and everything like that. Based on the research, what we are proposing is to complete a new pay scale for the police. We're going to remove it from the Town's pay plan, and it will be a separate pay scale all its own. We determined that about 6 percent would level the starting pay of a police officer. In your materials, we are proposing the starting pay for a Police Officer I is \$55,061. We have also given the starting pay for all the other departments, the average for those is \$55,100. So, we're kind of in the middle, we're not the highest and we're also not the lowest. Currently, our starting pay is \$51,000 so if you're going to Nags Head, you're making \$56,900 or you can come here and make \$51,000. So, where are you going to go? This is one way to level the playing field and of course in doing this, we must adjust everyone. We can't just start a new starting pay and not roll everyone else up because you then have compression in the pay scale then you'd have people coming in making more than the people who are already here working. We don't want to have that. I've presented in your packets the new pay scale with the minimum range and the maximum range for the police. This change for the remaining pay periods that we have in this fiscal year will cost \$64,800 and that includes benefits and everything that goes up when you increase pay. We



have the money to cover this this year because of our vacancies. I will tell you though, next year when we get ready to do our budget, it is going to drastically affect our budget, so be prepared. Does anyone have any questions for me or Chief or Laura?

Garriss: I think one of the big ones was for the public was where is the money coming from and you've addressed that. This is something that should have been done a while ago and it's never been acted on. Go ahead, David.

Hines: Also, for public purposes, we talked about some other policies outside of pay and this may not be the place to discuss this but four-year degrees and things to that effect, is that going to be worked on as well per our meetings we've had?

Clopton, Melody: It's one of the Chief's goals by December to have redone the career development plan.

Hines: Because I don't agree with that.

Clopton, Melody: Yes, I know. We've had conversations about that too and it's not done yet. I don't know what to tell you it will include but we will certainly discuss further.

Hines: I only bring that up because we're discussing what we're doing.

Clopton, Melody: Currently, we do have a career ladder that does have certain certifications and time. We want to have meaningful requirements, things that really get you somewhere and help the Town, not just time in your job.

Hines: I'm all about training and putting these men and women in the best positions to succeed but not everyone went to college, that's the bottom line. Thank you.

Garriss: Alright Council, you have the numbers here in front of you. I think this should have been done a long time ago.

Hines: We need a motion.

Garriss: Yes, sir.

Clopton, Melody: I apologize, I did not include a motion.

Hines: I'm going to make a motion to approve Item 10E as presented.

Pruitt: I'll second it.

Hines: I'm sorry, I do have one more question. With this approval, when does this become effective?

Clopton, Melody: September 14th, I believe.



Hines: Then I double my motion.

Pruitt: Second.

Garriss: Second by Jeff. Any further discussion? Any comments, Council?

Walker, Charlotte: I'm glad to see it.

Hines: I think it's overdue.

Clopton, Melody: We really appreciate you all, thank you.

Garriss: Let's vote on it first. All in favor?

All Council: Aye.

Garriss: All opposed? None. Thank you, Melody, Lilliana, Laura, Chief, and staff for working on this. Great job. Melody?

11. Reports/General Comments from Town Manager

Clopton, Melody: Yes, this week in the Finance department, we have started our fiscal year 2023-24 audit. We hope to have the final report in November, I believe, so that will be coming up. I'm happy to report that the Police Department building is on schedule. The interior demolition has been completed and plumbing rough in is ongoing now. Next week, we expect to see foundation work for the new construction portion of the project as well as the two exterior walls that we're replacing. Just a reminder that the lifeguard stands have been removed from the beach and we're currently doing roving Ocean Rescue patrols through October 15th. In recognition of September 11th, Kitty Hawk public safety departments will be participating in two local events, A Walk to Remember, which will begin at Kill Devil Hills Fire Station and go to the Wright Brothers Monument and back. Then Kitty Hawk Baptist Church is always generous hosting a Patriot Day luncheon honoring first responders from all the county and municipalities, so we're very fortunate to have that support. I want to thank the Council for proclaiming the week of September 23rd through 29th Diaper Need Awareness Week. To support this proclamation and the Children and Youth Partnership of Dare County, Kitty Hawk Town Hall will be accepting diapers donations between now and October 6th. We need sizes 1 through 6, we will also be doing a website and social media campaign where you can go online and buy diapers and have them sent directly to the Children and Youth Partnership. Willie wants me to remind you that on demand large items pick up with resume on September 20th. You can go online and fill out your form and they'll come get your stuff. Fall chipping is scheduled to begin on October 14th, so there will be more information coming out about that as well. That's it from me.

Garriss: Thank you, Melody.

12. Reports/General Comments from Town Attorney



Garriss: Casey?

Varnell, Casey: Mayor, I have nothing.

Garriss: Thank you, Casey.

13. Reports/General Comments from Council members

Garriss: David?

Hines: Mayor, can I go second please?

Garriss: Yes, you want us to come back to you?

Hines: Yes, sir.

Garriss: Alright, Dylan?

Tillett: I have nothing, thank you.

Garriss: Jeff?

Pruitt: Yes, I would like to thank Aaron for his five years. I appreciate his service and welcome Greg to our Public Works department. I'm sure you've found you've in good hands with Willie. I'd really like to thank the entire Recreation Committee; you did a fantastic job with the presentation. I'm very impressed and I can't wait to see it. I was on the Recreation Committee years ago and it was brought up and then just seemed to go away. Now it's back and I hope to see it continue this time. I have nothing else.

Garriss: Thank you. Charlotte?

Walker, Charlotte: Jeff, you must have been reading off my notes, but I would like to thank Aaron Nelson, and I would also like to thank the Recreation Committee. I know how hard they worked on it, and I have been very impressed with what they have been able to do. I'd also like to thank Melody and Chief Palkovics, you all really did do a lot of work, a lot of thought went into the police department and how to handle this and I appreciate it very much, thank you.

Garriss: Thank you, Charlotte. Recreation Committee, thank you. I'm sure you know Charlotte as your liaison has been pushing this project so it's obvious that you did a great job. Thank you, Aaron Nelson and Greg Hardin. Melody, you mentioned Kitty Hawk Baptist Church every year puts on this luncheon for first responders. It is wonderful, Pastor Steve makes a visit to each table and says a prayer with each table. I go every year and I'll be there this Wednesday so thank you to the church for doing that. David, back to you. .



Hines: I know that we've already passed the motion on the pay but just out of curiosity, first I'd like to say thank you to Officer Nelson. I missed that; I apologize. We're not giving a pay raise of high patrol so I didn't want to push it but why don't we go \$12 more to be ahead of Southern Shores? \$893 to be ahead of Kill Devil Hills and Nags Head is a push at \$1,848, just out of curiosity. I know it's budgetary.

Clopton, Melody: Why? That's what the 6% came to and it's been my impression from Council that we don't want to be the highest paid, we want to be somewhere in the middle as competitive. If that has changed, I will be happy to change it.

Hines: I'm all about it. How does 6 and a quarter look?

Clopton, Melody: I'd have to get back to my spreadsheet.

Hines: That's all I have, thank you.

Garriss: Thank you, David. Anything else, Council? Alright, Council, I am going to make a motion to go into closed session pursuant to NC General Statute 143-318.11 Subsection 3. The Town Council will now enter closed session for the purpose of receiving legal advice from the Town Attorney to preserve the attorney/client privilege concerning a recently filed lawsuit styled Mina versus Town of Kitty Hawk. Do I have a second?

Hines: Second.

Garriss: Thank you, Council. Okay folks, we're going to ask you to leave as we are now in closed session, and we will not be coming back to conduct any more business. Thank you so much.

- 14. Closed Session-** Pursuant to N.C. Gen. Stat. 143-318.11(3), Town Council will now enter closed session for the purposes of receiving legal advice from the Town Attorney and to preserve the attorney-client privilege concerning a recently filed lawsuit styled Mina v. Town of Kitty Hawk, et al.

Varnell: Council and I went into closed session, we did so to preserve the attorney-client privilege concerning a recently filed lawsuit that was read aloud earlier. No action taken at this time.

Garriss: Thank you, Casey. Council, I was handed a document prior to the start of the meeting tonight by Mr. Terry Ziegler who could not be here tonight. He has a concern the first responders, particularly police officers, are in shortage to which I responded I was very aware. He has a lot of information which is not accurate and information from other departments. I let him know we are very aware of the matter, and we are working on something for tonight's agenda related to the police department. He said I think you all need to remember that next year is an election year. So, I said to Mr. Ziegler, "are you threatening me about whether I run for re-election", and he said "no, sir". I said point well-taken and this information is available if you'd like to look at it. Melody, I will let you hang on to this and make a copy.

Clopton, Melody: I can make copies if you'd like and send them out.



Pruitt: What does he mean by there's an election? I don't understand what he's asking us to do.

Garriss: I think he is saying that people are watching to see what is being addressed.

Hines: I will say that I don't agree with how the information is being presented but that is what is running around town.

Garriss: I understand, and he's done a good job gathering information but some of it is not accurate. Melody, can you email that information to everyone tomorrow?

Clopton, Melody: Absolutely. I will make another that has accurate information.

Hines: I'm going to go on the record and say that the mayor disclosed this information to everyone.

15. Adjourn

Garriss: Thank you, David. Any further discussion? Motion to adjourn?

Hines: So, moved.

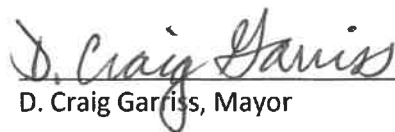
Garriss: Second?

Walker, Charlotte: Second.

Garriss: We are adjourned, thank you.

Adjourned at 7:24 pm.

The Minutes of the September 9, 2024, Kitty Hawk Town Council Meeting are approved at the October 7, 2024, Kitty Hawk Town Council Meeting.


D. Craig Garriss, Mayor


Lauren Garrett, Clerk

