



Minutes-Amended  
**KITTY HAWK TOWN COUNCIL**  
Monday, August 5<sup>th</sup>, 2024  
Kitty Hawk Town Hall, Smith Room  
6:00 PM

***The August 5<sup>th</sup>, 2024, Minutes were amended at the December 2<sup>nd</sup>, 2024, Town Council Meeting to correct a transcription error on Page 6.***

- 1. Call to Order**
- 2. Moment of Silence/Pledge of Allegiance**
- 3. Approval of Agenda**
- 4. Introduction of New Town Staff Member-** Amy Corle, Kitty Hawk Police Department  
Administrative Records Technician
- 5. Public Comment** – The public is invited to address the Town Council on any topic. Please sign up with the Town Clerk before the meeting and when your name is called, come forward and speak into the microphone at the lectern. Please limit comments to 3 minutes.
- 6. Consent Agenda** – Items on the consent agenda are considered to be non-controversial, routine in nature, or items not requiring a presentation to discuss by the Town Council 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 July 1st, 2024, Regular Session Council Minutes** – Approval of the consent agenda will approve these minutes.
  - b) Proclamation-** Declaring October 2024 as Life-Saving Service Commemoration Month
  - c) Increase Daily Deposit Threshold from \$250 to \$500-** This resolution aims to update the daily threshold deposit amount from \$250 to \$500, optimizing the daily time spent going to the bank.
- 7. Items Removed from Consent Agenda**
- 8. Planning – Public Hearing**
  - a) Zoning Text Amendment** – 42-414(b).- Mini-warehouse in PCD. Applicant proposes to amend the maximum building size of a mini-warehouse in a PCD to 40,000 square foot footprint.
  - b) Zoning Text Amendment** – 42-1.- Definitions; 42-225, 42-247 thru 249; 42-273 thru 275. Lot coverage and Permeable paving materials
  - c) Special Use Permit/Site Plan** - 6100 N Croatan Hwy/The Woods Rd PCD – Applicant is requesting a special use permit and site plan approval for a mini-warehouse facility as well as a second commercial structure
- 9. Old Business:**
  - a) Text Amendment-** 42-1.-Definitions and 42-528.- Accessory Dwelling Units. Applicant proposes language requiring long-term occupancy on sites in the VR-1 district that contain an Accessory Dwelling Unit.
- 10. New Business:**
  - a) Preliminary Financial Statement FY 2023-24-** Presentation of preliminary financial statement for fiscal year 2023-24.



- b) **Capital Project Ordinance Fund 41.**- The proposed budget amendment in the Capital Project Fund 41 allocates \$212,400 in contingency for the remodeling of the new police station building at 5200 N Croatan Highway. The funds would be transferred from the General Fund. In addition, it is proposed that the Town Manager be authorized to approve change orders or amendments to construction contracts in amounts up to \$50,000 from the project contingency funds.
- c) **Resolution**- In support of the North Carolina Department of Parks and Recreation Great Trails State Program (GTSP) Grant to construct a 400' boardwalk connecting Sandy Run Park to the Birch Lane Trail within the Kitty Hawk maritime forest.

- 11. **Reports/General Comments from Town Manager**
- 12. **Reports/General Comments from Town Attorney**
- 13. **Reports/General Comments from Town Council**
- 14. **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, Administrative Planning Technician Jessica Everett, 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 but first I need to amend the agenda to add Item 10C which is a grant for a boardwalk in the North Carolina Department of Parks and Recreation. Can I get a motion to approve the amended agenda?

**Hines:** So, moved.

**Garriss:** Motion made by David. Second?

**Walker, Charlotte:** Second.

**Garriss:** All in favor?

**Council:** Aye.

**Garriss:** All opposed? None. Thank you. Introduction to new Town staff member, Chief Palkovics. Amy, would you come up please?

- 4. **Introduction of New Town Staff Member-** Amy Corle, Kitty Hawk Police Department Administrative Records Technician

**Palkovics:** Mr. Mayor, Council, Manager, thank you. It's my honor to introduce to you our newest Police employee, Amy Corle. Amy comes from Fauquier, Virginia where she worked for the Commonwealth Attorney's office and then she worked for the sheriff's department there as well. She is our Administrative Records Technician and started with us about a month ago. Amy has resided here for about four years now with her husband Michael and two small children. We are very excited to have her



here and trying to replace someone like Sharon Davenport who retired after 28 years is mountainous task, but she is up to the challenge, and she has already started to hit the ground running as we try to organize, update, and upgrade a lot of our systems and processes we have in place. It is my pleasure to introduce Amy to everyone here.

**Garriss:** Thank you Chief, and welcome Amy. You have some big shoes to fill but I understand you are already making great efforts to reach that goal so thank you.

- 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. Lauren, do we have anyone signed up for Public Comment?

**Garrett, Lauren:** Yes, Mayor Garriss. We have Denise Deacon signed up to speak at Public Comment.

**Deacon, Denise:** Greetings, my name is Denise and I'm a resident of Kitty Hawk. My comment is regarding the proposed ADU text amendment. I emailed a more detailed version of my thoughts against the proposal to Town Council about a week ago. I respectfully ask that you consider this shorter version as well. It appears the amendment you are considering is aimed at curbing speeding, noise, and short-term rental woes on the applicant's street. I would ask that you please explain what exactly the proposed requirement of a long-term renter on site does to solve the perceived problem. Should the long-term renter approach the short-term renter when traffic laws and noise ordinances are not adhered to? Isn't that a job for law enforcement? As the Town is considering using this to alleviate short-term renters or speeding and noise complaints, why target only those properties with separate living areas? Why not target all short-term renters? A street can be completely lined with large, boisterous multi-bedroom short-term renters with no property owners ever required to be on site yet the owner with the small garage apartment which complies with lot density requirements would have to live there to rent it short term under this proposal. Finally, the wording of this amendment indicates that the owner or long-term renter is required to reside there even if the ADU is empty, "Accessory Dwelling Units located in the VR1 zoning district shall have a long-term tenant or owner residing in the dwelling on the subject property". There is no mention of whether the ADU space is even occupied or not. I request this amendment not be approved. Thank you very much.

**Garriss:** Thank you. For everyone's information, we will be discussing this matter later tonight.

**Varnell, Casey:** Mayor, for clarity for everyone so we don't cut anyone off. Are we going to since it's under Old Business and not Public Hearing are we reopening for Public Comment during the discussion of that item?

**Garriss:** I had asked that question of Rob, and we decided to address it during this Public Comment.

**Varnell, Casey:** That is how it generally operates so I just wanted everyone to know out there if you want to speak about ADUs.

**Garriss:** And not go back into Public Hearing, correct?

**Varnell, Casey:** Correct. So, this would be the time. I heard Grace say something about maybe signing up wrong, so I didn't want anyone to be left out.

**Garriss:** Okay, next?

**Garrett, Lauren:** Next we have Grace Anlauf.

**Garriss:** I forgot to mention to please remember you have three minutes for Public Comment. Thank you.

**Anlauf, Grace:** Good evening. You all have seen me here before. Hope you all are doing well. My name is Grace Anlauf, and I am now the owner of 3850 Moore Shore Road which is in the VR1 zoning district.



I'm here tonight to speak about the Accessory Dwelling Units proposed again. I understand the discussion was tabled at the last meeting. I would like to bring up a few more points this evening. A couple of those points, again with the fact that the natural economy will occur with long-term and short-term rentals, so we talked about that. We talked about how wonderful short-term rentals are for our economy. This language that's been described to me all sounds like another way of short-term rental restriction and as a local Realtor, I'm not an attorney, but to me that is a material fact. If I show a property that is in the Croatan Condominiums, Manteo, and the waterfront condominium complex in Manteo, there is short-term rental restriction on those properties meaning that you are not allowed to rent them short-term at all. I must disclose that to my clients as I'm showing the property because it restricts the number of things they can do with the property. Now, another topic. In my opinion, taking away or creating a new law that restricts because right now we don't have a restriction against it, creating a new law that restricts it devalues my property, it devalues the ability to rent short-term on my property. If I have two units that are legally permitted right now, I have one unit on my property but when I bought it, I was allowed to build an accessory dwelling unit as current zoning allows me within the confines of a permit and doing it the right way. I'm then allowed to short-term rent that property. If you take that ability away from me to do that in the future, then you are devaluing my property and that is taking away my personal property rights. To me, that is not okay. I am not okay with that. The other thing is, sorry back to devaluing property. Sorry, I got off topic, I thought I had five minutes. To me, that devalues my property, so I feel that with this devaluation of properties across the VR1 zoning district is based on one or two peoples' complaints. I don't feel that it is impacting that many people on what they can do with their property is okay due to one or two peoples' complaints. I ask as I finalize this a little quicker is that when you guys think about what you're going to do tonight, you think about the masses and you don't think about just me, you don't think about just one of the people that have put in a complaint but you think about everybody because that is what you are here to do, we put you in this place to think about everyone and to think about the precedent you are setting for now and in the future because the future generation if you put this into place will have to handle the next proposal from different zoning districts. (3-minute timer expires) Thank you.

**Garriss:** Anyone else signed up, Lauren?

**Garrett, Lauren:** Yes, Ralph Buxton.

**Buxton, Ralph:** Good evening, my name is Ralph Buxton. I'm the Chairman of the Planning Committee for the 150<sup>th</sup> Anniversary of the US Life Saving Service on the coast of North Carolina. Yes, it was 1874 when the first seven stations were built here on the coast of North Carolina. Kitty Hawk was one of those stations, the first seven eventually turned into 29 stations along the coast by 1905. I gave you all handouts there that I hope you will take home to your kids or grandkids because they are good educational tools to tell you more about the heritage of this area in Kitty Hawk. We've got a big celebration planned but we've also got a lot going on this summer down at Chicamacomico which is the sponsor of this event. We hope you'll come down sometime, the beach apparatus drills every Thursday. We also had the Park Service open Little Kinnakeet for tours, doing it every couple of weeks now and that's been very successful. We'll be having a formal event on October 12<sup>th</sup> and 13<sup>th</sup>; you will all of course know about this as you have been considering a proclamation tonight and I'm going to thank you in advance for that proclamation. We really appreciate your support; it's been wonderful working with Melody on that. Going back to 1874 in Kitty Hawk station, you have a very rich history here. I don't think it's commonly known but in 1874 Kitty Hawk station was the first station that was manned year-round. The other stations were manned only seasonally, in the wintertime which was the worst storm season. The Kitty Hawk station had the signal core officer who was the weatherman and the telegraph operator,



and he had to be there year-round. When the USS Huron wrecked in Nags Head, none of the stations were open including Nags Head which was a huge catastrophe, nobody could react, but they got word back to Kitty Hawk and the telegraph office and had them wire for help from Norfolk who arrived the next day for assistance. So, that is something that could be recognized. (3-minute timer expires) Thank you very much.

**Garriss:** Anyone else signed up, Lauren?

**Garrett, Lauren:** No sir.

**Garriss:** Anyone else that is here, it is fine to come up.

**Balance, Mary Ellon:** My name is Mary Ellon Balance, and I am running for Dare County Commissioner to represent Hatteras Island. I'm kind of doing my homework and wanted to get out to the Town meetings just to introduce myself. I've been a member of the community; I have lived in Hatteras Village for 26 years. I currently serve on the Board of Education finishing my eighth year, wife of a commercial fisherman, I'm very interested in continuing to support and help the people of Dare County. I just wanted to come and say hello, I'm really excited to hear your agenda tonight, it looks very interesting. I'm super excited about that. I'm big on policy with the School Board and trying to figure all of this out so I wanted to come and introduce myself. Thank you for giving me a moment to talk. I look forward to the opportunity to work with you.

**Garriss:** Thank you. Folks, keep in mind this is not a political forum. This is to conduct Town business. Is there anyone else who would like to speak at Public Comment? Speak about anything other than politics. Please let the record show that no one else chose to speak at Public Comment.

- 6. Consent Agenda** – Items on the consent agenda are considered to be non-controversial, routine in nature, or items not requiring a presentation to be discussed 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.

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

**Hines:** So, moved.

**Garriss:** Motion by David, second?

**Pruitt:** Second.

**Garriss:** All in favor?

**All Council:** Aye.

**Garriss:** All opposed? None. Very good.

#### **7. Items Removed from Consent Agenda**

**Garriss:** We had no items removed from the Consent Agenda. Item 8A Zoning Text Amendment Mini Warehouse and PCD. Can I get a motion to go into Public Hearing?

**Hines:** So, moved.

**Garriss:** Motion by David. Second?

**Walker, Charlotte:** Second.

**Garriss:** All in favor?

**All Council:** Aye.

**Garriss:** We are in Public Hearing, go ahead Rob.

#### **8. Planning – Public Hearing**



- a) **Zoning Text Amendment – 42-414(b).**- Mini-warehouse in PCD. Applicant proposes to amend the maximum building size of a mini-warehouse in a PCD to 40,000 square foot footprint.

**Testerman, Rob:** As you mentioned, this is a Text Amendment regarding mini warehouses. They're currently permitted as a Special Use Permit in the Planned Commercial District. The amendment before you tonight deals with the maximum building size. Our ordinance right now BC1 district caps any tenant or commercial use at 25,000 square feet and BC2 cap is 40,000 square feet. The proposed language in the staff report would change that stating, "buildings shall be of a total building footprint dedicated to mini warehouse not to exceed 40,000 square feet where multistory buildings are utilized total floor on the parcel shall not exceed 40,000 square feet times the number of floors constructed the language is only proposed for that special use language in the PCD as it's written. Our height is a maximum of 35 feet so the tallest building you're looking at is three stories so we could conceivably permit a mini warehouse building up to 120,000 feet. In the packets there is an image shown where all our PCD are located, I was going to put it on the overhead. At the June 27<sup>th</sup> meeting unanimous approval of the proposed text was recommended by the Planning Board. You can see in the land use plan; goal number three is to reinforce Kitty Hawk's unique coastal identity and sense of community through high quality design and protection of natural and cultural resources. Policy 3.2 is to encourage commercial development and appropriate scales and area zones for commercial districts encouraging larger scale commercial development to be located along 158. The applicant is on hand if they have any questions or to add anything. I can take any questions as well.

**Garriss:** Council, do you have any questions for Rob?

**Hines:** I do, for the applicant when he comes up. No questions for Rob.

**Cobb, Gordon Jr.:** Good evening, Mayor and members of Council. My name is Gordon Cobb, Jr. My address is 3920 Magazine Street, New Orleans, Louisiana. I know that sounds far away from here, but the Outer Banks is a special place for me. I lived and worked here the summer I graduated from high school, and we vacationed here for two weeks during the summer overlapping with this which was very convenient. I was the developer of the Publix down the street and we're looking forward to potentially completing another project in the community. If we receive approval tonight, my partners and I are looking to invest \$17 million into this project. From our experience a project of this size will employ about 150 people during construction. Storage is a very low impact use but generates a fair amount of taxes and so forth, but I appreciate your time this evening. I'm happy to answer any questions.

**Garriss:** Thank you. Council, any questions for Mr. Cobb? Come on up, Mr. Goodrich. How are you? Would you like to speak tonight? Can you step up to the microphone, please? What happened with the houses you wanted to build on that property years ago?

**Goodrich, Eddie:** I tried. I offered the property to the town, to Dare County, I offered it for affordable housing, Woda Cooper who went under contract, and you know the rest of the story. Woda Cooper said they couldn't do it. I did everything I could to build some housing there. Quite frankly, given the real estate market today, the cost of land, the cost of construction, with 6% interest I think we're going to be hard pressed to get anybody to invest that kind of money with that kind of return. We're in no man's land right now.

**Garriss:** Thank you, sir. Good answer. Any questions for Mr. Goodrich?

**Testerman, Rob:** I did want to note that the special use permit that's on the agenda tonight for the Public Hearing is contingent on the text amendment. If the text amendment fails, then the building size that is proposed for the special use permit would be null.



**Garriss:** Thank you, Rob. Council, any further business during public hearing? If not, I will entertain a motion to go back into regular session.

**Pruitt:** So, moved.

**Garriss:** Motion made by Jeff. Second?

**Walker, Charlotte:** Second.

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

**All Council:** Aye.

**Garriss:** All opposed? None. We are back in regular session. Council, any thoughts? I have a couple.

**Walker, Charlotte:** We've spent a great deal of money to update our land use plan. Mr. Goodrich, you've been a regular customer here, we've seen you quite often and you've always been respectful, and kind and I appreciate that. We made an exception for mini warehouses; we had a great discussion about that to include a mini warehouse on Kitty Hawk Road. The land use plan just does not seem to support a huge warehouse with loading dock, and I just can't get behind that. For that reason, I would vote nay.

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

**Pruitt:** I'm just waiting to hear comments, thank you.

**Garriss:** I agree with Charlotte wholeheartedly. I cannot support this project, and I will not vote for it tonight. Anyone else?

**Tillett:** I agree with all of that too. That's three times the size of what is currently allowed, it's asking a lot.

**Hines:** I don't really have a comment, rather than just denying it. Is there a way to re-work it or bring it down? What would we like to see there?

**Walker, Charlotte:** We've already re-worked it to allow the mini warehouse.

**Hines:** I understand but what do we want to see there?

**Walker, Charlotte:** Houses or shops, some of the things that we've talked about. There have been several things that we have modified. Would you have any suggestions to how we can modify it?

**Hines:** No, I was just asking the question.

**Garriss:** Jeff?

**Pruitt:** Whether it's warehouses or houses, it's really not up to me. I just think that what is proposed is a very large building for that area with the wetlands surrounding it. I think that's a very large building for that piece of property.

**Garriss:** We're out of public hearing, Mr. Goodrich, but did you have anything you would like to add?

**Goodrich, Eddie:** What I'm hearing is that you're against the size?

**Garriss:** Yes, sir.

**Goodrich, Eddie:** Could you table to discussion?

**Garriss:** No, sir. We're ready to vote on this item tonight.

**Goodrich, Eddie:** I don't know what to say, I think it's a great use for the parcel. We tried everything we could to build on this property. Different pieces of land have different uses

**Garriss:** Thank you, Mr. Goodrich. I agree with Charlotte, it's always good to see you. Okay, Council I will entertain a motion. If not, I will make it.

**Walker, Charlotte:** I move to deny the proposed text amendment to Section 42-414 B4. The Town Council finds that this proposal is inconsistent with the Town's Land Use Plan.

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

**Tillett:** Second.

**Garriss:** Second by Dylan. Any further discussion? All in favor of the denial please signify by saying Aye.



**Walker, Charlotte, Pruitt, Garriss, Tillett:** Aye.

**Garriss:** All opposed?

**Hines:** Aye.

**Garriss:** We have four in favor of denial, and one opposed to the denial. Thank you. Casey, Item 8C we're not going to hear, correct?

**Varnell, Casey:** Yes, as Rob stated it's superfluous at this point because the property wouldn't be in compliance with if we approved the actual special use being presented.

**Garriss:** Correct, thank you. Item 8B Zoning Text Amendment. Council, I need a motion to go back into Public Hearing, please.

**Walker, Charlotte:** So, moved.

**Garriss:** Motion made by Charlotte. Second?

**Pruitt:** Second.

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

**All Council:** Aye.

**Garriss:** Okay, we are in public hearing. Go ahead Rob.

**b.) Zoning Text Amendment – 42-1.- Definitions; 42-225, 42-247 thru 249; 42-273 thru 275. Lot coverage and Permeable paving materials**

**Testerman, Rob:** The proposed text amendment to Section 42-1 as well as some language on residential and commercial zones dealing with lot coverage and permeable pavers. In the staff report, the definition of lot coverage is trying to simplify and specify that driveways are going to be counted as lot coverage. Currently, in practice we've been having the survey notate driveway movement that's counting against problems as lot coverage whether it's natural or gravel or concrete it's all considered the same on the survey. This would clarify that we are talking about improved driveways if you keep it natural it's not going to count against lot coverage, it also identifies materials that would be exempted from lot coverage calculations. That means artificial turf and plastic turf reinforcing grids that haven't been mentioned before has been a judgement call by staff whether or not to count artificial turf so I thought it would be a good idea to include it so there's no room for subjectivity. The one caveat with that would be that it would have to be installed with materials and construction methods that would be certified by a state licensed engineer that is would be 100% pervious and would remain so through the installation. If it ever failed or became impervious and we got a complaint about that it would have to be replaced. The second one listed is uncovered open slatted decks that allow water to penetrate through to open pervious material would be exempt from lot coverage calculations. There are a couple other towns in the area that look at this the same way, this is also in line with state storm water permitting. When we had our text amendment a few years ago, about the pool surface water being excluded from lot coverage calculations, one of the public comments from there was to look at this to bring it all in line. The concern with allowing that I could see happening would be that new construction houses get built with their open deck and its natural underneath, then a month after they get CO they go in and get a patio. I guess it would go with any other enforcement issue, if we got a complaint we'd go out and inspect. There are always people who are going to ask for permission later. This is a staff-initiated text amendment, if Council wants to approve part of it that won't hurt my feelings. The third one being the gravel of loose stone being used for walkways, patios, landscaping blockage calculations. We've been doing this in practice although it's not specifically mentioned in the ordinance, I thought it would be good to define it. Like stone around a house or any kind of landscaping rock. Council did catch an error in the proposal in the bottom of the first page, the word coverage is not supposed to be struck through





so it would be the area being struck out would be without reduction for built upon area. Then after that dealing with permeable paving material that meets the definition that's included in the staff report for permeable pavement. For residential zones the maximum lot coverage is still going to be 30% over the maximum lot coverage physical area of 38% provided that any lot coverage physical area in excess of 30% is comprised of permeable pavement. Then there's language in there stating that if the permeable pavement fails then that would have to be replaced with permeable material. That is in align with what we currently allow in our commercial zones, that was adopted in 2018 I believe. The commercial zones allow up to 72% permeable materials so that's the idea of bringing this forward. You can see in the past few weeks how many frequent heavy rainfalls we've been getting so to try and encourage property owners, residential property owners to allow more water infiltration in their lot rather than just paving their entire driveway and shutting it off. I was getting phone calls from neighbors once you get these heavy rains they are getting flooded by their neighbors. If we can do something to encourage those property owners to use materials that will allow better infiltration on their site, then I think we are better off. The Planning Board recommended approval unanimously at their June 27<sup>th</sup> meeting. CAMA Land Use Plan has some relevant policies and goals, Policy 2.4 the required storm water management systems and new development/predevelopment run off conditions, this wouldn't be requiring anything but storm water management, consider additional incentives for green storm stormwater infrastructure including bios, rain gardens, and green roofs. Policy 3.1 Manage land use and development to minimize primary and secondary impacts on resources and existing residents through standards for development. Policy 3.4 Encourage residential that fits Kitty Hawk's character and maintain zoning regulations. With that, I will turn it over to the Council for any questions.

**Garriss:** Rob, this was initiated by you, correct? More of the cleaning up you are trying to do. That makes sense.

**Varnell, Casey:** Rob, to avoid any confusion at the time of motion in the event Council wants to approve as presented, your version of what is presented would have include the word coverage that you were speaking about earlier. Just for the record, coverage as Dylan pointed out to Rob, was intended to be in there so if you decide to approve as presented the word coverage will be included at the bottom of the first paragraph under definition of lot coverage physical area.

**Garriss:** Thank you. Council, any questions for Rob?

**Walker, Charlotte:** Rob, are you comfortable with the slatted deck? Is that manageable for you?

**Testerman, Rob:** Yes, if I wasn't comfortable with it, I would not have put it in there. There is some cause for concern in terms of enforcement.

**Walker, Charlotte:** The only reason I mentioned is because you had the example of you could go back later and there could be concrete, so I just wanted to make sure that you are comfortable.

**Testerman, Rob:** It's bound to happen but if it does it would be treated like any other code enforcement issue. If we get a complaint, code enforcement would investigate as needed.

**Tillett:** We could remove that too if we felt that better fit too, to remove the slatted deck if Council decided to move forward.

**Hines:** There are more steps you'd have to take; you're going to get wet underneath that deck if you don't take other measures so it's not like you can just put concrete under the deck and your drive. There are more steps that need to be taken. That's in line with the state's stormwater, correct?

**Testerman, Rob:** Yes.

**Garriss:** Thank you, good questions. Anything further for Rob? If not, I will entertain a motion to go back into regular session.

**Pruitt:** So, moved.



**Garriss:** Motion made by Jeff. Second?

**Hines:** Second.

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

**All Council:** Aye.

**Garriss:** Okay, Council we are back in regular session. What would you like to do about this matter?

**Pruitt:** I'd like to discuss. I agree, I had a little bit of a problem, and I called Rob about the open slatted deck and then the more I think about it as David stated it would take more than you'd have to put something underneath corrugated to run it off. It's more than just going under there so that was my only concern. I also checked with the artificial turf, so once again it is going to be laid on a surface that is 100% permeable and I don't see any conflict there. So, I think that I agree like David that was my only concern was the slatted decks and you've pretty much nailed what I was thinking. There's a lot more to it.

**Garriss:** Thank you, Jeff. Any more discussion? If not, I will entertain a motion as presented.

**Walker, Charlotte:** I move to approve the proposed text amendments related to lot coverage and permeable pavement section 42-1.- Definitions; 42-225, 42-247 through 249; 42-273 through 275. Town Council has found this proposal to be consistent with the Town's adopted land use plan.

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

**Hines:** Second.

**Garriss:** Thank you, David. All in favor?

**All Council:** Aye.

## 9. Old Business

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

**Garriss:** All opposed? None. Thank you, Council. We're back to accessory dwelling units that was tabled at the last meeting. It was tabled because Rob was going to try to find out some more information for us and so Casey, that was the reason we tabled it so we could get more information before we voted tonight. Keep in mind, I've already heard the words, we're talking ADUs and not short-term rentals.

**Varnell, Casey:** Most of Rob's research is right in line with the legal leeway and I've looked at it and concur, but I will certainly jump in to the extent Rob needs or wants.

**Testerman, Rob:** There are a couple of things Council asked staff, one of them dealt with how many ADUs have been permitted in the VR1 district since 2018 when the accessory dwelling unit language was adopted. There have been eight ADUs permitted in VR1, since that language was adopted. There are several that were built before we had any ADU language in place, things at that time could have been a room over a detached garage, and now that falls under ADU definition. I'm not saying that it's only eight out there now. Looking at the number of impacted properties by the proposed amendment, I went through Air BnB, VRBO, and six of the major vacation rental agencies. I can't guarantee that I found all of them but best as I can tell I was able to find six additional accessory dwelling units that are being used for short-term rentals in the VR1 district. However, according to Dare County tax records, the owners of those six are stated to be full-time residents so they would be in compliance with the proposed amendment. The big one that came up in the last meeting was the 12 months to come into compliance. We talked last month about Chapel Hill's ordinance does have that in it as related to short-term rentals. I don't believe that ordinance has been dissolved in its second time in court. I also found that the Town of Highlands has been considering similar regulation of short-term rentals. They had documents in the



staff report that they too received some letters and know that if they adopted that it would be quick. On July 22<sup>nd</sup>, the Highlands Planning Board voted unanimously against the initiation rule.

**Varnell, Casey:** You mean requiring compliance, Rob? Within a certain amount of time.

**Testerman, Rob:** Yes, they voted against it. I believe there was public comment that referred to Senate Bill 677 last month, I've attached that language to the staff report. You can see there that there are big restrictions along with what times would be allowed in terms of short-term rentals. As I understand it, that bill is probably not coming back in the same form or fashion but they're planning that something will come back they'll address in a different manner.

**Varnell, Casey:** Rob, just for the record on that, it is Senate Bill 667 but that is the same bill addressed in your report.

**Testerman, Rob:** So that's what I've got for you from the last meeting.

**Varnell, Casey:** The only thing that I will add is that you guys heard me preach last time about liability and things that we as a Town do with decisions, that you as Council members make, and not too long ago it became an event with an ordinance that we draft gets attacked in court and they are challenging the validity of that ordinance, it's now statutory law and not case law when something is embedded in black letter at this point, the word shall award attorney fees to a successful litigant that attacks an ordinance that we have that's very clear in what it's seeking to regulate and that clear regulation is then found to be invalid by a court of law you then the court must award some level of attorney fees. Now, Rob has attached here to you the Schroeder case that I had referenced which was down in Wilmington which was against the city of Wilmington and in that particular case the court used its discretion to award only 80% of the attorney fees but that was still \$35,000 and that's a lot of money and it became a judgement against the town that the town was then indebted to pay back so there are repercussions and again that has been my position on thinking carefully in terms of what we are going to require.

**Garriss:** Thank you, Casey. Council, if you recall I think everyone up here had a problem with the 12-month period.

**Pruitt:** Are we still in Public Hearing?

**Varnell, Casey:** No, now you all can discuss amongst yourselves.

**Garriss:** So, if we decide to approve, we could approve without that. We could deny the whole thing all together. I really haven't heard anything from Casey or Rob tonight to change my mind from public hearing, excuse me I mean regular session.

**Hines:** I believe there's a letter inserted into the packet.

**Garriss:** It is, do you mind if I speak? I had a problem with the 12 months right away. A lot of people have worked hard on this text amendment, the applicant, Rob and his staff. We've had since our last meeting in July to think about this, it's been tabled to get more information. I had been thinking about it constantly, I was thinking about it on the way to this meeting tonight and I still wasn't sure, but I've got a feeling that I just don't think it's right. I think it's being done for the wrong reasons, and I may be the only one for that reason, but I cannot support this text amendment.

**Hines:** Casey, is it your legal opinion that if we implement a policy of 12 months, we will set ourselves up for a lawsuit?

**Varnell, Casey:** Yes, I will say it another way, there is nothing out there that Rob or I have found that says we would be safe and not vulnerable from such an attack and that's where I have to come from in these types of situations if I don't have anything out there yet that says this is legal but yet I see many other jurisdictions not allowing for amonization or not allowing grandfathering so I must say that yes we are subject to an attack here until I see otherwise within our court system and that's not something I've seen.



**Pruitt:** Casey, can I move forward with the proposed text amendment with the removing of Subsection I?

**Varnell, Casey:** Rob, help me out with that just to make sure I'm correct, would the applicant need to approve that at that point? In other words, do you accept that and then they move forward with the vote or if you don't accept that then we're going to deny it? I don't think so but I just want to be clear.

**Testerman, Rob:** Yes, to answer your question.

**Pruitt:** So, do I need to ask, or would it be?

**Varnell, Casey:** If that's the way you want to move, Councilman Pruitt, then I think you are fine to do that striking it. I don't think there needs to be any discussion or request.

**Pruitt:** Legally, with us asking one of the residents if there is an ADU with one of them being occupied full-time meaning 31 days consecutively, you find that to be okay in doing that?

**Varnell, Casey:** From the long-term tenant perspective, yes. I don't like the fact that the owner is in there frankly, however there is an exception that it is owner or long-term tenant, so I think we are okay given the "or".

**Pruitt:** To be clear, he can rent it out to anybody, he can live in New York if it's rented to someone for more than 31 days.

**Varnell, Casey:** Yes, sir.

**Pruitt:** So that both properties aren't being rented short-term at the same time. I think that's somewhat of the intent of this ordinance in the beginning, we're kind of hung up on the grandfathering or however we want to put it, but this is a great start. If we table it or go forward and deny it, we're back at square one.

**Varnell, Casey:** All I would point out now that we've gotten to all Council is that there is no, per se, explicit regulation on short-term rentals so what you are ultimately voting on is the regulation of ADUs. I wanted to point that out so that way we're not again back down the path now thinking that short-term rentals are somehow capable of being regulated or something of that nature.

**Pruitt:** All we're saying that is to do this, someone needs to be long-term if there are multiple dwellings. That's one thing that needs to be clear, I think people are confusing this with all of Kitty Hawk, this is only VR1 not any other zones.

**Garriss:** Good point. Charlotte?

**Walker, Charlotte:** I can't in good conscience not grandfather a person who came to the Town and was given a permit and was given information and did what he was asked to do. I have really struggled with this myself and would feel really badly if I were in that position. I'm not sure where the actual problem came from, it may have been a long time ago when this whole thing started, and we didn't get it right then, but it was in the works when I got here. I just can't go back on the grandfathering.

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

**Tillett:** Casey, for clarification, I know you said this, but I want to make sure. Removing the part about 12-months, that does not put the town at the same risk that you had concerns about. Is that correct?

**Varnell, Casey:** No, there are other instances out there were instances when ordinances like this had been passed and not yet been attacked and have been applied by the municipalities. My concern was that part of the ordinance attacked in Chapel Hill was with the requirement of grandfathering so that's where in watching other local governments adopt similar text but not at the same time not requiring grandfathering for example. Not just Highlands, but there were several others that had been adopted by those local governments.

**Tillett:** If we remove that part of this text amendment, what does that do?

**Varnell, Casey:** It does make it a much more viable ordinance, I would say.



**Tillett:** Do those properties that are currently operating default to grandfathering?

**Varnell, Casey:** Correct. Then moving forward when applications for ADUs come in, because that is what we are talking about here.

**Walker, Charlotte:** Multiple ADUs.

**Varnell, Casey:** Correct. So that is when this would apply, this regulation.

**Walker, Charlotte:** Is the legislation that Mr. Gaherty mentioned at the last meeting going to make all this a moot point?

**Varnell, Casey:** If it is passed in substantial form, meaning as it's currently written and I will read you some items, "no city may adopt or enforce an ordinance, rule, or regulation that does any of the following: number one is prohibit use of residential property as a short-term rental". Just in case there is a lack of clarity there, they go with B which is "prohibits the use of accessory dwelling units as short-term rental". That right there says our proposed ordinance would immediately become invalid and unenforceable. So, to move to what we're considering passing, if gets passed then any restriction on short-term rental use as accessory dwelling unit or on a residential property would be void. I do see impacts if that is what you are asking.

**Pruitt:** Meaning that if us requiring someone to live long-term, we wouldn't be able to regulate that and both could be short-term from what you are reading?

**Varnell, Casey:** Yes, and I'm saying that because they specify residential property and accessory dwelling units. When you read further in, you've got "requires the owner of a short-term rental to occupy the property", and it doesn't specify between the two; ADU versus primary it's talking about the property. So, yes in reading the way it is currently written if it gets adopted into substantial form then I think there will be issues here. It also clarifies that short-term rentals are not commercial uses which puts the statute we were talking a lot about last time whether short-term rentals are commercial uses. Ms. Creef spoke about it, and I spoke about it, and I don't believe it's a business use under the law. I don't believe this is commercial use and this would act to solidify that certainly in black letter.

**Hines:** To add further to that, in my opinion, you were thinking about intent. The intent of this bill is clear what they're saying in the first six items highlighted in the packet.

**Varnell, Casey:** That becomes very important at from an interpretation standpoint then it's the plain letter and plain meaning of the statute itself that governs so I agree. There is no ambiguity in that proposed bill.

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

**Tillett:** Yes, thank you.

**Garriss:** Anything else? David? Any further discussion, Council? If not, I will entertain a motion.

**Pruitt:** Mr. Mayor, I move to approve text amendment in Section 42-1 and 42-528 relating to ADUs removing Subsection I. Subsection I properties located in the VR1 zoning district with an accessory dwelling unit as of adopted date and having no long-term residents or owner on the subject property shall have a 12-month period to finalize conversion and compliance within the VR1 zoning district as presented in the staff report. Town Council has the proposed to be consistent with the Town adopted land use plan.

**Varnell, Casey:** Mayor Pro Tem, did you read that to strike the 12-month period in its entirety?

**Pruitt:** Yes, I did to remove all of Subsection I.

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

**Hines:** Second.

**Garriss:** Second by David. Any further discussion? All in favor of the motion signify by saying "aye".

**Pruitt, Hines, Tillett, Walker:** Aye.



**Garriss:** All opposed? It will be “Nay” for me. Motion carries four to one. Thank you, Council.

**Garriss:** Alright, Item 10A. Lilliana, you are up.

**10. New Business:**

- a.) **Preliminary Financial Statement FY 2023-24-** Presentation of preliminary financial statement for fiscal year 2023-24.

**Noble, Lilliana:** Good evening, Council. Tonight, I will present the preliminary financial for the fiscal year ending June 2024. It’s a preliminary statement because we have not closed the fiscal year, the year is officially closed once we complete the audit which is scheduled for September. There are some revenues that have not been received yet that will be arriving in the second week of August. I’m going to provide an overview of the financial statement. These first portions are our revenues, property taxes we have 100% collection, the second part is other taxes which have not been collected for June and will be received in two weeks, the third portion is permit fees and everything has been collected, intergovernmental is grants basically. Fines and forfeits, already everything has been posted. The second page, interest earnings as you can see here this year, we have a lot of interest earnings because of higher rates this fiscal year, like last fiscal year. The Federal Reserve has not decreased rates, and I have projected the same rates up to December, beyond that is unknown. We have collected \$661,000 in interest this fiscal year. We used some of these funds for two projects this year, for the key access to all buildings and to purchase a sweeper for Public Works equipment. The other revenues are related to rent, which is higher this fiscal year because of Beach Medical moving into the building and taking a second suite in November. On the expenditure side, every department stayed within budget and so far, revenues are higher than expenditures. Again, this is preliminary as there are some invoices not yet processed because they take one or two months to arrive, as well as some entries but overall, it looks like a good fiscal year. This is the general fund meaning the operating fund, the second fund is beach nourishment, and this project is closed. The construction happened between June 2022 and May 2023. Before we started construction for this project in 2021, we transferred some money from beach nourishment and reserve to start the design project. Once the project is complete, this money will go back to the reserves for beach nourishment. The last form we have is the remodel of the building for the Police Department. Currently, we have \$3,823,747 to start the project. Before I move to the next item, are there any questions? Okay. A more detailed financial report will be provided to the Council following the audit.

- b.) **Capital Project Ordinance Fund 41.-** The proposed budget amendment in the Capital Project Fund 41 allocates \$212,400 in contingency for the remodeling of the new police station building at 5200 N Croatan Highway. The funds would be transferred from the General Fund. In addition, it is proposed that the Town Manager be authorized to approve change orders or amendments to construction contracts in amounts up to \$50,000 from the project contingency funds.

**Noble, Lilliana:** Future police station, I’m going to provide some information, here is the most recent picture of the building exterior from the construction that started a month ago. The building was the Sentara building and in 2017 they announced they were moving. This is an article from Outer Banks Voice announced in October that the condition of the building factored into the decision to cease operations at that facility. Extensive renovation would be required to keep it open. Sentara Kitty Hawk has undergone several building repairs in recent years, the company said in October. However, despite these repairs the issues remain ongoing. Sentara moved out in December 2017 and the Town of Kitty Hawk bought the property in 2022 after it being abandoned for five years. Tonight, we are presenting



this project with a current budget of \$8,480,307. The revenues for this project are coming from the general fund, capital reserve, interfund transfers. The expenditures are listed and those in blue have already been paid. The land and building purchase, some repairs that were needed when the building was purchased, inspections, and from the construction management and design costs. Tonight, we are going to talk about contingency. The definition of construction contingency is money we put aside to cover any unexpected costs that can arise with a construction project. Risk management is the name commonly used in construction and including a construction contingency in a budget is the first step to protecting yourself against unforeseen risks. Currently, the Town's budget for the building remodel does not have any contingency. Today, we are proposing a budget amendment for a contingency. Establishing a contingency is a construction best practice and deciding the amount for the contingency is always a balancing act. It is important to have enough funds available for any unforeseen costs, risks, events, or changes in the scope that might affect the project causing delays. Just a reminder that this is an old building that was abandoned for five years, and we need to keep this project going. The most common practice in establishing a contingency in construction is between 5 and 10 percent of the total budget. Tonight, we are proposing the Council approve a contingency of 6 percent of the construction contract which is \$212,400. In addition, authorization for the Town Manager to approve any change order or amendment to the construction contract in the amount of \$50,000 using the contingency funds. Anything above that must be brought before the Council for approval. What are the benefits? Manage the risks and ensure we have the funds to respond to any unexpected challenges and keep the project on schedule and within budget. We are presenting today to the Council for approval budget amendment for \$212,400 to establish a contingency and authorization for the Town Manager to approve any change orders or contract amendments up to \$50,000 using these contingency funds. Do you have any questions?

**Garriss:** Any questions for Lilliana?

**Hines:** A couple of comments. We knew the condition of the building when we purchased it. I was heavily involved in that so I'm aware as well. I do agree that there needs to be a contingency in place for the construction. I get the 6 percent contingency plan based on the price and whatnot. I think \$50,000 is kind of high though on a change order without it being presented. Not that I don't believe in a Town Manager's ability to do something but that's a lot of money. If we're going to keep it at \$50,000 without Council approval, then I think that someone like David Lewis would need to be involved in that, which I'm not saying that he wouldn't be. That's just a lot of money to be approved unilaterally, more of a comment. I will stand by for any further comments.

**Pruitt:** When I first spoke with Craig about this, I too thought I would like to see the Building Inspector when somebody comes and say we need it. I would like to see a professional working with the Town, like our Building Inspector to also sign off. I don't have a problem with the \$50,000 but I would like a second opinion when they say this doesn't meet code rather than her say oh fix it, I'd like David or whoever our Building Inspector is to oversee the request for contingency.

**Noble, Lilliana:** We do have a construction management company who deals with the contractor when they present the change orders, it reviewed by the designers, and the construction manager then presents to the Town Manager so there is a filter there just for clarification. In consideration of the \$50,000 that is standard with my colleagues throughout Dare County for authorization.

**Hines:** I don't have a problem with the \$50,000, okay. I want somebody else to have a check and balance on this situation. I understand Dills is a construction management company okay but I'm with Jeff, I feel like somebody else that represents Kitty Hawk directly and not by contract should be involved with approving the change order. That's all I'm saying.



**Garriss:** This matter came up and we've all talked about this. I've talked to mayors and town managers, and they all agreed. You and I had the same discussion, David, that we wouldn't dare go into a project of this size without a contingency. I find \$50,000 in line as well as the 6%, I get what both of you are saying. The only way around that is to call a special council meeting every time we must approve something and that's not the way it should be done. We have a very competent Town Manager sitting there who can make those decisions without us. If there's something she's not sure about she can contact David Lewis.

**Clopton, Melody:** I will just add that I am fine with whatever you all decide. I am not going to make these decisions by myself. I have backup, I have David, Willie, Dills, Chief. I have lots of back up.

**Noble, Lilliana:** I also made these comments as we have an audience at home, so we need to make clear what the numbers are in terms of the \$50,000 comes from. So, when a comment is made, I clarify just for our audience at home. It is the decision of the Council.

**Clopton, Melody:** There is some rule about the Building Inspector inspecting work that he has been involved in and I can check that. I've spoken with him a little bit about it.

**Hines:** But a change order is separate from that, is it not?

**Clopton, Melody:** Like I said, I'm fine with any way you want to proceed.

**Hines:** Casey, what is your opinion in terms of contract law?

**Varnell, Casey:** Honestly, I believe that it is implicit that the Town Staff is going to partake in Melody's decisions. I don't know about the builder inspector rule, but David probably knows, of course he knows a ton more than I do. I could look at that, but I don't believe something along the lines of Town Manager with appropriate Town Staff input, I do see that sometimes in certain ordinances.

**Hines:** No one wants to see this Police Department built more than I do. I've been invested in it from day one.

**Noble, Lilliana:** Councilman Hines and Mayor Pro Tem, what you're suggesting is the change order should be reviewed, or the Building Inspector should have an opinion?

**Clopton, Melody:** What Casey said, Town Manager and appropriate staff.

**Varnell, Casey:** It could be a scenario when it could be Willie, for example.

**Clopton, Melody:** We've already had questions.

**Hines:** I want to be clear that I know you're competent in handling all of this but it's not your thing. Commercial construction.

**Clopton, Melody:** Of course, I'm not doing this in my own bubble.

**Hines:** There are plenty of contractors that don't deal with commercial construction, it's a different animal. That's all I'm saying.

**Garriss:** I will add that Lilliana needs a decision tonight. Demolition is well underway inside that building and she needs a decision tonight. She should have had it last month, but we put it off.

**Pruitt:** Is this something we need a motion for? I move to approve the contingency budget of \$212,400 and the Town Manager authorized for change order and amend the construction contract up to the amount of \$50,000 using the project contingency fund with input from appropriate Town Staff.

**Hines:** I second the motion.

**Garriss:** Any further discussion? All in favor?

**All Council:** Aye.

**Garriss:** All opposed? None. Thank you, Lilliana, great job. Thank you, Council.

- c.) **Resolution-** In support of the North Carolina Department of Parks and Recreation Great Trails State Program (GTSP) Grant to construct a 400' boardwalk connecting Sandy Run Park to the Birch Lane Trail within the Kitty Hawk maritime forest.





**Garriss:** The item that was added, Item 10C. Willie, can you please come up? We've got a resolution that came in asking for a motion from Council regarding construction of a boardwalk bridge.

**Midgett, Willie:** I'll start with my apology for the late submission. While completing the application, I found that my dates were not as accurate as I thought they were. This is a resolution seeking Council support for a grant application through the Great Trails State Program from the North Carolina Department of Parks and Recreation. This grant is for putting in a boardwalk/bridge from Sandy Run Park over to the Birch Lane Trail. It's approximately 400 feet of bridge and our current estimate is around \$46,000.

**Garriss:** Any time we get a grant, it's a good thing.

**Clopton, Melody:** We do have about \$174,000 in the capital reserve fund for Parks and Recreation so we could cover that from capital reserve.

**Garriss:** Thank you, Melody. Any questions for Willie? If not, I will entertain a motion.

**Pruitt:** I move to support the proposed resolution for the Great State Trails Grant to construct a boardwalk from Sandy Run Park to the Birch Lane Trail. Town Council has found the resolution to be consistent with the Town's adopted land use plan.

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

**Hines:** Second.

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

**All Council:** Aye.

**Garriss:** All opposed? None. Thank you, Willie. Good job.

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

**Garriss:** Item 11 Report from Town Manager. Melody?

**Clopton, Melody:** As Lilliana said, we had our second construction meeting at the site and demolition of the interior is completed. It looks like a different place there, it's amazing. Conditions permitting, the expect to pour the footers for the new square footage next week. They are also planning to demo exterior walls and remove the concrete for plumbing. The project continues to stay on schedule. We have received several complaints about damage caused by nutria. I have reached out to Federal Wildlife Services, and they are coming to meet with us next week to tour the damaged areas. They evidently have an executive order where they can take action to come up with a plan and help in that area. If someone has experienced nutria damage, they can let us know.

**Pruitt:** When is that?

**Clopton, Melody:** Due to the pending storm, they cancelled this week but will most likely come next Wednesday but I will let you know for sure. National Night Out which was scheduled for tomorrow has been cancelled due to the pending inclement weather. I have two Town Hall closures to talk about. Next Monday, August 12<sup>th</sup>, the Town Hall will be closing at 4 pm. Dominion Power will be replacing the meter base and two exterior breaker boxes due to corrosion so all power can be off. On Friday, the 16<sup>th</sup> the floors in the hallway will be refinished as part of the front office restoration. We will be relocating that day to the fire station; we will be able to answer the Town Hall phones remotely. We're planning a field day for staff to do some ride alongs, tour with Ocean Rescue. Also on the 16<sup>th</sup>, between 1 and 3 we're going to invite the community to join us for watermelon at Sandy Run Park so we're having a community activity that day. That's all I have.

**Garriss:** Great, thank you, Melody. Casey?

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



**Varnell, Casey:** I have nothing other than the nutria are not known for their looks. I see them on the golf course all the time.

### **13. Reports/General Comments from Council**

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

**Walker, Charlotte:** The Town Recreation Committee met on Tuesday, July 30<sup>th</sup>. Alsu Lewis has been appointed as the new staff liaison. She did a wonderful job organizing and keeping the meeting on track. The committee review the 2024-2025 budget and approved the 2024-2025 Master Plan without any changes. A special meeting is set for August 27<sup>th</sup> at 6 o'clock. The purpose of this meeting is to review a presentation that they plan to give to Town Hall at our September 9<sup>th</sup> Council Meeting. They will also present data from their survey that was done for the trail. Lauren Garrett, our new Town Clerk, was present and she offered a lot of support for that committee, and I appreciate that. That will help promote our activities here. I would like to recognize a member of the Planning Board who will be leaving our area. Dr. Craig Merrill has been quite an asset to our Town, he investigated Planning Board agenda issues and came prepared to offer ideas. He was also very knowledgeable in respect to grants and served on the Community Advisory Board with Chief Palkovics. He is also someone I can call on as I need a little more information. It has been my pleasure to serve with him and to consider him my friend. He will be missed, and the Town wishes him well.

**Garriss:** Wonderful, thank you, Charlotte. Jeff?

**Pruitt:** I received a couple call this weekend, I usually don't get that many, but I did, and it was in reference to traffic on The Woods Road. Once again, as the Town Council it's out of our hands. I do understand that people are having tremendous trouble getting in and out of their residence on The Woods Road, but it is a state road. They had asked if there was any way to relieve it at the traffic light or maybe put up a sign that says locals only or whatever, which probably wouldn't do any good. I said I would bring it to Council that there are concerns about safety on The Woods Road. That's all I have.

**Garriss:** I agree, I got stuck on The Woods Road thinking I made a smart decision, but you can't restrict traffic. It's three or four months out of the year and I'm sorry. I don't know that there's anything that could be done. Southern Shores deals with the same situation every Saturday and Sunday. Dylan?

**Tillett:** I would like to welcome Amy to the Police Department. I did not know Craig was leaving, he will be very missed on the Planning Board. I appreciate his time and service on the Planning Board. I want to thank all the staff for keeping things running smoothly during this busy summer season. You guys are doing a great job. That's all, thank you.

**Hines:** I have no comment, thank you.

**Garriss:** To all the staff, it's August already I can't believe it, the summer will soon be over. To all the people who live on The Woods Road, I feel for them I really do. Thank you to all of our committees, I haven't had a chance to see Dare County EMS, but I did get a chance to see our fire department and police department in action this morning. Great job, fast response, and I want to thank them for what they did. The front lobby, if you haven't had a chance to look you should, it's going to be beautiful. Anything else? If nothing else, I will entertain a motion to adjourn this meeting.

**Pruitt:** So, moved.

**Garriss:** Motion made by Jeff. Second?

**Walker, Charlotte:** Second.

**Garriss:** Second by Charlotte. We are adjourned, thank you folks.

### **14. Adjourn**



# TOWN OF KITTY HAWK

Adjourned at 7:36 pm.

The Minutes of the August 5, 2024, Kitty Hawk Town Council Meeting are approved at the September 9, 2024, Kitty Hawk Town Council Meeting.

*D. Craig Garriss*  
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D. Craig Garriss, Mayor

*Lauren Garrett*  
\_\_\_\_\_  
Lauren Garrett, Clerk

