



Minutes
KITTY HAWK TOWN COUNCIL
Monday, March 3, 2025
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. **Presentation:**
 - a) **College of the Albemarle-** Dean Timothy Sweeney and Dr. Jack Bagwell
5. **Public Comment** – The public is invited to address the Town Council on any topic. Please sign up with the Town Clerk before the meeting and when your name is called, come forward and speak into the microphone at the lectern. Please limit comments to 3 minutes.
6. **Consent Agenda** – Items on the consent agenda are considered to be non-controversial, routine in nature, or items not requiring a presentation to discuss by the Town Council in order to consider the items(s). Any item may be removed for discussion by the council or by any member of the audience who wants to hear the item presented and discussed.
 - a) **Approval of February 3, 2025, Regular Session Council Minutes** – Approval of the consent agenda will approve these minutes.
 - b) **Budget Calendar 2025-26**
 - c) **CurrentTV GEAC 2025-26 Budget**
 - d) **Procurement Month Proclamation**
 - e) **Adoption of Outer Banks Hazard Mitigation Plan:** The Town has been involved in the five-year update of this multi-jurisdictional Hazard Mitigation plan, which replaces the previous regional hazard mitigation plans. The plan can be found at www.obx-hmp.com
 - f) **Resolution of Support for Updating the Beach Inlet Management Plan**
7. **Items Removed from Consent Agenda:**
8. **Planning:**
 - a) **Public Hearing** – Re-adoption of CAMA Land Use Plan with Division of Coastal Management comment revisions.
 - b) **Text Amendment** - Chapter 12.- Environment. Citizen request to designate the live oak as the official Town Tree and implement regulations on cutting live oaks.
9. **New Business:**
 - a) **Budget Process Presentation-** Liliana Noble
10. **Old Business:**
11. **Reports/General Comments from Town Manager**



12. Reports/General Comments from Town Attorney

13. Reports/General Comments from Town Council

14. Recess to March 25, 2025. Budget Workshop, 9 am at Kitty Hawk Fire Department at 859 West Kitty Hawk Road, Kitty Hawk, NC 27949.

Council Members Present:

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

Staff Members Present:

Town Manager Melody Clopton, Finance Officer Liliana Noble, Police Chief Mike Palkovics, Chief Mike Talley, Planning Director Rob Testerman, Public Information Officer/Town Clerk, Lauren Garrett, Administrative Services Director, Laura Walker, Lieutenant Jimmy Helms, Officer Corey Morris.

- 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.

Hines: So, moved.

Garriss: Motion by David. Second?

Tillett: Second.

Garriss: Second by Dylan. All in favor?

All Council: Aye.

Garriss: All opposed? None. Thank you. We have a presentation tonight by Dean Tim Sweeney and Dr. Jack Bagwell from the College of the Albemarle. If you gentlemen would come up, please.

- 4. Presentation:**
 - a) College of the Albemarle- Dean Timothy Sweeney and Dr. Jack Bagwell**

Bagwell: Good evening, I'm Dr. Jack Bagwell. Thank you for having us here tonight. I'm going to do things a little bit differently. I'm going to turn it over to Tim and let him show you a couple of videos and talk for a few minutes, but I want you during that time to think about what you want to know from me. Instead of offering death by PowerPoint tonight, I want to focus on what you want to talk about I have a couple of talking points and of course I could fill the two hours, but I will attempt not to do that so just think about what you'd like for me to talk about, and we will do it. With that, I will turn it over to Tim.

Sweeney: Thank you, Dr. Bagwell and Mayor Garriss. Thank you for having us here tonight. I'm really excited about these two videos. That's why I don't have to talk too long, but I do want to tell you a little bit about the Dare campus and the other campuses. Our campus had a 25% increase in enrollment in one year. That's something that's unheard of and a lot has to do with the new campus and programs but also has a lot to do with the Dare Guarantee. You're all aware of the Dare Guarantee where we provide our citizens and our high school students an education if they live here in Dare County so that's made a tremendous difference as far as having the availability of workforce



development curriculum. The two videos, one is the curriculum side of the house where you're going for an associates degree. Most of our students start at this campus, which used to be 80% but now it's 60%, as college transfer. They're looking to get their associates degree then go to a four-year university. The number in workforce development is rising year after year. In workforce development, you're talking about the skills needed for our various businesses throughout this county but also other campuses with Dr. Bagwell will talk about. There's a misconception that the Dare Guarantee is only for the Dare Campus, that's not true. If a student in Dare County would like to take manufacturing at the Currituck campus, it's paid for. If they want to go into an aviation program, it's paid for. Our nursing program will start out here in our general education classes, but they have to go to the Elizabeth City campus to complete their second year and they have to do their clinicals throughout the region and that is paid for. I want to make sure the public knows that the Dare Guarantee is for students and citizens that live here but you can go to any program of our four campuses and there's other programs on the other campuses that if you have questions about, we can answer them. The videos tell a story, and the first one is curriculum. The curriculum is the college transfer that we were talking about. Workforce development, you can take those classes and associates degree program. We try to tell our students to do both to get certification but also get that associates degree whether its in finance or accounting and then you can own your own business here in Dare County so that's our whole push right now is to be an all-around student having both the curriculum side and the workforce development side.

A video of College of the Albemarle Curriculum is played.

Sweeney: One of the things I try to do is what we call dolphins for a day, and we had probably 200 or 300 middle and high school students come through and see these videos, but they become college students for the morning. It's impactful as far as they see EMTs, they see welders, they see these things that you'll see here with the workforce development program. What we try to do again is to get our students to think outside of the box. These videos start them thinking early on that they can do both. So now we can show the workforce development video.

A video of College of the Albemarle Workforce Development is played.

Bagwell: Great overview of some of our programming here at COA Dare. I want to speak about enrollment but before I do I want to follow up on what I asked you to be thinking about. What questions do you have for me? What would you like me to touch on before I share some numbers with you? Any questions or things you want me to focus on?

Garriss: Dr. Bagwell, I have been asked if there are any plans in the future for dorm rooms for those who are not driving distance and maybe want to stay there.

Bagwell: We do not have any current plans. One of the things that is really a challenge for community colleges in North Carolina is operating dorms. It would require another set of stipulations. One of the things that we have done is talk to the Coastal Studies Institute and they are looking for dorm space and they are trying to figure out how to build some things, so we have sat down with them. We could utilize some space, but we don't have the ability to operate dorms. If ECU would build dorms down here for Coastal Studies, I'm sure we could help populate that and get them more bang for the buck. I've spoken with Dr. Corbett about that several times, I have served on the Coastal Studies board, so I have heard the housing needs many times. It would be nice for us, it would be great to be able to recruit folks here to go to school, but it is a dire need for the Coastal Studies Institute. It would be nice to do but it's not in the current plans.

Walker, Charlotte: Is there an age limit for the Dare Guarantee? What are the requirements?



Bagwell: The Dare Guarantee has been modified several times with Dare County. Originally, it was for recent graduates the first couple of years then we extended that and now we have money for adults who are in the workforce program so that is based on available dollars. I will tell you we're getting closer and closer to that becoming a challenge and having to go back to Dare County and say we're spending every dime on the recent graduates. It is an opportunity for anyone to take advantage of it as money is available and we have other workforce scholarships too. Dare Guarantee is fantastic, but we have foundation scholarships that award close to \$400,000 a year and then we have state scholarships that we have access to, so there is an opportunity for folks even if Dare Guarantee were not the opportunity.

Walker, Charlotte: I was sure that it might have evolved over time.

Bagwell: It is a continual evolution process as you can imagine. Anything else?

Pruitt: It seems like boat building has become a big industry here on the Outer Banks, do you have any programs for that?

Bagwell: We've done some specialized training programs recently, we used to have that program, but we work with some folks from Chowan County, and we have several boat builders we work with. Mostly, boat building is specialized training, and the reality is that not every boat is built the same. One technique at one boat builder is different from another technique at another boat builder so it's very difficult to get training that works for everyone although we have worked with them on specialized training projects which allows them to get the training they need. So, let me talk in generalities here for a few minutes. You heard two program videos; one was curriculum and those curricular programs, and one was workforce education. A third part of what we do is basic skills and those are the three parts of what we do for enrollment. I'm going to give you some figures, last year largely in thanks to the Dare Guarantee, across the institution, we were the third fastest growing community college of the 58 in North Carolina. This year we didn't know where we stood until a week and a half ago because we don't have a dashboard that's populated immediately since we have to wait on that data to come together from all 57 other institutions. Fall to fall, I want to walk you through that and talk to about the importance of the Dare Guarantee on this Dare campus to the overall numbers I'm about to present. From last fall to this past fall, fall of 2023 to fall of 2024, that's the measurement we're talking about. Instructional percentage increase, the state average across 58 colleges was a 6% growth, which is good nationally. That's a very good number. COA was 14% growth year over year and that was tied for 6th in the state. That's in the top 10% of the 58 colleges, that's on top of being number 3 last year. The video that we heard with the curricular programs, the state average growth was 7% and COA was 13% which is tied for 6th in the state. Workforce, the state average was 1% growth across 58 colleges, we grew at 10%. Ten times the state average in workforce and we see a lot of programming attention being paid on that at the Dare campus but also our other campuses as well. Let me caveat that a little bit to say that was the most impactful piece with Hurricane Helene coming through the western part of the state. You may see more impact there for that type of programming outcome that you would have the curriculum outcome. Basic skills average was 12%, COA was 39% increase year over year. The Dare Guarantee is part of that, certainly here in Dare County, we've seen incredible growth, really double the institutional growth. The institutional growth has been strong across the seven counties and the four campuses we operate. One of the things I wanted to leave you with is as we think about this and the importance of the Dare Guarantee, and I'd like to come back and share these numbers and the opportunity with the counties and the cities, with the Dare Guarantee in the last few years, Dare County despite the distance from the main campus, Dare County is now our number one sending county. We get more students from Dare County than we do from Pasquotank County and that's where the main campus is located. That's an incredible



opportunity and that is not 100% tied to Dare Guarantee but I think it is the proactive nature of Dare County and the folks here looking for programming and partnerships we have within the community like the homebuilder's association and others that allow us to grow here in Dare County. I will tell you about the other counties in our seven-county service area are paying attention and starting to talk about their promise and guarantee programs which is fantastic because we have an opportunity to bring additional training across the seven counties. With that, I am going to stop although I had two hours, but I figure you'd be okay with getting a little extra time back. Any more questions for me, Mr. Mayor? Anything you want me touch on that I haven't already.

Garriss: I think you know how I feel about COA having been employed there for a long time at the Currituck campus. Dare County, Currituck and all seven counties are so fortunate to have you here and I think we all realize that. I want to thank you for what y'all do, I see a lot that others don't see and you're just great and do everything in a professional manner. I want to thank both of you and all your staff.

Bagwell: Thank you, we appreciate the opportunity to be here. Please come see us at campus in Manteo any time. We'll be glad to have you and provide tours as well. With that, I will get out of your way. Thank you all and have a great evening.

Garriss: Thank you Dr. Bagwell and Dean Sweeney. For those of you watching from home, I've been notified that we may be having some audio and visual issues. Lauren, are we working on that?

Garrett, Lauren: Yes, sir.

Garriss: Okay, thank you. We're working on it now to get it straightened out. Public Comment, Lauren, is there anyone signed up for Public Comment?

5. Public Comment

Garrett, Lauren: Yes, sir. We have Jan Gault.

Garriss: Come on up, ma'am. You have three minutes, and we ask you to speak directly into the microphone so everyone can hear.

Gault, Jan: Let me tell you a little history, my husband and I have been coming to the Outer Banks for about 40 years. In which case we were fortunate enough nine years ago to buy a place on Ascension Drive. In dealing with neighbors, that had told us most of the time they go to White Street to have access to the beach. We've used that access for nine years and during this time the access has gotten a bit worse for wear and needs repair. In looking at all the other accesses, we called to find out why ours hadn't been done and we found out that it is not owned by the Town of Kitty Hawk. In which case, what do we do and how do we do it? Do we get a group of people to go down and work on it ourselves but then we have the issue of liability and different things of that nature. I'm just coming forth and wanting to find out a little more information on what can be done to improve that access whether it's from our issue or your issue and how we can go forward from here.

Garriss: Thank you. This is Public Comment, but I promise you at the end of this meeting we will address that. Thank you for coming forward. Anyone else signed up to speak at Public Comment?

Garrett, Lauren: Yes, sir. We have Duke Gerahty.

Garriss: Come on up, Mr. Gerahty. How are you, sir?

Gerahty, Duke: I'm doing well, thank you. Good evening, I'll take a couple of the three minutes to talk about COA. It's the crown jewel of Dare County. The property, the building, the courses, the way they pay the tuition. At the Outer Banks Home Builders Association, they are our partners, and we try to



work with them whenever we can and what a job they do. Anyway, I'm Duke Gerahy from the Outer Banks Home Builders Association, I'm here tonight to speak, since you're not going to have a Public Hearing, on a tree ordinance naming the Live Oak as the Town tree. I was particularly concerned because if there's one town in Dare County that doesn't need any more tree cover, it's Kitty Hawk. We've got people paying \$150,000 to \$200,000 for a piece of property and now what is proposed is that somebody could tell them that they must leave those trees and they're not going to have the right then to use their property as they would like. Everybody likes a Live Oak tree, especially if it's the neighbor's, they're going to keep it there too. I'm asking you tonight that this ordinance is not needed, it's a taking away of property rights, which we firmly believe in property rights, and there is an ordinance, a state statute that very few people follow anymore. The state statute says that if you want to install a tree ordinance, you must get permission from the General Assembly. We had a legal opinion on that in the Town of Duck and the Town Attorney at that time told her if you don't like it, I don't read it like you, sue us. Maybe Mr. Varnell could check on it but there is a state statute about tree ordinances without permission from the General Assembly. I'm asking you please don't do it, please don't take away property rights, we don't need any more rules. It's getting harder and harder, and the codes and the zoning ordinances are getting harder and harder to build a house. Everybody knows about the problem we're having with affordable housing. We need to simplify things instead of making them harder, thank you.

Garriss: Thank you, sir. Is there anyone else who would like to speak tonight at Public Comment? Anyone who would like to speak about any subject? You look like you would like to speak tonight, ma'am. If you'd like to speak, please step up to the microphone and state your name and address.

Bush, Mary Jo: I'm Mary Jo Bush and I am a resident of Kitty Hawk. I understand this gentleman's concerns, but I've been here 10 years and have vacationed here since 1959. There have been lots of changes and I have set in on these meetings and listened to residents and the staff here. We want to maintain Kitty Hawk; we want it to be part of the old community, yet we want to grow. Trees have a purpose; they help with wind control, and I live on the sound, and I've had two neighbors cut down hundred-year-old trees and now it's like a wind tunnel. I agree that it's within your building, but it does not flatten the lot. That's my opinion on Live Oaks; I think Nags Head passed it as their town tree. I know my HOA although we don't seem to adhere to it, you can't cut anything down if it's larger than three feet in diameter. There should be some guidelines on it, but I don't think we should just pillage and plunder.

Garriss: Thank you, ma'am. Would anyone else like to speak at Public Comment? Lauren, let the record show no one else chose to speak at Public Comment, thank you. Consent Agenda, Council, I need a motion to approve tonight's Consent Agenda.

6. Consent Agenda

Hines: So, moved.

Garriss: Motion by David, second?

Walker, Charlotte: Second.

Garriss: Second by Charlotte. All in favor?

All Council: Aye.

Garriss: All opposed? None. Thank you. We have no items removed from the Consent Agenda. Public Hearing on our CAMA Land Use Plan, come on up, Rob. Council, I need a motion to go into Public Hearing.



7. Items Removed from Consent Agenda

Hines: So, moved.

Garriss: Motion made by David, second?

Pruitt: Second.

Garriss: Second by Jeff, all in favor?

All Council: Aye.

8. Planning:

- a. **Public Hearing** – Re-adoption of CAMA Land Use Plan with Division of Coastal Management comment revisions.

Garriss: We are in Public Hearing.

Testerman, Rob: If you remember back in September 2023, Council adopted a Land Use Plan that we've been working on from December 2022 up until that September 2023 meeting. We adopted it to serve as our comprehensive plan. In coastal communities, the Land Use Plan serves two functions, for the Town level it serves as the comprehensive plan guiding development decisions and legislative decisions, the other side of that is the Coastal Resource Commission uses the plan once they've certified it to make their CAMA decisions that come to them like CAMA major permits. In the time since we've adopted it as our comprehensive plan, the state has reviewed it and they sent some comments back to Stewart Incorporated, the consultant we've been using, they have incorporated those changes to the staff report and I have provided a list of those changes that the state sent back the specific changes on those pages. That's the purpose tonight, we must readopt it now that the state has made their comments, and the consultant has revised it to match the state comments to get their certification. Once approved, it'll get back to the state for their certification then it will be set for a while.

Garriss: Thank you, Rob. Council, do you have any questions for Rob during Public Hearing? Is there anyone here tonight who would like to speak during Public Hearing about the CAMA Land Use Plan? Any further discussion, Council? If not, I will entertain a motion to go back into regular session.

Hines: So, moved.

Garriss: Motion made by David. Second?

Tillett: Second.

Garriss: Second by Dylan. All in favor?

All Council: Aye.

Garriss: All opposed? None. We are back in regular session. What would you like to do about this CAMA Land use plan update?

Pruitt: Mr. Mayor, I move to adopt the revised Kitty Hawk CAMA Land Use Plan.

Garriss: Thank you, Jeff. Second?

Walker, Charlotte: Second.

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

All Council: Aye.



Garriss: All opposed? None. Thank you, Council. Thank you, Rob. Okay, Rob, text amendment Chapter 12, just stay right there. Live Oak tree and the environment, go ahead.

8. Planning

- b) Text Amendment - Chapter 12.- Environment.** Citizen request to designate the live oak as the official Town Tree and implement regulations on cutting live oaks.

Testerman, Rob: I'll note as this is being in Chapter 12, outside of the zoning ordinance, the subdivision ordinance, it didn't require a Public Hearing as Mr. Gerahty had mentioned during Public Comment. If you'll remember some months back, this was originally brought to Council by Mr. Tumolo, Council asked that it go before the Planning Board for their consideration. Also, since it's not part of the planning or zoning ordinance or subdivision ordinance it wasn't required to have Planning Board review, but it was Council's request for it to go there first. You can see the proposed regulations for the staff report that Mr. Tumolo put together, it did go to the Planning Board initially, at their September 9, 2024, meeting. The Board voiced a few concerns about some of the regulations that were included there, mainly the original diameter of the trunk to be protected had been listed at 2 inches, they felt that was too narrow and too small. Some of the areas that were listed for exemption to be able to clear the trees for building they felt were a little too restrictive on property rights. After that meeting, Mr. Tumolo went back and revised his proposal to address some of the comments and concerns. This went back to the Planning Board recently, I believe it was the January or February meeting, and again through the discussions they still felt it was infringing too much on property rights, and they recommended denial. They had tossed around a few suggestions, incentivizing to keep trees instead of prohibiting but there was nothing fleshed out, no specific recommendations to that regard. In the report put together for you all tonight, I have included some of the regulations that the other towns on the beach have regarding tree protection as well as an article from the North Carolina State Extension, Protecting and Retaining Trees: A Guide for Municipalities and Counties in North Carolina. I believe that Mr. Tumolo named that in the development of his ordinance and with that, I will turn it over to Mr. Tumolo.

Garriss: Thank you. Any questions for Rob before I ask the applicant to come up? Come on up, sir.

Tumolo, Ron: Thank you, Mr. Mayor and members of the Council. Rob, thank you for all your help. As was mentioned, I've been back to the Planning Board to present this twice. They're a tough crowd, but I respect their decision. I looked over the decision they made and primarily it was that they felt this did infringe on property rights. Anywhere else in the United States, I would say yes. I had this discussion with Mr. Gerahty, and I would say that you can't tell me I can't cut down my maple or whatever tree in my own yard. I can't think of very many places in the United States where we rely on natural resources to keep this piece of sand together, so I don't think that impacts or infringes on property rights. As a matter of fact, if you look at all those regulations in all the other jurisdictions, they are aggressive. The Town of Duck and Nags Head are mentioned, Town of Kill Devil Hills doesn't want you touching any tree more than 2 feet in diameter. That might be infringing on property rights, here I see this ordinance as pro building, pro property rights. If you look at that regulation, there's a section that says we don't want you clear cutting the Live Oaks. I seem to recall having a conversation about clear with one of the members of the Council some time back and how that once occurred in Kitty Hawk, and I don't want to see that happen again because I love this town as much as you all do. Secondly, in addition to the property rights piece, protecting our natural resources and infrastructure is called out in the CAMA Land Use Plan in multiple places and it's also called out in the 2024 Resiliency Plan for Kitty Hawk. I may quote briefly, in contrast Kitty Hawk Village is a low-lying area consisting of dunes, ridges, large live oaks, wetlands and small village area with some residential neighborhoods along some high ridges. Additionally, in the Resiliency Plan, it is also one of the projects goals,



safeguarding the Town's natural resources including existing tree canopy, wetlands, beaches, dunes and shorelines. Encourage green storm water infrastructure and low impact development techniques and new development. This does not infringe on property rights, I can understand push back from Outer Banks Home Builders Association and I respect that if that's the decision and the personal beliefs and values of this Town Council, I'm good with it. Given the Planning Board from my optic given the publicly available information our Planning Board is heavily weighted toward the building and construction industry and again you selected those members and if that's what you want, I can live with that. I don't believe this is a property rights issue, anywhere else I would say yes, we shouldn't be doing this but here we need those Live Oaks. One comment that sticks in my mind was brought up by one of the Planning Board members when they reviewed and made the recommendation, that felt this ordinance was not in balance with the current Land Use Plan. They are right, it's not balanced because we've done nothing as a community to protect our trees. This ordinance is looking to protect one species of tree, the Live Oak. The old saying, the buck stops here, this is where it stops. I would ask you to please consider passing this ordinance, giving us the opportunity to set an example. You're right, Kitty Hawk does have a lot of trees, and I would like to keep it that way. Many people commented that people move here, they buy a plot of land that's full of Live Oaks, and they want to chop down all the trees then let them, this ordinance allows that and I'm sure you've read it. It allows you to tear down a Live Oak for a swimming pool which is one of the numerous issues. One of the other gentlemen said, I don't want to plant a Live Oak because when I go out there to plant my garden, I don't want to shade my tomato plants. Here's your pro tip, don't plant your tomatoes under a Live Oak tree. It just didn't make sense to me, and I really thought given the opportunity one more time to speak at this meeting, whatever your decision tonight, I want you to know that I did my due diligence to follow through with this and try to make something good happen. A lot of people commented this had come up as an issue before and nobody knew what happened to it. We went through the process, now let's come back to Town Council so I'm hopeful that you'll make a decision that's in the best interest of the Town. That's all I have, if you have any questions for me.

Garriss: Thank you, Ron. Council, do you have any questions for Ron?

Hines: I have general comments.

Garriss: No questions? Thank you, sir. Casey, I'm going to put you on the spot here for just a couple of minutes. I can say we've talked about this before, Jeff, designating the Live Oak as the official tree of Kitty Hawk and I am all for that, I always have been. When we begin to talk about infringing on rights, Casey, can you talk about that and are we, aren't we?

Varnell, Casey: It's a good question and obviously I have not done thorough search into this, I did look at KDH's ordinance because I represent KDH too so in my mind I was drawn to ask if I missed something because I did not recall a tree ordinance being passed since I have been their town attorney. It appears to be something that's been there for quite a while which would be another reason why I wouldn't have had to do any research. I do recall representing a homeowner in Duck and it was the first time I realized that municipalities around here actually regulate trees and what can be cut down. That was several years ago, I don't recall if it resulted in a suit, but I remember there was a big dispute with a homeowner I represented that didn't agree with the Town of Duck's tree ordinance. My position on it at the time without deep diving into this thing was when you get into the aesthetics of someone's lot, you're as a general rule, extending past zoning. You're then taking a deep dive into the world I think Ms. Bush mentioned the fact that her HOA regulates the cutting of trees. An HOA can also regulate the design of a house, the paint color of a house, what types of materials are used on a house, there are many things that the private sector can do that governments generally can't. I see tree covenants all the time in the HOA world. If you wanted my knee-jerk reaction tonight, I would say regulating what



someone can or cannot remove as far as what mother nature puts there on their lot, it is attackable. What I'm more interested in than anything is perhaps looking at the ordinance Mr. Gerahty mentioned. I have not reviewed that but if there is something out there that says we're not even supposed to be doing this until such time as we go through proper steps with the state, then obviously that's a no-brainer. We need to investigate that, but a monkey can sue a giraffe. I'm not going to sit here and tell you that by adopting it we're immune from a lawsuit because we are not. Anybody can get upset over anything and sue, the question becomes are we in a defensible position. To me, it resonates with infringing on property rights but now that's without having done a ton of research. I certainly want to look at the statute Mr. Gerahty has referenced to make sure we aren't running afoul of any state law. I would appreciate, unless you all are without my opinion, set on what you're going to do. Certainly, before issuing something formal I would like to investigate it. I do think this is a situation that merits it because from the outside looking in, I could see a client walking into my office complaining about a tree ordinance because I have had it happen before in Duck.

Garriss: Thank you, Casey, very much. Council?

Hines: I have some comments. I appreciate the work you have put into working hard on this tree ordinance. I have a site plan in my truck being dropped off tonight, it's the 12th plan being drawn for a lot in Kitty Hawk to save trees. I'm all about saving trees, I am not about infringing on people's property rights. If we vote on this tonight, I'm not in favor of the ordinance. I want you to know that I do not agree with clear cutting, I don't think it's right, I moved houses before they've been built to save trees. I do everything I can to save trees but to tell someone what they can and cannot do to their property, I will never participate when it comes to that. I would hope people would use common sense, if you want to clear cut a lot, move to a cornfield. I don't agree with it but I'm not in favor of telling people what they can or cannot do.

Garriss: Thank you, David. Dylan?

Tillett: Casey, where would this fall on the state's recent bill about downzoning?

Varnell, Casey: From a downzoning perspective, I don't think because of the way this is written such within the footprint, and I read through even where it included accessory structures and swimming pools, things of that nature, I don't see how this could make it less dense. Rob, you may have a difference of opinion there, but I don't think this would run afoul of any downzoning issues but Rob, have you put any thought into that?

Testerman, Rob: It occurred to me as we were putting these together but thinking about it, you're bound by lot coverage and setbacks which is ultimately going to determine how dense your lot is developed. If there was a restriction on being able to cut Live Oaks, you're still going to be able to build out 30% of your lot coverage. You've still got your 25- and 10-foot setbacks so the more I think about it I don't really think it's limiting the intensity or density of how you're able to develop your lot.

Varnell, Casey: That was my point, we said it two different ways, but it marinates perfectly. When I'm referring to the fact that building footprint things of nature are accepted, you're only going to be able to build on that footprint if it meets the remainder of our ordinance and if it meets the remainder of the ordinance then those trees could be cut. That's the only reason I don't see it playing into the new bill, which hopefully isn't a bill we'll have to worry about much longer.

Hines: You start getting into cutting trees, I have limbs touching my house right now. Am I not allowed to cut that because there's a tree ordinance? You see how far this can go? It's being set at a certain width, so we can go down that hole of that width growing and can I protect my house, not protect my house. What I can and cannot do.



Varnell, Casey: Now you're into the regulation portion which I haven't even touched on. I could see that it's a discretionary ordinance to a certain degree and it's not black and white. It's not because of the draftsmanship, it's because trying to regulate something of this nature is hard. It's a hard interpretation and it's hard to make it black and white. Yes, David, I understand what you are saying as well and I think that it speaks more to the enforcement side of it, disagreements over interpretation of what should be and what can't be removed. I agree that's another pitfall.

Garriss: Dylan, anything else?

Tillett: I agree with recognizing the Live Oak, I really do. Rob and Ron, I appreciate all your time. Absolutely I can tell you've put a lot of time and effort into this. I think creating a database and maybe some select old growth would be a great start. However, I feel that the one in front of us tonight is just a little too restrictive and generic to be enforcing in Kitty Hawk at this time. That's all I have.

Garriss: Jeff?

Pruitt: I also think Ron has done a great job. Personally, I hate seeing an oak tree go down. I have three on my property, I've often wondered if there was a way I could register my trees so that if something was to happen to me in the future they would be preserved. I've heard that's been done at some property here in Kitty Hawk. I'm not sure if that is hearsay or if it's fact but I would like a database of recognizable trees so we should ask the property owners if they would be willing to put it in some of them in some sort of trust that they cannot be chopped down. I know it's hard if you say that 6 inches isn't very big, and it would cause a lot of problems on some lots here that have a whole lot of smaller diameter oaks. I agree with Ron that the taking down of these 200- to 500-year-old oak trees to make a lot does seem to be against our land use plan, but this ordinance is a little too restrictive. We need to find out some more information about this before we can vote. I think this is one that should be deferred until we have our legal counsel to tell us if we're voting on something that we're even allowed to be voting on. I don't want to vote on something that shouldn't even be voting on. I hate to send Ron back, I don't want you to give up, that's my point. There's got to be a common line here that we can agree on. I think we should defer this, me personally, tonight until we find out more from legal counsel about what we're doing. But, as Dylan said, I would like to see us definitely move forward on recognizing trees and seeing if we can the people that have them to register them in some kind of a preservation. I'd like to have it as the Town tree. Then, we can start working on the last phase of size since that seems to be a sticking point.

Hines: The other thing too, Jeff, is that you have a tree that is a 10-inch diameter today and you can't touch it and 25 years from now somebody inherits that property, and they want to put a pool in the ground, they can't put a pool in the ground.

Pruitt: What I'm saying is I would like to have it is that if something were to happen to me, and it goes to my kids, but I've already put it in there that I'm sorry son, but I've already signed this, and I don't care if you want a pool or not. You're not getting it because I have already done this prior to me passing away so that you or anybody else that buys that piece of property can take that.

Hines: That's where I'm going with it, that if a homeowner wanted to put a deed restriction on their property pertaining to the Live Oak.

Varnell, Casey: Yes, in fact the private agreement is a non-governmental regulation.

Hines: Instead of us putting a restriction, that's an individual deed restriction that a homeowner puts on their property at their own will.

Pruitt: I would like to see research into this to recognize the trees that I think should be put into this.



Hines: The most beautiful trees in Kitty Hawk are on the Twiddy property.

Pruitt: Yes, and at the end of Elijah Baum. To use that for an example, that's where I heard the trees at the very end. Some of those trees are 700 years old. I've heard that they have been put into a thing so that they cannot ever be torn down no matter who buys the property and that's the way I would like to see my trees. I have three and I love my big oak tree more than house. I get what you're saying, and I don't want you to give up. You seem to be happy with what we come up with, but you keep working on this to save these oak trees.

Tumolo, Ron: Can I approach the podium for 30 seconds?

Garriss: Yes.

Tumolo, Ron: Just to clarify, Councilman Hines and Councilman Tillett, this regulation is Live Oak light. Not only does it specify that you want a swimming pool, but you can also cut your Live Oak out. If you read the regulation, you buy a lot full of trees, you can cut down every tree to build your house, ADU, driveway, septic field, cut the trees down, but just don't clear everything out. I just had a Live Oak trimmed on my property about a month ago, it looks like someone took a buzz saw to one side of it. I had to because the limbs were touching my house. This regulation doesn't even prevent topping, even though we know topping is done although it's not a healthy option for trees. I disagree respectfully that this is too restrictive, I think it's light compared to some of these other regulations that you got in your packet, but I'm happy to keep working on it.

Garriss: Thank you, Ron. Anything else, Jeff?

Pruitt: No.

Garriss: Charlotte?

Walker, Charlotte: Ron, you and I have talked about this several times in the past and I am all for the Live Oak being the Kitty Hawk tree. I question the 6-inch diameter, and I find it very hard to think that a swimming pool could make someone cut down a 100-year-old Live Oak tree. I have an oak tree in my backyard, that is the focal point, and I love it, and I wouldn't have anyone harm it for anything. But I can't tell my neighbor what to do and I really have concerns about how we can adjust this ordinance that you have and make it work for everybody.

Hines: I'm going to echo Councilwoman Walker's point, that's where I'm at. I don't want to see a tree cut down at all, I can drive by every one of my jobs I've ever done, and I've saved every tree limb possible. I don't want anyone to get the impression that I'm against cutting down trees because I am all for saving them. It's the most beautiful tree in the world when it is pruned and made to do what it needs to do but it's not my place to tell my neighbor what they can and can't do with their property. That's where I'm at no matter what we do moving forward.

Garriss: It sounds like we're pretty much all in line here. I think we all would like to see the Live Oak designated at the official Kitty Hawk tree. What do you think about deferring and asking Casey to bring us back some more information next meeting? Can you do that?

Varnell, Casey: Yes, I've got my notes. I can certainly do that.

Garriss: Do we need a motion for that?

Varnell, Casey: No, you would just table for further consideration. Mr. Gerahty, would you please pass along if you haven't, the statute referenced to Rob?

Gerahty, Duke: I will get it in the morning, I looked at it tonight, but it goes back. Nags Head got it in



the 1980s from Marc Basnight when he first got on the Senate. I think Kill Devil Hills has it too, I know Duck doesn't, I know Southern Shores doesn't have one, they don't have a tree ordinance. I think that was about all, Manteo might have it too.

Hines: I can tell you that two trees that just got cut down in Manteo that weren't saved were the two biggest Magnolias I've ever seen in my life. There must not be a tree ordinance in Manteo I'm aware of because the Magnolias would not have been removed. I don't know how old they were, but I can't believe they were taken out.

Garriss: Okay, thank you Council. Ron, I agree with her, you have done outstanding here, my friend. This is wonderful, good information, you've done a lot of work.

Hines: I do appreciate the work you've done; I'm not trying to go against you, I'm a property rights guy.

Bush, Mary Jo: Can I ask a question about the tree ordinance? I have not seen it.

Garriss: Come on up, ma'am.

Bush, Mary Jo: I haven't seen the ordinance he's talking about but what I'm hearing sounds more like new construction. I understand you've got a grooming issue where you're at, but this sounds more like new construction and not maintaining the oaks that are currently on your property. I don't know what was there on my property when I bought it. I know one was hidden under a pampas and is now a very healthy Live Oak and I'm happy with that. Again, without seeing the ordinance, can it not be put in that it must do because there's site plans that must be approved by the Town and any new construction? I know you have builders here.

Garriss: We're going to ask our attorney to look at all that and bring it back, so we'll know we're good. Good points and good questions, thank you. Casey, can you keep her comment?

Varnell, Casey: I can.

Garriss: Thank you very much. New Business, we've got a budget presentation here. Liliana, come on up, please. We're coming up on our budget season.

9. New Business:

a) Budget Process Presentation- Liliana Noble

Noble, Liliana: Good evening, Council. The Finance Department's commitment to transparency and fiscal responsibility includes presentations to inform our citizens about financial matters. Today, we are going to explain the budget process. The budget is the most important policy document a government board produces. It guides all the financial decisions the government board will make. Developing a well thought out and timely budget is a fundamental responsibility of government boards and a vital function of budget officers in North Carolina to manage in unpredictable and sometimes difficult economic times. It's essential that all local governments have a carefully considered budget in place to allocate limited resources in a manner that effectively reflects the priorities of the government board. It is wise for governing boards to think long term when developing a budget. Budget priorities that the board will make this year will have a long-term impact on the issues. The annual operating budget must be balanced, and recurring revenues must be equal to recurring expenditures. The annual budget process is up. Every year the Town implements an operating budget to provide essential services. The fiscal year runs from July 1st to June 30th the next calendar year. The annual budget ordinance is a legal document that recognizes revenue, authorizes expenditures, and levies taxes for the local unit for the fiscal year. The budget ordinance reflects the board policy direction, guides management decisions, provides the citizens with an understanding of how the



Town uses public money and establishes accountability. Let's dig into the budget process itself. The first step is to establish the budget calendar. Departments then submit their budget requests to the budget officer. The finance department compiles the requests submitted by the department and analyzes the expected income, in other words, projects the potential revenues for the next fiscal year. We then have a meeting with Council called a budget work session. In that meeting, we recommend the budget to the Council. After receiving Council input and direction, the budget officer makes an adjustment to any budget proposed. A notice of Public Hearing on the proposed budget is published and posted as required by statute then the Council votes to adopt the budget by approving the budget ordinance. With budget ordinance approval, we then have the new fiscal year start July 1st. I want to share with all of you the budget calendar that we have approved today in the Consent Agenda. This budget calendar will be available tomorrow on our website and I also want to ask all our citizens and viewers at home if you have any questions or want to learn more about the budget process, please contact the Finance Department here in Town Hall. Thank you.

Garriss: Thank you, Liliana, great job. Any questions for Liliana? I think most of the Council members have but if you have not taken the chance to meet with her, please do so to be prepared for the March 25th budget workshop. I can promise you that Liliana can discuss the budget as long as you want. Great job, thank you. Alright, no Old Business. Town Manager, Melody?

11. Reports/General Comments from Town Manager

Clopton, Melody: Good evening, everyone. I want to provide an update on the police department renovation. We had a meeting this afternoon and things are coming along over there. The curb and gutter pour are approximately 85% complete. The sidewalk pouring is scheduled to begin on Wednesday, once the concrete pours are finished, they will proceed with rough grading the surrounding parking area and driveways and so forth. There are about 10 to 12 metal roofing panels left to install, after which the roof will be complete. The porch siding is mostly finished, and the remaining work includes the soffit, and the column wraps around the porch. Inside, the interior drywall installation is expected to be completed this week. The renovation inspections have been finalized and tomorrow the Town's inspector will review the electrical and plumbing rough-in in the new build portion of the project. Drywall finishing and painting will begin next week and is expected to take about 3 weeks, then they will be out of the ceiling installing lighting then the last thing is putting in the floor, so we are moving along. I also want to invite everyone to Keep it Clean, Kitty Hawk, is coming up, it's everyone's favorite community clean up event and it's going to be on Saturday, March 29th between 10 and 12. I hope you will visit our website and sign up to be a volunteer. Also, the Town is seeking applicants for boards and committees, please visit the Town's Facebook page or website for more information and fill out an application if you're interested in being part of the volunteer part of the team. Lastly, I want to recognize the Kitty Hawk police officers Ben Elko, Corey Morris and Drew Weston as well as Sergeant Tara Poulin for taking part in the law enforcement caravan from the Outer Banks to attend the celebration of life for the fallen Virginia Beach police officers Christopher Reese and Cameron Girvin. It really is a hard thing; it puts everything into perspective, and I want to thank the police for all they do and for representing our community in such a positive manner. That's all I have.

Garriss: Thank you, Melody, good report. Casey?

12. Reports/General Comments from Town Attorney

Varnell, Casey: Mayor, I have nothing. Thank you.

13. Reports/General Comments from Town Council



Garriss: Thank you, Casey. David?

Hines: I don't have a whole lot; I'd like to thank the Fire Department for showing up to my house last week. I have a microwave that decided it wanted to start on its own. After getting control of the microwave and getting it out of the house, I had them come check the cabinet so be aware a microwave can start on its own with pushing a button. True story. So, thank you for that. That's all I have.

Garriss: Thank you, David. Dylan?

Tillett: I'm interested in hearing more about the White Street Beach Access.

Hines: I'm sorry, but I've got some comments on that too.

Tillett: Other than that, I have nothing to add, Mr. Mayor.

Garriss: Okay, go ahead. We all know Lauren and others have gotten many phone calls and messages have been taken about that same beach access asking why the Town is fixing others but not this one. The Town does not own White Street Beach Access, it is private property. If somebody with the family who owns it wants to get together and give it to the Town and maybe we can have a conversation.

Clopton, Melody: I will add that I also have taken calls and concerns about a variety of things including safety. Casey and I have talked about this before, Willie has brought it up as well. The owner of the property is a defunct homeowners association, so I asked Casey this morning to let us try to move forward and see what we can do to perhaps acquire that property.

Varnell, Casey: Which will start with ownership, let's determine who owns the property and I know how it would work to have a defunct corporation or corporate entity. I understand how the statutes work on getting authority, if you will, to convey or in the event of condemnation or something. Regardless, we have to know who owns it so that's the first step and Melody did email me this morning, so we'll get on that and figure that out. I'm obviously open to any questions you might have but step one, let's figure out who owns it, who has the authority to actually take action on behalf of the property owner.

Hines: So, get with me because I have the old title for that property going back to 60 years.

Varnell, Casey: As long as you didn't do it yourself.

Hines: I can tell you right now there's been a cloud on that title for decades.

Varnell, Casey: I remember with the beach nourishment easements that was an issue. We were trying to do title, but we didn't do exhaustive title.

Hines: It was way more than 25 years of title. There's a lot of issues with that lot.

Garriss: Dylan?

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

Garriss: That would be wonderful news if we could work something out there about White Street.

Hines: I believe there's two lots beside there as well.

Garriss: There's lots across the road.

Hines: Yes, beside the actual dune line. You might want to look into that too.



Garriss: Recently, I can't tell you, but you might get tired of me bragging about our Police Department but just recently we had in your neighborhood, Jeff, an amber alert that started in Harnett County and ended up on Poor Ridge Road. The great thing about this is that the young lady was found and is safe and returned home by our Police Department working in conjunction with other agencies, Currituck County, Dare County, Virginia Beach, FBI, SBI, and Harnett County working together. It takes a group of professionals and that's what we have here in our town. Chief, I want to thank you for what y'all did. I just happened to have a meeting the next morning and you had been out all night when I saw you here, but you still looked sharp in your uniform, don't get me wrong. I just want to thank our law enforcement, all our departments, fire department went to David's house, the fire department has been to my house a few months ago. We've got some wonderful departments here in our Town and I think we're all very fortunate and very lucky to have what we have but Chief I just want to say thank you.

Chief Palkovics: I'll be sure to pass that along.

Garriss: Thank you. Jeff?

Pruitt: First, I would like to thank COA. That's a great opportunity for the high school students here to be able to go to school for free. When I was coming along, I chose a trade route and I'm pretty happy with the way it turned out. I'm glad to see it's coming back in our colleges where mechanics and welders and heating and air trades are coming back and to be able to go to school for free when I had to pay. I really thank them and I'm also like the mayor. I think we have a great staff, fire department, police department. It's been pretty obvious with the last few weeks, the fire truck and the ambulance on my street, every police officer in North Carolina was on my street and everyone was very professional, and everything was well done. I'm glad it all worked out. That's all I have.

Garriss: Thank you, Jeff. Charlotte?

Walker, Charlotte: I echo you both with what you've said about our police department and all of our departments. I'm very proud and I was very proud to hear our police department had participated in that and that it came to a good conclusion. I also want to give an update about the trail that we've been working on. We have volunteers ready to roll and we have the committee ready to go. We are waiting on Dominion and Sand Piper Cay finalize the easements for us to be able to do that, so that will be forthcoming. I hope we don't get into the season where we don't want to be working in the woods. I'm hoping that will move along quickly. COA, again, this is just amazing the opportunity they have offered. I have a granddaughter who did that and she's finishing her first year at East Carolina and she'll be coming to teach school, so that will be great. Thank you.

Garriss: Great, thank you, Charlotte. Council, anything else?

Pruitt: I would like to say one more thing. Recently, Mayor Garriss's brother passed away. I would like everyone to think about him this week. He's got a tough week ahead of him. Please keep him in your thoughts and prayers. That's it.

Garriss: Council, I would like to make a motion to recess until March 25, 2025, for the budget workshop at 9 am at the Kitty Hawk Fire Department at 859 West Kitty Hawk Road.

Hines: Second.

Garriss: Motion seconded, all in favor?

All Council: Aye.

Garriss: All opposed? None. We are recessed.

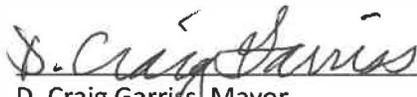


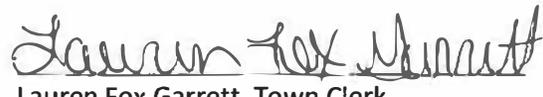
TOWN OF KITTY HAWK

14. Recess to March 25, 2025. Budget Workshop, 9 am at Kitty Hawk Fire Department at 859 West Kitty Hawk Road, Kitty Hawk, NC 27949.

Recessed at 7:13 pm.

The Minutes of the March 3, 2025, Kitty Hawk Town Council Meeting are approved at the April 7, 2025, Kitty Hawk Town Council Meeting.


D. Craig Garriss, Mayor


Lauren Fox Garrett, Town Clerk

