



Minutes

KITTY HAWK TOWN COUNCIL
Monday, June 2, 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. **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.
5. **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 May 5, 2025, Regular Session Council Minutes** – Approval of the consent agenda will approve these minutes.
 - b) **Town Code Amendment – Sec. 20-54.- Parallel Parking.** Update list of parallel parking areas to reflect Luke St and Bleriot St parking improvements.
 - c) **Resolution of the Town Council of Kitty Hawk-** Declaring the Live Oak as the Official Town Tree.
 - d) **Budget Amendment # 16-** Police Department Donations
 - e) **Budget Amendment # 17-** Contingency allocation to Expense Accounts
 - f) **2025 Annual Beach Monitoring Services Contract**
 - g) **2027 Beach Nourishment Pre-permitting Coordination Contract**
6. **Items Removed from Consent Agenda:**
7. **Planning:**
 - a) **Subdivision review. 4106 Bob Perry Rd.** Applicant proposes dividing 3.5 acre parent parcel into two new parcels.
8. **Schedule Public Hearing:**
 - a) **Zoning Text Amendment – Sec. 42-1 & Residential district regulations.** Clarifying language related to lot coverage, lot coverage physical area, and permeable pavement.
 - b) **Subdivision Ordinance Amendment- Sec. 38-1, 38-5, 38-48.** Proposed language to create definition and review process for “minor subdivisions”.
9. **New Business:**
 - a) **Public Hearing Fiscal Year 2025-2026 Budget**
 - b) **Appointment of Planning Board**
 - c) **Appointment of Board of Adjustment**



- d) **Appointment of Board Trustee to Relief Fund Board of Trustees- Kitty Hawk Fire Department**
- e) **Appointment to Land Transfer Tax Appeals Board- Dare County**

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. Closed Session- N.C.G.S. § 143-318.11(a)(3) to consult with the town attorney regarding matters protected within the attorney-client privilege and to preserve that privilege.

15. Adjourn

Council Members Present:

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

Staff Members Present:

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

Garriss: Thank you, everyone. Lauren, is there anyone who signed up for Public Comment?

Garrett, Lauren: No sir, we currently do not have anyone signed up for Public Comment.

Garriss: Is there anyone here tonight that would like to speak during Public Comment period about any topic? Lauren, let the record show no one chose to speak during Public Comment. Council, you have the Consent Agenda in front of you. If everything meets your standards, I need a motion to approve tonight's Consent Agenda.

Hines: So, moved.

Garriss: Motion made by David. Second?

Walker: Second.

Garriss: Second by Charlotte. All in favor?

All Council: Aye.

Garriss: All opposed? None. Very good Item 6, we had no items removed from the Consent Agenda. Item 7, Rob, we've got a subdivision review 4106 Bob Perry Road.

7.Planning:

- a) **Subdivision review. 4106 Bob Perry Rd.** Applicant proposes dividing 3.5 acre parent parcel into two new parcels.



Testerman, Rob: As mentioned, this one is a subdivision at 4106 Bob Perry Road as a two-lot subdivision, no new roads or infrastructure or anything planned for it. The only thing I was looking for in this one is the minimum lot size density. With the width and the road frontage you can see the contiguous upland of each parcel. One of them is 15,141 feet and the other 20,922 feet, so it meets the minimum lot size requirement. The maximum density in the area is two dwellings per acre and the definition for density in the ordinance does say that marsh and wetland areas as determined by CAMA and/or CRC regulations which are contiguous to water sounds and bays and areas waterward of the ocean front vegetation line may not be used for density calculations. There is no language in the density definition about the contiguous, continuous connected uplands. The applicant has shown on the other side of Bob Perry Road; the existing parcel is on both sides of Bob Perry so the part they have labeled as tract two would stay with parcel one. You can see they've got sufficient square footage to make those two buildings per acre, and you can see on the site plan it meets the minimum road frontage and lot width. The Planning Board unanimously recommended approval at its May 15th meeting and I don't believe the applicants are here, but I will try to answer any question you might have.

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

Pruitt: I just have one Rob the road has no bearing on the square footage. Is that correct?

Testerman, Rob: Correct.

Pruitt: Okay, thank you. That's all.

Garriss: Good question. Anybody else?

Tillett: Rob, the minimum lot width is 75 feet. Do you know if that pinch point right there at the rebar is flush and the property line to the left is that 75 feet width?

Testerman, Rob: I don't know offhand, but the lot width requirement is 75 feet at the front building setback line. So, you can see right here where we're looking for 75 feet Okay And it meets it at that point those 115 feet.

Tillett: So, it would be allowed to go back narrower than 75 feet if it meets that frontage?

Testerman, Rob: Correct.

Garriss: Anything else, Dylan?

Tillett: No, sir.

Garriss: David? Charlotte? I don't have any questions. Council, if you have no further questions, no further discussion I will entertain a motion at this time.

Hines: I'll make a motion. I move to approve the preliminary plat final plat for 4106 by Perry Road as shown on the submitted plat.

Pruitt: Second.

Garriss: Thank you. Motion by David, second by Jeff. Any further discussion? All in favor, say aye.

All Council: Aye.

Garriss: All opposed? None. Thank you, Rob. Okay 8A and 8B, we need to set a couple of Public Hearings, Council. 8A is a Zoning Text Amendment regarding residential district regulations.

8. Schedule Public Hearing:



- a) **Zoning Text Amendment – Sec. 42-1 & Residential district regulations.** Clarifying language related to lot coverage, lot coverage physical area, and permeable pavement.

Hines: I move to set a Public Hearing at the Town Council meeting on July 7th, 2025, to consider the proposed text submit to section 42-1 and specific district regulations as identified in this staff report.

Tillett: Second.

Garriss: Thank you, David. Thank you, Dylan. Any further discussion? All in favor?

All Council: Aye.

Garriss: All opposed? None. Thank you. Item 8B, we need to set a Public Hearing subdivision ordinance amendment. Do I have a motion?

- b) **Subdivision Ordinance Amendment- Sec. 38-1, 38-5, 38-48.** Proposed language to create definition and review process for “minor subdivisions”.

Pruitt: Mr. Mayor, I move to set a Public Hearing at the Town Council Meeting on July 7th, 2025 to consider the proposed text amendment to Chapter 38 subdivisions as identified in this staff report.

Garriss: Thank you, Jeff.

Hines: Second.

Garriss: Second by David. All in favor say, aye.

All Council: Aye.

Garriss: All opposed? None, thank you. Item 9A, we need to go into Public Hearing regarding our Fiscal Year 2025-2026 Budget. Do we have a motion to go into Public Hearing, please?

9. New Business:

- a. **Public Hearing Fiscal Year 2025-2026 Budget**

Hines: So, moved.

Garriss: Motion made by David.

Walker: Second.

Garriss: Second by Charlotte. All in favor?

All Council: Aye.

Garriss: We are in Public Hearing, Council. As you're aware we've had a couple budget workshops and a presentation at our last meeting, but we're at the point where we need to decide here.

Clopton, Melody: Good evening, Mayor, Council, members of the community, and staff. This is a shortened version of last month's presentation just to go over the crucial information in the 2025-2026 Fiscal Year Budget. The things that we are going to discuss are revaluation, the revenue, and the expenditures. This year Dare County did a revaluation on properties and the 2024-2025 property values were \$1.5 billion and this fiscal year 2025-2026 property values because of the valuation went up to 2.4 billion. What we must do as a Town is calculate the revenue neutral tax rate and when that was done our neutral tax was calculated at 19 cents. Now keep in mind that 19 cents includes a 2-cent municipal service district tax for beach nourishment. That's townwide so there's 17 cents townwide and 2 cents townwide to make the 19 cents. The revenue neutral for the municipal service district between the highways which is only paid by those properties is 6 cents. We had to calculate that for the revaluation and to calculate the tax this budget cycle the projected revenue is \$12,539,727. In government budgets you must be balanced, your expenditures and your revenues must match. So, to



meet our expenditure and project this revenue we are proposing a townwide tax of 22 cents and again that includes the two cents allocated to beach nourishment and then the municipal service district stays revenue neutral at 6 cents. The current tax rate is 30 cents with three and a half cents going to beach nourishment, so the revaluation takes those taxes down. The municipal service district tax was 10 cents and again when you do revenue neutral it calculates out to 6 cents, so we are proposing a 3-cent tax above revenue neutral. For our projected expenditures we have \$6.7 million in personnel and benefits, \$4.1 million in operations, \$398,000 in maintenance and repairs, \$674,000 in capital outlay, and \$493,000 into transfer into the capital reserve for future savings and future projects. That is the extent of my presentation tonight.

Garriss: Thank you, Melody. Council, I know you're aware that at last month's meeting we had a more in-depth presentation as Melody said earlier. When we get to the point of having a discussion here just a minute regular session, I've got something I want to bring up. Liliana, would you confirm we've got some documentation here that states each additional penny above 22 cents generates \$248,000 in revenue. That's what I've got here, is that correct?

Noble, Liliana: That's correct.

Garriss: Alright, Council, any questions for Melody or Liliana during Public Hearing?

Hines: I have no questions, I have comments.

Garriss: Is there anyone here tonight that would like to speak during this Public Hearing regarding the 2025-2026 Budget? Lauren, let the record show no one chose to speak. Council, if you don't have any further questions, I need a motion to go back into regular session, please.

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. I'm just going to say we left our last meeting kind of telling everybody to think about it for the next 30 days. From last meeting to this meeting, we mentioned a couple of things and Jeff you and I have talked about not leaving future Councils in a in a bind. Dylan, you had a good discussion about a \$2 million fire truck that we've got in our future, and we can't put any money away for that at the regular 22 cents that is proposed tonight. Correct, an additional one cent, I'm just throwing it for you guys to discuss and think about it. If you want to stay at 22 that's fine but with an additional 1 cent, we could solicit and collect more money to be set aside to be used solely for that fire truck and nothing else so we can start preparing for a \$2 million fire truck. Chief, when do we anticipate needing that fire truck?

Chief Talley: We'll hit the 25-year benchmark in 2030.

Walker: I understand that the current fire truck that we're paying for now will be paid in full by December of this year.

Garriss: We did great there.

Hines: Oh and without pulling that information up how much is that payment a year? It'll be fully paid for I know but what were we paying yearly or monthly or how are we doing it?

Clopton, Melody: No, we're putting it away in the Capital Reserve. The one that's going to be paid off



by the end of the year, we'll have enough money to pay for it.

Hines: Okay, it's not a payment thing. That's all we know about as much as payments.

Garriss: Council, I've opened the floor, I want to hear something from you. We need to decide.

Hines: I'm going to have multiple comments but I'm going to start then I'm going to stand for somebody else to speak. Number one, I want to send appreciation out to Chief Talley and his team I personally watched the fire yesterday and I guess Kitty Hawk Kill Devil Hills line. I probably was the second or third person at that house, I mean the first responders hadn't even shown up yet. I got a whole different perspective on what they deal with and until you've personally watched it and felt the heat you can't see it on TV and learn it. Congratulations on a job well done with you and your team. In fact, I even called Chief Talley yesterday to let him know that and I want all first responders fire and police to always have everything that they always need for their lives and for our lives as well. I've been very outspoken about I'm very pro law enforcement, very pro first responder. I want the public to understand that to be clear these 3 cents are raising your taxes already, your tax bill is going up if we even stay at the 3%. If we do an additional penny it's going to go up even more, so I want the public to clearly understand your taxes are going up. I'm going to stand I'll have more comments after that.

Garriss: Alright, anything else?

Hines: I'm going to stand for right now.

Garriss: Okay, Dylan?

Tillett: I agree with everything David's saying. That's a good point to make up. If we did something like that, I would want that, as you just said as you mentioned, to be 100% dedicated to the fire truck. The more I think about it I don't know if we should dedicate it to an actual truck or fire apparatus. That way if there was money in there that needed to go to an ATV or something like that. I don't know, I'm happy where we landed the 22 cents is a nice balance. We all had multiple discussions through many budget meetings. I'm happy with that, I'm fine with any way as long as if we did go to the extra it would go to just the fire apparatus and maybe I want to maybe come back on that.

Hines: When you say to the fire department make sure I'm on the same page as you. If he needs something else pertaining to the fire department it could be spent on that rather That's right, I would be more inclined to agree with that versus just a truck.

Tillett: The idea that it's going to the truck if for whatever reason if there was excess money we weren't stuck with money for a truck and didn't need a new truck, right? If he needed something else?

Garriss: Liliana, I see you shaking your head. We can't do that, can we?

Noble, Liliana: That depends on the language in the ordinance. It depends on the language you establish the language as a restricted fund.

Garriss: I think it's got to go directly towards the truck, right?

Noble, Liliana: It depends if the language is specifically for the job. To use it for all the things you have to do for one thing otherwise the language has to be a little more open.

Hines: Who created the language? We created the language in the ordinance, so we can change the language if we want.

Noble, Liliana: If you initially establish an ordinance that says the new tax right, we can change it.

Varnell, Casey: There could be, as you're saying Liliana, I think as you guys have just now noted there it would be through a budget amendment if that's something you guys wanted to do. That's something



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you can do at any time during the fiscal year.

Noble, Liliana: Yes, I would like to provide a little more information that probably will help you here. To collect \$2 million with one penny it would take eight years, \$248,000 per year. Keep in mind that at the end of this fiscal year you will have all the money \$200,000 that we are putting aside for this fire engine.

Clopton, Melody: So, then you're going to have \$200 in addition to that we can flip the other cent purposefully to the new ladder truck. Once we know we have enough money for the one that's on order, then you could be allocating two cents.

Noble, Liliana: If you decide next year not to allocate one extra penny and once, we finish paying for the fire truck this year as we've been doing it would take 10 years to collect \$2 million. If you add one penny extra and \$200,000, it will take five years to collect.

Walker: That's about what we have before we need the truck, five years.

Hines: I had to calculate it to be honest with you, but I guess I'm still a little confused. Does that five years include what we're already setting aside in the budget now with the \$200,000 like Councilman Tillett asked?

Clopton, Melody: Yes, but that's for a different truck.

Hines: That's where I was getting confused. We're really speaking of three trucks since I've been on the board in two elections.

Clopton, Melody: We have one we already bought right then this one we're doing then one more.

Hines: Right, but that's going to continue for how long? I know, I understand that for sure, \$200,000. Chief Talley, I have a question. When I was watching yesterday, I saw a couple of your guys yanking a ladder off the truck, do we not have a truck with a ladder at all that's attached to the top of the truck?

Chief Talley: Yes, and how we do it traditionally here in the Outer Banks is that that fire was in the town of Kill Devil Hills, they'll respond with their ladder company which they call a truck company. They might have had some issues because it's not staffed so it might have been delayed and that's probably why you didn't see.

Hines: I mean, I saw 13 on first so I was just curious. Again, I didn't realize how important little things like that are, I've never been a firefighter.

Garriss: Thank you, David. Jeff?

Pruitt: We've had about two full days of a budget workshop and hours of conversation amongst us and I thought that we had all decided on the budget that Liliana has prepared for us tonight. We had talked to the Chief who said we could probably wait a year and let one of these trucks get paid off. That way we could see where our budget is and see how much we can put away and if we find out that we're getting into a hole, we have a budget next year and we can always make up for what we didn't see. Of course, we know it's coming, right now your taxes are going up and they're going up and I'm trying to do whatever I can on this Board to keep them as low as I can and keep you safe. Chief says we could probably get by and so I'd like to wait till next year's budget and let the Council at that time decide on whether we need to go up or maybe we can keep it the same. Right now, I think we need to let the people adjust to their new rate and the budget that we spent so much time and Liliana has prepared for us she would have to go back and rewrite the whole thing basically or whatever. But that's my two cents I'm happy with where we are. We've had a lot of discussions on this and right now I'm just trying to protect the residents' money, you know so well, I'd like to stay where we are.



Garriss: I think we all try to protect the public and our residents in another way.

Pruitt: Well, that's right and I'd hate Chief if that does that mean that truck can't be used. Does that mean we just put it out in the pasture or are you saying it's time to start looking at a new one in five years?

Chief Talley: We've been talking about this for a few budget cycles and then we're trying to keep the apparatus in a 25-year benchmark. But what I'm saying is we're hitting that in 2030. Now at that point you're just hoping that the truck keeps making it each year, but chances are yes if we must go a year or two to get through to get the revenue to pay for it, I think we'll be okay.

Garriss: To be clear, it's 25 years old right now?

Chief Talley: It will be in 2030.

Pruitt: We do have a reserve fund and for needs such as this all a sudden we're almost there and we need some that's what that the reserve funds. We can always go if we're a couple hundred thousand short, it's in the reserve but we might not need it. So, if the truck lasts another year that could potentially be another \$200,000. Maybe after the other truck we could, instead of \$200,000, go to a higher amount every year for the next four after we see how this year's budget works out with the new tax rate.

Hines: I want to echo first and foremost my other concern with why I'm against the 1 cent this year is I think the folks back in the village and some of our elderly residents and all over Kitty Hawk need to adapt to this increase now. They're on fixed living and this is going to be a big adjustment for them already. You know you can say well one penny is not a lot, but it adds up one hundred in valuation, clearly if one penny generates \$248,000 that comes from somewhere. Back to Chief Talley that also helps keep our rating up too, to have our trucks in order?

Chief Talley: Yes, it's got to meet that certification each year right and in the last five years, we've been having some failures. That just means we must get the truck fixed and repaired. Like I said in the meeting previous meeting, it's not going to affect the ISO because it goes over the 25-year mark but now you just start looking at the other things, if these trucks fail, if they fail on scene, what kind of liability are we looking at. They're telling us that the 25-year mark the NFPA is saying that is the oldest that you should have a fire truck in a fire so then I guess it gets into that other world which I not that's Casey comes in.

Pruitt: Chief, by no means will we let you go without a truck. I don't want the public to think that this Council is by in any means going to let us go with their house burned down because this Council is not funding the truck. If I knew right this minute that we couldn't generate that money in 5 years then I would be raising taxes, but I think we can trim and slim and we can get that truck.

Chief Talley: I can tell you this council and the previous council we have made leaps and bounds in improving safety for our first responders and I'm truly thankful. I think we're going in the right direction, and I totally agree. Thank you, sir.

Garriss: Thank you, Chief. Anything else?

Chief Talley: No, thank you, sir.

Garriss: Charlotte?

Walker: Chief Talley, would you tell us how long it takes to get that truck once you order it from the current build?



Chief Talley: Right now, for the truck we just ordered, they're telling us three years. Three years for a ladder truck, it's between three to four years.

Walker: Okay and right this minute it's \$2 million and we don't have to pay a dime until we get the truck. You just order it.

Chief Talley: Correct. The truck that we have in possession now, we prepaid that one. The truck we have on order now, we have not paid anything, and we'll pay once we receive it.

Walker: Do you foresee that going much over \$2 million by then?

Chief Talley: We don't know, it's a set price. I think we didn't foresee it going to \$2 million.

Walker: It's a set price though when you ordered it, right? Yes, that's what it is once you order it, that's what the price is.

Chief Talley: There's a contract unless there's something big with some changes, some federal changes in emissions control like that that can cause some changes to the motor which really gets deep and then that will come back on us.

Walker: Sure, that's outside of anybody's control though. I see it differently, I am as interested as anybody about everybody's money in this town and I have skin in this game, too. I just think that if we did that penny and were assured that we were going to get a truck when you needed that truck, I would be very happy, but I can't seem to get that across. I would go either way with the one cent or wait and we did leave the last meeting.

Garriss: Jeff is exactly right; 22 cents is what was proposed when we left the last meeting. Council, think about it, the only way we can do this is if we go above 22 cents. That is the way this last meeting ended because I ended it that way. Kitty Hawk hadn't gone up in taxes for over 13 years.

Walker: There's not anybody in this town that can run their house the same way they did 13 years ago today. It's just it just doesn't happen. You must provide all this this safety, so I don't want to hurt anybody, but I don't want to get hurt either. I'd rather go ahead and see you do it and know what's coming and let it roll.

Hines: Well, now Kitty Hawk may not have raised their tax rate but people in Kitty Hawk taxes have gone up. Kitty Hawk may not directly raise taxes, but Dare County has raised taxes in Kitty Hawk.

Walker: But Kitty Hawk has a lot of expenses, and I didn't understand that until I was on the Council. I did not fully understand when somebody could say "Oh they're going up on taxes." I would have felt the same way that everybody else does except now I understand what it takes to do this and to keep good personnel on board and to be professional. I just understand it a whole lot better now and I'd much rather have it at one time and then not bother anybody about it again but I'm by myself.

Garriss: I think this Council has done well in getting to this point with the help of Liliana and her staff and Melody to get to where we are today.

Walker: We don't have a single department head that would ask for a thing that they don't need. They are very conscientious about what they ask for and they know they need it when they do.

Garriss: Any further discussion? As I said, we need to decide tonight or hold a special meeting before the end of the month, but I think we're ready tonight.

Pruitt: I'd be glad to make a motion to approve the budget as presented for the 2025-2026 fiscal year.

Garriss: Go ahead, Jeff. Is that your motion?



Pruitt: Yes.

Garriss: Okay, do we have a second?

Tillett: Second.

Garriss: Second by Dylan. Any further discussion? If there is no further discussion, all in favor signify by saying aye.

Pruitt, Tillett, Hines: Aye.

Garriss: All opposed? That will be a nay for me.

Walker: And nay for me.

Garriss: Okay, motion has passed three to two. Thank you, I'm glad we got that done Thank you, Council.

Garriss: Item 9B, we have an appointment for our Planning Board. I know that some of you have made some contacts. Planning Board first, go ahead.

b. Appointment of Planning Board

Walker: I make a motion to reappoint John Richeson, Jim Geraghty, and Chuck Heath as regular members of the Planning Board with the term of office to expire June 30, 2027.

Pruitt: I'll second.

Garriss: Motion made by Charlotte, seconded by Jeff. All in favor?

All Council: Aye.

Garriss: All opposed? None. Does anyone have any further names to bring before Council?

Walker: I make a motion to appoint John Richeson as chair of the Planning Board for a one-year term expiring June 30, 2026.

Garriss: Okay that would be a reappointment.

Walker: Correct, reappoint.

Garriss: Okay, thank you.

Pruitt: I'll second that.

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

All Council: Aye.

Garriss: All opposed? None. Are there any further names for the Chair of the Planning Board?

Garriss: Item 9 C Board of Adjustment, Council.

c. Appointment of Board of Adjustment

Walker: I make a motion to reappoint Mark Perry Abby Berquist as regular members of the Board of Adjustment with the term of the office to expire on June 30, 2027.

Pruitt: I'll second.

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

All Council: Aye.

Garriss: All opposed? Are there any further names? Okay, Charlotte, we have a reappointment if you'd



like to do that.

Walker: I make a motion to reappoint Justin Langley as an alternate member of the Board of Adjustment for the term of office to expire June 30, 2027.

Hines: Second.

Garriss: Motion made by Charlotte, second by David. Any further discussion? All in favor?

All Council: Aye.

Garriss: All opposed? None. Are there any further names to come before Council?

Walker: I make a motion to appoint Abby Berquist as vice chair of the board of adjustments for the term one-year term to expire June 30, 2026.

Pruitt: I'll second that.

Walker: Thank you, Charlotte. Second by Jeff. Any further discussion? All in favor signify by saying aye.

All Council: Aye.

Garriss: All opposed? None. Are there any further names? Thank you, Council. We are so indebted to our volunteers who give their time and their service to these boards. We couldn't do it without them so thank you to everyone who's been reappointed and appointed tonight.

Garriss: Item 9D Board of Trustees Relief Fund. Jeff, I think you've got this one.

d. Appointment of Board Trustee to Relief Fund Board of Trustees- Kitty Hawk Fire Department

Pruitt: Mr. Mayor, I'd like to make a motion to appoint Ron Tumolo as a trustee to the Relief Fund Board of Trustees for the Kitty Hawk Fire Department.

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

Walker: Second.

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

All Council: Aye.

Garriss: All opposed? None. Any further names to come before this, Council? Thank you and thank you, Ron.

e. Appointment of Land Transfer Tax Appeals Board

Garriss: Item 9E, we have an appointment with the Land Transfer Tax Appeals Board, and it just so happens the gentleman who is on that Board right now is sitting to my right, Dylan Tillett. I contacted Dylan and he would like to be reappointed, so I make a motion to reappoint Dylan Tillett to the Land Transfer Tax Appeals Board for Dare County with a term of office to expire June of 2029.

Hines: Second.

Garriss: Second by David. All in favor?

All Council: Aye. All opposed? None. Thank you, Dylan. Item 10, we have no old business. Item 11, Town Manager, Melody.

11. Reports/General Comments from Town Manager

Clopton, Melody: Yes, sir. Today, I had the pleasure of visiting the new police station and I hadn't been in a couple of weeks. There has been so much that has changed in the last couple weeks. The electricity



air conditioning is fully operational, the flooring, and the tile work have been completed. Most of the painting and the wall coverings are finished. The counters and the cabinets have been installed, and the restrooms are functional. Today, furniture was being delivered, and we are still aiming for a mid-June move in date. I just want to say that we are so proud of this facility. It's been purposefully renovated to function as a fully equipped police station. It has secure evidence storage, a modern armory, access control and all the specialized spaces that are essential for effective law enforcement operations. I think that our town and our citizens and our Council should be so proud because it symbolizes our pride in the dedication and professionalism of our police force and reflects the town's commitment to the excellent safety and service of our community. I can't wait until we have our open house so everybody can see it. I think you're going to be amazed. On Wednesday June 4th, Ocean Rescue staff will be hosting the first of several ocean rescue competitions. I don't ever remember one happening in Kitty Hawk since I've been here so to me this is a first. I encourage everyone to come out and cheer on our home team as they compete on the fourth. It's at the Byrd Street access and it starts at six o'clock pm. Hopefully we'll see everybody out there. Last of all, on Friday June 6th, we're excited to have an ice cream social community wide. Town staff is going to be scooping the ice cream so bring your neighbors and your friends and your kids and we'll have all the good flavors and toppings. It's a nice chance to catch up with your community and your neighbors and we hope to see you there. That is going to be on Friday at Town Hall between 3 and 5.

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

12. Reports/General Comments from Town Attorney

Varnell, Casey: I have nothing, Mayor.

Garriss: Thank you, Charlotte?

13. Reports/General Comments from Town Council

Walker: Yes, everybody knows that the Recreation Committee is very near and dear to my heart. I had some information come to me in the last week about this trail that we have worked very hard to build around this town and people are calling it the million-dollar mile. I just want to make sure that it's clear that we had a budget of \$30,000. We have spent all but \$5,000 of that \$30,000 so we're well within budget. We did it with volunteers, we did it with donated building materials from the building supply store. I'm very proud of what they've been able to do. I only think that maybe they confused the multi-use path on the bypass rather than this trail around the Town because that is a million-dollar project that's more than a mile. Anyway, I just want to make sure that everybody knows it's within budget. I have battled misinformation ever since I sat in this chair.

Garriss: Thank you, Charlotte and thank you to the Recreation Committee. You are all doing a good job. Jeff?

Pruitt: I'd also like to thank Charlotte and the Recreation Committee. The project that's been completed right to the north of the Town Hall was in the books when I got on the Planning Board back 15 years ago. That had been talked about, so it's been on the it's been on the agenda for a while. Liliana and staff, thank you very much for putting up with us. As everybody can see the budget's tough on all of us, it's a tough thing but we've gotten through this stage. We do have a nice police station, and we do have a paid off fire truck and a lot of that is due to past Council and I want to give them credit. This Council would not have had the opportunity to purchase the great deal that David worked for the town of Kitty Hawk to purchase that land. It was the savings of years of past Town Councils that enabled this Council to pay fire truck off and one to purchase the police department. I just like to give a thanks and I know they're watching. They keep an eye on us, and I just want to thank them because without them none of this would have been possible. That's all I have to say.



Garriss: Thank you. I remember Mayor Perry talking about paying that fire truck He was he was very proud of that. Thank you, Jeff. Dylan?

Tillett: I want to echo the thanks to all the Town department heads and manager and the budget is not an easy task, but I think some good conversations were had along the way and I think we all learned a bunch. Thank you very much. Quick question I wanted to bring up was I did have a phone call several weeks ago about White Street Beach access. I don't know if that's something we could talk about now or is there an update on that?

Varnell, Casey: So, we've got to narrow down the ownership as we've said I've got a letter worked up. We're going to get that sent out and because we had I had to go back and do a little bit more finetuning because we did discover there were some additional easements and things of that nature that were in play for folks not in that subdivision. I wanted to do that before I made the pitch if you will to the developer so that though we're not dealing with those private easements at this point. I wanted the developer to know exactly what they were in this case, successor to the developer, was giving up. I'm in a position now to get that letter out and then we're going to see what will determine what options we have that ultimately our request is going to be. If there's any interest in the owner and when I'm saying that I mean the developer of the land itself right over which the easement exists, that owner is willing to deed it to us for no consideration for nominal consideration whatever the case may be. Getting that title to the land that puts us in a position where we've obviously got a lot more leverage and can do something on it if we want without some form of governmental type action such as eminent domain and all that good stuff. But again, I think that is the first step and that's kind of what we were at when we last left off. That will at least put us in a spot where we can begin taking some action because we will own it. Still more to follow on that.

Tillett: Got it.

Varnell, Casey: I'll absolutely keep you guys updated as I hear anything from the developer.

Tillett: Thank you, sir. The other question I wanted to bring up and it was this kind of sparked my interest when I was reviewing that subdivision for today. In my history on subdivision applications, other towns or counties require and this might be a question for Rob, Dare County or health department evaluation prior to approving that project. Do we not require that upfront?

Testerman, Rob: No, I think there's a line in the ordinance that doesn't guarantee approval.

Tillett: Correct, but if that was the case it would Council making a lot that was unbuildable.

Testerman, Rob: Correct, potentially.

Tillett: That would be a discussion, I'd be curious what you guys think. Is that something you want to make as a requirement to have in hand a Dare County Health Department evaluation prior to approving a lot in a subdivision or continue with what we're doing and risk possibly developing a lot that cannot have a septic system on it? I'm going to ask you and you too, David.

Hines: First, you can't get a building permit without the health department. Just because we approve it doesn't mean the health department will so we're not really making it unbuildable because there is no building permit if the health department denies it.

Tillett: We're not making unbuildable; we're approving a lot that would be unbuildable.

Hines: Correct. But just like the health department doesn't care about what we permit we don't care about what they permit. So, to answer your question, you are correct. The other parts of the towns do require that ours is just contingent upon receiving that. They must bring it to you before they get



a permit, the health department permit for a building permit.

Pruitt: Right but subdividing a lot I I've been thinking about this, subdividing a lot doesn't necessarily mean that you're going to put a residence on it. I could subdivide a lot in my property and give one of my siblings a section for them to put a barn for instance without a toilet and in their name or just a piece of property maybe that is a starter kit to have collateral on a loan. I don't know. I do understand that you know if it's coming as a subdivision then maybe where we know it's going to be house for residential housing but like splitting a large piece of property.

Hines: I think where he's going is a great idea if we're looking at something like Carenda Lane again.

Pruitt: That's correct, a subdivision.

Tillett: But you can't require that just for one specific case.

Hines: I think you're probably more versed on this than I am but with the new septic system you can bypass the health department all together today now and go straight 48D

Tillett: You can, not many engineers are going to want to do that, it's a lot of risk. Now what kind of legality do we get in like saying we divide a lot, you can't put a septic system on it? The lot gets sold to somebody that is not aware of that. They buy it, they want to put a house on it all a sudden they get told they can't and then they go suing us because, hey, you guys have made this lot.

Hines: That's on that's on the realtor for not getting a perk.

Varnell, Casey: I mean, I think if we didn't disclaim in the way we do so very clearly that our approval of this, and I don't we won't call it a contingency, we'll just say that it's a requirement nonetheless for obtaining a building permit obviously. Given we're a buyer beware state I think that it all even if they sued us, we're out of it very quickly because there's nothing. There's no representation we made as a matter of fact we said this has nothing to do with whether ultimately it can develop.

Tillett: Creating that lot doesn't create a representation.

Varnell, Casey: No, I think because we disclaim, we're not if we were representing that we were creating buildable lots. Not requiring other forms of governmental entity approval that was necessary to make it buildable, we're in trouble. But there we're advocating that this doesn't necessarily make it a buildable lot. In thinking about the intent, I'd throw out perhaps piggybacking off what Jeff was saying, perhaps the idea was that okay well we're going to come in and we'll allow this subdivision approval to occur. It's almost like a pseudo restrictive covenant, not that we can enforce restrictive covenants or are but now we've created a lot potentially adjacent to a lot with the homeowner where you can put a fence I mean you increase your side yard your backyard but when you sell it you certainly can't represent it as capable of being developed if it doesn't per knew that they sold it as is. That's where the seller, again I think we're protected because of our disclaimers. Then folks who aren't who are subdividing for reasons other than development purposes, maybe maintaining space in between their neighbors or something of that nature I think it allows them to go and do that without having to. If they were to run into problems with deception.

Hines: that's where the buyer beware state comes in.

Varnell, Casey: Correct.

Hines: Also, if there is any broker that has any common sense whatsoever, the very first thing I do is go to the health department and pay \$150 to have them come test under contract during examination period.



Tillett: So, there's a lot for sale in Kitty Hawk right now that I would be very surprised if it was buildable. I'm not going to say which one, but I think it presents an issue we could have to deal with down the road if that was the case. I wanted to have a conversation. I didn't know what you guys thought about it. And

Varnell, Casey: Please if you guys want to have it, don't construe that as me saying that we certainly shouldn't even think about it. I mean you know your question is from a liability standpoint.

Pruitt: We might not need it or maybe we should, but I think Dylan's brought it to the Council's attention and for just looking some information. You could just email us what you a little bit of what you found would be fine with me.

Hines: As an example, I'm not going to name the town, I don't want to have the health department come out here just because I want to put four feet on my deck. That's what I don't want it to be.

Tillett: That's all I have to say.

Garriss: David?

Hines: Chief Talley again, I can't tell you how proud I am of you guys. Sincerely, I really mean that. I wish I didn't witness it but I'm glad I did; it put another level of perspective in my mind. You may remember some years ago before I even was on the Council my neighbor's front yard was on fire and I don't remember if a rock sparked the grass or whatever, but I remember running down in the street and trying to grab the water hose and called you guys and just the heat from that grass alone was enough. That thing yesterday is a whole different dynamic, and I want you to know that that I'm sure I speak for the rest of this board regardless of the one penny this year or not you guys will not go without what you need. Again, I'm proud of what I witnessed. So, as far as the budget I know that's hard. I appreciate all the staff, I'm ready to get this police department opened and locked up where I can't get in it. I feel like that's been from the moment I drove to Elizabeth City to meet with the county manager and the county attorney till today I feel like I was 21. So, it's been a long road and I'm glad to hear that that's coming along. That's all I have.

Garriss: Thank you, David. Like everybody else Liliana, Lauren Cavendish, Melody, thank you so much for the we've been meeting and talking since March between budget workshops and Council meetings and one-on- ones. On the budget, you folks did a great job and thank you and my thanks to this Council. We have passed our budget. Friday of Memorial Day we had our annual welcoming to our Ocean Rescue people at the fire station got a great group again. We could not obviously function without our Ocean Rescue and I'm just very thankful for what they do. I have been out there; we got an additional stand. Willie, thanks for setting up the additional lifeguard stand this year and maybe next year we can look at another one. But it's just awesome and that's just real great. So again, thank you all to all the department heads. Council, I anything else?

Hines: One more thing I do want to add. I want to go back to White Street; Casey I'd like to see that expedited as quickly as possible. Whatever we are doing. That's an important area to the south end of Kitty Hawk for many reasons.

Varnell, Casey: You got it, no problem. Just remember I can't make them talk now.

14. Closed Session- N.C.G.S. § 143-318.11(a)(3) to consult with the town attorney regarding matters protected within the attorney-client privilege and to preserve that privilege.

Garriss: Anything else, Council? I'm going to make a motion that we go into Closed Session regarding NCGS143-318.11a3 to consult with the Town Attorney regarding matters protected within the attorney client privilege and to preserve this privilege. Do I have a second?



Hines: Second.

Garriss: Second by David. All in favor?

All Council: Aye.

Garriss: We are in closed session, folks.

Garriss: For the record, Town Attorney, can you please provide a synopsis of the Closed Session.

Varnell, Casey: Mr. Mayor, Council Closed Session to consult with the town attorney regarding matters protected within the attorney-client privilege and to preserve that privilege; and discussion ensued.

Garriss: Thank you, Casey. I was informed by the Town Clerk that I skipped Item 3 on tonight's agenda. Council, I need a motion to approve tonight's agenda.

Pruitt: So, moved.

Garriss: Motion made by Jeff, second?

Walker: Second.

Garriss: All in favor?

All Council: Aye.

Garriss: Anything else for regular session? If not, I will entertain a motion to adjourn.

Pruitt: So, moved.

Garriss: Motion made by Jeff. Second?

Walker: Second.

Garriss: All in favor?

All Council: Aye.

Garriss: Thank you, we are adjourned.

15. Adjourn

Adjourned at 7:19 pm.



TOWN OF KITTY HAWK

The Minutes of the June 2, 2025, Kitty Hawk Town Council Meeting are approved at the July 7, 2025, Kitty Hawk Town Council Meeting.



D. Craig Garriss, Mayor



Lauren Fox Garrett, Town Clerk

