



TOWN OF KITTY HAWK

PROPOSED AGENDA
KITTY HAWK TOWN COUNCIL
Monday, November 3, 2025
Kitty Hawk Town Hall, Smith Room
5:00 PM

- 1. Call to Order**
- 2. Moment of Silence/Pledge of Allegiance**
- 3. Approval of Agenda**
- 4. Presentation –**
 - a) Town of Kitty Hawk FY 2024-2025 Final Audit Report- Madonna B. Stafford, CPA/Partner, CRI Advisors PLLC & Carr, Riggs & Ingram, PLLC
 - b) 2025 APA-NC Marvin Collins Honorable Mention- Melody Clopton, Town Manager
- 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 October 6, 2025, Regular Session Council Minutes –** Approval of the consent agenda will approve these minutes.
 - b) **Budget Amendment #6 FY 2025-2026 Insurance Reimbursement Premium Repair**
 - c) **Budget Amendment #7 FY 2025-2026 Fiber Internet Upgrade**
 - d) **Resolution- 2026 Town Council Meeting Dates**
 - e) **Resolution- Opposition to Proposed Limits on the Landing of Blue Crabs**
 - f) **Resolution- Operation Green Light in support of honoring veterans**
 - g) **Resolution- In Support of Grant Application for Pedestrian Safety Project**
 - h) **Travel and Expense Policy**
 - i) **Fleet Management Policy**
- 7. Items Removed from Consent Agenda –**
- 8. Public Hearing –**
 - a) **Zoning Text Amendment – Sec. 42-74. Variances.** Updating language related to align with state statutes.
- 9. Planning –Schedule Public Hearing**



TOWN OF KITTY HAWK

- a) Special Use Permit – 5416 N Croatan Hwy – Gas station. Applicant proposes a gas station/convenience store.
- b) Special Use Permit – 4352 B The Woods Rd – RV Park. Applicant proposes expansion of existing RV park onto adjacent vacant parcel.

10. New Business –

- a) Review quotes for schematic design of 101 Veterans Memorial Drive building

11. Old Business –

12. Reports/General Comments from Town Manager

13. Reports/General Comments from Town Attorney

14. Reports/General Comments from Town Council

15. Adjourn

***To Watch Livestream on YouTube:** <https://youtube.com/live/erqrdoXazQ?feature=share>

The meeting will also be available to watch on the Town's YouTube channel on demand the next day.

****Send Comments and/or Questions via email:**

You may always send comments or questions at any time to info@kittyhawkncc.gov. If you would like your question or comment read at this meeting, please send it by 1:30 PM on November 3, 2025, and note that you would like it to be read at the meeting. Be sure to include your full name and address. Please keep your comments to three minutes.

Si habla español, los servicios de asistencia lingüística están disponibles de forma gratuita. Llame al 252-261-3552 para obtener ayuda.

Post Office Box 549
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Minutes
KITTY HAWK TOWN COUNCIL
Monday, October 6, 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- Life-Saving Award: Officers Diego Ramirez and Thomas Long**
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 September 8, 2025, Regular Session Council Minutes** – Approval of the consent agenda will approve these minutes.
 - b) **Proclamation- Word Pancreatic Cancer Day**
 - c) **Budget Amendment #5** – Transfer funds from Capital Reserve Fund 21 to Operation Fund 10 for development costs of bicycle and pedestrian plan
 - d) **Town of Kitty Hawk Electronic Records and Imaging Procedures and Policy**
7. **Items Removed from Consent Agenda:**
8. **Planning:**
 - a) **Schedule Public Hearing: Zoning Text Amendment** – Sec. 42-74. Variances. Updating language related to align with state statutes.
 - b) **Commercial Site Plan Review: 5133 Putter Ln-** Commercial parking lot to serve medical offices to the south.
9. **New Business:**
 - a) **Appointment to Dare Housing Foundation**
 - b) **Internet Service Provider**
10. **Old Business:**
 - a) **E-bike Update**
11. **Reports/General Comments from Town Manager**
12. **Reports/General Comments from Town Attorney**



13. Reports/General Comments from Town Council

14. Adjourn- The November 3, 2025 meeting will begin at 5 pm.

Council Members Present: Mayor Craig Garriss, Mayor Pro Tem Jeff Pruitt, Councilman David Hines, Councilwoman Charlotte Walker, Councilman Dylan Tillett

Staff Members Present: Town Manager Melody Clopton, Finance Director Liliana Noble, Public Works Director Willie Midgett, Police Chief Mike Palkovics, Administrative Services Director Laura Walker, Lieutenant Jimmy Helms, PIO/Town Clerk Lauren Garrett

1. Call to Order

Garriss: Good evening, everyone. It's 6 o'clock pm. Kitty Hawk Town Council. We're in the Smith Meeting Room, October 6th, 2025. Thank you all for being here. Council, I need a motion to approve tonight's agenda, please.

2. Moment of Silence/Pledge of Allegiance

3. Approval of Agenda

Garriss: Can I need a motion to approve tonight's agenda please?

Tillett: So moved, Mr. Mayor.

Garriss: Motion made by Dylan. Second?

Pruitt: Second. Second made by Jeff. All in favor say "aye".

All Council: Aye.

Garriss: All opposed? None. Thank you. We have a presentation of life saving award. Chief Palkovics, you're up, sir.

4. Presentation- Life-saving Award

Chief Palkovics: Good evening. If I could have Officer Ramirez, Becky, and Michelle, you guys come forward, please. Just come on up right over here. Officer Long from Southern Shores could not be here this evening, unfortunately. So, we will make sure we make it up to him in some way, shape, or form. Mr. Mayor, council members, Mr. Town Manager, good evening. It's my pleasure to come to you tonight and present an award to some people that are very deserving of it. On July 15th, 2025, outside the Harris Teeter located in the 5,400 block of North Croatan Highway, a woman suffered a medical emergency while exiting the store with her juvenile grandson. She collapsed on the concrete sidewalk and was unresponsive. Becky Pugh, a Harris Teeter employee, immediately responded, rushing to the woman's side to assist. At the same time, Michelle Farrow, a customer and former Kitty Hawk police officer, also stepped in to help. As Ms. Pugh, called the Dare County Emergency Communications, she noticed the woman had stopped breathing. Ms. Farrow immediately began performing CPR, and after several cycles, Ms. Pugh took over to compressions. Both working tirelessly to save a life in crisis. Officer Diego Ramirez was working that day of the Kitty Hawk Police Department and was dispatched to the scene. Officer Thomas Long of Southern Shores was working and heard the call on the radio and went ahead and responded as well. Upon arrival, Officer Ramirez took over CPR from Ms. Pugh and Ms. Farrow while Officer Long had retrieved and deployed his AED, automated external defibrillator. The officers worked in coordination to continue life-saving efforts until Dare County EMS and the Kitty Hawk Fire Department arrived and assisted with medical care. Thanks to the immediate and coordinated actions of these four individuals, the victim, though unconscious at the time, regained a pulse and began breathing. She was transported by MedFlight to Norflok for advanced treatment. Though the patient sadly passed away three days later, she did so surrounded by her family. Time was made possible by the swift and selfless intervention at the scene. Today we honor Becky Pugh, Michelle Farrow, Officer Diego Ramirez, and Officer Thomas Long of Southern Shores for their heroic actions and steadfast dedication to preserving life. Their willingness to act without hesitation and in a moment of crisis



exemplifies the very best of our community. In recognition of their efforts, which is hereby awarding them each with a life-saving award.

Garriss: Congratulations guys and thank you very much. This is great, folks. This is we like to see things like this. And I knew that's why the room was so full tonight. Michelle, you still got it in you, don't you? Yes, sir. Great job. Thank y'all very much. This is wonderful. That's good. Lauren, did we have anybody signed up for public comment?

5. Public Comment

Garrett, Lauren: We do not have anyone signed up.

Garriss: Is anyone here tonight who would like to come speak at public comment about any topic? Anybody? All right. Thank you, Lauren. Let the record show no one chose to speak, please. Council, I need a motion to approve tonight's consent agenda, please.

6. Consent Agenda

Walker: So, moved.

Garriss: Motion made by Charlotte. Second?

Tillett: Second.

Garriss: Second made by Dylan. All in favor?

All Council: Aye.

Garriss: All opposed? None. Thank you so much. We had no items removed from the Consent Agenda. Item 8A, Council, we need to schedule a Public Hearing on a text amendment, zoning text amendment. If I could have that motion, please.

7. Items Removed from Consent Agenda

8. Planning

a) Schedule Public Hearing

Walker: Mr. Mayor, I'd like to make motion for the public hearing for zoning text amendment section 42-74 variances updating language related to align with the state statutes.

Garriss: That's for the November 3rd, 2025, meeting?

Walker: Correct.

Garriss: Do we have a second?

Pruitt: Second.

Garriss: Second made by Jeff. All in favor say "aye".

All Council: Aye.

b) Commercial Site Plan

Garriss: All opposed? None. Very good. Thank you. Next, we have a commercial site plan review which is just down the road from us. As you as you know, Rob is not here to speak, but I asse that everyone here has had a chance to look at it. If you have any questions, now is the time to know if someone representing the applicant is here tonight. If Council would like to hear from her, I'll ask her to come up. Is that what you'd like? Come on up, Lynne. This is Ms. Lynne Miles representing the applicant. Nice to see you tonight.

Miles, Lynne: Yes. Great. Thank you. Thanks for having me. I'm here and happy to answer any questions that you might have regarding our needs for additional parking at our North Campus Health Center. So we are excited to look at the opportunity to be able to serve additional patients there. Parking is tight right now and so this does offer us the opportunity to have our team members park a little bit further away from the building so that patients have easier access to the facilities.

Garriss: Thank you, Lynne. Everyone is familiar that it is the lot and in directly in front of Bear Drugs, the grown lot that is going to be cleared they want to turn into parking area. Does anybody have any questions for Lynne while she's here? All right, no question. Thank you. Thank you very much. Okay, Council, what would you like to do?

Pruitt: Mr. Mayor, I move to grant approval of the commercial site plan for 5133 Per Lane. Thank you, Jeff.

Gariss: Do we have a second?



Hines: Second.

Garriss: Okay, we have a motion and a second. Is there any further discussion by Council on the staff report?

Tillett: In the staff report, Rob mentioned the signage for the ride out. Do we need to include that condition in the approval?

Garriss: Yes.

Tillett: Should we ask the applicant if it is okay to include the ride out exit on Putter Lane? As a signage only be one way out, right?

Miles, Lynne: Yes.

Garriss: Very good. Anything else?

Varnell, Casey: To be clear, the motion is as presented by staff. Well, Rob, correct? Correct.

Garriss: Okay. Yes. Correct. Correct. Pretty straightforward. Council, do I have a motion? We already have a motion and a second. Any further discussion? All in favor signify by saying "aye"

All Council: Aye.

Garriss: All opposed? None. Okay. Go fix your parking lot. Thank you.

9. New Business:

a) Appointment to Dare Housing Foundation

Garriss: Alright. Item 9, Council. We must make an appointment to the newly formed Dare Housing Foundation. It was previously a task force. Melody and I were members, and I know Dare County met this morning and decided on funding two \$200,000 for two years on an annual basis. They made their appointments. Each town is making an appointment. Dare County is also offering office space, I believe, too. Correct, Donna? Is that correct? Good. I wish that we could wait until the December meeting after the elections to make this decision, but that is not an option, and I'm kind of disappointed that it's not. So, I'll entertain a motion for nominations to the DARE Housing Foundation, please. Before we make any motions, there are other times in the same situation who may have to make another appointment in December depending on how the elections go. We are not the only ones in that situation.

Pruitt: Mr. Mayor, I believe that our Planner is the most qualified person to hold that position. He knows the ordinances and all the ins and out of development. I don't know.

Hines: I tend to agree.

Garriss: Unfortunately, Rob is not here to accept. It's not here.

Clopton, Melody: I do believe the preference is an elected official.

Garriss: That's what we were told. Is that correct, Donna? Ms. Creef?

Creef, Donna: Yes, sir. That's the preference, but it can certainly staff person and I want to say that if they appoint somebody then they want to change that later on then they would have that option as well.

Varnell, Casey: If that is the appointee then make it subject to Rob's acceptance upon return certainly which can be done outside of public hearing because you've made the vote or if that's the way you will have been public.

Garriss: Is that your nomination?

Pruitt: Well, I'm I was just, you know, I think I think he'd be good for that role. I do. But I mean, if anybody will nominate Rob for the position of our representative on the board.

Garriss: Do I have a second?

Hines: I'll second that. Sorry, Dylan.

Garriss: All right. Do we have any further nominations? I'm going to nominate Charlotte Walker. Do we have a second?

Tillett: I'll second Charlotte as well. I think both would be great. I mean, both are great.

Garriss: Rob would be great. I'm looking at your real estate experience, too.

Pruitt: Donna, do you mind? Would you prefer a Council member?



Hines: That's what I would like to ask too. I want Donna to be happy.

Creef, Donna: Don't keep me up here for an hour. I've already been up at the county board meeting for an hour this morning.

Pruitt: You always bring a big crowd.

Creef, Donna: I do have to go to Duck for the voters' forum. So, I'm glad I'm here for this. I wasn't anticipating any questions. The way that the bylaws are written, it prefers elected officials, for obvious reasons. The paperwork that we're filing with the federal government to get our tax-exempt status is based on the premise that government officials are involved. That gives it more standing, if you will. And so it certainly won't be a killing the deal if you guys don't have an elected official on there, but it is the preference. I will tell you that Nags Head has Andy Garman on there as the town manager now and I'm thinking that's probably because of the same situation that they have an election and that they just weren't sure who was going to be elected. So if you want to do Rob, Rob is certainly qualified to do that, but there is a preference to have an elected official. I checked with the attorney that we're working with. So we must put in the slate of names on the initial filing. When we file the first tax return, you must put the same slate of names on there. So, if there is a change, you can reflect on the change then. So, don't feel like you're bound by this. If we get into it and Rob attends several meetings and then after the election, you guys decide that you want to go with an elected official, we'll certainly accommodate that.

Garriss: Council, just be aware, Melody and I have on the former task force that was under Donna. Melody and I were Kitty Hawk representatives. Obviously, I would not be up for reappointment because I'm not running for reelection here. So, I just thought I'd throw that out there. Donna makes a very good point. We can choose someone if we have to later choose another name.

Hines: Well, I'm going to defer to Donna with all respect.

Pruitt: Mr. Mayor, I'd like to retract my appointment of Rob. I'm going to go with the recommendation of the committee. If that's what they recommend, then that's what I want them to have.

Garriss: So you've withdrawn your name. And is your motion for Charlotte Walker?

Pruitt: We have the motion and the second. I think we have already only one going to vote. Everybody good? Charlotte, would you accept?

Walker: I will be happy to.

Garriss: Thank you. All in favor of Charlotte Walker, please signify by saying, "aye".

All Council: Aye.

Garriss: All opposed? None. Very good. Thank you, Charlotte. Thank you, Donna. Thank you, guys.

Creef, Donna: Thank you, Mayor.

b) Internet Service Provider

Garriss: You're welcome. Lauren, if we can officially send that name tomorrow morning, please. Thank you. Okay. 9B, internet service provider. I know Melody has sent us some good information here about the internet. I was speaking with Melody and Lauren right before the meeting. This building has never had good internet service. I can't connect with you on this. We lose it some here during our meetings. And Lauren says her back office, she loses it a lot. So whether this is a solution or if it's the building or what but let's hear the presentation please.

Clopton, Melody: I knew you had a letter in your packet, but I know sometimes just giving the highlights in a presentation. I did a presentation today because I knew there had been some questions asked. So this is the proposal to bring better internet reliability to Town Hall, the Fire Department and then provide backup satellite service for Town Hall, the Fire Department and the Police Department. So the summary is we have regularly experienced periods of unreliability with both of our internet service providers and backup providers. We continually experience trying to stream this meeting and people at home constantly say we can't get this meeting and that's because our internet speed is too slow to provide the more modern type of technology. This occurs normal working hours and it also occurs during periods of emergency management activation. Internet reliability became a primary discussion this summer during our



emergency preparedness sessions. As a result, we asked Shoshin to provide us with available options and make some recommendations. We got those a couple weeks ago. Our proposal, along with Shoshin, who understands this much better than many of us do, is to have fiber internet for Town Hall and the Fire Department. The Police Department already has fiber. It came with fiber and that makes our IT people extremely happy, and I think that they have noticed a definite difference in their speed and reliability at the police department since moving in. Also, we currently have a backup internet provider. If our internet goes down, it's supposed to kick on to the backup. We would like to change that to a satellite provider. It is not your normal household satellite. It's called Starlink and it's a whole different product that's available now. And this backup would be for Town Hall, Fire, and Police. You may be wondering about Public Works. I asked Willie if he thought he needed it. He really is the only user in his department and because of the expense, we decided not to go with him. He has a laptop, so he can come and hook up anywhere. I asked him not to feel left out, and he said he was okay. The advantage of fiber is the ultra-fast speed. It has a much faster download and upload than cable or DSL. Symmetrical speeds, meaning it's all, are equally going up and uploading and equally downloading. It has higher reliability. It's less affected by weather, distance, or interference. Right now, when Spectrum goes out, we go out. When Brightspeed goes out, we go out. It's a little bit more reliable. It also has a low latency. I'm not exactly sure what latency means, but it is ideal for video calls and cloud-based applications, which is what we use almost for everything. Now, the bandwidth handles many devices and heavy use, so you can ramp up your usage of your fiber. It's scalable and ready for future internet demands. Again, it's business friendly. It's great for cloud services, backups, and remote work. The advantages of the Starlink satellite as backup are far less expensive than we thought it was going to be number one. Number two, the liability is less affected by weather distance or physical damage or infrastructure. Satellites are closer than traditional satellites which helps reduce roundtrip signal delay. This seems to be the backup that a lot of people who have emergency management services are going with. The one-time fee to do all of this is \$6,400. Most of that is Shoshin's fee. The cost to impact on the budget. This is like the monthly payment annually is \$3,768 more than what we're paying. Again, that's a year. We're looking at starting this in January if it's approved. This year, we would need an additional \$1,884, which is half of the \$3,768. If approved, we will make a budget amendment at the next meeting, and we will ask for a transfer from the IT development capital reserve fund to put it into the general fund and cover this expense. The IT reserve fund typic already has \$53,400 for this year. As far as I know at this moment, we do not have anything else that's planned for that, but we do put money away for internet and information technology services in case something arises. Okay, that's all.

Garriss: Thank you, Melody. Sounds like something that's needed, but Council, do you have any questions for Melody or before we move further? Any questions at all?

Tillett: I have a couple questions. All right. When the internet went down previously, did our current backup not work as well?

Clopton, Melody: What happens is the internet doesn't work when the internet goes totally down like Spectrum loses service or what have you. Brightspeed is not nearly as quick as Spectrum. So we experience very slow response at that point. What usually happens is Spectrum loses its service, but it doesn't completely go outright and so Brightspeed doesn't come on as our backup because Spectrum isn't technically down.

Tillett: So it's like an automatic transfer.

Clopton, Melody: Yes.

Tillett: Is there any way to do a manual transfer to where you can completely shift over?

Clopton, Melody: There is and Shoshin must do that for us. We learned that. I didn't even know that was a thing and that that was happening because I was like, we have backup. Why isn't the internet working? And we found out that sometimes the speed of the internet drops down and then even though it's not working for us, the backup doesn't come on because the initial provider is still kind of slowly working.



Tillett: The yearly change that we would see would be that \$3,700 a year budget for that and the next budget, right? There's nothing bookmarked for the \$53,000 IT Development.

Clopton, Melody: Not right now.

Tillett: That's there for things like this.

Clopton, Melody: Correct.

Garriss: We were discussing earlier that the people watching at home have we've heard from them every hour on the hour it kicks out right now during this meeting. Will that alleviate that?

Clopton, Melody: It should be because fiber has a higher speed. Uploading and downloading is much easier.

Garriss: Okay. Thank you.

Pruitt: Are we hardwired for fiber here?

Clopton, Melody: We will be, that's part of this fee. That's part of the upfront cost. Town hall, to be completely transparent, we can get Brightspeed fiber. The Fire Department cannot. They would stay with Spectrum fiber. We would but it was less expensive for us to go Brightspeed.

Pruitt: In the case of like say like in Asheville when they lost everything, internet power, all phone lines is this like the Starlink that they set up there that you were talking about?

Clopton, Melody: Yes, we would have it on all our we would have it on all our buildings. Something would be going on at the Police Department, the Town Hall and the Fire Department.

Pruitt: That should eliminate us like in a hurricane from having total loss of communication, should help us.

Clopton, Melody: Yes.

Garriss: Okay. Willie, are you sure?

Midgett, Willie: Yes.

Hines: That that brings me to a question though. If Shoshin's going to do fiber for this Starlink, then why can't you like link into the Bright Link fiber that's offered on the bypass? Is that totally different?

Clopton, Melody: Well, Starlink is satellite. That's our backup of a satellite and fiber will be us per our primary and that will be Brightspeed fiber. For us, Spectrum fiber for the Fire Department.

Tillett: So, there's no additional cost to drilling the line if it's not in the proximity.

Clopton, Melody: No.

Garriss: Any more questions for Melody? Good presentation, Melody. Okay. Council, what would you like to do here?

Pruitt: Mr. Mayor, I'd like to recommend the approval of installation of fiber internet service at the Town Hall and the Fire Department and authorize Starlink as a backup provider with associated funding adjustments outline transfer from information systems capital reserve fund.

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

Hines and Walker: Second.

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

All Council: Aye.

Garriss: All opposed? None.

Clopton, Melody: That will probably be on your consent agenda next month, the transfer. Thank you.

Garriss: Thank you, Council. Sounds like that's something we very much needed for a long time. All right. Old business. Let's talk about e-bikes. I see Mr. Chuck is here and he's ready to hear this.

10. Old Business:

a) E-bike Update

Clopton, Melody: I wish I had better information for you. I've done a lot of research for e-bikes, and I know Casey's investigated the topic as well. The current North Carolina law does not address e-bikes. As a Town, we cannot do anything greater than the law and e-bikes are considered regular bicycles in the state of North Carolina. They define e-bikes as less than 750-watt motors. When I Googled Amazon about e-bikes, I mean they were 1,00 or 1,800, you couldn't even find a 750 watt. They treated the bicycle the same. No



license, no registration, no insurance is required. Helmets are required only under the age of 16. And these are bicycle goals. At night, you must have a rear reflector, a white front light visible from 300 ft and either a red rear light or bright reflective clothing visible from 300 ft. So these are the current bicycle and therefore e-bike laws. Local governments and land managers may impose additional rules if bicycles and e-bikes are treated the same. North Carolina, I'm sad to say, is very, very, very much behind other states. About 30 other states have adopted a tiered definition of e-bikes. Class one, two, and three. We don't have any safety requirements except for the 16-year-old age. Our trail and path access rules are inconsistent across the towns, counties, and state and federal lands and there's just a local patchwork of policies and different things and it's very difficult to enforce. I talked to many of my town manager counterparts and a couple of police chiefs and Chief Palkovics as well and it's just really a difficult responsibility to enforce things. It also doesn't cover the faster, more powerful e-bikes now on the market, which are mostly greater than the ones that they define currently. There was a Senate Bill 576 that was going through the process, and it did clarify some things, and it had three class definitions and systems, but it did not go forward. It got left and it and it stalled in session, so it did not get approved. Someone that I spoke to said that our representative stated that we really didn't want to have more rules. North Carolina was a state that didn't want to have a lot of rules. We spoke collectively amongst my town manager counterparts, and you know, we would really all like to see us go together and try to encourage our state representatives anyway to do something different. This is the current Kitty Hawk Town Code and kind of just talks about motor vehicles and town bike paths and so forth. We just kind of follow the state rule and don't really address bicycles too much. So as I said here takeaway encourage our leaders to approve pending legislation perhaps for a countywide resolution. We can up down date our Town policy to reiterate the state rules or our ordinance to update our rules. just so that we say what the state says. Again, it's not going to be very enforceable because it's very difficult to tell what kind of bike somebody's riding and what they're doing and so forth. Update the signs and clarify rules on multi-use paths and I think up with a communication plan and determining our signs and kind of maybe doing some Facebook and some websites and some emails, a video or something just to try to clarify our rules here in Kitty Hawk. Unfortunately, unless we ban all bikes for multi-use paths, we can't ban e-bikes just from the multi-use path. Now, golf carts are considered motorized vehicles, and they should not be on the multi-use path. Willie says the only way they can get there is the stanchion and go through. So, if somebody does see a golf cart on our multi-use path, that can be reported to the police and if they can get there and witness it, they can do what they can.

Hines: You made a comment that we can't supersede state law, right? Yet, when we talk about our peers and things like that, we're superseding CAMA rules at times. So, help me understand why we can be more restrictive in one way but not in another.

Clopton, Melody: I can't speak to CAMA.

Hines: It's still a regulatory agency. I mean I appreciate you doing all that research. I know it's a lot.

Garriss: I know we have talked before and Mr. Chuck maybe updating some signage, clearing some brush for signage and David, you talked about things you've seen on Moore Shore Road before. It's a problem throughout the whole state. Enforcing it would be impossible.

Hines: Well, just like giving out, you know, I'm all about communication, but we are spending a bunch of money on pamphlets and communication, the parents are going to listen, but kids aren't. I think it's what it is until the state does more.

Clopton, Melody: I do think we can do some things that don't cost a whole lot of money. We're updating signs and things.

Garriss: I think maybe in our newsletter that goes to the public.

Clopton, Melody: Willie found unused money today and we talked about how through NC DOT how we might use that, and you know, exploring things that we can do.

Varnell, Casey: So, one item too, one reason I would fully support. Melody did great research. So, it reiterates exactly what I found. I mean, the lesson is it without getting into how fast the bicycle would go,



right, the e-bike would go, which becomes the conundrum from the enforcement standpoint. I mean, if it's more than 20, technically it's not an e-bike and you're subject to some other definition of moped or whatever, but it's almost impossible to be able, if you will, from an enforcement standpoint to pinpoint that. So, it's not the general rule is if it's treated as an e-bike, then it's treated as a bicycle pursuant to North Carolina law. But what I would say is the revisions that Melody is proposing, one of the key reasons that I would say they need to certainly be considered by you guys is as we currently read, we say moped. Is that correct?

Clopton, Melody: Yes.

Varnell, Casey: Moped has changed within our general statutes and there's been another definition given to that because otherwise outside of the 50 CC motor requirement you're looking at almost the same definition as e-bike. Mopeds now are 30 miles per hour or higher. To get us back into, you know, or 30 miles per hour or less. To get us back into, you know, conformity with state law, that makes sense as well because the way it currently reads that conflicts with state law because we say mopeds are 20 or less. Really 30 or less is the state's definition of a moped. So I agree with Melody's presentation and her recommendations.

Garriss: Believe it or not, because I teach this, a moped has a motor. Correct.

Varnell, Casey: Like I said, outside of that, it is not a motor vehicle, but it's got its own classification. It's a vehicle. It's got its own thing.

Garriss: Any questions for Melody? I agree. Melody, you did a great job here. Can we maybe keep looking at this to see what we can do and report back at the next meeting?

Clopton, Melody: We can bring back some proposed language just to clarify the state's definitions and it might take us a little longer to come up with a recommended communication plan than next month, but we can work on that and see what we can come up with.

Garriss: Council, are there any more suggestions?

Tillett: Is the root cause I feel like this was brought was going fast along the bike path? Is that still the case? That seems to be the issue we see.

Clopton, Melody: Sharing the multi-use path with pedestrians and strollers.

Tillett: I think I feel like if we concentrated on the education on going slow next to pedestrians now whether that works or not, I don't know but if that's the problem then I'd like I think that attacking the addressing the problem, to me seems. It doesn't seem like there's much with just defining the bike doesn't do a whole lot for us. If we're going to educate, let's go slower next to pedestrians. I think that's a good start.

Garriss: I agree.

Pruitt: I think the signage, you know, I spoke with Willie. I think he told me that there were three or four signs. One at the beginning, middle, and the end. You know if the speed limit's 20, if we could say, like when we did the connector trail, we put an informational sign that just explained please go under 20 miles an hour. We could list some of our rules you know for that by please be courteous, no golf carts allowed. That way instead of calling the police, you can say, "Well, it was right there on the sign."

Hines: I think 20's too much on these winding paths. I can't even ride that fast. If I do, I'd try to stop them and hit somebody.

Pruitt: I don't think we can adjust the speed that you know.

Varnell, Casey: Well, it's like this from all bikes. Well, it's correct. If it's effective as bicycles, then yes you could but then it kind of goes back to how fast you know when you're you know unless you have an app pulled up on your phone or something it's totally different. I haven't seen one that doesn't have the speedometer at least some digital reading. The only issue I would see with that is the enforcement but also the knowledge as to whatever it is that a true bike rider traditional bike rider is doing.



Hines: I guess what I'm trying to say is if it's if you're going to talk about a posted speed, why not say 10? It's not about clocking you with a radar. It's a mindset that 10 is not 20 is all I'm trying to point out. You know, you get a child in at 20 miles an hour on a bicycle, that child's in a lot of trouble.

Varnell, Casey: Well, and that there was a case in Wilmington that that's what spawned the original House bill that kind of died. There was where a child got hurt severely on a multi-use path because an e-bike was going at an excessive speed, right? Now this e-bike wasn't this e-bike was one of those that'll suit up to like 40. So, this was one of those powerful e-bikes that should have been honestly licensed and registered with, with the state, but that's what prompted it. And again, it died. It made it to the labor commission. I think it died.

Hines: Well, I again I'm not talking about a radar type shooting of a bicycle. I just think if we're going to speak about a posted speed limit, it should be very low just from a psychological standpoint.

Varnell, Casey: I do think I've not seen anything that says if we don't impose it on bicycles as well that it's disallowed. I guess it just comes down to what you guys think is most practical.

Hines: Maybe for Moore Shore Road we will use a much bigger sign that's out there now. A bigger yellow like in your face kind of sign because it's so windy and that grass grows up so much. You can't see it here to that corner.

Varnell, Casey: Maybe I'll just toss this out there, but from what I was hearing from Jeff, it's almost not even a posted speed limit like you would see on a town or a state street. It's more informative based, which if you put up there, if we put on the informational sign that an e-bike is one that does not exceed 20 miles per hour. I mean, you're not discriminating against bicycles. You're just defining what the state says an e-bike is, which gives them notice that I'm not supposed to go over 20 miles per hour. But I get what you're saying, too, about the, you know, the idea of it being too fast.

Hines: For me, it's not just about Moore Shore Road, though. It's about all Kitty Hawk. I've seen people going down the beach road flying on those things.

Varnell, Casey: That's totally out of our jurisdiction, unfortunately. That's the state.

Hines: I understand. But it's in Kitty Hawk in general Kill Devil Hills. Now I watch the e-bike, you know, run into the back of a car at a crosswalk. So, I mean, it's just it's just as much for their protection as it is for the person riding the bike as it is for the person that could get hit in my mind.

Walker: I take issue with the fact that the definition of a bike and an e-bike are the same.

Varnell, Casey: Yes, treated the same. Let's put it that way. That was a whole idea behind Senate Bill Melody was talking about, 576. It was to create the ability to distinguish and regulate the two differently. That was the whole idea behind it.

Hines: Well, they'll be back in session in the fall. So, it might come back up.

Varnell, Casey: We'll have to wait and see. Maybe, but right now, this is unfortunately we're stuck with the regulation of e-bikes can't exceed whatever we or however we regulate a bicycle.

Garriss: All right, guys. Everybody is good with letting Melody do a little more research maybe and report back at a future date. Okay. Agree with everybody? Thank you for what you've done. Hard work.

Varnell, Casey: Mayor, I have to scoot out of here. A little emergency.

Garriss: Do you have anything to report?

Varnell, Casey: I did not. Melody was going to report that. I don't have anything on my agenda. Thank you. I'll continue to keep you guys updated on White Street as well.

Garriss: That is what we want to hear. Thank you. Town Manager Report, Melody.

11. Reports/General Comments from Town Manager

Clopton, Melody: We are re-roofing the medical side of the police department building at 5200 North Croton Highway and it is almost near completion and Willie said it is the best nail cleanup job that he has ever seen. Kudos to our contractor. We have a lot of events in October. October is a very busy month for everyone. This Saturday we have Keep It Clean Kitty Hawk, which will take place here at Town Hall. It's rain or shine, I'm told. There's still some time to sign up to be a volunteer. At noon, lunch will be provided to



everyone. This year we have the privilege of having 40 students from East Carolina University who are doing their community project, and they're all signed up to participate. So, please come out. It's not too late. Also, on Saturday, the Kitty Hawk PD will be at the Bath House Beach Access for Faith and Blue Sand Sculpture Contest. I think that's very interesting. So, if you have time to go out on the beach, that would be great. It starts at 2 p.m. On October 13th our vegetative debris collection starts for public works. Please have everything out in the right-of-way by October 12th. Willie says that if you don't have it out when the collection begins, it will not be picked up. You can refer to our website about what you are able to be put out there and the sizes and everything. October 14th at 7 PM, the League of Women Voters will be hosting the Kitty Hawk Municipal Election Candidate Forum at 7 o'clock p.m. here at Town Hall. October 23rd is one of our most popular events. It's the outdoor movie night at 6:30 PM here at Town Hall. The feature film will be HalloweenTown. The Bath House is set to close on October 27th. The porta potties at all the other beach accesses will also be removed around the same time. Finally, on October 30th, that's 10:00 a.m. to 1 p.m., excuse me, the Outer Banks health coach will be here to provide free flu shots and health screens. Thank you. That is it. I've been talking too much.

Garriss: Thank you, Melody. Casey is gone. Town Council. David, you want to start.

Hines: Nothing.

Garriss: Thanks. Dylan?

Tillett: I just want to echo job well done to Ms. Pugh, Ms. Farrow, Officer Ramirez, and Officer Long on the life-saving efforts. It's a great thing to hear about. That's all I have.

Garriss: Thank you. Jeff?

Pruitt: Yes, I'd also like to I know Diego Ramirez is was mentioned earlier with the lifesaving award, but recently there was a string of break ins in Kitty Hawk and Officer Ramirez was the one handling it and has done a fine job of locating or finding out who it was, and the residents of that area are extremely happy with the job that he did. That's all I have. Thank you, Dean. I would also like to echo what Dylan said about our life saving awards that were given out tonight. And I'm pretty good.

Garriss: Okay. Again, that was wonderful. The life-saving award. That's great work. Chief, thank you for all your work on that matter. Thank you very much. I'm going to say this in my motion, but I want to make sure the public knows our next meeting on the 3rd, 2025 will be at p.m., not 6 p.m. Because the election is the next day and we started that practice a few years ago to give the election workers time to set up for the next day. Any further discussion from the council? If not, I'm going to make a motion to adjourn tonight's meeting until November 3rd, 2025, at 5 p.m. Do I have a second?

Hines: Second.

Garriss: Second. All in favor say "aye".

All Council: Aye.

Garriss: We are adjourned. Thank you everybody for coming.

Adjourn at 6:54 pm.

The Minutes of the October 6, 2025, Kitty Hawk Town Council Meeting are approved at the November 3, 2025, Kitty Hawk Town Council Meeting.

D. Craig Garriss, Mayor

Lauren Fox Garrett, Town Clerk

AGENDA ITEM # Consent **6B**

DATE: November 3, 2025

SUBMITTED BY: Finance Director

SUBJECT: Budget Amendment #6

REF:

Recognize the insurance reimbursement from the Interlocal Risk Financial fund for the repairs of two Police vehicles.

BACKGROUND:

DISCUSSION:

RECOMMENDED MOTION:

Consent Agenda Item

Town of Kitty Hawk
General Fund
Budget Amendment Number #6 (FY 2025-2026)

INCREASE

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
	GENERAL FUND (10)	
General Fund Revenues		
10-0000-3839-4850	Insurance Claims/ Reimbursement	\$8,585
General Fund Expenses		
10-4310-5353-0000	Maintenance and repairs Vehicle (Police) 2018 Ford Interceptor Vin#1FM5K8AR5JGB11899	\$2,141
10-4310-5353-0000	Maintenance and repairs Vehicle (Police) 2020 Ford Explorer Vin #1FM5K8AB1LGA71309	\$6,444
		\$8,585

Explanation:

**Budget amendment to recognize the reimbursements from the Interlocal Risk
Financial Fund (insurance) to repair these 2 vehicles**

Recommended by :

Liliana Noble - Finance Director

Approved by:

D. Craig Garriss- Mayor

Date

3-Nov-25

AGENDA ITEM # Consent 6C

DATE: November 3, 2025

SUBMITTED BY: Finance Director

SUBJECT: Budget Amendment #7

REF: Transfer funds from Capital Reserve IT to Operations Fund for upgrades in internet services

The Town has been experiencing ongoing internet reliability issues at both Town Hall and the Fire Department. Reliable internet access is crucial for ensuring uninterrupted access to emergency systems, coordination platforms, and real-time communication across all departments, especially during storm or disaster events when service interruptions could jeopardize public safety.

On October 6, 2025, the Town Manager presented a proposal to transition to fiber internet, with Starlink as a backup provider. This proposal was approved.

Consent Agenda Item

BACKGROUND:

DISCUSSION:

RECOMMENDED MOTION:
Consent Agenda Item

Town of Kitty Hawk
General Fund and Capital Project Fund
Budget Amendment Number #7 (FY 2025-2026)

		<u>INCREASE</u>
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
	GENERAL FUND (10)	
General Fund Revenues		
10-0000-3900-0000	Transfer in from Capital Reserve Funds (Upgrade Fiber Internet Services)	\$8,300
	TOTAL Revenues	\$8,300
General Fund Expenses		
10-4100-5383-0000	IT Services	\$6,150
	Shoshin one time fee	
10-4340-5321-0000	Telephone and communications (Fire)	1,760
10-4310-5321-0000	Telephone and communications (Police)	390
	TOTAL Expenses	\$8,300
	CAPITAL RESERVE FUND (21)	
Capital Project Fund Revenues		
21-0000-3991-0000	Capital Reserve Appropriated	\$8,300
	TOTAL Revenues	\$8,300
Capital Project Fund Expenses		
21-4100-5921-0000	Transfer out to the General Fund 10	\$8,300
	TOTAL Expenses	\$8,300

Explanation: Town Council approved on Ocotber 6, 2025 the Town staff recommendation to move forward and install a fiber internet service at Town Hall and the Fire Department also, to add Starlink as the backup provider for Town Hall, Fire Department, and Police Police Department .

Recommended by :

Liliana Noble - Finance Director

Approved by:

D. Craig Garriss- Mayor

Date

3-Nov-25



**Resolution
Establishing the Kitty Hawk Town Council
Regular Monthly Meeting Dates
for Calendar Year 2026**

BE IT RESOLVED that the Town Council of Kitty Hawk will meet on the following dates at 6:00 pm at the Kitty Hawk Town Hall, 101 Veterans Memorial Drive, Kitty Hawk, NC. In calendar year 2026 there will be two regular meeting exceptions. The first will be in September when the meeting is held on Tuesday following the Labor Day holiday. The second will be in November when Town Hall is used by the Dare County Board of Elections the day after a Council meeting and the meeting will then begin at 5:00 PM.

Monday, January 5, 2026

Monday, February 2, 2026

Monday, March 2, 2026

Monday April 6, 2026

Monday, May 4, 2026

Monday, June 1, 2026

Monday, July 6, 2026

Monday, August 3, 2026

Tuesday, September 8, 2026

Monday, October 5, 2026

Monday, November 2, 2026 (5:00 PM)

Monday, December 7, 2026

BE IT ALSO RESOLVED that the Town Council may hold recessed, special, or emergency meetings on other dates and times and when properly called and advertised.

Adopted this 3rd day of November 2025.

Lauren Fox Garrett, Town Clerk

D. Craig Garriss, Mayor



Town of Kitty Hawk

Post Office Box 554, 101 Veterans Memorial Dr
Kitty Hawk, North Carolina 27949
Ph: 252-261-3552 Fax 252-261-7900
www.kittyhawknc.gov

Mayor
Craig Garriss

Mayor Pro Tem
Jeff Pruitt

Councilman
David Hines

Councilman
Dylan Tillett

Councilwoman
Charlotte Walker

Town Manager
Melody Clopton

Town Clerk
Lauren Garrett

Town Attorney
Casey C. Varnell

Resolution in Opposition to Proposed Limits on the Landing of Blue Crabs by the Division of Marine Fisheries

WHEREAS, the National Oceanic and Atmospheric Administration Fisheries website notes that "Seafood harvesters are stewards of our ocean. Their livelihoods depend on healthy, thriving marine ecosystems. They have a unique knowledge of the ocean, which they pass on to their communities and down through generations. These harvesters are at the forefront of ensuring food security, providing jobs, and supporting the well-being of both the ocean they work in and the communities they feed." (<https://www.fisheries.noaa.gov/insight/faces-sustainable-seafood>); and

WHEREAS, the Town of Kitty Hawk prides itself on the rich heritage of life and community upon the waters and their bounty, with our community boasting of its historic fishing legacy over hundreds of years; and

WHEREAS, the Outer Banks and the coastal communities of North Carolina make a significant contribution to the state's commercial fishing industry, with blue crab landings playing an essential role in the coastal economy; and

WHEREAS, the Division of Marine Fisheries has recommended proposed Blue Crab landing regulations that include a 10-bushel trip limit for mature female crabs (June to December) and a prohibition on the harvest of mature female crabs (January to May), with all other blue crab management measures remaining in place; and

WHEREAS, based on the 2019-2023 average landings of Blue Crabs, the proposed regulations are anticipated to result in a 21.7% decrease, negatively impacting the seafood industry, including watermen and their families, seafood processors and their employees, and the overall economy; and

WHEREAS, the North Carolina Sea Grant found that North Carolina's wild and farmed shellfish industry contributed \$31.7 million to the state's economy in 2022 alone; and

WHEREAS, these proposed regulations would irreparably harm the state's seafood industry and ultimately, the Northeastern North Carolina's overall economy; now, therefore be it

RESOLVED, that the Town Council for the Town of Kitty Hawk opposes the proposed regulations by the Division of Marine Fisheries which will economically hurt working watermen and the seafood industry in Northeastern North Carolina; and

BE IT FURTHER RESOLVED, that the Town Council encourages the public to stand with the working watermen of North Carolina and contact the Division of Marine Fisheries to share its opposition to these proposed changes.

This 3rd day of November, 2025.

D. Craig Garriss, Mayor

SEAL

ATTEST:

Lauren Fox Garrett, Town Clerk



Town of Kitty Hawk

Post Office Box 554, 101 Veterans Memorial Dr
Kitty Hawk, North Carolina 27949
Ph: 252-261-3552 Fax 252-261-7900
www.kittyhawknc.gov

A Resolution in Support of Honoring Veterans by Participating in Operation Green Light November 4, 2025, through November 11, 2025

Mayor
Craig Garriss

Mayor Pro Tem
Jeff Pruitt

Councilman
David Hines

Councilman
Dylan Tillett

Councilwoman
Charlotte Walker

Town Manager
Melody Clopton

Town Clerk
Lauren Garrett

Town Attorney
Casey C. Varnell

WHEREAS, the Town of Kitty Hawk recognizes the necessity and value of a dedicated Veterans Services Officer whose role includes aiding and advocating for local veterans by helping them to navigate the complexities of veteran-specific benefits, resources and programs and ensuring they receive the benefits and assistance they deserve, and;

WHEREAS, the Dare County Board of Commissioners established the Dare County Veterans Advisory Council in respectful recognition of the service and sacrifice of all Dare County veterans as represented in all five branches of the United States military, and;

WHEREAS, members of the Dare County Veterans Advisory Council assist veterans by serving as a liaison with the community in coordinating services and activities that benefit local veterans and their families and solicit information and provide updates about activities honoring veterans in our community, and;

WHEREAS, the residents of Kitty Hawk have the utmost respect, appreciation and gratitude for all the men and women who have selflessly served our country and our community in the U.S. Armed Forces and believe these service members should be granted specific recognition, and;

WHEREAS, the contributions and sacrifices made by those who have served in the U.S. Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens, and Kitty Hawk seeks to honor these individuals who have made countless sacrifices for freedom by placing themselves in harm's way for the good of all, and;

WHEREAS, veterans continue to serve our community in various organizations such as the American Legion, Veterans of Foreign Wars, religious groups and community organizations, as well as through civil service and by volunteering at various community-based events, and;

WHEREAS, approximately 200,000 service members transition to civilian communities annually, and currently 42 percent of transitioning service members stationed on bases throughout North Carolina plan to stay in North Carolina upon their transition to civilian life, and;

WHEREAS, studies indicate that 44-72 percent of service members experience high levels of stress during transition from military to civilian life and that active military service members transitioning from military service are at a high risk for suicide during their first year after military service, and;

WHEREAS, more than 3,200 veterans who are currently residing within Dare County are receiving services provided by the U.S. Department of Veterans Affairs

(VA) that range from healthcare to assistance with filing claims, and;

WHEREAS, the National Association of Counties encourages all counties, parishes and boroughs to participate in Operation Green Light for Veterans by shining green lights throughout their communities to let local veterans know they are seen, appreciated and supported, and;

WHEREAS, the Town of Kitty Hawk participated in Operation Green Light for the first time in November 2023 and an array of government buildings were illuminated with green lighting to demonstrate the community's appreciation of and support for local veterans, and;

THEREFORE, BE IT RESOLVED, that having officially been designated a "Green Light for Veterans County". Dare County announces its upcoming participation in Operation Green Light 2025 and hereby declares November 4, 2025 through November 11, 2025 a time to salute and honor the service and sacrifices of our men and women in uniform, and;

THEREFORE, BE IT FURTHER RESOLVED, that in observance of Operation Green Light 2025, the Kitty Hawk Town Council encourages its citizens to recognize the importance of honoring all those who made immeasurable sacrifices to preserve our freedom by displaying green lights in a window of their place of business or residence from November 4, 2025, through November 11, 2025.

This the 4th day of November, 2025.

D. Craig Garriss, Mayor

SEAL

ATTEST:

Lauren Fox Garrett, Town Clerk



Town of Kitty Hawk

Post Office Box 554, 101 Veterans Memorial Dr
Kitty Hawk, North Carolina 27949
Ph: 252-261-3552 Fax 252-261-7900
www.kittyhawknc.gov

A Resolution in Support of the Town of Kitty Hawk's Application for Grant Funding for the Pedestrian Safety Improvement Project

Mayor
Craig Garriss

Mayor Pro Tem
Jeff Pruitt

Councilman
David Hines

Councilman
Dylan Tillett

Councilwoman
Charlotte Walker

Town Manager
Melody Clopton

Town Clerk
Lauren Garrett

Town Attorney
Casey C. Varnell

WHEREAS, the Town of Kitty Hawk is committed to ensuring the safety and well-being of all residents, visitors, and road users; and

WHEREAS, pedestrian safety has become an increasing concern in recent years, with growing traffic volumes and pedestrian activity; and

WHEREAS, the installation of flashing pedestrian crossing lights at key crosswalks has been shown to significantly enhance driver awareness and reduce pedestrian-related accidents; and

WHEREAS, the Town of Kitty Hawk seeks to undertake a Pedestrian Safety Improvement Project to install such lights at 7 of the busiest intersections, Byrd Street, Luke Street, E. Eckner Street, Bleriot Street, Lillian Street, Kitty Hawk Road, and the Kitty Hawk Bath House, thereby improving visibility and safety for all pedestrians; and

WHEREAS, the Town intends to apply for financial assistance through the NCDOT Pedestrian Safety Call for Projects to help fund the design and installation of these safety enhancements; and

WHEREAS, the Kitty Hawk Town Council recognizes that the success of this project will contribute to a safer, more walkable, and more connected community for all residents.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Kitty Hawk, by a majority vote, hereby expresses its full support for the Town's application for grant funding for the Pedestrian Safety Improvement Project; and

BE IT FURTHER RESOLVED, that the Town Council authorizes the Public Works Director to submit all required application materials and to take all necessary actions to secure such funding; and

BE IT FURTHER RESOLVED, that the Town Council reaffirms its commitment to enhancing pedestrian safety and mobility through the implementation of infrastructure improvements such as flashing pedestrian crossing lights.

This 3rd day of November 2025.

D. Craig Garriss, Mayor

SEAL

ATTEST:

Lauren Fox Garrett, Town Clerk

Date: November 3, 2025

Submitted By: Melody Clopton

Subject: Revised Travel and Expense Policy

The Town of Kitty Hawk's updated Travel Policy reflects the need to align procedures with current operational practices, IRS and GSA standards, and modern administrative expectations. The changes strengthen consistency, accountability, and compliance in managing travel-related expenses across departments.

Key reasons for revision include:

1. **Clarifying Approval Authority:** Updates define clearer lines of approval for travel at all levels—employees, department heads, and Town Officials—ensuring oversight and accountability.
2. **Expanded Guidance on Meal and Per Diem Eligibility:** The new section outlines eligibility thresholds, examples, and a detailed chart following federal per diem standards. These additions improve transparency and fairness while preventing misuse.
3. **Standardization of Reimbursement Procedures:** The revised language specifies timeframes for travel report submission, documentation requirements, and conditions for reimbursement or denial.
4. **Improved Financial Controls:** Revisions emphasize prepayment by Town credit cards, the limited use of personal funds, and procedures for cancellations and refunds to safeguard public resources.
5. **Compliance and Fair Labor Standards:** Clearer references to the Fair Labor Standards Act ensure consistent compensation for travel time and compliance with federal guidelines.
6. **Added Clarity and Flexibility:** New text allows exceptions and pre-approvals in special circumstances (e.g., travel companions, extended travel for cost savings), providing flexibility while maintaining fiscal discipline.

Overall, the updated policy modernizes the Town's approach to travel management—balancing efficiency, fairness, and stewardship of taxpayer funds—while ensuring all Town Officials and employees have a consistent understanding of their responsibilities when traveling on official business.

Recommended Motion:

Approval of the consent agenda will approve the updates to this policy highlighted in red.

DRAFT

*RED TEXT IS NEW OR EDITED FROM
ORIGINAL POLICY*



Travel and Expense Policy

Last Revised: 01/01/2025

Latest Revision: 11/03/2025 (Council Review)

Purpose

The Town of Kitty Hawk recognizes that Town Officials and employees are required to travel for the purpose of representing the Town at meetings and professional associations, as well as for training to enhance their skills regarding the performance of their various positions within Town government. The quality of life for the citizens of Kitty Hawk is improved by having informed and educated Town Officials and employees, and the expense of such training, including the associated travel, is an appropriate expense for the Town to bear.

The purpose of this policy is to establish guidelines for the payment and reimbursement of travel expenses incurred by Town Officials and employees in the performance of their official functions with the Town of Kitty Hawk.

Anyone found in violation of this policy, whether in part or in whole, may be required to reimburse the Town for all funds paid and reimbursement requests may be denied.

Applicability

This policy shall apply to all Town Officials and employees. For this policy, "Town Official" shall be defined as any elected official, member of a board, or committee appointed by the Kitty Hawk Town Council, the Town Manager, or the Town Attorney.

Travel Approval

The Department Head shall have the authority to approve employee travel requests. The Town Manager shall approve Department Head travel requests. The Town Council shall have the authority to approve requests made by **elected and appointed** Town Officials. Exceptions may be approved by the **Town Manager, Department Director or Finance Officer** when travel circumstances warrant.

Credit Cards

Whenever possible, all expenses related to travel shall be pre-paid using a Town credit card. If it is not possible to pre-pay certain costs, the Town Official or employee is encouraged to use the Town credit card whenever possible, except for meals.

DRAFT

*RED TEXT IS NEW OR EDITED FROM
ORIGINAL POLICY*



Compensation for Travel Time

The Town follows the guidelines set forth by the Fair Labor Standards Act for calculating compensable travel time for non-exempt employees who are traveling to or from an event to conduct official Town business.

Employees' compensation for travel time is for the actual time spent traveling the most direct route. Time spent leaving earlier than necessary, taking the "scenic route" or sightseeing, etc, is not compensable.

Per Diem Meal Eligibility

Town Officials' and employees' meal reimbursement and incidental expense (M&IE) reimbursements will be based on the current IRS per diem schedule per GSA (General Services Administration) Section §301-11.1B. No reimbursements will be given for any amount over the IRS rate unless pre-approved by the Town Manager or Town Council.

Meal reimbursements shall be limited to approved or required training, conferences, and meetings that are outside of normal daily duties. Meal reimbursements for full-day travel will be given up to the daily limit of the M&IE schedule. Town Officials and employees may receive meal reimbursements for partial day travel based on the M&IE breakdown and according to the following schedule:

(Tips, vending machines, and snacks are included in the per diem meal allowance rate and are not reimbursable.)

Meals provided with conference registration are not reimbursable.

Meal per diem is provided only when an employee is **traveling on official business and incurs meal expenses** due to being **away from their regular work location** for a qualifying period of time.

Employees are eligible for a meal per diem when:

- Travel requires an **overnight stay**, or
- The employee is **away from their official duty station for 12 hours or more**, and
- Travel is **approved in advance** by a supervisor or department head.

DRAFT

**RED TEXT IS NEW OR EDITED FROM
ORIGINAL POLICY**



Meal per diem is **not granted** when:

- The travel occurs entirely within the employee's **normal work area**, or
- Meals are **provided by the event**, hotel, or host organization, or
- The employee returns home **the same day** without an overnight stay.
- Per diem will not be approved for **personal days** taken during travel.

The total daily per diem covers **breakfast, lunch, and dinner**.

When travel covers only part of a day, reimbursement is prorated:

Breakfast: eligible if travel begins before 6:00 a.m.

Lunch: eligible if travel occurs between 10:00 a.m. – 2:00 p.m.

Dinner: eligible if you return after 7:00 p.m.

Lunch per diem is excluded from long same-day trips, as an employee can eat a normal meal during their regular work hours.

Examples:

- If an employee departs at 7:30 a.m. and returns at 5:00 p.m., **no meal per diem** is granted (day travel without overnight stay).
- If the employee departs at 5:00 a.m. and returns at 8:00 p.m., **breakfast and dinner per diem** may be granted.

Meal Per Diem Eligibility Chart

Meal	Eligibility Criteria (Typical Standard)	Example Scenarios	Per Diem Granted?
Breakfast	Employee departs before 6:00 a.m. on official business travel.	Leaves home at 5:00 a.m. for an out-of-town meeting.	<input checked="" type="checkbox"/> Yes
Lunch	Not granted unless travel includes an overnight stay . Generally considered part of a normal workday meal.	Departs at 7:30 a.m., returns 5:00 p.m. (same day).	<input checked="" type="checkbox"/> No
Dinner	Employee returns after 7:00 p.m. due to official travel.	Returns from out-of-town training at 8:30 p.m.	<input checked="" type="checkbox"/> Yes

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Meal	Eligibility Criteria (Typical Standard)	Example Scenarios	Per Diem Granted?
Overnight Travel (Full Day)	Per diem covers all three meals (breakfast, lunch, dinner).	Two-day conference requiring overnight stay.	<input checked="" type="checkbox"/> Yes (Full)
Same-Day Travel (Less than 12 hours)	Typically no per diem — considered part of regular workday.	Attends 9:00 a.m.–4:00 p.m. training in nearby city.	<input checked="" type="checkbox"/> No
Extended Same-Day Travel (12+ hours)	Partial per diem is allowed (breakfast/dinner only) if early departure or late return.	Leaves 5:00 a.m., returns 8:00 p.m.	<input checked="" type="checkbox"/> Partial (B/D)

Lodging

Lodging necessary to accommodate overnight travel is appropriately reimbursable to the traveler when approved. All Lodging costs will be reviewed and approved by supervision before final booking.

If lodging is not available at the conference hotel, an amount up to the cost of lodging in the conference hotel is typically authorized. The Town will only pay the lesser amount authorized or the expense incurred.

~~If travel incurred does not require an overnight stay, meal reimbursement is deemed taxable by IRS guidelines and will be taxable through the Town's payroll system.~~

Travel Companions

- a. Payment of travel and subsistence expenses of attendants for physically challenged Town Officials or employees while traveling on Town business may be reimbursed to the same extent as other individuals covered by this policy if prior approval is obtained from the Town Manager or Town Council.
- ~~b. Spouses, family members, or other guests may travel with Town Officials or employees to seminars, meetings, and other gatherings at their own expense. At functions where attendance by a spouse or companion is appropriate, such as banquets held in conjunction with conferences, the Town will reimburse the actual costs of the individual attending with the Town Official or employee, exclusive of travel expenses by common carrier.~~

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Automotive Travel

- a. Whenever possible, Town vehicles should be used for travel by employees. If a Town vehicle is unavailable, the employee's private vehicle may be used with the permission of the Town Manager. When a private vehicle is used for town-related business, mileage will be reimbursed at the federal allowable rate.
- b. Employees assigned a Town vehicle shall use their Town vehicle whenever automotive travel is required. When using a Town-owned vehicle for travel, no mileage will be reimbursed to the employee.
- c. When automotive travel is required by elected or appointed Town Officials, the Town Official shall use their private vehicle for the travel and shall be reimbursed for mileage by the Town at the current federal allowable rate.
- d. Town Officials and employees attending the same event should arrange carpools whenever possible. In the event of carpooling to an event, only one reimbursement for mileage will occur.
- e. Reasonable parking fees, tolls, taxi charges, car rentals, and expenses of a similar nature, when appropriate to the travel, are reimbursable to the Town Official or employee upon submission of appropriate documentation of the same.
- f. Individuals other than Town Officials or other employees may not accompany an employee in Town-owned vehicles unless they have a business interest in the purpose of the trip and their presence is related to Town business.

Air and Rail Travel

Reimbursement for air or rail is limited to business or coach fare, substantiated by a receipt. Supervisors must approve the cost of all coach-class air flights before final booking to ensure the most economical fares are booked and it is aligned with the departmental budget.

When traveling by common carrier to conduct Town business, Town Officials or employees traveling to their destination earlier than necessary and/or delaying their return to avail the Town of reduced transportation rates may be reimbursed for meals and lodging for the additional travel days if the amount saved due to the early and/or delayed travel is greater than the amount expended in additional costs of meals and lodging. Town employees shall obtain permission from their Department Head before making plans to travel early or extend travel to ensure maximum productivity.

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Trip Cancellation

When a Town Official or employee cancels an approved trip and the Town has paid registration, lodging, or other related fees, the Town Official or employee shall be responsible for obtaining refunds for canceling hotel reservations.

If refunds cannot be obtained, the Town Official or employee must submit a letter of explanation to the Town Manager or Town Council and may request that the reimbursement to the Town by the Town Official or employee be waived.

Submission of Travel Expense Report

Travel authorization and approval must be granted prior to travel.

A travel expense report must be completed within 10 days of returning to receive reimbursement. The travel expense report should include a copy of the event agenda, a summary of the meeting or course, an official mileage statement **from work location to destination, and travel time calculated using MapQuest or Google Maps.**

Once the travel expense report is approved and submitted, Finance will reimburse the employee for travel-related expenses.

It is the Town's practice to provide reimbursement upon completion of travel and submittal of proper documentation.

The Town will not provide Travel advances. If there are exceptional circumstances requiring an advance the Town Manager must approve.

Agenda Item 6I

Date: November 3, 2025

Submitted By: Melody Clopton

Subject: Draft Fleet Management Policy

Background:

The Town's operations rely heavily on the safe, efficient, and cost-effective use of vehicles and equipment to deliver essential public services. A formal **Fleet Management Policy** is necessary to establish consistent standards for the operation, maintenance, procurement, and replacement of Town vehicles and movable equipment.

Without clear guidance, there is an increased risk of vehicle misuse, inconsistent maintenance practices, budget inefficiencies, and safety hazards. This policy ensures that all Town employees understand their responsibilities in operating municipal vehicles, that the Town's investment in its fleet is properly safeguarded through preventative maintenance and timely replacement, and that procurement and disposal processes are transparent and fiscally responsible.

By implementing this policy, the Town promotes accountability, sustainability, and operational readiness across all departments that depend on vehicles and equipment to perform municipal work.

Recommended Motion:

I recommend a motion to approve _____ the Fleet Management Policy. .

Fleet Management Policy

Purpose

To establish a uniform comprehensive policy and criteria for operation, purchase, assignment, use and administrative control of vehicles owned by, titled to, leased, rented, or otherwise controlled by the Town of Kitty Hawk.

To provide necessary information to ensure adequate and safe transportation for official business in the most cost-effective and service-efficient manner possible.

Within this document, procedures and practices are provided to guide the use, operation, maintenance, and replacement of Town vehicles and equipment.

Guidance is provided for:

- 1. Operational Guidelines and Requirements for Operating Town Vehicles**

The operation of Town vehicles and movable equipment is essential for carrying out municipal work. Rules and expectations for employees on how to properly use Town vehicles and equipment are provided.

- 2. Procurement & Replacement**

Details are provided regarding the mechanics of using, calculating, and accounting for vehicle and equipment replacement, as well as the process for procuring replacements and disposing of vehicles.

- 3. Maintenance Management**

Outlines the responsibility and procedure for preventive maintenance and repair of the Town's fleet, fleet service charges, fuel charges, preventative maintenance schedules, and vehicle inventory and condition.

General Policy-Standards

- Vehicles and vehicular equipment will be used only for official purposes. "Official purposes" is defined to mean, "conducting Town business only" unless otherwise authorized by this policy.
- Departments are responsible for assigned vehicles and must establish internal controls to monitor the dispatch, utilization, and disposal of vehicles.
- All Town-owned vehicles and drivers must comply with all Federal, State, Local government highway and vehicle operation laws. As well as the standards outlined in this policy.

- d. Purchases of new vehicles are part of annual budget review and approval processes. This includes vehicles purchased with grant funds.
- e. Vehicles and vehicular equipment must adhere to the standards which the Town has established for each type and class of vehicle.
- f. Departments that make vehicle purchases through Town purchasing channels must adhere to the Town's adopted Policy for replacements, operation, and maintenance.
- g. Bid specifications should include performance and design criteria rather than specific brand names, which may serve to limit competition.
- h. Only the most economical vehicles shall be acquired to fulfill functions not met by other resources unless approved for special needs by the Town Council.
- i. Vehicle asset numbers will be assigned and maintained by the Finance Department upon delivery of new vehicles and tracked in the Asset Management system.
- j. The Finance Department maintains vehicle titles.
- k. Each department should charge maintenance, repairs and fuel charges to the designated expense GL accounts.

Operation of Town Vehicles and Equipment

The operation of Town vehicles or any moveable Town equipment on the roadways and streets is indispensable in conducting Town business, and a loss of any vehicle due to an accident and/or abuse will affect the overall mission capability of the Town. This section provides employee guidelines for the use of Town equipment/vehicles. The Town will verify driving records of all employees upon employment and annually thereafter.

- **Compliance with Federal, State and Local Laws/Town Policies** - All drivers of Town vehicles, and those using their personal vehicle in pursuit of Town business, shall comply with all applicable Federal, State, and Local laws. All Town drivers should stay informed about any changes in State law and Town policies regarding driving, such as seat belt requirements.
- **Passengers** - Any vehicle that is covered under the Town's insurance policy shall be used exclusively for Town business. The transportation of private citizens who are not employees, contractors, clients, or otherwise involved in the execution of company business is generally prohibited. This includes, but is not limited to, friends, family members, and significant others. Each employee should use professional discretion when transporting individuals in need of assistance based on the situation, the individual needing transported and the distance they need to be transported.
- **Driving While Impaired** - No person shall drive or be permitted to drive a Town-owned vehicle while under the influence of any alcoholic beverage or narcotic drug. Employees who are taking prescription drugs that may cause drowsiness or may affect the safety of

the employee or others shall receive authorization from their Department Head before operating equipment or driving a vehicle while on duty with the Town. Employees are strictly prohibited from transporting alcohol or drugs in town-owned vehicles, unless they are authorized law enforcement personnel doing so as part of their official law enforcement duty, in accordance with established protocols and procedures.

- **Accountability for Actions** - Since all Town drivers are working for the public, they should remember that the public is observing them and they will be held accountable for their actions. Town vehicles are easily identified as such, and thus they constitute a direct reflection upon the Town. By demonstrating courteous and considerate driving habits and the safe operation of town vehicles, employees can reflect favorably upon the Town and build good public relations. Therefore, employees should always make every effort to avoid incidents by applying the principles of defensive driving to prevent accidents and avoid endangering residents and visitors.

Termination of Employment and Abused Vehicles

When an assigned operator resigns, a complete inspection of the assigned vehicle must be conducted by the Department Head or designee. Vehicle conditions and damages need to be documented as part of off boarding. Each department may have a separate vehicle assignment policy to follow.

Vehicle Inventory Control

All vehicles owned and titled by the Town must be accounted for on a vehicle roster known as the Fixed Asset Inventory, which the Finance Department maintains. Upon acceptance of vehicles through any of the five (5) methods of acquisition, department heads will submit all documents related to the vehicle, specifying the acquisition method, to the Finance Department for purposes of recording in the fixed asset inventory and insuring vehicle.

Vehicle Identification

1. Governmental License Plates

Vehicles owned and titled to the Town must display a valid government license plate. The only exception is vehicles involved in undercover law enforcement operations. Lost or stolen license plates must be reported to the Finance Department immediately, to ensure timely replacement.

If a vehicle license plate is lost or stolen, the Police must be notified. Town license plates must not be removed or exchanged for any reasons except for the purposes of vehicle surplus or sale. Governmental marked license plates are valid until the state issues a new base license plate. All non-government tags must be renewed annually. Individual departments currently handle all such arrangements.

2. Stickers/Specialty License Plates

No vehicle shall have any unauthorized markings, identification, sticker, or signs attached to it that include the name(s) of Town Officials or employees. The Town Manager must approve any sticker or identification.

3. Town Seals

Vehicles owned and titled to the Town are required to display a Town of Kitty Hawk seal, Fire Department Seal, or Police Department Seal in a conspicuous location. The only exception is vehicles involved in undercover law enforcement operations.

Any changes to departmental vehicle markings must be pre-approved by the Town Manager.

4. Vehicle Color

White is the standard color for Town general-purpose vehicles. Other colors can be considered acceptable but must be approved in advance with the Town Manager.

Vehicle Procurement/Replacement

Safety, dependability, and reliability are key factors to consider when determining if a vehicle replacement is necessary. Several other factors could influence a vehicle's life cycle.

- Service life is the amount of time a vehicle is capable of rendering service. The service life of a vehicle may be quite lengthy if it receives adequate maintenance. There is, however, a fatigue point for mechanical parts and structures that must be considered to ensure safety is not compromised.
- Technological life is the relative decline in productivity of a unit when compared to a newer model. Technological advancements affect fuel usage and greenhouse gas emissions.
- Economic life is the length of time that a vehicle's cost is at a minimum. As the age and mileage of a vehicle increases the maintenance and operating costs increase.

The following chart will serve as the basis for an economic and mechanical inspection to determine a replacement cycle or schedule. This chart was developed using historical maintenance data compiled from fleet management maintenance records and feedback from department heads.

The Replacement policy was reviewed and approved as part of Budget and CIP approval in FY 2025-2026 by the Town Council. High-cost vehicles such as specialized trucks or Fire Apparatus may be retained for additional life as a reserve unit but must be evaluated annually.

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Vehicle Type	Mileage	Years
Police Vehicles	80,000 miles and or	8 yrs
Fire Engines	100,000 miles and or	25 yrs
Fire Ladder	100,000 miles and or	25 yrs
Fire/Ocean Rescue Trucks	80,000 miles and or	8 yrs
Fire/Ocean Rescue SUV	80,000 miles and or	8 yrs
Specialty Vehicles		7 yrs
Public Works Trucks	80,000 miles and or	8 yrs
Planning Department Truck	80,000 miles and or	8 yrs
Administrative Department SUV	80,000 miles and or	8 yrs
Dump Truck (Diesel)	200,000 miles and or	12 yrs
Grappel Truck (Diesel)	200,000 miles and or	12 yrs
Hurricane Pumps	3,500 hours	
Backhoe	5,000 hours	15 yrs
Sweeper tractor	3,500 hours	

The life of vehicles and equipment not included in the above chart will be based on the recommendations of manufacturers and user groups for that type of equipment. Additionally, life will be adjusted based on the historical operating costs of specific vehicles.

Replacement Selection

The replacement of economically obsolete or inoperable vehicles is necessary to provide and maintain a safe, efficient, reliable, and operable fleet.

Replacement criteria are established to serve as a general guideline of the entire vehicle fleet. Each vehicle should be evaluated individually based on factors such as maintenance cost, age, condition, downtime, and severity of use. Additionally, considering when it is no longer cost-effective to maintain a vehicle, it is in the best interest of the Town to dispose of it, regardless of its age or mileage.

Although established replacement criteria may determine eligibility for vehicle replacement, this does not express or imply that eligible vehicles will be replaced.

Replacement Schedule

1. Vehicle Equipment Replacement Guidelines

- a. Year of Vehicle
- b. Mileage
- c. General Overall Condition – This category takes into consideration body condition, rust, interior condition, repairs, etc.
- d. Reliability of Vehicle – Vehicles that are in the shop two or more times a month, on average, excluding routine maintenance, should be given priority for replacement.
- e. Total repair/ Maintenance Cost – this includes all maintenance and repair costs, minus any fees associated with accident repairs.

As part of the budget process, a prioritized list will be developed in accordance with the guidelines outlined in this policy. The prioritized list will be shared with the relevant departments to determine the appropriate replacement schedule, as well as the proper vehicle type and total vehicle inventory. Once finalized, this list will be shared with Town Council at the budget meeting as part of the CIP and Budget proposal.

Exception

Department heads may request an exception to the replacement schedule and guidelines if excessive repairs are necessary for the vehicle. The vehicle needing repair may be moved to the first replacement slot based on evaluation of repair costs and book value. Such a change must be documented in writing to the finance department and presented to the Town Council for approval.

2. Reserve Payment Calculations

When preparing for vehicle upgrades, department heads should utilize the capital improvement plan in planning future replacements and strive to set aside funds in a capital reserve for upcoming purchases.

3. Vehicle Specification

Recommended NC state specifications will be used as standards for establishing vehicle requirements. Workload levels and performance measures should be considered in evaluating equipment specifications.

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The following types of vehicles are suggested for replacement:

Category	Use	Size/Type (Suggested)
Law Enforcement Public Safety Fire Department	Patrol	Mix - Sedan, Full Size Pursuit Patrol, or 2 Door Coupe, Motorcycle, Truck or SUV
	Beach Patrol	ATV, side by side
	Unmarked (Investigative)	Sedan, Intermediate, or SUV
	Emergency Response, Emergency Preparedness	Truck, Pickup, ¾ ton or smaller; Utility, Intermediate or Full Size (4 Wheel Drive)
	Crime Prevention	Van, Truck / Pick-up/ SUV
Technical Uses	Inspections – Codes and Zoning, Site Construction	Sedan, Intermediate; Truck, Pickup, ½ ton, (4 Wheel drive & Extended Cab)
	Public Works	Truck, Pickup ¾ ton or smaller, Crew Cab, Flatbeds and Small Dumps, (4 Wheel Drive), Service Bodies
Administrative	Administrative Uses	Sedan, Full or Intermediate; SUV

Requests for exceptions, accompanied by appropriate justification, should be made through the Finance Department, the Town Manager, and the Town Council.

Vehicle Acquisition

The Town of Kitty Hawk may come into possession of vehicles in five (5) ways:

1. Direct Purchase

Most vehicles will enter the Town system by procurement means. All vehicles shall be purchased in coordination with the Finance Department. The Procurement Officer shall adhere to the Town's Purchasing Policies and Procedures. All new vehicles shall be delivered to the appropriate department by the vendor for inspection and acceptance purposes.

2. Donation

The Town may accept title to, and possession of motor vehicles donated for Town use and pay such costs as are reasonable and necessary for maintenance, protection, and operation of such vehicles. Vehicles are subject to all applicable vehicle and property regulations. No vehicles will be accepted that may restrict use, assignment, or disposition

or have existing liens in force upon them. Vehicles donated under a grant program should follow the vehicle use guidelines established by that grant.

3. Transfer

Once owned by the Town, appropriately titled and identified, vehicles may be transferred by administrative agreement from one functional area to another. Department heads in applicable departments will communicate transfers to the Finance Department for inventory control purposes through established procedures for fixed asset transfers.

4. Rental/Lease

Vehicle rental or leasing is permissible but not recommended on a long-term basis, except by authorization of the Town Manager. Circumstances under which a vehicle may be rented or leased:

- a. No assigned, available, or operable Town-owned vehicle available for the intended use.
- b. For out-of-town use when a Town-owned vehicle is not assigned, available, or suitable.
- c. For in-town use when a Town-owned vehicle is not assigned, available, or operable.
- d. For short-term, specialized service delivery where purchase is not feasible.
- e. For other reasons, determined appropriately by the Town Manager.

5. Condemnation

Vehicles may enter the Town's fleet via condemnation actions of the Courts. Vehicles, which are condemned by the Courts, shall not be utilized until a clear title is transferred to the Town of Kitty Hawk.

Upon receipt of clear title, such vehicle(s) shall be delivered to the Town Hall and will be assigned, operated, and maintained according to this Policy and Procedures. The Finance Department should be notified when the Town has received clear title to any vehicle acquired through condemnation so the vehicle may be appropriately included in the Town's fixed assets record.

Vehicle Disposal

This policy serves as guidelines for cost-effective vehicle replacement cycles. Other factors, such as available funding or vehicle service level agreements, may influence replacements. Increases in public health and safety measures requiring additional vehicles or equipment will also influence vehicle replacement schedules. In these cases, a vehicle may need to be retained past

its life cycle; however, these vehicles must be relinquished at the first opportunity to reduce operating costs and allow on-time delivery of town services.

The Town will list replaced vehicles to be advertised and sold on a government auction site. There are times when a vehicle can be reassigned to another department with Town Manager approval or sold at a reduced cost to another Town entity with Town Council approval.

Preventive Maintenance Schedules

Individual departments are responsible for ensuring that all vehicles are serviced according to schedule. It is the responsibility of the vehicle user to schedule appropriate preventative maintenance. If the user cannot schedule service, they should seek assistance from the supervisor.

Preventive maintenance schedules have been developed for oil changes, lubrication, brake service, and the cooling system as recommended by the manufacturer.

The manufacturer's suggested maintenance and service schedule should be the minimum level of service and maintenance for town-owned vehicles.

All vehicles should be inspected annually by a certified North Carolina state Vehicle Inspector.

MINIMUM VEHICLE AND EQUIPMENT PREVENTIVE MAINTENANCE STANDARDS

1. General Condition

- All vehicles must be safe, clean, and fully operational.
- No visible body damage, rust, or missing components.
- Paint, decals, and interiors should be maintained in good appearance consistent with a positive Town image.

2. Mechanical & Safety Requirements

- Vehicles must pass annual safety inspections and meet North Carolina vehicle standards.
- All systems—brakes, steering, tires, suspension, and exhaust—must operate properly.
- Tires must have at least 4/32 inch tread at assignment and not fall below 2/32 inch before replacement.
- Safety equipment (seat belts, airbags, mirrors, emergency kits) must be present and functional.

3. Lighting System Standards

- All exterior and interior lights must be fully operational at all times.
 - Headlights: Both low and high beams must function and be properly aligned.
 - Tail lights & brake lights: Must illuminate clearly and immediately upon braking.
 - Turn signals & hazard lights: Must flash consistently and visibly from all directions.
 - Reverse lights: Required to operate when in reverse gear.
 - Marker and clearance lights (for larger vehicles): Must be functional and compliant with DOT standards.
- Lighting lenses should be clear, unbroken, and free of moisture or dirt.
- All vehicles should undergo monthly lighting inspections and have any burned-out bulbs replaced immediately.

4. Maintenance Standards

- Must follow the manufacturer's recommended service schedule.
- Regular checks of oil, coolant, brake, and transmission fluids.
- Preventive maintenance logs must be updated after every service by the Fleet Manager for each department..
- Any defect or malfunction must be reported within 72 hours and repaired as soon as possible.

5. Operational Standards

- Vehicles should be monitored for mileage, fuel efficiency, and downtime.
- Drivers must complete pre-trip inspections, including lights and safety checks.
- Vehicles nearing end-of-life or high repair cost thresholds must be evaluated for replacement.

6. Cleanliness & Presentation

- Vehicle interiors and exteriors must be kept clean at all times.
- No unauthorized modifications or personal items.
- All decals, license plates, and unit identifiers must be visible and compliant.

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MEMORANDUM

TO: Mayor Garriss and Members of the Town Council
FROM: Rob Testerman, AICP, CFM, CZO, Director of Planning & Inspections
DATE: October 6, 2025
RE: Text Amendment: Variances

Attachment- §160D-705

Proposal

Sec. 42-74.- Variances

(a) When unnecessary hardships would result from carrying out the strict letter of this chapter, the board of adjustment shall vary any of the provisions upon a showing of the following:

- (1) Unnecessary hardship would result from the strict application of the ~~ordinance~~ **regulation**. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. **A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.**
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify **the** granting of a variance ~~shall is not be regarded as~~ a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ~~ordinance~~ **regulation**, such that public safety is secured and substantial justice is achieved.
- ~~(5) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.~~

(b) Notice of the public hearing shall be posted on the subject property at least ten days, but not more than 25 days, in advance of public hearing at which the board is to consider the variance. Notice of the public hearing must be mailed to the person or entity whose application is the subject of the hearing; to the owner of the property that is subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land adjoining the property that is subject of the hearing; and to any other persons entitled to receive notice at least ten days, but not more than 25 days, prior to the hearing for any variance. For the purpose of

applying this standard, an adjoining property is deemed to be any parcel that abuts the subject property or is located directly across a public right-of-way from the subject property. In the absence of evidence to the contrary, the town may rely on Dare County tax listings to determine owners of the property entitled to mailed notice.

(c) Voting on variances. A concurring vote of four-fifths of the board members shall be required to grant a variance. The board may grant the variance as requested, deny the variance, or grant the variance with conditions.

(1) The board of adjustment may impose appropriate conditions on any variance, provided the conditions are reasonably related to the variance.

(2) A violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be a violation of this chapter.

(d) Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in the district.

Background & Analysis

The Town's current ordinance requires that, in order to grant a variance, the Board of Adjustment must find that *no reasonable use* of the land, building, or structure is possible without the variance. This standard is more stringent than what is now permitted under state law. Current state statutes clarify that an unnecessary hardship may be demonstrated even if some reasonable use of the property exists without the variance.

In addition, §160D-705 specifies that variances may be granted to provide reasonable accommodations as required by federal or state law, including the Fair Housing Act and the Americans with Disabilities Act.

Issue

The Town's ordinance contains a requirement that is inconsistent with current state law and, therefore, unenforceable. It also does not reflect the statutory allowance for variances that provide reasonable accommodations.

Proposed Solution

Staff recommends the following amendments to Section 42-74 of the Town Code:

1. Amend Subsection 42-74(a)(2) to include the new language consistent with N.C.G.S. §160D-705(d).
2. Remove Subsection 42-74(a)(5), which contains the outdated "no reasonable use" requirement.

3. Make minor grammatical edits and replace the term “ordinance” with “regulation” where applicable.

These changes will bring the Town’s variance provisions into alignment with state statutes.

CAMA Land Use Plan

The Land Use Plan does not include specific policies or goals addressing this matter. However, the proposed amendments are consistent with the Plan’s intent by ensuring the Town’s regulations are compliant with state law.

Planning Board Recommendation

At its September 18, 2025 meeting the Planning Board unanimously recommended approval of the proposed text amendment.

Town Council Recommended Action

Action by the Town Council may include approval, denial, approval with modifications or tabling of the proposed text amendment.

If **approval** of the proposed text amendment is sought, then the following motion can be used:

“I move to approve the proposed text amendments to Section 42-74. Town Council has found this proposal to be consistent with the Town’s adopted land use plan.”

Should Council wish to **deny** the proposed text amendment, the following motion could be used:

“I move to deny the proposed text amendment to Section 42-74. Town Council finds that the proposal is inconsistent with the Town’s adopted land use plan.”

Attachment 1

§ 160D-705. Quasi-judicial zoning decisions.

(d) Variances. – When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 17, 50(b), 51(a), (b), (d).)

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MEMORANDUM

TO: Mayor Garriss and Members of the Town Council
FROM: Rob Testerman, AICP, CFM, CZO
DATE: November 3, 2025
RE: Commercial Site Plan: Gas Station – 5416 N Croatan Hwy

Attachments:

- Invest & Improve Character Area Description
- Construction Plans (Site plan is sheet CS101)
- Building Elevations
- Appraisal Report

*Note a full-sized set of plans and project narrative will be distributed for the hearing in December

Proposal

The applicant requests approval of a Special Use Permit (SUP) and commercial site plan to develop a gas station with an accompanying 4,173 sq. ft. convenience store at 5416 N. Croatan Highway. Gas stations are permitted in the BC-1 zoning district as a special use.

Background Information

The subject property is zoned General Beach Commercial (BC-1) and currently contains a vacant bank building.

Surrounding land uses include:

- **North (Southern Shores):** A bank and fast-food restaurant.
 - **West:** Carawan's Seafood (zoned BR-1).
 - **East:** Atlantic Union Bank (zoned BR-1).
 - **South:** Wal-Mart (zoned BC-3).
-

Staff Analysis

Lot Area:

- Site: 1.16 acres (50,527.5 sq. ft.).

Lot Coverage:

- Maximum: 60% (30,316.5 sq. ft.); up to 72% (36,379.8 sq. ft.) with permeable pavement.
- Proposed lot coverage physical area: 71.75% (36,305.87 sq. ft.).
 - Standard lot coverage: 30,291.9 sq ft (59.9%)
 - Permeable pavers: 5,960.4 sq ft (11.8%)

Building Height:

- Maximum: 35 feet.
- Proposed: 21' 9" to top of parapet, 32'5" to top of gable, 38'5" to top of cupola.
- Sec. 42-7(a) states specifically that cupolas are allowed to extend up to four feet above the maximum building height.
- Proposed heights are compliant.

Building Setbacks:

Requirement	Proposed	Required
Front	120 ft	15 ft
Rear	22 ft	20 ft
Side (W)	78 ft	10 ft
Side (E)	80 ft	10 ft

Additional requirements for gas stations per Sec. 42-250(b)(2):

- **Canopy:** Required 30 ft; proposed 40 ft.
- **Pumps:** Required 50 ft; proposed 52 ft.

Open Space:

- Required: 25%.
- Proposed: 28.25%.

Access:

The site has an existing right-in/right-out access point onto US 158, as well as two access points on the private road serving the adjacent commercial development to the south.

Parking:

- Requirement: 1 space per 350 sq. ft. GFA + employee spaces.
 - 4,710 sq. ft. GFA = 14 spaces + 6 employee spaces = 20 total required.
- Proposed: 33 spaces (including 2 ADA spaces). Compliant.

Buffers:

Not applicable; no adjacent residential zoning.

Waste Management:

A dumpster pad is proposed with three-sided enclosure walls and front gates.

Lighting:

Lighting plan has been submitted, appears to be compliant with requirements of 42-515

Signage:

Elevations indicate a freestanding sign consistent with ordinance requirements. Final review will occur through a separate administrative sign permit application (freestanding, canopy, and wall signage).

Wastewater Disposal:

The proposed development would tie in to the existing private wastewater system. The applicant has submitted an easement agreement indicating permission to do so. The project narrative indicates that the projected daily flow is 2,482 GPD, the capacity of the system, based on a 2017 study is 3,720 GPD.

Flood Zone:

The property is located in Flood Zone X. Town regulations require the lowest floor elevation at or above 8' NAVD. The topographic survey indicates that existing ground elevations will meet the flood elevation requirements.

Recommended Conditions of Approval

Prior to Issuance of a Building Permit:

- Submit copy of stormwater permit or other DEQ documentation.
 - Submit copies of wastewater permits or other related approvals.
-

Land Use Plan

This property is located in an area designated as an “Invest and Improve” character area. This designation is primarily in high traffic corridors, where levels of commercial or employment activity are greatest, or where conditions create the potential for higher intensity uses.

The following policies and objectives relevant to this application are stated in the CAMA Land Use Plan:

Policy 3.1: Manage land use and development to minimize primary and secondary impacts on resources and existing residents through standards for development.

Policy 3.2: Encourage commercial development at appropriate scales in areas zoned for commercial (BC and VC districts)

- Encourage larger scale commercial development to be along US 158

Policy 5.1: Utilize the future land use map, storm surge maps, flood exposure maps, wetlands assessments and projected sea level rise and flood vulnerability data when considering rezoning and development requests.

Special Use Findings

Per Section 42-100(b)8, to approve the application, the town council must make findings that the proposed special use:

- a. Does not materially endanger the public health or safety,
- b. Does meet all required conditions and specifications,
- c. Will not substantially injure the value of adjoining property or be a public nuisance, and
- d. Will be in harmony with the area in which it is located and be in general conformity with the comprehensive plan.

Planning Board Recommendation

The Planning Board will hear the proposal at its October 30 meeting, after the writing of this report. Their recommendation will be relayed to Council

Town Council Recommended Motion

"I move to set a public hearing at the Town Council meeting on December 1, 2025 to consider a special use permit application for a gas station located at 5416 N Croatan Hwy."

Directions to the Subject Property

(from Kitty Hawk Post Office, N. Croatan Highway & Kitty Hawk Road)

Drive approximately 3 miles north on N. Croatan Highway.

The subject property is located on the left side of the highway where the vacant Truist building currently sits.

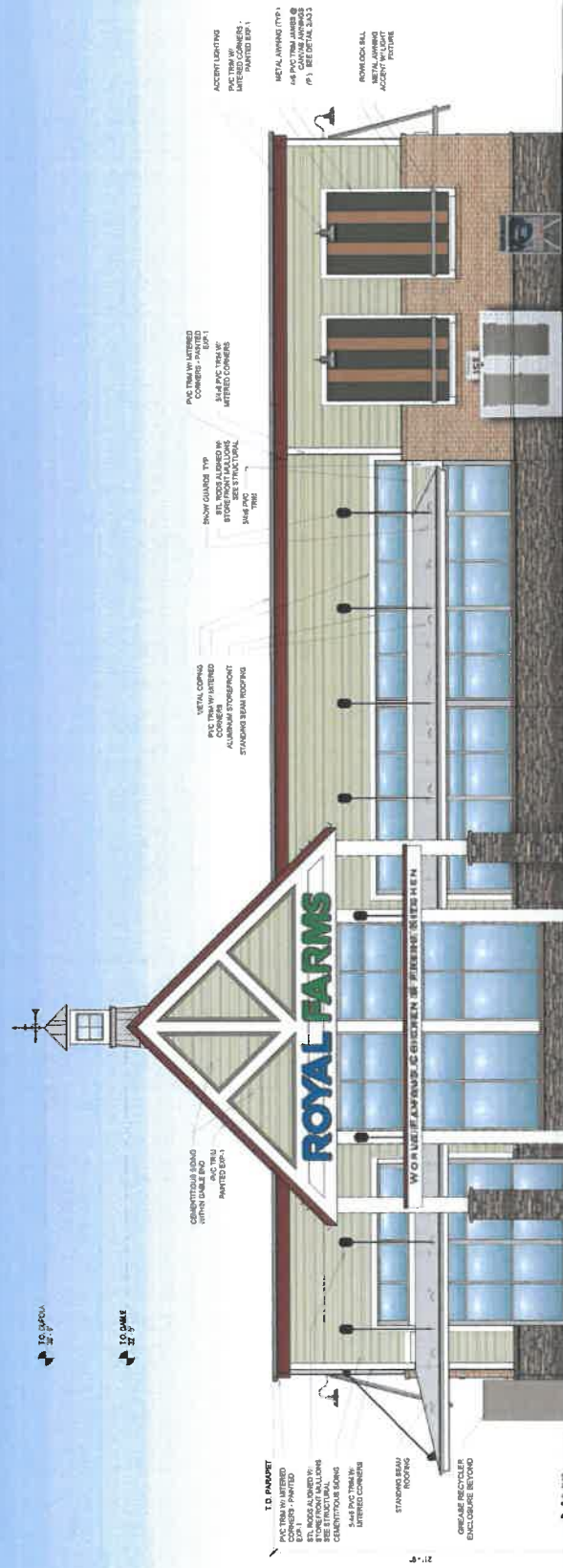
INVEST AND IMPROVE

This designation is for areas primarily in high traffic corridors, where commercial or employment activity already exists, or where conditions create the potential for higher intensity uses and development. Mostly this means existing commercial centers, but could also include offices or mixed-use development. A variety of residential uses may be appropriate in some areas. Areas where significant intensification is not desired are coded under a different designation. For instance, a legacy light industrial warehouse next to a residential home might not be a prime candidate for increasing the intensity of nonresidential activities, but a vacant parcel at a busy intersection on Hwy 158 would be a good candidate for commercial development.

TYPICAL USES

- » Commercial and office uses
- » Employment uses
- » Attached residential and resort uses





Front Elevation
1/4" = 1'-0"

ROYAL FARMS

ROYAL FARMS 549
PROPOSED ELEVATIONS
KITTY HAWK, NC



ROYAL FARMS 549
PROPOSED ELEVATIONS
KITTY HAWK, NC



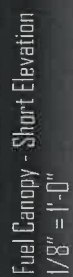
Rear Elevation
1/4" = 1'-0"

ROYAL FARMS

ROYAL FARMS 549
PROPOSED ELEVATIONS
KITTY HAWK, NC

RATCLIFFE
ARCHITECTS

10404 Stevenson Road
Stevensville, Maryland 21153

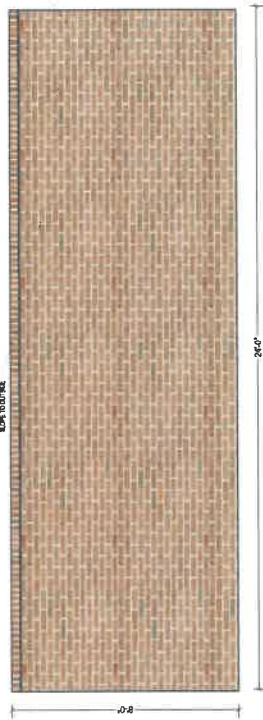


ENCLOSURE TOP, ALL SIDINGS
WALLS 1/2" STEEL POSTS
ENCLOSURE MEDIAN
ENCLOSURE 1/2"



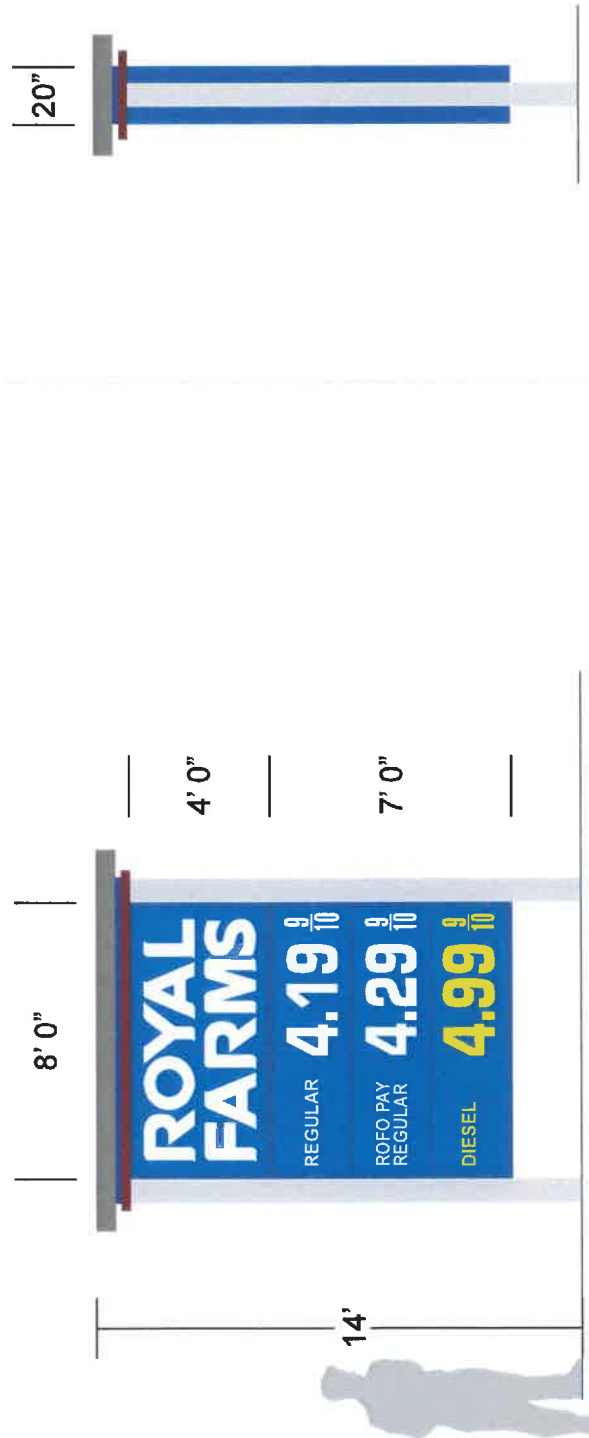
Dumpster Enclosure - Front Elevation
1/2" = 1'-0"

MINI LOC CAPSULED ROOFING
WALLS 1/2" STEEL POSTS
ENCLOSURE MEDIAN
ENCLOSURE 1/2"



Dumpster Enclosure - Rear Elevation
1/2" = 1'-0"

FIELD PHOTO OF EXISTING BUILDING



Front Elevation
Scale 3/16" = 1'

Side Elevation

ROYAL FARMS RF 549 Kitty Hawk, NC.	Overall Height	Qty	Number of Grades	Numeral Size	Drawing prepared by Absolute Signs & Neon 6/17/25
	14'	1	3	18"	
	Total Square Footage 88.0	Royal Farms Approved <input type="checkbox"/>	Permit Submitted <input type="checkbox"/>	Permit Approved <input type="checkbox"/>	



VALBRIDGE.COM

**VALBRIDGE PROPERTY ADVISORS |
VIRGINIA**

September 26, 2025

Benjamin M. Gallop, Esq.
GALLOP LAW FIRM, PLLC
P.O. Box 2029 (Mailing)
Manteo, NC 27954
2518 S. Croatan Hwy. Ste. E (Office/Shipping)
Nags Head, NC 27959
(252) 256-3811; bmgallop@galloplawfirm.com

Reference: Royal Farms at 5416 N. Croatan Hwy., Kitty Hawk, NC 27949

Dear Mr. Gallop:

I am pleased to provide the following information regarding the matter referenced above.

Qualifications of the Principal

I have provided my qualifications separately. I am an expert in the valuation of real estate, having been a practicing real estate appraiser for over 35 years. I hold the MAI designation, and the requisite license in the state in which the asset is located. I have appraised billions of dollars of real estate including numerous similar assets.

I am a Certified General Real Estate Appraiser in North Carolina and I hold the Appraisal Institute's MAI designation which is symbolic of advanced training and experience. I have been working in northeast North Carolina and southeast/central

**VALBRIDGE PROPERTY ADVISORS |
VIRGINIA**

656 Independence Parkway, Suite 220
Chesapeake, VA 23320

757 410-1222 Office
757 410-2956 Fax

Virginia for 35 years. Over my 37 years as a real estate appraiser, I have appraised thousands of retail projects and hundreds of gas station/convenience stores ("GS/CS") like Royal Farms.

Qualifications of the Firm

Valbridge Property Advisors is one of the largest, independent, national real estate valuation and advisory services firm in North America. The firm has offices throughout the country with approximately including over 100 MAI-designated appraisers. Valbridge provides valuation services involving most types of commercial real estate in all 50 states. The firm also provides additional special expertise in unique properties, and expert witness/litigation support. Each office is led by at least one senior managing director who holds the MAI designation of the Appraisal Institute.

The local Valbridge offices are led by Lawrence J. Colorito, Jr., MAI, and Michael F. Berry, MAI. These Senior Managing Directors are complemented by other Director-level, MAI-designated appraisers. Clients also benefit from other senior and junior professionals and support staff. Together with the resources available at other locations, the local offices are able to provide quality independent valuation and advisory services to their clients on all types of real estate assets throughout the region.

Royal Farms

GS/CS are common in North Carolina and neighboring Virginia. Admittedly, they are less prevalent on the OBX but that is primarily due to a land shortage. Wherever they are located, these operators typically choose highly visible locations along major roadways in developed areas like the proposed subject property location. Therefore, they tend to be adjacent to other retail as well as residential land uses.

The subject parcel is zoned BC-1 General Beach Commercial and the adjacent existing properties abutting it are mostly retail followed by residential. The retail

provides a buffer of compatible land uses before the complementary residential land uses.

I have been asked to examine the potential impact of the subject, if any, on the surroundings. To do so my colleagues and I examined real estate prices in surrounding areas before and after similar GS/CS projects were completed.

Retail

First, we examined the retail market. It is well accepted in the retail market that GS/CS are a positive addition. They are synergistic to surrounding retail because they act like a "shadow-anchor" bringing in customers even though not technically part of the neighboring retail land uses. Local commercial real estate agents confirm this.

To the south in the adjacent town of Kill Devil Hills, a Wawa GS/CS was constructed at 1900 N. Croatan Highway. On the Currituck County mainland, Royal Farms was developed at 6511 Caratoke Hwy, Grandy, NC. Further north, a 7-11 opened at 271 Caratoke Hwy., Moyock, NC. These projects were completed over the last few years and there have not been enough nearby retail property transfers afterward to show a trend.

Continuing north into VA, there is a Wawa at 101 Hillcrest Pkwy., Chesapeake. This is part of the Edinburgh mixed-use project not far from the NC line. This GS/CS is surrounded by other retail including Home Depot, Wal-Mart, Target, and associated in-line retail space. There is also residential of mixed price points. Since the Wawa was erected in 2007, all the retail space has remained generally full and tenant retention has been good. Additionally, there has been no shortage of retail development in the Edinburgh project at ever increasing land prices.

There is another Wawa at 471 Kempsville Road in Chesapeake. Kempsville Road is an artery much like Croatan Hwy. The Wawa is surrounded by mostly single-family residential and retail. The retail includes a Wal-Mart Marketplace-anchor shopping

center, a 7-11, and 2 other unanchored strips down the street and across the street.

Since Wawa opened in 2014, all the retail space has remained generally full and tenant retention has been good. In 2019 a high-end automatic car wash/detailing business opened on the parcel behind Wawa and the shopping center next door. I appraised that property. The location was not directly on the main road (Kempsville) and without Wal-Mart and Wawa the land would have been much less valuable. The owner settled on the site, in part, because of the exposure and synergy of being next to Wal-Mart Marketplace and Wawa. There are other similar examples throughout South Hampton Roads, VA.

Residential

To locate relevant data, we examined the area from Southern Shores to Nags Head. To the south in the adjacent town of Kill Devil Hills, is the previously mentioned Wawa. From early 2021, the development plan for this site to be a GS/CS was public knowledge. This site is on the west side of Croatan Highway and abuts Wright's Shore residential neighborhood to its west. We discovered and analyzed three separate properties that illustrate a trend.

-201 Orville Court, Kill Devil Hills, NC – this property initially sold 11/04/2021 for \$425,000. It resold again 02/15/2024 for \$565,000, reflective of about a 32.9% increase in value, over about 2.25 years (27 months), or about 14.62% increase per year on a straight-line basis.

-209 Orville Court, Kill Devil Hills, NC – this property initially sold 08/31/2021 for \$390,000. It resold again 05/26/2023 for \$457,500, reflective of about a 17.3% increase in value, over about 1.75 years (21 months), or about 9.89% increase per year on a straight-line basis.

-315 Wilbur Court, Kill Devil Hills, NC – this property initially sold 09/30/2022 for \$699,000. It resold again 12/05/2024 for \$759,000, reflective of about an 8.6%

increase in value, over about 2.17 years (26 months), or about 3.96% increase per year on a straight-line basis.

The three examples indicate an average annual appreciation rate of 3.96% to 14.62%, based on a simple not compounded rate. The mid-point is about 9.29%, the mean is about 9.49% and the median is about 9.89%. The period of appreciation analyzed was from August 2021 to December of 2024.

We compared this to market averages. As none of the resale comparables were water influenced, water influenced homes in west side Kill Devil Hills were excluded from statistical calculation. This research indicated the following:

- 2021 average sales price of residential real estate in west side Kill Devil Hills \$386,227
- 2022 average sales price of residential real estate in west side Kill Devil Hills \$489,726
- 2023 average sales price of residential real estate in west side Kill Devil Hills \$519,799
- 2024 average sales price of residential real estate in west side Kill Devil Hills \$547,152
- 2025 average sales price of residential real estate in west side Kill Devil Hills \$534,701 (to 09/25/2025, approximately 9 months, 0.75 years)

This results in the following average appreciation rates:

- 2021 to 2022 = 26.8%
- 2022 to 2023 = 6.1%
- 2023 to 2024 = 5.3%
- 2024 to 2025 (to date of available data) = -2.3%

The range of appreciation over this period is -2.3% to 26.8%, with a midpoint of 12.25%. The mean of all periods is 8.98%, and the median is 5.7%.

The average sales price west side Kill Devil Hills in 2021 was \$386,227 and the average sales price in 2024 was \$547,152. This is reflective of a 41.7% increase over a full four-year period, or about 10.4% annually on a non-compounded basis. Given the run-up in the overall market in the years late 2019 to early 2022 from limited inventory, pent-up buyer demand, increases in material cost, labor, and units of production, as well as historically low interest rates, appreciation rates in the years of 2019-2022 have been higher than the previous years. The increase in value from the first quarter of 2022 to current date indicates a slowing in appreciation. The market appears to be reacting to the increase in interest rates and uncertainty in the overall economy.

The three properties analyzed that are near the Wawa indicate appreciation rates of 3.96% to 14.62%, which bracket and falls in line with comparison of overall average appreciation rates and the aforementioned trends from 2021 through December of 2024. Therefore, they indicate no impact from the GS/CS.

Interviews were also conducted with several real estate brokers active within the Kitty Hawk market and familiar with the subject property. The consensus was that the use of the subject as proposed would not create a negative impact on the marketability of an existing residential property in the vicinity. The subject's location is among other compatible commercial development, and the character of the area is commercial because it is along Croatan Highway. In fact many buyers may consider Royal Farms a positive factor because they are looking for nearby services.

Based on this analysis, we have concluded that the proposed special use will be in harmony with the area in which it is located. Furthermore, the proposed special use will not injure or negatively impact the value of adjoining property(s).

Thank you for the opportunity to be of service.

Sincerely,

Valbridge Property Advisors

A handwritten signature in black ink, appearing to read 'L. Colorito, Jr.', with a stylized, cursive script.

By: Lawrence J. Colorito, Jr., MAI
Senior Managing Director

Curriculum Vitae (CV)

Lawrence J. Colorito, Jr., MAI Senior Managing Director Valbridge Property Advisors | Virginia

Employment

- February 2002 to March, 2013 – Principal & Co-Owner, Axial Advisory Group, LLC with offices in Chesapeake, VA; Williamsburg, VA; & Richmond, VA
- March 1995 to February 2002 - Vice President/Real Estate Appraiser with Anthony J. Oddo & Associates, Inc. in Yorktown, Virginia and Northern Virginia
- August 1990 to March 1995 – Appraiser with Dominion Realty Advisors, Inc., Newport News, Norfolk and Northern Virginia
- June 1988 to August 1990 – Appraiser with Krauser, Welsh, Sorich and Cirz, Inc., in Morristown, NJ

Professional Experience & Competencies

- Appraised or consulted on various forms of real estate in approximately 20 states
- Property types including small & large office buildings, both single & multitenant; free-standing retail; neighborhood, community, “power”, & regional shopping centers; regional & super-regional malls; bank branches; churches; light & heavy industrial; multi-family condominium & apartment projects; attached & detached single-family; mixed-use; attached & detached single-family subdivisions; commercial & industrial subdivisions; residential, agricultural, commercial & industrial land, partial takings by right of eminent domain.

Professional Licenses & Affiliations

- Designated Member Appraisal Institute (MAI) with Continuing Education Completed
 - Hampton Roads Chapter Education Chairman, 1997 and 1998
 - Hampton Roads Chapter Vice President, 1999
 - Hampton Roads Chapter President, 2000
 - Hampton Roads Chapter Regional Representative, 1999-2001
 - Young Advisory Council (YAC) participant, 1997 - 1999
 - Leadership Development & Advisory Council (LDAC) Discussion Leader, 2000
 - LDAC Vice Chair, 2001
 - LDAC Chair 2002
 - Seminars Subcommittee, 2000-2001
 - Seminars Subcommittee, Vice Chair, 2002
 - Regional V Chair, 2005
 - National Board of Directors, 2003-2005
 - Governance Restructure Project Team, 2003-2004
 - National Strategic Planning Committee Chair, 2006
 - Education Trust Fund Trustee, 2007 – 2012
 - National Nominating Committee, 2011
- Certified General Real Estate Appraiser in the Commonwealth of Virginia - #4001-002033
- Certified General Real Estate Appraiser in the State of Maryland - #10849
- Certified General Real Estate Appraiser in the District of Columbia - #GA10440
- Certified General Real Estate Appraiser in State of North Carolina - #A4887

- Certified General Real Estate Appraiser in State of New Jersey - #42RG00282400
- Certified General Real Estate Appraiser in the Commonwealth of Massachusetts - #1000257
- Temporary Practice Permits granted in numerous other states
- Pennsylvania State University Smeal College of Business Institute for Real Estate Studies Advisory Board, Executive Committee-2016-present
- Old Dominion University E.V. Williams Center for Real Estate
 - Executive Committee, 2013 – 2015
 - Chair, 2016-2021
- Member-Hampton Roads Association of Commercial Real Estate (HRACRE)
 - Programs Committee Chair, 2005
 - Strategic Planning Committee Chair, 2007-2010
 - Board of Directors, 2006 – Present
 - Secretary/Treasurer, 2008-2009
 - President Elect, 2010
 - President, 2011
 - Immediate Past President, 2012
 - Past President's Council Representative to the Executive Committee, 2013-2014
- Member-Urban Land Institute (ULI)
- Adjunct Faculty-Mason School of Business-College of William & Mary-2016
- Adjunct Faculty-Strome College of Business-Old Dominion University-2016-present
- Adjunct Faculty-Smeal College of Business-Penn State University-2020-present
- The Appraisal Foundation-Board of Trustees-2022-2024

Undergraduate & Graduate Education

- Penn State University – Smeal College of Business, B.S., Finance, 1988
 - Profiled as Featured Alumnus in the Spring 2010 issue of the Institute for Real Estate Studies Smeal College of Business Newsletter
- University of Denver – Daniels College of Business, Burns School of Real Estate, M.S., Real Estate & Construction Management, 2013
 - Member of Alpha Sigma Gamma International Real Estate Honorary Society

Other Real Estate & Appraisal Specific Education

- Attended and successfully completed all courses for Qualifying Education (QE) necessary for a Certified General Real Estate Appraiser license & the MAI designation issued by the Appraisal Institute. The latter includes Peer Review, a Demonstration Appraisal Report & a Comprehensive Examination, 1989 – 1995
 - Real Estate Appraisal Principals, 3/89
 - Basic Valuation Procedures, 3/90
 - Capitalization Theory & Techniques, Part A, 9/91
 - Capitalization Theory & Techniques, Part B, 9/91
 - Standards of Professional Practice, Part A, 4/92
 - Standards of Professional Practice, Part B, 4/92
 - Case Studies in Real Estate Valuation, 7/92

- Report Writing & Valuation Analysis, 7/92
- Demonstration Appraisal Report & Comprehensive Examination, 1993 to 1995
- Courses & Seminars for Continuing Education (CE) by the Appraisal Institute, 1995 – present
- Other Real Estate related courses, presentations, seminars, symposiums, & CE by New York University, Old Dominion University, Virginia Commonwealth University, VDOT, RICS, IAAO, ULI, Hampton Roads Association of Commercial Real Estate, Alpha Omega, McKissock, various attorney and accountant groups & others, 1995 – Present

Expert Witness

- United States Bankruptcy Court, Eastern District of Virginia
- Circuit Court of the City of Virginia Beach, VA
- Circuit Court of the City of Portsmouth, VA
- Circuit Court of the City of Norfolk, VA
- Circuit Court of the City of Chesapeake, VA
- Circuit Court of the County of Arlington, VA
- Circuit Court of the County of Louisa
- Maryland Tax Court
- District of Columbia Superior Court
- Virginia State Corporation Commission (SCC)
- Consulted on and/or deposed on numerous other occasions involving litigation on real estate matters both eminent domain & non-eminent domain related.

Speaking & Writing

- Discussion Leader on the topic of Leadership Development for the Appraisal Institute's LDAC Conference, 2000
- Panel Member addressing the topic of Valuation of Contaminated Property on an HRACRE panel discussion
- Speaker on the State of the Real Estate Appraisal Industry & the Appraisal Institute to groups such as the Hampton Roads Chapter of the Appraisal Institute, Virginia Commonwealth Chapter of the Appraisal Institute, North Carolina Chapter of the Appraisal Institute, & the Blue Grass Chapter of the Appraisal Institute
- Co-Author of "Recommendations – March 2000" published in Valuation Insights & Perspectives by the Appraisal Institute, 2000
- Guest Lecturer on the subject of Land Use & Value for Finance 498 at Old Dominion University, 2011
- Guest Lecturer annually on the subject of Real Estate Appraisal for Risk Management class at Penn State University, 2011 – 2014, 2017, 2018

- Authored “Is There Value in High Performance Buildings?” published in Inside Business – The Hampton Roads Business Journal, 2012
- Guest Lecturer on Argus DCF industry software at College of William & Mary, 2013
- Guest Lecturer on Valuation Theory and the Appraisal Profession – Penn State University, Smeal College of Business Real Estate Boot Camp, 2017 –
- Asked to comment on real estate related issues in various publications

Cientele

- Local, state and federal agencies, city and county governments and housing authorities, regional and national banking and financial institutions, insurance companies, local and national corporations, accountants, attorneys, developers, investors and private individuals.

Approved Appraiser Lists

- Approved to provide valuation services by numerous banks, insurance companies, credit unions, and private lenders. Also approved by various Federal, State, and local government departments including, but not limited to, the U.S. Department of the Interior, Virginia Department of Transportation, and the City of Norfolk.

9B

Post Office Box 549
101 Veterans Memorial Drive
Kitty Hawk, NC 27949



Phone (252) 261-3552
Fax (252) 261-7900
www.kittyhawkncc.gov

MEMORANDUM

TO: Mayor Garriss and Members of the Town Council
FROM: Rob Testerman, AICP, CFM, CZO
DATE: November 3, 2025
RE: Special Use Permit: RV Park – 4352 B The Woods Rd

Proposal

The applicant is requesting approval of a special use permit to develop an expansion of the existing Preserve RV Park, on their vacant parcel located at 4352 B The Woods Rd.

Attachments

Accommodate and Adapt character area description
Acknowledge and Conserve character area description

*Note – project narrative and full-sized site plan will be distributed for the December Public Hearing

Staff Analysis

Zoning: VR-3. RV Parks are permitted as an SUP, regulated by the standards of Chapter 42, Division 4 of Town Code.

Lot Area: 6.21-acres

Access: The park expansion is proposed to be accessed via the interior drive aisle of the existing portion of the Preserve RV Park, which ultimately feeds out to The Woods Rd.

Flood Zone: The subject property is located nearly entirely within an AE(4') flood zone. The Flood Damage Prevention Ordinance [Sec 14-82(8)] requires that recreational vehicles in a SFHA shall either be on site for fewer than 180 consecutive days; or be fully licensed and ready for highway use at all times (ready for highway use means it is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions)

RV Park Specifications (Division 4)

Sanitary facilities, water supply, sewerage, refuse disposal and utilities

42-619(2) – A supply of pure running water for domestic purposes, from a source approved by

the County health department, shall be provided for every park.

- The site plan indicates a proposed waterline to tap into an existing 6" Dare County water main that runs through the subject property. The proposed line would provide water to the individual RV sites.

42-619(3) – Common sanitary and laundry facilities consisting of at least one flush toilet, one shower and one lavatory for each sex for every 20 RV spaces.

- Site plan indicates a proposed bathhouse. The project narrative indicates that there would be 2 toilets and 2 showers for each sex. It is not stated in the narrative, but 2 lavatories (sinks) for each sex are required as well. This would be verified during the building permit review.

42-619(4) – Sets standards for the bathroom design that would be verified during building permit review. Additionally, it states that "every toilet room, shower room and lavatory room shall be kept clean, well-lighted, screened with a wire mesh, adequately heated at all times, and shall be disinfected periodically, but at least once a day", This would be an ongoing condition of approval.

42-619(5) – Requires an approved community sewage disposal system.

- Applicant has proposed separate septic systems, one for the bath house, and one for every two RV spaces. Dare County Environmental Health has indicated that this approach would be suitable.

42-619(6) – All garbage and refuse shall be stored in suitable watertight and flytight receptacles

- Ongoing condition of approval

Sec 42-622 Specifications for RV Parks

- Minimum of 10 spaces, with a minimum of 1,500 square feet each. The proposal is for 32 spaces.
 - The applicant has indicated that each space has at least 1,500 sq ft, but opted to not show the RV space perimeters for sake of plan legibility.
- Minimum 15' separation between RV's and 15' separation from any RV and an exterior property boundary line.
 - Site plan indicates compliance.
- One parking space per RV pad is required.
 - Site plan indicates two parking spaces per pad.
- Spaces to be graded to prevent water from ponding or accumulating within the park. Each space to be properly graded to a reasonably flat surface and provide adequate drainage away from the space.
 - Grading plan indicates compliance.
- All RV spaces to abut an interior drive no less than 20 wide for two-way traffic. Interior drive to be graded and paved or improved with eight inches of ABBC or STBC type 3 base course materials. Recycled asphalt or millings may be used.
 - Site plan indicates compliance.
- Park to be developed with proper drainage ditches, banks to be sloped and seeded.
 - Site plan indicates compliance.
- Cul-de-sacs or dead end roads shall not exceed 1,000 ft in length, measured from the

entrance to the center of the turnaround. Any road designed to be permanently closed shall have a turnaround at the closed end with a minimum right-of-way diameter of 80 feet.

- New access road is approximately 675 ft, measured from property boundary. If measured from park entrance, the length of the existing access road plus proposed is approximately 1,090 ft.
 - Rather than a 80' diameter ROW turnaround, the applicant has proposed a T shaped terminus. Site plan has been forwarded to the Fire Department for review, no concerns about the plans were indicated.
- Each park shall have a central structure or structures that will provide separate toilet facilities for each sex, in accordance with Sec 42-619.
 - Site plan and project narrative indicate compliance.
- Each park shall provide recreation areas to serve the needs of anticipated users.
 - The site plan indicates an open space area approximately 70'x75' labeled as 'recreation area'.
- Mobile homes/manufactured homes are not permitted in RV parks.
 - Ongoing condition of approval.
- RV Parks shall provide at least one sewage dumping station, approved by the County Environmental Health Department.
 - Septic systems have been proposed throughout the park instead of a sewage dumping station, effectively serving as multiple sewage dumping stations.
- Maximum lot coverage in an RV park is 60%.
 - Proposed lot coverage is 23.22% or 55,329.8 sq. ft.
- Ownership of the camping spaces shall be retained by the property owner. Camping spaces shall not be individually conveyed or sold in fee simple title, as condominiums, fractional ownership or interval ownership.
 - Ongoing condition of approval.
- Camping units shall be used as temporary quarters or shelter during periods of recreation, vacation, leisure time or travel and shall not be used for permanent living quarters.
 - Ongoing condition of approval.
 - The project narrative indicates that the intent is to "rent spaces on a long term (monthly) basis so that their patrons can leave their RV for longer periods of time for convenient visits to the area".
 - As long as the RVs are not in one place for greater than 180 days, or remain highway ready, this will be compliant with the FDPO.
 - Section 42-620 requires park operator to keep an accurate register containing a record of all RVs, owners and occupants of the park. The register shall contain:
 - Name and address of owner and each occupant
 - License number and state of issue of each licensed vehicle (RV)
 - Space number in which the RV is parked
 - Date of entering the park (check-in)
 - Date of exiting the park (check-out)

See potential conditions of approval.

Land Use Plan

This property appears to be located in both the "Accommodate and Adapt" and the "Acknowledge and Conserve" character areas. The "Accommodate and Adapt" character area is described by the Plan as an area "highly vulnerable to flooding, but may occasionally include new elevated structures". "Acknowledge and conserve" is described as low-lying areas that are not suitable for development or areas that are susceptible to natural hazards and inundation.

The following policies and objectives relevant to this application are stated in the CAMA Land Use Plan:

Policy 3.1: Manage land use and development to minimize primary and secondary impacts on resources and existing residents through standards for development.

Policy 4.1: Encourage the preservation of maritime forest, floodplains, marshes and wetlands through development regulations and land protection initiatives.

Policy 4.3: Enhance tree cover in the Town of Kitty Hawk

Policy 5.1: Utilize the future land use map, storm surge maps, flood exposure maps, wetlands assessments and projected sea level rise and flood vulnerability data when considering rezoning and development requests.

Policy 12.1: Continue to be a destination for family-oriented tourism.

Conditional Use Findings

Per the standards of Section 42-100(b)(8), to approve this application, the Town Council must make findings that the proposed special use:

- a. does not materially endanger the public health or safety,
- b. does meet all required conditions and specifications,
- c. will not substantially injure the value of adjoining property or be a public nuisance, and
- d. will be in harmony with the area in which it is located and be in general conformity with the comprehensive plan.

Potential Conditions of Approval

- Prior to issuance of any permits, submit copy of Dare County Water Department approval.
- Prior to Public Hearing, provide plan sheet showing the RV spaces meet the minimum 1,500 sq ft area requirements.

- Park operator periodically (monthly, quarterly, or other) submit park register to Town to review for compliance with occupancy requirements.
-

Planning Board Recommendation

The Planning Board will hear the proposal at its October 30 meeting, after the writing of this report. Their recommendation will be relayed to Council

Town Council Recommended Motion

"I move to set a public hearing at the Town Council meeting on December 1, 2025 to consider a special use permit application for an RV Park located at 4352 B The Woods Rd."

Directions to the Subject Property

(from Kitty Hawk Post Office, N. Croatan Highway & Kitty Hawk Road)

Drive approximately 1.6 miles west on W Kitty Hawk Rd.

Turn right on The Woods Rd. and travel 0.5 mile north,

The entrance to The Preserve RV will be on your left, before you reach Twiford St.

ACCOMMODATE AND ADAPT

Living on a barrier island means understanding that flooding and natural hazards are a part of life. Hazards like flooding from stormwater, tides, or storm surge will continue to occur and are projected to get worse. The areas covered by this designation are important to the community, but will continue to be more impacted as time goes on. The existing uses in these areas should be aware of these projected changes and take incremental steps to adapt and increase their relative safety. This might include elevating buildings, enhanced stormwater management, or floodproofing as structures are upfitted or sites are improved. Accommodations will also likely be necessary to ensure proper functioning septic systems and avoid polluting nearby water bodies. Future uses should be primarily single family homes and reuse of existing buildings. Water-oriented commercial uses and isolated small-scale attached residential may be permitted with appropriate site and building design to fit character of area. Structures should be designed to be resilient against rising seas, flooding, storms and other hazards.

TYPICAL USES

- » Single family homes
- » Reuse of existing buildings
- » Water-oriented commercial businesses
- » Limited small-scale attached residential



ACKNOWLEDGE AND CONSERVE

This character area includes beach front properties and low-lying lands that have not been developed because they are generally not suitable for development. As seas continue to rise, these areas will be the most heavily impacted and may eventually become periodically or permanently inundated. People and structures in these areas should consider how to incrementally remove their assets to more safe locations. This will happen on a property-by-property basis and the Town may be able to leverage funding to help people voluntarily relocate.

TYPICAL USES

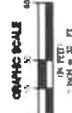
- » Single Family Homes
- » Recreation Facilities



PARKS AND CONSERVATION

These areas include parks and conservation lands and those parts of Town that may not be suitable for future development due to environmental constraints or exposure to natural hazards--primarily flooding. Parks and conservation lands including Kitty Hawk Woods Nature Preserve, Sandy Run Park and Kitty Hawk Park are included in this character area. Recreation facilities, trails and associated uses (i.e. parking and bathroom) are acceptable uses in these areas.





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RECORDS PLAN
AND DETAILS

Agenda Item 10A

Date: November 3, 2025

Submitted By: Melody Clopton

Subject: Discussion to Explore Town Hall Renovation

Background:

In recent months, the Town Council has asked the Town Manager to explore renovating Town Hall. The Project would involve the design of renovations to the existing Town Hall building. This may involve the shifting of existing spaces and/or additions to the existing building to accomplish the following goals:

- Move three offices from upstairs to downstairs.
- Achieve ADA Accessibility for everyone.
- Add additional bathrooms to meet or exceed building code requirements.
- Create a dedicated break space that is separate from the copy room.
- Create a small Conference room.
- Add a few offices for future needs.
- Design a visible and distinct planning suite for all planning staff.

Proposal Analysis:

Both proposals aim to renovate and potentially expand the existing Town Hall to meet accessibility, space, and functionality goals

Option #1: Beacon Architects' Proposal is more budget-friendly and well-suited if the Town wants to start with a limited feasibility study before committing to a full design. However, it lacks detailed cost estimating and multiple design options at this stage. The cost is \$8,000.

Option #2: Dills Architects' Proposal is more comprehensive, including programming, multiple design iterations, and a cost estimate — offering more clarity for budgeting and decision-making. While more expensive, it likely provides better value if the Town aims to move quickly into schematic and eventual construction phases. The cost is \$14,500.

Either cost would need to be approved as a budget amendment and transfer from Fund Balance.

Recommended Motion:

I recommend a motion to instruct Town Manager to _____.



ARCHITECTURE + DESIGN, PLLC
P.O. BOX 1827 KITTY HAWK, NC 27949
PHONE: (252) 441-6767 FAX: (252) 261-6045

DATE: 10/24/25

PROJECT: **Kitty Hawk Town Hall Renovation (the "Project")**
101 Veteran's Memorial Drive, Kitty Hawk, Dare County, North Carolina, 27949

PARTIES: **Beacon Architecture & Design, P.L.L.C. (the "Architect")**
P.O. Box 1827, Kitty Hawk, North Carolina 27949
Christopher Nason, Managing Member

Town of Kitty Hawk (the "Client")
101 Veteran's Memorial Drive, Kitty Hawk, Dare County, North Carolina, 27949
Melody Clopton, Town Manager, authorized representative

I. PROJECT DESCRIPTION

The Project involves the design of renovations to the existing Town Hall building in Kitty Hawk, North Carolina. There may be shifting of existing spaces and/or additions to the existing building to accomplish the following goals:

- Move three offices from upstairs to downstairs.
- Achieve ADA Accessibility for everyone in as much as possible.
- Add additional bathrooms to meet or exceed building code requirements.
- Create a dedicated break space that is distant from the copy room.
- Create a small Conference room.
- Add a few offices for future needs.
- Design a visible and distinct planning suite for all planning staff. Currently, the director is upstairs and all other planning staff are located in one large space downstairs. Planning is the most common reason for visitors to Town Hall.
- Remove and relocate existing bullet-proof glazing to new service desk area if feasible.

It is assumed that the site is suitable for the proposed uses and any potential addition. During the design of the Project, it may become helpful that engineers need to be consulted to resolve design questions. Such services will be provided by the Client or the Architect by separate agreement as necessary.

II. ARCHITECTURAL SERVICES

The Architect will perform the following professional services for the Client:

- **Feasibility Study Phase:** The Architect will meet with the Client to discuss the program and existing facilities. It is assumed the Client will provide the Architect with the existing building drawings or site plans that are accurate to the existing conditions. Deliverables in this phase may take the form of schematic floor plans, exterior elevations and an exterior 3d rendering for use in the review process should an addition be proposed. The Architect will also perform a preliminary code analysis to identify any major requirements for the design. After completion of the Feasibility Study Phase and/or approval by the Client, the Architect will move onto the Construction Documents phase by separate contract (See Additional Services below for a preliminary scope of work).

III. ADDITIONAL SERVICES

The Architect's services are limited to those listed in Section II above. However, if the Client requests and the Architect agrees, the Architect will perform the following Additional Services ("Additional Services"), and such Additional Services shall be governed by the following provisions.

- **Construction Documents:** Using the information obtained during the Design Development, the Architect will create permit documents for the Project including but not limited to building plans, details, and coordination with the Client. The Architect will prepare a code analysis in accordance with state, local and federal guidelines. The Architect will also coordinate design of related building systems with other consultants as required to describe the nature of the project. Additional engineering services (ex. civil, structural, plumbing, mechanical, and electrical engineering) will be required to permit the project. These services shall be facilitated by the Architect by a separate contract after the Feasibility Study Phase of the Contract is complete.

IV. FEES AND PAYMENTS

ESTIMATED SUM:

FEASIBILITY STUDY	\$8,000.00 (Eight thousand dollars and zero cents).
ADDITIONAL SERVICES	To be billed at the rate of \$175 per hour (One hundred seventy-five dollars and zero cents per hour).

Full-size pdfs will be provided at no cost to the Client for the required printing of the Project. If the Client requests, the Architect can make black/white prints at the rate of \$4.00 per sheet (for assumed size: 24" x 36"). Color printing costs vary widely so if required, the Client should contact the Architect for more information.

PAYMENT SCHEDULE:

25% Complete	\$2,000.00
50% Complete	\$2,000.00
75% Complete	\$2,000.00
100% Complete	\$2,000.00
Additional Services	To be monthly on an as-needed basis.
Printing Services	To be billed as requested by the Client

The Client shall pay such invoices within fifteen (15) days of receipt of same. Upon issuance of final feasibility drawings for Town review, the Client shall be responsible for paying the balance of design fees.

V. LIABILITY, GOVERNING LAW, ARBITRATION, AND MISCELLANEOUS PROVISIONS

The Architect and the Architect's consultants (if any) shall have no responsibility or liability for the construction of the Project, including, but not limited to, liability for any construction procedures, safety precautions or injuries incurred before, during, or after construction. The Architect shall have no liability for any hazardous materials or toxic substances discovered in the course of construction. The Architect shall have no responsibility or liability for any third party and this agreement gives no rights or benefits to anyone other than the Client and the Architect. All duties and responsibilities undertaken pursuant to this agreement will be for the sole benefit of the Client and the Architect. To the maximum extent permitted by law, the Client hereby agrees to indemnify and hold the Architect and its officers and employees harmless for, from and against all liabilities, damages, losses and costs, including, but not limited to, reasonable attorneys' fees, to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the Client and other persons employed or utilized by the Client, including its consultants, in the performance of the Agreement. The total liability of the Architect to the Client or anyone claiming through the Client, for any and all losses, claims, damages, expenses or costs whatsoever, shall not exceed the total amount of the fee that is a part of this agreement. All parties acknowledge that the State of North Carolina shall govern all terms in this contract. The parties further acknowledge that the State of North Carolina has available to parties the systems of arbitration for settlement of disputes. In the event the parties are unable to resolve any disputes arising out of this Agreement, or in any way related to the services under this Agreement, then such disputes shall be resolved by binding arbitration in accordance with the rules of the Construction Industry Arbitration Rules. This contract can be amended only by further written agreements executed by the parties hereto. This contract contains the entire and integrated agreement of the parties and supersedes all prior negotiations, representations or agreements (written or oral). There are no representations, warranties, covenants, or other undertakings other than those expressly set forth herein. In performing its professional services, the Architect will use that degree of care and skill ordinarily exercised, under similar circumstances, by reputable members of its profession in the same locality at the time the services are provided. No warranty, express or implied, is made or intended by the Architect's undertaking herein or its performance of services, and it is agreed that the Architect is not a fiduciary with respect to the Architect. Except as otherwise stated herein, all the provisions of this contract shall be binding upon the respective parties, heirs, next of kin, executors, administrators, and assigns of the parties. Neither the Client nor the Architect shall assign this contract without the written consent of the other, except that the Client may assign this contract to an institutional lender providing financing for the Project, which institutional lender shall assume the Client's rights and obligations under this contract. If the Client defaults by failing to substantially perform, in accordance with the terms of this agreement, as reasonably determined by the Architect, the Architect may give written notice to the Client setting forth the nature of the default and requesting the Client initiate cure within seven (7) calendar days from the date of notice. at any time thereafter, if the Client fails to initiate cure upon the request of the Architect and continue such cure until complete, the Architect may give notice to the client of immediate termination. if the agreement is terminated by the Architect pursuant to this paragraph, no further work under this agreement shall be made by the Architect until the default is cured.

IN WITNESS THEREOF, the parties do hereby set their hands and seals the day and year above first written.

ARCHITECT:

Beacon Architecture and Design, PLLC

By _____
Christopher K. Nason, AIA _____ Date

CLIENT:

Town of Kitty Hawk

By _____
Melody Clopton, authorized representative _____ Date



October 20, 2025

Town of Kitty Hawk
Attn: Melody Clopton
PO Box 549
Kitty Hawk, NC 27949

Re: Programming and Schematic Design services for Kitty Hawk Town Hall Renovation

Dear Melody,

Dills Architects is pleased to provide you with a proposal for schematic architectural design services in support of the Town of Kitty Hawk's Town Hall Renovation.

Project Understanding

It is our understanding that the Town of Kitty Hawk would like renovations to be done to their town hall, located at 101 Veterans Memorial Dr, Kitty Hawk. This will include both a renovation and potential addition to the existing space. This will include some rightsizing of offices, assessing ADA accessibility needs, and additional restrooms.

This exercise will be to solidify our schematic design plan, study, and ROM cost, taking into account reusing the existing footprint of the tenant space as much as possible. Programming of the space will be thoughtfully discussed with the Town to determine what spaces will stay vs. what is currently programmed, ensuring we work within the existing footprint as much as possible.

Scope of Work

Architectural:

- Dills will develop up to (2) schematic design options based on programmatic feedback for Town approval.
- This will include up to (2) rounds of comments prior to the final Schematic submittal
- A ROM (initial) cost estimate will be submitted as part of the final Schematic Design

Total Programming and Schematic Design: \$14,500

We look forward to the opportunity to work with you. If approved and accepted in accordance with the above, please sign below.

Town of Kitty Hawk

Dills Architects, P.C.



Date

Date

10.20.25