



Minutes
KITTY HAWK TOWN COUNCIL
Monday, January 5, 2026
Kitty Hawk Town Hall, Smith Room
6:00 PM

1. **Call to Order**
2. **Moment of Silence/Pledge of Allegiance**
3. **Approval of Agenda**
4. **Public Comment** – The public is invited to address the Town Council on any topic. Please sign up with the Town Clerk before the meeting and when your name is called, come forward and speak into the microphone at the lectern. Please limit comments to 3 minutes.
5. **Consent Agenda** – Items on the consent agenda are considered to be non-controversial, routine in nature, or items not requiring a presentation to discuss by the Town Council in order to consider the items(s). Any item may be removed for discussion by the council or by any member of the audience who wants to hear the item presented and discussed.
 - a) **Approval of December 1, 2025, Regular Session Council Minutes** – Approval of the consent agenda will approve these minutes.
 - b) **Resolution- Revised 2026 Town Council Meeting Dates** – Adjusting the time of the March 2, 2026 Council Meeting to 5 pm to accommodate the primary election set up
 - c) **FY 2026-2027 Budget Calendar**
 - d) **Budget Amendment #8 - Insurance Claim**
 - e) **Budget Amendment #9 - OBX Jeep Donation**
 - f) **Budget Amendment #10 - Cybersecurity Grant**
 - g) **Budget Amendment #11 - Public Works Replacement Truck**
 - h) **Budget Amendment #12 - Icarus monument funding**
6. **Items Removed from Consent Agenda** –
7. **Planning** –
8. **Public Hearing** –
 - a) **Special Use Permit – 4352 B The Woods Rd – RV Park.** Applicant proposes expansion of existing RV park onto adjacent vacant parcel.
9. **New Business** –
 - a) **Appointment of New Member to Recreation Committee**
10. **Old Business** –
11. **Reports/General Comments from Town Manager**
12. **Reports/General Comments from Town Attorney**



13. Reports/General Comments from Town Council

14. Adjourn

Council Members Present: Mayor Charlotte Walker, Mayor Pro Tem Jeff Pruitt, Councilman David Hines, Councilman Peter Mantz, Councilman Dylan Tillett

Staff Members Present: Town Manager Melody Clopton, Finance Director Liliana Noble, Police Lieutenant Jimmy Helms, PIO/Town Clerk Lauren Garrett, Police Chief Palkovics, Fire Chief Talley, Administrative Services Director Laura Walker, Town Attorney Casey Varnell

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda

Walker: Do I have a motion to approve tonight's agenda?

Hines: So moved.

Walker: Do I second?

Tillett: Second.

Walker: Thank you, Dylan. All in favor?

All Council: Aye.

Walker: Madam clerk, do we have anyone signed up for public comment tonight?

4. Public Comment

Garrett, Lauren: Yes, ma'am. We do. We have an email from a citizen who would like to have this read into the record. This email was from Ken Goldsmith and Ashley Goldsmith of 504 First Flight Run. We are full-time residents of Kitty Hawk who own property in Kitty Hawk Woods close to the site of the proposed RV park expansion. We are unable to attend tonight's town council meeting and request that this letter be read into the public record at the meeting. We urge you to deny the special use permit for the RV park at 4352 B The Woods Road. This proposed development will cause serious public health and safety concerns and lead to significant environmental damage. Furthermore, the application fails to meet specific requirements of the town code and is contrary to numerous policies of the CAMA land use plan. As you know, almost the entire parcel is in the AE flood zone subject to a high likelihood of flooding. Any home proposed for this area would have been would have had to be elevated, but because these are RVs, our code simply requires that they be moved every 180 days or be ready for highway use. The applicant essentially concedes that these RVs will be semi-permanent fixtures with absentee owners who will visit when convenient. It is difficult to believe that all the RVs on site will be moved in the scant time available before a major storm hits Kittyhawk. It seems much more likely that some or more will remain to be flooded and or destroyed, creating a major public health and safety problem. Furthermore, serious environmental damage to both the immediate neighborhood and the town will result from this proposed RV park expansion. The proposal creates massive site clearing, including the removal of almost every tree on three quarters of the upland area of the site. This kind of intensive development is directly counter to the camel land use plans accommodate and adapt goals for this property and is specifically contrary to policies 4.1 and 4.3. In addition, the applicant's proposal to build numerous separate septic systems rather than A single community sewage disposal system required by the town code and not to provide a sewage dumping station will inevitably result in future water pollution that will be a burden on all Kitty Hawk residents. Building a slew of new septic systems in an area that the land use plan highlights as especially vulnerable to septic system failure is a sure path to disaster. While the septic plan may satisfy the county



environmental health department, it will substantially increase water pollution in the local waterways and add to already disastrous pollution levels in Kitty Hawk Bay and the Albemarle Sound. As noted earlier, this proposal violates several specific requirements of the town code. No community sewage disposal, no sewage dumping station, a dead-end road exceeding 1,000 ft, no cul-de-sac. Perhaps more importantly, it violates the spirit and the intent of the CAMA land use plan that citizens of Kitty Hawk worked so hard to develop. We believe that this proposed use is both inappropriate and unsuitable for this location and we urge you to deny the application for the special use permit on the grounds that it does not satisfy any of the special use findings that we are required to make under section 42-100 (B) (8) of the code. Thank you for the opportunity to express our concerns about this application. We hope that you will deny this special use permit and protect the health, safety, and environmental quality of our community.

Hines: Do you mind repeating the address of that please?

Garrett, Lauren: 504 First Flight Run.

Walker: Thank you. Anybody else?

Garrett, Lauren: I do not have anyone else currently signed up for public comment.

Walker: Thank you. Do I have a motion to accept the Consent Agenda?

5. Consent Agenda

Pruitt: So moved.

Mantz: Second.

Walker: Second from Pete. All in favor?

All Council: Aye.

8. Public Hearing –

Special Use Permit – 4352 B The Woods Rd – RV Park.

Walker: Okay. Now, now we can move on to planning. Next is a public hearing. Since this is a quasi-judicial hearing, we need to swear in all of those who may wish to speak during this public hearing. That would include any member of the public who is going to speak. If you would just come up. I think we'll probably do like we did last time, do everything at once. If anybody from the public wants to speak at this hearing, please do come up and be sworn in and members of the public speak.

Garrett, Lauren: Do you swear that the evidence you shall give in this action shall be the truth, the whole truth, and nothing but the truth?

Windle, Andrea; Delucia, John; Bourne, Greg; Hornik, Robert; Cashin, Chris: I do.

Garrett, Lauren: Thank you.

Walker: Casey, would you like to give us an overview of quasi-judicial hearing process, please?

Varnell, Casey: Absolutely. As you said, it's quasi-judicial. We're dealing with a scenario where you've already seen one formality. It's a little different than a typical public hearing. We've got sworn testimony that's occurring. The reason for that is the evidence presented must be substantial. It must be material and it must be competent. So you guys, like a judge in a courtroom, are the deciders of what is substantial, what's material and what's competent. A very brief breakdown. Substantial would be any evidence that you guys tend to feel shows or proves the elements and the requirements specifications within our code concerning this application. In other words, whether the evidence presented does satisfy those conditions and specifications. Material would be anything relevant to the subject matter at hand. Competency is usually where we get into the grayest area and that's where you guys must make those decisions. I'll give you an example. We are again quasi-judicial; we have stepped up from where we generally would be in a public hearing. For example someone wants to testify to land value or devaluation of land. Well, you guys are entitled to accept whatever evidence or give whatever weight you want to it. But what the court cases say is, well, then that person should be a certified land appraiser, for example. They should be professional in the field of land valuation. For traffic studies, same thing. You would need to be an engineer who generally practices in traffic studies. That's just an example, but you know you guys like I said are the



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finders and the decision makers here. So you get to decide what you believe is substantial competent and material tonight.

Walker: Thank you, Casey. Do I have a motion to go into public hearing?

Hines: So moved.

Pruitt: Second.

Walker: Okay. All in favor?

All Council: Aye.

Walker: We are now in public hearing. Rob, can you provide an overview of what you'll be presenting?

Testerman, Rob: Sure, I won't read word for word through the packet that was submitted to the council, but I'll give a brief overview and then turn it over to the applicants to let them present. The proposal the applicant's requesting approval of special use permit to develop an expansion of the existing Preserve RV park on their vacant parcel located at 4352 B The Woods Road. This is in the VR3 zoning district. RV parks are permitted as a special use permit regulated by the standards of chapter 42 division 4 of town code. Some of the aspects I'll highlight on going through the different standards and requirements. 42-6195 requires an approved community sewage disposal system. The applicant has proposed separate septic systems, one for the bath house and one for every two RV spaces. Dare County Environmental Health has evaluated those sites, and the applicant has provided documentation that it is suitable for what they're proposing. The park standards for the cul-de-sacs and dead-end roads say it 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 ft. The new access road which is shown on the monitor up here is 675 ft in length measured from the property boundary. If measured from the overall park entrance out by The Woods Road, the length of the existing access road plus the proposed would be approximately 1,090 ft and rather than the 80-foot diameter right-of-way turnaround, the applicant has proposed the hammerhead or T shaped terminus that you see on the site plan. This has been forwarded to the fire department for their review. No concerns were related to me based on that turnaround design. One of the other requirements, each park shall provide recreation areas to serve the needs of the anticipated users. The site plan does indicate open space area approximately 70 by 75-foot labeled as a recreation area. I did hear from Dare County Environmental Health today. That area is shown as a drain field for the bath house and environmental health indicated that would not be able to be used for the recreation area. That it would be grass and mowed occasionally and roped off to prevent damage to the systems. RV parks shall provide at least one sewage dumping station approved by Dare County Environmental Health. As I mentioned, the septic systems have been proposed throughout the park instead of a singular sewage dumping station which effectively serves as multiple sewage dumping stations. Again, environmental health has evaluated the site and determined that it would be suitable for what they're proposing. 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. That would be, I guess, an ongoing condition of approval if the special use permit is approved. The project narrative indicates that the intent is to rent spaces on a long-term monthly basis so that their patrons can leave the RV for longer periods of time for convenient visits to the area. If the RVs are not in one place for greater than 180 days or if they remain highway ready, this would be compliant with the flood damage prevention ordinance. Section 42-620 requires a park operator to keep an accurate register containing a record of all RVs owners and occupants of the park. That register shall contain the name, address of the owner of each occupant, license number and state of issue of each licensed vehicle, the space number in which the RV is parked, date of entering the park and date of exiting the park. I included in the staff report that if council does approve the special use permit that a potential condition of approval would be that the park operator periodically submit that park register to the town so we can ensure compliance with it being more of a recreational use than turning into any kind of long-term residential. For the land use plan, the property is in both the accommodate and adapt and the acknowledge and conserve character areas. Those descriptions



from the land use plan were included in your packet. 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. Again, those inserts from the land use plan go into a little more detail than just those brief one-liners. Following policies and objectives relevant to this application and 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 encourages the preservation of maritime forests, flood plains, marshes, and wetlands through development regulations and land protection initiatives. Policy 4.3 enhance tree cover in the town of Kitty Hawk, 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 request and policy 12.1 continue to be a destination for family-oriented tourism. The special use findings as listed inspection 42-100 (B)(8) of the zoning ordinance. In order to approve the application, the town council must make findings that the proposed special use, does not materially endanger the public health or safety, does meet all required conditions and specifications, will not substantially injure the value adjoining property or be a public nuisance, and will be in harmony with the area in which it's located, and be in general conformity with comprehensive claim. That will be all for my overview.

Walker: Thank you.

Varnell, Casey: Do you guys have any questions for Rob?

Pruitt: I do. Rob, the definition just as you were reading it says common sanitary and laundry facilities. Can you clarify laundry facilities?

Testerman, Rob: The ordinance doesn't have a specific definition for laundry facility there. I guess basic understanding would be an area to wash and dry clothes.

Pruitt: Correct. I mean I looked up the definition and that is what it does consist of a washing machine and dryer. Is there anywhere on here that was designed for that?

Testerman, Rob: Not that I have seen in the narrative of the plan. Possibly the applicants could speak more to that.

Pruitt: Okay. All right. That's it.

Hines: That makes a question for me. Is there a certain amount of water per gallon per day for laundry facility?

Testerman, Rob: That would be health department. It may increase the septic meet needs, but you know, septic or the health department, they do all the septic permitting. They would have to make the compliance standards.

Hines: Thank you.

Varnell, Casey: Rob, for the public edification, when you say health department, you're referring to Dare County?

Testerman, Rob: Yes, Dare County Environmental Health.

Tillett: Rob, has a plan has this plan or a similar plan of this nature been presented to the town in the past?

Testerman, Rob: Not this plan but I believe it was about 10 years ago or so. I think I looked at it in September of 2015. There was a plan for a mobile home or manufactured home park in this area. That ended up being denied based on a specific requirement in our ordinance for manufactured home parks that would not be in flood prone areas and all within the AE flood zone. That was the basis for that denial. That same standard is not written into the RV park standards and ordinances. That was the only other proposal that has occurred in the past 11 years, I guess.

Mantz: Rob, I know you mentioned the moving of the recreation facility. Is there any zoning town municipal guidance on what can go on top of a septic field?

Testerman, Rob: That would be regulated by the environmental health department as well. I think it would be very limited. I don't know. I'm not an expert on that.



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Varnell, Casey: Is there an attorney present for the applicant? I was going to I didn't want to sell you short. If you have any questions for Rob, please do.

Hornik, Robert: Madam Mayor, members of the council, I'm Bob Hornik from the law firm in Chapel Hill. I'm representing the applicant, the developer here. Rob, it's nice to see you in person. I just have a couple of questions. And it's really with respect to the communication you had today with environmental health. Who was it at the environmental health office you spoke to?

Testerman, Rob: It was Josh Coltrain.

Hornik, Robert: Had you reached out to him and he called you back?

Testerman, Rob: Yes, I reached out to him based on a question that I had received from Councilman Dylan Tillett.

Hornik, Robert: Very good. Thank you. I want to make one other comment. There was a letter that was read into the record here today. This is a quasi-judicial hearing. I have no opportunity to cross-examine whoever sent that letter about standing or about any of the other issues or expertise that they may have or may not have. I object to that letter being part of the record that you consider for this hearing because we don't know if it's not substantial, it's not confident, it's not material, there's no ability to cross-examine. So I just want to make sure I get that on the record.

Varnell, Casey: So you guys again, as I said, are the decision makers. I will note a couple things here. The letter was asked to be read into public comment not this hearing. So there's one issue as I see it. The other Mr. Hornik is correct. It's a quasi-judicial proceeding as I said we step up in the formalities. If you want to speak you've got to meet certain requirements at least as far as what you guys consider to be substantial material competent but being here is part of the process. So, just as with any other witness, they can be cross-examined by Mr. Hornik. Now, what is he's asking, if I'm not mistaken here, is that you guys essentially disregard what was said. So, if that's something you guys want to do, then that is certainly something that's within your discretion.

Walker: So, that letter should not influence our decision.

Varnell, Casey: That is what Mr. Hornick is saying.

Hornik, Robert: I realize you can't un-ring the bell, you know, but I just want to make sure that I have on the record my request that you not consider that as part of your consideration on the application. One other last kind of administrative point that I want to make and it's a little bit delicate I suppose but I'm going to ask it anyway. I want to ask the board, you're a council, right? That's the same. I represent a bunch of different towns and they're boards, councils, alderman, it gets confusing, but in a quasi-judicial hearing especially and as elected officials, I want to make sure that we do a conflict check and that is that no member of the council, none of the elected officials have any conflict of interest with respect to this application. There's a specific statutory definition of conflict of interest with respect to the governing board. Governing board members shall not vote on any legislative decision regarding the development regulation adopted pursuant to this chapter and where the outcome of the matter being considered is reasonably likely to have a direct substantial and readily identifiable financial impact on the members. Any board that exercises quasi-judicial functions pursuant to this chapter, this is Chapter 160 of the general statutes, shall not participate in or vote on any quasi-judicial matter that would violate a person's constitutional rights as an impartial decision maker. So, I just want to make sure I do this at every hearing that I attend to make sure that we've considered whether anybody's got conflict of interest and if so, put it on record and have the council decide whether the conflict requires recusal or excuses. So, that's the last of my preliminary stuff. What I'd like to do at this point is introduce John Delucia, who I think you all know.

Varnell, Casey: Bob, if I may, do any of the council members feel as though you have a conflict of interest?

Hines: I think this board would have already recused itself had it had a member of that one.

Varnell, Casey: For the record, as Mr. Hornik said, the consensus is no.

All Council members indicated that there is no conflict of interest in this matter.



Varnell, Casey: Thank you. Perfect.

Hornik, Robert: At this point I'd like to introduce John Delucia, who's the design engineer on the project, who can talk to you a little bit about the application about the plans about compliance with some of the requirements etc.

Delucia, John: Happy new year everybody. It's nice to be in front of you again. My name is John Delucia. I'm an engineer. I've been practicing engineering here on the Outer Banks for 40 years now. I'm a citizen of Kitty Hawk and I've done engineering for you all on occasions and we appreciate that. We spent a lot of time early on looking at a feasibility study for this campground, we laid some things out. We met with the chief of police to see if there were any issues going on back there. I met with Rob several times. We wanted to make sure that we brought a product that was acceptable to the town. We've met the ordinance. Dylan, I'm not sure why Josh would have said that we couldn't have passive recreational on top of that drain field. I mean, we have the drain fields for the Cape Hatteras school under the football field. We have the drain fields for the Episcopal Church in Southern Shores under the playground for the daycare center. So, we'll get that worked out. There are other areas on the plan where we could show that we could have other passive recreational uses. We met with the health department. It was felt that the multiple smaller drain fields were more suitable than a large drain field that they have. We also designed the drain fields to accommodate the larger trailers 240 gallons per RV. The standards are only 125 gallons per RV. So, we've gone above and beyond because we know that the RVs, the people that drive it today are carrying more than two people in. We added extra parking spaces so there wouldn't be a parking issue on the site. We have preserved over 25% of the land where we're not touching it. We had all the oak trees and the nice hard woods located on property and we've tried to work around most of them. We have left a 30-foot buffer along Ash Creek. We have provided the bathhouse. We can put a laundry machine in it. Laundry machines, depending on where machines can go from typically what goes in an RV park is not a commercial washing machine. It's typically what we would consider like our residential washing machines. They are not producing a whole lot of wastewater these days. They're being very efficient; we have raised the roadway elevations and the pad elevations up to above the base flood elevation. So any of the RVs that are parked on the site will be above the AE4. It's not above the community flood which is eight which we know that. We understand about the mobility of the units; we understand that they must be movable and they must be roadworthy. The owner who you'll hear from in a few minutes has run the existing RV park there for the last 10 years. They've cleaned it up over the last 10 years. I can remember when that was not a very desirable piece of property to go on to years ago. But what they've done seems to have really dressed it up. We are next door to Ms. Baum's property which isn't looking very good. I can just say that. We're kind of tucked back into the Ash Swamp area back to and this backs up to the existing trailer park that's there, the existing RV park that is there. In a minute I'm going to call up Greg Bourne, who will tell you a little bit about the value or lack of, say that the proposed plan will not materially endanger or damage the adjacent property owners. With that, I'm going to take questions.

Hines: John, did when you meet with Josh Coltrain, did he indicate to you that this project would be approved by Dare County Environmental Health?

Delucia, John: We already have permits. We have approved permits for the approval. Yes, the soil evaluation. We've been meeting with Robert Preston about this.

Hines: Understood. So you have soil evaluations, but you don't have full approval yet?

Delucia, John: Correct. We have soil evaluations. We have provided these plans to the county. The only thing that they'll need to do is purchase the actual separate permit to install.

Hines: Right. But the soil samples would indicate if you needed 10 inches of fill, 20 or whatever. Then my next question would be why it would not be considered a commercial use on laundry facility if it's commercial use by right or not by right, but by what it is.

Delucia, John: What I'm saying is we wouldn't be installing a commercial machine. We'd be installing a residential machine that doesn't use as much.



Hines: So again I'm going to ask the same question. You have done site evaluations, but you don't have an actual septic permit yet.

Delucia, John: We have approval.

Hornik, Robert: We have an approval email, and we have a soil evaluation. You would have to issue I believe 18 systems, so it was 18 permits.

Hines: Okay. So, let me ask another way. You go down there tomorrow and get all 18 if you have paid for them. You will get all 18 tomorrow.

Hornik, Robert: Yes.

Hines: Okay. Thank you.

Hornik, Robert: He has reviewed the designs and plans.

Delucia, John: He is speaking of Mike Morway. He's a professional engineer here in North Carolina, has worked with me for 24 years. He's very good at what he does.

Varnell, Casey: John, for the sake of the record, do you adopt his answers?

Delucia, John: Yes.

Tillett: Mr. Delucia, I have a question. During your design, did you consider the fact that the town ordinance states every park shall be provided with an approved community sewage disposal system? I heard what you said about the individual systems, and they're oversized and that's great. Thank you for doing that, but the ordinance states shall be a community sewage disposal system. In my mind, that's a centralized collection and treatment system or a package treatment plant.

Delucia, John: I'm more concerned about failures of those larger systems. You know, if system fails, then the whole park closes. If you have a failure of a smaller system, that's a gravity system that's designed for twice the amount of sewage that should be expected to go there, I find that that's a better design. And talking with the health department, they felt it was a better design, too. If we did central sewage, we'd be cutting every tree out on this property. You know, we wouldn't be able to work with them because, you know, how it is.

Tillett: My concern is that there's a spot that or a handful of spots that end up being the favorite spots and they're going to get over usage and then five spots down, you're going to get an old couple that barely uses any water. In a centralized system, you get equalized flow through that. One's using a bunch, another one's not using that much, and it levels out. I have concerns that if it's concentrated with just two spots like that, you're going to get you might get a peak flow in some of them.

Delucia, John: That's why we've oversized the system. I mean, rather than setting them up for 120 gallons per campsite, we set them up for 240 gallons per campsite. So, each one of those systems can handle 480 gallons. Two of them connected, 240 gallons per day.

Tillett: So, those are 480 gallons per day systems, your design?

Delucia, John: Yes, sir.

Tillett: I have another question if you don't mind. During your design, did you notice the road length? Now, the ordinance states it's measured from the park entrance.

Delucia, John: Well, I would like to ask you where the park entrance is. It's not The Woods Road. It's not Twiford.

Tillett: What's your interpretation of the entrance?

Delucia, John: Well, you have got to go across Ms. Baum's property. You would start the measurement on the south side of Ms. Baum's property that has those little trailers on it right there and it would be under 1,000 ft.

Tillett: No, I understand that. But my concern with that would be if you keep measuring what's new, what's to stop a developer from going a thousand foot, another thousand foot, another thousand foot, another thousand foot every single submittal. Before you know it, we've got a mile long road and you're only measuring from the new stuff. We don't have to go into that hypothetical question, not case specific



Delucia, John: You know when we looked at that when you look at where you enter the park. When you pass Ms. Baum's trailer. That's under a thousand feet if you measure to the right.

Tillett: The second portion of that requirement is all roads designed to be permanently closed shall have a turnaround at the closed end with a minimum right-of-way diameter of 80 feet, a cul-de-sac. Is there a reason that you went with the hammerhead or the T design?

Delucia, John: Just because all the steps generate a whole lot more runoff and a whole lot more land and typically a hammer head is suitable for the fire department to be able to turn around.

Tillett: How about the garbage disposal trucks or the RVs trying to turn around at the end?

Delucia, John: We're not expecting to see garbage trucks go up past all these campsites.

Tillett: They've got to get into the site. Is that correct? To dump the dumpster, right? And the pad is oriented, you've got to come, you got to go into the site, turn around, and come out. Is that correct? So, you're turning around somewhere. My other concern is what's already been mentioned, the recreational area. I know the ordinance is vague on that. My thought is the intention of it is a playground or horseshoe pits or at a minimum, picnic tables, a community gathering but most of those features require subsurface anchors and nothing subsurface needs to go into that wastewater drain field. Is that correct?

Delucia, John: Nothing should go into the drain field area. Right. I mean we're not planning on putting the playground there. We're not planning on putting a swimming pool there. We could put picnic tables on it, we could put cornhole boards on it, we could do a little disc golf area on it. Like I said, I'm not sure why the health department made that comment, especially knowing that we put the drain for Cape Hatteras football field. You know, we had anticipated that passing. I mean, other things that could be done. I mean, this area is that up on. Can you see that? We could use that for recreation. We could put a trail all the way around the property. We can comply with that if the health department has an issue with us having some green space there. We all have drain fields in our backyard, but we plan, right?

Tillett: I would imagine there's exceptions, but the intent is no activity on a drain field is my understanding.

Delucia, John: The intent is no subsurface activity on it would be just a green lawn.

Tillett: Right, and the last point I just want to make public is going back to the wastewater system. The ordinance does state an approved community sewage disposal system. Approved means that I would prefer to see permits in hand prior to deciding on that.

Delucia, John: But why would you want why would you want the developer to have to spend 18 different systems? You know, you look at \$18,000 to buy permits before you give your approval. That doesn't make sense.

Tillett: I understand it's a risk. I'm just reading the ordinance. That's all I'm doing. That's all the questions I have for right now.

Pruitt: I have one, John. In the ordinance it says that the camping shall be a temporary quarter during recreation, vacation, leisure time, or travel and shall not be used for permanent living quarters. It says temporary. The applicant in the very next sentence says rent spaces on long term. So it seems like to me that the ordinance was to make it so people didn't leave things for a long period of time. Leading up to the next question is who's going to be responsible when suddenly, we have a storm and half of them aren't moved. Who's going to be when they end up in Ash Swamp? I was on the board when the question of long term was brought up with mobile parks. I think this is the third time maybe it might have been when I was on the Planning Board before George Wood and the crowd came years ago. So who's going to be responsible? At that time we were worried about the washing and now if they're left, we have oil and everything. It is almost to me more of environmental risk than we were when we were talking about the campers that basically were towed in on a vehicle and left where now we're talking about vehicles being left permanently.

Delucia, John: I'm going to let Mr. Cashin discuss how they run their business and how they do screenings on people and that they rent by the month. Basically, it's a monthly that people can stay on and I'll let him address that in a few minutes.



Pruitt: Nowhere in there says you can't stay more than one month you know say I come in there monthly it I want to stay for three years, 36 months I mean, that's permanent.

Delucia, John: The intention is not to have these permanent residences and that's the intention When you look at the ordinance, what is a permitted use on this property, multifamily are permitted use on this property. I could put 24 or 25 three-bedroom or four-bedroom multifamily units on this piece of property. I think that's far more dangerous for flooding issues because you aren't going to have cars moving and you're not going to have you're going to have people up on stills obviously, but with the pads raised up to a 5-ft elevation and know that the RVs are usually about that high off the ground. We are probably going to be somewhere around seven for the lower levels of those of those RV if they're left there. I've seen water at my house up to six and a half. I've seen water at my house maybe up to seven maybe for a very short period. I don't think that's going to be a problem. I really don't.

Hines: May I follow up with Jeff, please? You say that's not the intention, but intentions can change, right?

Delucia, John: I think that the ordinance speaks to reporting and having records available. I think Rob addressed that to you just a little bit ago. We're going to have to compile that.

Hines: Then my question would be for I guess Casey next. I don't even know if you can do this. Would you be willing to put a condition in there that would be short-term and not used long-term? Are you allowed to? Well, because I don't like the word intention, you know, my intention could be not to go to work tomorrow.

Varnell, Casey: The flood damage prevention ordinance requires no greater than 180 days. So, in theory, it can't be there for more than 180 days. It's not permanent. I mean, I don't think anybody would be able to make the argument that something in existence for only 180 days is a permanent place of living, right? But is your question, could you put a condition on there that says can't be rented for more than 30 days.

Hines: No, I mean, if the 180 days kind of negates the permanent intention changing whatever I'm trying to say, then I'm okay with it.

Varnell, Casey: Well, yes, from an ordinance perspective, from where I'm sitting, right, it's about enforcement. Would that provide us with an enforcement mechanism to go and enforce someone who's there for longer than 180 days if we're aware? Absolutely. Yes.

Mantz: If I'm not mistaken, the code right now says that in that flood zone you can go up to a year as long as it has trailer ability, you know, meaning some point you have to take it off and get it inspected and get your inspection, tie downs and all kinds of stuff with hurricanes.

Hines: That's all I have. Thank you.

Mantz: Just a couple of follow-ups, back to the septic. I understand nothing, you know, subsurface activation. Is there any EPA guidance or anything on this? Since we're waiting for the permits to come back from Dare County, is there any EPA guidance on what should or shouldn't happen on a septic field?

Delucia, John: There are state regulations on drain fields.

Mantz: As far as what can go on top. Most of the time what I've ever seen, it's you don't even want to put a picnic table necessarily. The more you compact it down, it gets compacted and then you have problems. I'm okay with moving the recreation facility behind the bathhouse, but we've got now 18 separate systems in between trailers. Is there anything that's going to prevent people from walking on top of those, putting on picnic tables, sinking volleyball nets in all those septic fields? You see what I'm saying? And because that's the only space between some of those trailers is a septic field. So, you walk out your door, and you've got a septic field, right? Well you have a handful.

Delucia, John: So, right. So, you've got some open space where you're not on the drain field. No, I mean, we all have drain fields in our house and we all use our yards, and we all go out of our yards and recreate. Sure. You know, it's no different than that.

Mantz: Our septic tank absorption rate here on the Outer Banks at large is intense. So, anything we can do to shore up and protect that, especially next to a swamp and at an already low-level area where I think the table was 30 inches down to hit water, I think on some of the soil samples. I think we noticed that there



was a lot of fill being brought in to adapt and probably make these pads but then again you know part of CAMA says that you shouldn't be adjusting the fill so much on some of these areas especially in the wetlands.

Delucia, John: CAMA has not taken jurisdiction of the swamp, they have agreed if we stayed out of 30-foot buffer that we would be compliant with the rules and regulations and we kept out of that.

Mantz: That was my next question leading in and so the areas of environmental concern that come in. What is that 75-ft I think back from the water if I'm not mistaken that crosses over some of those septic pieces.

Delucia, John: That can't be any closer than 50.

Mantz: So it doesn't matter if it's in that AEC zone. How about on the road setback of 10 feet? You know, some of them cross over those western lots, the road set back.

Delucia, John: We initially were told that they were going to take jurisdiction. Then we were told that they were going to take jurisdiction as public trust waters, not CAMA waters, not so the 75-foot setback went away. Even though it's still shown on the plan, it has gone away since we've submitted the plan to you. George Wood is working with us also on compliance with any of the regulations.

Mantz: So does that supersede our land use plan? Well, our land use calls out the AEC lines as far as septic. Then switching gears, we're talking a little bit earlier about the traffic, not having the presentation of the existing RV park then and the entrance shown here. There's only one entrance in and one entrance out. How many lots are in the existing park?

Delucia, John: 30.

Mantz: 30, okay. There's no requirement NC DOT or anything that you're aware of that requires more than one ingress egress point for safety or anything like that.

Delucia, John: No.

Hines: I just have one more follow up to you and on Councilman Tillett's question and I didn't really hear the whole question, so I apologize when you're asking about the septic the 18 permits or whatever and you were speaking about that being expensive to do.

Delucia, John: Especially if we don't have approval by this council.

Hines: Well, we can approve it and the health department can deny it and vice versa.

Delucia, John: But the health department has already approved the plan that we've given.

Hines: That's where I'm confused by Councilman Tillett's question to you. Why spend the money? You're saying if we don't approve it, why go spend the money.

Delucia, John: Exactly. Why spend \$18,000 for permits that you can't use?

Tillett: What I was pointing out is that our ordinance requires approved permits. Correct. The way I read it, I mean.

Hines: I interpret it the same way.

Delucia, John: Well, and that can be a condition of approval here.

Tillett: Can you elaborate on Mr. Wood's findings? It's so the 75 AEC is no longer valid.

Delucia, John: He talked to Ron Renaldi, the director up there, and he's convinced that it's still public trust water. So, we still need to maintain the 30-foot vegetated buffer there, but we didn't necessarily need to go. We were prepared to go and do a CAMA major permit on this. I don't know actually because of the workload right now. It's a gorgeous draw to allow us to just call public trust waters and to stay out of the AEC and we'll be fine. We wouldn't need a CAMA permit.

Tillett: Stay out of the AEC?

Delucia, John: Stay out of the 30-foot.

Tillett: The road width heading towards starting from the park entrance to this. I know the road you've designed is 26. I think that's great.



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Delucia, John: We did 26 because of the 90° backing it. It makes it a little bit easier to be able to do that.

Tillett: Do you know the minimum road width heading all the way to The Woods Road? If there's any portions that are less than 20-ft wide.

Delucia, John: I don't think there are because when we did the development that was called Heron Harbor years ago that had 30 or 40 units on it and big wastewater system. We were clearing everything and I know we put that that first section of roadway in was gravel.

Walker: Is that everything for Mr. Delucia?

Pruitt: I have a couple more. John, earlier you said that the entrance goes through Baum's property. Is that a deeded easement?

Delucia, John: Yes, that's an easement, not a right-of-way.

Pruitt: I don't know if I can backup. I'm just kind of wondering about this much development through an easement. If that instead of a right-of-way if this is going through a private piece of property on an easement instead if they have a clear right-of-way.

Varnell, Casey: If they have road frontage in other words.

Pruitt: Dot Baum's property goes all the way across their entrance. I don't know the agreement, but I caught that when you said that when you were as you're not starting because you said the park starts on Baum's property. So, I'm wondering what kind of agreement or if the town has an ordinance that you can't develop that much through an easement or it is, you know, I remember when the RV park was going to be put in another area. They said they couldn't do it through an easement and at that time the town took it over as a state street and enabled them to develop that property. But before then there was a clause that they couldn't develop it because it was going through an easement not a right-of-way. Now I'm not sure that it would be something I would like to ask.

Varnell, Casey: Rob would probably be better receiver of that question.

Pruitt: I maybe should have asked it earlier. I didn't catch it until I caught John.

Testerman, Rob: I'm not aware of any ordinances that we have that would restrict the amount development through an easement. I think the prior ones that you might be talking about might be before I got here, but for subdividing land, you must have road frontage on a public or private right-of-way. A subdivision wouldn't allow an easement to go through to access it. That that's the only scenario I can think of.

Delucia, John: Typically, Jeff, if the easement is wide enough to accommodate the minimum size roadway section which the roadway is already down. I'm not aware of everything either. Go ahead.

Pruitt: I don't know. Sometimes there's gentleman agreements and deeds and all that you know. The next question is usually when we change a town ordinance, we must go back for a text amendment to change it. We just can't do it on a whim here tonight. It seems like to me that I've heard some things here that Dylan has brought up that our code says that they must have even though you and the health department say otherwise. It seems to me that we have a code that would have to go back through the text amendment process to say that the county thinks that it's better. That's just the way it is.

Delucia, John: These septic systems will be owned by the park. It is a community system; they are not owned individually whether it's a treatment plant and we level all the trees on the property to put it in or we try to fit in little, small drain field. I think that it's still a community system, that's my opinion. It's not individual septic systems; it's modules of the community system.

Varnell, Casey: John, tacking on since Councilman Tillett and now Councilman Pruitt brought up issues concerning the septic. In Rob's report he's got RV park shall provide at least one sewage dumping station approved by the health department. He then notes that septic systems have been approved throughout the park instead of a sewage dumping station. Now, he notes that it's effectively the same, but what's the difference in a sewage dumping system, which is required by this code, and a septic system?

Delucia, John: We wouldn't necessarily have to put any septic systems on the site at all. I mean, most of the trailers holding tanks. When they come in, they dump them. When they leave, they dump them. What we



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have found and what the state has found is a lot of times those dumping stations are more toxic if you will than the individual stations because people are, you know, people are holding up and they're dumping it. Effectively we have 18 dumping stations for the people that are going to be using the RV park then we have a drain field for the bath house which is a conventional LP system.

Varnell, Casey: I've been to a few RV parks, not too many. I've taken road trips to football games with my friends. We don't really know what we're doing, but we've gotten hooked up when we got to the RV park. As far as the dumping station, I think, is concerned. Would that just be a spot where you would have a single location where many RVs would pull up, dump their sewage? Or any RV? Is that the difference between what you're saying are these individual septic systems versus a prototypical sewage dumping station?

Delucia, John: People that come to this RV park will be able to hook up their RVs and we're looking at RVs that are sort of bigger RVs, if you will. They won't need to have tanks. They won't need to have the chemical treatment that you have to put in the holding tanks to keep them smelling good and things like that to keep them sanitary. We won't have that potential for additional pollution into the ground water. We could eliminate all those septic systems and have one dump station there and one huge field. That's not the right way to do this.

Varnell, Casey: That's what I was getting at. That would be this one system would be the sewage dumping station. That's what I was trying to figure out the difference in the two.

Mantz: So in this case, the septic provides a better long-term rental. They'll have to get up every few days and move their RV to dump and then come back. I've been to a few RV parks, too.

Delucia, John: More of a buffer and you have a smaller flow going into multiple areas rather than a larger flow. I mean, if we had to put a central system on there and put a wastewater treatment plant on there, we would load this at not one gallon per minute, but we would load it at three or four gallons per square foot or whatever. Typically when you treat it higher, you don't have to put as big a drain to it. I think that with the health department and my conversation early on, they preferred the individual systems. They asked if we would go to 240 gallons per site rather than 120 gallons which we agreed to do, with two RVs on each system. If a system does have a problem, it doesn't put the whole park out of operation. If it does have a problem, it's easy to fix because it's a gravity system. Ray Casper can come in and fix it in half the time.

Mantz: Which is good, but the only con is the daily flow adjustments and making sure that, as Mr. Tillett said, some spots aren't overused. Some would stay empty when nobody comes and but like you said the tanks are larger so that's helpful there.

Hines: I'm not trying to be hung up on this. I might 99 out of 100 people may not care. Any reason why y'all didn't attach a copy of the site evaluations from the health department?

Delucia, John: No one asked for it.

Testerman, Rob: Mr. Wood did send it previously because Dare County Health is the approving authority on that. I didn't think it was necessary to include it in our package.

Hines: Did everything look okay to you?

Testerman, Rob: Yes.

Tillett: Mr. Delucia, I have another question. Rob mentioned an option for the park operator to periodically submit park registers to the town and that would state numerous things like keeping track of length of stays and things like that. Is there a park manager office that you anticipated? Is there an employee for this development or who is that person?

Delucia, John: Right now, there's not because we don't have a bath house on the other on the first phase of what's there now. I mean, with the bath house, we're going to have somebody there daily to check on things. I'll let Mr. Cashin address that when he comes up and talks.

Pruitt: Casey, I have a question again. It's the same question. I'm just going to leave the septic now. I'll go to the cul-de-sac. That's a town ordinance. And once again, that's not a cul-de-sac. Can we change at a whim, or do you have to change the ordinance? Do we have to go back and go before the Planning Board and change to a text amendment to change the ordinance? It's not that I agree or disagree with any. It's just in



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my time here, if we were going against something that was in our ordinance, they went back and changed the ordinance through a text amendment so that it accommodated the ordinance. People have come for certain things, and they've gone back and made a text amendment, and you know I'm just wondering why text amendments weren't done before the change knowing that our ordinance required it.

Varnell, Casey: I've got turnaround is what I'm reading here, at least in Rob's report. If you want to elaborate because you wrote this, you did note that rather than the 80-ft diameter right-of-way turnaround, there's a T-shaped terminus. So, is it that a cul-de-sac is required or what's the differentiation you were making there, Rob?

Testerman, Rob: The language in the ordinance says cul-de-sacs or dead-end roads shall not exceed 1,000 feet 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-ft.

Varnell, Casey: Right, then so what's when you stated rather than an 80-foot diameter right-of-way turnaround? Well, do you see any deviation, if you will, based on this site plan from what our ordinance requires? I guess that's my question.

Testerman, Rob: I guess the way that it reads, I mean, an 80-foot diameter turn if it's over. Any road designed to be permanently closed, no road shall exceed, any road designed to be permanently closed has turnaround. It reads to me the 80-foot diameter holes turn around. I guess it's up to council intent.

Varnell, Casey: So then you're just telling me that they do not meet the 80-foot diameter right-of-way turnaround requirement? I won't even say requirement because I don't want to influence. But the language within the ordinance says 80-ft right-of-way turnaround. Is that met based on this site plan?

Delucia, John: It's not a road, it's a driveway.

Testerman, Rob: The way it reads to me that would not be 80-ft diameter.

Delucia, John: I mean theoretically we could make an 80-ft diameter by going down into that area to the east of the road there. There's enough room there to put one, but I just don't see any reason why to do that.

Pruitt: But we must go by the ordinance, John. It's not a matter if we see a need. I agree with what you're saying, but our ordinance doesn't. For me to decide, the ordinances must be changed. I must go by the rules here. I can't just because somebody says they think it's a better idea. We have ordinances that we have to go by right now and procedures to change them if they're not, you know.

Delucia, John: Okay, we'll put an 80-foot diameter radius up there. Bring it back to you.

Walker: You're going to have to give up two spots.

Delucia, John: Maybe, maybe not. I think this area that we talked about maybe right here, if I took this roadway and looped around here, I think I could get probably 80 ft in there. I think I probably could get it but we're going to be adding more pavement to it. If that's what we want to do, make it a condition that we put an 80-foot radius there and we'll come ahead with it. We lose a spot; we lose a spot.

Pruitt: Or is it easier to go for a text amendment? You see what I'm saying? I'm not picking the way you go. I'm just saying I'm left with a decision here that leaves me in a predicament that I must prove something that is not in our code. That's difficult for me to do whether I like it or not.

Hines: Well, and I need to add to that because then we're setting the tone for something else down the road if we don't follow the ordinance.

Pruitt: I've just never changed an ordinance without going through a text amendment.

Delucia, John: Well, let me put a cul-de-sac on the end of that road there and then be done with it.

Pruitt: Then there we would have to go to the definition of the septic to see if you consider the separate ones. I'm not sure who would decide that. Maybe we would have to have an engineer for the town to decide that. It's just the ordinances that I'm having a problem with. They seem to be not complying. That's all I have.



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Hines: I have a question for Casey. In light of what he just said, I mean, if he says he can add something to it, I mean, we still are. We're not really following procedure of a text amendment though, right? Or just are we allowed to say that's okay or not?

Varnell, Casey: So that's a good question. First and foremost, I will note to Councilman Pruitt's comments, here that one of the requirements obviously is that all the specifications and conditions of our ordinance be met. If there weren't "shalls" in front of all these items, whether it's a better way to do it, a more modern way to do it, I wouldn't have as much heartburn. Not because of this project. Every special use permit is site specific. We're not setting a precedent. That's as to what could or could not be approved as far as RV parks in the future. But my heartburn is that if we start ignoring "shalls" in special use permit or quasis-judicial hearings, what precedent does it set by just ignoring the "shall"? That's my problem. Not what the "shall", not what follows "shall". What precedent are we creating by ignoring the "shall"? That is my issue, now can you guys make as a condition. Rob, if you don't mind, this is more for you. If this council were to make as a condition, for example this turnaround issue the 80-foot diameter turnaround and they make a condition that it be shown because it still must be a commercial site plan. Is that correct?

Testerman, Rob: Correct.

Varnell, Casey: You must approve that and then does that come back to council?

Testerman, Rob: A larger change like that would probably not be a conditional approval, I would say probably table until they can show that and then decide after.

Varnell, Casey: That's why I wanted you up here. So that that answers Councilman Hines' question, which is instead of just saying here it's approved with this condition, you're saying you as the town planner would prefer a tabling mechanism and then have it shown on a plan, right?

Testerman, Rob: Yes, have the conditions of approval and then bring it back to verify that those conditions are being met.

Varnell, Casey: So, kind of a hybrid, if you will. Like, in other words, here's what we want to see. We're not going to make a formal decision on approval tonight, but if you meet these conditions, bring us a plan back. Well, so tabling with conditions. Does that answer your question, David?

Hines: Yes, sir, it does.

Mantz: Council, in a judicial hearing, are you allowed to introduce new evidence? So, if you were to adjust and bring it back, is that considered new evidence?

Varnell, Casey: Well, but it would be fine because you guys make the decision to obey the hearing.

Hines: I don't look like I'm for or against anything, but I'm following what Councilman Tillett's concerns and Councilman Pruitt's concerns. Mine have been answered for the most part.

Varnell, Casey: Like I said to Councilman Pruitt's initial points here, my biggest issue is the "shall" and ignoring that and just saying approve as is. If we've had our planner say, "Well, it actually doesn't meet the ordinance."

Hines: If it were to be tabled tonight, would they have to go back through the planning board or can they just come right back?

Varnell, Casey: No, it could come back. So, law changed on that. So, special use permits, planning board, you don't even have to have planning board review of it, right? Okay. Yes, we do. But the bottom line is the recommendations that are made by the planning board, they can't be considered by you guys as a rationale for approval or denial. So to answer that's a long way of saying no.

Hines: I just didn't know if it kicked it back another 30 days plus another, you know, 60 days kick back.

Varnell, Casey: Essentially would say it kicks it back until the conditions can be met or shown.

Delucia, John: I must address Councilman Pruitt's concern about septic, and I mean it's a community system.

Pruitt: I mean there is and that might not be all but we're just hitting on the site plan. We haven't got into the debate where we were we think if we're dealing with environmental or the land use plan. I'm right now just concerned about your initial site plan. I'd hate for you all to table this and then come back and do all



these little changes to the ordinance and still by some reason that you know you feel confident that everything's kosher and then come in just because we said the cul-de-sac doesn't meet there might be other factors that other council members consider in the land use plan. They might not think that the even though the county or whoever is giving you the permits for each septic tank, there might be somebody on here that didn't like that that thinks they'd rather have the bigger system. So even though you know you might be able to adjust everything. I'm not sure you know that tabling is the right method. That's just me. I think that and just to make sure.

Varnell, Casey: So, Councilman Pruitt, are you saying that if this were tabled, if conditions that meet all the "shalls" within the ordinance were placed on this, if when it came back, council decided that okay, well, actually, we don't believe that the intent and spirit of the ordinance is met by having this single dumping station and that maybe a reason for denial. It's why I asked that because if it meets the ordinance, we can't say it goes against the spirit and intent of the land use plan. In other words, that goes back to where changing our ordinance if we don't like some of the items that are in it. If we feel as though our ordinance is outside or maybe antiquated or archaic in some way, not in compliance with our current land use plan, then that's either us or citizen if you will make that proposition. But all I'm saying here is if we do if you guys do table place conditions they come back and meet the conditions. We can't say that meeting these conditions is just because it's not the best way to do it and we can't say it doesn't meet our land use plan. I guess I could have totally misread you. I just wanted to make sure that is everyone's understanding.

Pruitt: So let me understand, if a councilmember here finds that the land use plan, in preservation of the maritime forest flood plain marshes wetland through development regulations and land protection, if one of us was to try to hold their hat on if that is legal or illegal?

Varnell, Casey: So you're going to maybe use the specific location, is that what you mean?

Pruitt: Well, any of the things in here. Even though we asked to meet it on the site plan, can any of these items that are on the land use plan?

Testerman, Rob: Councilman Pruitt, if I can interrupt for a second? I think you're referring to the standards that council has defined for the special use permit. So, we're still in the evidentiary hearing. We've only talked about the site plan part. We're still going to hear about the adjacent property values.

Varnell, Casey: I was certainly going to say let's move forward with the hearing.

Testerman, Rob: I was just saying that if you wanted to table it, that would be assuming the council finds everything else is okay. So, we're still in the middle of that.

Delucia, John: What would you prefer?

Pruitt: I'm just trying to clear it up. It's not what I prefer, it would be what the council prefers and what the ordinance requires.

Delucia, John: Well, if we could put a cul-de-sac there.

Pruitt: Then you would meet the ordinance.

Delucia, John: But the community septic systems I contend that they're all owned by the same entity. So it is a community septic system. It gets away from the dumping station.

Mantz: I could not find any language that identified what a community septic system is specifically. So unless an engineer or somebody weighed in, I would be happy to say that 18 different septic systems go towards a community septic system. I'm not saying that that's the best though, but I'm saying that I would be happy to call that a community system. But without any kind of legal guidance and an engineer weighing in on, you know, I'm just talking competent information, I guess.

Varnell, Casey: We don't, to my knowledge, have a definition, do we in our ordinance of community septic?

Delucia, John: I couldn't find it anyway.

Varnell, Casey: I would tend to agree with Councilman Mantz's take on that issue.

Hines: So, if they're owned by an individual though, do they need to be monitored every year?

Mantz: They're not, they're owned by the property.

Varnell, Casey: It's going to be septic. It's going to be Dare County Health permit.



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Hines: Somebody still must come out once a year and check them.

Delucia, John: Because that are pressure systems there. But for the bathhouse, it will be but the individual ones are gravity systems just like regular house and there's not really checked. They should be checked every 5 years and pumped to get the grease out and solids which is typically what we do here.

Mantz: I have one other question. I couldn't quite find it. Where does the two feet sea level line meet this property for the 50-year sea level rise? The flood mitigation, risk mitigation there the 50-foot line, the NOAA 50-year two-foot sea level rise line where does that meet? Does that make sense, Rob, what I'm talking about.

Delucia, John: I know what you're talking about, but it's typically not something we show on these plans, nor is it required by the town to show that. So, I mean, right now there's a grading plan that I don't have in front of me. That would show what the elevation is.

Mantz: So, we don't know where it is.

Delucia, John: But I mean, we are raising the road elevation and the pattern elevations up to about a 5-foot elevation.

Mantz: I'm sorry. I didn't mean to confuse, that was a little confusing question.

Varnell, Casey: Anything else for council as of this witness? Mr. Hornik, I'll turn it over to you if you have any questions for our next witness. I just wanted to make sure you did.

Hornik, Robert: This is Greg Bourne. He's our appraiser, he's going to talk about the important findings that are required by the ordinance for the special use.

Bourne, Greg: Hi, my name is Greg Bourne. I live at 4893 The Woods Road in Kitty Hawk. I'm a professional appraiser. I've been appraising Outer Banks for 40 years. I do all kinds of property appraisals, usually the more complex assignments. I'm a general real estate appraiser, which gives me the qualifications to appraise any kind of property. I'm also an MAI, which means I'm a member of the appraisals institute, which is kind of like a step above required to get state certified. I've been down here a long time but, in this case, what we're trying to find is if this proposed use of The Preserve at Kitty Hawk Woods will have an adverse or substantial injury to the value of the adjacent properties. What I have done is a study to answer that question and basically, I will go ahead and tell you my findings and then I'll tell you how I arrived at them. I found that the project will not substantially injure the value of property or be a public nuisance given the development plans within the area. The proposed project will be in harmony within the area that is located and does not materially endanger the public health and safety. Before I go into the how I have set a conclusion, I'll give you an overview of the property that is going to be that's the subject of what we hear today. Basically, it's 6.21-acre track, about 5.27 acres of that is upland. You have about an acre of wetlands, which is mostly the Ash Pond, Ash Swamp, you're going to have 32 sites there and the site ranges between two and a half, four feet above sea level. The soils on the site are both on the upland is primarily fine sand and mostly fine sand which are moderately well drained to excessively well drained soils. You have a little bit of a wetland right along the pond but most of the site and where the development is on the uplands. It'll be 32 sites. Most sites are 12 ft wide by 50 ft long. Although you have a couple that are 12 ft by 40 ft. Bath house, utility hookups, two parking spaces, and we've gone into detail about it so that the map I've given you shows and it's basically an enlarged one from page 11. When you put something in the report, you shrink it small, so it fits. What you have are the surrounding properties, the adjacent properties to the east you have the existing park which also goes to the north to south and east further down you have five parcels. Four of them are single family dwellings. One of them is a vacant lot and then across Ash Pond to the west you have a house on a very large parcel. It's about 9.7 acres. So basically those are the properties. Most of those houses, especially the ones at the end of Old Schoolhouse Lane, are older properties on larger lots. Some of them are manufactured housing. You have some warehouses. In fact, the one across the Ash Pond has about a 2,000 square foot warehouse on it. So, you have a wide array of uses around the property and across you know of course you have Storage King USA, you have the garden center, you have the Fred Smith complex. Then further out from that you have other single-family residences and some

vacant land that's part of the preserve. So you know basically if you read the description, I have on pages 10 and 11 that kind of goes along with what I have on the map. The property is zoned VR3 high density residential village district. And basically to the north, east, and south has the same zoning across the pond to the west, you have a low-density village residential district. We've gone over what the zoning will allow. And so basically what I have to do to find out what a difference it makes if there makes any difference in the value by being adjacent to an RV park, I have to look at sales of properties that are adjacent to a park and compare them with things that are otherwise similar but not adjacent to the park. To do that, I looked at basically the three parks in Kitty Hawk. The subject obviously the Kitty Hawk RV Park, Charlie's Family RV Park. I also looked at the KOA Campground and OBX Campground in Colington and I looked at 13 RV parks on Hatteras Island where most of our RP RV parks are located. So what I have found is that I research numerous sales but in these things is kind of difficult because you have got to find a sale next to an RV park which as we all know the Outer Banks is developed. So you must find sales that occur within the relative same period of time. I went back as far as 2000 and are similar in this case like lots and size you know the location and how they compare to each other and I found three that I've included in my report. I have two on Hatters Island, one next to Ocean Waves Campground and the other one on Hatteras was the Sands of Time Campground RV Park in Avon Village. Also, I found one next to Charlie's Family RV Park here in Kitty Hawk. Basically, from looking at those three sales, I found no material difference or substantial difference in value between a property that's located adjacent to an RV park versus a similar property not located adjacent to an RV park. That's why I derive my opinion that The Preserve at Kitty Hawks Woods project will not substantially hinder the value of adjoining property or be a public nuisance and the proposed project will be in harmony with the area in which it is located and does not materially endanger the public health or safety.

Pruitt: I'll start. When you say in harmony, explain the definition of what you're talking about. What's in harmony?

Bourne, Greg: The proposed project is obviously in harmony like what surrounds it. Obviously, it's adjacent to an existing RV park.

Pruitt: But not in harmony with nature. You're talking about in harmony with surrounding uses like you know the existing portion. But just buildings, specifically your definition of harmony, doesn't mean they fit in with the actual area that it's in. You're just saying it's got similar buildings around it.

Bourne, Greg: Like from a drone or something down at the site of the picture you just look at what's around it. You have an existing park. You have single family dwellings. You have manufactured homes on lots. You have warehouses. You have to the north of the property; you have an abandoned manufactured home at one time. You have got a camper. They have got some vehicles. They're all overgrown. This proposal and the expansion, in my opinion, is in harmony with those uses that surround it.

Pruitt: The uses.

Bourne, Greg: Yes, sir.

Pruitt: Okay. But you're not staying to an environmental standard at all. You have your expertise is just right now you're just saying that the it won't endanger the value of the property next door.

Bourne, Greg: Yes, sir.

Pruitt: So the harmony I'm not sure and it's highlighted. It is kind of in harmony, they're all different. I mean there's not a mobile park next to it. Like you said, I don't see what harm it would be. I agree. It's not going to hurt the value of the property. I agree 100%. But I'm not sure. I'm kind of confused about the harmony issue of whether you're saying this whole project fits on this piece of property or are you here to tell me that it's not going to hurt the value.

Bourne, Greg: I'm here to tell you it's not going to hurt the value. Okay. In that regard it's in harmony. It would not be a use that would not be anticipated into their surrounding properties. In that sense, it's in harmony.



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Walker: Don't you think it's kind of difficult to compare something that's oceanfront to where this is located?

Bourne, Greg: Well, what you want to do is you want to look and, you know, in a perfect world, I'd have a sale right next to the park, right? A thousand feet away, I'd have another sale. They'd be identical. Then that way I can look at them and say, "Oh, the only difference is next to the park and one's not."

Unfortunately, this is the Outer Banks, and most of the property is already developed. So, if I'm looking for one aspect, right, and that is being next to an RV park is a detriment or has been an adverse to the adjoining property or adjacent property. I can compare as long as I'm holding the factors the same. One's adjacent to RV park another is not but they're similar in every other way. Then I can say okay I've isolated that one factor that says being adjacent does not harm that one.

Hines: I'm going to jump in there on page four where you do your general assumptions and limiting conditions. I'm a 23-year licensed real estate broker; I get your extraordinary assumptions and assumptions that you must make. However, I'm going back off number one, but on number eight, you say it is assumed that all applicable zoning and use regulation restrictions have been complied with unless a non-conformity has been stated, defined, and considered in the appraisal report. Wouldn't that kind of tie back into Councilman Pruitt's concerns on the road and everything else? Basically, are you assuming that all that's okay?

Bourne, Greg: I'm assuming the project will be developed just like it is production.

Hines: Also under number nine it is assumed that all the required licenses, certificates of occupancy, or other legislative or administrative authority from any local, state or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based. We don't have all of them. So again, you're making another extraordinary assumption.

Bourne, Greg: You know, these are standard conditions. This is not an appraisal like I'm appraising one piece of property and I'm vetting it. I'm using appraisal methods to answer questions. And so basically my assumption is it's developed just like it is shown up there.

Hines: Right. And you're here with flow and harmony and I understand. Based on that comment, I'm going to back off number 11, where there was no survey that was made for you for the appraisal because if you're putting a value to something, not that you must have a survey to give value, but you can't just rely on tax records either, right? But you're stating right here under number 11, page four, that no survey was conducted especially for this appraisal, right? That's your statement.

Bourne, Greg: That is basically whenever I appraise a property, most times it does not have a survey made specifically. Okay, here Greg, here's a brand-new survey. Now I'm going to appraise a property. Typically, I'm lucky to get a survey. It may be five years old. It may be 10 years old. You know, and sometimes I don't even get that. Sometimes I do have to rely on county records.

Hines: They're not even required by a bank half the time. Depending on what type of loan you're doing. I just wanted to point out for the record though that, you know, we're making these assumptions, but there's eight and nine. We go back to Councilman Pruitt's concerns. And I'm backing off 11, but I did want to just state that you didn't have an actual survey to go by.

Bourne, Greg: Not one made specifically for me, but I did have that site map. Okay.

Hines: But that's kind of contradictory to what you said at number 11.

Bourne, Greg: It's basically standard conditions that I include with every appraisal.

Mantz: I think I just have one. It's a little bit of a question but kind of a point to along with Councilman Pruitt's questioning of harmony. It looks like you indicate in there that the comprehensive plan and it's in general conformity with the comprehensive plan and does not materially endanger the public health or safety. Are you doing that off an appraisal? You know, I can hear the engineer say that but extraordinary assumptions.



Bourne, Greg: That's part of you know the plan I'm going with the plan they have here. I'm looking at value. Basically, given this plan what I've done research value-wise I see no detriment to adjoining properties.

Hines: I'm sorry, can you repeat that last statement?

Bourne, Greg: Basically, from my analysis, I found that the project will not substantially injure the value of adjoining property or be a public nuisance.

Hines: I thought I heard you put some the word value to something.

Bourne, Greg: If I did, I may have misspoken.

Hines: Okay, fair enough.

Mantz: I just brought that out there since this is an official record. Yes, the claim that of health and safety I think kind of exceeds the scope here a little bit which goes back to, you know, I guess assumption number 18 on page five. The subject has never been utilized as a waste disposal site for toxic or other hazardous material.

Bourne, Greg: I'm not an expert environmental guy. It's not mine. So I'd say you know that's okay.

Mantz: Thank you. I think so.

Varnell, Casey: As a general comment that goes to the remember I said earlier substantial material and competent and you guys decide what is competent. Is he competent to testify as to the issues you're currently speaking about? And that's in y'all's purview.

Pruitt: In your own words then did you not say that you are not qualified to say harmony environmentally or anything like that?

Bourne, Greg: In regard to in harmony as far as value goes.

Pruitt: Just with value, not in harmony with the area. You're just talking about the value.

Bourne, Greg: If something was not in harmony with the area, it could impact value but from my research right you know and using the language that is in harmony with value it will not have an adverse or detrimental value impact on the surrounding or adjacent property.

Pruitt: Just so that you know why I'm asking it is because in the findings it we have to find that it will be in harmony with the area and you use the word harmony. So I want to make sure that you're not the spokesman for this group that is saying it's in harmony with the nature. You're not an environmentalist, is that correct?

Bourne, Greg: No, I am not.

Pruitt: So, as far as environmental impact and all that, you're not saying that this is in harmony with nature in any way. You're just saying that this is in harmony with similar structures of value.

Bourne, Greg: Yes.

Pruitt: Okay. Thank you. Thank you very much.

Walker: Is everybody satisfied with this testimony?

Varnell, Casey: Yes, I ask if the applicant has any questions.

Hornik, Robert: With respect to the harmony issue, I know Mr. Pruitt's been asking you about harmony.

When you talked about harmony, did you consider the other uses in the area, the trees, the environment?

Bourne, Greg: Yes. I mean, I considered how it sits, where it sits and what impact it has. Obviously, it's one thing if the project went there and clear cut the whole site which is not going to do. If you look at the plan they preserve most of the live oaks and things like that so in that regard it is in harmony with its area and that harmony is a value indicator.

Hornik, Robert: Is it harmonious with the existing RV park right next door?

Bourne, Greg: Yes, it is. It's a lower density, but yes, but it's harmonious. Yes, it is.

Hornik, Robert: When you look at it, you talked about before like the drone's view looking down, right? When you look at it in terms of what is surrounding it, vegetation, types of buildings, other uses, not just uses, but the context of the area around it, right? Is it still your opinion that it's harmonious with the area? Yes, and in fact, if you look at some of the dwellings, if you go down Old Schoolhouse Lane, most of lots



have been practically entirely cleared where there is no remaining vegetation to speak of. So in that sense, you know, it's the project is better than some of the surrounding properties in that regard.

Hornik, Robert: And is it as harmonious as some of the other uses that could go in the VR3 district?

Bourne, Greg: Yes, it is. Thank you.

Hornik, Robert: I think last but not least necessarily with our presentation, we've got Chris Cashin, who's one of the principles of the entity that owns the property. He's going to talk to you about the project and some of the other issues we can talk about.

Cashin, Chris: Good evening. My name is Chris Cashin. I'm one of the owners of the Preserve Park in Kitty Hawk. I've owned it for about 10 years. I owned it but I was not part of the request for the home park earlier. I guess that preceded my ownership. But I wanted to just tell you a little bit about what we've tried to do with the property and what we would like to do with this adjacent property. And when I bought it, there were some issues locally with the with the Preserve Park. The previous owner had done some work to improve it, and we've continued to do that. We really focused on using strong lease agreements, some standardized processes, some legal background checks, etc. to improve the tenancy in the park and to make sure that we're complying with everything that Kitty Hawk requires. I have checked in periodically over the years with the police department and with the fire department to say that we're running a good park. We haven't created any issues locally with the police. We've been following everything that we've been asked to do, and we maintain a very standardized schedule of maintenance and try to maintain a standard of RV that's in the park and try to make sure that we're doing the best thing that we can for the area. So why are we thinking about expanding it? We've always owned the property next door and it's a separate parcel and the goal was we'd like to see if we could continue to expand upon the things that we've learned over the 10 years of running the park that we currently have. I get it, not everybody loves RV parks, but we really think that I think it's an awesome use for here in the Outer Banks if we do it right. I wanted to make sure when we made this proposal that we did it right. I hope I've demonstrated that to you. We spent the time hiring local experts to look at what the environmental impact is. How can we minimize that? How can we put the correct septic in place? How can we make sure there's minimized environmental impact? Create a park that looks great, that has some maintenance trees, has nice space between the spots and creates a welcoming environment that we think we have now. I think this steps it up even better on the second half of the park. I think that we've really been intentional with how we can design something that would look good and work with some of the limitations you have in terms of how low-lying the area is and what can we do and what would what else could we put there? As far as some other things I've heard that come up, I mean, obviously RV parks were a text amendment that was made I believe a few years ago we were in VR3, but RV parks weren't allowed in VR3, but that was changed a few years ago. You know, the Preserve right now is a is a grandfather use. So, we look to be compliant with all the standards that the RV park ordinance requires. That's what we were very intentional, making sure John went through and did all the septic requirements and the turnaround requirements and we just tried to do a little bit above and beyond in terms of making it look like it would be a very attractive spot for people to come. And with that, I'd love to welcome your questions about what our intent is. I know there's some questions about tenancy and who's going to come. I'm more than happy to tell you how we plan on managing that.

Walker: Do you have a manager?

Cashin, Chris: We do. His name is Nick Martini. He's managed the park for both the previous owner and myself.

Walker: Does he stay in a camper?

Cashin, Chris: He is.

Pruitt: Do you have a storm plan?

Cashin, Chris: We do. When there is a storm coming, we do put out information. We can't make people leave. We request they leave.



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Pruitt: So if that camper if the if the RV is there and hurricane's coming and they're in Mississippi and you call and say, "Hey, you need to move your camper out of here, your RV out, and they say, "Man, I can't make it."

Cashin, Chris: I haven't had that experience.

Pruitt: But I look at the worst case. Everybody knows me. I look at disaster.

Cashin, Chris: Of the tenants that aren't there, the ones that I know of are ones that live within an hour of the spot and they do come and move.

Pruitt: Say 10 of them aren't from here. What would you do if we had a hurricane coming? What would be your plan to get these vehicles out of this low-lying area before they end up in Ash Swamp? Is there nothing you can do? They're private and you can't ask them to leave or have a tow truck remove them.

Cashin, Chris: We do ask them to leave.

Pruitt: Well, how about if they don't?

Cashin, Chris: I suppose if that's something that would be a requirement. Is that a requirement within the ordinance that we do?

Pruitt: And if they don't, they can be towed.

Cashin, Chris: That's certainly something that could be part of a lease. A lot of the questions I think you guys ask could be managed through a lease agreement. That lease agreement could include that provision that if you're required to remove or the park will have it removed for you in the case of storm evacuation.

Pruitt: Well, I have concerns and this room's full of people with concerns about what's going to happen if it floods. I think most of the people here are worried more about where the wastewater is going, where these vehicles are, who's going to make sure that they're not left there. The reason that when we did the RV park, one of the reasons that they didn't really want to do it is because we were going to be above the flood level where this isn't. So that way if they didn't come, their RVs, I mean, their campers were going to be where they flooded. I don't see how, especially if you only allow these people short-term like if I go to a campground and I pay by the night, right? Just like I do when I go camping. I love camping and I have nothing against RV parks but most of the ones I've been to you go there, they don't have a lot of them don't have septic. You hold it and then as you're leaving you go to the dump spot and go. That way you don't stay because you must keep going back and forth. This seems like you're going to hook up, you're going to stay and you know a monthly rental can turn into yearly and what you just said is you really have no way of making them leave if they don't want to go.

Hines: Well, that jumps back into what I was saying earlier. So if it's 180 days, right, you can pull out for one day and go back in and your 180 days start again, right? So, and then you say you can't make somebody leave. I may be off here, but if you're not a full-time resident and you're told mandatory evacuation, you can make them leave. So, I have concerns about that. My concern is you pull out for one day and you're right back for another 180 days. But to your point on the flooding and the hurricanes, if you know, if you're in Mississippi, I mean, it's not a tornado. It doesn't just show up overnight. You've got time to get here and get your stuff out of here.

Cashin, Chris: I can only speak to the experience I've had managing the park is that we do send out evacuation messages. It is not current policy to make them leave; we haven't done that. If you're saying that's the condition of now managing RV parks, I don't know.

Hines: That is a concern.

Cashin, Chris: I don't know if I have the legal ability to do that as the lease is written.

Hines: You can put whatever you want in your own lease.

Cashin, Chris: That certainly could be something that we would consider.

Hines: Again for me it is more of a safety concern, not a condition. I'm not against RV parks. I have been sitting on the county planning board since 2015. We've approved plenty of them. I'm not opposed to it. This is different than any I've ever seen before.

Cashin, Chris: Can I ask you in what way?



Hines: Everything we've discussed tonight. I'm more concerned about the safety side of it. Environmental. Because that water does lead to open water, it might have to go through a culvert underneath a street, but it does get there.

Pruitt: That goes to Kitty Hawk Bay, no question.

Cashin, Chris: What body would satisfy you? Whose opinion would satisfy you?

Hines: Well, it's not just my opinion. It's this whole board, everybody.

Cashin: If the storm water and what is not approved by Dare County, I'm just asking what body would satisfy.

Hines: We have catastrophic events when we get them. We have the septic exploding, look at Hatteras right now that's all approved. I'm not trying to make it difficult on you I'm just trying to throw out things. Like Councilman Pruitt, I'm throwing things out there that we must think about as a council for the safety and well-being of all the residents around. So that's all I have for now.

Walker: Anybody else? Dylan, do you have anything?

Tillett: I would like to elaborate on that park manager position one more time. That's great. You have a person that lives in the park right now that manages and that works out wonderfully. If that person left and no other person living in the park wanted to be that manager, what would you do?

Cashin, Chris: He does not live in the park.

Tillett: I misunderstood.

Cashin, Chris: He comes to the park.

Tillett: So, if you lost that employee, would you find another local person?

Cashin, Chris: Yes, sir.

Tillett: My point is you don't have any plans to have an office or a somewhere where he would have headquarters at?

Walker: How are people going to get in and out of the park? We're talking about motor homes, what is your vision? Do you see people coming in for just short periods of time and leaving, just on vacation.

Cashin, Chris: Based on my experience with how people currently consume the park is that they would like to be here for weeks. Sometimes they do half and we pro-rate the month. I think that's how we would approach it.

Walker: This has little to do with your subdivision, but I have concerns about The Woods Road traffic. I've been caught in that Woods Road traffic on weekends, and you cannot get out of it until you get to the end. I don't know how you were going to evacuate or I just it just I don't know how you're going to manage that without somebody on site when you've got somebody checking in and checking out and everybody doesn't drive them well. Are they back in or drive in sites?

Cashin, Chris: They're back in sites and that's why we created the wider berth so that they could do that.

Pruitt: These will be for the owners only an immediate family. They won't be able to leave them, and a cousin come stay.

Cashin, Chris: We have all those kinds of regulations in our current lease agreements. You can't sublet it.

Pruitt: Not sublet, but I understand that. But I know that the parks here, I can't even let my nephew come if it's not me and my children.

Cashin, Chris: No, I do believe the lease agreement is super important, but yes. It's not meant for others.

Pruitt: Because if I leave it for a period of time, I can go back home and I can tell my cousin, why don't you go stay for a couple weeks and then or my nephews and but I know locally here that I was thinking about putting an RV in a park because I like parks. I checked around and I thought it'd be great if I had some family, they could go over there and stay. I found out that's not the way it works here. It's for me and me only. I just was wondering if this was very similar where, you know, nobody else can stay in there but the immediate family.



Mantz: It's not a gated community either, you know, to prevent folks from coming and going as they want. With that lease that you have now currently, how long are people allowed? What's the maximum length of time somebody can currently sign with you?

Cashin, Chris: At this point they can roll to month for as long as they have. There isn't a maximum. That would be a change.

Mantz: The current park is also in the same flood zone.

Cashin, Chris: 100%.

Mantz: So everything can be pulled away and got a 180-day requirement.

Cashin, Chris: I mean, in the 10 years I've owned, we've not had a flood problem. I mean, we've had some.

Mantz: Well, I'm just saying right now, do you track since it is in a flood zone and there's a 180-day requirement or a one-year requirement to have the camper registered?

Cashin, Chris: We have a running registration of who's in the lots.

Mantz: Okay. So, you keep up with that, and you maintain the 180 days and currently.

Cashin, Chris: Okay. We have and we have information on the vehicle. We have security deposits.

Tillett: Going back to Mayor Walker's concern about traffic on The Woods Road, have you been in coordination with any sort of traffic engineer regarding additional ingress and egress next to the entrance is so close to an existing intersection. I know on new curb cuts on for new projects; you would want a certain separation between an intersection. I could see that creating a danger. I'm not a traffic engineer.

Delucia, John: 32 RV units are going to have one vehicle, maybe two vehicles on them. I say one vehicle because usually the RV tows the electric vehicle they use to get around here. I know that on Saturday afternoon or Saturday mornings people try to sneak up that road. I don't know what we can do with that.

Walker: I don't know either.

Delucia, John: If we could find the solution to that it would be wonderful. I mean, the solution to that is to get up at 7:00 to go up to Walmart and not get caught in the 11 am traffic.

Mantz: That's just an inconvenience. I think what Councilman Tillett's saying is you've got a T intersection right there and you've got an angle road right now. You've got folks that are staying there long term. I mean, they're not coming and going, but you come out that you know, just driving out of there. I run through there all the time. When you come out of that lot, you're looking right back down. You're coming at an angle, and you look back right down the swamp. You have got a rig behind you, you're pulling out in front of a 35 zone, or you know somebody going sometimes for I guess some people go 50 down there but not you. I'm not saying but it could be a tight spot right when you're coming out with a rig and so you got to be careful. It could be a concern now you have a lot more activity, 30 more spots and 32 more spots and so forth and so on. I get what Councilman Tillett's getting at there.

Delucia, John: I mean, a typical operation on from where the RV park is not going to be driven from because they're not all coming and going at the same time.

Mantz: Not until that hurricane hits and now you've got 30 plus the original 30 vehicles trying to egress all at one time. One way in, one way out. It's a safety issue, you know, no parking lot around a commercial would allow you to go one way in, one-way out to Walmart or anything like that. You have got to have ingress and egress for safety.

Delucia, John: So yeah, but the traffic concept of something like the and we did traffic studies when we did BB&T where the new right Royal Farms is going to go. We all looked at and on a shopping center like that your traffic count is higher.

Mantz: That's a whole different animal, that's a commercial spot and all that, but you do have a lot of people.

Delucia, John: If we develop this parcel in compliance with the permitted uses and put 24, 25 3-bedroom apartments on here, the traffic would be much higher than 32.

Mantz: Possibly, but not big rigs behind them and that sort of thing. So again, concern being an emergency, storm hitting or whatever, you're trying to egress all everybody at one time and it could be, you know,



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problematic with everybody's trying to back out and as Mayor Walker said, you know, having somebody direct and that sort of thing. You know, it goes back to the owner making sure there's a traffic cop out there directing traffic because that could become a real big mess. People could get trapped back there. Not to mention a fire hazard. Not that we're too worried about that.

Delucia, John: But I mean I think that's probably more than before.

Cashin, Chris: No, I agree. I think that's why a manager is important.

Pruitt: Since we're talking about the intersection. I'm kind of we're going to go back to the Baum property. How wide is the easement?

Cashin, Chris: I know we do have a very tight easement agreement that dates to when we purchased the original park.

Pruitt: It just seems like to me we'd like to know, I would like to know, if she was to pinch and just hold you to your exact easement.

Cashin, Chris: I'd love to contact Mrs. Baum about it, but I have not been successful.

Hines: Now, did the appraiser not pull an easement? Did you not go back to the assumptions, right? Assuming they're all there.

Walker: Anybody else have questions?

Mantz: One last question. Do you have a recreational facility right now at your current property? Do you have a place that people are using already?

Cashin, Chris: We just have extra space. There's extra space where some of the dumpsters are.

Mantz: It's at the end of that one road when you come in back on the water that kind of green area.

Hornik, Robert: Madam Mayor, can I ask Mr. Cashin one question?

Walker: Certainly.

Hornik, Robert: Over the course of your 10 years of association with The Preserve as it is now, how many accidents or incidents have you experienced at the intersection of the driveway with The Woods Road?

Cashin, Chris: I know none, but I can't guarantee that nothing has happened. I'm not familiar with any.

Mantz: That's of your current long-term residents who are there.

Hornik, Robert: No further questions.

Walker: Now, I want to make sure that everybody has had an opportunity to ask questions and to come forward.

Hornik, Robert: Will I have an opportunity to kind of sum up after the public or whoever else? After everyone's done, I'll have a few comments.

Varnell, Casey: Absolutely.

Walker: This is their hearing. So, I want to hear from them, too.

Garrett, Lauren: Madam Mayor, we do have someone from the public signed up to speak during this hearing.

Walker: State your name and address and speak directly into the microphone.

Windle, Andrea: I'm Andrea Windle, I live at 1022 West Kitty Hawk Road. Happy New Year. I appreciate the time. I come to a lot of public meetings here at the council and spoke, but I am by no means an expert, which I just probably shot myself in the foot not signing up for public comment, but I guess that didn't matter either because that was such an eloquent letter that was read into the into the meeting. The only expertise I have is that I live in the village and I live not adjacent but close to where this is going. You guys have done great tonight with all these valid concerns that people that live in the village have on this expansive project. Traffic is a huge concern. Charlotte, thank you for bringing that to the attention of being locked in on a Saturday. Yes, that is a huge concern and although in the 10 years that you have owned that, I don't believe there are a lot of large recreational vehicles in and out of that driveway that dumped right into an intersection onto the continuation of the walking path. That is a huge concern. Also something else that we have thought about with people staying here long term and I know there's two parking spots per lot but I know being a frequenter of RV parks and camping, that's going to really increase the e-bike traffic



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as well because I know a lot of people if they're parked, they're going to e-bike and that's already a concern. There have been a lot of issues and accidents with that and so in a shared community and maybe you know people who are not exactly sure where they're going, that can be another huge concern. But once again, not being an expert, but knowing what the land use plan is for Kitty Hawk, in my humble opinion and not expertise, I believe that it doesn't fit in. It's not conducive to the village. Maybe some people might say that it's a case of not in my backyard, but that person probably has the luxury of not worrying about this going in their backyard. With that being said, I also know that in the past there have been applications for special use permits and it has been said from council that the Town of Kitty Hawk has taken a lot of time and money to create a wonderful land use plan. So, it's hard to see things get changed when there is a clear vision for the Town of Kitty Hawk and how the residents want the land to be used. Maybe, you know, if an RV park is there, maybe it's not so dense, maybe it looks different, but the way it is going to impact on the community of the village. Before 10 years ago, there was a huge storm. It was 14 years ago. My daughter was just born, and we left and it was scary, horrible storm, which we've been very lucky that we haven't had any more like that, but chances are we probably will. All those flooding issues that council are bringing up are very valid concerns. I would just like to say as a resident of the village that nobody has chosen to make their life here because they wanted this in their backyard. They want respite.

Walker: Thank you. Anybody else? Casey, he'd have to be sworn in issue he'd like more information.

Varnell, Casey: Oh, he wants to be heard about. He needs to be sworn in.

Garrett, Lauren: Do you swear that the evidence you shall give is the truth, whole truth and nothing but the truth, so help you God?

Pentecost, Curtis: I do.

Pentecost, Curtis: My name is Curtis Pentecost. I live at 1047 Twiford Street. I heard Councilman Hines briefly mention a fire and I haven't heard anybody mention anything about fire control, fire hydrants or outdoor fires like grills and things like that. I woke up one night and the house behind Ronnie Tilllett's house was on fire. That was a scary situation. I was really concerned that whole forest was going to go up and I never had a problem with the trailer park. Never even noticed that they were over there. But with that many packed in, I had been at Frisco campground on holidays and there's fire, there's drinking, there's yelling and screaming. Like I said, I had never heard anything. I didn't even know the trailer park was over there really. But I am concerned about fire and whether there are fire hydrants and how they intend to deal with that issue. Thank you.

Delucia, John: Let me answer that question really quick. There's water system out on the site. There's an existing fire hydrant right in the middle of the whole site.

Tillett: Mr. Delucia, is that a fire hydrant? Is there a certain distance it needs to be from every site? Is there a requirement that you've met when designing this?

Delucia, John: It's right where it turns.

Tillett: I know where it's at. I'm just curious if there was a minimum distance from each site that that is being held. Is there a 400-foot or 500-foot distance?

Delucia, John: We submitted it to the town and the town said what we have out there was okay. If we needed to put another fire hydrant, we'd certainly be willing to do that.

Hines: I'm sorry, where's the fire hydrant at again on there?

Tillett: The existing ones on the property line.

Hines: It seems like there should be another one to me somewhere. But I mean, if the fire department's okay with it, then who am I? They would know better what they need to fight a fire than I do.

Tillett: Chief, are you able to speak on distances from hydrants?

Swearing in Chief Talley.

Garrett, Lauren: Do you swear that the evidence you shall give in this action shall be the truth, whole truth and nothing but the truth, so help you God?

Chief Talley: I do.



Chief Talley: Good evening. So what was the question?

Tillett: Is there a certain distance from a hydrant that you're looking for with our apparatus to make sure that if a fire was to happen at one of these sites? It would be within a correct distance to be able to attack the fire.

Chief Talley: So, we generally look for 400-ft. We have the capabilities of going 1,000 ft with our trucks. That's a standard that's with all fire pumpers, most of the fire service and as well. We can go beyond that, but we typically don't want to go beyond 1,000-ft. In terms of what we look for in the plans, we're looking around the 400 to 600 range.

Hines: So, do you feel that's adequate for you guys the way it is now?

Chief Talley: This was approved by the fire marshal. So, yes, he knows what I am looking for. So, we're in that 400 to 600-foot range.

Tillett: If one of these at any single site went was to go up in flames, you feel confident we'd have the correct equipment to address that in our apparatus?

Chief Talley: It's not really about the equipment. It's about the staffing and the manpower. That's going to be questionable any time of the day, day of the week. There are many variables there.

Hines: As an example, you got a fire hypothetically on Lindbergh and you guys trying to fight that and then one breaks out over here. Is that what you're referencing as far as manpower to be able to adjust?

Chief Talley: There's something called an effective response force on any fire and generally we look at a single-family residence and we have minimal. Right now in the region, we're below our minimums to begin with. So, it's just in any fire. We're behind in that regard. We have a lot of equipment, not a lot of staffing. A lot of our staffing now is based on mutual aid. I would say all of it is based on mutual aid. With what we have in Kitty Hawk, we have no control over what others are sending us and when they're sending them to us. So there's a lot of variables in that regard. As for Kitty Hawk, if we have the staffing, we have the equipment to deal with this. It's just that we staff four people per shift. So if you're asking if Kitty Hawk can handle that, I'm going to say no, we cannot.

Hines: Would an extra hydrant make it easier?

Chief Talley: It's still going back to the staffing question. We got people staffing those fire trucks and responding. Now on a good day, we do get that staffing in a relatively quick time. We can handle that. But if you're asking me at every moment of the day, can we handle that? There's a lot of variables there. I can't really answer that.

Hines: That's fair.

Pruitt: Chief, do you know if that's a dead-end line or if it's a spaghetti line or a loop line, or do you know?

Chief Talley: It's most likely a dead end.

Pruitt: A spaghetti dead end.

Chief Talley: I don't know specifically.

Pruitt: So, adding more hydrants on a dead end like we've seen on Ivy Lane, it's not on a grid system. If it's not on the loop system, one hydrant sucks the flow. If we had 10 hydrants, it wouldn't make the difference of water flow to this site because of if this is a dead end main or spaghetti line. It doesn't get on a loop on The Woods Road. Most likely not. The question of more fire extinguishers we've seen this happen in Kitty Hawk Landing and where you could have all the fire trucks you wanted but we didn't have an order couple of the trucks sucked it so the rest of them couldn't even run. So to answer that I don't think hydrants would help in this situation.

Mantz: So, Chief, I brought this up a couple times, but just while you're here, I know the fire marshal looked at this, but any concerns with single ingress and egress point when you you've got multiple casualty ambulances, fire trucks, any concerns or any kind of rapid evacuation. With this layout, the way it's, you know, single road in and out.

Chief Talley: We would be concerned about those things if it was high occupancy. Okay, these are probably not going to be, that's not going to be the case. I guess it could be, but it's not going to be high and that's



when we usually want so that we can get in and out of there, any emergency vehicles and so no we're not able to get all our trucks in and out of there effectively with the hammerhead and get in and out. We did look at that when these plans came out to make sure that they met that standard and it does.

Tillett: Out of curiosity, what is the procedure for turning around at a hammerhead intersection? Do crew members jump out of the truck and guide the truck backwards?

Chief Talley: Yes. One leg, they get out, back up down the other leg. If I'm not mistaken, it was supposed to be 60-ft on each of the legs. I think that's what it said.

Tillett: Did you or the applicant receive any sort of written report from the fire marshal when he did the review on that hydrant?

Chief Talley: No.

Tillett: Rob, you don't know of any. You haven't received any on that note.

Testerman, Rob: No.

Pruitt: Rob, is there a flow rate for dwellings by, you know, like one hydrant at a certain flow rate can only service a certain number of dwellings? Is there anything in the code like that?

Testerman, Rob: Not that I'm aware of.

Tillett: That's all I have. Thank you, Chief.

Walker: Thank you. Great. Is there anybody else that needs to speak, would like to speak? Okay. Well, then I would entertain a motion. Mr. Hornik wanted to just make a few closing remarks.

Hornik, Robert: I promise to be brief. I'm sure you've heard attorney say that before and waiting, whatever. But in any event, you know, we had quite a discussion this evening. I know that there are some concerns that some of the council members had regarding the turnaround. You know, we can accept the condition that there be a cul-de-sac instead of a turnaround. A design issue that John has already indicated can be addressed. There is an issue about what is a turnaround. It's just not a cul-de-sac. The ordinance doesn't require a cul-de-sac. Nevertheless we're willing to do a cul-de-sac if that's what the council prefers.

Mantz: I'm sorry you said the cul-de-sac is not required per the ordinance.

Hornik, Robert: It says a turnaround.

Tillett: With 80-foot diameter.

Walker: That's hard to do on a T.

Hornik, Robert: But the next one, there's no definition of turnaround in the ordinance.

Mantz: The intent is 80-ft would be so you could turn around, not have to back up to a safe.

Hornik, Robert: You're saying it's an ambiguity.

Walker: It gives you a radius, there is no ambiguity.

Delucia, John: Let me try. The ordinance says any road designed to be permanently closed should have a turnaround that's closed in with a minimum right-of-way diameter of 80-ft. We don't have a right-of-way here. This is a driveway, but we do have a turnaround that is more than 80-ft. I mean, if you want us to do a circular one there, we certainly can do that. I can accommodate that. But we're still going to leave that that T up there. It's still going to be part of the plan because it still will provide a turnaround for the fire department to use. Fire department can't turn around with 80-foot. I mean, they've had to do a lot of backing. I've seen it at the end of my road, so you know, the turnaround that we have there is 80-foot. It has probably 120-foot turnaround space in it because we have 60-foot to the west and over a hundred feet to the east and we don't have a right-of-way here that would have an 80-foot. I'm not sure if you want to see a circular it won't be as good as this and I still think it meets this ordinance in my opinion.

Hines: May I interject for a second?

Delucia, John: Sure.

Hines: Chief Talley, would you say that what he said is accurate on the 80-foot turnaround for you guys?

Chief Talley: I would accept a challenge.

Hines: That's fair.



Walker: Motor homes with a vehicle on the back of it don't back up either. Motor homes with a vehicle attached to the back, a tow vehicle, don't back up either. Can't back up.

Hornik, Robert: Well, you probably know that though.

Walker: I do know that.

Hornik, Robert: I'm sure. The only other points I want to make here is that I think that the issues that you raise can be solved with there's a requirement. Many of them are requirements of the ordinance anyway. They're just important, they are enforcement issues. As Casey had indicated before, the 180 days and being road worthy, the having the log of the leases, the owners and their addresses and all that. Those are all requirements of the ordinance. We must do that anyway. So we have no problem with doing that. If you want some kind of annual or bi-annual or semi-annual certification compliance with the lease issues, Mr. Cashin has already indicated his willingness to do that. Remember that this site could be developed with 24 or 25 single family residences. I mean as a matter of right in the district. What we're proposing here from a traffic standpoint is probably less of an issue than having 25 or 24 single family detached units on the property given the number of trips per day and the like. Please don't consider this just with respect to being vacant land and having a proposal on vacant land. You must consider what else could be there and whether this is better, worse or about the same as I would ask you to keep that in mind. There's a lot of discussion about harmony. I mean, harmony isn't just zoning stuff. Harmony has to do with the character of the area and with proposals in the context of the area in which it's proposed. You heard Mr. Bourne and Mr. Cashin and Mr. Delucia all talk about what's around this property. You have the existing mobile RV park right next door. You have some commercial uses down up to the north, I suppose. You have some residential uses including one with a warehouse, some that are perhaps dilapidated mobile homes, others are our modest single-family residences all in the area. There are trees. We're going to preserve as many trees as we can on the site. As a matter of fact, one of the reasons why we're doing the 18 units is so that we don't have to do a big septic field where we're going to have to take down a bunch of trees. So, we've tried to be harmonious and accommodating to the existing environment. You know, this is a place where people will come. You'll be attracting families and visitors. So, you're consistent with those issues of the land use ordinance and I submit that we presented to you the sufficient evidence for all four findings, compliance with the code, those things that you don't think we comply with, and attach conditions. It's easy.

Hines: I will say one thing about harmony. I love the word flow and harmony. It's kind of like as an attorney, it's kind like reasonable, right? But I find it to be in harmony, you may not be what you find to be reasonable, I may not find it to be reasonable.

Hornik, Robert: It may be in the eye of the beholder.

Hines: That's correct.

Hornik, Robert: I understand that. But it's also if there's some objective standard that someone will look at.

Hines: No, I understand. But you might like green, I might like yellow.

Mantz: If I could maybe, you know, along with that point to clarify a little better is we keep using the word harmony, but it's harmony in relation to the entire sentence, which is harmony in the area which is located to be in general conformity with a comprehensive plan. So, we've talked about ordinance, but we haven't talked about the comprehensive plan. When I talk about the comprehensive plan, the land use plan that was put together by the town as a guiding document. For instance, on page 39 of the land use plan, they state, use a future land use map and character area description as a guide when making land use and development permitting decisions. This is especially relevant to the rezonings and decisions of where to extend public infrastructure and services development within the horizontal boundaries of the two-foot sea level rise area that I was talking about earlier. I have specific concerns here. So when you talk about harmony and compliance conformity with the land use plan, I don't see the congruence.

Hornik, Robert: Well, I mean I would disagree. I think that with respect to raising the pad so we're above the two-foot and the streets we're above the two-foot flood line. The property is zoned VR3. I mean what



we're proposing is consistent with the zoning which this council not necessarily you guys, but this council has said is an appropriate use in that district subject to condition a special use.

Mantz: So we're talking about special use so having said that further in in the you know the land use plan as you know called out what is you know two the two areas are in the accommodate and adapt and acknowledge and conserve. That acknowledge and conserve is specific, you know, when it talks about what you're allowed to do. In that it says discourage new development that relies on septic tanks and areas that will be inundated again with this two-foot sea rise area. That becomes problematic as well when you talk about septic systems and keeping with the land use and with the conformity of it. There's plenty of other things. Some to include under goal three policy 3.1 which Mr. Testerman pointed out manage land use and development to minimize primary and secondary impacts on resources and existing residents through standards for development. Then 4.1 encourages the preservation of maritime forest, flood plains, marshes, and wetlands through development regulations and land protection initiatives. In fact, I think when you look at the definition of acknowledge and preserve, it recommends that you look at ways to disassemble existing structures in those areas. So, we're talking about proposing building something in an area that we're recommending in our land use plan. Now, I love this notion of a RV park and it's great. I'm on the Recreation Committee, have been for the last few years, and I love the idea of recreation and bringing it, but it's congruence with this land use plan, which is signed off by the Town of Kitty Hawk, after, you know, as one of our witnesses indicated, a lot of money, time, and effort. It's just not congruent with that as far as in my opinion as a framework of which to operate to make these decisions.

Hornik, Robert: I understand what you're saying. Again, I disagree. I mean, there'd be no property development of vacant property if we had to comply with the disassemble argument.

Mantz: Well, how many places live in flood zones that, you know, that have to worry about this sort of thing? If we allow this to happen and the next thing you know the entire, you know, Kitty Hawk, you know, 30, 10, 20, 30 years. Not to mention, you know, 10 years down the road, all these 18 different septic systems that could be, you know, starting to cause problems, that sort of thing, which is a big problem along the entire, you know, beach community here.

Hornik, Robert: So, I submit that speculating about what might possibly happen isn't evidence.

Mantz: What measures do we put in place to make sure that nobody walks on those fields, right? Those septic fields. Well, the septic fields are in between most campers, not every camper, but a lot of campers. How are you going to control people from, you know, walking on them and stuff? You look at the EPA standards, they say they recommend vegetation on top of them to make sure that you don't walk and smash down. We're already talking a thin layer to begin with 30-inches deep before you hit that water level. You know, I don't care. You can build up several feet, but then again, land use plan calls for making sure you don't use fill in these marshland areas because then it could run off and create different storm water issues. I know we got infiltration basin and stuff, but right.

Hornik, Robert: The septic systems, I mean, as John Delucia has said a few times, I mean, every yard in a single family residence has a separate system and it's if it's your backyard or your front yard, people are walking on that, playing whiffle ball on it or parking on them, parking on them, accidentally.

Mantz: But that does make it right. Our job is to make sure that we keep compliant with a framework and a way of thinking and that's all I'm doing. Just like Mayor Pro Tem Pruitt pointed out, you know, I've got an ordinance, so I got to go by this. You know, that's legit and maybe there's ways we can work around to fix those, but there's a bigger elephant in the room for me and that's this land use plan. If we don't use that, then the next property thereafter and the next property thereafter, we got to be consistent as a council and as a town.

Hornik, Robert: I mean, that's really my closing statement. I would ask the council to find in favor of the special permit use application. If there are conditions that you feel we need to apply to feel comfortable approving, let's talk about that and see we've already agreed to two or three different conditions. I would like to try to make that happen. I suppose otherwise council members are generally satisfied. I mean we



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talked about continuing that's not our preference. We talked about continuing the hearing, if necessary, to address those couple of concerns. We would be willing to talk about that too. But again our first preference would be approval or even a conditional approval tonight. We think you can do that. Thank you.

Walker: May I have a motion to come out of public hearing?

Tillett: So moved, Ms. Mayor.

Walker: Second?

Pruitt: Second.

Walker: Thank you. All in favor?

All Council: Aye.

Walker: All opposed? None. We're back in regular session now. Thank you very much. Do you have questions?

Varnell, Casey: To keep it orderly so that way no matter which way this thing goes for the record, for the minute taking, for Rob later and preparing whatever order must be prepared. I think let's just do it this way. Since section 42-100 (B) (8) to approve this application you guys must make findings that proposed special use does four certain things. Let's take each one by one. Let's start with A, the discussion you guys have had. I'm not saying to vote, just discuss. Does the proposed special use materially or do you make a finding that it does not materially endanger the public health or safety? You've got to find that it does not endanger public health or safety.

Pruitt: Leeching septic tanks going into Kitty Hawk Bay. My boss died two years ago from a bacterial infection, and they pretty much directly relate that to E coli from the bacteria coming out of the septic. When there are assumptions that you know when the man said you know how do we do it? I'm a waterman. I work on the water. Years ago crabs didn't die in the bottom of our pots. When the water got stagnant the bacteria didn't go, it didn't happen. Now, we have dead crabs. Every time the tide quits moving, when the Kool-Aid separates, I say the bad water sinks to the bottom and everything down there dies. The bacteria are real. We've had several deaths here on the Outer Banks. We're closing our popular swimming areas, one right after the other in the peak of our tourist season. We're telling people, don't get in the water. As a commercial fisherman, and I'm sure my fellow commercial fishermen are joined with me, we worry that someday somebody will say, "Hey, y'all can't eat the seafood coming out of the Albemarle Sound, Pamlico Sound, Neuse River. It's a scary situation. We make a living, you know, like you make a living on campgrounds. We make a living off this water. We are very concerned about what's going on in it. So, I think this is very dense, me personally, but we're talking about endangering. So, I think the proofs in the pudding of the bacteria and the state shutting down Jockey's Ridge swimming hole, Colington Harbor Park, Southern Shores Boat Park, all of those are closed every summer when they test because of the bacteria. More of the island. Look, we're floating barrier sand. We can't hold much more. I know it seems dense to me, and I worry about the safety of the people around me, the kids playing when it rains and a kid running out there. I mean that there are a lot of septic tanks leeching in the Ash Swamp.

Varnell, Casey: You know the septic since you brought that up. Is that does that have anything to do with the low-lying area that we're talking about such as the acknowledge and conserve in the land use plan?

Pruitt: We all operate on septic tanks and mine is just as guilty as yours would be. I'm not saying mine's any different. I don't think they're a very good method anymore. When I first built my house, my yard didn't flood. My septic stayed dry all the time and 30 years, but in the last 10 it's just the water table is rising. So I have concerns about the health. I have the concerns about the health of the fish and the turtles and everything that's in that Ash Swamp. That swamp's full of white egrets. So you know sometimes 20, 30 at a time that come there every single day that'll be drinking that water. I have concerns about the health of not only people but of the nature that's in Ash Swamp.

Tillett: I'd like to add to that the public safety adding additional flow to a curb cut so close to an existing intersection without hearing from an expert and in that traffic field. I'm unsure that it's adding it could be additional public safety or lack of public safety.



Varnell, Casey: No traffic study presentation. No expert testifies to those items.

Tillett: Correct.

Mantz: I as well with the traffic have an issue with safety simply from the standpoint I know that fire chief talked to not have it some concern but I just I worry that if something happens a flashfire or any you know anything like that that you know or mass casualty you know fire blows up propane tank blows up and next thing you know if I was there I'm going to jump in my RV and I'm going to get out as fast as I can because I don't want the guy next door catching me on fire. Now I'm just blocking the road for any, you know, cars coming in and out. Same lane all the way back to a dead end just doesn't sit well with me. So that's a concern I have as well.

Pruitt: And I'll also add, we don't know what the easement is. It could be 10 ft. She could put a fence on both sides, and we couldn't get a fire truck through there, period. We don't really know what the easement is. So right now we don't really know how wide the easement is to get onto this property. So we don't know what the passing was going to be. I do know the easement at one time was not sufficient for another person to build an RV park until they got a right-of-way. Now, why is it different here I'm not quite sure.

Hines: Okay. I'm going to go back to Councilman Pruitt with, you know, with the ordinances and making sure we're complying.

Varnell, Casey: Well, that's up next. That's B. So, if we're ready to move on, we'll go to B, which is there a finding and Councilman Hines, lead off with that. Does this application meet all required conditions and specifications of our ordinance?

Hines: For me, it does not.

Varnell, Casey: Okay. You want to elaborate?

Hines: Pretty much going back to the first round of questions. There's just some like the easement. I mean, there are unknowns.

Tillett: Road length.

Varnell, Casey: I bring up some issues that I that I took down while you all were discussing. We're just talking very particularly to what our ordinance says. There was the issue with the 80-foot right of way turnaround in diameter. If I recall correctly, I believe Rob testified that he did not believe that the proposal itself evidenced what the intent of that ordinance provision was. The applicant of course had an engineer that said yes, put things out there for council's consideration. The other issue I believe Councilman Tillett brought up was that the issue of the road into the park not exceeding 1,000-ft being measured from the park entrance. I do believe the testimony was that the park entrance was going to be starting at the essentially the public right-of-way at the Baum property and measuring from there it did exceed 1,000-ft maybe 1,090-ft I believe it is what Rob's report said and there was a "shall" in front of that as well. You all have heard my spiel on my thoughts on the "shall". Those are two that I recall, but if there are any.

Mantz: There was one more. We talked about moving the recreation facility. I mean, I can't see a kids' playground going on top of a septic field behind the bathhouse but there were, you know, adjustments that could be made for that.

Varnell, Casey: Alright, C, you must make a finding that it will not substantially injure the value of adjoining property. So, it's kind of two-part here.

Mantz: Could I go back to B? I'm sorry. Absolutely, but there is, you know, we talked about required conditions specifications. This could be my opinion, but specifications for me are that CAMA land use plan is a guiding document.

Varnell, Casey: That will come up in item D as well. Absolutely correct. So, so as the C again will it or will it not substantially injure the value of adjoining property? I would submit that I think Mr. Bourne's report on value was sufficient. That's my legal opinion on that just to cut that short and suffice. Now, there is another provision here that says or a public nuisance. So, that's another item with C. I don't know if you guys have any comments on whether this would constitute a public nuisance potentially.



Pruitt: The only thing I'd like to state is when the appraiser did the adjoining property and you looked at the commercial district, the only reason that that was allowed is because there was a trade you go commercial and they gave us 540 acres to the Coastal Reserve. So it really isn't in harmony. But to get the 540 acres that were never going to be ever disturbed again, it was kind of a trade back. That's the reason that when you see the garden center, the provision was if they'd let them build the communication tower, the storage building and the garden center, you give the town 540 acres. But it's really, it's in harmony, but they paid with a lot of land.

Mantz: So, there was a good return for public nuisance. My only concern would be noise levels around your nice quiet pond if I live there. Now, it's going to have 30 more sites of people recreating and that sort of thing, which is good. But I do appreciate the current owner right now ensuring that his current property has been cleaned up and taken care of and I very much appreciate that. So I think that you would be able to keep that hopefully under control.

Varnell, Casey: So okay, anyone else on that? If not, we'll go to D, which I've heard a lot of commentary about during this proceeding. We'll break it down into two parts. Part A, will the application be in harmony with the area in which it is located? That's item one. Thoughts on the harmonious nature. It is true when you're looking at this, one of the considerations you must make is not the only, but the uses that surround that the proposed development. That is certainly a consideration. You're not saying it's the only thing, but it is certainly a consideration when you.

Hines: I don't find it to be non-harmonious.

Varnell, Casey: Personally, you find it to be in harmony. You believe it is harmony.

Hines: I don't think you'll even really see it.

Pruitt: I don't think it's in harmony with that amount of density. I believe the site plan could be modified with less and be way more. You know, they keep talking about trees, leaving trees, and I don't know what do I count? Eight, I think, John. I mean, the rest of it's over in the swamp that you couldn't cut down anyway. I don't think I see but about one, two, three, four, five, six, seven, eight. No, you're not counting in the swamp, are you? Are you in the repair buffer? I'm talking about right out where the trailers are. I only see eight.

Delucia, John: When you see all those little flower things, those are all the trees.

Pruitt: Are you talking in Ash Swamp?

Delucia, John: No, not in swamp.

Mantz: On the east side.

Pruitt: In the buffer, but out in the trailer park itself on the flat.

Delucia, John: Let me just count a few of them. I got 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 just on this lower half alone.

Pruitt: But I said but you're counting all down in the orange and all that.

Delucia, John: The white area is the swamp up at the top.

Pruitt: The white clear area where all the spaces are.

Mantz: You're talking on the east side.

Delucia, John: There still are trees being left in those areas.

Mantz: But the question is since we're talking about trees and picking numbers of trees, how many are being cut down as opposed to being left?

Delucia, John: That's not in your ordinance. That's not in the ordinance.

Mantz: No, but it's in the land use plan.

Delucia, John: We went out there. We had them all located. We had them all located by survey. Then we tried to work around the ones that we could. I mean, I'm a big tree preservation person. There's a lot of trees on a lot of that I've done. But you have got to look at the uses.

Mantz: I've also got to look at the CAMA land use plan which you know says we can't be chopping down trees, you know, minimizing impacts.



Varnell, Casey: That's the very next item in D. So go ahead and discuss whether it's a general conformity with the comprehensive plan.

Tillett: I'd like to make a statement that agree with the entire statement Councilman Mantz said about the policies in the CAMA land use plan.

Varnell, Casey: That was while Mr. Hornik was performing his closing argument, closing comments?

Tillett: That's correct. Yes, that's correct.

Varnell, Casey: Councilman Mantz, do you have any other comments on the land use plan or the acknowledge and conserve.

Mantz: Nothing that I've haven't already said unless it unless it needs to be repeated.

Varnell, Casey: No, I mean if you guys all recall what Councilman Mantz said while on the record while Mr. Hornick was issuing comments while on the record if he adopts those comments right now, it will be sufficient. I think he does. Any more discussion then? You can, Mayor, please take it away and vote on each item if you would. However, just go down A through D.

Clopton, Melody: Can you read each item again?

Varnell, Casey: You want me to do it that way? Let's do it that way. Now you guys are going to are going to vote.

Pruitt: But we're going to vote on the whole thing? Whether we're going to approve this site plan or not. I mean, we're not going to sit here and prove each little condition.

Varnell, Casey: Well, we could do it another way. You must make findings on all of these. So, that's the only reason I was going to say, so if any of these are a no, then you're not going to likely approve. You're not going to approve it because you must make findings that do not materially endanger the public health or safety. Do you vote on that issue?

Tillett: I don't believe we have enough evidence to prove that it doesn't.

Varnell, Casey: The answer I think was no to that based on your discussion. You don't have enough evidence to determine whether it does or not. You got does not meet all required conditions and specifications based on your comments.

Walker: It does not.

Varnell, Casey: Do you think you guys agree that it will not substantially injure the value of adjoining property or be a public nuisance? That was agreed upon. Then, however, Councilman Pruitt said that he did not believe it would be in harmony with the area in which it was located. Then Councilman Mantz made comments that were adopted by Councilman Tillett concerning the general conformity or lack of general conformity with the comprehensive plan. So having made those findings now it could go to a traditional motion.

Walker: What do you want to do with this matter? Do I have a motion?

Tillett: Madam Mayor, I move to deny the proposed special use permit for an RV park at 4352 B The Woods Road due to the findings that the attorney just listed and that's why I did it that way.

Varnell, Casey: So, that is the motion.

Hines: Can I ask a question between the voting?

Varnell, Casey: Actually, let's get a second first and then you can discuss.

Mantz: Second.

Hines: So if it gets denied tonight, can they still come back and modify and bring everything back?

Varnell, Casey: Correct.

Hines: If it gets denied tonight, they can still modify and bring it back.

Varnell, Casey: Right, if there are modifications to the actual submittal.

Hines: If we deny it tonight, they can still come back and fix the things we had concerns about?

Walker: They've heard our concerns. Then they would go back to the Planning Board, right?

Varnell, Casey: In that case, it would.

Mantz: So, we're voting up or down on those conditions?



Varnell, Casey: Correct, that's why I had you make findings on each condition. Now you're voting as Councilman Pruitt said whether you're denying it or not with the reasoning being that it does not A, B, or D of the conditions of section 42 (B) (8) as currently presented. That's what's on the table.

Walker: Okay, we have a motion and a second and we need to vote. All in favor?

All Council: Aye.

Walker: All opposed? None. We have denied the motion. The applicant has the information that they need if they would like to come back. Thank you. Let's go to something easy, we need to nominate a Recreation Committee member.

9. New Business –

a. Appointment of New Member to Recreation Committee

Tillett: Yes, ma'am. Madam Mayor, I'd like to nominate Linda Algood for a position on the Recreation Committee.

Hines: I'll make a second to that.

Walker: Okay, great. All in favor?

All Council: Aye.

Walker: Melody, do you have anything to say or do we need an intermission?

11. Reports/General Comments from Town Manager

Clopton, Melody: Do I have anything to say? Not much today, but I just wanted to wish everyone a happy New Year. 2025 was a year where a lot of things came together for our town. I feel like I think everyone feels like we've made some solid progress on some key priorities and while keeping the day-to-day services of our community going and running smoothly. So, I'm so proud of our staff for their day-to-day efforts, their commitment to training and the handling of new products and priorities. As we move into 2026, the town is in good place. We have better facilities, stronger systems, a skilled workforce, and a clearer path forward. Speaking of that, on your consent agenda, you approved the budget calendar. That will be in the forefront of at least most of our department head's minds and my mind and even you guys. That will be filtering down to you. We approved the calendar. Our budget retreat where we all get together, which is a public meeting, will be held on March the 18th at 9 a.m. at the police department this year. Also just kind of following up, you had at your place tonight policies that were given to you a while back that were we you asked to kind of put aside until February. I'm hoping that we can work through these things and any questions that you have, maybe and not have a three-hour meeting about them. I hope you have ample time to review it and ask questions. Other than that, Christmas tree pickup is ongoing and place your undecorated tinsel-free Christmas tree along the curb side and they'll be picked up in a timely manner. You can also drop your tree off at the Kitty Hawk bathhouse and that way it will be used for dune restoration. That's all I have.

Walker: Anything from the town attorney?

12. Reports/General Comments from Town Attorney

Varnell, Casey: Happy New Year guys and what a start to the new year. But nothing else for me.

Walker: Town Council, Dylan, do you have anything?

13. Reports/General Comments from Town Council

Tillett: I just want to send a special thanks to Rob for his hard work in the past two quasi-judicial hearings. Month to month, back-to-back. Nice work. Everything was very laid out, and we appreciate your hard work on all of it. Anytime I have questions for Rob, I call him or email him, and I get a response just like that and it's very appreciated, Rob. Thank you.

Pruitt: Thank you, Rob, as always. We had a chance to go to the Wright Brothers celebration, and we had the honor of seeing the students who had built an airplane. I thought how neat it was that the educators and the park service of our area came together to rebuild an airplane, first one since Orville and Wilbur built it on that site. I just want to give a shout out to our educators, Mr. Basnight, for a fine job I think he's



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doing with our schools, and all the teachers that are educating our kids here. That was very impressive. That's it.

Walker: Well said. Okay. Thank you. All right. Did you have anything tonight, David?

Hines: Congratulations to the new Recreation Committee appointee. And that's it.

Walker: Okay, Pete.

Mantz: Yes, ma'am. I want to thank Melody for the year wrap-up. What a fantastic time. Everything from the parade with the fire department and police department running that thing, that was just amazing. I know we didn't have a chance to thank you guys for that. So, amazing job. Thank you for all that write up. I think that you should go somewhere and social media, all the stuff that you the town has accomplished in last year. It's eye watering. So, thank you for putting that together. I know that takes time, especially when you're getting ready to go on your holiday. I want to thank everybody tonight, everybody that participated. These things are hard and I know it's hard to step up and have the courage to say what's on your mind and all those that spend all the hours preparing and all we can do is hope that we make the right decision tonight and thank everybody for all their input.

Walker: I would like to thank all the department heads for the work that went into our Christmas caravan. It was amazing. It was wonderful. And to see all the children light up and make it possible for the parents to get pictures with Santa. It was just amazing from start to finish. Safe. Everything went quite well. I appreciate being a part of that and there's one more thing we must recognize or we'd like to recognize, and that is Melody Clopton's 15 years of service to this town. Thank you everyone. Do I have a motion to adjourn?

14. Adjourn

Pruitt: So moved.

Tillett: Second.

Walker: All in favor?

All Council: Aye

Walker: Thank you, we are adjourned.

Adjourn at 9:07 pm.

The Minutes of the January 6, 2026, Kitty Hawk Town Council Meeting are approved at the March 2, 2026, Kitty Hawk Town Council Meeting.


Charlotte DeLoatch Walker, Mayor


Lauren Fox Garrett, Town Clerk

