

**MINUTES**  
**KITTY HAWK TOWN COUNCIL**  
**Monday, December 5, 2016**  
**Kitty Hawk Town Hall, 6 PM**

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Presentation:
  - Motorcycle Toy Run
  - John DeLucia, Albemarle & Associates/Stormwater Projects and Agreement for Professional Services
5. Public Comment
6. Consent Agenda
  - a.) Approval of November 7, 2016 Council Minutes
  - b.) Acceptance of Donation from Beverly Trotman and Wrenn Turner
  - c.) FY 16-17 Budget Amendment #3
  - d.) Police Department Roof Replacement
7. Items Removed from Consent Agenda
8. Public Hearings
  - a.) Text Amendment: Applicant proposes to amend Section 42-405- *Yards Generally* to allow for minor encroachment of uncovered stairs and decks into the side yard setback in instances where an addition or remodel would increase the side yard setback.
  - b.) Text Amendment: The proposed amendment would add a new Sec. 42-41.-*Unlisted Uses* to address recent court findings that have gone against blanket statements that state “unless a use is listed as permitted, then it is prohibited.”
9. New Business
  - a.) Request to Hire a Building Inspector Candidate Above the Hiring Range
  - b.) Recommendation to Pay Down the Principal Balance on the Fire Station Loan
10. Reports/General Comments from Town Manager
11. Reports/General Comments from Town Attorney
12. Reports/General Comments from Town Council
13. Public Comment
14. Adjourn

**COUNCILMEMBERS PRESENT:**

Mayor Gary Perry, Mayor Pro Tem Craig Garriss, Councilman Ervin Bateman, Councilwoman Lynne McClean and Councilman Jeff Pruitt

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#### **STAFF MEMBERS PRESENT:**

Town Manager Andy Stewart, Town Clerk Lynn Morris, Town Attorney Casey Varnell, Finance Officer Liliana Noble, Management Assistant Melody Clopton, Town Planner Rob Testerman, Fire Chief Lowell Spivey and Public Works Director Willie Midgett

#### **1. CALL TO ORDER**

Mayor Perry called this meeting to order at 6 p.m.

#### **2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE**

After the moment of silence the Pledge of Allegiance was recited.

#### **3. APPROVAL OF AGENDA**

Mayor Perry announced Terry Gray is in attendance to speak on the Motorcycle Toy Run that was held in September. He will speak before the stormwater presentation.

**Councilman Bateman “so moved” approval of the agenda as amended. Councilwoman McClean seconded the motion and it passed unanimously, 5-0.**

#### **4. PRESENTATIONS**

- **Motorcycle Toy Run**

Terry Gray, co-director of the Motorcycle Toy Run, explained a group of volunteers from all over Dare County worked together and held a toy run to help benefit the under privileged children in Dare County. They raised and donated \$2,000 worth of toys to Toys for Tots and presented a check to the Outer Banks Women’s Club for \$7,500.

Mr. Gray then provided a short video of the event. He thanked planning and inspections staff for their permitting help and Chris Decou presented Police Chief Johnson a certificate of appreciation for the police assistance during the event and Terry Grubbs presented him with a plaque.

- **John DeLucia, Albemarle & Associates/Stormwater Projects and Agreement for Professional Services**

**DeLucia:** *I am here to report on what we have done over the last several years and recently with the emergency pumping stations. In 2012 a Stormwater Management Plan was presented to council and since that time we have installed three emergency pumping systems. We do not have*



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*permanent pumps hooked up to them but they are there when we need them and after Hurricane Matthew we certainly needed them.*

*I am glad to say the Byrd Street system that had just been completed seven or eight days before the storm worked and the Hawks Street system performed admirably. Tateway we had a problem with. There was a bad gasket that caused that system to start taking in air and it would not pump. It has since been corrected.*

*The first three systems were estimated to cost \$173,000 and we were able to get them in for \$153,000, about 12% under the estimate. However the last system at Byrd Street started to creep up a little and was actually 6% over the estimate. I think we are seeing construction prices rise.*

*As we completed work at Byrd Street I advised Willie, Andy and the mayor that the beach road was getting ready to be paved. DOT was graciously letting us cut the road every time we put one of these pipes in and we had four more. Council, at your last meeting, approved \$70,000 for those projects, including the repair of the Tateway defect. They were brought in at about \$68,000.*

*The three completed systems cover about 108 acres of the 262 acres in the study area. So we're not quite halfway. In the number of dwellings and properties that it is serving we are serving 163 currently out of the 482 that we had identified for these areas. Completing the next four would serve 319 properties to bring up the total number of properties with stormwater management to about 482.*

*Our original estimate was \$257,000 to complete the next four systems. That includes Fonck Street, Bennett Street and Starfish. We decided that a Historic Street pump out was probably not a good idea because we had no place to discharge and looked at making the improvements to Lindbergh Avenue between Historic and Starfish. That was in this estimate but these numbers that I'm giving you today, I think with inflation and looking at what things are starting to cost us, we probably ought to add about 15% to the estimate which would bring it up to \$295,000. We have already spent \$64,000 putting the pipes under the beach road and that leaves us with needing to budget somewhere in the \$230,000 to \$250,000 range to complete those four systems.*

**Perry:** *That completes everything east of 158?*

**DeLucia:** *That completes all of the systems east of 158 that were in the plan. Just as an aside we have 8.2 square miles of land in town and during the evening, when Hurricane Matthew dumped 13 inches of water on us, that equates to about 1.8 billion gallons of water. The oceanfront is about 3.6 square miles and that would equate to about 800,000 gallons of water. In the individual basin areas it was about 93,000 gallons of water. That should give you an idea of the volume of how much we really saw during Hurricane Matthew.*

**Perry:** *We not only need it for ocean overwash storm surges but we need it for rain events.*

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**DeLucia:** *We have looked at Tateway and potentially expanding and enhancing it somewhat. I'm not sure exactly where that would go but I think it should be investigated. I've run some rough numbers that are probably in the range of about \$165,000. The pickup is a little further north. The basin is not pulling down as quickly and it would also be looking at maybe going closer to the highway with some infrastructure to pull that other area down.*

*You have two different contracts. One of them is to complete the four systems we already have predesign of and then a contract to study Tateway and see if we can make that more effective.*

**Perry:** *I want you and legal and Andy to make sure if we go on somebody's property, like we did on Tateway with their permission, that we make them understand that this is not going to pump them bone dry. We are limited by DENR in how much and how low we can pump. We had that complaint. Make sure we get something in writing so they acknowledge what we can do versus what the outcome will be. Make sure we do that.*

**DeLucia:** *I have talked with the one private property owner and after the last storm they are on board to get to give the town an easement.*

**Perry:** *We know we need this. I don't know about you folks but I had some calls from other towns that were asking what it takes to get water out of my town. We were prepared and that felt really good. Are we ready to hire this man?*

**Councilman Bateman made a motion to hire John DeLucia to proceed with the engineering for both of these projects. Councilman Pruitt provided a second and it passed unanimously, 5-0.**

**Bateman:** *I had a call from a guy over on Goosander and they asked about the documentation from DENR and when we have to stop pumping. I got Rob to fax me a copy of it and I gave it to the property owner. I think it might be a good idea if the property owners in those areas have a copy so they know right off the bat that when it goes below a certain level we are stopping. Is that possible?*

**Stewart:** *That's a great idea. Once it goes below 14 inches we are no longer able to pump the water. It is because of emergency vehicles. That is the only reason we are able to pump legally into the ocean. I'll get with the mayor and Willie and put something together and send it out. It's not a big expense.*

**Perry:** *I want you to follow up on something we talked about earlier. Talk with DENR and let them know we have police cars that are a lot lower than 14 inches. They are emergency vehicles and it would be better if we could get lower than 14 inches. If you will follow that up and I agree with you on the notice. That would be helpful for Willie because he's the one that's catching the complaints.*



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**DeLucia:** *Actually we did some of what you suggested with CAMA. The answer we got back for our permitting was if it is drainage within the right of way you are not required to have a permit for the improvements so we were actually exempted for the stand pipes themselves.*

*And we started that process with a list of reasons why we should be allowed to pump lower and justifications that they were actually starting to talk about. Then they found that clause and they said you can just go do it but you still have to follow our guidelines of the 14 inches. They never addressed that but I think it's time to probably bring it back up on the table again.*

**Perry:** *I asked the Governor for help with drainage outfalls and that's where we were going with it and that's when they came back and said you don't have to do that but you can do the stand pipe system and we went that way. Then beach nourishment came about so it kind of went away.*

**DeLucia:** *We had a document prepared that was a justification to pump lower than the 14 inches. All of that had been prepared and submitted and then it just kind of ... we don't have to start from scratch again is what I'm saying.*

**Perry:** *Okay. Andy there you go. You have something to work with.*

**Stewart:** *We will meet up and get that taken care of.*

## 5. PUBLIC COMMENT

There were no public comments.

## 6. CONSENT AGENDA

**a.) Approval of November 7, 2016 Council Minutes.** *(An approval of the consent agenda will approve these minutes.)*

**b.) Acceptance of Donation from Beverly Trotman and Wrenn Turner.** A \$100 donation has been made to the police department and the police chief would like it to be used for purchasing an AED (Automated External Defibrillator). *(An approval of the consent agenda will approve this donation.)*

**c.) FY 16-17 Budget Amendment #3.** This budget amendment will recognize the revenues and expenditures incurred for the Kitty Hawk Landing Association Harbor Jetty and Breakwater Repair and Channel Maintenance Dredging Project. The revenue from the State of North Carolina is \$153,333 and the Grantee's (Kitty Hawk Landing Association) matching requirement is \$76,667. *(An approval of the consent agenda will approve this budget amendment.)*

**d.) Police Department Roof Replacement.** This roof replacement is in the CIP for Fiscal Year 2017-18. Due to Hurricane Matthew and Tropical Storm Hermine shingles were blown off and multiple contractors recommend replacement of the roof at this time instead of repairing and subsequent replacement next fiscal year. The public works director requests to have the police department roof replaced at a cost not to exceed \$13,000. *(An approval of the consent agenda will approve this request.)*

**MPT Garriss made a motion to approve the consent agenda. It was seconded by Councilwoman McClean and approved unanimously, 5-0.**

## 7. ITEMS REMOVED FROM CONSENT AGENDA

No items were removed from the consent agenda.

## 8. PUBLIC HEARINGS

**a.) Text Amendment: Applicant proposes to amend Section 42-405- Yards Generally to allow for minor encroachment of uncovered stairs and decks into the side yard setback in instances where an addition or remodel would increase the side yard setback.**

**Councilman Bateman made a motion, seconded by Councilwoman McClean, to go into public hearing. The vote was unanimous, 5-0.**

Planner Testerman reviewed the following staff report with those in attendance.

### **Proposal**

The applicant has proposed a text amendment that would add the following provision to Sec. 42-405, Yards Generally:

42-504(j) In instances where a remodel or addition to a single family home would result in an increased side yard setback, the outermost edge of uncovered porches and steps may encroach up to two feet into the required side yard setback. This provision does not apply to new construction.

### **Background**

Our side yard setbacks are determined based on dwelling size. Dwellings 0-3000 sq ft in size are required to have a 10 foot side yard setback, 3001-3500 sq ft requires a 12.5 foot side yard setback, 3501-4000 sq ft requires a 15 foot side yard setback, 4001-5000 sq ft requires a 17.5 foot setback, 5001-6000 requires a 20 foot setback, and 6000 sq ft and over requires a 25 foot side yard setback.

Our ordinance currently has a provision that allows the outermost edge of any uncovered porches, steps, eaves, gutters, and similar fixtures to encroach up to four feet into the required 25 foot front yard setback. No such exceptions are made for side yard setbacks, and under the proposed language would only apply to remodels and additions, not to new construction.

Since this amendment would not apply to new construction, no side yard setbacks would go below 10 feet. As an example, say a home was originally constructed at 2,900 sq ft, and had 10 side yard setbacks. This home has a side access and uncovered steps that measure 11 feet from the property line. If the home owner wanted to build an addition, it would likely bump them over the 3,001 sq ft threshold, and then require 12.5 foot setbacks. Under the current language, the home owner would have three options a) do not build the addition; b) build the addition, but lose the side access; or c) build the addition and attempt to obtain a variance from the Board of Adjustment. A variance might be difficult to obtain because one of the criteria that the Board of Adjustment must find in order to grant a variance is that the hardship cannot be self-created. In this example, building the addition created the hardship.

As noted, this amendment would only apply to outermost edges of uncovered porches and stairs, and would not allow home owners to build an addition that encroaches into the setbacks, which would defeat the purpose of the increased setbacks.

### **Consistency with Land Use Plan**

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

POLICY #17A: Kitty Hawk will continue to adopt, enforce and amend as necessary ordinances and procedures to regulate residential development and redevelopment. The Town supports applicable State and Federal laws and regulations regarding building, land uses, and development.



POLICY #17D: Kitty Hawk will continue to regulate building intensity and oversized structures by enforcing, and amending as necessary, the zoning ordinance. The zoning ordinance regulates building intensity factors such as building height, lot coverage, and building setback(s) for commercial and residential building development. The ordinance also specifies maximum and minimum building sizes for commercial buildings.

**Planning Board Recommendation**

At its October 13, 2016 meeting, the Planning Board unanimously recommended approval of the proposed text amendment.

**Perry:** *The difference between a porch and a deck.*

**Testerman:** *Essentially a deck is more of a sitting area and the porch is a landing where you access out to steps.*

Mayor Perry asked for those who wished to speak to come forward. No one came forward and **MPT Garriss made a motion to return to regular session. The motion was seconded by Councilman Bateman and the vote was unanimous, 5-0.**

**MPT Garriss made a motion to adopt the proposed text amendment, amending the subsection 42-405 adding subsection (j) allowing encroachment of uncovered decks and stairs into the side yard setback in certain circumstances as described in the proposed text. Town council finds that the proposed text amendment is consistent with the adopted CAMA Land Use Plan and finds those amendments to be in the public interest. Councilwoman McClean seconded the motion and it passed unanimously, 5-0.**

**b.) Text Amendment: The proposed amendment would add a new Sec. 42-41.-Unlisted Uses to address recent court findings that have gone against blanket statements that state “unless a use is listed as permitted, then it is prohibited.”**

**Councilwoman McClean made a motion to go into public hearing. Councilman Pruitt seconded and it passed unanimously, 5-0.**

Planner Testerman reviewed the following report.

**Proposal**

The current language under Sec. 42-226, Uses not specifically identified as permitted or conditional uses, reads as follows:

“Unless otherwise authorized by an amendment to this chapter, any use not specifically identified as a permitted use or conditional use is not allowed.”

Staff is proposing two amendments to the ordinance. First, the text is listed under the Kitty Hawk Woods zoning district, and is currently only present in that location, meaning by strict interpretation, it only applies to properties in that zoning district. Staff recommends removing Sec. 42-226 from the zoning ordinance and adding a new Sec. 42-41 to address this item, under Administration and Enforcement.

Secondly, recent court findings in North Carolina have leaned away from the notion that “unless a use is specifically listed as permitted, it is prohibited.” As a result, some localities have created “prohibited use table”, listing every using that is to be prohibited in each zoning district. Staff feels that, in addition to being burdensome, it would be inefficient, as it is impossible to think of, and foresee every use that would be prohibited from a given zoning district. Instead, staff refers to language that the Town of Cary uses in their ordinance, and has held up in court due to its permissive, rather than mandatory nature:

## **Sec. 42-41.- Unlisted Uses**

### **(a) Procedure for Approving Unlisted Uses**

Where a particular use category or use type is not specifically allowed under this Ordinance and is also not prohibited or restricted by this Ordinance, the Planning Director may permit the use category or type if the criteria of subsection (b) below are met. The Planning Director shall give due consideration to the intent of this Ordinance concerning the district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.

### **(b) Criteria for Approving Unlisted Uses**

In order to determine that the proposed use(s) has an impact that is similar in nature, function, and duration to the other uses allowed in a specific zoning district, the Planning Director shall assess all relevant characteristics of the proposed use, including but not limited to the following:

- (1) The volume and type of sales, retail, wholesale; size and type of items sold and nature of inventory on the premises;
- (2) Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; any dangerous, hazardous, toxic, or explosive materials used in the processing; and
- (3) The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders); and
- (4) The type, size and nature of buildings and structures; and
- (5) The number and density of employees and customers per unit area of site in relation to business hours and employment shifts; and
- (6) Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site, trip purposes and whether trip purposes can be shared by other uses on the site; and
- (7) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses; and
- (8) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes; and
- (9) Any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- (10) The impact on adjacent properties created by the proposed use will not be greater than that of other uses in the zoning district.

### **(c) Determination by the Planning Director; Effects**

All determinations by the Planning Director made pursuant to subsection (b) above shall be in writing. In making the determination described in subsection (b) above, the Planning Director shall initiate an amendment to this Ordinance if the particular use or category of use(s) is likely to be common or to recur frequently, or that omission of specific inclusion and reference to this Ordinance is likely to lead to public uncertainty and confusion. Until final action has been taken on such proposed amendment, the determination of the Planning Director shall be binding on all officers and departments of the Town. If no amendment is initiated, the Planning Director's determination shall thereafter be binding on all officers and departments of the Town, without further action or amendment of this Ordinance.

### **(d) Appeal of Determination of the Planning Director**

The determination of the Planning Director may be appealed to the Zoning Board of Adjustment pursuant to the procedures set forth in Section 42-73 of this Ordinance.

The language essentially gives the Planning Director the ability to compare unlisted uses to the most nearly similar listed use, as opposed to our current blanket prohibition of unlisted uses, and as opposed to the option of creating a prohibited use list.

As noted in the attached article from David Owens, the court of appeals dealt with this issue in *Fairway Outdoor Advertising, LLC v. Town of Cary*, 225 N.C. App. 676, 739 S.E.2d 579 (2013). The issue arose over a nonconforming billboard. The ordinance, as read above, allowed the zoning administrator to permit unlisted uses upon making specified findings. The court held that since the ordinance language was permissive rather than mandatory, the administrator's decision not to approve his use would not be overturned absent showing an abuse of discretion.

Additionally, in practice staff has already been comparing unlisted uses to the most nearly similar listed use in the ordinance when determining whether a proposed use is allowed by right, by CUP, or not allowed at all. The above proposed language will codify that practice, and give staff defined characteristics to review, rather than using a judgement call.



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#### Consistency with Land Use Plan

The Town's adopted CAMA Land Use Plan does not contain recommendations regarding the issue of defining prohibited uses. As part of its recommendation, the Planning Board is asked to determine if the proposed text amendment is consistent with the Town's adopted CAMA Land Use Plan.

#### Planning Board Recommendation

At its October 13, 2016 meeting, the Planning Board unanimously recommended approval of the proposed text amendment.

**McClean:** *When I was reviewing Chapter 42 all of the zoning areas are mentioned by name except Kitty Hawk Woods. Its section is General so if you are looking for Kitty Hawk Woods you have to dig deeper than just the index. Can we put Kitty Hawk Woods on that section title?*

**Varnell:** *I don't see why not.*

**Perry:** *One item for general information. The reason this has come up is because David Owens from the School of Government wrote an article about the courts saying you cannot do it the way we have been doing it. That prompted us to become involved to find a different way so we don't have a court case that we have to litigate.*

*The other point I want to make on the record is that in the past there have been occasions when the planning director did some things that councilmembers did not like. This gives you some subjective oversight and we are not going to know until after you have done something so you need to be aware that as councilmembers come and go and they have their own opinions about how things should be done or what should be done. You may be faced with that. I'm just letting you know what's happened in the past.*

No one came forward to comment.

**MPT Garriss made a motion, seconded by Councilwoman McClean, to go back in regular session. The vote was unanimous, 5-0.**

**Councilwoman McClean moved to adopt the proposed text amendment adding Subsection 42-41 unlisted uses establishing set criteria for the planning director to determine whether unlisted uses are permitted for each zoning district. The town council finds that the proposed text amendment is consistent with the adopted CAMA Land Use Plan and finds this amendment to be in the public interest. In addition the title of Section 42-225 is changed from General to Kitty Hawk Woods. MPT Garriss provided a second and it passed unanimously, 5-0.**

## 9. NEW BUSINESS

### **a.) Request to Hire a Building Inspector Candidate Above the Hiring Range**

**Stewart:** *In accordance with Section IV of the Personnel Policy all persons employed in positions approved in the position classification plan will be employed at a step in the grade that is no more*

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*than the third step within the grade. However, exceptionally well qualified applicants may be employed above the third step with approval of the town council.*

*After interviews the recommendation is to hire a building inspector who is currently employed with the City of Elizabeth City. He has been a building inspector for 22 years and comes with good recommendations and references. We feel like he would be a good fit for the department and the town.*

*When we hire somebody we look at qualifications and try to hire within that range but in this particular situation it did not work out. The top four candidates, with the exception of one, wanted at least this pay. We looked at the other surrounding towns and Dare County and they were all higher than what our recommendation is here tonight.*

*I think the second thing we look at is the market, what drives the market and then we look at the budget. The current building inspector is paid more than this starting rate. We look at all those things together and then we make a recommendation to council.*

*We know we have to work within our budget and we also have to be able to entice a candidate to accept employment. Our recommendation tonight is to hire the building inspector at a pay Grade 64, Step 16 with a salary of \$65,205.*

**Garriss:** *Out of the four candidates three of those wanted that same amount?*

**Stewart:** *Out of four one wanted less but it was also higher than Step 3 so we would still be having this conversation tonight. We also asked the county to do our inspections but they are not in a position to help at this time.*

**Councilman Bateman moved to approve the request to hire the building inspector above the pay hiring step. Councilwoman McClean seconded.**

**Perry:** *I will comment. I did pressure the manager to ask the county. We had talked a year or more ago about possibly tagging with the county like Southern Shores does. The county has one about to retire and they cannot do it.*

**The vote was unanimous, 5-0.**

**b.) Recommendation to Pay Down the Principal Balance on the Fire Station Loan**

**Stewart:** *Our auditor noted an unrestricted fund balance of \$2.6 million in addition to the \$3.5 million in emergency reserves. Coastal towns need those large reserves in order to help offset the costs from disasters that may occur. The council has done good job financially and it has put the town on a strong financial footing so this request is to take some of that unrestricted fund balance and apply it to the debt on the fire station.*



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*The current balance on the fire station is \$1.8 million. This half million dollar payment would bring the principal down to \$1.3 million and the semi-annual payments would be reduced from \$281,000 to \$179,000. The Town would save close to \$32,000 in interest.*

**Perry:** *A big reason we can do this is we all budget conservatively. In addition, the staff looks for ways to mind your money and that's an important component. Staff get grants when they can and it's my understanding our town goes after grants harder than most. They take the time to do it so we are able to pay this down and save some money. We will also be able to do some infrastructure improvements with the piping system and when the next disaster hits we will be in even better shape than we are today. The citizens of the town need to be proud of the staff.*

**Bateman:** *I appreciate what staff has done and ask would it not also be to our advantage to continue to make the same payment amounts we are making now.*

**Perry:** *Yes. He could keep that in the budget and as long as we can make that payment then it will bring the principal down every year.*

**Stewart:** *If that's the direction of council we will keep the same payments.*

**Perry:** *I don't think we need a motion. Get the principal down.*

## **10. REPORTS/GENERAL COMMENTS FROM TOWN MANAGER**

**Stewart:** *The fire department will be having Santa Claus at the Fire Station on December 10<sup>th</sup> from 6 to 8 p.m. I hear it's a great time for the kids and you can go take your Christmas pictures there.*

*I was notified this evening from our public works director that 6,000 cubic yards of debris has been removed from the town and approximately 38 tons of C & D.*

*I believe 99% is complete with the debris removal. Liliana, our Finance Director, met with the FEMA specialist for the reimbursement. We will be compiling all of those numbers and will share those with council when they are ready. Nags Head loaned us their grapple truck and that has helped public works get the debris removed quicker. We appreciate the Town of Nags Head and it shows we work with other communities as much as possible.*

*With that being said I hope everybody has a great Christmas.*

## **11. REPORTS/GENERAL COMMENTS FROM TOWN ATTORNEY**

Attorney Varnell announced there are five remaining easements needed for beach nourishment.

## 12. REPORTS/GENERAL COMMENTS FROM TOWN COUNCIL

**Pruitt:** *I would like to thank Mr. Gray and the staff for working so well with him to raise so much money and gifts for the children.*

**McClean:** *Everybody that works for Kitty Hawk is awesome. It is wonderful to hear good things about the people that work for the town. It makes my job a whole lot easier and I want to wish everybody a safe and happy Christmas and New Year's.*

**Bateman:** *Thank you to everybody for participating in the marathon as well as the cleaning up afterwards.*

*Has anybody checked about researching whether the ditches could be cleaned out?*

**Midgett:** *Dare County is working on a grant to have all the ditches and canals cleaned.*

**Perry:** *Even in municipalities?*

**Midgett:** *Yes. It's a FEMA grant and I have been sending them pictures when I find places that are clogged up.*

**Perry:** *That's good news. I hope it works because it will save us money.*

**Garriss:** *I agree. Our town staff is great. It is an honor to sit up here with this council and work with all of you. Merry Christmas to all.*

**Perry:** *You folks have said it all and I agree with it. I hope everybody has a good Christmas and a better New Year. We have an interesting year coming up after this 2016 election that's for sure.*

## 13. PUBLIC COMMENT

No one came forward to comment.

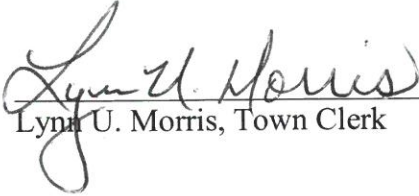
## 14. ADJOURN

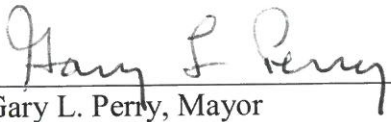
**MPT Garriss made a motion, seconded by Councilwoman McClean, to adjourn. The vote was 5-0. Time was 6:59 p.m.**

These minutes were approved at the \_\_\_\_\_ council meeting.



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Lynn U. Morris, Town Clerk

  
Gary L. Perry, Mayor