

MINUTES
KITTY HAWK TOWN COUNCIL
Monday, December 7, 2015
Kitty Hawk Town Hall, 6 p.m.

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Resolution of Appreciation to Councilwoman Emilie Klutz
5. Oaths of Office for Council-Elect Lynne McClean and Ervin Bateman
6. Break/Reconvene
7. Remarks from Newly Elected Officials/Nomination and Oath of Office for Mayor Pro Tem
8. Fiscal Year 14-15 Audit Report/Teresa Osborne, Dowdy & Osborne, LLP
9. Public Comment.
10. Consent Agenda.
 - a.) Approval of November 2, 2015 Council Minutes
 - b.) Revenues and Expenses Report for October 2015
 - c.) FY 15-16 Budget Amendment #2
 - d.) FY 15-16 Budget Amendment #3
11. Items Removed from the Consent Agenda
12. Public Hearing
 - a.) Conditional Use Permit: Application for a Conditional Use Permit to allow a fitness center in the existing building at 4708 North Croatan Highway.
13. Planning
 - a.) Call for Public Hearing/Conditional Use Permit: Application for a Conditional Use Permit to allow construction of a medical office at 5201 North Croatan Highway (formerly known as 0 Byrd Street).
 - b.) Call for Public Hearing/Conditional Use Permit: Shared parking agreement between Art's Place, 4624 North Virginia Dare Trail, and the adjacent property, a proposed take-out/delivery pizza business at 4622 North Virginia Dare Trail.
 - c.) Call for Public Hearing/Text Amendment: Staff initiated proposed text amendment to insert language into the Zoning Ordinance that would allow the town to utilize the concept of "Conditional Zoning."
14. New Business
 - a.) Resolution and Agreement with Kitty Hawk Landing Requesting State Financial Assistance for Repairs to the Existing Harbor Entrance Jetty and Breakwater System and Maintenance Dredging for the Kitty Hawk Landing Association Harbor Entrance
 - b.) Elected Officials Boards and Committees
 - *Nominations for the Dare County Tourism Board
 - *Dare County Land Transfer Tax Appeals Board
 - c.) Planning Board and Board of Adjustment Appointments
 - d.) Request to Hire Police Sergeant Candidate above Hiring Range

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15. Reports or General Comments from Town Attorney
16. Reports or General Comments from Town Council
 - a.) Accolades for Former Councilwoman Klutz, Welcome to Councilwoman McClean, Congratulations to Councilman Bateman and MPT Garriss
17. Public Comment
18. Adjourn

COUNCIL MEMBERS PRESENT:

Mayor Gary Perry, Councilman Craig Garriss, Councilwoman Emilie Klutz, Councilman Jeff Pruitt, Council-Elect Lynne McClean and Council-Elect Ervin Bateman

STAFF MEMBERS PRESENT:

Town Clerk Lynn Morris, Town Attorney Steve Michael, Management Assistant Melody Clopton, Finance Officer Charlene Allen, Town Planner Rob Testerman, Police Chief Joel Johnson, Fire Chief Lowell Spivey and Public Works Director Willie Midgett

1. CALL TO ORDER

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

2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Following a moment of silence the Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA

Councilman Garriss made a motion to approve the agenda. MPT Bateman seconded the motion and it was unanimously approved, 5-0.

4. RESOLUTION OF APPRECIATION TO COUNCILWOMAN EMILIE KLUTZ

Perry: Emilie has been a gift to the council, and by extension, to the people of Kitty Hawk. There is no question about it. I believe all people serving as elected representatives actually mean well and that they come to this service intending to do well. In the case of Emilie she brought not just a belief in responding to the will of the people but she had a unique ability to accomplish the task. Because she lives in what we refer to as the beach district this council gained a better prospective for what those folks wanted and expected from this local government. That was not something always available to this council.

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In her civil service career, reviewing and proofing a wide array of military programs and policy positions has proven invaluable to our decision making. Her approach of assuming to know nothing of a subject led to an analysis that determined whether a text amendment or an ordinance was appropriate and made the kind of sense that was intended and understood by everyone. I seriously doubt many, if any, past councilmembers have read most, if not all, of the Town Code. Emilie has and in the process brought forward substantial corrections and an improved code as a result of it.

By now most of you have heard the term "Emilized" when referring to some action council is reviewing for a decision. We might use the term in jest but the fact remains that we will miss that accuracy. Her statement that words and punctuation matter, especially when written, is absolutely correct. We need to remember that.

Emilie initially came to this council at our request. She has proven repeatedly that the welfare of this community was the only reason she accepted a seat on council. Her presence has brought reasoned judgment, sound principle and excellent presentation to this council.

Emilie, on behalf of the Town, and especially from me, thank you for all your assistance and wisdom in governing this community.

Mayor Perry then read aloud the Resolution of Appreciation from the Town for her faithful and dedicated from December 2005 to December 2015.

Klutz: *Thank you. First and foremost I want to thank the people of Kitty Hawk for putting their trust in me and giving me the privilege and honor of serving the Town. It has been my privilege to serve with two Mayor Perry's, both of whom have been terrific leaders and have imparted a great deal of wisdom to me. The same is said of all of my fellow councilmembers, past and present. We do not always agree on everything but even when there is a disagreement there is always a respect for everyone's opinion. There is a public discussion and in many instances there are good compromises.*

It has been such a pleasure to work on this council and to have the friendship, professionalism and honesty. We tried to do the right thing for the people of Kitty Hawk in everything that we have ever done. We are human so we probably made a few mistakes along the way but it was not because we did not have the good interest of the people of Kitty Hawk at heart.

As a council we have been really fortunate to have a terrific town staff. They are dedicated professionals and I want to give them my heartfelt thanks. We know they do a good job and they do the things that they have been hired to do. They fight fires, they are policing, they repair and beautify the Town, handle financial matters, save lives in town and on the beach, work with the public and businesses to navigate the intricacies of zoning codes and regulations. But that is not all they do. They always go the extra mile and really are the embodiment of public service.

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An example of going the extra mile is when vandals knocked down nearly all the mailboxes on Lindbergh Avenue and the police spent the morning putting them back up. When something was not compatible with the code I would always get feedback that the town staff was working with people to come up with alternatives that would work. They check on the elderly to be certain they are okay when storms are threatening. They call from someone's driveway after a storm to report on the status of their house. They stop on the beach to talk to residents and visitors to warn them away from rip currents and other safety hazards. I am always so proud to know that we fought for that kind of public service in this Town and I want to thank all of the employees and all of the departments. We are blessed to have them.

It has been a great ten years and I want you to know that you have my permission to permanently retire the term "Emilized." God Bless all of you in the great little Town of Kitty Hawk.

5. OATHS OF OFFICE FOR COUNCIL-ELECT MCCLEAN AND BATEMAN

Town Clerk Morris administered the oath of office to Council Elect McClean and Bateman.

6. BREAK/RECONVENE

Following a brief break Mayor Perry reconvened the meeting.

7. REMARKS FROM NEWLY ELECTED OFFICIALS/NOMINATION AND OATH OF OFFICE FOR MAYOR PRO TEM

McClean: *I want to say thank you to everyone for making it possible for me to be here as a member of the Kitty Hawk Town Council. Thank you to Emilie Klutz for her years of service as a dedicated councilwoman, as an involved citizen, and also as a friend. To my husband Tom I thank you. You encouraged and supported me as I turned our lives upside down these past months. You, with the help of our former mayor, Clifton Perry, convinced me now was the time to move from the planning board to the council, not someday in the future. Thank you to Richard and Sandy Reid, Jeff Pruitt, Dusty, Rita and more people than I can name right now. Thank you to all the people who believed me and supported me and to everyone who voted for me I thank you. I will work hard to be worthy of your trust. It is an honor to serve the citizens of the wonderful Town we call home. It will be a challenge but we can preserve our Town's unique personality and heritage as we grow. Thank you.*

Bateman: *I want to thank everyone also. I have been here twelve years and it has been the best years of my life. I feel very, very blessed to be in this position to give another four years. I am not sure if you know it or not, when I was deciding whether to run again, I got a call from Cliff Perry telling me to run and I got a call from Gary Perry telling me to run. I was kind of in a position I had to and I live and love this place. It is a job that I have always enjoyed in the past and I enjoy helping people and giving back to the community. I appreciate your support and I look forward to serving you for the next four years. Thanks.*

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Perry: *Do I hear a nomination for Mayor Pro Tem?*

Councilman Bateman made a motion to nominate Craig Garriss to be Mayor Pro Tem. Councilman Pruitt seconded. Not hearing any other nominations Mayor Perry called for the vote. **The vote was unanimous, 5-0.**

Clerk Morris provided the oath of office to Councilman Craig Garriss.

8. FISCAL YEAR 2014-15 AUDIT REPORT TERESA OSBORNE, DOWDY & OSBORNE, LLP

Ms. Osborne reviewed the results of the annual audit with council and asked if there are any questions.

Perry: *If the police separation allowance is merged into the General Fund how will council know, and future councils know, that money is set aside?*

Osborne: *Charlene and I talked about that and they have not given us explicit guidance on it yet. My hope is there will be a way to restrict a portion of your fund balance for it so you will actually see it broken out in the fund balance section. But there are also notes to the financial statements that show how you are progressing on that liability. You will be able to see it there.*

Perry: *Like a Capital Reserve or something?*

Osborne: *Kind of like your Capital Reserve.*

Perry: *Over the past years some of the blogs and other folks have suggested an audit, such as you have to do, is insufficient to show questionable or improper use of public funds. Based on your review of Kitty Hawk bookkeeping and purchases, would you be able, in an audit like this, to bring forth things that council or the public might consider improper, unwise or other misuse of town funds?*

Osborne: *If I found anything like that I would bring it forward to you and it would be noted on pages 57 and 58 of what we call the internal control report. I have not noted anything over the last couple of years. I have been your auditor for quite a while and there have been instances where I have brought up what we call management recommendations. Those were not significant and they were not violations of any kind of statute or anything. They are recommendations on ways that I think you can do something better or how I think you can tighten up a particular control.*

Perry: *And if you saw something in the course of your audit, because you see the Capital Reserve Funds, expenditures, and all those sorts of things ... if you saw something that raised a red flag you would bring that to our attention.*

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Osborne: *I absolutely would bring that to your attention and I am required by professional standards to do so. We do what is called a risk based audit. When I start the audit, part of the initial work, is called a risk assessment. I review the internal controls because there are always changes in how things are done year to year. And I ask a lot of questions of staff. I do a lot of analytics to see if there are variances in particular accounts. That is how I determine what my auditing procedures are going to be. Based on what kind of information I get from that risk assessment. Generally the approach to the audit changes from year to year depending on what I find in that risk assessment.*

Perry: *I am trying to let the public know that the audit is worthwhile and can rest easy that things are being done the way they should be done. Thank you.*

Hearing no further questions or comments Mrs. Osborne thanked the council.

9. PUBLIC COMMENT

1.) Roger Humphreys, 4300 Lindbergh Avenue, Kitty Hawk, NC: *I live at 4300 Lindbergh, on the corner of Lindbergh and Balchen. I do not know how familiar you are with that area but we have developed some problems over there as far as vandalism, theft, and just rude and crude behavior. I have had my mailbox broken down twice, my neighbor, who was going to be here with me but he's sick, he's had his mailbox broken down. They broke down the stop sign. Broke the post off to the ground. His next door neighbor had signs asking people not to block his driveway and they tore those down. The dumpster across the street had signs not to block it and they tore those down. It is something almost every week.*

Perry: *And are you letting the police department know about this?*

Humphreys: *Yes I am.*

Perry: *When you finish I am going to ask the police chief what has been done and what can be done.*

Humphreys: *I don't want to embarrass anybody but I've got to tell it like it is. They let their dogs use my front yard for a bathroom and somebody used my front yard for a bathroom.*

Perry: *Human?*

Humphreys: *Human. My neighbor, the one I told you about, two nights after they tore our mailboxes down somebody came back, he had a shovel to pick up after his dog and they threw it in the back window of his wife's car. The lady across the street from me had a hammock stolen. The lady around the corner on Ride Lane, they stole her beach chairs. My next door neighbor at 4304, a car pulls up, she's not there, guy gets out, Ohio plates because my neighbor across the street got the number, he goes up and urinates in her carport. My wife and I are standing on the*

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porch one afternoon and two guys come walking down Balchen. They take a left onto Lindbergh, he can barely walk, and comes over and urinates on my neighbors trash can. It has gotten so bad that I've thought about moving. Not off the island but as far away from one of these beach access roads as I can get.

Perry: *I understand. All right. We do not need for you to continue describing those sorts of things. I am looking at the police chief and he's nodding and we are going to get together and see if he can do something to help you. Before you leave perhaps you can talk with him directly.*

No one else came forward to speak.

10. CONSENT AGENDA

a.) Approval of November 2, 2015 Council Minutes. *(An affirmative vote for the consent agenda will approve these minutes.)*

b.) Revenues and Expenses Report for October 2015. *(An affirmative vote for the consent agenda will acknowledge this report.)*

c.) FY 15-16 Budget Amendment #2. This amendment, in the amount of \$15,000, is for a no match grant from the NC Department of Public Safety Governor's Highway Safety Program for weapons replacement for the police department. *(An affirmative vote for the consent agenda will approve this budget amendment.)*

d.) FY 15-16 Budget Amendment #3. This amendment, in the amount of \$11,707, will recognize additional funding for pump rentals in preparation of Hurricane Joaquin. *(An affirmative vote for the consent agenda will approve this budget amendment.)*

Councilman Bateman made a motion, seconded by Councilman Pruitt, to approve the consent agenda. The vote was unanimous, 5-0.

11. ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed from the consent agenda.

12. PUBLIC HEARING

a.) Conditional Use Permit: Application for a Conditional Use Permit to allow a fitness center in the existing building at 4708 North Croatan Highway.

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

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Clerk Morris provided the oath for Planning Director Testerman and then he reviewed the following staff report on this subject.

Proposal

The applicant is requesting approval of a conditional use permit to locate a fitness center in the existing building on the subject property. Fitness centers are permitted in the BC-1 district with a conditional use permit, provided that:

- a.) No promotional sales or services shall be visible from the outside of the building.
- b.) The building shall be designed so that any noise will be contained within the building.
- c.) All lighting shall meet section 42-515
- d.) Any outdoor uses or facilities shall be set back or buffered so that no noise will go beyond the property.
- e.) Massage personnel shall be licensed by the state.

The applicant proposes a personal training facility that would dedicate approximately 2,800 square feet to be a training area that will be used for strength training equipment, including machines, free weights and open space. The facility would employ 1-4 full time personal trainers. The proposed operating hours will be from 6am-8pm, Monday through Friday, 8am-5pm on Saturday, and closed on Sunday. Training staff will be present during operating hours.

Proposed Conditional Uses

42-250(c)31 Fitness center, provided the above mentioned requirements.

Background Information

The subject property is presently zoned General Beach Commercial (BC-1) and presently houses a one story building, formerly the NAPA Auto Parts Store. According to the original site plan the building is approximately 3,500 square feet, 2,800 of which will be used as the training facility. While there may be renovations to the interior of the building, there are no modifications being proposed for the exterior of the building, or the footprint.

Directly abutting the subject property to the north is a mixed use residential/commercial building zoned BC-1. Further to the north are various commercial uses, including offices, a gas station, and a restaurant, all zoned BC-1. To the south are additional office buildings, including Barnhill Contracting Co., and PrintPlus on the corner of Eckner and N. Croatan, both zoned BC-1 as well. To the west, across Putter Lane, is the Sea Scape Golf Links office as well as Michelle's Bar & Grill. Across N. Croatan, to the east of the subject property are more office buildings, including PNC Bank, Burgess Lowman & Lay, PA and another multitenant office building, all zoned BC-1.

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Staff Analysis

Proposed Uses: Fitness Center. This use presently permitted as conditional uses in the Beach Commercial (BC-1) district.

Lot Area: The subject parcel is 20,000 square feet (0.46 acres) in size. The lot size meets the 15,000 square foot minimum as well as the 7 acre maximum requirement. The lot area is suitable for the proposal as there are no changes proposed to the site plan.

Lot Coverage: The approved site plan from 1983 determined lot coverage to be 58%. At some point, additional gravel was added in the rear. During analysis staff measured this area to be approximately 380 square feet, this would bring the total lot coverage to 59.9%, which is compliant with the maximum lot coverage requirement of 60% for the BC-1 district.

Building Height: The maximum height in the BC-1 district is thirty-five feet (35') from the existing grade to the peak of the roof. The existing building is one-story, well under the 35' maximum.

Building Setbacks: All buildings and structures subject to setbacks were constructed to meet those setback requirements.

<u>Setback</u>	<u>Existing</u>	<u>Required</u>
Front	85 feet	15 feet
Rear	45 feet	20 feet
Sides	30 feet (south)	10 feet
	20 feet (north)	10 feet

Access: The subject property is currently served by one 20 foot wide ingress/egress drive off of N. Croatan Highway. No alterations are planned.

Parking: Parking Calculations are as follows:

<u>Parking Calculations</u>	<u>Ratio</u>	<u># Required Spaces</u>
Fitness Center- one space per 150 sq. ft. of gross floor area	2800 sq. ft. / 150	18.66

Existing conditions at the subject parcel have 14 paved parking spaces, including 1 handicapped space. To the rear of the building, abutting the paved drive aisle there is existing gravel that has been used for parking in the past. During staff analysis, it has been determined that there is sufficient space in the rear of the building to utilize the remaining 5 parking spaces, provided the bin that is currently located there is either removed or relocated.

Buffers: No buffers are required for the proposed use.

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Lighting: At this point in time, no proposal for changes to the lighting have been submitted. Should the applicant decide changes are necessary, a lighting plan would be reviewed administratively.

Signs: No sign applications have been received to date, this would be reviewed administratively.

Stormwater Management: No land disturbance is occurring, as the site is using all existing features.

Flood Zone: The entire subject property is located within an X flood zone, which means that the building is not required to meet any particular flood elevations.

Suggested Conditions of Approval:

Bin located in the rear of the building to be removed or relocated.

Area in the rear of the building be designated for employee parking.

Land Use Plan

The Town of Kitty Hawk's adopted CAMA Land Use Plan designates the property as a "Commercial, Shopping, and Working Area" on the future land use map.

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

POLICY 4a: Kitty Hawk, through its zoning ordinance, will continue to direct the placement of commercial development in areas zoned for such activities.

POLICY 4b: Kitty Hawk encourages the continued existence and development of locally owned businesses and encourages commercial building designs, color designs, and construction materials and methods that reflect Kitty Hawk's coastal village character.

OBJECTIVE 16a: Monitor and consider redevelopment proposals for consistency with stated Town land use and development goals.

Conditional Use Findings

Per the standards of Section 42-99(b)(7), in order to approve this application, the Town Council must make findings that the proposed conditional uses:

- a.) does not materially endanger the public health or safety,
 - There is no evidence to suggest that allowing the use of this building for a fitness center would endanger public health or safety.
- b.) does meet all required conditions and specifications,
 - The existing building was constructed to meet all conditions and specifications, the new proposal includes no changes and will also meet all requirements.

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- c.) will not substantially injure the value of adjoining property or be a public nuisance,
- There is no evidence to suggest that the proposed use would injure the value of adjoining property, or be a public nuisance.
- d.) will be in harmony with the area in which it is located and be in general conformity with the comprehensive plan.
- The reuse is compatible with the surrounding zoning and commercial land uses.
 - Per stated policies in the Town's adopted land use plan, the reuse of this business will be located on existing, commercially zoned properties.

Planning Board Recommendation

At its October 15, 2015 meeting, the Planning Board unanimously recommended (5-0) approval of the conditional use permit to allow a fitness center to be located at 4708, subject to conditions listed in the staff report.

MPT Garriss made a motion to return to regular session. Councilman Pruitt seconded and it passed unanimously, 5-0.

Councilman Bateman made a motion to grant approval of the proposed Conditional Use Permit to allow the establishment of a fitness center at 4708 North Croatan Highway subject to conditions included in the staff report. The Town Council finds that the proposed use is consistent with the Town's adopted CAMA Land Use Plan and finds it to be in the public interest. Councilman Pruitt seconded the motion and it passed unanimously, 5-0.

13. PLANNING

a.) Call for Public Hearing/Conditional Use Permit: Application for a Conditional Use Permit to allow construction of a medical office at 5201 North Croatan Highway (formerly known as 0 Byrd Street).

MPT Garriss made a motion, seconded by Councilman Pruitt, to set a public hearing at the Town Council meeting on January 4, 2016 to consider a Conditional Use Permit application to develop a medical office at 0 Byrd Street (now known as 5201 North Croatan Highway). Councilwoman McClean seconded and it passed unanimously, 5-0.

b.) Call for Public Hearing/Conditional Use Permit: Shared parking agreement between Art's Place, 4624 North Virginia Dare Trail, and the adjacent property, a proposed take-out/delivery pizza business at 4622 North Virginia Dare Trail.

Perry: I went up there and looked at the parking that is going to be added and it looks like it is partially, if not totally, on state right-of-way. If that is true we have historically not wanted the Town authorizing parking on state or other government property.

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Testerman: The engineer for this project told me earlier it would not be but I will make sure to get verification.

Councilman Pruitt made a motion, seconded by **Councilwoman McClean**, to set a public hearing for the Town Council meeting on January 4, 2016 regarding the proposed Conditional Use Permit which would allow shared parking between sites at Art's Place at 4624 North Virginia Dare Trail and the proposed Art's Firehouse Pizza at 4622 North Virginia Dare Trail. The vote was unanimous, 5-0.

c.) Call for Public Hearing/Text Amendment: Staff initiated proposed text amendment to insert language into the Zoning Ordinance that would allow the town to utilize the concept of "Conditional Zoning."

Perry: *This is a staff initiated text amendment that would allow something called Conditional Zoning and I want to explain it a little before we call for a hearing. I asked staff to look into it because a resident of the Town is interested in turning a residential home into a psychiatric facility of some sort and housing those in need of therapy. This was some time ago and I guess the legislature changed something. It appears to be a spot zoning type of thing where you can take a house in the middle of a residential area and turn it in to some sort of a business. It allows for it but with an awful lot of caveats and rules. We have to honor the request and look at it and I want you to look at it very carefully so when we come back to make our decision we are fully briefed.*

Councilwoman McClean made a motion to set a public hearing for the Town Council meeting on January 4, 2016 regarding the proposed text amendment to add Subsection 42-201 to the Kitty Hawk Town Code establishing the use of Conditional Zoning. MPT Garriss seconded the motion and it passed unanimously, 5-0.

14. NEW BUSINESS

a.) Resolution and Agreement with Kitty Hawk Landing Requesting State Financial Assistance for Repairs to the Existing Harbor Entrance Jetty and Breakwater System and Maintenance Dredging for the Kitty Hawk Landing Association Harbor Entrance

Perry: *We have in front of us a resolution and an agreement with Kitty Hawk Landing. They are requesting that the town enter into an agreement and request from the State financial assistance to dredge Avery Pond Harbor. That is one of two entrances to Kitty Hawk Landing. The reason they are coming to us is because the kind of grant they are trying to get for dredging is a matching grant but it can only be done through a government entity. This has occurred once before. We do the actual request for the grant but we are not expecting the town to expend any funds. It has been vetted and reworded to help the association obtain the grant.*

Mayor Perry made a motion to accept the resolution and agreement with Kitty Hawk Landing requesting state financial assistance for repairs to the existing harbor entrance jetty and breakwater system and maintenance dredging for the Kitty Hawk Landing Association Harbor entrance. Councilmen Pruitt and Bateman seconded the motion and it passed unanimously, 5-0.

b.) Elected Officials Boards and Committees

***Nominations for the Dare County Tourism Board**

Perry: *The Dare County Board of Commissioners requires each town to submit three nominees for the Tourism Board appointment. The towns have objected strenuously to it but the commissioners are adamant they want three names so they can pick, for political purposes or whatever it may be, who they want. The problem is that does not take into account who we want, who we pick and why we pick that person. For example, not everybody on the council has the time to do what is necessary on that board. I have been on it and it takes a lot of time. Not everybody has the time. So if we have somebody that has both the time and the desire that is who we should appoint. I wanted to make that statement so everybody understood we are doing it under objection. We still want our person and I am going to state who that is once we make the nominations. Do I hear three nominations?*

Councilman Pruitt made a motion for Ervin Bateman, Lynne McClean and Jeff Pruitt to be nominees for the Dare County Board of Commissioners to make a selection of one for the Tourism Board appointment. The appointment will be made January 4, 2016 and it is a two year term. MPT Garriss seconded.

Perry: Now for discussion. Jeff do you have time for this appointment?

Pruitt: *No sir, I do not.*

Perry: *Lynne you are brand new to this board and getting your feet on the ground. Do you want this appointment?*

McClean: *I will do it if I am asked but I think we have other people who would be better suited to the position.*

Perry: *Ervin do you want the appointment?*

Bateman: *I will do it.*

Mayor Perry asked councilmembers if they all wanted Ervin to get the appointment and they responded yes. He then called for the vote **and it was unanimous to approve the motion, 5-0.**

***Dare County Land Transfer Tax Appeals Board**

Councilman Pruitt made a motion to appoint Lynne McClean to the unexpired term of Emilie Klutz on the Dare County Land Transfer Appeals Board. The term will expire in December 2017. MPT Garriss seconded the motion and it passed unanimously 5-0.

c.) Planning Board and Board of Adjustment Appointments

MPT Garriss made a motion for John Richeson to be appointed as Chairman of the Planning Board with a term of office to expire in June 2016. Councilwoman McClean seconded and hearing no other nominations the vote was 5-0.

Councilwoman McClean made a motion to appoint Bryan Parker as Vice Chairman of the Planning Board with a term of office to expire in June of 2016. MPT Garriss seconded the motion and it passed unanimously 5-0.

Councilman Pruitt made a motion for Jim Geraghty to become a regular member on the Planning Board with a term of office to expire June 2017. Councilman Bateman seconded the motion and it passed unanimously, 5-0.

Councilwoman McClean made a motion, seconded by Councilman Pruitt, for Dusty Rhodes to serve as an alternate on the Planning Board. The term of office is until June 2017. The vote was unanimous for approval, 5-0.

Councilman Pruitt made a motion to appoint Natalie Smith as an alternate to the Board of Adjustment with a term of office to expire in June 2016. Councilman Bateman seconded the motion and it passed unanimously, 5-0.

Mayor Perry then announced the council is always looking for people to be appointed to the boards and committees and it is not always easy to find somebody with either the time or inclination. If anyone would like to volunteer please get in touch with the Town Clerk.

d.) Request to Hire Police Sergeant Candidate above Hiring Range

Mayor Perry explained the police department has an officer retiring and the chief would like to hire someone above the hiring range that would normally be allowed by administrative action. He pointed out that any previously planned in-house promotions were disrupted when the officers resigned.

Hiring at Grade 62, Step 11 allows for someone experienced and benefits the Town as it minimizes the level of training expenses. This action will not create an inequitable pay situation within the department.

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Councilman Bateman “so moved” to allow for the hiring of a police sergeant above normal the hiring range. MPT Garriss seconded and the vote was unanimous, 5-0.

15. REPORTS OR GENERAL COMMENTS FROM THE TOWN ATTORNEY

There were no comments or reports from the attorney.

16. REPORTS OR GENERAL COMMENTS FROM THE TOWN COUNCIL

Pruitt: *Welcome Lynne and congratulations Ervin.*

I wish Emilie was still here. I remember discussing something with her one time and she asked if she could take the information home and get it right. I remember her saying that and it was a thick document. She said because if we are going to do it we need to do it right. That says a lot and I respect her for that. I am always going to keep that in mind. I really appreciate what she did for the people of Kitty Hawk. She truly loved it and she loved what she did here. We owe her a great deal of gratitude for all she did. Thank you Emilie.

Garriss: *I echo that. She is one smart lady. It was a pleasure to serve with her. She was exactly right when she said we did not always agree but when we got through with a meeting we were still shaking hands and hugging. It was a pleasure to serve with her.*

Lynne welcome. Glad to have you.

I have some big shoes to follow being appointed Mayor Pro Tem. I just hope I can do it and not let the people or staff down.

Bateman: *Lynne, welcome. I am glad you are here.*

I am going to tell you something about Emilie and I have told her the same thing. I am a big picture kind of guy. When it comes to details I get flustered big time. So when Emilie would go down her list I'd be sitting over here about ready to bust, just absolutely bust out of my skin, but at the end of the day she would do an outstanding job and everything was right. We went home knowing that the job was done and it was done correct but it would drive me crazy sometimes. It was a pleasure to work with her and I learned a lot learned a lot of patience which is something I need to learn. I am sorry she's leaving and I'm glad that Lynne's here.

McClean: *I am delighted to be here. The years I worked on the Planning Board I got to see many things happening in Kitty Hawk and it was exciting. I am sure once I get over my nervousness and get comfortable it will be just as exciting sitting here working with these fine gentlemen and Lynn. Thank you.*

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Perry: *We will miss Emilie and welcome Lynne. I am sure you will fill that space well. Congratulations to our new Mayor Pro Tem. Thank you all.*

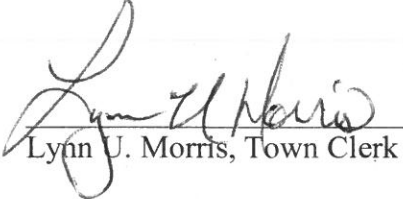
17. PUBLIC COMMENT

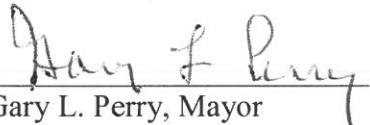
There were no further public comments.

18. ADJOURN

MPT Garriss made a motion, seconded by Councilman Pruitt, to adjourn. The motion passed unanimously, 5-0. Time was 7:06 p.m.

These minutes were approved at the January 4, 2015 council meeting.


Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor