

Council Minutes
KITTY HAWK TOWN COUNCIL
Monday, February 6, 2012
Kitty Hawk Town Hall, 6:00 PM

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Presentation of Stormwater Management Plan
5. Public Comment
6. Consent Agenda
 - a.) Approval of Minutes. November 15, 2011 Recessed Meeting and January 9, 2012 Regular Meeting
 - b.) Revenues and Expenses Report for December 2011
 - c.) Tax Pick Ups and Releases
 - d.) FY 11-12 Street Paving
 - e.) Purchase of Three Replacement Police Patrol Vehicles
7. Items Removed From the Consent Agenda
8. Unfinished Business
 - a.) Discussion of Survey and Appraisal of 3907 N. Virginia Dare Trail
9. New Business
 - a.) Resolution Opposing Game Fish Status
 - b.) Resolution Seeking Amendments to the NC General Statute Concerning Property Tax Exemptions for Certain Homeowner Association Property
 - c.) Resolution Opposing Ferry Fees
 - d.) Kitty Hawk's Participation in Sponsoring the NC Beach Inlet and Waterways 2012 Coastal Local Governments Annual Meeting
 - e.) Amendment to Town Code Section 20-23, Speed Limits – Lower speed limit to 15 mph on Amadas Ave., Harbor Ct., Watts Dr., Colleton Ave., Radcliff Ct., and Old Schoolhouse Lane
10. Reports or General Comments from Town Manager
 - a.) Sandy Run Park Phase II Update
 - b.) Summary of Claims and Projects Filed due to Hurricane Irene
11. Reports or General Comments from Town Attorney
12. Reports or General Comments from Town Council
 - a.) Recreation Committee Update
13. Public Comment
14. Recess

COUNCIL MEMBERS PRESENT:

Mayor Clifton Perry, Mayor Pro Tem Gary Perry, Councilman Ervin Bateman, Councilwoman Emilie Klutz, and Councilman Richard Reid

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STAFF MEMBERS PRESENT:

Town Manager John Stockton, Town Clerk Lynn Morris, Attorney Starkey Sharp, Planning Director Joe Heard, Police Chief David Ward, Fire Chief Lowell Spivey, Public Works Director Willie Midgett

1. CALL TO ORDER

Mayor Perry called the meeting to order at 6 PM and welcomed everyone to the meeting

2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF AGENDA

Councilman Bateman made a motion, seconded by Councilwoman Klutz, to approve the agenda as is. It passed unanimously, 5-0.

4. PRESENTATION OF STORMWATER MANAGEMENT PLAN

John DeLucia, Albemarle and Associates: *Good evening. You have seen three drafts of the stormwater management study that we prepared over the last several months. The study has been reviewed by DOT and there were a couple of suggestions and comments that we received from them. I have answered most of those questions. They are not within the report because some of the questions had to do with technicalities within the report. One of the items that were suggested is for us to come up with a priority list.*

As you are aware, the stormwater study was mostly conducted along the oceanfront portions of the town. There are about 8.2 square miles of town and about 3.6 of those are along the oceanfront. All of the statistics are in the executive summary section of the report and are also in the individual sections. Anyone can get this information out of the report.

Most of the oceanfront had recommendations that had to do with permanent inlet and pump connection stations whereby temporary pumps would be brought in as needed. Similar to what we normally do when we have the overwash conditions. The affected areas are a little bit different for each basin area. Overall there are almost 500 affected properties that we know of with just moderate overwash conditions. Obviously when we have a bad overwash condition a lot of these basins inner-connect with each other and we have quite a few more properties that are affected.

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We are looking for the pumping stations to be able to pump about 2500 to 3000 gallons a minute using 8" pumps. They would be manageable by public works staff to move around. Any pump larger than that would probably not come on wheels and would be much more difficult for us to work with, especially during an event.

The Tateway and Rabbit Hollow area will have a bit different solution because this really is not an overwash water condition. We feel it has a lot more to do with the groundwater situation. We believe we can obtain permits to lower the groundwater by taking measurements and making a permanent pump station that would convey that water to Kitty Hawk Bay for disposal thereby keeping the water table down. This technique has been used for wastewater treatment plants up and down the coast of both North Carolina and the country. Most recently it has been used in Currituck County for some areas in the Whalehead subdivision.

What I want to get to because we have not talked about it is a suggested priority list. There are many different ways council can prioritize the various areas. It can be done by the least cost per property affected or the area that is most affected and the overall effect that a pump may have on that area. We looked at what may be the best priority and have come up with this list for your consideration.

The number one area would be Lindbergh Avenue between Historic and Starfish Lane. That was not the least costly area per property but it had the benefits of larger land areas to be pumped out and several other parameters. The number one, two, and three areas, no matter how you sliced and diced them, they basically came up just about the same.

The second area is Lindbergh Avenue between Bleriot and Hawks Street. The third suggested priority would be East Kitty Hawk Road over to Hurdle Street which also includes Sea Dunes Condominiums because of the sheer number of residents that are in those condominiums. The fourth area was Poseidon and Goosander Streets and implementing it may also affect area 10. After the fourth recommendation are Byrd Street and Lindbergh, Fonck Street and Lindbergh, and Bennett Street and Lindbergh.

Then there is the Tateway and Rabbit Hollow area. The cost per property served there was very high. The average cost per property served for the whole entire report turned out to be about \$1800, almost \$1900 per property. However they varied from some areas as low as \$700 and some as high as \$22,000. The report represents almost a million dollars worth of improvements based on today's dollars.

We had recommended previously that we look at trying to get a permit for all of the oceanfront temporary pump out facilities under one permit. That would not only be the permit to construct but also have an operation permit tied to it so we knew exactly when we could turn pumps on and not necessarily using the policy that had been developed by DWQ of the level of water over the roads. We think there is a very good possibility that could be negotiated into the permit. There will probably be some monitoring requirements.

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We have talked about how we dispose out on the beach without causing undue harm to properties because it is difficult to get a discharge line out there in the ocean when it is as rough as it can be right after a storm. That is something that will probably have to be determined as the best method for both public works and the regulatory agencies.

The stormwater report is in its final form and it has gone through three drafts. I will answer any questions and I would like to say from Albemarle thank you very much for allowing us to assist you with this. And if anybody in the audience has questions I would be happy to try to address them.

Mayor Perry: *Do you have an idea how long it would take to get permits?*

DeLucia: *These will be CAMA major permits and they will have many different regulatory agencies looking at them. We feel the oceanfront permits, well, either set of the permits will probably require at least six months to develop, to negotiate, and to be able to give them other additional information that they may request and ... I would say six to nine months would probably be a reasonable timeframe, certainly no longer than a year from when we start.*

Bateman: *The pumping to the sound for Rabbit Hollow, would that pull the water from the Goosander area?*

DeLucia: *Based upon the geotechnical work that was done in the Rabbit Hollow area and also some of the hydrology that was looked at in that area it appears ... we were happy we did not find a confining layer of peat or clay within the top 25' to 30' of the ground surface there. There is a fairly thick, fairly permeable sand layer that we are sure of within that area. When you look at the old aerials and listen to the historic data from some of you and others in town, that area was always wet. There is probably some hydraulic connectivity underneath the bypass in that area between those two areas so one may affect the other or vice versa. But without doing more studying I do not know if pumping in Rabbit Hollow is going ... how much affect that is going to have because as you move away from the pump and the collection system if you will, the less effective it is pulling down the groundwater. What we are really looking at in that area is actually depressing the groundwater, a cone of the groundwater because you are not going to be able to regulate all of the groundwater. But when the conditions rise to that low spot there trying to be able to depress that cone of influence of the groundwater is what we are looking at doing. Certainly if we took drains closer to the bypass or brought drains from the other side we may have an effect on it but at that point then we would probably be looking at larger facilities and larger pumps because we would be affecting a larger area.*

Klutz: *In the past we talked about doing the permitting all at once for the areas on the east side of the highway because the value of the project is to be able to put the pump stations in and get permission in advance to pump the water out quickly. The permitting costs that are by each individual location, is that assuming we are doing it all at once and that would be the way it divvies up or ...*

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DeLucia: *Since we put those numbers into the report we have actually given the manager two proposals. One of them is for all of the temporary pump out facilities on the east side of the highway and then one for the Rabbit Hollow area. I believe they were \$30,000 and \$36,000 respectively. Those numbers were included and were extrapolated from the numbers that are in the report. We have some design, permitting, legal, and easement costs. There is going to be a little bit of design that still needs to be done for the permitting, especially for the outfall conditions both on the sound and the oceanfront. There is probably more data that will need to be collected for the permits and will be necessary for the final designs. The final designs have not been incorporated into those two proposals; however their numbers are incorporated within this document.*

Klutz: *As far as the prioritization of this is concerned. Is that something we are going to try to work through in budget workshops?*

Mayor Perry: *As far as I am concerned we have to know we are going to get permits before we need to spend a lot more time on which ones we are going to do first. I appreciate his list and council may change those priorities as needed. He had his way of listing them which was good but we may want to do it differently. I do not think we should spend time on it until we find out if we can get permits. The construction part is when we prioritize this.*

DeLucia: *Some of the projects like Byrd Street had a part A and a part B that collectively were about \$78,000, a \$30,000 and \$40,000 split between the first part which was swale work and additional basin culvert work. The part B was actually doing the pipe and the outlet to the oceanfront. If we start looking at a smaller project or a lesser dollar value you may want to consider, if funding is available, a smaller project. There are some smaller parts of this that could be implemented and could assist now and also assist later with the final implementation.*

Klutz: *The real advantage to doing what is proposed on the ocean side is to be able to pump as soon as the problem occurs. If we go through this permitting process and we do not get that "go ahead" approval for the pumping then all of the expenditures that are associated with this project have only resulted in maybe making the pumping easier because of the stands there. We will still be dealing with the big problem, which is water standing for days because we cannot get a permit. I think at that point, if we fail in the permitting to get the advance to go ahead, then we have to start looking at whether these costs are really going to deliver any big improvement over what we have right now. Rabbit Hollow is in a class by itself but on those projects I would think that the prioritization is not something we should even start doing until we know we are going to get the permits that would allow us to pump right away.*

Mayor Perry: *I agree and at that time we decide which ones we want to do first. I think we need to know if we can get permits and what those permits contain and see if it is worth going forward or not. If we cannot stop the water from coming, the only thing we are trying to do is to be able to get it out quick. If we cannot do that then it becomes questionable to me.*

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DeLucia: *When we met with folks from CAMA, Division of Water Quality, and from the corps, there was a lot of concern when we started talking about pump stations on the oceanfront until they realized that these were not going to be pump stations that we could just walk over and turn a switch on at any time. These pump stations would have pumps that are rented and would only be used occasionally when we had these conditions. Then it would really be no different than what they have permitted us to do in the past. It would just be we could get the water out quicker. They realize the longer that water sits on drain fields the nastier it gets. However they also realize they have a policy that the water has to be so deep on a street. That really does not apply to Kitty Hawk because we have no water on the streets and still have two and three feet of water under some houses in certain areas in town. They know if we are going to pump it out ultimately anyway, it would probably be better to pump it sooner than later.*

Klutz: *Do they also understand they are the obstacle to us doing this? If it were up to us we would pump it out right away.*

DeLucia: *There are times when we could start pumping and they cannot get here to give us permission so having a permit that has an operational standard with it is a key. When the water reaches a certain depth within the basins we have the ability to pump because of the environmental hazard that leaving the water standing on those areas may have.*

The only other thing that is not in your report that we may want to consider has to do with Rabbit Hollow. We have three monitoring wells that are in right now that ... I am not sure about the two that are on private property, how long we can keep them there although we probably could keep them there for a while, but we may want to consider monitoring the groundwater within that area with a data logger. They are not very expensive, a couple thousand dollars probably to put a piece of equipment in a well that would give us that water level every 15 minutes, every day of the year. I also suspect the Corps of Engineers will want that average water depth level known within those basins. We have the wells in and we would really need only one, we do not need three. But that may be a consideration in order to continue studying that area and that data will be beneficial to see what is actually happening within that ...

Mayor Perry: *That is probably something we need to discuss at our workshop.*

MPT Perry: *The cost to do the permitting is not part of what you are giving us tonight. Is that correct?*

DeLucia: *It is incorporated within all of those numbers. The numbers that are in ...*

MPT Perry: *Where is the money coming from to pay for it?*

Mayor Perry: *Out of our budget.*

MPT Perry: *It is not part of what was budgeted for the study?*

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DeLucia: *Correct.*

MPT Perry: *What we are approving tonight closes the book. We need money to start the permitting process. Do we go for grants?*

DeLucia: *That is your decision as a council. I have actually given John two proposals for the permitting. One for the oceanfront and one for the Rabbit Hollow area that incorporates the numbers that are within this report.*

MPT Perry: *If we can find the money for permitting and are successful in getting the permits for the ocean side then we can construct in stages. How long do you think we would have if it was done in stages?*

DeLucia: *Typically the permitting for a CAMA major permit would be good for 5 years and I suspect we could get that extended. We have gotten CAMA permits extended multiple times for projects because either they were slow to be built or built in phases. I do not think that would be something we would write into the permit because it might confuse things but historically if we had a permit to do all of them within 10 years, we would probably, without a question, have permits to do this.*

MPT Perry: *The Beacon area you said was not in your report because you thought the State had it covered. And we now know it is not covered. That is still an open spot and it is going to remain one because it is not in your report and the State is not going to do it. That is an area the police force is still going to have to park their cars when it floods. There was a question by NCDOT about the length of some of the suction pipes. How did you answer that?*

DeLucia: *The length of the suction pipes will have to be put through a final design process but it really is not going to affect ... the largest pump that you are really going to effectively put there is going to affect what your pumping rate is going to be more so than the lengths of those lines. The pumps are 8" pumps which mean they are ... and we are proposing 12" HDPE pipes running from the inlet condition to the pump connection location. Those would obviously have to be checked if that means it will go up to a 14" and potentially that could happen. Head loss in a 12" pipe at 2,500 to 3,000 gallons per minute with how relatively flat they are and actually relatively short sections should be almost insignificant. They would be checked but it is not really going to matter that much. It will be a couple of gallons a minute difference.*

MPT Perry: *And NCDOT accepted that?*

DeLucia: *Yes. And their question about where would we prioritize the pumps. That would really depend on where we have had some of our basins flooded and others not, depending on the storm and depending on where the pump connections are. We have recommended that in some of the larger basins we may want to put a dual head so that if we had enough pumps to pump everything at one time we could move one from some of the smaller areas when they are*

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done down to the larger areas and get maybe, not twice as much, but maybe a half ... half again as much pumping out at the same time.

MPT Perry: *Tonight we are going to approve this so it can be closed out and paid for and that is really all we are approving tonight. At the budget workshops the manager is going to bring some figures to us and make proposals.*

Mayor Perry: *That is what I understand and the data logger would be one item for the budget workshop and then permitting costs. We can work through that and how we are going to fund it.*

MPT Perry made a motion for council to accept the Stormwater Management Plan for the Town of Kitty Hawk as proposed, dated February 2012. Councilman Bateman seconded the motion and it passed unanimously, 5-0.

5. PUBLIC COMMENT:

1. Bill Holt, Kitty Hawk Landing. Mr. Holt spoke to council about the poor internet service at his home. He has spoken with others in Kitty Hawk and they also do not get decent service. The provider is Charter Communications and asked for the council's blessing to have the manager work with him in getting it resolved.

Council answered the town has a franchise agreement with Charter and will check with the attorney to see what options there are.

6. CONSENT AGENDA:

a.) Approval of Minutes. November 15, 2011 Recessed Meeting and January 9, 2012 Regular Meeting. *(An affirmative vote for the Consent Agenda will approve these minutes.)*

b.) Revenues and Expenses Report for December 2011. *(An affirmative vote for the Consent Agenda will acknowledge this report.)*

c.) Tax Pick Ups and Releases. *(An affirmative vote for the Consent Agenda will acknowledge this report.)*

d.) FY 11-12 Street Paving. The town received two bids for repair and resurfacing on the following streets: Pruitt Multi-Use Path, Shelby Ave, Hallett St, and Lindbergh Ave (north of Byrd St). The low bid was from RPC Contracting for \$81,350, with the competing bid approximately \$1,700.00 more. The Public Works Director requests permission to accept the bid from RPC with an option to do up to \$8,650.00 of additional repair work on the multi-use path. This would bring the total to \$90,000.00. This is \$8,000 below the budgeted amount. The bulk of the project is on the Pruitt Path. This is due to root growth under the asphalt that has damaged the asphalt and its base material. This will require the cutting and

removal of the asphalt and base, removal of the roots, the installation and compaction of new base material, and resurfacing. This type of repair will be ongoing for the life span of the path. *(An affirmative vote for the Consent Agenda will accept this bid.)*

- e.) **Purchase of Three Replacement Police Patrol Vehicles.** Police Chief Ward is requesting Capital Improvements Plan funds approved in the FY 11-12 budget be released for the purchase of three vehicles in the amount of \$75,600. The amount includes the purchase, markings, transfer of equipment, and replacement of any non-compatible equipment such as siren boxes and radio mounts. *(An affirmative vote for the Consent Agenda will approve this request.)*

MPT Perry made a motion to approve the consent agenda as promulgated. The motion was seconded by Councilwoman Klutz and approved unanimously, 5-0.

7. ITEMS REMOVED FROM THE CONSENT AGENDA

There were no items removed.

8. UNFINISHED BUSINESS

a.) Discussion of Survey and Appraisal of 3907 N. Virginia Dare Trail (Parcel No. 8215000)

Manager Stockton reported the town has received the appraisal for 3907 N. Virginia Dare Trail. The value of the entire property is \$8,000 and the value of the 45' wide easement is \$3,600. The question is whether or not council wishes to proceed with condemnation for an easement or for the entire property.

Councilwoman Klutz said she had always thought the condemnation for an easement would involve about 20' and this is a 45' easement, taking up almost half of the available property. She asked the attorney to explain the implications for the town and for the owners of taking the whole property versus the 45' easement.

Attorney Sharp explained the property is a hundred foot wide lot on the oceanfront directly across from where Kitty Hawk Road intersects the beach road. The reason this particular property is wanted is because the town's sidewalk along Kitty Hawk Road ends there. If access is not acquired across the street from that point then people would be directed to go down the side of the beach road to get to the next access to the south. This creates a problem and the council wants a place that is directly across the street for people that are using the sidewalk so they can get to the ocean.

There are two owners. One owner is a man living out of State and has been contacted but the other half interest is owned by, it is believed, a relative of his. No one has been able to contact her and there has been no response from her. Although the man was co-operative and responded in the beginning when staff contacted him, he has stopped co-operating. It is speculated it is because he has figured out he has a piece of property that he can make no particular use of. It is

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not large enough to be buildable and he also is not in a position to do something on his own because he only owns a half interest in it. It is not worth the expense for him to try to solve his ownership problem and he only owns part of it. There is a provision in the statute to take it for this particular purpose which is to provide access. It fits right in to some of the statutory means of doing it and the town as a municipality under North Carolina law has the power of eminent domain and the ability to do it.

The town has taken the steps to do everything which is getting the appraisal and survey that was mentioned. It is now at the stage to pass a resolution that would start the process. That means a notice is sent to the owners. If they cannot be notified because we do not where they are, there is a method of publishing. That takes 30 to 60 days wherein they can respond. If that action is taken and they respond it can be solved short of condemnation. That can always be done and it is not an irreversible action at this point and even later in the process. There is another stage when they can also come back and the process can be stopped if something is resolved.

To the question of whether to take only enough to have an easement across the property or to take the entire property comes up as a cost issue and what is the property owner left with if only an easement is taken. The oddball thing about this particular property is even as a whole he cannot use the property for anything except as a means of getting from the road to the ocean. If the town only took part of it, it will expose the town to the response from the owner that what it is trying to do is get out on the cheap side because he is left with something that is worth less than what he had before. He cannot use it and the concept is called "inverse condemnation." An example is if the State was widening the highway and they had to take a portion of somebody's property and what was remaining had no use. That person can cry "foul" and say "you need to take the whole thing and pay me for the whole thing instead of just taking part of it because I cannot use the rest of it." That is what the town would be exposed to if it went in that direction. Even though taking the easement is cheaper according to the appraisal Mr. Phelan did it is really begging the question for him to turn around and say go ahead and take the whole thing because he cannot use it. The town is not doing him any favor by leaving him with what it would not take. For practical purposes that means, if council agrees with that analysis, the town should take the whole thing and he gets his share of the full value.

Also, for him to effectively sell this on his own, if the town was not looking at it for this access means, he would have to bring a partition action against the other owner. Serve her by publication and then go through a bidding process. He would probably be the only person that is going to be bidding on it and he is going to spend a lot of money in legal fees trying to get the title cleared up so he can get rid of it.

If council approves the motion that is in the paperwork two small additions need to be made. One is to identify the price at which it would acquire it and the second is to identify the particular statute section that allows a municipality to do the condemnation in the context to establish access for the public.

MPT Perry made a motion for the town manager to proceed to direct the town attorney to proceed with the condemnation process for the purpose of obtaining the entire property at 3907 N. Virginia Dare Trail parcel number 018215000 at a price of \$8,000 as recommended in the Phelan appraisal for the purposes set forth in section 40A-3(b1)(11). Councilman Reid seconded and the motion passed unanimously, 5-0.

9. NEW BUSINESS

a.) Resolution Opposing Game Fish Status

Councilwoman Klutz made a motion to approve the resolution opposing game fish status. MPT Perry seconded and it passed unanimously, 5-0.

b.) Resolution Seeking Amendments to the NC General Statute Concerning Property Tax Exemptions for Certain Homeowner Association Property

MPT Perry made a motion for council to approve the Resolution Seeking Amendments to the North Carolina General Statute Concerning Property Tax Exemptions for Certain Homeowner Association Properties. Councilman Bateman seconded.

MPT Perry said this resolution is for outside homeowners associations that would buy a piece of property within our county and because they are a non-profit association be exempt from taxation here. He asked why that would not apply to a local homeowners association such as if Sea Scape bought oceanfront property but they did not use it solely for their own purpose. Why would this not affect them in an equal measure?

Attorney Sharp said he had not studied this but thought the difference is that if the local property homeowners association is exempt they are served by people in the town, their members are residents of the town, they are taxpayers and so forth, and the town is getting the benefit of their tax values from their properties. With an out of town non-profit homeowners association the town does not receive any of that.

Vote was unanimous, 5-0.

c.) Resolution Opposing Ferry Fees

MPT Perry made a motion, seconded by Councilman Bateman, to approve the Resolution Opposing Ferry Fees. Vote was unanimous, 5-0.

d.) Kitty Hawk's Participation in Sponsoring the NC Beach Inlet and Waterways 2012 Coastal Local Governments Annual Meeting

Manager Stockton reported he had been contacted by County Manager Bobby Outten and asked for the town to financially support the meeting for the NCBIWA which will be held March 26th and 27th at Jennette's Pier. The town was also contacted by the town of Duck and asked if other towns were willing to participate with them in supporting an evening reception which is a \$5,000 event. That would be a \$1,000 donation from the Town of Kitty Hawk.

MPT Perry said he talked with Mr. Outten and basically what the town would be doing is contributing to the North Carolina Beach Inlet and Waterways Association. He had given this a lot of thought and much like NC 20 they do a lot of work that helps this area, especially Oregon Inlet. He was not willing to give \$1000 and thought \$250 was more in line.

MPT Perry made a motion for the Town of Kitty Hawk to contribute \$250 for the North Carolina Beach Inlet and Waterways Association 2012 Coastal Local Governments annual meeting and said funds to come from the miscellaneous accounts labeled 5499. Councilwoman Klutz seconded the motion and it passed unanimously, 5-0.

e.) Amendment to Town Code Section 20-23, Speed Limits – Lower Speed Limit to 15 mph on Amadas Ave., Harbor Ct., Watts Dr., Colleton Ave., Radcliff Ct., and Old Schoolhouse Lane

Manager Stockton said there is a request from Mr. Midgett, Public Works Director, to change the speed limits on these streets: Amadas Avenue, Harbor Court, Watts Drive, Colleton Avenue, Radcliff Court and Old Schoolhouse Lane.

PWD Midgett said the request is two-fold. First is that the speed limit on these unimproved roads is 35 miles per hour and it is quite excessive for those type of roads. There are some blind corners that really make it difficult to see. The other reason is that driving on the roads at that speed is tearing them up. He has spoken with six of the seven full time residents in that area and they share his concerns.

When asked if the police are in favor of lowering the speed limit, Police Chief Ward replied they are fine with it.

Council discussed whether lowering it to 20 miles per hour might be more appropriate. They asked for the lowering to be advertised for public input and brought back at the next meeting.

10. REPORTS OR GENERAL COMMENTS FROM TOWN MANAGER

a.) **Sandy Run Park Phase II Update** – Manager Stockton reported the boardwalk on the south end is somewhat complete and the observation tower on the south side is complete. It provides a nice view of the north and south ends of the park. The kayak and canoe tie up on the south end is about 80% complete and pilings are in for the kayak/canoe tie up on the north side. The boardwalk on the north side is about 80% complete and the pilings are in for the fishing pier. The contractor said last month it should be completed by mid-February but thought realistically it would be the end of February. It is pretty much on schedule.

b.) **Summary of Claims and Projects Filed due to Hurricane Irene** – Manager Stockton provided a summary recap, as of this date, for claims and projects that were filed by the town for losses and costs incurred for the August 2011 Hurricane Irene. A total of 14 insurance related claims were filed with the town's flood insurer and property and liability insurers and a total of 12 projects were written and filed with the Federal Emergency Management Agency and the North Carolina Disaster Emergency Agency. The total losses and cost claim is \$515,716. The total paid by insurers is \$116,261. Total paid and approved by FEMA is \$301,396. Total donations received is \$1,400. Outstanding claim losses that are pending is \$65,344 outstanding appeals for claims pending is \$6,000 and finally the potential cost range for the town that includes pending issues is \$32,700 to \$98,000. It is progressing very well and complimented Mike Eubank and Marlene Meyer for their hard work in trying to file these claims and get the reimbursements.

11. REPORTS OR GENERAL COMMENTS FROM TOWN ATTORNEY

There were no further comments.

12. REPORTS OR GENERAL COMMENTS FROM TOWN COUNCIL

a.) **Recreation Committee Update** – Councilwoman Klutz reported on the recreation committee meeting held on January 31st. The members spent time on updating their work plan and the Recreation Master Plan. They received updates on Sandy Run Park and on the live oaks at Windgrass Circle. They chose categories for the interpretive signs for Sandy Run Park which will be given to the planning department. They discussed the great usage the Kitty Hawk Park is getting. They have received some comments from the public on trying to get shade in the dog park area and the gaps in the fence. They have already passed those along to the county. It was a very productive meeting.

b. **Irrigation Valve at the Kitty Hawk Park** – MPT Perry reported seeing an irrigation valve that is leaking by the dog park area and PWD Midgett said he would contact the county about it.

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c.) **Kitty Hawk Road Traffic Signal** - Mayor Perry asked the police chief to have the traffic signals checked because it does not seem to trip correctly

MPT Perry added he was turning left at the light onto US 158 and when the light turned green for him the light stayed green for those on 158 also. He called town hall to report there was a problem with the delay.

Chief Ward said he would check into it.

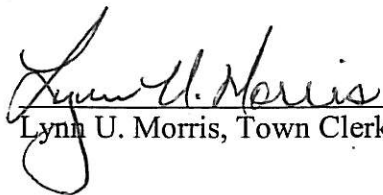
13. PUBLIC COMMENT

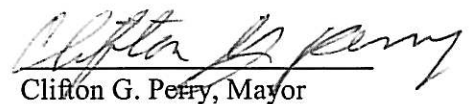
There was no public comment at this time.

14. RECESS

MPT Perry made a motion, seconded by Councilwoman Klutz, to recess until Thursday, February 23, 2012, 9:00 am. Vote was unanimous, 5-0. Time was 7:17 p.m.

These minutes were approved at the *March 5, 2012* council meeting.


Lynn U. Morris, Town Clerk


Clifton G. Perry, Mayor