

MINUTES
KITTY HAWK TOWN COUNCIL
Monday, January 9, 2017
Kitty Hawk Town Hall, 6 PM

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Public Comment
5. Consent Agenda
 - a.) Approval of December 5, 2016 Council Minutes
 - b.) Revenues and Expenses Report and Quarterly Beach Nourishment Project Report
 - c.) FY 16-17 Budget Amendment #4
 - d.) FY 16-17 Budget Amendment #5
 - e.) Police Department Fence
6. Items Removed from Consent Agenda
7. New Business
 - a.) Funding Request for Beach Nourishment Informational Campaign
 - b.) Participation in Cost Sharing Agreement for Town-Wide Alert and Notification System
8. Reports/General Comments from Town Manager
9. Reports/General Comments from Town Attorney
10. Reports/General Comments from Town Council
11. Public Comment
12. Closed Session pursuant to North Carolina General Statute 143-318.11(a)(3) to consult with council for the Town in a manner preserving the attorney client privilege relating to Kitty Hawk v. Hovey, Dare County file 16-CVS-612.
13. Return to Regular Session.
14. Adjourn

COUNCILMEMBERS PRESENT:

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

STAFF MEMBERS PRESENT:

Town Manager Andy Stewart, Town Clerk Lynn Morris, Town Attorney Casey Varnell, Police Chief Joel Johnson

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1. CALL TO ORDER

Mayor Perry called this 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

MPT Garriss made a motion, seconded by Councilman Bateman, to approve the agenda. It passed unanimously, 5-0.

4. PUBLIC COMMENT

1. Geri Sullivan, Southern Shores, NC: *I represent the League of Women Voters of Dare County and am here tonight to make a request and to extend an invitation. The League is requesting that you consider a resolution endorsing the ratification of the Equal Rights Amendment of North Carolina. It is only 24 words long and says, "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex". Casting this amendment will help guarantee women and men equal protection under the law for the first time in U.S. history. It will set a norm for equal pay and provide a basis for litigation legislation to extend the same rights to women and men. It will fight pregnancy discrimination in the workforce. It will provide consistency of production state to state and much more.*

We realize there is much confusion about the equal rights amendment therefore we are requesting time at your February meeting to inform you further about it. We are talking about six minutes not an hour or anything.

We would also like to extend an invitation to each of you as our guests to the award winning documentary Equal means Equal. A movie night on Thursday, January 26th at the Duck Woods Country Club at 6 p.m. As our guests you will have light appetizers, popcorn, beverages, cash bar and the film, which has stirred many to take up the ERA cause. Invitations will be coming your way but we are asking you to make a note of the date. The movie is an unflinching look at how women are treated in the United States today by recalling real life stories and precedence setting legal cases. The director discovers how outdated and discriminatory attitudes inform and influence seemingly disparate issues from work place matters to domestic violence, rape, sexual assault, into the foster care system, the health care system and the legal system. I'm going to leave these brochures for you on the amendment which contains additional information and the website. I hope all of you can attend the movie. We are inviting the county as well as all the town officials to attend. Thank you very much.

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Perry: *You asked that the proposed resolution be for our February meeting. Is that what I understood?*

Sullivan: *We are going to have somebody make a brief presentation for those of you who cannot attend and we do have a draft resolution. Obviously you are going to want to look at it and consider this important item. Thank you.*

5. CONSENT AGENDA

a.) Approval of December 5, 2016 Council Minutes. *(An approval of the consent agenda will approve these minutes.)*

b.) Revenues and Expenses Report and Quarterly Beach Nourishment Project Report (as of December 31, 2016). *(An approval of the consent agenda will acknowledge these reports.)*

c.) FY 16-17 Budget Amendment #4. This budget amendment will recognize and appropriate additional funding for the payment to the Fire Station loan principal in the amount of \$500,000. This additional payment was authorized at the December 5, 2016 meeting. *(An approval of the consent agenda will approve this budget amendment.)*

d.) FY 16-17 Budget Amendment #5. This budget amendment will recognize and appropriate additional funding for the payment of the repair to the 2001 Saulsbury, Engine/Pumper 132. The repair was discussed in the past. A part shipped from overseas did not allow the repair to be done before the end of the previous fiscal year. *(An approval of the consent agenda will approve this budget amendment.)*

e.) Police Department Fence. The Public Works Director requests to proceed with contracting and construction of replacing the existing fence at the police department. It is in this year's budget as a CIP item. Costs not to exceed \$8000 without council approval. *(An approval of the consent agenda will approve this request.)*

Councilman Bateman made a motion to approve the consent agenda. Councilwoman McClean seconded and it passed unanimously, 5-0.

6. ITEMS REMOVED FROM CONSENT AGENDA

There were no items removed from the consent agenda.

7. NEW BUSINESS

a.) Funding Request for Beach Nourishment Informational Campaign

Stewart: *The Town of Kitty Hawk is expected to begin the construction of the beach nourishment project in the summer of 2017. The project will be in conjunction with the Towns of Kill Devil Hills and Duck and Dare County. All the participating agencies in the project have been working on and planning and implementing an informational campaign that will assist in providing timely information to residents and the general public before and during the construction. The name of the campaign is More Beach to Love and the purpose is to be proactive and provide information to the residents and visitors via printed, radio, and web advertisements and any other form of media that is available that can help get out the information on the project.*

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I briefly discussed this with the mayor and he wants to make sure this campaign is for informational purposes, more to keep everybody abreast of what's taking place. I have attached a flyer that the group has made. It addresses questions such as how long will the construction affect my property if I live on the beach, is the construction noisy and what the hours of operation are. As we get more information we will continue to put it out.

The request tonight is for funding of up to \$10,000. That way if it is a little bit over the projected cost of \$7,700 there is a cushion. The funding is proposed to be reimbursed under the county appropriated funding for preconstruction and permitting. We did not spend the full engineering amount.

Perry: *When this first came to my attention More Beach to Love sounded like a rah, rah type of program for the beaches. Beach nourishment for Kitty Hawk is for infrastructure salvation and things of that nature. We are trying to inform people of that fact.*

Councilman Bateman made a motion, seconded by Councilwoman McClean, for up to \$10,000 for the More Beach to Love informational campaign. The vote was unanimous, 5-0.

b.) Participation in Cost Sharing Agreement for Town-Wide Alert and Notification System

Manager Stewart reviewed the following memorandum with the Town Council.

Proposal: Consider entering into a funding partnership with neighboring municipalities and Dare County for an upgraded alert and notification system.

Background Information: The Town of Kitty Hawk Police Department currently utilizes a limited public notification system called Everbridge (a.k.a. Nixle) at no charge to disseminate information to those who have subscribed to the service. The same company also offers upgraded packages at a cost that provides a broader based notification service.

In an effort for all municipalities and the County to provide a uniform and cost effective alert and notification system, the Town Managers and County Managers all agreed to hear presentations and proposals from industry leading providers of alert and notification systems.

Staff Analysis: The Town Manager, Police Chief, Fire Chief, and Management Assistant attended demonstrations by two companies that provide this service. The two companies who demonstrated their product to this group was Everbridge and Regroup. After these demonstrations it was determined that both companies provided a similar service with Regroup providing the best price proposal. www.regroup.com

The alert and notification system would provide an enhanced communication solution to the general public by allowing the Town of Kitty Hawk to send out information via text messages, emails, and voice messaging. The system provides the capability of providing subscriber notifications of any kind to defined geographical areas within the Town of Kitty Hawk i.e. road closures, public hearings, garbage collection changes, burglaries, special events, localized flooding alerts etc.

In addition, the system allows notifications to all cell phone users regardless of subscription status within FEMA's Integrated Public Alert and Warning System (IPAWS). IPAWS is an internet-based capability Federal, State, territorial, tribal, and local authorities can use to issue critical public alerts and warnings. IPAWS is designed to integrate these various systems into one modern network, and also update them to take into account newer forms of communication such as [cellular telephony](#) and [SMS](#), satellite and cable television, electronic billboards and the internet. This type of notification can only

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be utilized for critical alerts and warnings i.e. active shooters, evacuations, amber alerts, etc. The current system utilized by the Police Department does not offer this service.

If all municipalities and the County agree to participate the cost share for the Town of Kitty Hawk based on population would be \$1,732.05 per year. The contract proposed by Regroup would be for five years. The cost share would be divided equally among all Department's operating budget.

Perry: *Does this apply to land line or only cell?*

Stewart: *You can receive a notification via land line.*

Perry: *If the police department wanted to put out something does FEMA have to preapprove it or do you ...*

Stewart: *There are some guidelines and if you send out notifications that are not critical they can remove you from the system. You can send out whatever you want but you better make sure that it meets the critical emergency because they don't want you sending out information through their data base that isn't. There are two sides to the system. The subscription side and then the large emergency side where you can get a hold of everybody.*

Perry: *Does the town staff originate it or do you have to go through the county?*

Stewart: *Town staff originates it. In an evacuation or something along those lines we would work with the county so we are not all repeating the same information.*

Following further discussion on the benefits of the system, **Councilman Bateman made a motion, seconded by Councilwoman McClean, to authorize the Town Manager to draw up the contract to present back to council at the February meeting. Maybe by then the manager will know if more municipalities are going to participate. The vote was unanimous, 5-0.**

8. REPORTS/GENERAL COMMENTS FROM TOWN MANAGER

Manager Stewart announced that tomorrow, Tuesday, January 10th from 5 to 7 p.m. the Dare County Planning Department and the local municipal planning departments will be conducting public meetings on the new preliminary flood insurance rate maps, also known as FIRMs. The meeting will be at the Kill Devil Hills Town Hall. Another meeting will be held at the Dare County Board of Commissioners meeting room on Wednesday, January 11th from 5 to 7 p.m. as well.

Mayor Perry commented there is a lot of discussion on the problems with the new maps.

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9. REPORTS/GENERAL COMMENTS FROM TOWN ATTORNEY

Attorney Varnell reported the Town is down to three outstanding easements needed for beach nourishment.

10. REPORTS/GENERAL COMMENTS FROM TOWN COUNCIL

Councilwoman McClean wished everyone a happy 2017.

11. PUBLIC COMMENT

There were no public comments.

12. CLOSED SESSION

Mayor Perry made a motion to go into closed session pursuant to North Carolina General Statute 143-318.11(a)(3) to consult with council for the town in a manner preserving the attorney client privilege relating to Kitty Hawk v. Hovey, Dare County file 16-CVS-612. Mayor Pro Tem Garriss seconded and the motion passed unanimously, 5-0. Time was 6:28 p.m.

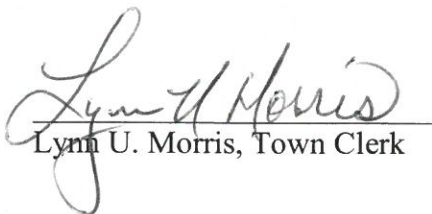
13. RETURN TO REGULAR SESSION

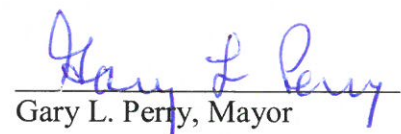
Councilwoman McClean made a motion, seconded by MPT Garriss, to return to regular session. The motion passed unanimously, 5-0. Time was 6:38 p.m.

14. ADJOURN

MPT Garriss made a motion to adjourn. It was seconded by Councilwoman McClean and passed unanimously, 5-0. Time was 6:38 p.m.

These minutes were approved at the February 6, 2017 council meeting.


Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor