

**Minutes**  
**KITTY HAWK TOWN COUNCIL**  
**Monday, October 3, 2011**  
**Kitty Hawk Town Hall, 6:00 PM**

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Missions of Mercy (MOM) Partnership and Telepsychiatry at the Outer Banks Hospital
5. Public Comment
  1. Sea Scape Beach & Golf Villas – (Display of business name on flags)
  2. Kim Kalman – (Temporary banner permits)
6. Consent Agenda:
  - a.) Approval of Minutes
  - b.) Revenues and Expenses Report
  - c.) Resolution Offering Congratulations to the Vent d'ouest Band
  - d.) Resolution Establishing the 2012 Calendar Year Town Council Meeting Dates
  - e.) Annual NC Municipal Report of Fire Conditions/Local Firemen's Relief Fund Board
  - f.) FY11-12 Inter-Local Agreement with Dare County for Solid Waste Collection Services
  - g.) Law Enforcement Liaison Grant (Region 1)
  - h.) FY 2011-12 Budget Amendment #3
7. Items Removed From the Consent Agenda
8. Planning:
  - a.) Call for Public Hearing. Conditional Use Permit: Application for a conditional use permit to establish a motor vehicle service and repair business in a Beach Commercial (BC-2) district in Units I & J of the existing Quail Run business center at 500 Sand Dune Drive. The proposed use would include the service and repair of vehicles for the applicant's business (Wild Horse Adventure Tours) and the general public. A public hearing is requested to be scheduled for the November 7, 2011 Town Council meeting.
9. Unfinished Business
  - a.) Text Amendment: Proposal to amend subsection 42-587(g), *Temporary use of costumed mascots/wavers*, to broaden the use of costumed mascots and wavers for advertising. Specifically, the proposed amendment would allow the use costumed mascots/wavers by any business for up to two 90-day periods at any time of year.
10. Reports or General Comments from Town Manager
  - a.) Storm Drainage Study Update
  - b.) Status of Sandy Run Park Phase II Project
  - c.) Status of clean up and post hurricane activities
11. Reports or General Comments from Town Attorney
12. Reports or General Comments from Town Council
13. Public Comment
14. Adjourn

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**COUNCIL MEMBERS PRESENT:**

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

**STAFF MEMBERS PRESENT:**

Town Manager John Stockton, Town Clerk Lynn Morris, Town Attorney Steve Michael, Planning Director Joe Heard, Finance Officer Mike Eubank, Police Chief David Ward, Public Works Director Willie Midgett

**1. CALL TO ORDER**

Mayor Perry called the meeting to order at 6:00 p.m. and welcomed everyone to the meeting. He then asked everyone to join in a moment of silence and Pledge of Allegiance to the flag.

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

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

**3. APPROVAL OF AGENDA**

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

**4. MISSIONS OF MERCY (MOM) PARTNERSHIP and TELEPSYCHIATRY SERVICES** – *Sheila Davies, MPA, Chair of the Missions of Mercy Partnership and Project Director – Telepsychiatry, Albemarle Hospital Foundation will share details about the 3<sup>rd</sup> annual MOM Free Dental Clinic and about the new Telepsychiatry services beginning at the Outer Banks Hospital.*

**Davies:** *Good evening. Thank you for the opportunity to present this evening. My name is Sheila Davies and I am with the Albemarle Hospital Foundation. I am actually going to wear two hats this evening. One is to tell you about a new service that is going to start at the Outer Banks Hospital on October 31<sup>st</sup> and the second is about the dental clinic.*

*The program that is going to start on October 31<sup>st</sup> is Telepsychiatry and the technical jargon is on the screen about what Telepsychiatry is. It is using secure video conferencing over an encrypted network where you have a patient at one place and a psychiatrist at another end. They can do an assessment through the use of this secured video conferencing. Currently in the emergency departments throughout many of the rural hospitals there is not access to psychiatrists. You just cannot afford to maintain a psychiatrist on staff.*

*The Albemarle Hospital Foundation received a two year grant from the Duke Endowment to set up Telepsychiatry in seven of the University Health System Hospitals, one of those being the Outer Banks Hospital. Through this project one of the big goals is to reduce the length of stay*

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*for patients that are presenting a behavioral health crisis. The project partners are shown on the screen and the one I definitely want to point out is Coastal Carolina Neuropsychiatry Center. That is the group we have contracted with. They are a large psychiatric practice in Jacksonville, NC. They have nine psychiatrists on staff and are able to service us seven days a week from 8 AM to 6PM as we get this project rolling. Probably after the beginning of the year we will be expanding those hours of the service. East Carolina Behavioral Health is our local management entity for Dare County and they are at the table as a project partner. One of the key components with this project is connecting people with follow up care after they are discharged from the hospital.*

*This project is modeled after a project that started two years ago in South Carolina and they have seen dramatic results. They have seen a 50% reduction in a patient's length of stay. These are specifically patients suffering from a mental health or substance abuse crises that are in our emergency departments and they have also seen a significant cost savings to the hospital. One hospital in particular noted an \$800,000 savings just by being able to get patients moved through the emergency department at a faster pace. And that is great for the patient because the last place they need to be sitting is in the emergency department.*

*In addition to our goal of reducing length of stays is improving the transition for patients into after care. You are not going to be fixed with a mental health crisis or substance abuse crisis with one trip to the emergency department. And unfortunately a lot of times it is not just one trip to the emergency department, it becomes repeat visits. So we hope by having access to a specialist who can complete a full psychiatric assessment on the patient and prescribe a medication regiment that is appropriate for the long term and then getting that patient connected with the appropriate after care it will close that recidivism gap.*

*This PowerPoint slide shows the Telepsychiatry cart. It is a mobile cart and I am specifically speaking about the emergency department but with this cart we actually can take it throughout the hospital. If a patient has been admitted to the hospital for a medical condition but they also are displaying some type of mental health issue, they can have an assessment while they are in the hospital too.*

*Shown on the screen now is the implementation schedule. We already have four of the seven hospitals on line. The first one to go live was Albemarle Hospital back in May. They started on May 2<sup>nd</sup> in Elizabeth City and they have actually seen a 17% reduction in their length of stay and a 10% reduction in their 30 day recidivism rate. As I mentioned, on October 31<sup>st</sup> the Outer Banks Hospital will go live and then in 2012 this project also incorporates bringing on an additional 12 to 14 non-UHS Hospitals. It is important to get a large number of hospitals reducing the number of unnecessary involuntary commitments so when someone truly needs a bed, hopefully there would be one available. On the screen now is a map showing who provides this service. The grey areas are the 7 hospitals this year and then the other 12 to 14 are all east of I-95.*

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*As I mentioned one of the key components is connecting patients with after care. What we have been doing in each community is prior to the "go live" date we have been meeting with the area behavioral health providers and private providers and hold what is called a stakeholder meeting. That is also where we meet with the staff from the hospital and together we discuss the current gaps that we all are dealing with in trying to transition people from the hospital to the appropriate after care in the community.*

*This Telepsychiatry equipment can be used for other applications at the Outer Banks Hospital. Telemedicine is kind of the wave of the future for specialty services. It is really hard to have all of those services in communities that are a far distance from a large hospital system. We have already used the equipment at Albemarle Hospital two times for what is called a teleaudiology test. That is for infants that fail the hearing test after birth. If that happens, typically parents would have to travel to Greenville or Raleigh with a newborn to get a follow up hearing test so they know what type of care that infant may need. It is a huge burden for the family, not to mention the cost of traveling with a week or a two week old infant. This telemedicine cart can be dialed in to East Carolina's University School of Medicine and have a pediatric audiology specialist do the hearing test through the equipment. That will be available at the Outer Banks Hospital when we go live. This equipment can have upgrades done to it for telenuerology or telestroke. We are really excited that Duke Endowment has funded this project for our community and in 2012 and beyond we will look at those other applications.*

*That concludes that part of the presentation and I will start talking about the dental clinic unless anyone has any questions. Hearing no questions Ms. Davies proceeded with the dental clinic.*

**Dental Clinic:**

**Davies:** *The second thing I am here to share about is the North Carolina Missions of Mercy Dental Clinic. This will be the third year it is being hosted in Dare County. I know some of you have volunteered previously and I am here for two reasons for this tonight. One is to talk about the need for volunteers for the clinic as well as to spread the word for patients that may be in need of services.*

*This year's clinic will be held on Friday and Saturday, October 28th and 29th. It is at the same place it has been held the previous two years which is the Youth Center and Family Recreation Park in Kill Devil Hills. This is a clinic for adults 18 and older and the goal is to serve anyone that is in need of dental services who cannot afford them. The services that are provided are: cleanings, fillings, and extractions. There is no pre-registration. As in the previous two years there are lengthy lines but certainly the care that is delivered is exceptional. The dentists and the hygienists are volunteering their time to help in our community. It really is a huge community effort and takes about 200 local volunteers to work the two day event.*

*Over the previous two years we have served over 1600 patients and provided just over \$800,000 in free dental services. I just happen to serve on the planning committee with a great group of*



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*people trying to bring this and help see this in our community again. If you are interested in volunteering which is the second pitch, there are roles for nearly everybody. We have some specialty needs whether it is interpreters or people who can do blood pressure checks. We also have the need for runners and people to help direct patients where to go as they move through. John that is what you did last year I believe. If you are interested in volunteering please contact [volunteers@darencmom.org](mailto:volunteers@darencmom.org) or 252-207-6303. That is all I have and thank you again for letting me present.*

Mayor Perry thanked Ms. Davies for the presentations.

**5. PUBLIC COMMENT**

**1. Sea Scape Beach & Golf Villas** (Display of business name on flags) - **Bill Morris:** *Good evening Mr. Mayor, Town Council. I am representing Sea Scape Beach and Golf Villas tonight and it is in reference to town code 42-577 "Display of Flag with Business Name." I brought a flag to show you which is the flag that we were asked to take down. We were simply wondering if there is anything that could be done for a flag that has been flying, not as an advertisement for the business, but as a landmark identification for Sea Scape. If there is anything that can be done for a flag that has been flown for about 25 years.*

*I will just quickly show you what the flag looks like. It has flown on a flagstaff on the northern most entrance of the property. With that being said, anything that could be worked out would be appreciated. I know we were not the only business that was asked to take it down and I have been in contact with them. Thank you.*

**Mayor Perry:** *Thank you. The flag was flying before we had an ordinance that said you could not fly a flag with your business name on it. What is the grandfather situation when it has been there that long?*

**Michael:** *Those flags have been flying as long as I have been here. We did not provide a grandfather provision in our ordinance.*

**MPT Perry:** *What brought it up? How did this come to the front?*

**Heard:** *The staff in planning and inspections had a request from a business to put up a flag with their business name on it. They were informed it is not something that is permitted in the town. They then said there were businesses flying them and we want to be treated equally. That is a reasonable request on their part. They had been identified for us so staff asked the other three businesses who were not in compliance with the town standards to remove their flags.*

**Mayor Perry:** *What do we do with something that has been going on for that long?*

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**Michael:** *You have the power to do anything you want to do. We can fix the ordinance with a text amendment which was one of the things in the Sea Scape letter. That is certainly something you could do.*

**Klutz:** *If we do a text amendment then I guess anybody could put a flag in front of their business. Also, at a strip mall along 158 could everybody that has a business there put a flag up?*

**Michael:** *Those are the things you will have to cover in your ordinance if you decide to do it.*

**Klutz:** *If we have a text amendment we would look at whatever the standards were for having a business name on a flag. I for one do not see any harm in it.*

**Mayor Perry:** *If we have a sign that is out of compliance when we changed the ordinance, the sign usually stays as it is until they do something with the sign. Then they have to come into compliance.*

**Michael:** *I was not here when you adopted that ordinance so I do not know the history or what the discussion was.*

**MPT Perry:** *It has come to the front and in fairness to other businesses and in fairness to the people who want to continue flying their flag it looks like we have to grapple with the issues through the appropriate mechanisms if there is no grandfathering for this ordinance, which I did not see. My sense of what needs to be done is it needs to be a text amendment proposal.*

*One of the things I thought about and put out there for the business community: if we were to allow everybody to have business flags, and everybody can have flags now without the text on them, if you add the business name to all of those flags then you have opened up something that you may want to consider seriously. In my travels I spoke to many people that had been to the Outer Banks and one of the themes they said many times was "you folks have that right" and I asked what they were talking about. I thought they were talking about open beaches and things of that nature. No, they were talking about a lack of concrete high rise infrastructure and when you come across the bridge and drive into Kitty Hawk you do not have a plethora of businesses that are like "French fry alley." We have all heard talk of that. And you do not have too much advertising but you have enough. If we open up something like this it might impact the business community in a somewhat negative way so think hard about what you are asking to do. As far as doing it in a state of fairness it seems to me like we have to do a text amendment.*

**Bateman:** *I think it is totally ridiculous that we are sitting here talking about a flag that has been there 25 years. Let them fly their flag. The Town of Nags Head, and they are very strict on a lot of things, they allow you to fly a flag there. How many people are going to spend the money to put a flag pole in the ground? I do not think we are going to change the whole décor of the Outer Banks by allowing flags to fly. I have two flags at Sugar Creek, the American flag and*

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*the Sugar Creek flag. There are not that many of them out there. It does not look that bad. I understand what you are saying Gary but it is ridiculous that one thing brings up another issue infringing on the rights of people that have been doing it for 25 years.*

**Mayor Perry:** *That is the thing that bothers me.*

**Bateman:** *Every time we change one rule it makes another rule that is going to hurt somebody else down the road. If it was Ervin I would fly my flag and I would get a text amendment going. That is me though.*

**Mayor Perry:** *I think the people who have been flying flags should be able to fly it until the text amendment is completed.*

**Bateman:** *I vote for that.*

**MPT Perry:** *I will go for that.*

**Michael:** *I think that has been the position the town has taken in the past. Is that correct Joe? A text amendment is being pursued and there is no violation in the interim?*

**Heard:** *Not necessarily.*

**Klutz:** *If we decide that is what we want to do let's do it and then direct the staff to come up with something. It is pretty straightforward but I bet before it is over with we are going to have a text amendment that has sections "A" through "P" with all kinds of restrictions and we will be thinking about "what if's" for flags that...*

**Mayor Perry:** *Windmills all over again.*

**MPT Perry:** *We are going to let them fly the flag and there is going to be a proposed text amendment come in that we have to deal with. Is that what I am hearing?*

**Mayor Perry:** *That is what I agree with.*

**Klutz:** *What about the new business owner that just asked to fly a flag. Let him fly a flag also?*

**Mayor Perry:** *I would say only the ones that have been flying them can still fly them.*

**Reid:** *I will go along with that.*

**Morris:** *On behalf of Sea Scape, thank you.*

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**2. Kim Kalman** – (Temporary banner permits). *Thank you for your time. This is along the same lines as Bill's comments regarding the current rules for temporary signs and banner permits. In talking with staff this summer to obtain a temporary permit for an organization I am involved with, I found the permits are limited to two 30 day permits totaling 60 days per business per year. The organization I am involved with is the non-profit Christian music summer concert series which has been accepted and supported by our community. It benefits those in need within our community by making weekly donations to ICO which is the Interfaith Community Outreach and the Beach Food Pantry. The program starts Memorial Day and ends Labor Day as do a good number of the summer programs in this area. I would like to let our visitors know about the program and increase its visibility by extending the permit availability to cover the time between Memorial Day and Labor Day which is more than 60 days. Hence the issue. In today's economy banners, flags, wavers, are all out of the box advertising that are cost effective and proven methods of letting our summer guests know what is happening in the area while they are vacationing. In an area where 75% plus of the gross business for the year is done between Memorial Day and Labor Day it is a smart way to advertise. I would like to thank the council for their time and ask you to consider assisting and guiding and or in addressing this issue.*

**Klutz:** *I voted against that if you recall because we reduced the number of days. We went from allowing three opportunities to have a temporary sign or a temporary banner to two and went from 90 days to 60 days. I felt like we were reducing the potential for businesses to be able to advertise again during the summer season.*

**Bateman:** *Along the same lines we need to look at the whole ball of wax. We just modified the mascot waver so there is an issue out there. We have 90 days of business in the heat of the summer and we should be willing to address the needs of the business people.*

**Klutz:** *Remember when we combined the language that applied to temporary banners and temporary signs? Joe you can correct me on that if I am wrong. My objection to it was that the result was we reduced it by one third, a 30 day period, that you could not have either a temporary sign or banner. Up until that point, because they were addressed separately, there were three opportunities to have a temporary sign or a banner and I think it covered a 90 day period.*

**MPT Perry:** *There was a reason why and I do not remember what the reason was. Can you help me out on that?*

**Heard:** *I will be glad to research it if council desires to explore the issue. What we had at the time was conflict and confusion between a provision we had for temporary signs and for temporary banners. To clarify and eliminate duplications and conflicts we combined them into one provision. I believe one was for 30 days and one may have been as much as 90 days. Again, I will be glad to check the history on that. It ended up with two 30 day periods as the allowance that you selected. Councilwoman Klutz did comment during the discussion at the hearing her preference for a third 30 day period but the decision was to have two 30 days.*



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**MPT Perry:** *But it came up because you were doing housekeeping in the books is that correct?*

**Heard:** *Yes. That provision was more of a housekeeping item. It was not specific to a certain issue or problem we were having. It was to address the confusion that was created by these two things that overlapped to some degree.*

**MPT Perry:** *All right. So we amended the mascot and allowed them 90 days and they can do that in two combinations at any combination they want. Why would we not do that for these items here? They will have to come in with a text amendment. Richard you are an ex-planner and what is your opinion?*

**Reid:** *I do not really have a comment at this point. I would like to have Joe do the research and give us some options. Temporary banners did not exist until people were violating the ordinance basically by putting them up and we were citing them. It came about primarily because people were having various sales. They wanted to have a beginning of the season sale and an end of the season sale. There are regular signs that tell "here is my business" and then the banners or the temporary banners would... the idea was here is a "special sale."*

**Mayor Perry:** *Or it was for someone opening a new business.*

**Reid:** *Yes. A grand opening sign would be the first one that goes up but once the business is there for a while then it was thought they could have a beginning of the season and an end of the season sign. They basically were putting up the banners and they were not allowed under the code. We were trying to allow for them. And now there are signs with changeable text and I do not know how important that becomes. That was the intent of the temporary signs.*

**Mayor Perry:** *I do not have a problem with it except when it gets to a point that it gets out of hand and we become what we do not want to be. I do not know what that is really. Business is tough right now, the economy is bad, and we want to try to do things to help people along. However one day the economy is going to be better and if you have changed your whole...*

**Reid:** *In all my years of sitting in the planning office, and Joe probably has the same experience, rarely does anybody ever come in and say, "I want a smaller sign." I want a bigger sign, I want flashing lights, I want flags, I want something to draw attention. And so the first guy gets it and then the guy next door, to be fair, he has to have it and you end up with a carnival appearance up and down the bypass. Everybody is going to try and have a bigger flag than the guy next door or more flashing lights. That is what you have to deal with. It has to be fair and I am not anti-business. I am going to vote against the waver because I think it... I did it the first time, I voted against it because it opens the door. Everybody can have a waver now and you can end up having people waving up and down the bypass. If that is what you want so be it but you have to accept that that is what is going to happen.*

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**Kalman:** *If I may add one item. I hear "sales" but the particular situation I am talking about is a program that is going on just for the summer. I do not know if that is something the council might want to consider. It is not like "50% off" or "two for one." It is specifically a program that went from Memorial Day through Labor Day which was something that helped our community.*

**Klutz:** *I do not think the temporary banner sign was ever really considered in terms of that kind of use. You were talking about the original concept was for "grand openings" and "clearance sales." I think something comparable to what she is addressing is some of the signs that we have seen announcing baseball games and things of that nature. A part of community life. I can recall the town's "Heritage Day" banners.*

**Mayor Perry:** *And we were out of compliance and then we had to change it.*

**Klutz:** *Exactly. So again the simple things just wind up getting so complicated.*

**Mayor Perry:** *The baseball sign was kind of ignored and then a business person decided they wanted to complain about it. So then what do you do? You have to take them down.*

**Klutz:** *So where do we go?*

**Mayor Perry:** *Joe, bring us back what we need through the planning board. Whatever it takes and then we will discuss it.*

**MPT Perry:** *Maybe we will have some people give us a hint at the public hearing. That is helpful to me. I want whatever the community wants and if I can get some input that makes my decision so much better.*

**Heard:** *What is to be considered is having both of these concepts reviewed by the planning board and brought back to you with a proposal or alternatives from the planning board.*

**Mayor:** *Maybe look at the summer season versus year 'round*

**Klutz:** *It would be helpful if we could have whatever it is prior to the next summer season.*

**Kalman:** *Thank you.*

**6. CONSENT AGENDA.** *Items on the Consent Agenda are considered to be non-controversial, routine in nature or items not requiring a presentation to or discussion by the Town Council in order to consider the item(s). Any item may be removed for discussion by council or by any member of the audience who wants to hear the item presented and discussed.*

**a.) Approval of Minutes.** *September 6, 2011 Regular Meeting. (An affirmative vote for the Consent Agenda will approve these minutes.)*

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

**c.) Resolution Offering Congratulations** – The Vent d'ouest Band from Kitty Hawk's sister city Coulaines, France, was successful in international competition and invited to play in New York City on January 9, 2012.

**d.) Resolution Establishing the 2012 Calendar Year Town Council Meeting Dates** – The Town Council meets on the first Monday of each month unless that Monday is observed as a holiday. In 2012 two holidays are observed on Council meeting dates. Staff is recommending the council meeting on January 2, 2012 (New Years Day observed) be scheduled for Monday, January 9, 2012 and the meeting on September 3, 2012 (Labor Day) be scheduled for Tuesday, September 4, 2012. *(An affirmative vote for the Consent Agenda will approve the 2012 calendar year meeting dates.)*

**e.) Annual NC Municipal Report of Fire Conditions/Local Firemen's Relief Fund Board** - Fire Chief Lowell Spivey recommends the Town Council reappoint Don Stallman and reappoint Town Finance Officer Mike Eubank as Trustees to the Local Firemen's Relief Fund Board. *(Approval of the Consent Agenda will approve these appointments.)*

**f.) Fiscal Year 11-12 Inter-Local Agreement with Dare County for Solid Waste Collection Services** - This is a renewal of the existing agreement and provides for the following: Twice per week residential collection from Labor Day through Memorial Day. On the beach side of the bypass only a third pickup per week from Memorial Day through Labor Day. Residential collection services will be \$112.19/hour (\$107.85 last year). Commercial collection services will be \$93.74/hour (\$89.31 last year). Commercial collection will be three times per week January 1<sup>st</sup> through Memorial Day, four times per week Memorial Day through Labor Day, and three times per week Labor Day through December 31<sup>st</sup>. Large item collection will be conducted twice annually and the Town will be billed at the rate of \$250.00 per hour for such service. These sums shall remain in effect until June 30, 2012. The Town is responsible for all tipping fees incurred for the disposal of its solid waste. *(An affirmative vote for the Consent Agenda will approve this Inter-Local Agreement.)*

**g.) Law Enforcement Liaison Grant (Region 1)** – This grant is a “no match” grant from the Governor's Highway Safety Program to assist the Department's GHSP liaison, Det. Brian Strickland with travel for all meetings and seminars. The remainder of the monies will be used to purchase approved traffic safety equipment. The grant amount is \$10,000.00. *(An affirmative vote of the Consent Agenda will approve this grant.)*

**h.) FY 2011-12 Budget Amendment #3** – This budget amendment in the amount of \$21,440.00 will recognize and appropriate funding to provide technical assistance and training services to convert the town's current financial software (Fundware) originally purchased in 2004. The replacement version (Financial Edge) features current technology, improved functionality and

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performance (inclusive of offsite backup and hosting services.) *(An affirmative vote of the Consent Agenda will approve this budget amendment.)*

**MPT Perry made a motion to approve the consent agenda as promulgated. Councilman Bateman seconded the motion and it passed unanimously, 5-0.**

**7. ITEMS REMOVED FROM THE CONSENT AGENDA**

There were no items removed from the consent agenda.

**8. PLANNING**

**a.) Call for Public Hearing.** *Conditional Use Permit: Application for a conditional use permit to establish a motor vehicle service and repair business in a Beach Commercial (BC-2) district in Units I & J of the existing Quail Run business center at 500 Sand Dune Drive. The proposed use would include the service and repair of vehicles for the applicant's business (Wild Horse Adventure Tours) and the general public. A public hearing is requested to be scheduled for the November 7, 2011 Town Council meeting.*

**Councilman Reid moved to set a public hearing for the November 7, 2011 town council meeting for a conditional use permit to establish a motor vehicle service and repair business in the BC-2 district in units I and J of the existing Quail Run business center at 500 Sand Dune Dr. Councilwoman Klutz seconded the motion and it passed unanimously, 5-0.**

**9. UNFINISHED BUSINESS**

**a.) Text Amendment:** *Proposal to amend subsection 42-587(g), Temporary use of costumed mascots/wavers, to broaden the use of costumed mascots and wavers for advertising. Specifically, the proposed amendment would allow the use costumed mascots/wavers by any business for up to two 90-day periods at any time of year.*

**Councilwoman Klutz moved to amend subsection 42-587(g) as proposed by allowing the use of costumed mascots/wavers by any business for up to two 90-day periods at any time of year. The town council finds this amendment to be consistent with the town's adopted CAMA Land Use Plan and in the public interest by allowing greater marketing opportunities for local businesses. MPT Perry seconded. Councilman Reid offered he is going to vote against it. He voted against the original amendment and will vote against it to be consistent. The motion passed with a vote of 4-1, Reid voting no. (Ordinance No. 11-11 and Att. #1)**

**10. REPORTS OR GENERAL COMMENTS FROM TOWN MANAGER**

**a.) Storm Drainage Study Update** - Manager Stockton reported that Albemarle and Associates has completed a preliminary study for the storm drainage. In discussions with Mayor Pro Tem



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Perry it was determined the draft study would be given to council for review with comments due back from council by October 14<sup>th</sup>. The comments from council and staff would be sent to Albemarle and Associates. It is hoped that at the November 7<sup>th</sup> meeting council will select a date for a workshop and a public meeting concerning results of the study.

**b.) Status of Sandy Run Park Phase II Project** – Manager Stockton reported that last Friday staff met with Quible and Associates and Bridge McDowell of Waldt Construction, Inc. As a result of the meeting Waldt Construction has been issued a Notice to Proceed on the project. The contractor is scheduled to start work around October 10<sup>th</sup>. Based on the schedule they should be completed early in March.

**c.) Status of Clean up and Post Hurricane Activities** - Manager Stockton said town staff has attended two meetings with FEMA relative to the process for reimbursement of collection of debris, the expenses for overtime, materials and equipment for the town departments and damages to the police department, public works department, and the Coastal Reserve building. Staff was informed a specialist will be assigned to the town to review all submittals but there is no contact as of this date. They are in the area and should receive information this week on the specialist assigned to Kitty Hawk. A very preliminary estimate of the debris removal charges, overtime, equipment and materials for town departments, and damages to town owned buildings is \$539,000.

**d.) Dare County Comprehensive Transportation Plan** – With regards to the Dare County Comprehensive Transportation Plan, Manager Stockton reported the first meeting of the steering committee was held on September 27<sup>th</sup>. Joe Heard, Kitty Hawk resident Andy Szakos, and he attended the meeting. The purpose of the CTP is to project some thirty years into the future and to identify future transportation deficiencies and to make recommendations to address the deficiencies. DOT has a website that will track the progress of the plan and plans are to post information on the town website and put information in the newsletter. Ms. Morrow of NCDOT has asked that the town assist NCDOT in conducting a survey to obtain public input on the development of the plan. The next meeting will be on November the 9<sup>th</sup>.

**e.) Dumpster at Recycling Center** – Manager Stockton said this item was brought to PWD Midgett's attention just before the meeting started. He received information from the county that they want to begin charging \$1,200 a month for the dumpster at the Recycling Center that is being used for construction debris. There are nine months left in the fiscal year which would total \$10,800. He asked if council is willing to retain that dumpster or should staff begin telling people they need to take the construction debris elsewhere.

**Mayor Perry:** *Is that regardless of how much stuff is put in there?*

**Midgett:** *It is currently based on 3 loads a week and it is about \$200 for tipping fees. One hundred loads on average a year is about what we are averaging, three loads a week.*

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**Mayor Perry:** *How strict are we on commercial activity?*

**Midgett:** *We are as strict as we can be. Every now and then somebody sneaks in and we also get some night deposits but other than that we are pretty good about it. It is mainly residential and it is not a lot of seasonal drop-offs so it is year 'round. It is predominately the village and we try to only use it for Kitty Hawk residents. When other people come in we try to direct them to the landfill in Manns Harbor.*

*This actually just came out of a phone call today, a little after 5 o'clock, and that is why it is so late in getting to you. It is mainly because I have been bugging them because we have completed our debris pick up today and people have been asking when they are going to start taking it at the recycling center. We have not been taking it through the storm pick up. It could get a little pricier. If we reduce the number of trips or we do not have as much it will not cost as much per week but right now we are averaging about three pickups a week for the C & D dumpster.*

**Bateman:** *It used to be you had to take it to Manteo to the public works and drop it off right?*

**Midgett:** *They took out the transfer station in Manteo so everything goes to Manns Harbor now. The only thing you can take to Manteo is regular recyclables and brush and limbs.*

**Bateman:** *You cannot take construction from your yard?*

**Midgett:** *No sir. If a person takes it to Manns Harbor up to 500 pounds is free. Over the 500 pounds they are going to pay the tipping fee. It is \$65 each time.*

**Bateman:** *How much?*

**Midgett:** *Everything over 500 pounds costs \$65.*

**MPT Perry:** *I have been over there a number of times and the first 500 pounds like you say is free. And then it gets steep after that and...*

**Midgett:** *It could go up every year.*

**MPT Perry:** *Yes because of the landfill but this is stuff that is not going to the landfill. This is stuff that is going to the construction debris, Dare County Landfill. I have been over there with couches and chairs and they would send me up to the tipping place which did go to Bertie instead of over to the landfill. You never know what you are going to get when you get there. The thing we need to be very careful about is we do not want that stuff to start being put in the marsh and along the road, things of that nature.*

**Mayor Perry:** *That is what was being done before because they did not have any way to carry it. It is helpful to a lot of people.*

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**Midgett:** *That has happened in the last couple of weeks. We have been turning them away and they have been dumping it right there on the corner of Bob Perry Road. They will leave the Recycling Center and stop on the side of the road and drop it off.*

**Mayor Perry:** *The storm debris pickup is finished right?*

**Midgett:** *Finished. Crowder Gulf picked up their last truck load this morning.*

**Mayor Perry:** *And they have done a good job in my opinion. I have had a lot of people say what a good job they have done but everybody does not have all their stuff out either.*

**Midgett:** *There are not a lot of big piles out there now. Just people putting out a few things that they missed when they first ripped out. We are picking it up.*

**Mayor Perry:** *I noticed a house today that still has a pile in their yard. They have not gotten it out to the street yet.*

**Midgett:** *Stuff that has come out we are picking up.*

**MPT Perry:** *Here is my opinion. We have to maintain the ability for the town's folks to have a place to put it. Not have them drive almost to Stumpy Point for a couple of 2 x 4's or something. And when you get there you have to go up on the hill and if it is muddy it is a mess. There are a whole bunch of problems for the average individual trying to dump at the C & D place. What we also need is to make sure the contractors take their stuff over there. You are going to have to be tough on them and we have to support that tough. This is for guys like us that do a little piddling. We need it but we need it strictly controlled.*

**Midgett:** *We try to explain to them constantly. If you are having issues you have to figure that cost into your price and take it over there. We cannot take it because it kills it for everybody else. Even if the residents come in with a full pickup truck load we will send them over there so they do not fill up the dumpster.*

**MPT Perry:** *And that is the way you should do it. Exactly right.*

**Mayor Perry:** *Yes. If somebody has a whole pickup truck load of stuff he should go on but you know the person that throws a little bit of stuff in the trunk of his car it is a handy thing for the people. I am amazed the county did not want to do this during the budget time of year. Why not talk to them about that. Maybe we can make some agreement to put it in our budget next year and if we cannot I think we are going to have to do what we have to do.*

**MPT Perry:** *I heard you say we are going to be charged by the bin and of course we should be sure it is full. I have been over there when the bin was closed and it was not quite full.*

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**Midgett:** *Yes sir. I will let them know to leave it there.*

**Mayor Perry:** *Tell the county we just did not figure it in our budget.*

**Stockton:** *I will see what they say.*

**Mayor Perry:** *I know it has made a big difference in the semi-annual pick up that we have done. It probably will not cost us anymore. It has saved a lot. There used to be big piles of stuff put out and now there is very little stuff so the cost of Spring and Fall pickups has been much less.*

**Midgett:** *Absolutely. When I first got here it took a day and a half and now they can do it in half a day.*

**Mayor Perry:** *We are paying them by the hour for that so we may not really be going behind in the long run.*

**MPT Perry:** *We need it for the benefit of the citizens and to make sure the town does not start looking like a dump again.*

**11. REPORTS OR GENERAL COMMENTS FROM TOWN ATTORNEY**

Attorney Michael reported council will get a license agreement he drafted concerning the town's right-of-way. Before it is presented to the individual he wants to make sure council is comfortable with the language and it will come up later for formal approval by council.

**12. REPORTS OR GENERAL COMMENTS FROM TOWN COUNCIL**

**Shared Parking:**

Councilman Reid asked about the shared parking agreement that was deferred at the last council meeting.

PD Heard replied the applicant has not submitted it yet and staff is working with them to get it finished.

**13. PUBLIC COMMENT**

There was not public comment at this time.

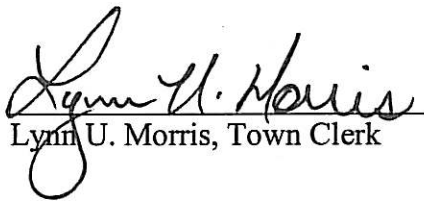


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**14. ADJOURN**

**Councilman Bateman moved to adjourn. MPT Perry seconded the motion and it passed unanimously, 5-0. Time was 7:59 p.m.**

These minutes were approved at the *November 7, 2011* council meeting.

  
Lynn U. Morris, Town Clerk

  
Clifton G. Perry, Mayor