

**MINUTES**  
**KITTY HAWK TOWN COUNCIL**  
**October 7, 2013**  
**Kitty Hawk Town Hall, 6:00 PM**

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Presentations:
  - Police Sergeant Jeff Wiggins, 10 Years of Service
  - Regional Bike Plan Presentation – Steven Lambert, Planning Director, Albemarle Commission
  - Beach Nourishment/Historic Perspective – Bill Harris
5. Public Comment
6. Consent Agenda:
  - a.) Approval of September 3, 2013 Council Minutes
  - b.) Revenues and Expenses Report for August 2013
  - c.) Resolution Declaring October 12, 2013 as Big Sweep Day
  - d.) Resolution Establishing the Town Council Regular Monthly Meeting Dates for Calendar Year 2014
  - e.) 2013 Implementation Status Report for Kitty Hawk CAMA Land Use Plan
  - f.) 2013 Evaluation of Public Information Program Strategy
  - g.) Acceptance of Checks for Beach Nourishment in Memory of David R. Twiddy
  - h.) Resolution Exempting Requirements to Advertise for and Receive RFQs for Beach Nourishment Project
7. Items Removed from the Consent Agenda
8. Public Hearing:
  - a.) Text Amendment: Application to update the standards of Sections 42-69 through 42-74 of the Town Code (dealing with the Board of Adjustment, appeals, and variances) to comply with the recently adopted N.C. Session Law 2013-126, *An Act to Clarify and Modernize Statutes Regarding Zoning Boards of Adjustment*.
9. Planning:
  - a.) Hickory Ridge Subdivision, Phase III (Final Plat): Application to subdivide an existing 14.78 acre property on the western side of Ridge Road into eight (8) lots. No new roads are being proposed as part of the subdivision.
10. New Business:
  - a.) Interlocal Agreement with Dare County for Beach Nourishment Funding
  - b.) Financial Advisory Agreement with DEC Associates for Professional Assistance for the Beach Nourishment Project
  - c.) Interlocal Contract with Houston-Galveston Area Council for Cooperative Purchasing of a New Fire Apparatus
11. Reports or General Comments from Town Manager
  - a.) Compliment to the Ocean Rescue Lifeguards
  - b.) Letter of Appreciation to Fire Department
  - c.) Thank You to Police Department
  - d.) Hawks Street Floodwater Management System

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12. Reports or General Comments from Town Attorney
13. Reports or General Comments from Town Council
14. Public Comment
15. Adjourn

**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, Attorney Starkey Sharp, Finance Officer Charlene Allen, Planning Director Joe Heard, Police Chief Joel Johnson, Fire Chief Lowell Spivey and Public Works Director Willie Midgett

**1. CALL TO ORDER**

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

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

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

**3. APPROVAL OF AGENDA**

MPT Perry made a motion to approve the agenda as promulgated. It was seconded by Councilman Bateman and approved unanimously, 5-0.

**4. PRESENTATIONS:**

- **Police Sergeant Jeff Wiggins, 10 Years of Service**

Police Chief Johnson said it is an honor to present Sergeant Jeff Wiggins with this award for ten years of faithful service.

- **Regional Bike Plan Presentation – Steven Lambert, Planning Director, Albemarle Commission**

*Lambert: Good evening. My name is Steve Lambert and I oversee the Albemarle Rural Planning Organization. I was here last year around this time for another plan but tonight I am here to talk about the Albemarle Regional Bike Plan which we started over a year ago. It is a bike plan for 10 county regions in the Northeast. One hundred percent of the funding is from NCDOT and we worked with Alta/Greenways, a consultant out of Durham. We just finished the*

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*final document and I am here to present it to you and show some of the work we have done, where we are and what steps we have for the future.*

*This diagram shows the many tasks of the plan. It is about a 300 page document with a lot of words, lingo, maps, pictures and designs. We started out with a kick-off meeting two summers ago and we have worked all the way down to the final bicycle plan and presentation which is Task 9.*

*This is the era where you have to use Facebook and we have a Facebook page we started to get community comments. If you Google Albemarle Bike Plan you will find our website and plan which has all the documentation, maps and the Executive Summary. We also had public input events across the region. Since it is a 10 county region we selected three events in the beginning and three events when we were finalizing the plan to get more public comments. Probably the biggest and most popular one we did was the Outer Banks Seafood Festival. We had the most responses from that out of all of the events we did. We also attended Dare Day in Manteo.*

*After we received comments we did an existing condition analysis. What types of conditions we have and what the infrastructure is currently. As you know our region is quite large and we separated the area into North of Sound, South of Sound and the Outer Banks.*

*The next thing we worked on was goals and objectives. Some of them are the quality of biking, improving health, improving the economy, economic development, increasing bike trips by residents and visitors and also improving safety. Safety is probably one of our top priorities. We learned and talked about it and all of our recommendations evolved to make this community safer to bike.*

*We then looked at what types of bike riders we are working with. Typically when people think about bikers they think about the spandex population which is actually only a very small population of the group. We also looked at, as we categorized them, enthused and confident, and interested but concerned. These categories are the families of four or five biking, kids biking to and from school and employees biking to work. We wanted to look at a plan that covers all types of bike riders.*

*Next we looked at existing conditions. As you know in this region we range tremendously from the types of land use and conditions that we have. We have a ton of natural land, farm land and small towns and cities. We also have what we call the beach district which is here in Dare County. It is a different type of land use than it is for say Elizabeth City.*

*Equity came next. How many homes have vehicles, how many homes can afford vehicles, how many homes actually use bikes to get to and from work?*

*We looked at crash density. This is the map that no one ever wants to see. The red dots indicate fatalities and the blue dots are crashes. As you can see there are a ton of crashes along NC 12 and 158 on the Outer Banks. Crashes are usually denser around communities so we looked at those to see what facilities are having the most accidents.*

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*Then there was a needs assessment. We looked at all of the facilities we have in our region. Bike lanes, wide shoulders, multi-use paths, sidewalks and we went out and measured all of those. We looked at them, checked the pavement quality and checked what types of barriers are in the region. A large amount in our region is water and swamp land that is very difficult to build around. We then recommended a new network. This network ranges from just signage and routes, which we have a lot of in our region, all the way to multi-use paths, bike lanes, paved shoulders, bike boulevards, etcetera. The image shown is of a bicycle lane, a separated bikeway. It is an example of a type of facility we are recommending.*

*Here is a map of some of the recommendations we are working on in the plan. You can see we have proposed signs in Kitty Hawk and also some bike boulevards and some other facilities throughout the region.*

*The next step is we took all of the projects we recommended and came up with prioritization criteria. We could rank and prioritize what projects were the most important and start working to get funding in the future. We came up with these criteria for our committee. We surveyed them, what was the most important and as you can see this is the score that we used. We then put together some demonstration projects. We picked those off of the top. They were the top weighted scores and we picked some throughout the different geographic regions and also different types of facilities.*

*Here is one demonstration project in Kitty Hawk. We looked in detail to US 158. Of all of the areas where driveways are access points and access improvements can be made for biking path facilities throughout 158. When they look at upgrading the road we can go to DOT and ask if they can look at an intersection or look at a driveway and how can it be improved.*

*The next thing we did was put together policies and programs. You may have heard about the "Watch for Me" campaign here on the Outer Banks. It was promoted heavily this summer for bikers and pedestrians to help tourists and the foreign exchange students that work in many of the businesses in the area. We also put together programs that look into future funding and put together settlement types and what types of facilities we recommend you build in those settlement types.*

*The next step is implementation. The document is out and the first implementation is getting it adopted by all of the towns. After we have it adopted by all of the towns and counties in the region we are going to work on different ways to get funding through NCDOT or other sources. One thing I may be doing is working on the Bike and Path Advisory Committee through the RPO. We will probably meet on a quarterly basis so we can work on some of the issues and come up with how we are going to prioritize our Bike and Path projects to the state.*

*At the end of the report we have appendices which have the existing programs, public input summary, design guidelines, funding and prioritization tables. Right now we are at the adoption stage and the next stage will be signage guidelines.*



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*I appreciate John and Joe being at some of our meetings. They have always been a tremendous help on not just this plan but also the Dare Comprehensive Transportation Plan. You have quality staff in this town.*

*That is my presentation. I will be happy to answer any questions and would appreciate it if you would adopt this plan so we can move forward.*

**Bateman:** *You talked about the US 158 Kitty Hawk multi-use path or bike path. Is that going to be a separated route from the existing pavement or is it going to be extended shoulders?*

**Lambert:** *I think the best facility is to install a multi-use path along 158 like Nags Head is doing right now. Put it all the way along the route. But you are also going to always want widened shoulders because you are going to have the road bikers. They are never going to use multi-use paths so you are going to want different types of facilities. All you need is a 4' wide shoulder next to the curb or next to the side of the road. You are definitely going to want a multi-use path and that is what is in the plan and that is what we are recommending.*

**Klutz:** *I am the liaison with the Recreation Committee and we have a Recreation Master Plan. Part of the plan includes the town paths and when we extend or put in a new path one of the things we do is see if that particular segment is in the Recreation Master Plan. We keep track of it. This is a state effort you are proposing and is going to be state funded or is it going to involve individual municipalities?*

**Lambert:** *Hopefully it will be funded by the state but it is not a state plan. This is actually the region's plan for all of the municipalities and the counties. DOT is not adopting this. This is adopted by us and that is why Joe and John have been on the committees and worked with us. I have worked with them for probably the last two years on transportation issues throughout the region. We will probably take some of these projects and add them into the state Transportation Improvement Program which is the state funding stream that competes for funding across the division, the region and the state. We will see how those score and hopefully some of our projects get funded. Any other type of plan you have is great. This one is regional and the job of the plan was really to connect all the towns together. This is why we sit down with every planner and manager. We look at localized routes and regional routes.*

**Heard:** *If you don't mind let me add that the town manager and I are aware of the recommendations in the town's master plan and those recommendations were brought to the table during this regional plan.*

**Klutz:** *Okay. Is there anything you are looking at for the beach road in Kitty Hawk? It has such narrow shoulders and sometimes there are difficulties.*

**Lambert:** *In this plan no. NC 12 has shoulders even though they are covered by sand. It is a continuous problem that John and I probably have a conversation about every other time we talk. The Dare Comprehensive Transportation Plan has recommendations for a pedestrian facility which is a multi-use path along NC 12. This one is basically for bike facility*

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*recommendations and it includes keeping the wide shoulders. We talk about trying to clear the shoulders along NC 12 all the time with DOT.*

**Reid:** *Are we going to make a motion to adopt this tonight?*

**MPT Perry:** *That is what he would like.*

**Reid:** *I have some concerns. I do not have any problem with the overall concept but I would like to see a little more detail of what they are proposing within Kitty Hawk. An example is they show proposed paved shoulders over the Wright Memorial Bridge. I don't know what that means. What are they going to do or what is it going to look like. I have some questions about how that is going to be done. The details of how they are going to do 158 or the beach road and is anything going to be done to The Woods Road? We have the multi-use path but I see bikers going up and down the road all of the time. The serious bikers don't use the multi-use path which kind of defeats the purpose of why I thought we built it. At this point I could adopt it in concept but I would really like to see more detail.*

**Lambert:** *This plan is really a concept plan and is really a dot on the line. Let's say for instance the Wright Memorial Bridge needs to be replaced. There will be certain steps looked into as to what type of bridge, how wide and what type of facility they should put on it. The recommendation is a wide paved shoulder along the bridge whenever they build and it will actually build facilities for biking along that route which currently there are none. What this does is it puts a line on the map so we can go to the state or to the federal government and let them know we are looking for funding for a project. When that project is funded we will be able to look into more detail of what it really looks like.*

**Mayor Perry:** *If we accept it as a concept plan can our Recreation Committee come up with specifics and present them to you?*

**Lambert:** *Absolutely and like I said I have worked with Joe and John. We love to get input from the communities when we start designs, when we get to that point on our projects.*

**Klutz:** *One of the things the Recreation Committee has wanted to accomplish is to connect the towns and I think that is one of your big goals. To be able to bike from one place to another without having to ... my goal when I sit with the Recreation Committee and I think theirs is to try to keep people off 158 because it is hazardous.*

**Lambert:** *I would be more than willing to come to your meeting. I actually attend different small recreational bike and path meetings throughout the region. I would be more than willing to come out, listen, have some conversations and get what ideas you have.*

**Klutz:** *I think you probably have gotten quite a bit already from what I hear John and Joe saying they have presented to you. If ever you get to the place where there is something about to be selected that involves Kitty Hawk then certainly I would suggest that you coordinate that with the Recreation Committee.*

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**Lambert:** *We definitely will. And that is my job. My job is to work with the communities when we get to the design phase.*

**Mayor Perry:** *Some of the major bike paths would need to be state maintained rather than town maintained. Different towns have done a lot of local bike trails but when you get to one along US 158 I think it would have to be state maintained.*

**Lambert:** *When you get to the design phase you sit down with the division head and have those conversations and work that out. What I have seen in the past in some communities they will have local groups such as a local biking club or a local YMCA to take care of the maintenance or just cleaning up the facilities. That is definitely something to work out with DOT when the time comes.*

**Klutz:** *I feel comfortable with adopting this tonight. In dealing with the Recreation Committee I have seen the importance of having a plan in order to get funding. If you have a plan such as this then you can get at least into the program.*

**Reid:** *I have no problem with adopting it as a concept. If you designate that Route 12 should have a multi-use path that is great because when we get into doing beach nourishment then that becomes part of the project and you will have to coordinate and determine where a path could be put. I have no problem conceptually it is just the details were not clear to me and obviously that can come later.*

**MPT Perry** made a motion to approve the concept as presented to council and said the RPO is the town's only avenue for getting anything from the state under the TIP concerning transportation issues. Without this the town would be ignored entirely so this puts us where we need to be. Councilman Reid seconded and the vote was unanimous, 5-0.

**Lambert:** *Thank you and have a great evening.*

- **Beach Nourishment/Historic Perspective – Bill Harris**

**Harris:** *Thank you very much Mayor Perry, Mayor Pro Tem Perry, members of the council, fellow citizens, taxpayers and also the staff. Now you know up on the dais they think they run the town but really I know the staff runs the town. You do a good job and congratulations to you.*

*I appreciate the opportunity to be here. The other night I was watching TV and I noticed that Merritt Hooper made a comment. He said the beach is a mess and probably has been for a long time. Well I say he is right. The problem you have today on the beach is one that started as soon as the bridge was built and the highway came across. The bridge opened in September 1930 and the road came along within the next year or two. The Wright Memorial Bridge Company owned much of the land up here and started subdividing it into 50' frontage lots. They had lots on both the ocean side and the west side of the highway.*

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*The reason the road is where it is today is that they could not move it any further west and give more room to the beach because there were the flats and it was a wetland. It is a natural wetland and even marshy areas in some cases, ponds. I have heard there was quicksand although I doubt there was really quicksand but I think there was probably a muddy area that you did not want to get into. The problem you had is there was no place for the water to drain and so the water just sat there. Each time it rained and each time there was overwash it flooded that area.*

*Going further south the road continued more or less along that same configuration until it got to about Avalon Pier and then it began to veer a little more to the southwest. There is much broader beachfront property as you get into Kill Devil Hills and Nags Head.*

*In 1958, '59 the bypass road was put in. Now the bypass road went basically along the toe of the dune and some people say that is what blocked the water inside. That is not true. The water was already there. What it did though was allow access to that interior land, what we call today Lindbergh Avenue. Mrs. Klutz lives down there. It allowed that area access and it was subdivided. The Town of Kitty Hawk did not create nor approve the subdivision. It was done by the county before the town was even formed. They allowed the subdivisions to develop without any water management responsibility so as a result there is a basin sitting over there that gets flooded every time it rains. There was some movement of bringing sand into that area and I think that people have brought in sand but you still basically have the same the problem that started in the 1930's when the land was first acquired and subdivided.*

*I think the storm of 1933 broke up the road. There weren't any dunes on the east side at that time. The WPA projects had not come along ... the CCC projects ... and the road broke up or it was washed over and broke up some of the asphalt. Mayor Perry would know this was used in front of the old post office. Little blocks of asphalt were put there to make it easier for cars to drive up and get their mail. That broken asphalt was also used to build the road that goes to the sound in Nags Head. That is called the Alligator Road by some and it is because they put the broken parts down and then they covered it over with a thin layer of asphalt and as a result you can still see the alligator shapes in it.*

*After I saw the article of October the 3<sup>rd</sup> in the Virginian Pilot talking about the beach nourishment meeting you had here last week, I was kind of struck by the fact there was no description of the work to be done. It said beach nourishment. Now beach nourishment is in the eye of the beholder. What beach nourishment might mean to Mr. Bateman may not be the same thing it means to Mr. Pruitt back there because everybody has a different concept of what beach nourishment is.*

*I wanted to find out and I called Mayor Pro Tem Gary Perry and asked him to describe the project because there was no description of it that I could find. He said they are going to put roughly 40' of fill out on the beach and it would extend the beach line 40' seaward. Now 40' seaward is a little less than the distance in this hallway here. So I said are you going to build berms or dunes? No, just putting the sand on the beach face. I said tell me who is driving this project and he told me the county was.*



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*Then I called Mayor Perry and asked him the same questions and got the same answer of 40' of beach fill, no dunes and that was it. I asked him about who is pushing and it is the county.*

*So I went to see and met with our Chairman of the County Commissioners, Mr. Warren Judge, and asked him why they are pushing this project. Oh, we are not doing that. We are not pushing. The council came to us and wanted to participate. I said well that is not what they told me. I can tell you we are not pushing this. I said there are some inconsistencies. He also admitted he did not know anything about beach nourishment and his primary concern was to facilitate the funding of the work the council wanted done or that the town wanted done.*

*After that, after talking to him, I decided to see if there was some more information I could get so I happened to have ... I saw on the tube Mayor Pro Tem Perry's slide presentation and that was a nice rehash of past experiences we have had here. The interesting thing he said is do you see a pattern here. Well I think he was talking about a pattern of no funding. The pattern I saw was the more frequent occurrence of ocean overwash and there is a reason for that. Then I saw and reviewed County Manager Bobby Outten's presentation and he said this project did not really describe it. This project is designed to do two things or three things. One is to protect the infrastructure of Highway 12 and 158, to protect the property between the highways from flooding and to provide a continuity of beaches in Kitty Hawk like the rest of the county.*

*They are good selling points but you know he did not tell you how he was going to do it or did not tell you the mechanism of what would happen and what was required. Let me just say one thing about the project. He said protect the infrastructure, to protect NC 12. Well I would agree that we need to do something to protect NC 12 but repairing NC 12 is not a responsibility of Dare County, nor a responsibility of the Town of Kitty Hawk, because they have no authority nor a responsibility to do that.*

*He also said to protect Highway 158. First off Highway 158 is not threatened by destruction but it is subject to flooding. A very simple problem could be corrected by just simply elevating that highway to the same height as the intersection of Kitty Hawk Road and 158. Now they have been told that is what has been needed for a long, long time but they have not taken any action to do anything about it. So while they are laudable initiatives or goals for the county in this project you are not going to spend beach nourishment money on either one of those. Protecting or relieving the flooding on 158 by raising it or even repairing damage to NC 12.*

*Protecting the property between the highways from flooding is not going to occur easily. I rode the beach and there are better than 30 gaps in the dune system from one end of this beach to the other. Some of which were created because the last storm or the last few storms have washed the material away so there is nothing to put back. In some places people have moved the sand away so they can have an easier access to the beach. In some cases they have just bulldozed through the barrier dune so they can park their vehicle. You can ride the beach yourself and sit in your car and you can see people sitting on the beach. Until you plug that hole you are going to have overwash and Miss Emilie is going to have a bathtub in her front yard.*

*Danny Purcell said he used to be there, he is not there anymore, so I also read this continuity of beaches and I don't quite understand that. There is no definition. What is continuity of beaches?*



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*I think what he was trying to say is we need to have some pretty beaches. Well I think the beaches are pretty most of the time now. I once was involved with a project in a park and the planners said we needed to acquire some property for a sense of arrival. Now if you own houses that are to be acquired for somebody's sense of arrival, that is not a very good reason and I am not sure that doing this project for a continuity of beaches is necessarily a good project either.*

*I also read in great detail the Beach Management Concept Assessment as presented by Coastal Planning & Engineering of North Carolina Incorporated. Unfortunately they talked mostly about the federal project that was designed and reported on in the year 2000. In that project and I do not know why they continue to pine on that project, the federal project only brought the full fill part of that project to Kitty Hawk Road. And then it was tapered from there to Historic Street. There were two miles of northern beaches that would get no treatment. I understand some members of the council asked to have the concept of nourishing all of Kitty Hawk's beaches not just the portion as identified in the federal project and they claim to have worked on that. The problem is I read the document several times and I have yet to see a description of how that is going to occur.*

*So Mr. Mayor I have to tell you that I do not think you are ready for this project to go forward and particularly if you are going to attach a tax to the public on it. I remember Bobby Outten's comments about the tax. He said Kitty Hawk needed to be taxed at 7.82 cents per hundred. He did not say just one section. He said across the board from the beach to sound landing. Now I have heard from the council members that they expect the percentage for the village of Kitty Hawk to be 2 cents on the hundred. Well there is a big void of money when you do that and Ms. Klutz I hope she is prepared to be spend a lot more than 7.82. It might be more like 20 cents per hundred. I don't know I am not a mathematician.*

*Mayor Perry and others I think we have a problem here. I don't think until you design a project that is going to close the gaps are you ever going to be able stop the flooding. The project that you now have before you, which is really the smallest denominated project that was listed in the book prepared by the consultant engineering firm, they talk about \$15 million dollars. Of course you add to that other costs which run it up to the \$17 million that Mr. Outten was talking about. And that is provided you can get the sand at the north sand pit. At the last September meeting the gentleman said that that sand was not compatible and they would have to get it probably from down off Nags Head and the price of sand from one to the other goes from \$6.90 per cubic yard to over \$8 dollars, nearly \$9 dollars, per cubic yard. So your \$17 million dollars just got a little bit higher.*

*Now the other thing it said, if you do have to put more sand than 1.4 million cubic yards it is going to go up, so the range is from 1.4 million cubic yards to 2.8 million cubic yards or a price tag of somewhere over \$32 million dollars. That is a long way from the \$17.5 million dollars.*

*So I think Mr. Mayor that the council needs to sit back and take another look at it but you also need to involve the public. There have been no workshops. This thing has not even gone to the planning board. I cannot build an outhouse without it going to your planning board for approval and yet you are going to spend \$17.5 million without even going through the planning board. It does not make a lot of sense. I would suggest to you, and I know that there is a lot of*

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*encouragement or a lot of anxiety on the part of residents, particularly those that live between the highways and those that have oceanfront property, to do something and do something now.*

*I am not opposed to beach nourishment. I am not opposed to being taxed for beach nourishment but I want my tax money to be well spent and to be spent on a project that has a degree ... has an opportunity to be successful. So far I have not seen anything to indicate this project, what I have heard, could be successful. I will be happy to answer any questions you might have, if I can hear them.*

**Mayor Perry:** *I don't guess we will ask any questions right now.*

**Harris:** *Okay. By the way I have prepared a little packet and in that packet there are some photographs showing the gaps in the dune line throughout Kitty Hawk. As I said there are 30 gaps, 30 plus gaps. Every one of them ... I saw Mr. Bill Foreman here the other night and he said he is all in favor of the project. And I would be to if I lived where he did because if you look down his driveway you can see people sunbathing on the beach. So you know there is no dune. There is no berm. There is nothing there to stop the next high tide from filling up these parking lots.*

**Mayor Perry:** *We thank you.*

**Harris:** *Thank you very much.*

**Claudia Larson:** *Bill, can I ask questions?*

**Mayor Perry:** *No. You can come and talk at our next item on the agenda. The next item is public comment and we ask you to please keep comments to 3 minutes.*

**5. PUBLIC COMMENT.** The General Public is invited to address the Town Council on any topic. Please sign up with the Town Clerk before the meeting and when your name is called, come forward and speak into the microphone at the podium. Please limit comments to 3 minutes.

**1. Chuck Sowers, Parker Street, Kitty Hawk, NC:** *I came tonight because I heard the bicycle plan was being considered. The regional bicycle plan is a great concept but Councilwoman you really hit the nail on the head. The Town of Kitty Hawk really needs a concept for what we are doing. I am one of the spandex bicycle riders. Every morning I leave Parker Street at five o'clock and head out to Nags Head and come back. I think I would be a 300 pound man instead of a 200 pound man if I didn't do that. Then every afternoon my wife, who is a teacher at the Heron Pond Montessori School, and I take off on our street bicycles and we peddle another 5 or 10 miles around town just enjoying life. The one thing I really think the town should do, and it would make a world of difference, is uncover the pavement that is covered up with grass and sand. If there was a way we can get our streets department or whatever department we have to scrape that sand and grass off of the pavement we would open up much wider sections of our streets. Even if it is just 6 or 8 inches on either side all of a sudden you have a foot or a foot and a half difference that gives the bicycle rider, dog walker, the jogger and the mother with the stroller, the chance to get a little farther away from the traffic and that is a huge, important thing. We*

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*have the pavement there it is just a matter of getting it uncovered. Kitty Hawk Road as you are trying to get to The Woods Road or wherever are some of the worst places. As a matter of fact by the fire house the little piece between the white line and the grass is down to 12 inches or so, you really cannot safely be on the right side of that white line. If we could simply do that it would make a huge world of difference.*

**Mayor Perry:** *I will ask the manager if he will contact DOT. That is their road and their path and we do have to get on them once in a while to scrape it off.*

**Sowers:** *Thank you. That same condition exists on Lindbergh, on Shelby and it exists throughout the town. But that would help a lot and thank you so much.*

**Mayor Perry:** *Anybody else?*

No one else came forward to speak.

**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 September 3, 2013 Council Minutes.** *(An affirmative vote for the consent agenda will approve these minutes.)*

**b.) Revenues and Expenses Report for August 2013.** *(An affirmative vote for the consent agenda will acknowledge this report.)*

**c.) Resolution Declaring October 12, 2013 as Big Sweep Day** – This resolution urges citizens to join this statewide community effort to retrieve trash from waterways and landscapes. *(An affirmative vote for the consent agenda will approve this resolution.)*

**d.) Resolution Establishing the Town Council Regular Monthly Meeting Dates for Calendar Year 2014** - The Town Council meets on the first Monday of each month unless it is observed as a holiday. In 2014 one holiday is observed on a council meeting date: September 1, 2014. Staff is recommending council meet on Tuesday, September 2, 2014. *(An affirmative vote for the consent agenda will approve the 2013 calendar year meeting dates.)*

**e.) 2013 Implementation Status Report for Kitty Hawk CAMA Land Use Plan** - The Planning & Inspections Department has provided a report on progress made toward the goals and objectives outlined in the Town's adopted CAMA Land Use Plan. This report is submitted biennially to the N.C. Coastal Resource Commission. *(An affirmative vote for the consent agenda will acknowledge this report.)*

**f.) 2013 Evaluation of Public Information Program Strategy** - The Planning & Inspections Department has prepared a report on progress made toward educating the public about the risks

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of flooding and other natural hazards. This report is submitted annually as part of the information to secure the Town's community rating for flood insurance. *(An affirmative vote for the consent agenda will acknowledge this report.)*

**g.) Acceptance of Checks for Beach Nourishment in Memory of David R. Twiddy of Elizabeth City who passed away on September 15, 2013** – The total amount received as of October 3, 2013 is \$600. *(An affirmative vote of the consent agenda will accept these donations.)*

**h.) Resolution Exempting Requirements to advertise for and Receive RFQs for Beach Nourishment Project** – This resolution makes an exemption to the advertisement and receipt of RFQs for engineering services for a beach nourishment project in accordance with Section 143-64.32 of the North Carolina General Statutes. *(An affirmative vote for the consent agenda will approve this resolution.)*

**Councilwoman Klutz moved to approve the consent agenda and it was seconded by MPT Perry. The vote was unanimous.**

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

There were not items removed from the consent agenda.

**8. PUBLIC HEARING:**

**a.) Text Amendment: Application to update the standards of Sections 42-69 through 42-74 of the Town Code (dealing with the Board of Adjustment, appeals, and variances) to comply with the recently adopted N.C. Session Law 2013-126, An Act to Clarify and Modernize Statutes Regarding Zoning Boards of Adjustment.**

**Heard:** *I want to briefly describe the action council is being asked to look at this evening. It is a text amendment which changes the wording in our town ordinances. Specifically we are looking at updating the standards in Section 42-69 through Section 42-74. The sections deal with the town's Board of Adjustment and the processes for review of appeals and variances that are conducted by that board. In its recently completed session the North Carolina State legislature adopted a session law entitled "An Act to Clarify and Modernize Statutes Regarding Zoning Boards of Adjustment."*

*As a result of this new law all municipalities and counties in the State of North Carolina will have to revise their standards for Boards of Adjustment and I have outlined some of the items in the staff report. In general there are a number of things that relate to the process as far as who gets notified of such meetings and hearings and when that notification has to take place. Those are things that are important for the town to be up to date on and it is important for the staff to know but those are purely staff functions.*

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*The important things I would say in regard to this are the legislation amended some of the standards under which the board reviews variances and I would say it probably makes it a little easier for someone to obtain a variance. It definitely reduces a number of factors the board has to consider.*

*Those are the main things in general and this law took effect on October the 1<sup>st</sup>. Technically it is in place as we speak. I will certainly be glad to answer any specific questions the councilmembers have at this time.*

**Councilman Bateman made a motion to go into public hearing. Councilwoman Klutz seconded and the motion passed unanimously, 5-0.**

Mayor Perry asked if anyone wished to speak concerning this text amendment. No one came forward.

**MPT Perry made a motion, seconded by Councilwoman Klutz, to return to regular session. The motion passed unanimously, 5-0.**

**Councilwoman Klutz moved to adopt the proposed text amendment updating the standards of Sections 42-69 through 42-74 dealing with Board of Adjustment appeals and variances. Town council finds the proposed text amendment is consistent with the adopted CAMA Land Use Plan and finds this amendment to be in the public interest by bringing the town's standards into compliance with recent changes to state law. Councilman Bateman seconded the motion and it passed unanimously, 5-0. (Ordinance No. 13-07)**

**9. PLANNING:**

**a.) Hickory Ridge Subdivision, Phase III (Final Plat): Application to subdivide an existing 14.78 acre property on the western side of Ridge Road into eight (8) lots. No new roads are being proposed as part of the subdivision.**

**Heard:** *This is a proposal to approve a final subdivision plat known as Hickory Ridge Phase III. This subdivision would take a single 14.7 acre parcel along the west side of Ridge Road and divide it into 8 lots. The subdivision, as seen on the overhead display, would consist of 7, what I will refer to as building lots, that range in size from 4 tenths of an acre to a little over 1.1 acres. Those are all along the front of Ridge Road and then there would be a remainder, what we refer to as a residual parcel, and it is almost 11 acres. All of the parcels, including the residual parcel, will maintain frontage off of Ridge Road. We are treating this as a final plat because all of the relevant utilities and the road are in place so there is no need to have a review of a preliminary plat.*

*This subdivision began in 2007 with Phase I that covered 6 lots and then Phase II that covered another 13 lots. You may recall last year, after this development was acquired by a new owner, the council was asked to review it and granted approval of a revised final plat for those first two phases changing the number of those lots to 23.*



*This is a new section that you have not seen before on the west side of the road. To point out a few highlights the previous cul-de-sac is in the area in front of Lot 25. The new development of Phase I is located directly across the street on the east side of Ridge Road where those 6 lots are. There is an older home on this property that would likely be removed as part of this project.*

*Staff and the planning board reviewed this and all of the lots meet the town standards for lot size, width and amount of road frontage. The town has maintenance responsibility for Ridge Road up to the point of the cul-de-sac. Generally the road is 20' in width but there are several stretches where it dips below 20' down to 18.5' in width which is not as wide as the town's minimum standard. Those are existing situations on the town portion of the road. None of those are areas that exist in front of this development and they are not directly related to this development but I did want to point it out. The remaining portion of Ridge Road, what you see from the cul-de-sac stretching to the north, was developed as part of this subdivision in 2007 and 2008 and that portion of the road is presently privately owned and maintained, technically the responsibility of the developer in this case. This portion of the road was designed and constructed to meet the standards of the town which coincides with NCDOT standards as well. In that stretch there is a 50' wide right-of-way containing a 20' wide pavement. The developer also chose to have 5' easements on either side outside of that right-of-way for the purpose of maintaining the road. So there is a little extra, totaling 60' basically, from one end of the easement to the other side of the road. Following construction of that road GET Solutions conducted a test and provided the town with documentation that the road was properly constructed to town standards. The entire road in front of this proposed development, to the best of our knowledge, complies with town standards for road construction as well as having the proper amount of right-of-way.*

*One other item I wanted to touch on has to do with wetlands. The applicants have provided a sketch showing a potential layout of how houses would be built on the properties. Note there are a good amount of wetlands on this property. All of those wetlands have been delineated by the engineer and have been identified as Section 404 wetlands that are subject to the jurisdiction of the Army Corps of Engineers. Most of those wetlands will remain in their present form and state but there are two areas where the applicants have submitted for a permit to do some fill. One of those is on Lot 26, the larger lot in the middle, and a smaller pocket wetland on Lot 30, near the front of that lot. They have applied for a permit to fill those areas mainly for the purpose of how the house and septic system will fit on the lot, to better accommodate the development of those properties in the future.*

*The last thing I wanted to touch on concerns the rear of the property. At the western boundary of the property the surveyor has noted several areas as having an "apparent overlap." The area is all within the residual parcel and this type of overlap typically stems from differences in plats or deed descriptions over time. In this case we think it is a result of a creek that is now meandering in a different way from when this property was originally divided, so there is any overlap. Town attorney Michael and I determined that while it would be preferable to have that issue resolved it does not materially affect the area where the building lots are proposed. We advised the applicant it would probably be a good idea for them to get it resolved so there are no questions in the future but we did not see any issue with moving this plat forward as far as the creation of the other building lots since they were not affected by the overlay area.*

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*The planning board reviewed this at their meeting on September 12<sup>th</sup> and voted unanimously to recommend approval of this final plat for Phase III of the Hickory Ridge subdivision. I would be glad to answer any questions that the councilmembers might have.*

**Reid:** *Lot 31 is going to be a homeowners association?*

**Heard:** *I would prefer to let the applicants answer that directly.*

**Warren Eadus:** *I am with Quible and Associates and here on behalf of the applicant TFP, LLC. To answer your question that would be held privately by TFP, LLC. We are in discussions right now with the state talking about some kind of ... it would make sense for this property to be added to the state's property and it is adjacent to it. We are also talking about resolving the boundary issues. We feel like they resulted from the centerline of Robinson Creek shifting. I do not think anybody went back there for one of the plats. I don't know if you have been back there but it is probably armpit deep. There are some uplands on the larger parcel that we have identified and had confirmed in the field by the Corps of Engineers. They are talking about using some of the area as a park for that end of Ridge Road and then I think the ultimate plan is for some sort of transfer to the state.*

**Mayor Perry:** *I think with the amount of swamp in that area it is probably the best thing that could happen to it.*

**Eadus:** *That is what I have been told.*

**Reid:** *I think it would be a good idea to include that in the conservation area but if this says future private park for Hickory Ridge I would hope the people who are buying the lots are not told it is going to be recreation and then suddenly it is not going to be. I do not like to have people not knowing what they are getting. Are they or are they not going to get a basketball court.*

**Eadus:** *The thinking on the final plat we are asking for approval we don't treat that ... we don't talk about the park. That was more for your consideration until we resolve the boundary issue in the back. We don't really want to leave the access to that and leave it open for now.*

**Mayor Perry:** *I was down there yesterday and one of the people living there said he thought they were going to have a playground.*

**Eadus:** *Word gets out fast. The intention is to offer some sort of small recreational facility. It is a beautiful spot.*

**MPT Perry:** *Almost all of the older tracts of land used the ditches as the separation from one tract to another tract. That occurs even today on land I own. The other thing they used was logger wood posts and they would last forever but you had to find it in the marsh which grew up around them. If you have been in there you know that and there has been many a fight over getting those boundaries done. So stand by for something on that one.*

MPT Perry moved to approve the final plat for Phase III of the Hickory Ridge subdivision that divides an existing 14.7 acre property on Ridge Road into 8 lots. Councilman Bateman seconded and it passed unanimously, 5-0.

**10. NEW BUSINESS**

**a.) Interlocal Agreement with Dare County for Beach Nourishment Funding**

**Mayor Perry:** *To clarify some things I heard as to what is going to be done on the oceanfront if we accept this proposal. The engineering has to be done before we really know what is going to take place. A lot of information has to be obtained over the next couple of years before we will really know what the recommendations will be as far as putting sand on the beach.*

**MPT Perry:** *I have some points; does anyone want to go first? (Council members indicated he should continue.) I am going to make this a point/counterpoint to Bill's presentation. When you called me and we talked one of the first things you recommended was buy up the oceanfront houses instead of spending money on beach nourishment. You kind of alluded to that in your presentation and I would counterpoint it by stating there are a host of problems with this concept but the one that stands out most vivid is the certain knowledge that property owners would bring lawsuits en masse. This certainly is grounded in the legal nightmare of 12 outstanding legal issues dealing with previous attempts under the governorship of then Mayor Harris to take condemned, unoccupied homes along the oceanfront. Legal bills were enormous for both parties and having been present at all settlement proceedings, I can assure you the only parties that came out whole were the lawyers on both sides. There can be no doubt that property owners of occupied homes will fight even harder. Beach nourishment funds can be used to move or demolish homes that the owner is willing to part with but they cannot be used for legal condemnation purposes.*

*And then you made another point about the problems of today were created and caused by past mistakes. That may be true. My counterpoint is the notion that property owners of today should be abandoned because of mistakes initiated 60 to 80 years ago is irrational and probably illegal. If an option exists that the resources of government can properly address in order to abate a condition detrimental to the welfare of the community there is an obligation to pursue it. I will not abandon any part of this community while standing watch on this council.*

*Now you also made the point that 40' of beach is insufficient and will soon wash away. That question has actually been kind of addressed and I am going to read directly from the minutes that were approved this night from the engineer. If you add more sand ... "The problem you get into here is you could put more advanced fill on top of the beach but the more you build out that beach and you create kind of an artificial bulge on a straight shoreline Mother Nature wants to straighten that shoreline. You could put a 600' wide beach out there but that sand is going to erode so fast you could not justify putting that much sand out there. It is a diminishing return at some point in time and it is a balancing act of the engineer."*

*Another point you made in our conversation and you kind of alluded to it here when you say it should be studied more you said a committee should be appointed to explore other options that*

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*may be more effective and less expensive. My counterpoint is committees take time which we do not have. Other options have been in the news but to my knowledge none have been truly tested nor permit approved the way beach nourishment has been. Sinking ships to form off shore barriers is a complex undertaking and it would take a lot of them. Placing plastic materials off shore to form a wet sand fence type barrier is unproven and the uproar when plastic parts started washing up on the beach would be tremendous. Witness the flap over tires sunk off of Florida as a reef. They had to be removed.*

*The town is being offered the opportunity to try something found viable in numerous places in the United States. It is interesting to note that the proposed project, at a projected cost to the town of \$3.9 million, will cost less tax money than construction and financing the fire house at \$5 million dollars over 20 years. The nourishment project will be paid off over five years. The fire house, as of this date, still has 11 more years of payments at \$282,000 per year. This represents approximately 2.8 cents per hundred of ad valorem tax every year. That tax is paid by every property owner in equal measure. The beach nourishment tax will be paid in districts based on "most benefit" property owners. It is probable that the nourishment project would be paid off before the fire house mortgage is final.*

*Final counterpoints are currently every property owner pays for flooding and debris clean up after storms that do not qualify for outside assistance. Approximately 0.53 cents per hundred of valuation of general funds were required for just the last two events. Also county funding of this project comes solely from Occupancy taxes. The people actually funding that tax are primarily tourists that use the beaches being repaired. That money does not in any way impact the county tax rate.*

*A couple of others that in your presentation came up you noted that 158 is not in jeopardy and all it needs is to be elevated. I have actually gone to the engineer, Jerry Jennings, and spoke to him about that, plus tried to get it put on the Comprehensive Transportation Program that is in planning right now. What I learned is that raising that section of road is not a simple feat of just adding elevation. You actually have to wind up condemning some of the buildings on the east side of the road because they are so low. The short egress would not work so they would have to buy those buildings. It is a complex issue of not only raising the road but also buying out a host of people at probably an enormous cost. That may happen in the future and he said he would put it on the list of things to be done. It is not a simple matter of just going and laying something on it.*

*Is the county driving this? No. I sit on the Shoreline Management Commission now since I think 2007. During that time Nags Head was coming along with its project and they were about to grab all of the money and I said that is wrong. They should have a percentage of it and Kitty Hawk and every other town that puts into the fund should have an equal share of it because we all put into it. The federal project you are pinging onto was based on some factors of cost to benefit ratio. Kitty Hawk north ... actually I don't know why the south end of Kitty Hawk got in ... it had to do with the taper for Kill Devil Hills because none of Kitty hawk met the cost to benefit ratio and none of Kitty Hawk was really eligible other than for that taper type buffer from Kill Devil Hills. So I fought to have Kitty Hawk share equally and as a result the county, when they were giving money to Nags Head, said we will give you some of it. Then they came up with a*



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*plan because Duck and Kill Devil Hills want to do a project. When they passed the second Occupancy tax DEC did a study and confirmed that Kitty Hawk could come into this at a cost share but everybody had to have skin in the game and our skin in the game is what has been put out at the presentation.*

*Dune building. Some would occur from new sand with fencing you put your fence up as soon as the project is done, some of that would occur naturally if you put that fencing up quick as has already happened down at Nags Head. That is the key because right now we don't have any sand to blow. Our beach doesn't exist with enough sand to put sand fencing up between the road and buildings or whatever exists there now to catch sand. It is just not there. But if you put new sand out there then there is something for you to catch and retain and that is the way that would work.*

**Reid:** *I have two comments. I think I heard in the presentation at our last meeting there was a 17% savings by going together with Kill Devil Hills and Duck. Is that correct?*

**MPT Perry:** *That is a projected savings.*

**Reid:** *I like that. I think that is a good reason to proceed. The other thing that came out of that meeting, which I was very impressed with, is I believe someone in the back of the room said the one question that no one addressed was what the cost is if we did nothing. To me that is a big question because I think if we do not do anything it is going to cost us many, many millions of dollars more because we are going to lose Kitty Hawk. That is my personal opinion.*

**Mayor Perry:** *And the people who live there are probably spending more than the tax rate would be every time they have a flood.*

**Klutz:** *I live in the district which would probably have the highest tax increase and after Hurricane Sandy there were many repairs on my house that came to a fairly significant amount of money that flood insurance just does not cover. So yes the tax rate would be higher in that area but it would certainly not be anywhere near what most people have to take out of their pockets to recover from an event like Sandy.*

**Mayor Perry:** *The bottom line is if you get a storm like the Ash Wednesday storm no matter what we do it will not save us but all the northeasters and the minor storms it will certainly help. There is no sand left to push over there to try to protect anything. That is the problem. It has all been pushed and is gone.*

**MPT Perry:** *You try something. If it fails you don't continue you move on to something else.*

**Mayor Perry:** *I don't want to do it but I think doing nothing is maybe worse.*

**MPT Perry** made a motion for approval of the Interlocal Agreement for Beach Nourishment Funding as proposed by Dare County. I further authorize the mayor to sign said agreement and the town clerk to attest. Councilwoman Klutz and Councilman Reid seconded and it passed unanimously, 5-0.



**b.) Financial Advisory Agreement with DEC Associates for Professional Assistance for the Beach Nourishment Project**

**Stockton:** *In order to determine the financial requirements and assistance in obtaining the necessary finances for beach nourishment we need to have professional assistance. In discussions with the county, Kill Devil Hills and Duck, we have been informed they are all using DEC Associates for their financial consultant. The financial advisory agreement will provide for a review of financial and other information related to the project, provide for evaluation of alternative approaches and structures to financing the project, provide for assistance in directing and coordinating credit processes to maximize a credit rating with agencies and lenders, provide assistance in the development of a well-defined marketing strategy to achieve the best possible financing terms, provide for assistance in the selection of financing modes and lender/underwriter and negotiation of terms, provide advice in method of sale for a particular financing, whether public or private offering, provide for assistance in working with the Local Government Commission, Bond Counsel and town attorney to implement the financing and provide assistance in the closing of the financing by coordinating, reviewing, monitoring and following through on all elements of the financial process to insure timely and proper closing of the financing. This is not to exceed \$45,000 and funds were budgeted under Storm Damage Reduction in the budget.*

**Klutz:** *Just to clarify that \$45,000 is coming from the \$250,000 provided initially for the project.*

**Stockton:** *Yes the \$250,000 that we originally received from the county.*

**Klutz:** *I understand a lot more is going on with this particular project because the other towns and the county are involved and we all have to work together on this. There is a lot of expertise for a beach nourishment project that we have not needed for other projects we have had. My recollection, and please straighten me out if I'm wrong, but in the past when we did one other big project, which was the fire house, it was handled in-house in terms of acquiring the necessary money for the loan at a very good interest rate. It has been kind of the policy of this council to avoid consultants in general and to use our staff and their expertise to the maximum extent possible. I consider this a special case and we are not changing the approach we have for avoiding spending a lot of money on consultants.*

**Mayor Perry:** *It may be because of bonds and those type things that are involved rather than just institutional loaning.*

**Stockton:** *That is correct. It is basically bond counsel advising us and also in determining how we go about the process. That is something we need help with.*

**MPT Perry:** *It also ties us together with the other towns and the county so we are all on the same page. Not flying off in separate directions.*

**Mayor Perry:** *And the main thing for doing that is hopefully it will save a good amount of money in the end if we can all do it together.*

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Councilwoman Klutz made a motion that the town manager be authorized to enter into a financial advisory agreement with DEC Associates for the purpose of providing professional financial assistance for the beach nourishment project in an amount not to exceed \$45,000. MPT Perry seconded the motion and it passed unanimously, 5-0.

**MPT Perry:** *As a part of this John is going to make a presentation on the cost figures discussed at the meeting last week.*

**Stockton:** *Approximate cost of the permitting is \$870,000 and that includes the design and engineering. The construction estimate is \$15,645,159 for a total of \$16,515,159. That is the estimated cost we have to date. The county is willing to help us with the beach nourishment project with an upfront contribution of \$10,300,000. The county has also agreed to participate in our debt service and is willing to help us with \$3,037,866 toward it. That is a total of \$13,337,866 the county is willing to put towards the project for the town. The town has to borrow \$6,215,159 and will pay around \$3.9 million over 6 years. The county contribution is a little over \$3 million dollars. The total debt would be \$6,976,516 with principal and interest.*

Manager Stockton then showed the following slide on the scheduled debt service on \$6.2 million at 3.5%:

	<u>Debt Service</u>	<u>From County</u>	<u>From Town</u> <u>7.82 cents</u>
2016	\$ 108,765		\$ 108,765
2017	\$1,460,562	\$ 694,586	\$ 765,977
2018	\$1,417,056	\$ 651,079	\$ 765,977
2019	\$1,373,550	\$ 607,573	\$ 765,977
2020	\$1,330,044	\$ 564,067	\$ 765,977
2021	<u>\$1,286,538</u>	<u>\$ 520,561</u>	<u>\$ 765,977</u>
<b>Totals</b>	<b>\$6,976,516</b>	<b>\$3,037,866</b>	<b>\$3,938,650</b>

**Stockton:** *Paying for the debt service is based on 7.82 cents per hundred dollar valuation as calculated by the county. That is an average across the board for the town. We have not established the municipal service districts but once that is done some parts of town may pay more and others may pay less. It is just an average. That concludes a summary of what was presented at the last meeting.*

**c.) Interlocal Contract with Houston-Galveston Area Council for Cooperative Purchasing of a New Fire Apparatus**

**Stockton:** *We are in the process of trying to obtain quotes for the new fire apparatus for the town and we want to make sure we obtain the best possible price. We found a company that advertises on a national level for fire apparatus and we have been informed by Kill Devil Hills they use a company called HGAC for purchasing their apparatus and other major items. The cost of using the HGAC is borne by the vendor. We do not have to pay anything for using them but we do have to enter into an agreement that allows us to utilize their services. This is one of*

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*the avenues in which we hope to be able to come back to council with some various prices that will give us the best bang for the buck.*

**Mayor Perry:** *Chief I think you told us the company that built our last chassis is no longer in business. Is that right?*

**Spivey:** *Yes sir. The last engine we bought was built by a company by the name of Saulsbury and they are no longer in business.*

**Mayor Perry:** *Have you found anybody else?*

**Spivey:** *We have three vendors that have expressed interest in providing us quotes for an apparatus either through a tag on or through the HGAC. We should start receiving some of those prices in the next week or two.*

**Mayor Perry:** *You did tell them that council is only going to give you \$450,000 didn't you?*

**Spivey:** *We used the figure that was approved before this year. They do not think we are going to be able to do it for that. We have been contacted by two different vendors that said there is no way they are going to be able to bring it in for that amount. They were actually going to stop the process and I told them not to stop to continue on because we needed the price.*

**MPT Perry:** *If we do not go with this company for some reason and go some other way there is no cost to us?*

**Stockton:** *There is no cost to us.*

**MPT Perry made a motion to approve the Interlocal Contract for Co-operative Purchasing between the Houston-Galveston Area Council known as HGAC and the Town of Kitty Hawk. I further authorize the town manager to sign said contract. Councilman Bateman seconded and it passed unanimously, 5-0.**

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

**a.) Compliment to the Ocean Rescue Lifeguards** – Manager Stockton said a letter of compliment was received from Laurel Curly of Milton, New Hampshire. She and her family were vacationing in Kitty Hawk in August and she was very appreciative of the lifeguards and especially appreciative about the warnings of the rip currents.

**b.) Letter of Appreciation to Fire Department** – Manager Stockton said Fire Captain Cole Yeatts received a letter from Percy L. Howard, Special Agent in Charge of the United States Secret Service. Mr. Howard wanted to extend his personal gratitude and thanks to the continued support of the Town's Ocean Rescue and for the rescue swimmer program provided for the secret service. He said it is his understanding that Kitty Hawk is the only town in the United States that provides this training for the secret service.

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**c.) Thank You to Police Department** – Manager Stockton said he also received a note of thanks for the Kitty Hawk Police Department from George and Brenda Pitonyak for Officers Deaton and Vucinovic's quick response when called for service.

**d.) Hawks Street Floodwater Management System** – Manager Stockton reported the Hawks Street Floodwater Management System is now in place. There are a couple of little punch list items to take care of but basically it is completed.

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

There were no reports from the attorney.

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

There were no comments from the town council.

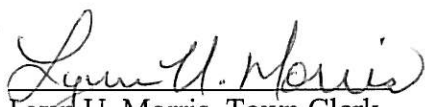
**14. PUBLIC COMMENT**


There were no public comments.

**15. ADJOURN**

**Councilman Bateman made a motion to adjourn the meeting. MPT Perry seconded the motion and it passed unanimously, 5-0. Time was 7:45 p.m.**

These minutes were approved at the *November 4, 2013* council meeting.

  
Lynn U. Morris, Town Clerk

  
Clifton G. Perry, Mayor