

MINUTES
KITTY HAWK TOWN COUNCIL
Monday, April 1, 2019
Kitty Hawk Town Hall, 6 PM

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Public Comment
5. Consent Agenda
 - a.) Approval of January 28, 2019 and March 4, 2019 Council Minutes
 - b.) FY 18-19 Budget Amendment #6
 - c.) Approval of the March 1, 2019 Records Retention and Disposition Schedule
 - d.) Proclamation Child Abuse Prevention Month April 2019
 - e.) Letter of Support for the Albemarle Commission
 - f.) Resolution in Opposition of Senate Bill 179 and House Bill 278, Parity for First Responders
6. Items Removed from the Consent Agenda
7. Public Hearing:
 - a.) Conditional Use Permit. 6100 N. Croatan Highway – Gas Station. The applicant has requested a conditional use permit for a gas station that would be Phase I of the Planned Commercial Development.
8. Planning:
 - a.) Schedule Public Hearing: Text Amendment- 4-6. Commercial and Noncommercial uses of horses; keeping horses. The applicant has requested a text amendment that would create specific requirements for the keeping of miniature horses.
 - b.) Subdivision: 921 W. Kitty Hawk Rd. – The applicant has requested to subdivide the existing 8.82-acre parcel into three smaller parcels (5.45 acre, 0.7 acre, and 2.6 acre).
9. New Business:
 - a.) Space Needs Study for New Police Station/Future Fire Substation
 - b.) Resolution Opposing Offshore Natural Gas/Oil Exploration and Drilling
10. Reports/General Comments from Town Manager
11. Reports/General Comments from Town Attorney
12. Reports/General Comments from Town Council
13. Public Comment
14. Recess to April 29, 2019, 9 AM, for a FY 2019-20 Budget Workshop

COUNCILMEMBERS PRESENT:

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

COUNCILMEMBERS ABSENT:

Councilwoman Tina Tice

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STAFF MEMBERS PRESENT:

Town Manager Andy Stewart, Town Clerk Lynn Morris, Town Attorney Casey Varnell, Planning Director Rob Testerman, Finance Officer Liliana Noble, Management Assistant Melody Clopton, Police Sergeant Jimmy Helms, Fire Chief Mike Talley and Public Works Director Willie Midgett

1. CALL TO ORDER

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

2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Mayor Perry said there had been a terrible traffic accident earlier today and asked for thoughts and prayers for those involved during the moment of silence. Following the moment of silence, the Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA

Councilwoman McClean made a motion to approve the agenda. It was seconded by MPT Garriss and unanimously approved, 4-0.

4. PUBLIC COMMENT

There were no public comments.

5. CONSENT AGENDA

a.) Approval of January 28, 2019 and March 4, 2019 Council Minutes. *(An approval of the consent agenda will approve these minutes.)*

b.) FY 18-19 Budget Amendment #6. This amendment in the amount \$28,312 recognizes and appropriates the reimbursement to the Town from FEMA for Category B expenses incurred in Hurricane Florence. *(An approval of the consent agenda will approve this amendment.)*

c.) Approval of the March 1, 2019 Records Retention and Disposition Schedule. The Town of Kitty Hawk follows the North Carolina Department of Natural and Cultural Resources, Division of Archives and Records Schedule with regards to the disposition of Town records. Parts of the schedule have been updated and staff recommends approval. *(An approval of the consent agenda will approve the updated sections of the State Records Retention and Disposition Schedule.)*

d.) Proclamation Child Abuse Prevention Month April 2019. This proclamation calls upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in efforts to support families, thereby preventing child abuse and strengthening the communities in which we live. *(An approval of the consent agenda will recognize this proclamation.)*

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e.) Letter of Support for the Albemarle Commission. Last month Mayor Perry signed a letter of support for the Albemarle Commission to apply for a grant from NCDOT for innovative non-infrastructure projects which teach and promote bicycle and pedestrian safety. The letter needed to be sent no later than March 27, 2019. *(An approval of the consent agenda will acknowledge and sanction this letter.)*

f.) Resolution in Opposition of Senate Bill 179 and House Bill 278, Parity for First Responders. These two Bills would create an unfunded mandate requiring the Town to pay for a new retirement benefit for firefighters and rescue squad workers. It could include other employees as defined by G.S. 131E-155. *(An approval of the consent agenda will approve this resolution.)*

MPT Garriss made a motion, seconded by Councilwoman McClean, to approve the consent agenda. It unanimously passed 4,0.

6. ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed.

7. PUBLIC HEARING

Mayor Perry made a motion to go into public hearing. It was seconded by Councilman Pruitt and passed unanimously, 4-0.

Clerk Morris swore in Rob Testerman, Town Planner, Rick House, Engineer (P.O. Box 466, Kitty Hawk, NC), Eddie Goodrich, applicant (P.O. Box 3629, Kill Devil Hills, NC) and Carl Classen (5204 Winsor Place, Kitty Hawk, NC).

a.) Conditional Use Permit. 6100 N. Croatan Highway – Gas Station. The applicant has requested a conditional use permit for a gas station that would be Phase I of the Planned Commercial Development. (Anyone wishing to speak during this public hearing will be required to be sworn in.)

Town Planner Testerman reviewed the following staff report with council.

Proposal

The applicant is requesting approval of a conditional use permit to construct a gas station as part of the approved PCD. The PCD zoning classification was approved at the January 7, 2019 Town Council meeting.

Proposed Conditional Uses

The PCD overlay district states that permitted and conditional uses of the underlying zoning district are permitted:

42-251(c)2 lists gas stations as a conditional use in the BC-2 district with the following conditions: no principal or accessory building shall be located within 50 feet of a residential district, and: provided that there shall be no storage of wrecked or abandoned cars, and that no portion of a gas station building, equipment or canopy shall be nearer than 30 feet to any right-of-way, and no portion of gas pumps shall be nearer than 50 feet to any right-of-way (modified via text amendment request at the January 7, 2019 Town Council meeting).

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Background Information

The subject property is presently zoned Beach Commercial (BC-2) with a Planned Commercial Development (PCD) overlay. There is currently an abandoned building on the site. The parcel is approximately 35,000 square feet in area.

Directly abutting the subject property to the north, across US 158 is a medical office building and pond that are part of Southern Shores. Abutting the subject parcel to the west is an undeveloped parcel zoned BC-2. To the south are three parcels zoned BC-2, one of which is part of the PCD. The other two parcels contain a cabinet shop, and an auto repair shop. To the east across The Woods Road are undeveloped single-family residential properties zoned BR-1.

Staff Analysis

Proposed Uses: Gas Stations are presently permitted as conditional uses in the Beach Commercial, BC-2, district.

Lot Area: The subject parcel is 35,000 (0.8 acre) in size.

Lot Coverage: In this PCD district, the total ground area occupied by all principal buildings together with all accessory buildings and parking lots shall not exceed 50% of the total area of the PCD. Driveways, walkways, and streets shall not be included for the purpose of maximum lot coverage calculations. The submitted drawings show a lot coverage of 28,051 sq. ft., or 58.3%, however that is just for the area delineated on sheet C3, not the entire PCD. It also includes driveways, walkways and streets.

The overall site is 6.24 acres (271,966.4 sq. ft.). 28,051 sq. ft. of coverage comes to approximately 10.3%, far below the maximum allowed.

Building Height: The maximum height in the BC-2 district is thirty-five feet (35') from the existing grade to the peak of the roof. This requirement will be reviewed during the building permit application review.

Building Setbacks: For gas stations, no principal or accessory building can be located within 50 feet of a residential district. The convenience store is proposed to be approximately 76 feet away from the nearest residential district. No portion of a gas station building, equipment or canopy shall be nearer than 30 feet to any right-of-way. A retail convenience store is not considered a gas station building. The proposed gas station canopy is located 35.2 feet from the nearest right-of-way. No portion of the gas pumps shall be nearer than 50 feet to any right-of-way. The proposed pumps are 52.4 feet away from the nearest right-of-way. Typical BC-2 setbacks apply to the convenience store, as well as the setbacks from the canopy to adjacent properties (to the south and west).

Convenience Store

<u>Setback</u>	<u>Proposed</u>	<u>Required</u>
Front	68 feet	15 feet
Rear	20 feet	20 feet
Sides	10 feet (west) 16 feet (east)	10 feet 10 feet

Canopy

<u>Setback</u>	<u>Proposed</u>	<u>Required</u>
Front	35.2 feet	30 feet
Rear	21 feet	20 feet
Sides	36 feet (west) 148 feet (east)	10 feet 10 feet

Access: The subject property is proposed to be served by one new 22-foot-wide ingress/egress drive off The Woods Road. A "right-in/right-out" ingress/egress drive is proposed to access the site directly from N. Croatan Hwy, and an additional right-in/right-out ingress/egress is proposed on N. Croatan Hwy to access the future Phase II multi-family development. This access drive will also tie into the rear of the gas station. An NCDOT permit will be necessary to install the proposed driveways onto N. Croatan Highway and The Woods Road.

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The interior drive aisle also serves as a fire lane for the property and complies with the N.C. Fire Code.

During the Planning Board discussion, the idea was brought up of requiring installation of a concrete median (similar to the one in front of 7-11 at Kitty Hawk Rd.) on the north side of the turn lane. Doing so would prevent northbound traffic from being able to enter the gas station from U.S. 158, also preventing a potential backup of cars turning left into the intersection of U.S. 158 and The Woods Road. Northbound traffic wishing to enter the gas station would have to turn left onto The Woods Road and use that access. Ultimately, this was not included in a motion as it falls within NCDOT jurisdiction, and it was not clear whether the Town had authority to make such a requirement. Staff reached out to NCDOT regarding the discussion, and after having their Traffic Engineers review the concept, NCDOT supports the idea of the median. According to NCDOT, the Town can make this a condition of approval, during construction, NCDOT would then approve its installation along with the Driveway Permits and Encroachment Agreements. The location of the proposed median is shown in the attachment.

Parking:

<u>Parking Calculations</u>	<u>Ratio</u>	<u># Required Spaces</u>
Retail		
1 space/300 sq. ft.	15	
1 space/ 2 employees	1	
TOTAL (Minimum Parking Required)		16 spaces required

The applicant's proposed site plan shows a total of 20 paved parking spaces accessed by the drive aisle, which exceeds the minimum required.

ADA standards require a minimum of one (1) handicapped accessible parking space, including one van accessible space. A total of three (2) ADA spaces are proposed, the proposed parking plan meets ADA standards.

Loading Zone: The applicant has a loading zone to the west of the proposed convenience store. Section 42-547 of the Zoning Ordinance states that a typical loading space should be a minimum of 12' x 25' in size, but goes on to state, "a loading space need not be necessarily a full berth but shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the property served thereby."

After evaluating the proposed uses, the Planning Board can determine if a loading area is needed, and if so, what size loading zone will be necessary to accommodate the proposed development. It is staff's opinion that the proposed loading zone is sufficient.

Buffers: Buffers shall be required between all uses in commercial zones and abutting residential zones. There are no residential uses or zones to the west, or south of the proposed development, thus no buffer is required. The property to the east is zoned residential, but is separated by The Woods Road, and thus, not directly abutting the subject parcel. The eastern boundary of the subject parcel is 60' from the adjacent residential zone. It is staff's opinion that a vegetative buffer is not required in this scenario.

Waste Management: The applicant has proposed to locate dumpsters at the northwest corner of the parking area.

Lighting: A lighting plan for the site must be submitted and approved by the Planning & Inspections Department prior to the issuance of a building permit. Such plan must comply with the standards of Section 42-515 of the Zoning Ordinance.

Signs: The lot will be permitted to have its own freestanding sign up to 48 square feet in size. The applicant has shown a single, freestanding sign location on the development. All signs will be permitted separately by the Planning & Inspections Department.

Wastewater Disposal: Septic improvement permits from The Dare County Environmental Health Department will be required prior to the issuance of any building permits. The septic area is proposed to be on the adjacent lot that is also a part of the PCDD, this is permissible within an approved PCDD.

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Flood Zone: The subject properties appear to be located entirely within an X flood zone, which means that the buildings are not required to meet any particular flood elevations.

Land Use Plan

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

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

POLICY 4e: Kitty Hawk will review and analyze development and redevelopment proposals for consistency with the future land use map.

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

As part of its review, the Planning Board is asked to determine if the proposed development is consistent with the policies and objectives outlined in the land use plan.

Conditional Use Findings

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

- a. does not materially endanger the public health or safety,
 - If all the required State and other permits are obtained, then the authorized agencies will have reviewed and permitted the driveway designs and locations, septic systems, water lines, stormwater management, and erosion and sediment control plan. Therefore, it can be presumed that these improvements will be made in a safe manner.
- b. does meet all required conditions and specifications,
 - The proposed development is consistent with all required conditions and specifications.
- c. will not substantially injure the value of adjoining property or be a public nuisance, and
 - Given that the site has sat for a number of years with an abandoned building, and parking lot in disrepair, it would be staff's opinion that the proposed development would not injure the value of adjoining property.
 - There is no evidence that suggests that a gas station and convenience store would become a "public nuisance".
- d. will be in harmony with the area in which it is located and be in general conformity with the comprehensive plan.
 - With the approval of the previous text request and PCD designation the proposed use is in general conformity with the comprehensive plan.
 - With the commercial zoning, and abutting commercial uses, the proposed use will be in harmony with the area in which it is located.

Planning Board Recommendation

At its February 14, 2019 meeting, the Planning Board unanimously recommended approval of the proposed conditional use permit for the establishment of a gas station at 6100 N. Croatan Highway.

Town Planner Testerman added that an additional fire hydrant will be installed on the site.

Perry: *There is a large gap between the edge of US 158 and the beginning of the actual gas station and that is state right-of-way. It was acquired a long time ago for potential widening of the road.*

Garriss: *Do you know yet where the additional fire hydrant will be located?*

Testerman: *It is going to be in the area of the access on The Woods Road.*

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Pruitt: *Is the concrete median something the state does or is the applicant going to have to pay to put it in?*

Testerman: *I am not sure.*

Perry: *I believe the state put in the one by 7-11. If there is nothing else, we are open for any of the folks who were sworn in.*

1.) Rick House, Engineer, House Engineering: *I am here to answer any questions you may have.*

2.) Eddie Goodrich, Applicant: *I am also here to answer any questions. Regarding the access drives we will do whatever the Town or DOT requires.*

Perry: *Do you know what kind of gas station we are talking about yet?*

Goodrich: *I have signed a confidentiality agreement that binds me, but it will be new, and it will be 4,500 square feet. Construction will begin sometime in June or July.*

3.) Carl Classen, 5204 Winsor Place, Kitty Hawk, NC: *Thank you mayor and Rob for taking my emails during this process. I live in Kitty Hawk Estates, right next door to this. My first concern was there are 60 new homes possibly which is the same size as our neighborhood, and I was a little bit concerned about that but staff has been working with me throughout this. It will certainly look better than what is there.*

I support the concrete median. That is so critical. The one by 7-11 has had such a beneficial impact for driving up and down the bypass.

If you will note my address is on Winsor Place and I would like the Winsor Place on the west side of The Woods Road changed for public safety issues and for deliveries. It is on paper a road that runs all the way through but in reality, it does not. If they cannot find you it is not good. Thank you and it is a great addition for our neighborhood.

Perry: *I talked with Rob about this and we decided not to deal with any name changes until such time as the second part of this comes into play.*

No one else came forward to speak.

Mayor Perry made a motion, seconded by MPT Garriss, to go back into regular session. It was unanimously approved, 4-0.

Councilman Pruitt made a motion to grant approval of the site plan and the conditional use permit to allow a gas station at 6100 North Croatan Highway subject to the conditions listed

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in Section 42-251(c)2 and subject to the installation of a concrete median on US 158 as outlined in the staff report. MPT Garriss seconded and it passed unanimously, 4-0.

8. PLANNING

a.) Schedule Public Hearing: Text Amendment- 4-6. Commercial and Noncommercial uses of horses; keeping horses. The applicant has requested a text amendment that would create specific requirements for the keeping of miniature horses.

MPT Garriss made a motion to set a public hearing on May 6, 2019 for a text amendment to 4-6 commercial and noncommercial uses of horses; keeping horses. It was seconded by Councilwoman McClean and the vote was unanimous, 4-0.

Perry: I will state for the record that contrary to a published paper this is not a done deal as was referenced. Council will make that decision next month.

b.) Subdivision: 921 W. Kitty Hawk Rd. – The applicant has requested to subdivide the existing 8.82-acre parcel into three smaller parcels (5.45 acre, 0.7 acre, and 2.6 acre). Preliminary plat/final plat: Margaret M. Neal (3 lots)

Town Planner Testerman reviewed the following staff report with council.

Proposal

The applicant has submitted an application and preliminary plat for the subdivision of the parcel at 921 W. Kitty Hawk Rd. The plat outlines a proposal to subdivide one existing parcel totaling 8.82 acres on the western side of W. Kitty Hawk Rd into three lots. No new road, or road expansions are proposed as part of this subdivision. The three lots would be 237,526 sq. ft or 5.45 acres total area, 190,883 sq. ft. excluding Coastal Wetlands or open water (lot 1RR), 31,408 sq. ft. or 0.7 acres total area, 28,981 sq. ft. excluding Coastal Wetlands or open water sq. ft (lot 2RR) and 115,145 sq. ft or 2.6 acres total area, 77,381 sq. ft. excluding Coastal Wetlands or open water (lot 3RR).

Because there are no improvements proposed, or recommended conditions of approval, the plat is being presented as both the preliminary and final plat. Should there be any conditions of approval which would require a revised plat, the Board can make a separate preliminary plat approval, and require a revised final plat to be submitted at a later date.

Staff Analysis

Zoning: The subject property currently has a single-family home and associated accessory structures and is zoned VC-2 commercial district. The VC-2 district allows single family residences as a permitted use, by-right.

Lot Size: The minimum lot size in the VC-2 district is 15,000 square feet. As noted above, all proposed lots exceed the minimum lot size.

NOTE: Section 38-1 of the Town Subdivision Regulations states that marsh and wetland areas, as determined by CAMA and/or CRC regulation, should not be used when calculating lot size. "Section 404" wetlands can be counted towards lot sizes.

Density: There is no specific maximum density listed in the VC-2 district. The proposed density of the subdivision is 0.34 dwellings per acre.

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Lot Width: The minimum lot width in the VR-1 district is seventy-five feet (75'), measured at the front building setback line on each parcel. VR-1 standards are used for single-family residences in the VC-2 district.

Building Setbacks: Minimum building setbacks in the VR-1 district are 10 feet along the sides and 25 feet at the front and rear. The minimum building setbacks are shown on the preliminary plat.

Road Frontage: Lots must have a minimum road frontage fifty feet. It appears that all three lots will comply with this standard.

Road Rights-of-Way: There are no new roads proposed as part of this subdivision. There is an existing commercial drive aisle to Lot 1RR (Cozy Kitchens). Lots 2RR and 3RR are proposed to be accessed via the commercial drive aisle.

Other Comments/Conditions:

- An access easement must be recorded for lots 2RR and 3RR to have access via the existing commercial drive aisle
- There is an existing dwelling on lot 2RR, all setbacks are met on the proposal.
- Section 38-105(b)4 prohibits flag lots in Kitty Hawk. The ordinance defines a flag lot as "a lot that has a narrow frontage on a street and a thin strip of land which provides access from the street right-of-way to a wider portion of the lot." While there is a thin strip of land on lot 3RR between proposed lot 2RR and the adjacent lot to the south, the proposed lot has approximately 100 feet of road frontage on W. Kitty Hawk Road. Also, as the proposed lot is to be accessed via Lot 1RR, the thin strip of land does not provide access from the street right-of-way to the wider portion of the lot. By plain read of the definition, the proposal does not fit the definition of a "flag lot".

Land Use Plan

The Town of Kitty Hawk's adopted CAMA Land Use Plan designates the subject parcels as a "Low Density Residential Area" on the future land use map. A "Low Density Residential Area" is defined as a density averaging two (2) units per acre with lots of 15,000 square feet or greater.

The Land Use Plan also contains the following goals, policies, and objectives relating to this request:

POLICY #11c: Kitty Hawk will review and analyze development and redevelopment proposals for consistency with the future land use map included in this land use plan.

POLICY 4b: Kitty Hawk will maintain the pattern of current development specifically low density residential (no more than 4 dwelling units per acre) and small-scale commercial development with provisions for discretionary review of large-scale commercial development.

OBJECTIVE #11d: Evaluate development and redevelopment proposals according to goals, objectives, and policies and the land suitability analysis and the future land use map developed as a part of this land use plan.

Planning Board Recommendation

At its March 14, 2019 meeting, the Planning Board unanimously recommended approval of the proposed preliminary/final plat for 921 W. Kitty Hawk Rd, subject to an access easement being recorded as listed in the staff report.

Mayor Perry had a question about the configuration of the 3 lots and **Doug Styons, Surveyor** said for the lots to be up to code they all had to have road frontage.

Hearing no other questions or comments Mayor Perry asked for a motion.

Councilwoman McClean made a motion to approve the preliminary and final plat for Margaret M. Neal that divides one existing parcel off West Kitty Hawk Road into 3 lots provided that an access easement for Lots 2RR and 3RR is recorded. MPT Garriss provided a second and the vote was unanimous, 4-0.

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9. NEW BUSINESS

a.) Space Needs Study for New Police Station/Future Fire Substation

Manager Stewart reviewed the following memo with council.

Proposal: Approve the space needs study and site capacity study for Town owned properties on the west side of US 158 between Bennett Street and Grissom Street.

Background Information: The Town of Kitty Hawk is currently in the beginning planning stages in determining the feasibility and the location of a future Police Department Building and possible future Fire Substation.

Staff Analysis: Town Staff was requested by the Town Council to determine a possible location for the construction of a future Police Department Station and future fire substation. This request was made by the Town Council during the Capital Budget Workshop as a result of the continuous flooding of the existing Police Department station on Kitty Hawk Road.

Town Staff and the Town engineer has ruled out the possibility of locating any types of government facilities on Town Hall property as a result of the wetlands and amount of unbuildable property at the location. As a result, Town Staff is now considering the option of four (4) Town owned lots on the west side of US 158 between Bennett and Grissom Street. It is recommended that before any final decision is made on a location that a feasibility and site capacity study is conducted by the Town. This study will aid the Town in making an informed decision on the location of a future Police Department and possible future Fire Substation at the appropriate time.

Funds for this study are available from the \$125,000 the Town set aside in the current fiscal year budget to construct a Police Department at some future date.

Town Council Recommended Motion: Approve the space needs and site capacity study in the amount of \$5,000 to be conducted by cahoon+kasten Architects, Nags Head, NC.

Perry: *Did we get any word from Dare County about EMS joining us?*

Stewart: *We will get more information on that, what their criteria is and where they would like to be as well.*

Councilman Pruitt made a motion to approve the space needs and site capacity study in the amount of \$5,000 to be conducted by Cahoon and Kasten Architects, Nags Head, NC. Councilwoman McClean seconded.

Garriss: *I would like to move forward on this as soon as possible. I think we all see the need and should not put it off for 10 or 15 years.*

Perry: *I do not think we were thinking that long. We are looking at what is needed, what could be done, make it utilitarian and can we budget for it for a couple of years in a way that we basically do not need to borrow money. I am not into borrowing money. We have beach nourishment coming back up next year.*

The vote was 4-0.

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b.) Resolution Opposing Offshore Natural Gas/Oil Exploration and Drilling

Mayor Perry passed out his prepared remarks on this subject and read them into the record.

Perry: *Kitty Hawk has been silent on this issue since I came on council in 2005. The last resolution regarding this was also done in 2005 under Mayor Bill Harris's tenure. We have kind of kept silent. Before I ask you to make a decision, I am going to read some comments into the record and then you can do what you need to do.*

These are my comments concerning offshore seismic survey and offshore drilling.

There are active, impassioned and very vocal citizens concerned with this issue. Sometimes elected officials have the difficult task of ensuring that moderate or differing opinions are considered when deciding a course of action. This question having come before council, I offer the following points for your consideration. The comments are separated into seismic survey and then drilling since each represent unique process and end result.

Survey companies have used seismic survey methods all over the world as a first determination if possible oil or gas deposits exist in any given area. Such surveys using explosives and other devices have been done off this coast. To my knowledge nowhere in the world, including off our coast has this caused immediate or lasting damage to the aquatic environment.

During my second career sailing USNS submarine surveillance vessels one of those vessels was part of a three-vessel test using three different types of active signal combined with passive listening receptors. My particular vessel used submerged explosive devices that detonated every 12 minutes. During those tests, we sometimes had fish around the vessel that sustained no harm, including not taking flight from the area. Toward the end of this career, I was part of a crew that placed into service another active/passive submarine hunting vessel. The device on this vessel is known as "low frequency amplification" LFA. It consists of an active, underwater signal with passive listening receptor. That system and several other similarly outfitted vessels continue to be in service protecting our country and Naval Fleet. Based on this experience I find it difficult to accept that serious harm would accrue from seismic survey off our coast. That said, a report that five surveys would be conducted simultaneous defies rational logic. No survey company would compromise retrieved data subjected to competing sonic survey. I believe our country needs to understand what is or is not present using the best technology so that we remain prepared for the future.

If seismic surveying revealed promise, then actual drilling might someday take place. In the case of our NC coast, I learned from Dr. Stanley Riggs that the geology of the relatively close continental shelf is young and therefore not conducive to the presence of oil or gas deposits. This was apparently borne out during the last surveys of the area. Any promising geology would have to be in the much older deposits deep in canyons at least 30 miles from our shore.

From personal experience conducting U.S. Coast Guard merchant vessel inspections on drill ships I know that extensive effort goes into making vessels, equipment, people and the environment safe from harm. Yes, unintended consequent has occurred but each event produced better processes, improved equipment and more highly trained personnel. While there is no such thing as making any exploration totally "sailor proof" the distance from our shore, combined with constantly improved equipment, techniques, training and oversight make the effort worth the limited risk. This country needs to know if the resource is available to us in time of need.

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Now, with all this said, I firmly believe that any resource if found should not be to the exclusive benefit of the federal government. Any state that may incur the risk of environmental harm from extraction of oil or gas off its coast should receive direct benefit in proportion to the risk involved.

The resolution is basically the same one with a few updates. Council you can make a motion to approve, deny or you may want to table it for a month because we do lack one of our councilmembers. The choice is yours.

MPT Garriss made a motion to approve the Resolution Opposing Offshore Natural Gas Oil Exploration and Drilling. He added he is totally against it. Councilman Pruitt seconded and it passed 3 to 1. Mayor Perry voted no.

10. TOWN MANAGER

Manager Stewart announced:

- Spring chipping is Monday, April 8th.
- The Special Primary Election for the US House of Representatives seat for District 3 will take place on Tuesday, April 30th. As a result, the Town's Recreation Committee has been rescheduled for Tuesday, April 23rd.
- In conjunction with Better Beaches OBX and Town staff, Carolina Panthers staff members will be in Town May 1st planting sea oats on the dunes. It is part of their *Keep Pounding Day* community service initiative. For more information or if you are interested in volunteering contact Better Beaches OBX.
- Large item pickup will take place on Monday, May 6th. Visit the Town's website for more information on what will and will not be collected.
- Fiscal Year 19-20 Budget Workshop, April 29th, 9 a.m.

11. TOWN ATTORNEY

There were no comments or reports from the attorney.

12. TOWN COUNCIL

Garriss: *I like the way you started off the meeting with keeping those in the tragic accident earlier today in our thoughts and prayers. I would like to also add please keep the first responders at the scene in your thoughts and prayers.*

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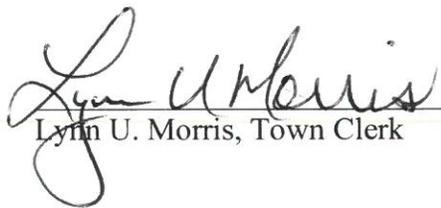
13. PUBLIC COMMENT

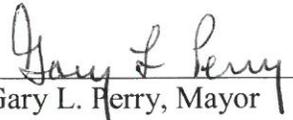
There were no public comments.

14. RECESS

Mayor Perry made a motion to recess to April 29, 2019, 9 AM for a Fiscal Year 2019-2020 Budget Workshop. The motion was seconded by Councilwoman McClean and unanimously approved, 4-0. Time was 6:44 p.m.

These minutes were approved at the May 6, 2019 council meeting.


Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor