

**MINUTES**  
**KITTY HAWK TOWN COUNCIL**  
**Monday, August 5, 2019**  
**Kitty Hawk Town Hall, 6 PM**

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Presentations:
  - a.) Recognition of Donny King and Better Beaches OBX
  - b.) Future Police Station, Fire Substation & EMS/Cahoon & Kasten Architects
5. Public Comment
6. Consent Agenda
  - a.) Approval of July 1, 2019 Council Minutes
  - b.) Quarterly Financial Statements as of June 30, 2019
  - c.) FY 18-19 Budget Amendment #2
  - d.) FY 18-19 Budget Amendment #3
  - e.) Renewal of Agreement with NCDOT for Disaster Related Debris Recovery (*\*added during the meeting*)
7. Items Removed from the Consent Agenda
8. New Business:
  - a.) Amendment to the Town Code: Section 20-51 – No Parking Zones; Time Restricted Parking
  - b.) Board of Adjustment Appointment(s)
  - c.) Appointment to the Dare County Complete Count Committee
9. Reports/General Comments from Town Manager
10. Reports/General Comments from Town Attorney
11. Reports/General Comments from Town Council
12. Public Comment
13. Adjourn

**COUNCILMEMBERS PRESENT:**

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

**STAFF MEMBERS PRESENT:**

Town Manager Andy Stewart, Town Clerk Lynn Morris, Town Attorney Casey Varnell, Finance Officer Liliana Noble, Management Assistant Melody Clopton, Police Chief Joel Johnson, Fire Chief Mike Talley and Public Works Director Willie Midgett

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**1. CALL TO ORDER**

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

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

Mayor Perry suggested thinking of, during the moment of silence, all those who came to harm over the weekend. (*Mass shooting in El Paso, TX and Dayton, OH*). The Pledge of Allegiance was then recited.

**3. APPROVAL OF AGENDA**

Mayor Perry said he has added item 6(e) to the consent agenda. It is a renewal of an Agreement with NCDOT for Disaster Related Debris Recovery. **MPT Garriss made a motion to approve agenda with the amendment. Councilwoman Tice seconded and it passed unanimously, 5-0.**

**4. PRESENTATIONS**

**a.) Recognition of Donny King and Better Beaches OBX.** Mayor Perry presented Mr. King a Certificate of Appreciation, signed by Town Council, with the following inscription:

For many years, he and other volunteers,  
have promoted better beaches, healthy dunes and manageable berms  
on the Outer Banks. In Kitty Hawk, during the past two years, they have planted over 100,000 sprigs of beach grasses and  
sea oats and helped plant 7,000 marsh grass plants at the site of the Moore Shore Road Living Shoreline Project.

His service, and that of numerous volunteers  
to our community, is noticed,  
appreciated, and publicly recognized by this certificate.

**b.) Future Police Station, Fire Substation & EMS/Cahoon & Kasten Architects.** Mayor Cahoon reviewed the plans for a future police station, fire substation and county EMS building.

**Perry:** *I need a minute to explain why we are considering a new police station. The one we have has flooded twice, once during Hurricane Irene and then during Hurricane Michael. It may have flooded when it was the Post Office, but I am unaware of it. The fact is when we need it most, we are finding it is often under water so that is what prompted us to start looking in this direction. We have an awfully nice fire house and we do not need something that grand. That is the direction we suggested to Mayor Cahoon for planning purposes. It is not going to be built tomorrow and we are not planning to borrow money for it. We still have beach nourishment to think about within a year or two.*

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*The county EMS has wanted for a long time to be on this end of the beach and they jumped on the idea. We would go to the county and ask them to chip in for the EMS and that is driving the size of that portion of the building. Why do we need a satellite fire station when we have a fire house? It is in a flood zone and it has been moated by hurricanes. Even though the station is built up you must get in and out of it. When we know we have a storm the fire chief sends one truck with a fire crew here and they are out in the elements during that storm. This is in order to be able to respond in case the fire station has water around it. We need to get them some shelter and that is what this would do. It is a satellite and it would hold a truck. The truck would probably be manned by volunteers most of the time if at all.*

*There is one other element to this and that is the State Fire Marshal for a long, long time has wanted us to build a station in the north part of Town. This should satisfy that requirement. We are only 8 square miles and were never planning to do build another one, but this would give us an option to get people out of harm's way, have them ready during time of need and maybe facilitate the State Fire Marshal. It is not something we would do if we did not have a very good reason to do it.*

**Cahoon:** *Thank you and I stand by any questions you may have. Just send them to Andy and I will be happy to answer anything.*

## **5. PUBLIC COMMENT**

No one came forward during the public comment period.

## **6. CONSENT AGENDA**

**a.) Approval of July 1, 2019 Council Minutes.** *(An approval of the consent agenda will approve these minutes.)*

**b.) Quarterly Financial Statements as of June 30, 2019.** *(An approval of the consent agenda will acknowledge these statements.)*

**c.) FY 18-19 Budget Amendment #2.** The police department received a \$50 donation from Ellen Barbaro and \$100 from Joe Lamb Jr. This amendment in the amount of \$150.00 will recognize and appropriate these donations for the future purchase of AED's (automated external defibrillator). *(An approval of the consent agenda will accept these donations and approve this amendment.)*

**d.) FY 18-19 Budget Amendment #3.** The police department received a \$36,000 donation from the Dare Community Crime Line. This amendment will recognize and appropriate the donation for the purchase of two license plate readers. *(An approval of the consent agenda will accept this donation and approve this amendment.)*

**e.) Renewal of Agreement with NCDOT for Disaster Related Debris Recovery.** In the event of a declaration of a State of Disaster or Imminent Threat of Disaster and/or a State of Emergency, the Town will be able to remove and dispose of disaster related debris on all released State System Roads and FEMA will be able to provide reimbursement for emergency services. This agreement shall remain in effect for 5 years from the date of execution and may be extended for 2 additional years. *(An approval of the consent agenda will approve this agreement.)*

**Councilman Pruitt made a motion to approve the consent agenda as amended. Councilwoman Tice seconded and it passed unanimously, 5-0.**

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

There were not items removed.

**8. NEW BUSINESS**

**a.) Amendment to the Town Code: Section 20-51 – No Parking Zones; Time Restricted Parking**

*Perry: We have had some complaints with the 10 p.m. to 5 a.m. no parking time at the beach accesses. Some people want to park a little later and a little earlier. We cannot really allow overnight parking because people renting homes will leave their car parked for a week and it takes from the other visitors we want to serve as well. Other people will put campers and trailers in there, so we have to control it. I am proposing we change the times and make a motion **parking is prohibited between 12 a.m. and 3 a.m. at beach access parking lots. That is for Byrd Street, Lillian Street and the Kitty Hawk Bath House.***

**MPT Garriss seconded the motion. The motion passed unanimously, 5-0.**

**b.) Board of Adjustment Appointment(s)**

**MPT Garriss made a motion to appoint Natalie Smith as a regular member on the Board of Adjustment with a term of office to expire June 30, 2021. Councilwoman Tice seconded and it passed unanimously, 5-0.**

**Councilwoman Tice made a motion, seconded by Councilwoman McClean, to appoint Timothy Fish as Vice-Chair of the Board of Adjustment for one year or until a successor is named. The vote was 5-0.**

Mayor Perry said the second alternate will remain vacant until there is someone to fill it.

**c.) Appointment to the Dare County Complete Count Committee**

This committee is associated with the 2020 census and is to develop and oversee outreach activities advocating citizen participation in the census to ensure the county population is accurately counted.

**Mayor Perry nominated Craig Garriss since he volunteered. Councilman Pruitt seconded and it passed unanimously, 5-0.**

**9. TOWN MANAGER**

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**Dewatering Pump:** Manager Stewart announced the purchase and showed a picture of the new 8” dewatering pump to use along with the storm water pumping facilities. It cost around \$46,000 and the budgeted amount was \$75,000.

Mayor Perry asked if only one was purchased and Manger Stewart replied yes and hopefully it will last 20 or 30 years.

**Monday, September 9 and it is at 5:00 p.m.:** Manager Stewart reminded everyone the next council meeting starting time is earlier because of the special election the next day.

## **10. TOWN ATTORNEY**

There were no comments.

## **11. TOWN COUNCIL**

### **Workplace Safety:**

**Perry:** *I have something that is of concern to me and I want the public to know. These are comments concerning workplace safety in the Town of Kitty Hawk. Citizens of Kitty Hawk and those who may visit our Town facilities, I need to bring to your attention some changes that weigh heavy in the heart of all councilmembers and Town staff. We live in an age of social media unrest and workplace violence. Unfortunately, the small quiet Town of Kitty Hawk apparently is not immune to such potential. Acting on reliable information we have been forced to change access to staff working areas by the public. The people now behind limited access entrance are the same caring, responsible public servants you have always known. They continue to serve as before, but their safety is paramount and the liability too great to ignore. The actions thus far taken are the minimum thought necessary and we hope remain sufficient into the future. It is not something I want to bring to your attention, but it is something we just had to deal with it.*

### **Recreation Committee Update:**

**Tice:** *First, I want to give a report to the council on the Recreation Committee meeting which was held on July 30<sup>th</sup>. I would like to give a big thanks to the members for the dedication and efforts that they put into the committee. These dedicated volunteers are doing an outstanding job and thank you Mayor Perry for also attending the meeting.*

*Items discussed were Sandy Run Park. As you may know the new work out stations are in place and being used. The only thing that was brought up, and actually it was brought up by myself because I am there quite frequently, is that there is some moisture being collected under the descriptive panels for the work out stations. It is something we may have to consider down the road about changing out.*

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*I also suggested revising the main sign for the complex. Have it more of a directional type sign like this (showed a picture of a sign). I think when people see the sign it is lengthy, and they may not read the whole thing. If it had pictures it will help, and I think it will help people who do not read English.*

*We see a lot of people on the path on bicycles and scooters and when you are walking on the path and somebody comes flying up behind you on a bicycle it will scare you half to death. We have to find a way to keep wheeled vehicles off unless it is a wheelchair or something like that.*

*The committee has also been reviewing the Master Plan. Paul and Andy have been doing a tremendous amount of work with updating and revising the document and they have done a great job. There has been some discussion about removing the references to the biathlon and possibly removing the references to Heritage Day. In the end I think the committee members felt it was best to leave in Heritage Day in case the Town decides to bring that popular event back.*

*Tom had provided us with an update on the recommendation of flashing lights at the Living Shore Project on Moore Shore Road. He indicated Andy is working with DOT and hopefully this will move forward soon.*

*The next Recreation Committee meeting is scheduled for October 29<sup>th</sup> at 6 p.m.*

**Tent Frames Left on the Beach:**

**Tice:** *The other item I want to bring up this evening is I got a call this weekend from a resident and a neighbor of hers had been injured Saturday night while walking on the beach. It was dark and she walked into a tent frame that had been left on the beach. Thankfully she was not injured badly. She has a black eye, but it could have been a whole lot worse.*

*My immediate response was let me check the website and see what I can find. When I pulled it up and looked under beach rules there were some rules and regulations, but they do not really coincide with the safety guide the lifeguards give out. I found this out today after speaking with Ocean Rescue Director Cole Yeatts. This pamphlet says leave footprints only. Please remove all personal items when leaving the beach including umbrellas, beach canopies, chairs, volleyball nets and games. Please fill in holes in the sand. Items left overnight present a safety hazard for our emergency personnel.*

*My question to Cole was what do you do with items left out? What do you do if you go to the beach in the morning and there are 10 frames out? He said they monitor it and if no one shows up to claim it they dispose of it.*

*Another question to him was do we have an ordinance about that or how can you make that decision? What do you do if the people show up and say I left my frame here and now it is gone and I want it back?*

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*Andy has provided me with copies of ordinances from the other Town's regarding overnight equipment that is left. I do not want the beach patrol out there searching for people or writing tickets I just think we need to be able to have the right to remove items that are left without being liable for them.*

**Perry:** *This subject has come up before. People running into the skeletons of these tents. They do get left often by people. Some leave them there for the week and tend to camp out. At one point when we did not have a beach it became a real issue because they were camping out on the only spots where we had a beach and crowding everybody else out. That kind of went away when we did beach nourishment.*

*The other aspect on having them removed every day or something like that the council in place at the time did not want to do it and if the rest of you feel like we need to add a section ... I see a section in here that says if it is left more than a day the Town has the right to remove it. We do not have it in the context of an ordinance, but if you think we need one, then we can give direction to the manager and have that accomplished.*

**Tice:** *When this was brought up in 2014 Cole did a study during busy July and in a four-mile stretch, he saw 10 to 20 tents. That was 5 years ago. Those things have become ever more popular and disposable because they are relatively inexpensive. I think Willie will probably agree with me that there are more of them on the beach than in years past. Willie what would you say?*

**Midgett:** *Thirty to forty get left.*

**Perry:** *Do you pick them up?*

**Midgett:** *Usually we pick them up on Friday when they pile them out by the trashcans. Once they are done with them, that's where they throw them. They get picked up along NC 12 or at the beach accesses.*

**Perry:** *Are we talking about whether people can have a tent out there or do we have the right to pick it up if it looks like it has been left.*

**Tice:** *I am not saying they should not have the right to have a tent. They just cannot leave the structure, the bones of it so to speak ... they want to leave it because they do not want to have to come back tomorrow and reclaim their spot. I do not care how wide the beach gets we are still going to have them.*

**Perry:** *What are you proposing?*

**Tice:** *I think it would probably be better for the Town to have something on the books, or at least on the website, about what the beach rules are. Anymore when somebody wants to know something, they use their phone and google it.*

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*When the Town site comes up for beach rules and regulations it has about six things but does not have anything about taking your trash out or leaving your umbrella or chairs or whatever out. I think that should be done at a minimum. I think the other Towns have, for whatever reason, all decided they want an ordinance. We are the only one that does not.*

**Perry:** *That is true and intentional at the time. Now we have a different council. Council what do you want to do?*

**Pruitt:** *If they want to go with some kind of warning tag or something, a warning and please remove it.*

**Garriss:** *We do not want to punish the renter who is getting up early in the morning and going out on the beach to set up a tent for his family because he wants to mark that spot.*

**McClellan:** *Some of them are going to go out on Monday morning and expect to be able to keep it up an entire week.*

**Tice:** *Maybe it is just more education that the public needs.*

**Perry:** *Instead of deciding tonight I think we need to direct Andy to look at the other Towns. They have already come up with some different ordinances and bring us some choices to see if anything fits in the category you want, and we will go from there. The summer is almost over. It is not an issue for this year.*

**Pruitt:** *Please include Cole because he is there on a regular basis and whoever else Andy would like to help him.*

**Stewart:** *I will bring you back some recommendations.*

**Homeless People:**

**Pruitt:** *I have been contacted a couple of times about a homeless person and it is troubling to me. We have been dealing with a homeless problem increasingly here. We just amended an ordinance tonight because of people sleeping in their cars and it is a problem we have dealt with at our parks on occasion. Homeless people are choosing our public beach accesses to spend the day and most of them are under the influence of either alcohol or narcotics. They seem to be really intoxicated. I watched one guy walking down the center of the road at the Black Pelican restaurant, one shoe on and one shoe off, a 12 pack in his hand. He walked up and sat on top of the beach overlook. I observed him there one day and then he was there all day yesterday. I am concerned about his health as far as getting run over. I am bringing the question of what can be done to help him and help the visitors be able to use that access. I just wanted to bring it to everybody's attention. Those who asked me about it are wondering where the Town stands and what we can do.*

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**Johnson:** *I have personally banned this gentleman from the skate park and our other parks on The Woods Road. I recently banned him from the Bath House, and we had an incident with him this weekend. I will tell him I am acting on behalf of the Town and serve him with a letter. He has a severe alcohol issue. He is not violent. We have tried to get him help numerous times.*

**Pruitt:** *I do not want him thrown in jail. To be honest I would love to see him get help. If there is an incident where he is so publicly intoxicated is there some way you can get him on the beach or remove him without throwing him in jail or is that the only way?*

**Johnson:** *He is homeless and he will not tell us where he is living. He moves from woodland to woodland. There are several homeless people but this one always seems to become an issue. There is not a so-called law for public intoxication anymore like there used to be. When Andy Griffith was sheriff you could throw somebody in jail to sleep it off. We used to be able to take people to jail for what was called safe keeping if they could not control themselves. Now they will not let you do that. They must go to the hospital and be evaluated. Then they may let them go. It is a broken record and is frustrating.*

**Tice:** *Have you had complaints from people trying to use the beach accesses?*

**Johnson:** *We did one time and it was because of another gentleman that was with him. He usually keeps to himself.*

**Pruitt:** *I will say we are trying to do the best we can and if it is bad enough, they can arrest him.*

**Johnson:** *The last several times we called EMS and had him evaluated at the hospital and then he was back out. It is an expensive cycle.*

**Perry:** *Does the Town pay for that hospital visit?*

**Johnson:** *No. He requests EMS and they commit him. He actually has money and he may have health insurance. If we were to take him for an evaluation or detox we could possibly owe. It used to be if you took someone to jail, they would send them to the hospital and the county paid the bill but now the Sheriff's Office is telling us we cannot take them there anymore. You have to take them to the hospital.*

**Perry:** *Is this the same fellow that was camped out at the dog park?*

**Johnson:** *Yes sir. I will investigate and report back to Andy.*

**Pruitt:** *Try to come with something that will be good for him and us.*

**Perry:** *Casey can you add anything?*

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**Varnell:** *I cannot think of anything from a civil standpoint if he is not causing any disruptions or harassing anybody.*

**Workplace Safety:**

**Garriss:** *Very good comments, Mayor, about letting the public know about the security changes we are making at the Town Hall. Our staff is very important to us and we want them to feel and be safe. The people that come in here and conduct business are also of high concern to us.*

**New Police Station:**

**Garriss:** *It has been said this is not something we can build right away, and I do not want to hear the words raising taxes. If we must raise taxes, we will not have a new police station but what kind of options do we have? What kind of time frame are we looking at? Are we one, two or three years down the road? I would like Andy to bring us some options. I certainly would appreciate it. It will give us something to think about.*

**Stewart:** *I can put together some timelines. And one more thing on this subject. I see Dare County Commissioner Bateman in the audience and the press is here and I just want to make sure everyone understands the county is interested but has not committed to anything yet.*

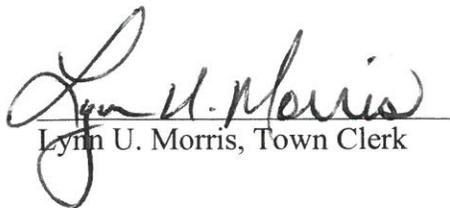
**12. PUBLIC COMMENT**

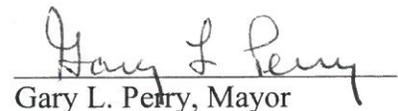
There were no public comments.

**13. ADJOURN**

**Councilwoman Tice made a motion, seconded by Councilwoman McClean, to adjourn the meeting. The vote was unanimous, 5-0. Time was 7:17 p.m.**

These minutes were approved at the September 16, 2019 council meeting.

  
Lynn U. Morris, Town Clerk

  
Gary L. Perry, Mayor