

MINUTES
KITTY HAWK TOWN COUNCIL
Monday, July 10, 2017
Kitty Hawk Town Hall, 6 PM

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Recognition
 - Sandy Hawley, Office Assistant/Receptionist: 15 Years of Service
5. Public Comment
 - 1.) Ritchie Smith, 3647 Poseidon Street, Kitty Hawk. No Parking Signs
6. Consent Agenda
 - a.) Approval of June 5, 2017 Council Minutes
 - b.) Stream Debris Removal Project Bid Award
 - c.) Memorandum of Understanding for Rates for Storm Debris Removal and Street Repair
 - d.) Memorandum of Understanding for Rates for Emergency Facility Repair
 - e.) Amendment to the Beach Nourishment Capital Project Ordinance
 - f.) Fiscal Year 17-18 Budget Amendment #1
 - g.) Request to Lower Speed Limit on State Road 1210 (Bob Perry Road)
7. Items Removed from Consent Agenda
8. Planning
 - a.) Schedule Public Hearing: 42-515.-Outdoor Lighting; Division 3, Signs, Table V. Permitted Sign Characteristics by Zoning District: Proposed text amendment would change internally illuminated sign requirements to allow translucent backgrounds. It is requested the public hearing be scheduled for the August 7, 2017 council meeting.
 9. Schedule Public Hearing: 42-1. Definitions: Proposed amendment would add language to the definition of *Lot Coverage* to allow for a lot coverage bonus for the use of permeable paving materials. It is requested the public hearing be scheduled for the August 7, 2017 council meeting.
9. New Business
 - a.) Discussion of an Ordinance Allowing for the Sale of Malt Beverages, Unfortified Wine, Fortified Wine and Mixed Beverages Beginning at 10:00 a.m. on Sunday Pursuant to the Licensed Premises' Permit Issued under G.S. 18B-1001
 - b.) Request to Hire Police Officer III above Hiring Range
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. Adjourn

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COUNCILMEMBERS PRESENT:

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

STAFF MEMBERS PRESENT:

Town Manager Andy Stewart, Town Clerk Lynn Morris, Attorney Starkey Sharp, Finance Officer Liliana Noble, Town Planner Rob Testerman, Police Chief Joel Johnson, 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

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

3. APPROVAL OF AGENDA

MPT Garriss made a motion, seconded by Councilman Bateman, to approve the agenda. The vote was unanimous, 5-0.

4. RECOGNITION

- Sandy Hawley, Office Assistant/Receptionist: 15 Years of Service – Manager Stewart recognized Mrs. Hawley for her dedicated 15 years of service.

5. PUBLIC COMMENT

1.) Ritchie Smith, 3647 Poseidon Street, Kitty Hawk. No Parking Signs

Mr. Smith did not attend the meeting and there were no other speakers.

6. CONSENT AGENDA

a.) Approval of June 5, 2017 Council Minutes. *(An approval of the consent agenda will approve these minutes.)*

b.) Stream Debris Removal Project Bid Award. Four bids were received and opened on June 6, 2017. It is recommended the bid be awarded to Sampson Contracting, Inc. in the amount of \$73,315.00. *(An approval of the consent agenda will approve this amendment.)*

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c.) **Memorandum of Understanding for Rates for Storm Debris Removal and Street Repair.** This MOU is from July 1, 2017 to June 30, 2019 and is with Crowder Gulf. *(An approval of the consent agenda will approve this MOU.)*

d.) **Memorandum of Understanding for Rates for Emergency Facility Repair.** This MOU is from July 1, 2017 to June 30, 2019 and is with Sanderling Construction, Inc. *(An approval of the consent agenda will approve this MOU.)*

e.) **Amendment to the Beach Nourishment Capital Project Ordinance.** This amendment includes an increase of \$11,136 for the CP&E Beach Nourishment Maintenance Plan and an additional \$363,427 for turtle monitoring. *(An approval of the consent agenda will approve this amendment.)* **Ordinance No. 17-05.**

f.) **Fiscal Year 17-18 Budget Amendment #1.** This amendment recognizes the down payment of \$27,832 for Information Technology services in accordance with the adopted agreement. Amendment represents no change in cost of the agreement. *(An approval of the consent agenda will approve this amendment.)*

g.) **Request to Lower Speed Limit on State Road 1210 (Bob Perry Road).** A citizen requested lowering the speed limit on Bob Perry Road to 25 mph from the current 35 mph. State and town staff have investigated and concur with the request. *(An approval of the consent agenda will approve the lowering of the speed limit.)* **Ordinance No. 17-06.**

Councilwoman McClean made a motion, seconded by Councilman Pruitt, to approve the consent agenda. The vote was unanimous, 5-0.

7. ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed from the consent agenda.

8. PLANNING

a.) **Schedule Public Hearing: 42-515.-Outdoor Lighting; Division 3, Signs, Table V. Permitted Sign Characteristics by Zoning District:** Proposed text amendment would change internally illuminated sign requirements to allow translucent backgrounds. It is requested the public hearing be scheduled for the August 7, 2017 council meeting.

MPT Garriss made a motion to set a public hearing at the town council on August 7, 2017 to consider the proposed text amendment to amend section 42-5115(h)6. a, and Division 3, Table V, regarding internally illuminated signs. Councilwoman McClean seconded and it passed unanimously, 5-0.

b.) **Schedule Public Hearing: 42-1. Definitions:** Proposed amendment would add language to the definition of *Lot Coverage* to allow for a lot coverage bonus for the use of permeable paving materials. It is requested the public hearing be scheduled for the August 7, 2017 council meeting.

Councilwoman McClean made a motion, seconded by Councilman Pruitt, to set a public hearing for the town council meeting on August 7, 2017 to consider the proposed text amendment to amend section 42-1, amending the definition of lot coverage to include the proposed language regarding permeable pavement and adding the proposed definition of gravel. The vote was unanimous, 5-0.

9. NEW BUSINESS

a.) Discussion of an Ordinance Allowing for the Sale of Malt Beverages, Unfortified Wine, Fortified Wine and Mixed Beverages Beginning at 10:00 a.m. on Sunday Pursuant to the Licensed Premises' Permit Issued under G.S. 18B-1001

Mayor Perry made a motion allowing for the sale of malt beverages, unfortified wine, fortified wine and mixed beverages beginning at 10 a.m. on Sundays pursuant to the licensed premises' permit issued under G.S. 18B-1001. He then asked the attorney if Councilman Bateman, who owns a restaurant in Nags Head, should recuse himself from voting on this ordinance. Attorney Sharp said there is no conflict and no reason for him to recuse himself on this matter. **Councilwoman McClean seconded.**

Councilman Pruitt made the comment he does not know how the people of Kitty Hawk feel about this ordinance and wishes they had scheduled a public hearing for it.

Mayor Perry agreed it would have been nice to have had a public hearing but at the same time businesses are at the peak of their season and not voting on this now places them at a severe disadvantage to businesses in other communities.

The vote was unanimous, 5-0. (Ordinance No. 17-07)

b.) Request to Hire Police Officer III above Hiring Range

Mayor Perry said this is the third or fourth time council has been asked to hire above the hiring steps. Acknowledging there are circumstances when it is necessary, they need to be careful that it does not become routine. The cost for hiring at a higher step is more than just the salary amount. Some of the associated costs for benefits are a percentage of the salary. In the case of police officers, the town pays 8.25% to the Local Government Retirement System and up to 7% for the 401(k) contribution.

MPT Garriss made a motion to hire the police officer III above the hiring steps at the pay grade quoted (Grade 61, Step 10). Councilman Pruitt seconded.

MPT Garriss then said they have been through this before with a similar circumstance and is a big believer that you pay for what you get. Someone with 12, 15 or 18 years of experience is going to be paid more than a brand-new person out of the academy but a savings is in training and schooling.

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He agreed it should not become a habit and they need to trust the department heads to make the right decision.

Councilman Bateman concurred with both MPT Garriss and Mayor Perry and does not want a precedent to be set. There must be a time where you back up and become thrifty with your dollars. He said he cannot afford to pay all of his personnel at top level and many of them deserve much more than they are making. The economy and different parameters do not allow him to do that and it is the same thing in town government. We must be good stewards of our money. The chief has done a great job with his hiring and we have a great place. Our employees are fantastic and they all deserve more money but you can only do so much for so long.

MPT Garriss agreed it needs to be watched but does not think this is one of those times.

Answering Mayor Perry's question about how many applicants there were for this job, Chief Johnson replied six.

Manager Stewart added that a sergeant who resigned recently had 13 years of experience. The police chief promoted from within and replaced the promoted officer with one who had no experience. The officer they would like to hire has 12 years of experience and would be replacing an officer with 4 years of experience who left a couple of weeks ago. All of this equates to an overall savings of approximately \$4,800.

Mayor Perry said he only wants to make sure everybody has a handle on the situation and not let it get out of hand. There is more than just a salary to look at.

The vote was unanimous, 5-0.

10. TOWN MANAGER

Manager Stewart announced there will be a public meeting on the beach nourishment project on Wednesday, July 12th, 1 o'clock, at the Kitty Hawk Town Hall. The engineers for the project will be in attendance to help answer any questions.

Mayor Perry added that right now there is one dredge working the subline from White Street, north, but soon that is going to stop. The dredge is going to a dry dock and the other two smaller dredges working Kill Devil Hills south of Kitty Hawk are both being pulled off for another project. Starting next week there will probably not be anybody out there for a while. When they come back they will finish Kill Devil Hills. Then they said they are going to flip and go to Southern Shores and start working south.

11. TOWN ATTORNEY

There were no further remarks from Attorney Sharp.

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12. TOWN COUNCIL

Thank you to Sandy Hawley: The mayor and council thanked Sandy for being the voice of the town on the telephone, being a good friend and a part of the Kitty Hawk family.

Thank you to Ocean Rescue staff, Joe Ryce and John Joyce: Councilman Pruitt thanked Ocean Rescue and gave a shout out to two young local men, Joe Ryce and John Joyce. While he was checking on the beach nourishment project at White Street he watched Joe and John paddle out to two people who were swept out in the ocean. They waited with them until lifeguards could get to the scene.

Beach Nourishment: Councilman Bateman asked how the town goes about getting extra sand near the Bath House and Mayor Perry replied they are working on it.

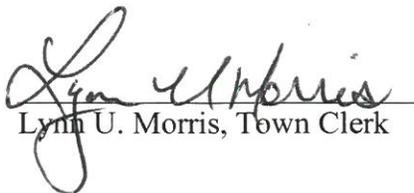
13. PUBLIC COMMENT

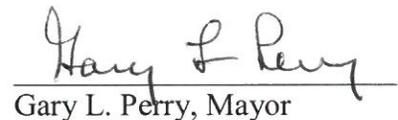
There were no comments.

14. ADJOURN

MPT Garriss made a motion to adjourn. Councilwoman McClean seconded and it passed unanimously, 5-0. Time was 6:23 p.m.

These minutes were approved at the August 7, 2017 meeting.


Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor