

Agenda
KITTY HAWK TOWN COUNCIL
Monday, May 1, 2017
Kitty Hawk Town Hall, 6 PM

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Presentations/Recognitions
 - Fire Chief Lowell Spivey/20 Years of Service
 - First Flight Students Shelby Miller, Ben Midgette, Parker Sylvia, Alex Nicholas and Cole Neff/Roadside Trash Cleanup
 - Herb Council/ Trash Can Stand
 - Will Sassorossi, Maritime Archaeologist/Proposed Boundary Expansion of the Monitor National Marine Sanctuary
5. Public Comment
6. Consent Agenda
 - a.) Approval of April 3, 2017 Council Minutes
 - b.) Financial Statements as of March 31, 2017
 - c.) Severe Weather Preparedness & Flood Safety Week Resolution
7. Items Removed from Consent Agenda
8. New Business
 - a.) Verizon Wireless Communications Facility
 - b.) Traffic Control at US 158 and NC 12 Intersection
 - c.) Consider Change Order for a Beach Maintenance Plan by CB & I Engineering
 - d.) New Turtle Trawling Issues
 - e.) Schedule Public Hearing for the FY 2017-18 Budget for June 5, 2017 Council meeting
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, Councilman Ervin Bateman, Councilwoman Lynne McClean and Councilman Jeff Pruitt

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STAFF MEMBERS PRESENT:

Town Manager Andy Stewart, Town Clerk Lynn Morris, Town Attorney Casey Varnell, Finance Officer Liliana Noble, Management Assistant Melody Clopton, Town Planner Rob Testerman, Police Chief Joel Johnson, Fire Chief Lowell Spivey and Public Works Director Willie Midge

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 Public Works Supervisor Mark Dean passed away recently and unexpectedly and asked those in attendance to perhaps think of him and his family for a moment. The Pledge of Allegiance was then recited.

3. APPROVAL OF AGENDA

MPT Garriss made a motion to approve the agenda. Councilwoman McClean provided a second and it passed unanimously, 5-0.

4. PRESENTATIONS/RECOGNITIONS

a.) Fire Chief Lowell Spivey/20 Years of Service – Manager Stewart presented Chief Spivey with a plaque and thanked him for his twenty years of service.

b.) First Flight Students: Shelby Miller, Ben Midgette, Parker Sylvia, Alex Nicholas and Cole Neff/Roadside Trash Cleanup – The students made a presentation about getting students and others involved with picking up trash along the roadsides, specifically when entering Town from the Wright Memorial Bridge. Twiddy Realty has agreed to help and will supply trash bags and take the trash to a dumpster.

c.) Herb Council/ Trash Can Stand – Mr. Council showed a brief video of a magnetized platform and trashcan. It will help keep the cans from blowing over during high winds and blowing trash everywhere. He believes the Can Stand will save money on fuel and labor, protect the environment, create safety for the drivers and further enhance the beauty of our beaches. Currently it costs \$150 per can and they are trying to get the cost lowered. He would like to meet with the Town Manager to discuss the logistics of scheduling a test project in the Town.

d.) Will Sassorossi, Maritime Archaeologist/Proposed Boundary Expansion of the Monitor National Marine Sanctuary - Mr. Sassorossi made a similar presentation that Superintendent Dave

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Alberg, *Monitor* National Marine Sanctuary, has made previously during council meetings. For those interested in reading about the expansion please read the August 3, 2015 and March 7, 2016 council minutes. The expansion timeline provided by Mr. Sassorossi is as follows:

- January 08, 2016 – N.O.I. Issued in Federal Register
- February 9-17, 2016 – Five public scoping meetings held NC/DC
- January 08 to March 18, 2016 - Public comment period (Approx. 225 Comments Received)
- Ongoing - NOAA Develops Draft Management Plan, Preferred Alternative, DEIS, Draft Rule
- Ongoing - Consultation with federal partners
- Fall 2017 - Release of draft documents
- Fall 2017 - Public Hearings
- Spring 2018 - Final Rule Issued

5. PUBLIC COMMENT

There were no public comments.

6. CONSENT AGENDA

a.) Approval of April 3, 2017 Council Minutes. *(An approval of the consent agenda will approve these minutes.)*

b.) Financial Statements as of March 31, 2017. *(An approval of the consent agenda will a.)*

c.) Severe Weather Preparedness & Flood Safety Week. Resolution declaring the week of May 7-13, 2017 Severe Weather Preparedness & Flood Safety Week. *(An approval of the consent agenda will approve this resolution.)*

Councilman Bateman made a motion, seconded by Councilwoman McClean, to approve the consent agenda. The motion passed unanimously, 5-0.

7. ITEMS REMOVED FROM CONSENT AGENDA

No items were removed from the consent agenda.

8. NEW BUSINESS

a.) Verizon Wireless Communications Facility

Steve Romine, Attorney for Verizon Wireless: *Good evening. I have with me Tony Deyerle, Site Acquisition Specialist with NB+C, handling the site acquisition and some of the other responsibilities for the site. Tonight we are privileged and happy to be here and thank you for*

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hearing us for a few minutes. I am going to give you background of Verizon, specifications about what we intend at this location and then we will be happy to answer questions.

Verizon Wireless is one of the National FCC License carriers to provide telecommunications services in this area. Those licenses extend to other carriers as well. We are mandated by the federal government to provide that coverage to our customers. We go out in the market to the general public and say when you buy a phone and we provide service, this is what we expect your coverage to be. We have to follow through and act on that and make sure that it is reliable, good coverage and they can have the service that they expect.

Verizon obviously has been in the business for a long time and we believe they are a leader in the industry. They strive to have very reliable networks and the reliable networks are only supported and enhanced and improved by virtue of having sufficient hardware out there propagating signals which is typically an antennae on a tall structure. We have what we call macro towers which are the backbone ... if you are familiar with around 150', 200', 300' towers. More recently we are also doing small cell nodes which are smaller antennas that look like a bread box that are really focused on congested areas and special situations.

Tonight we are really talking about a macro tower in this locality in order to improve and enhance coverage not only to this direct area but in a broader area as well. The facilities we have in place have been sufficient to carry a lot of the data and provide the capacity for local voice transmission as well as the data transmission. What we are finding over the last five years data usage on our network has gone up six times. The projections for the next five years is it will go up another 600% so in order to keep ahead of, and to keep up with demand, it requires us to continue to invest capital in our network.

We are here to talk briefly about a proposal to put up a 150' tower. It would really be 146' with a 4' antennae which makes it a total of 150'. The tower would be structurally built in order to provide a co-location opportunity for two additional carriers. It would be Verizon with what we call a top hat array ... the triangular array on top and then there would be two other locations.

We are looking for a 60' by 60' leased area and in that area we would have a fenced compound with either a platform or a shelter and we would probably have a diesel generator in there as well. The generator would be able to provide power in case of an event when electricity is knocked out. The one thing we know during hurricanes is many times the only phone that works is a cell tower phone because the generators are powering them. Actually it is going to power itself for a while, maybe eight hours, and then that power fades and generators will kick in and provide coverage. We have all seen pictures of Hurricane Andrew down in Homestead, Florida. The whole landscape is flat and all you have are the towers throughout the whole area and they provide the coverage for emergency services. Very effective and a good thing.

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Our propagation maps and models shows where we have gaps in coverage and our RF engineers are making proposals where we need facilities. In this case we have gaps between where we have antennas currently and where we need them in order to fill gaps in to provide the coverage.

Our objective is in this town hall area as well as up to within half a mile or a mile of the antennae. The other good thing about this is it is a win/win for our customers, a win/win for the Town because you get the revenue from a lease and it is also a win/win for emergency services. Over 90% of all 911 calls today are made with a mobile phone, no longer a land line. That means that cell phones need to be reliable and needs to work when you need it to work. It is not a luxury, it is really a necessity.

We appreciate the opportunity to get feedback and work with the town manager to move forward on an application. Tonight was not the intent for a public hearing. We have not filed anything we are just here on a preliminary basis to provide information and answer questions.

Perry: *Did I hear you say you would only have cell phone reception half a mile from the tower?*

Romine: *The typical macro tower, depending on the height, can propagate up to 3 miles. It depends on topography, the landscape, but yes, this particular tower ... 150' ... we don't have prop maps yet because we do not have an application so I do not want to over promise but typically a mile, a mile and a half in radius. Now you can get better coverage across water and across flat landscapes but typically with tree coverage and facilities and ...*

Perry: *We you certainly have tree coverage here and you have power lines. Do the power lines ...*

Romine: *We get above them at 150'.*

Deyerle: *Those are 80 to 90'. Around here with the topography, like you said, we are looking at about two miles to a mile and three quarters with a 150' tower.*

Romine: *That is the reason we need 150'. We want to be below 200' because we do not want to have to light it.*

Perry: *I guess what Andy needs from us is whether council wants to pursue this to the point of perhaps an application? Is that what you need from us?*

Stewart: *Yes sir.*

Bateman: *Is what you are planning on putting here the same thing as in Southern Shores?*

Romine: *No. It is not. Southern Shores has what we call a slick stick. The antennas are inside the tower and those antennas typically do not propagate as well as an externally mounted antennae. In fact they propagate much less. If we were to build a slick stick you would most likely need one*

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or two more locations. In order to avoid a proliferation of towers we prefer to invest in a 150' tower and put the antennas on there that will reach the coverage that we need versus a more stealth looking one. With a slick stick you might need two more. We call it splitting the ring. If you do not get the coverage objective with that first facility you end up having to have others.

Deyerle: *Those slick sticks look really nice and on certain occasions we certainly do like to build them. Especially in highly populated areas like Richmond or Norfolk but in something like this we want to get as much coverage as possible so we are not doing this again in a year or so and having to put another one up. That is what we are trying to avoid. After talking with the RF engineer and looking at the topography here that 150' is going to be good for a good amount of time for us in this area.*

Garriss: *Andy maybe in some of your conversations you can get us some more information about space for emergency equipment.*

Romine: *Let me comment on that. Verizon will always provide for, at no cost to the locality, the ability for the fire and rescue to co-locate their communication services on the tower. Now it is subject to Verizon's conditions and part of those conditions are availability of space and other conditions. We have had localities take the space and then rent it out to a third party competitor so there are some prohibitions on how to use the space but it is typically just for your fire and rescue service at no cost. We usually work out any types of conflicts, not on transmission and frequency, but conflicts on specs so we typically like to know up front and early what the needs are. That way we can accommodate it.*

What gets difficult is if two other people co-locate and then the Town comes along and says we want to go on and it may not be feasible at that juncture. So we always like to say it is free and we are happy to do it but it is good to get an early dialogue going.

Deyerle: *We are talking about doing a tower like the one on the Nags Head town property. That is a really good visual example.*

Romine: *When we come back for the hearing we will be glad to bring our prop maps, photo sims and give you a full array of what it is going to look like.*

Stewart: *In the discussions I have had it was the mono pole tower similar to what is in Southern Shores. This is the first I have heard about this kind of tower.*

Romine: *This is a mono pole. It is not a tower because the mono pole has a top hat array, what is called externally mounted antennae, which is the typical mono pole ...*

Stewart: *The initial picture that was sent to me by Verizon was the slick stick. You gave a good presentation but this tower is not anything that I presented to the council.*

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Deyerle: *I understand, and again, if it were to come down to it and we had to do the slick stick, if that is what you decide you want, in a year and a half, we are going to have to do another one. Just trying to avoid that if at all possible.*

Perry: *You need to get us a picture of what it is you are proposing and the next time I am in Nags Head I will take a look at it.*

Andy, I want you to look into an expansion plan for the Town that was done a while ago. Part of that expansion plan was for some type of building to go up on the hill where they want to put this. We need to know where we are with that. I do not foresee it happening but at least know it is there while talking with these folks.

Romine: *That would be very important. The more coordination we do the better we can provide support to you.*

Perry: *There is a plan on the shelf. We just need to pull it out and say yes or no.*

There was a consensus from council to proceed.

8 (b.) Traffic Control at US 158 and NC 12 Intersection

Perry: *We have to make a decision tonight on traffic control and leading up to that I have some comments preceding council discussion regarding continuation of peak tourist traffic manning of Intersection 158/12 for summer season 2017. First a brief refresher for benefit of the public and council.*

During the summers of 2015/16 a consortium of police officers from Kitty Hawk, Southern Shores, Duck, Currituck and Dare County Deputies and North Carolina State Troopers voluntarily manned the intersection in a secondary traffic control effort to mitigate congestion from the blocked intersection between signal changes. During 2016 it became apparent that primary duties of each of the participating departments were overwhelming the ability to perform this extra duty. A meeting of all departments confirmed that several units would no longer be available for continued assistance. At that meeting the Dare County Sheriff indicated he had sufficient off-duty police officers to accomplish the job but not sufficient overtime pay budgeted for the work. All at the meeting agreed a request for funding be summited to the Tourist Bureau with the intent that the Sheriff's Office would use the money for continued mitigation efforts at the intersection.

On August 4, 2016, as Mayor of the Town in which the intersection exists, I presented a request to the Tourism Board for funding not to exceed \$25K. To date that request has not been granted. Our discussion tonight will decide whether Kitty Hawk should continue to participate at the intersection or decline further involvement beyond the primary duties of our police department to respond to calls and normal functions.

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In making that decision there are several important issues that you must take into consideration:

1.) The consortium has fallen apart. Duck, Southern Shores and the Dare County Sheriff's Office have indicated continued support but when they are recalled for primary duty, Kitty Hawk will stretch to make up the deficit.

2) Is this voluntary effort required? As long as the state installed traffic signals and signage remain functional the answer is no. It was never required to begin with and remains a strictly volunteer effort.

3) This whole exercise of asking the Tourism Board to provide funding was to enable a single source of known police labor to continue tourist traffic mitigation so our police officers are available for primary response to town and citizen needs.

4) Does the Tourism Board, Dare County Board of Commissioners or other towns consider this volunteer effort important to citizens of the county or tourists visiting Dare and Currituck? With the exception of Duck and Southern Shores the answer appears to be no, based on lack of participation in funding or man power.

5) The Town of Kitty Hawk did not take the case for traffic control to Raleigh. As we all know that created a legislative problem for the tourist bureau. The bureau and county board of commissioners did that with no help or assistance from any member of this council.

6) Finally, it has come to my attention that at the last tourism board meeting a letter from NC State Troopers was read stating the Town of Kitty Hawk was primarily responsible for traffic control within Town limits. It is important for council and the public to understand that no member of council EVER indicated otherwise. The initial statement that 158 and 12 were state roads and therefore should be controlled by state troopers came from the Tourism Board attorney during the August 4, 2016 meeting. From that statement, the county commissioner representing the Board of Commissioners indicated he knew someone to ask at the state level. His intervention resulted in the resolution that all towns, EXCEPT Kitty Hawk, sent to Raleigh. At no time then or since has any member of this council or Town staff hinted, implied or shrank from the primary duties associated with proper police efforts within Town limits. Any statement or innuendo to the contrary is a damn lie.

Now Council, follow your conscience and let's make a decision. Continue or not. The floor is open for discussion.

Garriss: *Where is this intersection located? It is in Kitty Hawk. Our police chief has an obligation to our citizens and all who pass through our Town to keep the traffic moving whenever possible. We have all seen how much officers working this intersection in the past has helped.*

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I have been approached a number of times over the past couple of weeks by officials from other towns and agencies in our area and they have all been asking me the same question. Is Kitty Hawk going to help with the traffic issue this year? This put me in a very uncomfortable position and I know other members sitting here have been asked that same thing. I fully support the decision that our officers take part in the traffic direction at the US 158/NC 12 intersection. Are there other agencies that should be taking part? Absolutely. Should the Dare County Tourist Bureau be involved in this to some extent? Absolutely.

I have spoken with Chief Johnson about this issue and he has assured me that his department can take part in the rotation schedule without involving any overtime. I trust him and trust that he can make this happen. That is all I need to know. I am not about to tell him how to do his job.

This has turned into a political issue and it should have never gotten to this point. I know some members of this council may disagree with me on this but my opinion is we should not be having to vote on this issue. We all want to do the right thing for our Town and its citizens. That is what we are elected to do.

According to Chief Johnson there are three more agencies ready and willing to be involved in this assignment. They are Duck, Southern Shores and the Dare County Sheriff's Office and I want to thank these agencies and their officers for stepping up in offering to help. Counting the Town of Kitty Hawk that would be four departments involved. It would be unrealistic and unprofessional for those agencies to take part in traffic direction in our Town and our own police department not take its turn in rotation.

I know that other members of council sitting here tonight have been dealing with the pros and cons of this situation for some time now. We all have varying opinions and I have the upmost respect for whatever decision you all make tonight and I mean that from the bottom of my heart. My decision will be to vote in support of Kitty Hawk and the other agencies involved taking part in the traffic direction rotation at the intersection of US 158 and NC 12 in Kitty Hawk every Saturday and Sunday from Memorial Day through Labor Day. I will be glad to make that into a motion if this council wishes.

This has become a contentious issue. I myself have had the friendship of two county employees damaged because of this and I do not know if it is repairable or not because I happen to see this different than they do. I feel very strongly about this. We should be taking part directing traffic at this intersection. That is all I have to say.

Perry: *Very well stated. Thank you. Ervin?*

Bateman: *First of all, Joel, thank you for what your department has done in the past and all you do. You represent the Town very well, very professional. It is my personal belief that the Tourist Bureau should jump up and take responsibility because this is a whole county wide issue having the traffic. Everybody benefits from the tourists coming down here and that has been my point at*

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the Tourist Bureau. I told the members of the steering committee and I also told them in the budget committee meeting of how folks get stuck on the bridge. They are coming here to spend their money and it is a tourist related issue so therefore all the towns, meaning Nags Head, Manteo, Hatteras Island, Duck should participate in helping to alleviate the traffic problem.

The money can come from a fund and I suggested a number of \$50,000 which has been done before. In 2003 for the centennial they had a traffic budget so it is not setting a precedent. Put it in the budget, allow the funds to go for different things in the county. For the Day at the Docks, for the marathon, for this issue here. Tourist related issues. I believe there are enough votes on that board for me to get them to vote for it. There are people that say I cannot believe you are trying to do this. This is not what the Tourist Bureau does. The attorney for the Tourist Bureau even says this is not what the bureau does.

So having said that I do not want the Town of Kitty Hawk not to fund this and then all of a sudden in the summertime we have three other people funding it and then something happens at that intersection and we are not there to defend our position. Someone gets hurt, a wreck, someone loses their temper and we hear later on that the Town was not there.

I do not back up very often. This has been a contentious thing and I am backing up. I am backing up for the Town and I am backing up for the people of Dare County because it is our job to put ourselves out there and take care of our people and also take care of the tourists.

My gut feeling is it is a Tourist Bureau responsibility to fund this and they should because it is a tourist related issue. I will throw this out there to you. The Town of Nags Head charges for the marathon, which is held for a non-profit organization and it gives money back to the people of Dare County, anyone with debilitating diseases. They charged \$288 per officer to man the stations there plus \$30 for a cop car. They are charging people. It is bringing tourist dollars down here. We are talking out of two sides of our mouth. If it is a tourist related issue let the Tourist Bureau pay for it.

I am going to vote with Craig now. At first I was not but I do not want something to happen and then my Town be responsible or look bad.

McClellan: *I see two separate issues here. The first issue is whether Kitty Hawk should be taking care of the traffic at the intersection. The road runs between Kitty Hawk and Southern Shores. Southern Shores has an obligation and Kitty Hawk has an obligation. Our chief of police and our police department know their jobs. They know they have to keep the streets and roads in Kitty Hawk clear and moving as best it can based on the traffic volume emergency. Vehicles have got to be able to get through, fire trucks, rescue people, the tourists need to get to their destination. Kitty Hawk has an obligation to provide traffic control to keep it moving.*

The signals that DOT put out there when visitors get here are a little insufficient to make sure that cars do not enter the intersection when the light turns yellow. A driver with a car full of screaming

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children looking for a bathroom and a lot of other things does not want to sit for another light cycle. He is going to push his way through. This is going to cause problems and there is going to be gridlock. Tempers raise, get higher, nobody's happy and when people are not happy they do not spend money. We are dependent upon them for our economy. We want them safe, we want them happy. I am 100% behind our chief in coming up with a solution to get the folks through the intersections. To schedule his people and make the resources available.

The second issue I see is the Tourist Bureau has an obligation. I went to the county code and looked up the legislation that enabled the beginning of the Tourist Bureau. The bureau has funds designated to offset the effect of tourism. They advertise the Outer Banks, the people come and the bureau needs to give the towns some of the money that they have to keep everything working. That is the Tourist Bureau's obligation to everybody in Dare County. Dare County enabled them and they need to do their part. That is the way I look at it.

We need to man the intersection and we have to keep working on the bureau until they understand that they need to help us because when people get backed up in traffic they do not come back next year.

Pruitt: I really did not want to man this intersection. I think it is a responsibility of everybody that helped create the problem. Kitty Hawk taking this on alone, I definitely would not be in agreement with. I would like to see more people get on board to help us with the problem.

I have not spoken with Joel to find out what other police are going to help us and how much this is all going to cost but I do know we have a lot of people in the Town that need that intersection open to get to work. The tourists are coming and are on vacation. I know Lynne's looking out for them and I am looking out for some of the local people that are trying to get to houses to clean the pools and to clean the houses. They have a limited amount of time in the morning to get to these places to have them ready by one, two or three o'clock.

I think the Tourist Bureau should pitch in. They advertise for this and they get them here and should help us deal with them. I do not want to see the intersection clogged so I am also going to have to go along with manning this intersection in some kind of way. Hopefully with the help of other agencies. So whatever Joel or Andy can pull together ... as long as we have four agencies willing to go along until we can maybe get some money later on but ... The summer is coming quick and we have to make a decision tonight it seems so I guess my decision would be to try to man this intersection the best way we can.

Perry: Craig you want to make a motion?

Garriss: Yes sir I'd be glad to. **I make a motion that Kitty Hawk and the other agencies involved take part in traffic direction rotation at the intersection of US 158 and NC 12 in Kitty Hawk every Saturday and Sunday from Memorial Day through Labor Day. Councilman Bateman**

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seconded the motion and then asked if council would like him to continue asking the Tourist Bureau to put aside \$50,000 in a line item for traffic related issues. Councilmembers replied yes.

The vote was 4 to 1 with Mayor Perry voting no.

Perry: *My reason for no is the principal that started this volunteer effort that is not required was Currituck. And it was not even to get their people to their destination. It was because they cannot get out of their driveways, all the way to Moyock sometimes. So they were the principal architect to bring all this together. When this first started I could have stopped it as far as what we were doing and I did not because of the pressure from Southern Shores who wants to keep every car out of its neighborhoods as best it can. If we can keep it going through this intersection then that does what they want and Duck gets less complaints if they can get their people up there on a more rational basis. Not having stopped this I did have serious concerns that exactly what is happening would happen and that is this coalition would not stick together. My no vote also is because I know from past experience that the Kitty Hawk police department will be called upon when somebody does not show up or they had to go answer a call within their own jurisdiction. That has happened and Joel knows it has happened and he can expect it to happen again.*

It was never about the money. Money was just an ends to a means for a different alternative. It is about protecting our own police department and because we are where we are my vote is no. To the citizens of Kitty Hawk I apologize for letting this get to the point it is but I cannot stop it now. You have come to expect it, you think it's required, it is not.

8 (c.) Consider Change Order for a Beach Maintenance Plan by CB & I Engineering

Perry: *We have to consider a change order for a beach nourishment plan. When the contract was being set up I actually thought this was done as a part of the contract but apparently it was not.*

This is basically a plan that Andy could cut and paste from existing documents and let it sit on a shelf until we need it. The reason I had him bring it to us and not cut and paste something is because I was here when council had a grant that was denied because of an administrative lapse. The "t's" weren't crossed and the "i's" weren't dotted and the citizens of this town paid a high price for that.

The question for Casey is if we do it ourselves we bite it if something goes wrong. If we have CB&I do it and we need it to get FEMA money and they messed it up it's on them? Do you have something to work with?

Varnell: *Absolutely.*

Perry: *I do not like spending the money but on the other hand it is cheap by comparison if we need it. Do we have a proposed motion?*

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MPT Garriss made a motion to authorize Dare County to create a change order in an amount not to exceed \$8,000 with CB&I Engineering to create a Beach Maintenance Plan for the Town of Kitty Hawk. Councilman Pruitt provided a second.

Perry: *And we are all in agreement that we want the attorney to work with Andy in order to make it best for the town.*

Following affirmative replies from councilmembers, **the vote was unanimous, 5-0.**

8. (d.) New Turtle Trawling Issues

Perry: *Trawling for turtles has to be done for five days at the borrow area prior to dredging. If no turtles are caught then continuous trawling is not required.*

The suction line on the dredge has what I call a turtle excluder. It is like a cow catcher, which you see on the front of a train, and pushes turtles and other things away from the suctions on the dredge. If they suck up a turtle then turtle trawling is required for the whole evolution. Nags Head had to trawl the whole time but we are not being required at this time unless a turtle is caught. Then trawlers have to come. The dredge operator is telling us it would be a three day delay wherein he is waiting to get a trawler in position because he has dismissed them at some point. A three day delay costs over a million dollars for ships laying idle. It could happen in Duck, Kitty Hawk or Kill Devil Hills and the question then becomes who pays? That argument has already started.

What I need from council is a sense of where we take this next. We are trying to find out if they can get trawlers quicker. Why does it take three days? Are the other towns going to ask to do continuous trawling, which would add around \$300,000 to the cost, or have less sand pumped?

Do we join with the other towns and say we are going to trawl the whole time, add \$300,000 to each town's budget or take the risk and see what happens. Nags Head, in the whole time they were trawling, never caught a turtle and we are further north and further out at sea so the risk factor for us is less. Do we take the risk, pay the money or have them on standby?

Pruitt: *Did you say it is \$300,000 per town?*

Perry: *If they do full time trawling.*

Bateman: *If we opt to be the only one to take a chance and they suck a turtle up while dredging for us, do we pay the million dollars?*

Perry: *That is the question. That is already in dispute and we do not know the answer.*

Bateman: *I can see somebody saying since it was in the Town of Kitty Hawk and you sucked the turtle up ...*

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Perry: *Because I have seen how they are supposed to work, we are further north, further out and Nags Head did not catch any turtles, I am inclined to take the risk. I do not want to put any less sand on the beach. We do not have a lot of sand to start with and we need every grain we can get out there.*

Pruitt: *If they catch one then they are required to automatically continue?*

Perry: *Yes and there is no layover because the trawler is already there. In some ways it might be better to catch a turtle.*

Pruitt: *Right and if they catch one at the beginning we are all going to pay?*

Perry: *Yes. But if one is not caught during those first five days then it is a gamble.*

Pruitt: *Do you know some trawl boat people Andy?*

Stewart: *I do not but there might be somebody who will sit around on a retainer for a lot less than a million dollars.*

Perry: *And that question is being asked. Some of this might resolve itself before we get to the point where we are on a conference call saying do this or that. Do we take the gamble or not?*

Bateman: *I say gamble.*

Pruitt: *I say take the gamble. See what they catch to begin with.*

Perry: *That's where we will take it from here.*

McClellan: *And always use local if you can. At the last construction meeting someone said he knows we all get up tight about the turtle issue and he has a colonel that he has to answer to. The colonel has made it clear that if turtles are not accounted for it could shut down beach nourishment on the whole entire east coast. They take it that serious and we have to also.*

8. (e.) Schedule Public Hearing for the FY 2017-18 Budget for June 5, 2017 Council meeting

Councilman Pruitt made a motion to schedule a public hearing for the Fiscal Year 2017-2018 Budget for June 5th, 2017 at 6 p.m. at the Kitty Hawk Town Hall. Councilman Bateman seconded the motion and it passed unanimously, 5-0.

9. REPORTS/GENERAL COMMENTS FROM TOWN MANAGER

Manager Stewart reported the summer season is quickly approaching and the lifeguards will start Memorial Day weekend and finish up Labor Day weekend. Staff is looking at temporarily putting a stand at Lillian Street instead of at the Bath House because there is not much beach there.

10. REPORTS/GENERAL COMMENTS FROM TOWN ATTORNEY

Mayor Perry asked about the two outstanding easements and Attorney Varnell replied the court date is May 30th.

11. REPORTS/GENERAL COMMENTS FROM TOWN COUNCIL

Councilmembers thanked Fire Chief Spivey for his twenty years of service.

McClean: *Kitty Hawk Road has a lot of foot and bicycle traffic that is increasing almost daily. Because of where our house is we see many folks come down Kitty Hawk Road. When they see the DOT sign that points to a bicycle path they look around unsure of where to cross. Going east on Kitty Hawk Road, as you near the bend before the police station, Moore Shore Road is on the left and DOT has placed a sign that says there is a bike path one mile down Moore Shore Road but there is no crosswalk designation for them to know where to cross. There is the same problem at The Woods Road. I would like council to get behind a request to DOT to put crosswalks at both of the intersections.*

Garriss: *Is this something Andy, Willie and Joel can get together on?*

Stewart: *Yes.*

Midgett: *Just last week they put the crosswalks at The Woods Road and across Kitty Hawk Road. They have completed their project and those are in place now. Moore Shore would be a new request.*

12. PUBLIC COMMENT

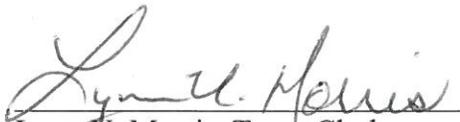
No one came forward to speak.

13. ADJOURN

MPT Garriss made a motion to adjourn. It was seconded by Councilwoman McClean and passed unanimously, 5-0. Time was 7:26 p.m.

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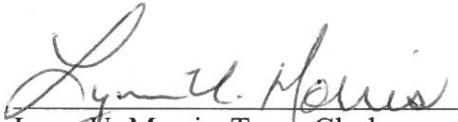
These minutes were approved at the June 5, 2017 council meeting.


Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor

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Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor