

**Minutes of the Wednesday, April 26, 2017, regular meeting of the Kill Devil Hills Board of Commissioners held at 5:30 o'clock p.m. in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road.**

**Members Present:** Mayor Sheila F. Davies; Commissioners Travis Appleman, Mike Hogan, Michael Midgette and Brandi Rheubottom

**Members Absent:** None

**Others Present:** Debora P. Díaz, Town Manager; Meredith Guns, Planning Director; and Michael O'Dell, Administrative Specialist

**Call to Order**

At 5:32 p.m., Mayor Sheila Davies called this meeting of the Kill Devil Hills Board of Commissioners to order and welcomed all present.

**Pledge of Allegiance and Moment of Silence**

**Agenda Approval**

Commissioner Midgette moved to approve the agenda for this meeting as presented. Commissioner Hogan seconded the motion, which passed by a unanimous, 5-0 vote.

**Introductions and Presentations**

**Old Business**

**New Business**

**1. Planning Director Meredith Guns – update on preliminary Flood Insurance Rate Maps**

Planning Director Meredith Guns provided updated information on the newly revised preliminary Flood Insurance Rate Maps (FIRMS) for Kill Devil Hills and Dare County which were released on June 30, 2016. The new maps were presented to the Board in January 2017. Recently, Ms. Guns attended a conference conducted by state and federal officials on floodplain management, and updated rate maps information was included in the conference discussions.

In Dare County and Kill Devil Hills, the new maps have caused a great deal of discussion at the government level due to the changes in many existing property classifications. Such changes propose to remove some flood-related restrictions on properties that have, at least, been

identified as flood hazard areas and documented to be flood prone. This means some areas historically prone to flooding, which previously have been well-documented, are proposed to be reclassified to zones that require less construction restrictions, potentially increasing the possibility of flood damage, with adoption of the new flood insurance rate maps.

Ms. Guns stressed that the Dare County local governments are meeting and working together to develop recommendations on how the collective area may approach the flood insurance rate maps changes. The goal is to develop responses that can be agreed upon by consensus for recommendation to the various governing boards for final approval. This includes not filing a formal protest to the new maps, but choosing, instead, to formulate higher regulatory standards within flood damage prevention ordinances. More stringent building standards will protect the areas already known to flood frequently and guide property owners to make informed decisions that could include maintaining flood insurance coverage when not mandatory.

The Board of Commissioners was agreeable to not filing a formal complaint against the proposed maps at this time and for the Town to continue working with the Dare County local governments to develop agreed-upon standards that could establish protective restrictions within existing flood damage prevention regulations.

There was additional discussion in the audience and Skip Jones, who is a member of the Town's Planning Board and also on the Town's Public Participation Initiative (PPI), explained that as a builder he is also working with various organizations that have vested interests in flood prevention construction standards, and who also hope for consistent application of construction standards between the local governments.

The Town will maintain its work with the other municipalities, continue communications with vested groups and organizations, and report and make recommendations to the Board of Commissioners.

The digital flood insurance rate maps may be viewed on this website: [www.ncfloodmaps.com](http://www.ncfloodmaps.com) to determine in which zone an individual property lies.

### **Commissioners Agenda**

Commissioner Midgette said that the Town's current Land Use Plan (LUP) needed updating. Mayor Davies responded that she had spoken with Town staff, which will be bringing a timeline and possibly a cost estimate to develop an update to the LUP to the May 8 meeting for evaluation by the Board. The process will also include a citizen survey.

Commissioner Rheubottom stated the Outer Banks Hospital was recently designated a dementia friendly hospital, the first designation in North Carolina.

Commissioner Hogan suggested that the Town's Bulk Trash pick-up literature should specify that bulk material piles be kept at least 10 feet from postal boxes. He noted that his postal carrier had experienced two flat tires due to materials being too close to mailboxes. He also shared that he had read that Cape Hatteras National Seashore is going to be designated an International Dark Sky Park by the International Dark-Sky Association. He noted that there were only about 60 designated Dark Sky areas in the world and believed this designation would

be good for our area. A Dark Sky designation promotes stewardship of the night sky through responsible lighting policies and public education.

### **Mayor's Agenda**

Mayor Davies suggested that a future topic for one of the Town's Destination Dare video segments would describe the Town's different boards and committees and their operations. She suggested this could also lead to an additional interest by the public in serving on these boards.

### **Town Manager's Agenda**

### **Town Attorney's Agenda**

### **Consent Agenda**

### **Public Forum**

Mayor Davies shared that the Board of Commissioners sets Public Forums twice a year to provide a less formal environment for the public to share any issues or concerns with the Board. She noted that, unlike regular meetings, there are no time limits for speakers at the forum.

**Michael Lowack, 106 Porthole Court, Kill Devil Hills:** Mr. Lowack shared that he supported higher regulatory standards for floodplain development to elevate structures in excess of what is required by flood insurance rate maps. With regard to height limits, Mr. Lowack stated he supported maintaining the current requirements for buildings or making them more restrictive. He also encouraged members of the public to reach out to Town officials and staff and attend public meetings to begin constructive dialogues when an issue arises, rather than remain uninformed and circulate information, sometimes incorrect, on social media.

**Patti Livengood, 2029 Elizabeth City Street, Kill Devil Hills:** Ms. Livengood stated she lived in the Avalon neighborhood and that vehicular access for her community to US 158/Croatan Highway was extremely difficult, especially with increased traffic during the summer season. She requested a traffic signal light at Avalon Drive and US 158 to provide controlled access for residents of the neighborhood. She noted she had initially contacted the N.C Department of Transportation (NCDOT), which responded that the Town of Kill Devil Hills should be involved in her request. Ms. Livengood said she had contacted the Board of Commissioners and Town staff by email, and thanked them for their responses. Mayor Davies said the Board of Commissioners would discuss the matter at the upcoming May 8, 2017, meeting.

**Sharon Nelson, 1625 North Virginia Dare Trail, Unit 5, Kill Devil Hills:** Ms. Nelson inquired about large event home developments and what the Town could possibly do to restrict

or further regulate them. Mayor Davies stated the current Town ordinances could be changed; however, once a permit to develop has been issued by the Town, the ordinance in place at the time of the permit issuance would govern the development. She then explained the process by which an ordinance amendment is considered for adoption by the Town, progressing through staff and Planning Board review and then consideration by the Board of Commissioners. Mayor Davies noted in earlier meetings, the Board of Commissioners had determined it would address any issues when an ordinance request was proposed.

Planning Director Meredith Guns stated the North Carolina General Statutes do not permit the Town to regulate event homes, which are defined as single-family dwellings, through the number or types of rooms, the layout, architecture, or placement of decorative features, among other items. She also noted that the N.C. General Statutes do not permit the Town of Kill Devil Hills to supersede or be more restrictive than the N.C. Building Code.

The Board of Commissioners shared its support for examining methods to address the large event homes, and members noted the frustration with limitations in addressing these structures that are considered single-family dwellings.

**James Almoney, 900 Ninth Avenue, Kill Devil Hills:** Mr. Almoney inquired about homes that are partially/mostly damaged by fire or other issue. He noted that a structure in Kill Devil Hill had received damage due to fire, and without the property owner commencing repairs, the home had become not only unsightly, but a danger to the public, with the potential for children or transients entering the structure. Mr. Almoney suggested that a system be established where Town staff could secure an unattended, dangerous structure and bill the unresponsive property owner for any costs. Mayor Davies and Town Manager Debbie Díaz stated the Town Attorney was currently reviewing the issue.

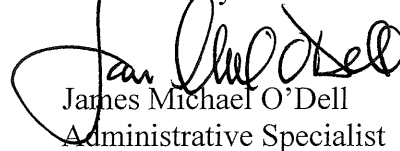
Mayor Davies and the Commissioners expressed their appreciation for those who had attended the Public Forum and shared their issues and concerns.

## Adjournment

There being no further business appearing before the Board of Commissioners at this time, Commissioner Rheubottom moved to adjourn this meeting and public forum. Commissioner Midgette seconded the motion and approval was by a unanimous, 5-0 vote.

It was 6:33 p.m.

Submitted by:

  
James Michael O'Dell  
Administrative Specialist

These minutes were approved by the Board of Commissioners on May 8, 2017.



Sheila F. Davies, Ph.D.  
Mayor

