

**Minutes of the Monday, April 8, 2019, 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 Terry Gray, Nelson “Skip” Jones, Mike Hogan, and John Windley

**Members Absent:** None

**Others Present:** Debora P. Díaz, Town Manager; Cameron Ray, Assistant Planning Director; and James Michael O’Dell, Deputy Town Clerk

**Call to Order**

At 5:30 p.m., Mayor Davies opened this meeting of the Kill Devil Hills Board of Commissioners and welcomed all present.

**Pledge of Allegiance and Moment of Silence**

**Agenda Approval**

Mayor Davies requested that the Mayor’s Agenda Item 1.A. Proclamation – April 22, 2019 as Girl Scout Leader’s Day, be moved to Introductions and Presentations as Girl Scout representatives were present. Commissioner Gray moved to approve the agenda for this meeting, with the recommended change. Commissioner Windley seconded the motion, which passed by a unanimous, 5-0, vote.

**Public Comment**

**Joe Trainor, 401 Quail Lane, Kill Devil Hills** – Mr. Trainor thanked the Town of Kill Devil Hills and Staff for the infrastructure upgrades to the Whispering Pines neighborhood. He noted that the storm drain system has already shown significant benefits in his neighborhood. However, he stated that as the contractor has been grading along the roadways for swale installation, television and telephone cabling are being dug up because they are not buried deep enough. He asked the Board of Commissioners to submit a letter through Dare County to the appropriate State agency requesting telephone and television services to be considered vital utilities like electrical or water infrastructure, and to be buried from 12 to 18 inches, rather than two to four inches. He cited examples of local health care services provided to patients at home through internet

service. Mr. Trainor stated that patients could suffer as a result, with service customarily not returning for 24 to 48 hours.

**Melba Ambrose, 602 W. Ocean Acres Drive, Kill Devil Hills** – Ms. Ambrose stated she regularly needed to purchase whole house water filters every 2-3 months to prevent sediment and other materials from depositing into her plumbing fixtures.

### **Response to Public Comment**

Mayor Davies thanked the speakers for their comments. Commissioner Gray said that Mr. Trainor's experiences were similar to what had occurred in front of his property as well. Through consensus, the Board approved sending a letter requesting reclassification of television and telephone lines, leading to installation at a lower depth.

Commissioner Jones inquired whether there were depth requirements for television and telephone cabling. Public Services Director Steve Albright said he understood that there are general practice standards, but he did not know what the routine practice is in the area. He stated Staff regularly discover cabling that has been located just below the surface, noting that the utility location contractors oftentimes did not adequately mark television and telephone cabling.

Ms. Díaz stated that a Town Staff member would contact Ms. Ambrose about her issue.

### **Introductions and Presentations**

Mayor Davies welcomed First Flight High School Senior Ashley Forbes, and her mother, Cathy, along with Girl Scouts of the Colonial Coast representative Marcy Germanotta. Mayor Davies then read aloud the proclamation naming April 22, 2019, as Girl Scout Leaders Day.

Commissioner Hogan moved to approve the proclamation. Commissioner Windley seconded the motion, which passed with a unanimous, 5-0 vote. Mayor Davies then presented the signed proclamation to Ms. Forbes, who is a recipient of the Gold Award, the highest honor for a Girl Scout.

### **Old Business**

#### **1. Chapter 111: Special Events – Charitable Events (Attached OB-1)**

Mayor Davies stated that at the March 11, 2019, meeting, the Planning Director presented an updated Chapter 111 of the Town Code, reorganized to reflect current review criteria and eliminate confusion between charitable and non-charitable events. Following discussion, the Board directed the Charitable Events topic be added to this meeting's agenda for further discussion.

Commissioner Gray shared that he believed the process to be confusing to the public. As a part of the special events ordinance review, he stated that the initial request was for businesses

to be permitted to place a pop-up-style tent or canopy in their parking lot and sell their merchandise, or have a vendor sell items related to a special event. He suggested a special application for businesses, detailing which items could be sold, with approval at the Staff level. Mayor Davies stated she considered it difficult to provide Staff direction as each business is different, and is site specific.

Commissioner Jones agreed that the process appeared confusing to the public and businesses. Assistant Planning Director Cameron Ray highlighted the current special events ordinance, and noted that Staff works with applicants throughout the process. He said there is no cost for a special event permit. Mr. Ray said there was no leniency in parking requirements in the current ordinance. Commissioner Windley liked Commissioner Gray's concept, but suggested setting a limit on how much parking could be used, especially for businesses with limited parking areas. He also thought that food trucks would need to be addressed in future. Mr. Ray stated that Staff would send a blank copy of the special events application to the Board for review. Mayor Davies stated that anyone planning an event needed to plan for possible incidents like fire and traffic impact, which is detailed in the application. Commissioner Hogan said that it was his understanding that most special events applications were approved by the Town. Mr. Ray concurred. Through consensus, the Board directed Staff to develop recommendations based on Commissioner Gray's proposal, including more leniency during community and special events and simplified process and ordinance. Ms. Díaz suggested it would be beneficial for any interested Board members to meet individually with Staff to go over examples of applications for events that have previously taken place to see the different levels of complication.

## **New Business**

### **1. Update to KDH Shoreline Accesses Plan (Attached NB-1)**

Ms. Diaz stated that at its January 14, 2019, meeting, the Board of Commissioners began a discussion regarding potential upgrades at the Town's beach access points, including permanent restroom facilities at selected beach accesses. Following the February 20, 2019, meeting, Staff has updated the Shoreline Access Plan and made recommendations for ocean access points for future improvements.

Ms. Diaz requested Board guidance, with a recommended update to Woodmere Avenue Ocean Access. This access is one of the older ones, having been built in 1995 and needs to be replaced. Staff would like to work through various grant funding options such as the Visitors Bureau and/or the State for the year 2020 project. The goal would be to start with one permanent restroom facility and then some of the others for future renovations. She cautioned that a balance needed to be achieved to prevent a considerable loss in parking in order to construct a permanent restroom facility.

Commissioner Windley inquired about cost estimates and the Shoreline Access Reserve Fund. Ms. Díaz stated that funding for the Shoreline Access Reserve Fund would be in the recommended budget for next fiscal year. Commissioner Gray stated that some beach accesses had vehicular ingress, highlighting the importance of emergency means of entry. Commissioner

Hogan inquired whether some accesses' parking areas could be expanded eastward because they stop short of where the houses end.

Through consensus, Board directed Staff to proceed.

**2. Recommended Amendment to Chapter 94. Animals – to adopt regulations applicable to the new dog park (Attached NB-2)**

Ms. Diáz stated that over the past several years, the Board of Commissioners has held discussions with Staff about the development of a Town dog park. With the facility nearing completion, Chapter 94. Animals will require an update to reflect the rules for operation. The dog park, located at Aviation Park, is anticipated to open at the beginning of May, and a grand opening will be scheduled. She noted that the amendment has been reviewed and recommended for approval by the Police Department and the Town Attorney.

Commissioner Windley moved to adopt the recommended amendment to Chapter 94. Animals – to adopt regulations applicable to the new dog park. Commissioner Hogan provided a second and the motion passed by a unanimous, 5-0 vote.

**Committee Reports**

Community Appearance Commission

Trash Attack! Community Clean-Up Event Chairperson Sue Kelly provided an overview of the April 6, 2019, event. Over 125 volunteers and staff participated in Trash Attack!, which was held at Aviation Park this year. She thanked Sandie Markland and Chris Marik for their work organizing the event, and also thanked Staff for their assistance and participation. Public Services Director Steve Albright reported that 20 cubic yards of trash were collected, along with three cubic yards of bulk items.

Tourism Board Commissioner Hogan presented the March 2019 meeting highlights video. The meeting recap included fireworks grants awards, which included the Town of Kill Devil Hills. Events grants awards were reported, along with the consolidation of some grant categories. In the video, January 2019 occupancy and meal collections rates were shared: occupancy rates decreased 12 percent but meals increased 39 percent. The Tourism Board has agreed to purchase the property north of the Soundside Event Site in Nags Head. Commissioner Hogan stated that additional parking and facility spaces could be developed depending on how it will be developed.

## Commissioners' Agenda

### Commissioner Gray

Recreation Plan Commissioner Gray stated that he and some members of the Town staff have been working on a survey of certain properties belonging to the Town, currently used for parks and recreation, that provides updates on the current state of improvements and where upgrades could lead. He felt the overall research points to a jewel in the rough – Aviation Park, which includes the Frog Pond area. He believes the potential is there for the site to mimic what has been done at Dowdy Park in Nags Head. Commissioner Gray explained that he had sought Commission Hogan's input on this matter due to his work in the past with recreation facilities, and in particular the west side of Kill Devil Hills in the vicinity of the Town Hall, Public Works Facilities, and the First Flight Schools. He plans to have the Town Clerk finalize a presentation to bring to the Board at the April 24, 2019, public forum meeting.

Stormwater Meeting He and Mayor Davies stated that a follow-up stormwater meeting with NCDOT officials was planned for later in the month.

### Commissioner Jones

Marc Basnight Bridge Dedication Commissioner Jones stated the community was pleased with the new Marc Basnight Bridge over Oregon Inlet. He had attended the recent bridge dedication.

### Commissioner Windley

Saving Lives Taskforce Commissioner Windley stated the Saving Lives Taskforce would hold a community forum on Thursday April 11, 2019, about the opioid epidemic forum at the Dare County Administration Building in Manteo. Dr. Greg Murphy, who is also a state representative, will present.

Board members expressed appreciation for all involved with the Disc Golf Course dedication and the recent Trash Attack! Event.

## Mayor's Agenda

1. **Proclamations and Resolutions**
  - B. **Proclamation – April 22, 2019 as Earth Day (Attached MA-1B)**
  - C. **Resolution – Reaffirming the Town of Kill Devil Hills Board of**

## **Commissioners Continued Opposition to Offshore Drilling and Seismic Testing (Attached MA-1C)**

Mayor Davies stated that at its April 1, 2019, meeting, the Dare County Board of Commissioners approved a resolution Reaffirming Continued Opposition to Offshore Drilling and Seismic Testing, and encouraged other local and state governments to continue their opposition. She stated that this meeting's resolution has been adapted to reflect the Town of Kill Devil Hills and its citizens. Upon the Board of Commissioners' adoption, all proclamations and resolutions will be shared with Town citizens, employees, and other local governments, and posted on our website and social media.

Mayor Davies moved to adopt the proclamation designating April 22, 2019, as Earth Day in Kill Devil Hills. Commissioner Windley seconded the motion, which was approved by a unanimous, 5-0 vote.

Mayor Davies moved to adopt the resolution Reaffirming the Town of Kill Devil Hills Board of Commissioners Continued Opposition to Offshore Drilling and Seismic Testing. Commissioner Jones seconded the motion, which was approved by a unanimous, 5-0 vote.

Mayor Davies also shared the following information:

Spring Update She shared that an informational spring update flyer had been included with all water bills.

Blood Drive A blood drive will be held in the Meeting Room on Tuesday, April 23, 2019, from 10 a.m. to 2 p.m.

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

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

### **Consent Agenda**

#### **1. Minutes (Attached CA-1A)**

A. March 11, 2019

#### **2. Monthly Report (Attached CA-2A)**

A. February 2019

#### **3. Schedule public hearings on requested amendments to Chapter 153, Zoning (CA-3A and CA-3B)**

**A. §153.176 Commercial Zone Permitted Uses and §153.076(D) Off-Street Parking and Loading, Table of Parking Requirements – to add *Brewery* as a Permitted Use and create parking standard for Brewery with secondary uses**

At its March 19, 2019, meeting, the Planning Board reviewed this proposed amendment to add Brewery as a Permitted Use, creating a parking standard for a Brewery with secondary uses. The Planning Board voted to forward it to the Board of Commissioners with a favorable recommendation.

**B. §153.101 Ocean Impact Residential (OIR) Zone (A) Setbacks – (5) reduce side yard setback to ten feet for all cluster housing and cottage courts in the OIR**

At its March 19, 2019, meeting, the Planning Board reviewed this proposed amendment to reduce side yard setbacks in the OIR from 12 feet to 10 feet for lots that meet the minimum site requirements of this use of a minimum of 100 feet. The Planning Board voted to forward it to the Board of Commissioners, recommending denial.

Staff recommended these two public hearings be held on Wednesday, April 24, 2019, at 5:30 p.m. in the Meeting Room at the Administration Building, 102 Town Hall Drive. Approval of the Consent Agenda will schedule the public hearings as noted above.

Ms. Díaz presented the Consent Agenda and recommended approval as presented.

Commissioner Gray moved to approve the Consent Agenda. Commissioner Windley provided a second, and the motion passed with a unanimous, 5-0 vote.

Mayor Davies highlighted the Board's upcoming public forum on April 24, 2019, and invited the public to attend. Ms. Díaz added that several presentations would be made, including the National Park Service and Saving Lives Taskforce, which would be of interest to the public.

**Public Comment**

**Melba Ambrose, 602 W. Ocean Acres Drive, Kill Devil Hills** – Ms. Ambrose shared that she had visited Alaska, touring an oil facility, noting it was very safe. She suggested that the Board consider other oil producing areas when evaluating offshore oil exploration. She also thanked the Public Services Department for its hard work in the community.

**Response to Public Comment**

Commissioner Gray noted that Police Detective Chris Carter recently had been named to the Dare County Drug Taskforce. Commissioner Jones shared his pleasure about the sidewalk construction along US 158, in front of the Dare Centre.

## **Adjournment**

There being no further business appearing before the Board of Commissioners at this time, Commissioner Jones moved to adjourn the meeting. Commissioner Gray seconded the motion and approval was by a unanimous, 5-0 vote. It was 6:48 p.m.

Submitted by:

James Michael O'Dell  
Deputy Town Clerk