

Minutes of the Wednesday, July 10, 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 Mary E. Quidley, 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

Mayor Davies explained that KDH Police Sgt. Michael Sudduth’s father passed away today and she asked everyone to keep the Sudduth family in their thoughts this evening.

Agenda Approval

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

Public Comment

Colleen Almoney, 900 Ninth Avenue, Kill Devil Hills – Ms. Almoney gave an update on the Neighborhood Watch Group. She explained that there has been a 20% increase in website activity over the past month; although, attendance at meetings and group events has dropped. For this reason, the Neighborhood Watch Group will not be meeting in August, as it is expected that once the busy season winds down more residents will have time to participate. The group is working to have an information table at the National Night Out Event on August 6, 2019, and for this event and others, they have begun to acquire promotional items, including a banner.

Response to Public Comment

Introductions and Presentations

1. Mike Tillett – Garage Band Charities, Inc. – presentations and request for land use (Attached IP-1)

Garage Band Charities, Inc. coordinated this year's OBX Rod & Custom Festival, which was held in May. The festival is a charity event with proceeds designated to support local causes, such as the Dare County Motorcycle Toy Run.

Mike Tillett was present on behalf of the organization to recognize the Town's Police Department for their support during the festival. Assistant Chief Dana Harris accepted a plaque on behalf of the department.

Richard Quidley, a founding partner of Garage Band Charities, Inc., had also asked the Town of Kill Devil Hills for use of the Town's property at the north corner of US 158 and East Eighth Street for the purpose of parking trailers that are used to transport the hot rods and specialized custom cars to Kill Devil Hills for the festival. Staff researched this request and recommended the Board of Commissioners approve usage of the site on May 1 and 2, 2020 for the purpose outlined in this memorandum and Mr. Quidley's attached letter.

Commissioner Gray stated that the event was very beneficial to the area and he expressed his support to approve the request. He made a motion for the Board of Commissioners to approve the request for use of the East Eighth Street property by the Garage Band Charities, Inc. Commissioner Windley seconded that motion. Commissioner Jones asked how much parking would be available and the Town Manager explained that she could not specifically say, but that it will give the organization additional space, which they need. The site is just under one acre in size. Mr. Tillett agreed and added that there are already hotels accepting reservations from people planning on attending the OBX Rod & Custom Festival in the spring of 2020, and at least one establishment is already booked up.

Mayor Davies called for a vote and the motion was approved, unanimously, 5-0.

Old Business

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

Mayor Davies opened this item for discussion. Planning Director Meredith Guns stated that Staff had taken the Board's input from the May 13, 2019, meeting and revised the draft which would amend the Town's approach on itinerant vendors and special events. There was some discussion to clarify certain points of the ordinance, including how much parking a commercial establishment could use to stage an event, and how the ordinance will help businesses participate in community events by allowing them to hold a "yard sale" of their own merchandise, or make arrangements for an outside vendor to set up in their parking area were a community charitable event to be held.

All members of the Board agreed that the draft ordinance provided a good change to the way Kill Devil Hills addresses itinerant vendors.

Commissioner Windley moved to adopt the revised *Chapter 111: Special Events – Charitable Events* ordinance, as presented. Commissioner Hogan seconded the motion, which passed by a unanimous, 5-0 vote.

New Business

1. Proposal for proceeding with the West-side Recreation Group (Attached NB-1)

Commissioner Gray's attached memorandum provided the Board with a procedure for establishing the proposed West-side Recreation Group (WRG), for which eight applications for appointment were received. Staff recommended that if the proposed organization met with Board approval that the following motion be made to establish the WRG:

- To appoint all eight applicants to the West-side Recreation Group (WRG), as submitted and copied previously to the Board of Commissioners;
- To appoint Commissioner Gray to Chair the WRG; and,
- To approve the Ground Rules, Meeting Discussions and Procedures, and Scope and Purpose for the WRG.

Management will work with the Chair on Staff participation and assistance.

The Board of Commissioners agreed with Commissioner Gray who believes there may be many options to enhance the recreation opportunities available to citizens and visitors by studying existing west-side recreation facilities and making recommendations on potential improvements, usage changes, and a site's suitability as an events site, etc.

Commissioner Gray made a motion for the Board of Commissioners to move forward with establishing the West-side Recreation Group by appointing all eight applicants to the group, appointing Commissioner Gray as chair of the group, and by approving the Ground Rules, Meeting Discussions and Procedures, and Scope and Purpose for the West-side Recreation Group as submitted.

Commissioner Windley seconded that motion and approval was unanimous, 5-0.

Commissioner Gray will proceed with moving the group forward.

2. Appointment (Attached NB-2A)

A. Personnel Board

Jackie Ricks-Sample's term on the Personnel Board expires in August and she has expressed a desire to be considered for another three-year term.

Commissioner Hogan moved to reappoint Jackie Ricks-Sample to a three-year appointment to the Personnel Board, for a term that will expire in August 2022. Commissioner Gray seconded that motion and approval was unanimous, 5-0.

Committee Reports

Commissioners' Agenda

Commissioner Gray

Hurricane Preparedness. Commissioner Gray recently attended that National Weather Service's Hurricane Community Forum, organized by Dare County Emergency Management, which was aimed at informing citizens about hurricane preparedness, which he found very interesting and informative. He explained that Emergency Management is requesting all citizens to complete an on-line survey about flooding, and he encouraged everyone to do so. A link to the survey can be found at www.darenc.com.

NC-DOT Stormwater Issues. Recalling a recent Dare County/NC-DOT meeting on drainage issues, Commissioner Gray asked if there was any updated information available, and also stated that he heard there is still a problem with the Town's ocean outfalls. The Town Manager called on Public Services Director Steve Albright to address this matter.

Mr. Albright explained that there have been several discussions with NC-DOT about drainage needs in Kill Devil Hills. Additional communications through e-mail have also outlined Kill Devil Hills' requests. The Department of Transportation has completed some work, including clearing some drainage ditches; however, Staff is still trying to get other drainage conveyances, including the large Highway Division ditch on the west side of US 158 in the vicinity of Landing Drive and First Street cleared, as well as completion of work at the outfalls. He has requested this work speed up now that hurricane season is open.

The Board of Commissioners had no objection to Commissioner Gray's offer to contact with this region's Transportation Board member to see if more specific information can be obtained.

Commissioner Gray congratulated Public Services on the progress made on the 2018/2019 streets, drainage and water lines improvements project. Mr. Albright thanked Commissioner Gray and added that the 2019/2020 project is being bid at this time and a recommendation on bid acceptance will move forward to the Board of Commissioners during an upcoming meeting.

Commissioner Jones

Reverse Osmosis Plant Outfall. Regarding one of the outfalls, Commissioner Jones explained he had spoken with someone in the vicinity of Oregon Avenue who was concerned with children playing near the pipe, which was discharging plant materials. Mr. Albright explained that this outfall solely serves the reverse osmosis plant on Mustian Street, and is not one of the outfalls used for drainage purposes for the Town.

Buzzard Bay shoreline. Commissioner Jones asked about the distance from the disc golf course to Buzzard Bay. He explained that he could envision the Town pursuing a small

recreation area there, with a dock or something similar. Mayor Davies responded that there has been previous recommendations for using that area. Commissioner Hogan indicated that he felt like there are several ways a boardwalk to the location could be constructed. Commissioner Gray explained that the WRG will also be looking at that area.

Commissioner Windley

Emergency response. Relating an incident that occurred at the local Walgreen's, Commissioner Windley thanked the Town's Police and Fire Departments for their assistance during an emergency situation.

Mayor's Agenda

1. Proclamation – National Night Out 2019 (Attached MA-1)

Mayor Davies explained that Kill Devil Hills' National Night Out event will be held Tuesday, August 6, 2019 at 5:00 p.m. at the Lowe's parking lot on West Landing Drive. She noted that the event is a great opportunity for our citizens and visitors to come together for an evening of fun, enjoyment, and community crime prevention education. Upon adoption, this proclamation will be shared and widely posted and distributed.

Mayor Davies moved to adopt the *Proclamation for National Night Out 2019*. Commissioner Hogan seconded the motion, which passed with a unanimous, 5-0 vote.

2. Appointment to Dare County Complete Count Committee

Mayor Davies stated the Dare County Board of Commissioners recently established the Dare County Complete Count Committee to assist with the 2020 Census count. The group's purpose is to develop and oversee outreach activities advocating citizen participation in the 2020 Census and to ensure that the population is accurately counted.

Each local government has been asked to appoint a representative by July 15 to serve on the committee, which will also include representatives from area community organizations. The representative can be an elected official or staff member.

Commissioner Hogan made a motion to authorize the Town Manager to appoint a staff member to serve on this committee. Commissioner Gray seconded that motion and approval was unanimous, 5-0.

September 2019 BOC Meeting Schedule. Mayor Davies also explained that the Dare County Board of Elections will need use of the Town's Meeting Room on Tuesday, September 10th for the purpose of conducting a special election for the Congressional representative seat from our district. Therefore, the Board of Commissioners regular Monday meeting, scheduled for September 9th needs to be changed.

The Board of Commissioners agreed to change the September schedule to conduct it's only regular meeting on Wednesday, September 11, 2019 at 5:30 p.m.

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

1. Minutes (Attached CA-1A)

A. June 10, 2019

2. Monthly report (Attached CA-2A)

A. May 2019

3. Budget amendments (FY 2018-2019) (Attached CA-3A, B, C, D, and E)

- A. #22 – to appropriate FEMA – Hurricane Michael reimbursement – Category A
- B. #23 – to appropriate FEMA – Hurricane Michael reimbursement – Category G
- C. #24 – to appropriate funds for beach sand fencing available from Dare County
- D. #25 – to appropriate funds from Sidewalk Capital Reserve Fund for Dare Centre sidewalk design services
- E. #26 – to record PEG Channel support funds

Approval of the Consent Agenda will record the Board's prior consensus approval of these budget amendments, which were necessary for the close of the previous fiscal year.

4. Establishment of Local Government Other Post-Employment Benefits Trust (Attached CA-4)

Approval of the Consent Agenda will record the Board's approval of:

- Budget Amendment #1 - to re-appropriate the \$200,000 in Fiscal Year 2019-2020 as these funds were not used in Fiscal Year 2018-2019;
- The Resolution to Establish an OPEB Trust and Participate in the AGPIP.
- The Enrollment Package to Participate in the Ancillary Governmental Participants Investment Program (AGPIP), including the Other Post-Employment Benefits Trust Agreement.

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

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

Public Comment

Colleen Almoney, 900 Ninth Avenue, Kill Devil Hills – Ms. Almoney

Ivy Ingram, 1002 Swan Street, Kill Devil Hills – Ms. Ingram represented the Outer Banks Surfrider Foundation. She asked everyone to keep the potential for off-shore oil drilling in mind and to pay attention to federal announcements. She has also provided Town locations: the Administration Department, and the Recycle Center, with “No Drilling” stickers and yard signs for the public’s use. She will be bringing more of each to the Town Hall.

Response to Public Comment

Adjournment

There being no further business appearing before the Board of Commissioners at this time, Commissioner Windley moved to adjourn the meeting. Commissioner Jones seconded the motion and approval was by a unanimous, 5-0 vote. It was 6:22 p.m.

Submitted by:

Mary E. Quidley
Town Clerk