



**TOWN OF KILL DEVIL HILLS**  
*Land Where Flight Began*

MEMORANDUM

September 11, 2019

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: Consent Agenda

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

A. August 12, 2019

**2. Monthly report (Attached CA-2A)**

A. July 2019

**3. Budget amendments (Attached CA-3A and 3B)**

A. #5 – To appropriate funds received for recreational facilities for the disc golf course

B. #6 – To record encumbrances outstanding at June 30, 2019

**4. Recommended Amendments to Town Code and Personnel Policy**

The Town Attorney has reviewed and approved each of the following amendments. No public hearings are required in order for the Board to take action on these changes.

**A. Complete revision of Chapter 33. Civil Emergencies. (Attached CA-4A)**

This new Chapter 33., entitled: *Emergency Management*, replaces our old ordinance, which, with only minor changes, has been in effect since 1988; it was last changed in 1994. As proposed, it closely mirrors Dare County's ordinance, considering the differences in county and municipal charges and responsibilities.

The new document updates some language, and maintains the same policy-making responsibilities of the Mayor and Board of Commissioners (such as, declaring a state of emergency, establishing a curfew, implementing restrictions on sale of alcohol, etc.). However, at the operations level the ordinance establishes the Fire Department as the coordinating entity for all activity in connection with emergency management, including preparation, response and recovery. The Fire Chief shall act as the Emergency Management Director for the Town, and

will inform and work with the Town Manager to assure policy decisions of the Board of Commissioners are accomplished. A full outline of duties is specified in the body of the ordinance.

Emergency management and operations has become extremely specialized. Many local governments are utilizing their fire departments, which are training to always be ready for emergency response. The knowledge, coordination and communication skills, and the ability to achieve objectives through team work, are all in place in the Town's Fire Department.

Included with the ordinance is a resolution affirming the Town's adherence to National Incident Management System (NIMS) protocols for emergency management. Approval of the Consent Agenda will approve both the new ordinance and the resolution.

**B. Chapter 130. General Offenses. – to establish regulations prohibiting open alcoholic beverage at the disc golf course (Attached CA-4B)**

Section 130.11 of the Town Code, under General Offenses, lists a number of specific outdoor sites, and all town buildings, where open alcoholic beverages are not permitted. This amendment will add the Casey R. Logan Disc Golf Course to the established list. The language had previously been approved by consensus of the Board so that Staff could proceed with developing the regulations signage for the site. Approval of the Consent Agenda will record the Board's consensus approval, and adopt the attached ordinance amendment.

**C. Amendment to the Personnel Policy regarding employee compensation and potential FEMA reimbursement (Attached CA-4C)**

This proposed change to Section 12. Fair Labor Standards Act and Overtime Pay Provisions of the Town's Personnel Policy establishes that during named storms or emergency situations "requiring long and continuous hours of work, exempt employees will be compensated at a rate of time and one-half and/or be granted time off with pay for rest and recuperation to ensure safe working conditions for the duration of the named storm or emergency period." In the document, underlined language will be adopted and the ~~stricken language~~ removed from the section.

FEMA determines the eligibility of overtime, premium pay, and compensatory time costs based on an applicant's personnel policy. According to a representative from the North Carolina Department of Public Safety, who reviewed our current policy, the proposed language meets the requirements because:

- It does not include a contingency clause that payment is subject to Federal funding;
- Is applied uniformly regardless of a Presidential declaration; and
- Has set non-discretionary criteria for when the Applicant activates various pay types.

The Board of Commissioners previously approved this language by consensus, and approval of the Consent Agenda will record that approval in the minutes of this meeting.

**5. Schedule Public Hearings for Recommended Amendments to the Town Code (Attached CA-5A and CA-5B)**

The Town Attorney has reviewed the recommended amendments and has found them to be in compliance with applicable North Carolina law:

**A. Proposed Zoning Amendment—§ 153.073 Landscaping Requirements –  
Modify Landscaping Requirements to Include Single-Family and Duplex  
Dwellings with Greater Than 6,000 Square Feet Lot Coverage**

At the direction of the Board of Commissioners, Staff drafted an amendment which creates landscaping buffer requirements for large single-family and duplex development. At its August 20, 2019, meeting, the Planning Board reviewed the requested amendment, and voted to forward it to the Board of Commissioners, with a favorable recommendation.

**B. Proposed Zoning Amendment – § 153.076 Off-Street Parking and Loading –  
Modify Parking Requirements for Single-Family and Duplex Dwellings with  
Eleven Bedrooms or More**

At the direction of the Board of Commissioners, Staff also drafted an amendment which creates increased off-street parking requirements for large single-family and duplex dwellings, including increased setbacks for parking areas, access aisle, and limit stacked parking. At its August 20, 2019, meeting, the Planning Board reviewed the requested amendment, and voted to forward it to the Board of Commissioners, with a favorable recommendation.

Approval of the Consent Agenda will schedule Public Hearings for Consent Agenda items 5A and 5B on Wednesday, October 16, 2019, at 5:30 p.m.

Staff recommends approval of the Consent Agenda, and a motion will be in order.



**TOWN OF KILL DEVIL HILLS**  
*Land Where Flight Began*

MEMORANDUM

September 11, 2019

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: Consent Agenda

**6. Waiver of building permit fees related to damage caused by Hurricane Dorian**

Approval of the Consent Agenda will record the Board's approval to waive building permit fees for construction and repairs necessary because of damage from Hurricane Dorian through Monday, October 14, 2019.