



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

MEMORANDUM

November 13, 2019

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: New Business

**3. Request to proceed with restroom facility improvements at Prospect Avenue  
(Attached NB-3)**

At its January 14, 2019, meeting, the Board of Commissioners directed Staff to examine the feasibility of permanent restroom facilities at Town beach access points. In April 2019, after completing a review of beach accesses, Staff recommended permanent facilities could be considered for the following accesses (in priority order): Woodmere Avenue, Prospect Avenue, Ferris Avenue, Glenmere Avenue, and Sutton Avenue.

Upon further investigation, Prospect Avenue was identified as an ideal site for permanent bathroom facilities, as minimal change to the existing walkway and parking configuration would be anticipated. Staff requests the Board of Commissioners grant authorization to move forward with improvements to the Prospect Avenue Beach Access by allocating \$50,000 from the Shoreline Access Capital Reserve Fund. Once authorized, Staff will complete design work, with expected improvements being complete by late Spring 2020.

A motion would be in order.

Director of  
Planning and Inspections  
MEREDITH GUNS



Assistant Director of  
Planning and Inspections  
CAMERON RAY

Building Inspector  
MARTY SHAW  
CHARLES THUMAN

Senior Planner  
RYAN LANG

Code Enforcement Officer  
JORDAN BLYTHE

Zoning Administrator  
DONNA ELLIOTT

**THE TOWN OF KILL DEVIL HILLS**  
NORTH CAROLINA

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**PLANNING DEPARTMENT**

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November 4, 2019

Memorandum

To: Debbie Diaz, Town Manager

From: Meredith Guns, Planning Director 

Subject: Shoreline Access – Ocean Access Update and Permanent Restroom Facilities Recommendation

As you recall, at the January 14, 2019, Board of Commissioners meeting the board directed staff to look into the feasibility to install permanent restroom facilities at Town beach access points. On February 20, 2019 staff presented several options to the Board of Commissioners for consideration. Ultimately, the board directed staff to:

- Update the Shoreline Access Plan (In house)
  - Update existing access and features
  - Staff identify accesses that may be able to accommodate permanent restroom facilities with little to no loss of parking.
  - Board of Commissioners prioritize the accesses for improvement

This recommendation allowed a more comprehensive study of the accesses to determine the most appropriate site for new facilities. In April 2019, staff presented a updated Shoreline Access plan (eastside only). Staff has identified several access that could potentially have permanent restroom facilities. The accesses included were Woodmere Avenue Access, Prospect Avenue, Ferris Avenue, Glenmere Avenue and Sutton Avenue in priority order. At the time, staff recommended Woodmere Ave Access for improvement because the facilities is older (built in 1995), needs to be replaced and is very large to accommodate the septic field without loss of a lot of parking. This would be a complete redesign and rebuild of the facility. Grant funding would be pursued for such a large project.

Since that time, staff has been further investigating accesses that could accommodate permanent restroom families. From preliminary site review and design, **Prospect Avenue Access** can accommodate bathroom facilities with little to no change to the walkway and parking configuration. The access is currently handicap accessible to the dune top and has 28 parking spaces. This access is further north of Ocean Bay Boulevard Regional Access which was one of the reason it was recommended previously.

Staff request the Board of Commissioners authorize staff to move forward with improvements to Prospect Avenue Beach Access using funding from the Shoreline Access Capital Reserve Fund in the amount of \$50,000. Once authorized staff will complete the design work with the intent of the improvements being complete late Spring 2020. Staff will continue to exploring grant funding to rebuild Woodmere Access, however Prospect Avenue can be done expeditiously and relatively inexpensive.

**ATTACHMENT NB-3**

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. Díaz 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.

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**PLANNING DEPARTMENT**

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February 20, 2019

Memorandum

To: Debbie Diaz, Town Manager

From: Meredith Guns, Planning Director *MBG*

Subject: Shoreline Access – Permanent Restroom Facilities Feasibility

At the January 14, 2019, Board of Commissioners meeting the board directed staff to look into the feasibility to install permanent restroom facilities at Town beach access points. Since that time Building and Grounds, the Town Clerk and the Planning Department have been researching several possibilities to accomplish this goal. The research explores the many regulatory aspects of such a project including zoning regulations, flood regulations, CAMA regulations, North Carolina Building Code requirements and Dare County Health Department requirements.

The initial idea was to look into prefabricated structures that potentially could be put in place quickly and easily. However, once the various regulations were applied this idea became problematic. The majority of these units are “pump and haul” systems meaning that they do not require any additional waste disposal systems. However, the units would have to meet flood regulations, which requires a structure to be one-foot above grade in the VE Flood Zone. The units are also quite expensive compared to stick built units. Additionally, the ongoing cost for the pump and haul system is not a good alternative in perpetuity. Therefore, staff does not recommend the prefabricated units.

Next staff explored custom built structures. This would allow the Town to control design and dimension. Additionally, the structure could be customized to meet Town regulations. Three alternatives were considered for waste disposal: pump and haul, central wastewater, and traditional onsite septic tank and drain field. The pump and haul was not the favorable method for several reasons including ongoing costs to pump the systems, it does not deviate much from a port-o-john except it is permanent and there are also concerns about proximity of the structure to ocean over wash events. Staff inquired with KDHWTP, LLC about the cost to connect to the central sewage system. This would require a lift station be installed for each facility, and the initial tap fees could cost as much as \$90,000+ and the ongoing cost for the service made this option not economically practical. Therefore, staff focused on the traditional onsite septic tank and drain field. In discussion with the Dare County Health Department the size of the tank and drain field will be determined once the design is complete. Onsite wastewater regulations require 10’ setbacks from the property lines and 5’ from all structures. There is uncertainty if the size of the drain field will require removal of parking in our access until some additional work is complete.

**ATTACHMENT NB-1**