

Minutes of the Monday, December 9, 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, Mike Hogan, Nelson "Skip" Jones, and John Windley

Mayor-elect Ben Sproul; Commissioners-elect Ivy Ingram and Bernard "B.J." McAvoy

Members Absent: none

Others Present: Debora P. Díaz, Town Manager; Casey Varnell, Town Attorney; Meredith Guns, Planning Director; Cameron Ray, Assistant Planning Director; and James Michael O'Dell, Deputy Town Clerk

Call to Order

At 5:31 p.m., Mayor *Pro Tem* Hogan opened this meeting of the Kill Devil Hills Board of Commissioners and welcomed all present.

Pledge of Allegiance and Moment of Silence

Mayor Davies dedicated the moment of silence in memory of former Kill Devil Hills Mayor Ray Sturza, who passed away on November 25, 2019. She noted that Mr. Sturza had not only served as Mayor and Commissioner, but also as the Town's first Planning Director.

Agenda Approval

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

Public Hearings

1. Recommended local historic designations (Attached PH-1A and 1B)

Mayor Davies shared that both public hearings were for consideration of proposed Local Historic Designations. Mr. Varnell read aloud the rules for the public hearings.

A. 202 East Arch Street – Brightbill-Jensen Cottage

Mr. Varnell opened the first public hearing. This Local Historic Designation was considered by the Historic Landmarks Commission (HLC) at its December 3, 2019, meeting, at which time the HLC voted to recommend the Brightbill-Jensen Cottage, located at 202 East Arch Street, for public hearing by the Board of Commissioners, which was scheduled for this meeting. The owners are in support of the property designation.

With no public speakers, Mr. Varnell closed the public hearing.

Commissioner Hogan moved to approve the ordinance designating the Brightbill-Jensen Cottage – 202 East Arch Street as a Local Historic Designation, as presented. Commissioner Windley seconded the motion, which was approved by a unanimous, 5-0 vote.

B. 2043 Norfolk Street – Savage Cottage

Mr. Varnell opened the second public hearing. This Local Historic Designation was considered by the Historic Landmarks Commission (HLC) at its December 3, 2019, meeting, at which time the HLC voted to recommend the Savage Cottage, located at 2043 Norfolk Street, for public hearing by the Board of Commissioners. The Board of Commissioners set the public hearing for this meeting. The owners are in support of the property designation.

With no public speakers, Mr. Varnell then closed the public hearing.

Commissioner Windley moved to approve the ordinance designating the Savage Cottage – 2043 Norfolk Street as a Local Historic Designation, as presented. Commissioner Jones seconded the motion, which was approved by a unanimous, 5-0, vote.

Public Comment

Sue Kelly, 211 Sea Village Lane, Kill Devil Hills – Ms. Kelly expressed her appreciation to the outgoing Board members for their service to the community, and stated she looked forward to working with the new Board.

Martha Vaughn, 1217C South Virginia Trail, Kill Devil Hills – Representing the “Kill Devil Hills Against Mini-Hotels” group, Ms. Vaughn thanked the outgoing Board members and asked the Board of Commissioners to continue the progress on addressing large single-family dwellings, or event homes.

Response to Public Comment

Mayor Davies thanked everyone for their comments.

Introductions and Presentations

1. Dare County Motorcycle Toy Run and presentation

Teri Grubbs, representing the Dare County Motorsports Charity Group, highlighted the 2019 Toy Run event, which was the group's fourth event. She presented a video that highlighted this year's event in Dare County. The Toy Run, which began in 2016, is expected to raise approximately \$42,000 and serve 1,000 children. In addition, the organization has established three scholarships for graduating Dare County seniors. She acknowledged the participation of the Kill Devil Hills Police Department in this year's Toy Run, and presented a plaque of appreciation, which was accepted by Assistant Police Chief Dana Harris.

Old Business

1. Baum Street Sidewalk / Centennial Path, Phase II Grant Award (Attached OB-1)

Mayor Davies stated that with the Board's authorization, Staff had applied to the Dare County Tourism Board for Tourism Impact Grant funding to construct a sidewalk along Baum Street to connect to existing sidewalks and pathways along Veterans Drive and Mustain Street.

Staff requested \$91,000 (75% of the project's \$122,150 cost); however, the Town has been awarded \$55,168 (45% of the cost). Funds for the remaining \$66,982 are available in the Town's Sidewalk Capital Reserve Fund.

Staff requested the Board of Commissioners approve execution of a contract for the grant funding with Dare County Tourism Board and authorize funding from the Sidewalk Capital Reserve Fund to complete the project. Commissioner Hogan, who chairs the Tourism Board Grants Committee, noted there was a large number of eligible grant applicants, and that the grants were distributed through a percentage, so every applicant would receive some funding.

Commissioner Hogan moved that the Board of Commissioners approve execution of a contract for the grant funding with Dare County Tourism Board and authorize funding from the Sidewalk Capital Reserve Fund to complete the project. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0 vote.

Consent Agenda

1. Minutes (Attached CA-1A)

A. November 13, 2019

2. Monthly report (Attached CA-2A)

A. October 2019

3. Budget transfer and amendments (Attached CA-3, 3A-1, 3B-1 and 3B-2)

A. Transfer

1. #3 – to transfer from other improvements to maintenance and repair for the LED Town-wide lighting project that does not meet the capitalization threshold for individual LED light fixture replacements.

B. Budget amendments

1. #11 – to funds for a portion of the Town-wide LED lighting project that is eligible for a rebate from Dominion Energy.
2. #12 – to appropriate funds for salaries.
3. #13 – to appropriate funds for paving and drainage improvements to the Administration parking lot associated with Town Hall Drive street project.

Town Hall Drive - West Parking Lot

Town Manager Debora Díaz noted that Town Hall Drive is included for overlay and drainage improvements in the current streets improvement project. The Town has the opportunity to take advantage of cost savings to make needed improvements to the west parking lot at 102 Town Hall Drive. The savings is available because project staging is already in place. The parking lot needs resurfacing and drainage improvements, which can be accomplished for approximately \$20,000.

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

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

Commissioner Hogan highlighted the useful information that is outlined in the Town's monthly report, which is available to the public online.

Mayor Davies shared thoughts about her time on the Board of Commissioners, noting the many changes in her life and in the Town. She highlighted Town events and changes, which included completion of beach nourishment, the Bay Drive Multi-Use Path, sidewalks projects along US 158, the Public Works Complex update, skate park lighting, the Casey R. Logan Disc Golf Course, the William "Bill" Pitt Accessible Beach access, Paws Park, and construction of the Town's newest water tower, which is underway. She congratulated the new members, and stated she knew the Board of Commissioners would achieve great things for the Town. Her written comments have been included with the meeting minutes.

The members then shared their thoughts of working within the Board of Commissioners, and appreciation for outgoing members.

New Business

1. Certification of election results, oaths of office, and organizational items

The Deputy Town Clerk certified for the record of this meeting the results of the November 5, 2019, municipal election for the Town of Kill Devil Hills and Oaths of Office were administered to the new members of the Board of Commissioners.

Organizational Meeting

A. Certification of election results (Attached NB-1A)

Ben Sproul – Mayor – 809 votes
Ivy Ingram – Commissioner – 776 votes
Bernard “B.J.” McAvoy – Commissioner – 769 votes

B. Oaths of office (Attached NB-1B)

1. Mayor
2. Commissioners

At 6:06 p.m., a brief break in proceedings was called and everyone was invited to stay for cake and refreshments.

The regular meeting reconvened at 6:32 p.m.

Mayor Sproul expressed his appreciation to Mayor Davies and Commissioners Hogan and Commissioner Jones for their service to the Town, and each were presented with a gift from the Town of Kill Devil Hills, a print of the KDH water tower from local artist Barbara Newsome.

C. Appointment of Mayor *Pro Tem* (Attached NB-1C)

Commissioner Gray nominated Ivy Ingram as Mayor *Pro Tem* for the Town of Kill Devil Hills. Commissioner Windley seconded the nomination. With a unanimous, 5-0, vote, Ivy Ingram was appointed as the Mayor *Pro Tem*. The Deputy Town Clerk then administered the Oath of Office.

2. Adoption of Code of Ethics and Conduct for the Board of Commissioners (Attached NB-2, 2A,2B and 2C)

In 2012, a Code of Ethics and Conduct was adopted by the then-seated Board of Commissioners; the most recent adoption was at the Board’s organizational meeting in December 2017. The Code is an affirming statement to our citizens of the Board’s pledge to

conduct the Town's business in a manner to maintain the level of trust, professionalism, and moral conduct they expected when they voted its members into office.

Commissioner Windley moved to adopt the Code of Ethics and Conduct for the Board of Commissioners, as presented. Commissioner McAvoy seconded the motion, which was approved by a unanimous, 5-0, vote.

3. Nomination for appointment – Dare County Tourism Board (Attached NB-3)

Members of the Dare County Tourism Board serve a two-year term and are appointed by the Dare County Board of Commissioners after being nominated for consideration by the local municipalities. Commissioner Hogan has been the Town's representative for a number of years; however, he is no longer eligible to serve. The Dare County Board has requested that the Town submit the names of three members of the Kill Devil Hills Board for consideration for appointment to the Tourism Board.

Following discussion of individual work schedules, the Board of Commissioners, through consensus, proposed a slate of nominees for the Dare County Tourism Board for consideration in the following order: Commissioners Ingram, Commissioner Windley, and Commissioner McAvoy.

Committee Reports

West-side Recreation Group (WRG) – Commissioner Gray shared that the WRG had recently met and reviewed the Aviation Park facilities, and noted that the WRG recommendations would be presented to the Board at the January meeting.

Community Appearance Commission (CAC) – Sue Kelly, CAC chairperson, highlighted ongoing initiatives of the group, including the “Help KDH Kick Butt” and Bag Smarter campaigns. She shared the meeting schedule and noted that there would be a presence at the Town's Santa at Town Hall event.

Commissioners' Agenda

1. A Resolution Expressing the Kill Devil Hills Board of Commissioners' Continued Opposition to Off-Shore Drilling (Attached COM-1)

For decades, the Town of Kill Devil Hills has expressed its opposition to off-shore drilling, seismic testing, and other actions that can harm our community's pristine waters and fragile coastal environment. With the new Board of Commissioners taking office, this *Resolution Expressing the Kill Devil Hills Board of Commissioners' Continued Opposition to Off-Shore Drilling* serves as an acknowledgement of the Town's continued opposition to off-shore drilling and a commitment to our commercial fishing and tourism industries, and our entire community.

Commissioner Windley moved to approve the Resolution Expressing the Kill Devil Hills Board of Commissioners' Continued Opposition to Off-Shore Drilling. Mayor Sproul seconded the motion, which was approved by a unanimous, 5-0 vote.

Commissioner Gray

Water System Commissioner Gray highlighted the leak alarm systems on the Town's water meters that inform Staff of water leaks, so the property owner can be notified and leaks can be repaired sooner. He noted that it is another way the Town looks out for its citizens.

Commissioner McAvoy

He expressed appreciation for the outgoing members of the Board, and noted that he was very impressed with the Town Staff he met during the tour of Town facilities.

Commissioner Ingram

Commissioner Ingram shared that she was also impressed with the recent facilities tour.

Mayor's Agenda

Mayor Sproul thanked the Commission members who were leaving the Board, and noted Mayor Davies exceptional service to our community. He then shared the following items:

1. Resolution

A. 2020 Census Partnership (Attached MA-1A)

The decennial Census is mandated by the U.S. Constitution and Kill Devil Hills has joined communities across the nation in encouraging the work of the Census Bureau. Results of the 2020 Census will determine Congressional representation and federal funding allocations for our communities. Kill Devil Hills has also authorized a Staff representative to serve on Dare County's Complete Count Committee, in an effort to promote Census participation.

Commissioner Gray moved to approve the 2020 Census Partnership Resolution. Commissioner Windley seconded the motion, which was passed in a unanimous, 5-0, vote.

2. Proposed 2020 calendar meeting schedule and change in regular meeting time

The Board of Commissioners' regular meeting schedule for the upcoming calendar year was presented for discussion and adoption. It was noted that additional meetings can be scheduled at any time. Mayor Sproul stated regular meetings are currently scheduled at 5:30

p.m.; however, this time is challenging for Commissioner Ingram and him, and requested the Board consider 6:00 p.m. for the regular meeting schedule.

Early voting for the March 3, 2020 primary changes the February schedule to just one meeting on Monday the 10th. Two open comment public forums are scheduled: the first, April 22nd; the second would be held in the autumn on Monday, October 12th, which was rescheduled due to early voting for the November 3rd general election.

Following member discussion, the Board then proposed a meeting schedule for calendar year 2020, with a 6:00 p.m. meeting time:

Monday, January 13	Monday, June 8
Wednesday, January 22	Wednesday, June 24
Monday, February 10	(Monday, June 29)
(Wednesday, February 12)	Monday, July 13
Monday, March 9	Monday, August 10
Wednesday, March 25	Monday, September 14
Monday, April 13	Monday, October 12 (public forum)
(Monday, April 6)	Monday, November 9
Wednesday, April 22 (public forum)	Monday, December 14
Monday, May 11	
Wednesday, May 27	

Commissioner Ingram moved to adopt the 2020 Board of Commissioners meeting schedule as amended, with meetings beginning at 6:00 p.m. Commissioner McAvoy seconded the motion, which passed with a unanimous, 5-0, vote.

3. Board of Commissioners/Planning Board joint worksession on large single-family dwellings/event homes

At the November 13, 2019 meeting, the previous Board of Commissioners agreed that a joint BOC/Planning Board worksession on the large single-family dwelling/event homes could be beneficial.

Through consensus, the Board set the joint worksession for its January 22, 2020, regular meeting. The worksession could identify which, if any, regulatory changes the Town may want to consider for this type of development. Commissioner McAvoy requested information on how Kill Devil Hills regulations differ from other local government regulations on large single-family dwellings. Mayor Sproul also suggested gathering information from other North Carolina communities on how they address event homes. Commissioner McAvoy requested information on whether non-conformities would be created and how they could be addressed. Commissioner Windley inquired whether there would be time set aside for public comment before or after the worksession. He also inquired whether safety features could be incentivized for such development.

4. Schedule appointed boards and committees' appreciation reception

For the past several years, the Board of Commissioners has held an appreciation reception for the members of our appointed boards and committees, and other appointees that represent the governing board in various capacities.

Through consensus, the Board set the boards and committees reception date for Wednesday, March 4, 2020. Staff will send out invitations to members.

Town Manager's Agenda

Ms. Díaz shared that Assistant Town Manger Shawn Murphy has become a grandfather to Donovan Sutton Murphy. She stated that the family was doing well.

Town Attorney's Agenda

Mr. Varnell expressed appreciation for working with the Board.

Public Comment

Response to Public Comment

Adjournment

There being no further business appearing before the Board of Commissioners at this time, Commissioner Gray moved to adjourn the meeting. Commissioner Windley seconded the motion and approval was by a unanimous, 5-0 vote. It was 7:07 p.m.

Submitted by:

James Michael O'Dell
Deputy Town Clerk