

Minutes of the Wednesday, February 12, 2020, regular meeting of the Kill Devil Hills Board of Commissioners held at 6:00 o'clock p.m. in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road.

Members Present: Mayor Ben Sproul; Commissioners Ivy Ingram, and John Windley

Members Absent: Terry Gray and Bernard "B.J." McAvoy

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 6:02 p.m., Mayor Sproul opened this meeting of the Kill Devil Hills Board of Commissioners (BOC) and welcomed all present. He shared that Commissioner Gray was not present because he had been hospitalized to address some health issues. Mayor Sproul stated that Commissioner McAvoy was not present because of the championship middle school girls' basketball game. He is coaching the team this season.

Pledge of Allegiance and Moment of Silence

Mayor Sproul asked everyone to keep the family of Billy Gray in their thoughts and prayers, as he had recently died. Mr. Gray was the Town's Chief Building Inspector for almost two decades before he retired.

Agenda Approval

Commissioner Windley moved to approve the agenda for this meeting as presented. Commissioner Ingram seconded the motion, which passed by a unanimous, 3-0, vote.

Public Hearing

- 1. Recommended Amendment to Chapter 153, Zoning**
 - A. Chapter 153, Zoning, § 153.071 Soil Erosion and Sedimentation Control – to update the ordinance to meet state requirements (Attached PH-1A)**

Mr. Varnell read aloud the rules for public hearings and opened this public hearing.

The Planning Board reviewed this recommended amendment to Chapter 153, Zoning, at its December 17, 2019 meeting, and voted to forward it to the BOC with a favorable recommendation. The BOC scheduled the public hearing for tonight's meeting at the January 13, 2020, meeting. The Town Attorney has reviewed the recommended amendment and has found it to be in compliance with applicable North Carolina law. If approved, this amendment will update the Town's current ordinance to meet state requirements for soil erosion and sedimentation control. There were no public speakers. Mayor Sproul then closed the public hearing.

Commissioner Windley moved to approve the recommended amendment as presented including that the BOC finds the amendment to §153.071 Soil Erosion and Sedimentation Control—Modification to meet State requirements is consistent with all comprehensive plans and other official adopted plans of the Town of Kill Devil Hills that are applicable. The amendment is reasonable and in the public interest because it provides regulation for land disturbing activities in order to prevent the pollution of water, watercourses, and other public and private property from sedimentation and also reduces damage to storm drainage facilities. Commissioner Ingram seconded the motion, which passed with a unanimous, 3-0, vote.

Public Comment

Response to Public Comment

Introductions and Presentations

1. 2018-2019 Community Appearance Awards (Attached IP-1)

Community Appearance Commission (CAC) Chairperson Sue Kelly provided an overview of CAC and its work, noting that it was tasked to enhance and improve the visual quality and aesthetic characteristics of the Town. As a result, the biennial Community Appearance Award was developed for community businesses and churches. She detailed the nomination and selection process which scores businesses on criteria, including landscaping, cleanliness, and overall visual appeal. She said that representatives of all nominees were invited to attend this meeting for recognition by the BOC, along with all CAC members.

2018-2019 Community Appearance Award – Shopping Center Unit: The nominees were Chip's Wine & Beer Market, Country Deli, Front Porch Café, Slice Pizzeria, and Ten O Six. The winning business: Country Deli

2018-2019 Community Appearance Award – Most Improved: The nominees were Ashley's Espresso Parlour, Jack Brown's Beer & Burger Joint, Mom's Sweet Shop, Sandbars Raw Bar and Grill, and See Sea Motel. The winning business: Mom's Sweet Shop

2018-2019 Community Appearance Award – Overall: The nominees were Nags Head Hammocks, Outer Banks Brewing Station, Professor Hacker’s Lost Treasure Golf, Rooster’s Southern Kitchen, and Southern Bank. The winning business: Outer Banks Brewing Station

Mayor Sproul and Ms. Kelly presented certificates to all nominees, and awards for each category winner. Mayor Sproul expressed congratulations to all of the winners and nominees. He noted that they are all appealing and attractive businesses in Kill Devil Hills and embody a sense of community and of pride.

2. Joseph Lewis – Recognition of Eagle Scout achievement (Attached IP-2)

Mayor Sproul shared that Joseph Lewis, a senior at First Flight High School, was presented the Eagle Scout Award, the highest achievement from the Boy Scouts of America, on February 10, 2020. Mr. Lewis is also a member of the Order of the Arrow, an honor society in scouting whose members exemplify the Scout Oath and Law in their daily lives.

Mayor Sproul, a third generation Eagle Scout and Order of the Arrow member, invited Mr. Lewis to tonight’s meeting, to honor his achievement and present him with the Mayor’s Achievement Award and letter of recognition, along with a copy of President Theodore Roosevelt’s “Man in the Arena” speech.

Commissioner Ingram highlighted the scouting project that Mr. Lewis had completed at Nags Head Woods Ecological Preserve, which was the refurbishment of a floating fishing platform. He utilized the components of a derelict platform to refurbish one in disrepair and also made it handicap accessible. He then cut a new trail to the refurbished platform. The BOC and everyone present expressed their appreciation for Mr. Lewis’ Eagle Scout achievement.

Old Business

New Business

1. Street improvement recommendation for fiscal year 2020/2021 (Attached NB-1)

Town Engineer Pete Burkheimer provided an overview of the 2020/2021 street improvement recommendation. On February 6, 2020, the Street Improvement/Special Project Committee (SISPC) voted to forward to the BOC the following streets and drainage improvements recommendations for the 2020/2021 fiscal year:

Fall 2020 Project	Spring 2021 Project
Cedar Drive	East Helga Street
Captains Lane	West Helga Street (sidewalk only, US 158 to Susan Drive)
Teakwood Lane	East Fourth Street
Captains Circle	Briggs Street (includes paving gravel portion)
	East Dean Street
	East Martin Street

These projects equal a little over one mile of street improvements, and follow the capital improvement recommendations from past years. Mr. Burkheimer noted that American Engineering has submitted proposals of \$58,400 for the Fall 2020 streets and drainage engineering and design phase. A cost of \$6,000 is projected for the bidding phase of the project, for a total of \$62,400. If the Town bids the Fall and Spring projects separately, the engineering proposal for the Spring 2021 is \$48,500, plus the \$6,000 for the bidding phase of the project, for a total of \$54,500. If the Town bids the Fall and Spring projects jointly, then the total bidding phase engineering costs will be \$7,000, a savings of \$5,000.

Staff recommended the BOC:

1. Approve the 2020/2021 fiscal year street recommendation as presented in this memorandum, with joint bidding of the Fall and Spring projects, and corresponding packet materials, with the unimproved portion of Briggs Street recommended to be designed for roadway, drainage and parking improvements and bid as an alternative;
2. Approve engineering services, including preliminary engineering, design, and bidding phases for the combined Fall 2020 and Spring 2021 for a total of \$113,900; and,
3. Authorize expenditure from the Street Capital Reserve Fund for the above stated engineering costs.

Mr. Burkheimer stated that the Town thoroughly evaluates all Town-maintained streets every five years with an eight-item rating scale, with categories of excellent, good, fair (three grades), and poor. When a street's rating falls into the poor category, it is considered a priority to be overlaid or repaired. He noted the next street evaluation was scheduled for 2022.

Commissioner Windley inquired how long it takes the Town to complete the survey. Public Services Director Steve Albright replied that several SISPC members and Staff usually spend six four-hour sessions physically driving around the streets and rating them.

Commissioner Windley moved that the BOC approve the Street improvement recommendation for fiscal year 2020/2021, as presented. Commissioner Ingram provided a second, which was approved with a unanimous 3-0, vote

Committee Reports

West-Side Recreation Group (WRG)— Meekins Field Recommendations In Commissioner Gray's absence, Assistant Planning Director Cameron Ray provided the Meekins Field recommendations from the recent WRG meeting. Mr. Ray noted that the WRG had reviewed Meekins Field, including the online survey results that included (163) entries and a conceptual site plan prepared by Mr. Albright, who is a certified landscape architect. The site plan has been included with the meeting materials.

Meekins Field is currently closed due to the construction of the new Kill Devil Hills Water Tower and Communications Monopole. These projects have disturbed much of Meekins Field, which will require extensive work to reopen the park. The WRG and Staff have identified Meekins Field's current state of disrepair as an opportunity to fully redevelop the facility, since significant funds will be required to reopen it as a usable park.

Mr. Ray stated that this recommendation makes the most of this unique opportunity by proposing modification of the site layout, including changes that will meet several recreational needs. After discussion, the group finalized its recommendations for redevelopment of Meekins Field in conjunction with the attached site plan:

- Expand and improve existing parking and drive aisle to include drop off circle and potential connection to adjacent shopping center.
- Relocate and construct new larger restroom facility.
- Separate cell provider data buildings with public art (art wall) and landscaping buffers.
- Redesign existing softball/temporary soccer field into three (3) multi-use fields to include soccer field (290' x 195'), a practice field (150' x 100'), and year-round turf practice field (150' x 100'). Explore the option of multi-use basketball court. Explore regulation size soccer field as long it does not remove other means of recreation.

The following points were added as a result of continued discussion at the WRG's January 15th meeting.

- Expanded playground area for ages 0-12 years of age, including accessible equipment. Explore recreational trending modern/alternative playground equipment. Examples include: bouldering, climbing wall, ninja course, zip line, and pump track.
- Incorporate greenways and paths around the parking, and/or amenities including adult fitness trail.
- Confirm existing lighting is compatible with any recreation proposed.
- Incorporate ornamental landscaping into parking design.

Mr. Ray recognized WRG members present, Christine Damrose-Mahlmann and T. Dillon Heikens. Commissioner Windley inquired about the size of a regulation soccer field, and whether the existing field would accommodate a regulation size soccer field. Mr. Albright replied that a regulation soccer field is a range of 110-120 yards long and 70-80 yards wide. Mr. Ray noted that recreation leagues do not play on the fields; the field is usually utilized for practice. If a regulation size field were planned within the space, its placement would affect the existing tennis courts. Commissioner Windley inquired about an access path to the west side of the park, and whether it would be affected by the recommendations. Mr. Ray stated that the continued neighborhood accessibility could be incorporated into the plan.

Mayor Sproul inquired about the timeline for beginning the project. Mr. Ray said that Buildings and Grounds Division hoped to gain access to the complex in March; however, the communications monopole was yet to be constructed and the existing water tower must be disassembled and removed. He noted the Staff's facility assessment could take some time. Ms. Guns said that Meekins Field was established through a Land and Water Conservation Grant (LWCG), now known as Parks and Recreation Trust Fund (PARTF). If the BOC chooses to

pursue grant options, the grant application would need to be submitted in August. In preparation for that application, a conceptual plan and cost estimates would need to be completed. This would be very helpful if the planned park amenities must be implemented in stages.

Mayor Sproul asked about landscaping buffers for Meekins Field. Mr. Ray stated that in addition to the existing natural buffer, the Staff would recommend buffers for any non-compatible uses with adjoining properties. Mr. Ray said that Staff had recently met with potential playground vendors, who had shared interesting equipment options, including inclusive equipment for children of all abilities.

Through consensus, the BOC directed Staff to move forward with a more formal design and cost estimates, along with some alternative options as recommended by the WRG for final BOC approval that will return to a future BOC meeting.

Commissioners' Agenda

Commissioner Windley

Community Events Commissioner Windley shared that he had attended several community meetings and events, from sponsors Outer Banks Restaurant Association and the Saving Lives Taskforce.

Planning Board Flood Map Presentation He thanked Ms. Guns for her presentation about the new FEMA flood maps and the potentially negative repercussions for the community. He encouraged everyone to maintain their flood insurance coverage on their homes, even if their flood zone changes. Ms. Guns stated that Staff is updating the Town's website with information about the flood maps and new regulations. Public meetings will be set soon for citizens to learn about how their properties will be affected.

Mayor's Agenda

Mayor Sproul shared the following items:

N.C. Volunteer Fire Chief of the Year He congratulated Buxton, N.C., Fire Chief Bryan Perry, who was recently named North Carolina's Volunteer Fire Chief of the Year for 2020. Chief Perry has served as Buxton's Chief for almost 40 years.

Town Hall as Early Voting Site Mayor Sproul reminded everyone that the meeting room will serve as an early voting site for the upcoming primary election. Early voting begins February 13 and will continue through February 28. Early voting is also available on Saturday, February 29, for those who may be working during the week.

Town Manager's Agenda

1. Police vehicles replacement recommendation

Ms. Díaz shared that the Police Department has recently lost three vehicles to traffic collisions and Staff requests BOC approval to proceed with replacing them now to be ready for the upcoming season.

The three new Police Utility Ford Explorers would be purchased through North Carolina's State Purchasing Division. Total cost for the new Explorers will be \$131,182.33; the Town estimates insurance proceeds of \$47,409.33, for a net replacement cost of \$83,773.00.

This need is unexpected and Staff recommends the BOC authorize expenditure of \$83,773.00 from the Town's fund balance to complete these purchases.

Commissioner Windley moved to authorize the expenditure of \$83,773.00 from the Town's fund balance to complete the recommended purchases of vehicles for the Police Department, as presented. Commissioner Ingram seconded the motion, which was approved by a unanimous, 3-0 vote.

Town Attorney's Agenda

Consent Agenda

1. Minutes (Attached CA-1A)

A. January 22, 2020

2. Monthly Report (Attached CA-2A)

A. December 2019

3. Recommendation – Bid Acceptance for Colington Road – SR 1217 Water Main Improvements (Attached CA-3)

Assistant Public Works Director Derek Dail's packet memorandum and attachments, included in the meeting materials, provided complete details on this project and recommendations. In summary, the Town, in its support for NC-DOT, will replace a portion of the water main along Colington Road from Bermuda Bay east to Mustian Street. Colington Road is scheduled for major improvements by NC-DOT. The water main is being relocated to accommodate those improvements and the existing asbestos pipe will be replaced. The total cost of this project is being reimbursed to the Town by NC-DOT. Staff and the Town Engineer have reviewed the bids and concur in recommending BOC acceptance of Enviro-Tech's low bid of \$539,000.

Approval of the Consent Agenda will:

- Accept of the bid from Enviro-Tech in the amount of \$539,000 for Colington Road waterline replacement;
- Approve the American Engineering agreement in the amount of \$34,975 for construction oversight services;
- Approve budget amendment #15 to receive NC-DOT grant funds for this project in the total amount of \$584,307, which includes a contingency amount of \$10,332, and appropriate those revenues to a Water Systems expenditure line;
- Authorize execution of associated documents for this project by the Town Manager.

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

Commissioner Windley moved to approve the Consent Agenda, as presented. Commissioner Ingram provided a second, and the motion passed with a unanimous, 3-0, vote.

Public comment

Response to Public Comment

Adjournment

There being no further business appearing before the BOC at this time, Commissioner Windley moved to adjourn the meeting. Commissioner Ingram seconded the motion and approval was by a unanimous, 3-0 vote. It was 7:00 p.m.

Submitted by:

James Michael O'Dell
Deputy Town Clerk