Minutes of the Monday, June 8, 2020 first regular meeting of the month of the Kill Devil Hills Board of Commissioners held at 6:00 p.m. remotely and electronically beginning at 6:00 p.m. using ZOOM software in order to maintain the safety of Town residents, Staff, and Board of Commissioners. There were several methods the public could use to participate in or view the meeting, which were detailed on the published and distributed meeting agenda.

Members Participating:	Mayor Ben Sproul; Commissioners Terry Gray, Ivy Ingram, B. J. McAvoy, and John Windley
Members Not Participating:	None
Others Participating:	Debora P. Diaz, Town Manager; Casey Varnell, Town Attorney; Planning Director Meredith Guns and Assistant Planning Director Cameron Ray, Planning Department; Mary E. Quidley, Town Clerk, and James Michael O'Dell, Deputy Town Clerk

Call to Order

At 6:02 p.m. Mayor Sproul called this meeting of the Kill Devil Hills Board of Commissioners (BOC) to order and welcomed all present via Zoom software. He conducted a roll call of members:

Commissioner Windley	Here	Commissioner Ingram	Here
Commissioner McAvoy	Here	Mayor Sproul	Here
Commissioner Gray	Here		

There were eight attendees representing Staff and members of the public, and ten panelists which included the BOC, Town Manager, Town Attorney, and representatives of the Planning Department, present and participating in this meeting. The meeting was managed by Deputy Town Clerk Michael O'Dell. Mayor Sproul reviewed the procedures the meeting would follow and explained to all, panelists and attendees, how they could participate and how they would be called upon to submit a verbal comment.

This meeting was also live-streamed on the Town's Facebook page.

Mayor Sproul also provider a reminder that the meeting on Wednesday, June 10, 2020 will be held in the Meeting Room at the Administration Building, 102 Town Hall Drive, beginning at 6:00 p.m. with limited seating available. The meeting will also be available for viewing and participating via Zoom software, as well as live viewing on the Town's Facebook page.

ATTACHMENT CA-1A

Pledge of Allegiance and Moment of Silence

Mayor Sproul reminded everyone of the discord in the nation over the past week and he asked that everyone keep good thoughts for the country, and the Floyd family of Minnesota, during the *Moment of Silence* this evening.

Agenda Approval

On motion by Commissioner Windley, seconded by Commissioner Ingram, the agenda for this meeting was approved unanimously, 5-0, which was recorded by roll call vote:

Commissioner Windley	Yes	Commissioner Ingram	Yes
Commissioner McAvoy	Yes	Mayor Sproul	Yes
Commissioner Gray	Yes		

Public Hearings

The Town Attorney read aloud the rules of procedure for this public hearing, which has two topics: the Flood Damage Prevention Ordinance and accompanying new maps, and the Town Manager's Recommended Budget for Fiscal Year 2020/2021.

The recent enactment of SB 704 by the N.C. General Assembly requires electronically conducted public hearings to receive public comment any time between the notice of the public hearing up to 24 hours after the hearing. As a result, the BOC can discuss a public hearing item, but cannot take action until a subsequent meeting, which, for the two public hearing items for this meeting, is set for June 10, 2020, at 6:00 p.m., at which time the BOC will hold a worksession on the budget and potentially take action on it, either as presented or amended.

Mr. Varnell opened the public hearing.

1. Chapter 151, Flood Damage Prevention Ordinance – 2020 revision, including new FEMA flood maps (Attached PH-1)

Mayor Sproul introduced this item and explained that based on the comments he's received since the Flood Damage Prevention Ordinance and new maps had begun being reviewed by the BOC he has received favorable feedback from the public in appreciation for the open and transparent manner the Town has proceeded with this matter.

At the BOC's January 22, 2020, meeting, Planning Director Meredith Guns presented information on the updated FEMA Flood Insurance Rate Maps (FIRMs), and a draft Flood Damage Prevention Ordinance. The new ordinance includes State mandates for changes and Staff recommendations for improved clarity and consistency. The State has conducted its review of Staff's recommendations, which have been endorsed. The maps and ordinance must be adopted by June 19, 2020, in order for the Town to remain in the National Flood Insurance Program (NFIP). On February 11, 2020, the Planning Board also reviewed the revised ordinance.

On Wednesday, March 11, 2020, from 4:00 - 6:00 p.m., the Planning Department Staff conducted a community informational meeting so Kill Devil Hills citizens could see how the upcoming maps will affect their specific properties. Additionally, an insurance representative was available to answer general flood-related questions at the meeting, which was also broadcast on Facebook Live. The Town also implemented a public information outreach program through the Town's website, social media, and videos to inform citizens of the potential changes and to assist with the public's understanding of the new regulations. Information on the recommended ordinance, including Ms. Guns presentation, summary of changes, and links to the FIRMs have been placed on the Town's website at https://www.kdhnc.com/135/Flood-Prevention-Information-Maps since their introduction.

Through consensus, the BOC directed the item to be placed on its March 25, 2020, meeting agenda for further discussion, which, along with the regular April 6, 2020, meeting, was not held due to COVID-19 safety precautions. At its April 22, 2020, meeting, the BOC rescheduled this item for public hearing for June 8, 2020, at 6:00 p.m. Staff has continued placing the item on all subsequent meeting agendas until its appearance for adoption to receive additional input from the BOC and the public.

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

Going to a statement from the Outer Banks Homebuilders' Association (OBHA), Mayor Sproul read aloud their letter:

Outer Banks Homebuilders' Association: The Homebuilders' Association (OBHA) submitted a written statement in support of the changes to the Flood Damage Prevention Ordinance and accompanying Flood Insurance Rate Maps.

The OBHA's comments included appreciation to Planning Director Meredith Guns and the Planning Staff for responsiveness to OBHA members input during the development of the new ordinance. They believe the new ordinance offers "sound solutions to the challenges the 2020 FIRM poses for construction and development standards" on the Outer Banks. They cited particular provisions of the new ordinance that support a commonsense approach to development of new local construction elevation standards and they believe the new regulations will work as well in practice as they do in the ordinance. The OBHA stated that the new flood ordinance reflects the Town's Planning Staff's belief "…in a cooperative approach to community resilience that incorporates building community stakeholders' interests and expertise as fully as possible."

The full text of this statement is included with the record of this meeting.

There were no other comments submitted or voiced for this public hearing item.

Staff proposed action on this amendment to the Town Code at the Wednesday, June 10, 2020 recessed meeting.

Mayor Sproul initiated comment from the BOC and he expressed his belief that this is a good revision for the Town. Commissioner Gray also expressed his appreciation and support for the new ordinance and maps and he congratulated Planning Director Meredith Guns for her diligence to see this very important project through to completion. Commissioner Windley agreed with Commissioner Gray and thanked Ms. Guns and Staff for their work.

Commissioner Ingram made a motion for the BOC to close this public hearing and Commissioner Gray seconded that motion and approval was unanimous, 5-0, by roll call vote.

Commissioner Windley	Yes	Commissioner Ingram	Yes
Commissioner McAvoy	Yes	Mayor Sproul	Yes
Commissioner Gray	Yes		

2. Town Manager's Recommended Budget Fiscal Year 2020/2021 (Attached PH-2)

The Town Manager's Recommended Budget for Fiscal Year 2020/2021 was presented to the BOC on May 27, 2020, for consideration in accordance with the Local Government and Fiscal Control Act. At that meeting, the BOC scheduled the public hearing for this evening's meeting.

The BOC looked forward to Wednesday evening when they would be able to discuss the budget as a group, in-person.

Commissioner McAvoy made a motion for the BOC to close this public hearing and Commissioner Windley seconded that motion and approval was unanimous, 5-0.

Commissioner Windley	Yes	Commissioner Ingram	Yes
Commissioner McAvoy	Yes	Mayor Sproul	Yes
Commissioner Gray	Yes		

Public Comment

Response to Public Comment

Introductions and Presentations

Old Business

New Business

1. 2022 Beach Nourishment Project Design and Permitting – Proposal - Coastal Protection Engineering of North Carolina, Inc. (Attached NB-1)

This item was reviewed by Ms. Guns.

As a part of the Town's initial Beach Nourishment project in 2017, the Town has followed the adopted annual monitoring plan that has included surveys of the nourishment area for any changes in the profile of our beach. Re-nourishment was planned for five years from the initial project, unless, as a result of the surveys, re-nourishment was recommended earlier. Planning Director Meredith Guns' attached memorandum highlights the process for the 2022 nourishment project, which also includes the Towns of Duck, Southern Shores, and Kitty Hawk. Following interviews for qualified firms to oversee the project, Coastal Protection Engineering

of North Carolina, Inc., was unanimously recommended. Although under another company name, the principal staff of the firm managed the initial nourishment project.

Staff recommended approval of this item.

Commissioner Ingram made a motion for the BOC to approve the proposal from Coastal Protection Engineering of North Carolina, Inc., in the amount of $400,233.75 including authorizing the Town Manager to expend those funds from the Beach Nourishment Capital Reserve Fund for the purposes stated in this memorandum and the design and permitting agreement. Commissioner Gray seconded that motion.

In response to a question from Commissioner Windley, Ms. Guns explained that the engineers will begin work immediately with results available in the Fall 2020. She will keep the BOC informed on the progress. Commissioner Windley asked if the engineering firm had ever encountered problems such as those listed on Page A-13 pertaining to locating sand borrow areas of sufficient quality and quantity to meet the needs of Kill Devil Hills and the other participating entities. Ms. Guns replied that she felt sure they had experienced those types of problems, and she also explained that additional borrow areas are being investigated closer to the northern nourishment areas in Duck, Southern Shores, Kitty Hawk.

Mayor Sproul called for a vote on the motion and approval was unanimous by roll call vote, 5-0.

Commissioner Windley	Yes	Commissioner Ingram	Yes
Commissioner McAvoy	Yes	Mayor Sproul	Yes
Commissioner Gray	Yes		

Committee Reports

Commissioners Agenda

Commissioner Gray

- *COVID-19 Masks*. Commissioner Gray explained that he had received a couple of phone calls from local businesses interested in an initiative that mandatory masks be worn when inside businesses (such as retail stores) in response to the increase in COVID-19 cases in Dare County. He asked Mayor Sproul to take this to the Dare County Control Group for discussion and potential action.

  Mayor Sproul replied that he understood the Town of Nags Head was considering similar action and he was aware the Control Group had previously discussed circumstances which might warrant mandatory mask-wearing. He added Kill Devil Hills could move in this direction on its own, separately from the Control Group and Dare County. Mayor Sproul mentioned that while he recognized mandatory masks could help prevent spread of the virus, he felt it would be a difficult matter to enforce. Commissioner Gray pointed out that if the Control Group were to take action then there would be uniformity throughout Dare County. At this time, masks are only recommended, but action by the Control Group could make wearing masks mandatory.

He added that in Virginia mask wearing is mandatory and COVID-19 numbers are going down; North Carolina only recommends masks and the virus numbers are going up.

The Town Attorney advised that orders coming from the Control Group are advisory subject to adoption by Dare County; when the county takes action then the action is applicable only to unincorporated areas. As an incorporated municipality, Kill Devil Hills could pursue its own declaration for adoption. Affirmative action would be required for masks to be mandatory in Kill Devil Hills.

Mayor Sproul called for comments from the rest of the BOC. Commissioner Ingram agreed with Commissioner Gray and felt that if mask-wearing correlates to reduction of the COVID case numbers, then she would support. She also asked Mayor Sproul to mention to the Control Group that it has become a bit difficult to find information on COVID-19 on the County's website, and there are less bulletins being issued to update people on the matter. Mayor Sproul confirmed that the strategy had been shifted to communicate less often in order to communicate the message that the bulletins are important in nature. He said he would communicate with the Control Group.

Commissioner McAvoy agreed that mask wearing is important and respectful to others but he hesitated to make wearing a mask mandatory and would prefer not take action to that end. Mayor Sproul added that such a requirement could be tailored for children, the elderly, etc., and not be applicable for all.

Commissioner Windley stated that he supported the concept and would like a coordinated effort for a very thorough public information campaign to advise visitors on what to expect when they arrive on the Outer Banks, and the business community advised on how to best deal with people who refuse to wear masks. Mayor Sproul agreed that an intensive public push could be a good way of proceeding – maybe including a "Thank You from the Town of Kill Devil Hills" sign message for wearing masks.

Commissioner McAvoy agreed that the uniformity of marketing with the Town's seal could be very effective.

Commissioner Ingram, the Town's representative on the Tourism Board, explained that the Outer Banks Visitors Bureau has information on its website associated with the "Be Safe. Be Smart. Have Fun." campaign, specifically for businesses. There is an Outer Banks Tourism Pledge on the website that has been taken by local businesses, and when the pledge is taken then the webpage may be expanded to show the steps businesses have taken/are taking to help slow the Coronavirus and prevent its further spread. Additionally, there is information that can be used by rental companies to send to renters before they get to our area.

Commissioner Gray reminded that if this issue was taken to the Control Group, then Dare County and the Control Group sends policy/regulation adoption information to the other participants in the Control Group. He felt uniformity of requirements between jurisdictions sometimes helps people to follow requirements, therefore, bringing in the Control Group, and possibly the State of North Carolina, could be of benefit.

Mayor Sproul will speak with Dare County Control Group Chair/Board of Commissioners Chair Bob Woodard to see if a Group meeting could be held. He also

summarized that the BOC would like to have vinyl clings printed as a thank you from the Town for wearing masks inside the building. Also, the resources mentioned on the Outer Banks Visitors Bureau and Dare County will be linked to the Town's website.

The Town Manager confirmed that Staff will proceed with its responsibilities, and that the Town's PIO meets weekly with the PIOs from the other Dare County local governments for exchange of information. She also confirmed that the Town had been receiving comments that too much information was being distributed, which is around the time that the Control Group began to cut back. Ms. Diaz added that every time there is a new COVID-19 case, the Dare County Health Department posts that information.

- *Water Line Break, Pine Grove Trail.* Commissioner Gray recognized Public Services Staff for their immediate response to a water line break over the weekend on Quail Lane, which included having the roadway repaved today. They did a great job.

- *Sgt. Rodney Rawls.* Commissioner Gray related a story about Police Sergeant Rodney Rawls, who recently was able to help a young motorist whose car failed while driving on the highway. He stayed with the young man until his family arrived and was then able to help them find a body, and continued to stay with them until they had contacted AAA.

  The e-mail message commending and thanking Sgt. Rawls was sent to the BOC by Evelyn Burkhart and Greta Brown is filed with the materials for this meeting.

Commissioner Windley

- *Milfoil problem in Kitty Hawk Bay.* He explained that he, and other members of the Board, had received comments and concerned from people desiring to run motor boats in Kitty Hawk Bay but have trouble doing so because of milfoil levels. He had spoken with Assistant Town Manager Shawn Murphy who was able to help these citizens understand the milfoil eradication program conducted by the State and to put them in contact with the proper officials.

Commissioner Ingram

Public service personnel. Commissioner Ingram recognized all emergency response personnel for their dedication to service during this rather difficult time, and extended that recognition to all Town employees. She explained the BOC receives all types of comments thanking everyone in public service for the job they do to help keep people safe and she was glad to be able to pass along our citizens' appreciation.

Mayor's Agenda

1. Resolutions and Proclamations (MA-1A and MA-1B)

A. Resolution in Celebration of a Life of Service: Chad Jones

The community recently lost a dedicated public servant with the death of Dare MedFlight Director of Operations Chad Jones, a long-time resident of Dare County. This resolution highlights his selfless work in Kill Devil Hills and throughout the community.

Mayor Sproul made motion for the BOC to adopt the *Resolution in Celebration of a Life of Service: Chad Jones.* Commissioner Gray seconded that motion and approval was unanimous, 5-0, by roll call vote:

Commissioner Windley	Yes	Commissioner Ingram	Yes
Commissioner McAvoy	Yes	Mayor Sproul	Yes
Commissioner Gray	Yes		

B. National Beach Safety / Rip Current Awareness Month Proclamation

The beaches of Kill Devil Hills represent a precious natural resource. The citizens and visitors to our community are drawn to these beaches year-round for recreational activities. However, this aquatic environment has dangers, particularly rip currents, that can be effectively managed through public awareness and the vigilance of professional lifeguards. The Town of Kill Devil Hills urges all beachgoers to take appropriate measures to protect themselves and their families as they enjoy our pristine shore.

Mayor Sproul made a motion to adopt the proclamation on *National Beach Safety / Rip Current Awareness Month* and Commissioner McAvoy seconded that motion. Approval was unanimous, 5-0, by roll call vote.

Commissioner Windley	Yes	Commissioner Ingram	Yes
Commissioner McAvoy	Yes	Mayor Sproul	Yes
Commissioner Gray	Yes		

- *Harriet Banner's retirement.* Ms. Banner will retire at the end of June after a long career with the Town and she will be greatly missed. Mayor Sproul worked with Harriet for 11 years on Planning Board and found her to be very knowledgeable, friendly and always available to help anyone who needed her.

- *Next meeting will be Wednesday, June 10, 2020 at 6:00 p.m.* This will be held in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road and simultaneously conducted using Zoom software, and shown in real-time on the Town's Facebook page.

- *Prospect Avenue Public Restroom.* The final touches are being completed and this new facility will be open on Saturday, June 13, 2020.

- *National disharmony.* There will be a peaceful protest in Manteo in support of George Floyd, who was killed in a tragic police incident in Minneapolis, Minnesota last weekend in May. The protest will be held on Tuesday evening beginning at 5:00 p.m. Mayor Sproul explained he will not be able to attend it due to work requirements and he hoped other members of the BOC would be able to attend.

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

1. Minutes (Attached CA-1A)

A. May 27, 2020

Staff recommended approval of the Consent Agenda, and Commissioner Gray made a motion to approve the Consent Agenda as presented. Commissioner Windley seconded that motion. Approval was unanimous, 5-0, by roll call vote:

Commissioner Windley	Yes	Commissioner Ingram	Yes
Commissioner McAvoy	Yes	Mayor Sproul	Yes
Commissioner Gray	Yes		

Public Comment

KDH Police Chief Gary Britt. He commented on the discussion pertaining to mask wearing and expressed his appreciation to the Board for their excellent comments and ideas. He felt education and information is the best route to take in getting people to wear masks. He explained that making masks mandatory to wear is a concern due to a number of reasons. Law enforcement could be placed in very difficult situations, given the factors involved: we are a small department, there are thousands of visitors in Kill Devil Hills, many people could take it upon themselves to call in violations of such a regulation, thus creating unmanageable situations. Some people are respectful and will wear the masks and others just have no intention of putting them on. Town officers could be placed in difficult public relations positions of having to argue with citizens and visitors as to whether a mask is appropriate or not; unintended consequences becomes a possibility.

He also thanked the BOC for their comments and recognition of Sgt. Rawls.

Response to Public Comment

Commissioner McAvoy thanked Chief Britt for his comments. He understood the Chief's concerns and added that anything that could be done to make mask-wearing appear mandatory would be of benefit.

Adjournment

Commissioner Windley made a motion for this meeting to be recessed until Wednesday, June 10, 2020 at 6:00 p.m. and Commissioner Ingram seconded that motion. Approval was unanimous, 5-0.

It was 7:10 p.m.