

Minutes of the Monday, June 29, 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 Terry Gray, Ivy Ingram, Bernard "B.J." McAvoy and John Windley

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 6:02 p.m., Mayor Sproul opened this meeting of the Kill Devil Hills Board of Commissioners (BOC) and welcomed all present.

Pledge of Allegiance and Moment of Silence

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 Comment

Aydan Tobias, 303 West Ocean Acres Drive, Kill Devil Hills – Master Tobias shared his concern about speeding motorists along West Ocean Acres Drive. He requested additional STOP signs along the street to increase safety.

Two public comments were submitted electronically to the BOC, and Mayor Sproul read them aloud in the meeting:

Beth O'Leary, 1219 B South Virginia Dare Trail, Kill Devil Hills – Ms. O'Leary expressed concern about a SHOULDER WORK AHEAD sign along South Virginia Dare Trail, which she stated obstructed hers and her neighbors' views when turning onto South Virginia Dare Trail.

Faye Lewis, 2708 Plymouth Street, Kill Devil Hills – Ms. Lewis shared that although her property address is on Plymouth Street, her driveway accesses West Hayman Boulevard. She expressed concern about the public parking on both sides of the street, which she stated made it

difficult to get out of her driveway. She suggested NO PARKING signs or off-street parking nearby to alleviate the issue.

The complete printed electronic comments have been made a part of the minutes of this meeting.

(Clerk's note: the BOC was provided with copies of all electronically submitted comments prior to the meeting)

Response to Public Comment

The BOC expressed their thanks to Master Tobias for taking the initiative to speak at the meeting. Assistant Police Chief Dana Harris updated the BOC any speeding issues on West Ocean Acres Drive. He noted that patrols were ongoing, and were paired with electronic speeding monitoring. Town Manager Debora Díaz stated that Staff would continue to monitor this roadway. Assistant Chief Harris shared that he could be contacted any time.

With regard to NC 12 comment, Commissioner Gray noted that the photo Ms. O'Leary shared was a NC Department of Transportation (NCDOT) sign. Ms. Díaz stated that Staff would look into the issue.

Commissioner Gray noted that he had visited the Hayman Boulevard area and said there were four parking spaces on the north side and two spaces on the south on Hayman Street. He had spoken with the Fire and Police Chiefs; there were no complaints on file. The Town Manager stated that Staff would contact Ms. Lewis and follow up on the issue.

Committee Reports

Commissioners' Agenda

Commissioner Gray

Trash Cans on the Beach He thanked the Town Manager for dealing with the issue about trash cans on the beach. Ms. Díaz noted that the trash cans had been removed from the First Street area of the beach, which has a narrower coastline and the cans would wash out or fall over during storms or rough surf. They have been returned.

Commissioner McAvoy

Outdoor Seating and Tents for Restaurants He suggested the Town re-examine its requirements for outdoor tents, noting that a few restaurant representatives had approached him with their concerns. Planning Department Director Meredith Guns stated that some restaurants utilizing outdoor dining had requested tents. She stated that the Town has not had any issues, nor any requests denied, unless it did not meet fire code or that the tent structure would not be located completely on their property. She said most have used a picnic table / umbrella combination.

She also noted the Town has allowed lighting in the tents because customers could not always see without lighting. She provided an overview of the process, and encouraged any restaurant that may be interested to contact the Planning Department.

Commissioner Ingram

Masks Available at Visitors Centers She shared that the Outer Banks Visitors Bureau had ordered masks for distribution at area Visitors Centers. Ms. Díaz stated that the Town was in process of securing masks for distribution to businesses and others in the community; however, like most personal protection equipment, they were scarce and on backorder.

Commissioner Windley

BOC Retreat He inquired whether the BOC retreat had been rescheduled. Mayor Sproul stated that it would be good to get back on track for tentative dates in the autumn. Ms. Díaz shared she would reach out to the facilitator.

NCDOT Update Presentation He asked about inviting a NCDOT representative to provide an update. Ms. Díaz replied that Jerry Jennings had been invited to present at a meeting earlier in the spring, which was cancelled because of the COVID-19 restrictions. She will contact Mr. Jennings about his availability to attend a future meeting.

Mayor's Agenda

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

1. Minutes (Attached CA-1A and 1B)

- A. June 8, 2020
- B. June 10, 2020

2. Monthly report (Attached CA-2A)

- A. May 2020

3. Budget amendments (Attached CA-3A, 3B, 3C, 3D)

- A. #27 – to appropriate insurance proceeds to cover insurance claim reimbursable expenses during the year

- B. #29 – to record PEG Channel support funds
- C. #30 – to appropriate Coronavirus Relief Funds (CRF) under the federal CARES Act through Dare County to cover COVID-19 related expenditures
- D. #31 – to appropriate funds for beach sand fencing available from Dare County

4. Policies adoptions for compliance with Federal and State requirements (Attached CA-4A and 4B)

Once adopted, the resolution and policy statement in CA-4A will be placed on the Town's website and posted on Town bulletin boards. The Personnel Policy will be amended as presented. The Town Attorney has reviewed and approved these items.

A. A Resolution Adopting a Title VI Policy to Prohibit Discrimination in Programs and Services and in Activities Receiving Federal Financial Assistance; and, Nondiscrimination Policy Statement

Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

Adoption of the Consent Agenda will approve the attached resolution and policy statement for recordation as official policies of the Town of Kill Devil Hills. The Town Manager will direct Staff to develop and implement a transition plan that assesses Town facilities (buildings, parks, parking areas, multi-use trails, Town streets intersections, beach accesses, etc.) and programs (public information and social media documents and postings, etc.) to identify areas that require improvement, and within budgetary constraints make recommendations to prioritize and remedy problem areas.

B. Amendment to Article IV. Recruitment and Employment. Section 1. Equal Employment Opportunity Policy. KDH Personnel Policy – to update nondiscrimination language

The underlined language amends the Town's Personnel Policy to include the Supreme Court's most recent ruling, on June 15, 2020, that Title VII of the Civil Rights Act of 1964 protects against employer discrimination on the basis of "sex," and adds *sexual orientation* and *gender identity* to the Town's existing language.

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.

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, 5-0 vote. It was 6:33 p.m.

Submitted by:

James Michael O'Dell
Deputy Town Clerk