



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

August 10, 2020

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: Consent Agenda

1. Minutes (Attached CA-1A)

A. July 13, 2020

2. Budget amendments (Attached CA-2A and 2B)

- A. #1 – to appropriate Dare County Tourism Board grant funds for 2020-21 Baum Street – Centennial Path, Phase II project for construction
- B. #2 – to appropriate a N.C. Department of Public Safety Governor's Crime Commissioner grant for school safety

3. Dare County/Kill Devil Hills interlocal agreements (Attached CA-3A and 3B)

Approval of the Consent Agenda will place these items into the record of the meeting, with the BOC's consensus of support for the Town's continued partnership with Dare County.

A. Debris Removal Monitoring Contract Use – to record BOC consensus approval

This contract will continue the Town's association with Dare County in the monitoring of storm debris removal, which will ensure that work is eligible for FEMA Public Assistance program funding.

B. Relocation of Public Water Supply Emergency Interconnection on Colington Road - to place in the public record

This memorandum of understanding (MOU) will provide for the relocation of the public water supply emergency interconnection between the Town and Dare County.

4. Schedule Public Hearings

Approval of the Consent Agenda will schedule the following items for public hearing on Monday, September 14, 2020, at 6:00 p.m.:

A. Amendment to Chapter 153, Zoning – 153.077 – modifications to allow LED String Accent Lights in the Commercial Zone (Attached CA-4A)

At the July 13, 2020, BOC meeting, Staff highlighted options that would allow some LED accent lighting on commercial structures. Board guidance had included limiting the height of accent lighting on structures, small scale accent lighting, minimization of light pollution, protection of oceanfront wildlife, and limitation of light proliferation on a structure. The BOC then directed Staff to develop an ordinance with those options and submit it to the Planning Board for consideration.

At its meeting on July 21, 2020, the Planning Board reviewed this recommended amendment to the Zoning Ordinance and voted to forward it for consideration by the BOC.

B. Amended Conditional Use Site Plan – 808A Eighth Avenue in the Light Industrial Two Zone – Modify Site Plan to Remove Workforce Housing Designation from Unit 808A (Attached CA-4B)

Kill Devil Hills was the first local government to assist developers desiring to build workforce housing, by adopting ordinances that made such construction easier and more affordable. When the Nature's Walk multi-family residential complex was established, the Town waived development fees in agreement with the developer, which permitted qualified owners to purchase lower cost housing. If a workforce housing property was ever resold, it would be sold to a qualified buyer through a housing agency. However, owners also have the option to request removal from the workforce housing program and return to a market rate unit. As a part of the process, owners must request approval from the Town. If approved, all earlier waived development fees are required to be paid to the Town. Several of the eight properties have opted to convert to market rate properties.

Amber Harrison Jennings, owner of Unit 808A Eighth Avenue, in the Nature's Walk complex, has requested a change in the designation of the unit from workforce housing to a market rate unit. The Amended Conditional Use Site Plan request is subject to meeting the conditions outlined in the attached Planning Department memorandum, which includes the BOC conducting a public hearing.

C. Swell Brewery - 1802 S. Virginia Dare Trail – Commercial Zone – Proposed brewery with tasting room, outdoor dining activity area, 30 parking spaces, and associated site improvements.

Swell Brewing, LLC, has submitted plans for the proposed construction of a brewery to be located at 1802 South Virginia Dare Trail, which will include an outdoor dining activity area, 30 parking spaces, tasting room, and associated site improvements. Because an outdoor dining activity area is included, the development is a conditional use application. At its July 21, 2020,

meeting, the Planning Board voted unanimously to forward the plan to the BOC for consideration, with a favorable recommendation.

5. Monthly report (Attached CA-5A)

A. June 2020

6. Kill Devil Hills fireworks event to celebrate Wright Brothers momentous achievement of powered flight on December 17, 2020

At its July 13, 2020, meeting, the BOC examined possible alternatives to conducting its annual fireworks event during the Labor Day weekend, if the State of North Carolina's COVID-19 Phase Three governing public gatherings was not declared by Governor Cooper by August 5, 2020.

Through consensus, the BOC rescheduled an alternate date, which has been set for Thursday, December 17, 2020, to honor the anniversary of the Wright Brothers' powered flight. Approval of the Consent Agenda will place the date into the record of the meeting and record the Board's consensus of support for this community event.

Staff recommends approval of the Consent Agenda as presented and a motion will be in order.