

**Minutes of the Monday, July 13, 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 Pro Tem Ivy Ingram; Commissioners Terry Gray, Bernard "B.J." McAvoy and John Windley

**Members Absent:** Mayor Ben Sproul

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

**Call to Order**

At 6:12 p.m., Mayor Pro Tem Ivy Ingram opened this meeting of the Kill Devil Hills Board of Commissioners (BOC) and welcomed all present. It was noted that Mayor Sproul had contacted BOC members, sharing that he was delayed by inclement weather, and may be unable to attend the meeting.

**Pledge of Allegiance and Moment of Silence**

**Agenda Approval**

Commissioner Windley moved to approve the agenda for this meeting as presented. Commissioner Gray seconded the motion, which passed by a unanimous, 4-0, vote.

**Public Comment**

**Response to Public Comment**

**Old Business**

**New Business**

**1. Proposed modifications to Lighting Standards – LED Accent Lighting (Attached NB-1)**

Planning Director Meredith Guns shared that at its May 27, 2020, meeting, the BOC directed Staff to research potential avenues to permit LED accent lighting on commercial structures. The Planning Department developed several options for consideration, which were

detailed in Ms. Guns' accompanying packet memorandum. She stated that items selected by the BOC will be incorporated into a recommended amendment to Chapter 153.077 Signs, which will be formally presented to the Planning Board for consideration.

Commissioner Gray inquired about item number 3, which referenced "strings" of lighting, and suggested an alternate term to better clarify. Commissioner McAvoy inquired about the rationale for the four-foot line separation limitation and the two-inch diameter limitation for lines. Ms. Guns explained that Staff had identified that the lighting would be part of fascia or a parapet, which has an average height of four feet. Ms. Guns stated that two inches is the average casement size of LED bulbs lighting. She noted that the recommended options only permitted LED lighting on one structure.

Commissioner McAvoy also inquired whether LED lighting would be permitted along NC 12. Ms. Guns replied that LED lighting would be permitted along the west side of NC 12; however, where the majority of businesses are located (on the south end of town), the average dune height is 22 feet. The 15-foot height limitation would keep any lighting behind the dunes and not bleed onto the shoreline. Commissioner Windley inquired about the Dark Sky Initiative. Ms. Guns shared that the Dark Sky initiative is an international program that promotes the adoption of quality outdoor lighting ordinances, including lessening the negative impacts of outdoor lighting on wildlife. The BOC expressed its support for all of the options presented.

Ms. Díaz thanked the BOC for its guidance and noted that once the items and clarifications are in ordinance form, it would be presented to the Planning Board for consideration.

## **Committee Reports**

### **Commissioners' Agenda**

#### Commissioner Gray

West-side Sidewalks at Wright Brothers National Memorial He noted that the BOC had received an email from Elaine Vann and John Whitaker, 607 West Landing Drive, inquiring about sidewalks on the west side of US 158 abutting the Wright Brothers National Memorial property. Commissioner Gray shared that he had spoken with National Park Service (NPS) Superintendent David Hallac earlier in the day, who indicated a willingness to assist the Town with any safe walking path development in which the Town may embark. Supt. Hallac has researched the issue and the area between the NPS property's tree line and US 158 belongs to the North Carolina Department of Transportation (NCDOT). Commissioner Gray stated that depending upon funding, sidewalks along this area is something that the Town needs to address. He noted that it was a tight budget time, but that he was in favor of such a project.

Old Kmart Site He inquired what the Town was doing to monitor the property at 1901 N. Croatan Highway, the site of the old Kmart. Ms. Guns stated that there were two owners: one owner of the land and another owns the building and the business. Planning Staff has

been in contact the landowner to remind them that the signage will need to be removed within 90 days after the business' closing. She noted that the lease is still active, and Kmart is responsible for the site. She shared that some of the public were using the lot as beach access parking. Ms. Guns stated that Planning Department Staff would visit the property, identify any state or local codes violations or hazards, and follow up with the BOC.

#### Commissioner McAvoy

#### Commissioner Windley

West-side Sidewalks at Wright Brothers National Memorial He thanked Commissioner Gray for speaking with the NPS staff on the sidewalks issue, and expressed his support for future construction at this site.

"I Wear a Mask for . . ." video Commissioner Windley was very pleased about the "I Wear a Mask for . . ." video, in which the BOC participated. The segment highlights the importance of wearing facemasks in public.

#### Mayor Pro Tem Commissioner Ingram

Personal Protective Equipment (PPE) Litter She said that a citizen had shared a concern about PPE litter, including used facemasks and disposable gloves. She said that Staff is developing messaging to raise awareness of the issue.

### **Mayor's Agenda**

#### **1. Board of Commissioners Retreat**

The Board of Commissioners retreat has been scheduled for Saturday, September 19, 2020, at Town Hall. The session will begin at 9:00 a.m., and will be facilitated by Margaret Henderson, of the UNC School of Government.

Fireworks Event Mayor Pro Tem Ingram also reviewed options for consideration about the upcoming fireworks event:

1. Maintain the event for September 5.
2. Postpone for later in 2020 at no additional cost, provided there is a 30-day notice.
3. Cancel the event for 2020, begin negotiations for July 4, 2021; there is a \$5,025 cancellation fee. Time requirement is that the Town must act within 30-days of our September 5 scheduled date.

4. Cancel the event with no intent to reschedule for 2021, which would cost the Town \$8,375 provided there is at least a 30-day notice.
5. Cancellation inside of 30-days from the scheduled date of September 5 would cost \$25,125.

She noted that the BOC may also want to consider North Carolina's overall status with respect to COVID-19: whether Phase 3 will be in place, which would allow more flexibility for gatherings. Staff could be given the authority to cancel or postpone the fireworks event by August 5 in the event Phase 3 is not in operation by that date.

The BOC inquired about a Staff recommendation. Ms. Díaz recommended the Town consider whether North Carolina has designated Phase 3 by August 5, which is the Town's deadline to re-scheduling the event. If the State has entered Phase 3, then she recommended maintaining the scheduled September 5, 2020, Labor Day fireworks event. If the State has not entered Phase 3, she recommended option #2 or option #3. For example, Ms. Díaz suggested alternative dates of December 17, 2020 (anniversary of powered flight) or New Year's Eve. The Board expressed support for Ms. Diaz's recommendation.

#### **Town Manager's Agenda**

#### **Town Attorney's Agenda**

#### **Consent Agenda**

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

- A. June 8, 2020

2. **Schedule public hearing – Moore Shores Estuarine Access**

The Town of Kill Devil Hills has been invited to submit a Final Grant Application to improve the Moore Shores Estuarine Access. The planned improvements include five off-street parking spaces, handicap accessible walkway and pier with a kayak/canoe launch. This will be the first access in Kill Devil Hills to provide a launch area for non-motorized water recreation.

The Town is required to hold a public hearing to receive public input on the proposed project prior to the final application. Approval of the Consent Agenda will schedule this item for public hearing for Monday, August 10, 2020, at 6:00 p.m.

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

Commissioner Gray moved to approve the Consent Agenda, as presented. Commissioner McAvoy provided a second, and the motion passed with a unanimous, 4-0, 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 McAvoy seconded the motion and approval was by a unanimous, 4-0 vote. It was 6:42 p.m.

Submitted by:

James Michael O'Dell  
Deputy Town Clerk