

Minutes of the Tuesday, February 9, 2021, regular meeting of the Kill Devil Hills Board of Commissioners held at 6:00 o'clock p.m. remotely and electronically using ZOOM meeting 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, Bernard "B.J." McAvoy and John Windley

Members Not Participating: none

Others Participating: 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 6:04 p.m., Mayor Sproul opened this meeting of the Kill Devil Hills Board of Commissioners (BOC) and welcomed all present via Zoom software. He conducted a roll call of members:

Mayor Sproul	Present	Commissioner Gray	Present
Commissioner Ingram	Present	Commissioner McAvoy	Present
Commissioner Windley	Present		

There were nine attendees representing Staff and members of the public, and seven panelists which included the BOC, Town Manager, Town Attorney, and representatives of the Planning Departments, present and participating in this meeting. This meeting was managed by Deputy Town Clerk Michael O'Dell. This meeting was also live-streamed on the Town's Facebook page.

Pledge of Allegiance and Moment of Silence

Agenda Approval

Commissioner McAvoy moved to approve the agenda as presented. Commissioner Ingram seconded the motion, which passed by a unanimous roll call vote:

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

Public Comment

Response to Public Comment

Introductions and Presentations

Old Business

1. Old Business

A. Conditional use site plan – Bermuda Bay PUD – Section 200A – amendment site plan for two (2) four (4)-story multi-family structures and associated site improvements (Attached OB-1A)

BB Southampton Mews, LLC submitted plans for the proposed construction of two, four-story multi-family structures, 112 units of either one or two bedrooms each, and associated site improvements. All materials have been previously provided to the BOC.

At its January 11, 2021, meeting, the Board of Commissioners scheduled a January 27, 2021, public hearing, and the BOC received comments from the public via email and on the Zoom meeting platform. Although the public hearing was closed, the BOC took no action due to the requirement for the Board to receive public comment for 24 hours following (N.C.G.S. 166A-19.24); those comments, which were forwarded to the Board of Commissioners, have been included in the record of this meeting: Penny Muslimani, 1506 Bailey’s Bay Road and Linda deMey, 1308 Devonshire Road, both of Kill Devil Hills.

Commissioner Windley moved to approve the conditional use site plan for Bermuda Bay PUD – Section 200A – amendment site plan for two (2) four (4)-story multi-family structures and associated site improvements. Commissioner Gray seconded the motion, which passed by a unanimous roll call vote:

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

New Business

1. Appointment

A. Planning Board

Mike Lowack’s term on the Planning Board will expire March 2021, and he has expressed a desire for reappointment. All applications on file from persons interested in serving have previously been copied to the Board of Commissioners, and no new applications for those

purposes have been received. Mr. Lowack’s appointment history was included with the meeting materials.

Commissioner Gray moved to reappoint Mike Lowack to the Planning Board for a term that will expire March 2024. Commissioner Windley seconded the motion, which passed by a unanimous roll call vote:

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

Committee Reports

Street Improvement and Special Projects Committee (SISPC) Commissioner McAvoy said that the SISPC had met earlier in the day and discussed options on lighted pedestrian crosswalks. He stated that Assistant Planning Director Cameron presented a detailed overview of each designated, marked crosswalk along NC 12 in Town. Staff recommended a phased crosswalk installation, which is based on the higher use, darkest crosswalks that also lead to Town public beach accesses. Commissioner McAvoy noted there is funding in this year’s budget to complete Phase I before the 2021 summer season. Phase II is recommended for completion in 2022, and those crosswalks already benefit from adequate lighting. However, some Phase II crosswalks were identified to be adjacent to businesses. The Town would offer those adjacent businesses an opportunity to be included in Phase I if they financed the lights; otherwise, those crosswalks will be retained in Phase II. The final Phase III would install crosswalk lighting along the Town’s Multi-Use Path on Colington Road and Veterans Drive, as well as marked crosswalks in the First Flight schools area, Aviation Park, and Dare County Family Recreation Park. Commissioner McAvoy said the goal is to light all designated crosswalks to promote safety for Town citizens and visitors; he thanked Staff and the SISPC for their work. The SISPC had forwarded the Staff recommendation, requesting BOC consensus to authorize Staff to move forward with Phase I as soon as possible and for the BOC to consider Phase II and Phase III in the upcoming budget cycles.

Through consensus, the BOC accepted the SISPC recommendation and authorized Staff to move forward with Phase I of the project with the existing budgetary funding.

Commissioners’ Agenda

Commissioner Ingram

National Park Service (NPS) meeting Commissioner Ingram highlighted the recent ZOOM meeting with Mayor Sproul, the NPS Events and Education Coordinator, and NPS Superintendent Dave Hallac to potentially carryover the momentum of the successful December 17, 2020, fireworks to a future event. The BOC expressed support for an event partnership.

Mayor's Agenda

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

1. Minutes (Attached CA-1A)

A. January 27, 2021

2. Monthly report (Attached CA-2A)

A. December 2020

3. Assistance to Firefighters Grant for the purchase of P-25 compliant communications equipment (Attached CA-3)

Fire Chief Tilley's memorandum in the meeting materials highlighted the Fire Department's opportunity to apply for a Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) to fund the purchase of vehicle and personnel communications equipment, which would replace outdated equipment with 800 MHz, P-25 compliant units. The Board has previously authorized the Fire Department to apply, but the Department was not awarded the grant.

Approval of the Consent Agenda will authorize Staff to apply for the AFG of approximately \$300,000, with required 5% matching funds, or \$15,000, being allocated from the 2020-2021 Budget.

4. Budget Amendments (Attached CA-2A and 2B)

- A. To appropriate Coronavirus Relief Funds (CRF) under the federal CARES Act through Dare County to cover COVID 19 related expenditures for FY 2020-21.
- B. To increase rollout container sales and associated expenses due to increase in demand for rollout carts

5. Schedule public hearings (Attached CA-5A, CA-5B, and CA-5C)

A. §153.076(D) Off-Street Parking and Loading - Modify Table of Parking Requirements for Retail, Office and Related Uses

This requested amendment will simplify the parking table and reduce confusion surrounding permitted uses, along with categorizing Retail, Office, and Related Uses at 1 space

per 200 square feet of gross floor area. This includes an exception to reduce parking based on building size, provided the reduced parking spaces remain open areas.

A. §153.002 Definition add definition for *Accessory Dwelling Unit*; add §153.315 *Accessory Dwelling Units (new section)*; and §153.176 *Commercial*, §153.206 *Light Industrial 2* and §153.226 *Light Industrial 1- add Accessory Dwelling Unit as a Permitted Use*

This requested amendment establishes a new Town Code section to develop Accessory Dwelling Unit (ADU) regulations, and permits ADUs as a permitted use in the Commercial, Light Industrial 1 and Light Industrial 2 zones.

B. Reduce minimum lot size to 15,000 square feet for *Duplex Dwelling Units* in §153.160(B)(2) *Residential High*, 153.180(B)(2) *Commercial*, §153.210(B)(2) *Light Industrial 2* and §153.230(B)(2) *Light Industrial 1*

This requested amendment would decrease the minimum lot size for a duplex development from 20,000 to 15,000 square feet.

These amendments to Chapter 153, Zoning, were developed at the request of the BOC. At its meeting on January 19, 2021, the Planning Board reviewed the recommended amendments and voted to forward them for consideration by the BOC. Approval of the Consent Agenda will schedule these items for public hearing on Monday, March 8, 2021, at 6:00 p.m.

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

Commissioner Ingram moved to approve the Consent Agenda, as presented.

Commissioner Gray seconded the motion, which was approved by a unanimous roll call vote:

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

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, which was approved by a unanimous roll call vote:

Mayor Sproul
Commissioner Ingram
Commissioner Windley

Yes
Yes
Yes

Commissioner Gray
Commissioner McAvoy

Yes
Yes

The time was 6:40 p.m.

Submitted by:

James Michael O'Dell
Deputy Town Clerk