



## TOWN OF KILL DEVIL HILLS

*Land Where Flight Began*

### NOTICE OF PUBLIC MEETING

NOTICE is hereby given that on Thursday, March 25, 2021, at 8:30 a.m., the Kill Devil Hills Community Appearance Commission (CAC) will hold a meeting in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road. This committee will follow all COVID-19 regulations and requirements currently in place for public meetings. The items to be discussed are listed below:

#### **Call to Order**

#### **Agenda Approval**

#### **New Business**

1. Nomination and election of CAC chairperson

#### **Approval of Minutes**

1. November 5, 2020 meeting minutes

#### **Public Comment – please adhere to a limit of 3 minutes per person or group**

#### **Response to Public Comment**

#### **Introductions**

#### **Old Business**

1. Help KDH Kick Butt Campaign update
2. Schedule and plan Town tree planting

#### **New Business**

2. Review requested amendment to the CAC ordinance regarding membership
3. Promotion of and publicity plan for the CAC
4. Plan for expenditure of budgeted funds

#### **Adjournment**

Posted this 18<sup>th</sup> day of March 2021.

Jennifer Stecher  
Community Appearance Commission Clerk

*Copies to: Community Appearance Commission members in their meeting materials; Board of Commissioners; all department heads; all Town bulletin boards; Town Sunshine List, including all local news media; Town Electronic Distribution List; website, social media; file*

**Minutes of the Thursday, November 5, 2020, meeting of the Kill Devil Hills Community Appearance Commission (CAC) held at 8:30 a.m. in the Board of Commissioners Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road.**

Members Present: Chair Sue Kelly, Bambos Charalambous, Christine Damrose-Mahlmann, Billy Dorn, Melinda Mogowski, Dave Rollins, and Commissioner John Windley

Members Absent: James Almoney

Others Present: David Elder, Ocean Rescue Supervisor; Troy Tilley, Fire Chief; Derek Dail, Assistant Director of Public Services; Jennifer Stecher, Clerk to the CAC

**Call to Order**

Chair Sue Kelly called the Thursday, November 5, 2020, meeting of the CAC to order at 8:35 a.m.

**Agenda Approval**

Bambos Charalambous moved to approve the agenda as presented. Melinda Mogowski seconded the motion, which was approved by a unanimous, 7-0, vote.

**Approval of Minutes of the October 8, 2020 meeting**

Ms. Mogowski moved to approve the minutes of the October 8, 2020, CAC meeting, as presented. Dr. Christine Damrose-Mahlmann seconded the motion, which was approved by a unanimous, 7-0, vote.

**Public Comment**

**Response to Public Comment**

**Introductions**

Chair Kelly was pleased that some Help KDH Kick Butt Committee members were present at the meeting. Introductions were made.

**Old Business**

**1. Help KDH Kick Butt Subcommittee update**

Ocean Rescue Supervisor Dave Elder agreed to examine each beach access that had cigarette butt containers, empty them, and assess what other accesses (Oceanside & sound-side) would benefit from cigarette butt containers. Chief Tilley reported that incidents caused by improperly disposed of cigarette butts have decreased. Chair Kelly would like to make contact with the Surfrider organization to verify what their level of participation is with cigarette butt containers and about putting out more publicity about the cigarette butt containers. The group suggested focusing on a campaign about proper disposal of smoking/vaping/tobacco products. There was consensus from the group to keep Help KDH Kick Butt subcommittee topic included in CAC meeting as the first item on future agenda.

## **2. Beach Clean-up for November 14 & 28**

Commissioner Windley is in charge of picking up the supplies for the beach clean-up event. Chair Kelly will bring the table, banner, and stickers. CAC members are to remind participants to return Town tools by noon. Ms. Mogowski will bring box of reusable bags to distribute to participants. Commissioner Windley requested that the clean-up be posted as an event on Town social media so that it can be shared and promoted more.

## **3. Town Tree Activity**

The group discussed holding a ceremony for Live Oak tree planting and would like it to coincide with Arbor Day, which is the last Friday in April. The group revisited the possibility of discouraging lot clearing and the best way to approach it. Assistant Public Services Director Derek Dail suggested encouraging native plantings. Assistant Planning Director Cameron Ray reminded the group there is a provision in the Town Code about native plantings. Dave Rollins suggest creating an educational document about encouraging native plantings or offering seedlings as a future project. Commissioner Windley suggested an educational video and the group agreed to narrow down what would be included in the video. Chair Kelly suggested a fee could be charged to have a tree planted in memory of a loved one. All ideas will be included in the next agenda.

## **New Business**

### **1. Reusable Water Bottles**

Members agreed to table this idea until community gatherings are safe and can be something to distribute in the future.

### **2. Meekins Field Presentation**

Mr. Ray, Assistant Planning Director presented the Meekins Field plans.

Melinda Mogowski left the meeting, it was 10:13 a.m.

**3. 2021 Meeting Schedule**

Fourth Thursday of each month schedule unless they want to cancel. Next meeting will be January 28, 2021.

Other topics discussed that were not on the agenda: James Almoney will be stepping down as the Planning Board representative for the Community Appearance Commission.

**Adjournment**

There being no other business before the Community Appearance Commission at this time, Mr. Charalambous moved to adjourn. Commissioner Windley seconded the motion, which was approved by a unanimous 6-0 vote. It was 10:19 a.m.

Submitted by:

Jennifer Stecher  
Clerk to the Community Appearance Commission

for duplexes and ADU's is not going to solve the housing shortage in Dare County, but it will provide more housing options than currently available to those in need and to property owners. Ms. Guns also pointed out that the minimum square footage for lots could be mixed between zones, that 15,000 square feet did not have to remain constant through all districts.

Mayor Sproul felt that amending regulations is just one tool to help solve the housing issue.

The BOC agreed that ADU's should not be used for commercial purposes, such as home occupations. The BOC agreed that ADU size should be limited and liked Kitty Hawk's regulations of 50% of the primary dwelling or 800 SF whichever is less.

Ms. Guns pointed out another issue the BOC might give consideration to, is if a property owner can get Health Department approval for septic service would the BOC want to establish lot size requirements, or just leave the size to be determined by Health Department approval. Parking and setback requirements would still be required to be met.

The BOC also agreed that code changes for ADU's would be proposed for the Commercial (CO), Light Industrial I (LI-1) and Light Industrial 2 (LI-2) districts; no lot size restrictions would be applied. Including the identification of the zones for changes, the BOC agreed with Staff's other recommendations pertaining to ADU's, which will also include development of a definition for the use.

The Planning Department will draft an ordinance based on these discussions and return it to the BOC prior it being submitted to the Planning Board for review and recommendation. Commissioner Windley commented that he liked the lower square footage options, and if developing more options by changing the Town Code successfully helps create additional affordable housing then he would agree with the BOC giving thought to including the RL zoning district.

### **3. Appointment**

#### **A. Planning Board (Attached NB-3A)**

Commissioner Gray made a motion to reappoint Dillon Heikens to the Planning Board for a three-year term to expire in December 2023. Commissioner Ingram seconded that motion and approval was unanimous, 5-0, by roll call vote:

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

### **4. Community Appearance Commission update (Attached NB-4)**

At its November 9, 2020, meeting, the BOC directed Staff to develop an ordinance amendment to eliminate the requirement for a Planning Board representative on the Community Appearance Commission (CAC) and replace it with a regular membership position. Staff also

provided the BOC with amendment language that would eliminate requirements that members of the CAC be selected from specific stakeholder categories, which could allow for more flexibility in the appointment process, and therefore, membership.

Commissioner Windley suggested this item be reviewed by the CAC prior to action by the BOC. There was general agreement and this matter will return to a future BOC meeting.

## **Committee Reports**

Community Appearance Commission (CAC) - Commissioner Windley thanked everyone who volunteered and participated in the two beach clean-up events coordinated by the CAC during the end of November. The next meeting of the CAC will be on January 28, 2021 at 8:30 a.m. in the Meeting Room at the Administration Building.

Fresh Pond Working Group (FPWG) – Commissioner McAvoy explained that he, Commissioner Gray, Public Works Director Steve Albright, and Assistant Planning Director Cameron Ray had recently met to discuss opening the Fresh Pond for low-impact recreation, such as fishing. The group will explore this possibility with the Town of Nags Head, which owns half of that body of water. The Nags Head Woods Ecological Preserve completed an environmental study on the sustainability of fishing in the Fresh Pond and found it to be viable. Additional information will be reported to the BOC.

Westside Recreation Group – Commissioner Gray announced that the WRG is planning to meet during mid-January and one of the items for discussion will be the sport of pickleball. There will be a guest at the meeting to discuss this game.

Dare County Tourism Board (DCTB) – Commissioner Ingram, who is the Town’s representative on the DCTB, announced that the Town had received a \$200,000 grant for the rehabilitation of Meekins Field.

Commissioner Gray expressed his personal appreciation to Commissioner Ingram and stated that he felt the BOC owed her a deep expression of gratitude for her diligence in fighting for, and achieving, the Meekins Field grant.

## **Commissioners’ Agenda**

### Commissioner Gray

- *Santa Claus visiting Town neighborhoods.* Commissioner Gray pointed out that he and other members of the BOC had received a great number of e-mails and appreciation for the Fire Department’s and Police Department’s taking Santa to various neighborhoods in KDH, in place of the Santa at the Town Hall event, which had to be canceled due to the COVID-19 problems.



**TOWN OF KILL DEVIL HILLS**  
*Land Where Flight Began*

MEMORANDUM

December 14, 2020

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: New Business

**4. Community Appearance Commission update**

At its November 9, 2020, meeting, the BOC, through consensus, directed Staff to develop an ordinance amendment to replace the Planning Board's representative position on the Community Appearance Commission (CAC) with a regular membership position.

In preparation of this amendment, Staff has identified some language in the ordinance, which restricts CAC membership, requiring percentages of members to be business owners, property owners, and a preference for at least one non-property owning resident. Removal of these requirements would provide more flexibility in membership and in the appointment process. Staff has provided two ordinance options, which have been reviewed by the Town Attorney for compliance with the North Carolina General Statutes:

- Draft Amendment A: removal of membership requirements and replacement of the Planning Board representative with a regular member
- Draft Amendment B: replacement of the Planning Board representative with a regular member ONLY

A motion would be in order.

AN ORDINANCE AMENDING THE KILL DEVIL HILLS TOWN CODE,  
CHAPTER 31, BOARDS AND COMMISSIONS

BE IT HEREBY ORDAINED BY THE Kill Devil Hills Board of Commissioners that Chapter 31, Boards and Commissions, of the Kill Devil Hills Town Code, shall be amended by deleting the following stricken language:

**COMMUNITY APPEARANCE COMMISSION**

**§ 31.20 APPEARANCE COMMISSION ESTABLISHED.**

(A) There is hereby established a commission to be known as the Kill Devil Hills Community Appearance Commission.

(B) The Community Appearance Commission shall consist of ~~seven~~ eight members, including the chairperson, all of whom shall be residents, property owners, or business owners of the town. ~~At least three members shall represent the town's business community (and they may reside in or out of town) being Kill Devil Hills business owners; at least three members shall represent the town's residential community being either in or out of town residential property owners; at least one member shall be a year round resident of the Town of Kill Devil Hills and who does not necessarily own property in Kill Devil Hills. Desirable training and experience for members of the Community Appearance Commission includes a design field, such as architecture, landscape~~

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~~design, horticulture, city planning, or a closely related field; however, interest, commitment, and enthusiasm are characteristics required of all potential appointees.~~

(C) The members of the Community Appearance Commission shall be appointed by the Board of Commissioners to serve terms of three years each; provided, however, that the initial members shall serve staggered terms. If a vacancy occurs in the membership of the Commission, the Board of Commissioners shall appoint a successor to fill the unexpired term. All members of the Commission shall serve at the pleasure of the Board of Commissioners and may be removed by the Board with or without cause.

(1) A member of the Board of Commissioners.

~~—(2) A member of the Planning Board, appointed by the membership of the Planning Board, shall serve in an ex officio status on the Community Appearance Commission; this position shall have no vote on matters before the Community Appearance Commission. The Planning Board representative shall provide assistance and guidance on issues and matters under consideration by the Planning Board that may have pertinent bearing on issues and matters before the Community Appearance Commission.~~

~~—(3)~~(2) The Town Manager shall assign such staff members to provide support to the Community Appearance Commission as deemed necessary and appropriate.

(D) At its organizational meeting, the Community Appearance Commission shall select a Chairman and Vice-Chairman. Thereafter, at its first meeting during a new calendar year the Community Appearance Commission shall select a Chairman and Vice-Chairman. The officers shall be eligible to succeed themselves.

(E) Faithful attendance at the meetings of the Commission is considered a prerequisite for the continuation of membership on the Commission. A majority of the Commission members may recommend to the Board of Commissioners, for action, the removal of any member who misses more than one-third of the meetings during any 12-month period.

(Ord. 12-19, passed 9-10-12; Am. Ord. 13-7, passed 5-13-13; Am. Ord. 16-12, passed 4-9-18)

This amendment to Chapter 31, Boards and Commissions, shall be in full force and effect from and after the \_\_\_\_ day of \_\_\_\_\_, 2018. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2020, by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

SEAL

\_\_\_\_\_  
Ben Sproul  
Mayor

ATTEST:

\_\_\_\_\_  
James Michael O'Dell  
Deputy Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Casey C. Varnell  
Town Attorney

The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE AMENDING CHAPTER 31, Boards and Commissions, was placed in the Kill Devil Hills Town Code Book on the \_\_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_\_\_.m.

\_\_\_\_\_  
James Michael O'Dell  
Deputy Town Clerk

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SEAL

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Ben Sproul  
Mayor

ATTEST:

\_\_\_\_\_  
James Michael O'Dell  
Deputy Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Casey C. Varnell  
Town Attorney

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\_\_\_\_\_  
James Michael O'Dell

**DRAFT Amendment #B**  
Community Appearance Commission  
Removes Planning Board representative  
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