

Minutes of the Monday, March 8, 2021, 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 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 6:07 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

Mayor Sproul asked everyone to reflect on all those affected by the COVID-19 pandemic, since the U.S. has surpassed 500,000 deaths. He noted our neighborhoods, our community, our state and nation have experienced profound loss. Let's keep the families of those affected, along with our healthcare workers and first responders, in our thoughts this evening.

Agenda Approval

Commissioner McAvoy moved to approve the agenda as presented. Commissioner Gray seconded the motion, which passed by a unanimous, 5-0, vote.

Public Hearings

Mr. Varnell read aloud the rules for the public hearing and then opened each hearing. There were no speakers at any of public hearing comment periods.

- 1. Requested amendments to Chapter 153, Zoning (Attached PH-1A, 1B and 1C)**
 - A. §153.076(D) Off-Street Parking and Loading - modify Table of Parking Requirements for Retail, Office and Related Uses**

On October 12, 2020, the BOC agreed to review the off-street parking and loading ordinance to examine possible changes that could be beneficial to businesses while maintaining adequate parking. After BOC review of Staff's recommendation for reduction of parking space dimensions, allowing compact car spaces, and reducing parking requirements for specific uses categorized in the Retail, Office and Related Uses, the BOC directed Planning Board review of Staff's recommendation and consideration of other possible amendments, as well.

The Planning Board adjusted Staff's recommendation and the amendment presented for public hearing at this meeting reflects the Planning Board's action. The language simplifies the Table of Parking Requirements, establishes a one parking space per 200 square feet of gross floor area for all Retail, Office and Related Uses and provides an exception for these uses to reduce parking based on building size and use, provided that the reduced parking spaces remain open area. The recommended amendment reduces the size of parking area, yet prevents parking reduction from resulting in bigger buildings with less parking. The final language was reviewed by the Planning Board on January 19, 2021, at which meeting it voted to recommend the amendment to the BOC for public hearing and approval.

Commissioner Windley moved to approve the recommended amendment as presented, with the BOC finding that §153.076(D) Off-Street Parking and Loading - Modify Table of Parking Requirements for Retail, Office and Related Uses is consistent with all comprehensive plans and other official adopted plans of the Town of Kill Devil Hills that are applicable. The amendment is reasonable and in the public interest because it improves parking flexibility. Commissioner Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

B. §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

In December and January, the BOC discussed several housing options with the intent to relax some existing regulations and create other housing alternatives which are not currently permitted in Kill Devil Hills. The BOC reviewed possible regulations for Accessory Dwelling Units, and discussed where they might be allowed, focusing on the Commercial, Light Industrial I and II zones, which currently allow multi-family dwellings, warehouses, single-family and duplex dwellings. On January 19, 2021, the Planning Board reviewed this amendment, which allows Accessory Dwelling Units in the zones initially identified, with a favorable recommendation for public hearing and approval. Mayor Sproul stated that the BOC had reviewed this item in depth, and thought it was a good step forward, giving citizens wider housing opportunities.

Commissioner Windley moved to approve the recommended amendment as presented, with the BOC finding §153.002 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 is consistent with all comprehensive plans and other official adopted plans of the Town of Kill Devil Hills that are applicable. The amendment is reasonable and in the public interest because it provides

additional housing options for the Town. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0, vote.

C. 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

The BOC discussed several housing options at the December 14, 2020, meeting with the intent to relax some existing regulations, specifically on duplex dwellings. This requested amendment would decrease the minimum lot size for a duplex development from 20,000 to 15,000 square feet in those zoning districts which currently allow multi-family dwellings on the same lot size. At its meeting on January 19, 2021, the Planning Board reviewed the final recommended amendment and voted to forward it for consideration by the BOC.

Mayor Sproul stated that this amendment would provide more opportunities for developers and private property owners.

Commissioner Windley moved to approve the recommended amendment as presented including that the BOC finds § 153, Zoning – 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 is consistent with all comprehensive plans and other official adopted plans of the Town of Kill Devil Hills that are applicable. The amendment is reasonable and in the public interest because it provides additional housing options for the Town. Commissioner Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

Public Comment

Response to Public Comment

Introductions and Presentations

Old Business

New Business

1. Resolution Authorizing the Upset Bid Process for Sale of 2011 South Croatan Highway and 0 South Croatan Highway Adjacent Thereto, and 2032 Wrightsville Avenue (Attached NB-1)

Town Manager Debora Díaz stated that in December, the Town received an offer to purchase the properties at 2011 South Croatan Highway and 0 South Croatan Highway Adjacent Thereto, and 2032 Wrightsville Avenue. The offer from MPF Investment Company, L.P, in the total amount of \$1,505,000, including the required 5% bid deposit, was submitted in accordance

with the *Upset bids* statute. The Town Attorney reviewed the offer and determined it to be submitted in compliance with North Carolina law.

At the October 12, 2020 meeting, Staff was directed that upon receipt of a valid bid for the property this matter was to return to the BOC for further consideration. Staff was also directed to obtain an up-to-date appraisal of the property, and that was previously provided to the BOC. The conditions outlined in the resolution match those established in the statute. This matter will return to the BOC at such time that a 10-day period has passed without any qualifying upset bid having been received.

Commissioner Windley inquired whether the BOC could approve an unchallenged upset bid at this meeting. Mr. Varnell stated that if the resolution was approved, the process would move forward, and would depend upon any potential upset bidders. If no upset bidders submit, then the sale price is set, but the final terms of the sale could be negotiated prior to final BOC approval.

Commissioner Gray moved to adopt the *Resolution Authorizing the Upset Bid Process for Sale of 2011 South Croatan Highway and 0 South Croatan Highway Adjacent Thereto, and 2032 Wrightsville Avenue*, and authorized Staff to proceed with advertisement and notification. Commissioner Windley seconded the motion, which passed by a unanimous, 5-0, vote.

2. Requested amendment to the Official Traffic Map-recommendation to westernmost graveled portion of Veterans Drive to 15 mph (Attached NB-2)

This requested amendment to the Town's Official Traffic Map originated with the First Flight High School Athletics Director who requested the speed limit on the gravel/dirt, westernmost section of Veterans Drive be lowered from 25 MPH to 15 MPH. It was noted there has been an increase in vehicular traffic, along with pedestrians using the school's stadium and Veterans Drive multi-use paths for physical training and wellness. Staff comments, which were included in the meeting materials, supported lowering the speed limit.

Commissioner Gray noted that with the increased activity with the schools and use of the Town's disc golf course facility, he recommended the SISPC evaluate and consider the potential for paving the graveled area of Veterans Drive. Commissioner Windley suggested Staff examine the potential for a water line installation in the area for the possible long-term development of restroom facilities for the Sheriff's Office Camp SALT facility and the Town's disc golf course. Mayor Sproul noted it would be useful for utilization data to consider the viability of such an addition in the long term.

Commissioner McAvoy moved to amend the Town's Official Traffic Map as requested to lower the speed limit on a portion of Veterans Drive from 25 MPH to 15 MPH as presented. Commissioner Windley seconded the motion, which was approved by a unanimous, 5-0, vote. Staff will take precautions to assure motorists are aware of the change in speed limit, as suggested by Deputy Chief Harris.

Committee Reports

Commissioners shared the upcoming meetings schedule:

Government Education Access Channels Committee – March 24, 2021, via Zoom electronic meeting platform

West-side Recreation Group – the group will be surveyed for a tentative in-person meeting in April.

Community Appearance Committee – March 25, 2021, in-person meeting at 8:30 a.m.

Commissioners' Agenda

Commissioner Gray

International Women's Day Commissioner Gray highlighted women in our community breaking barriers, including Mayor *Pro Tem* Ivy Ingram, Town Manager Debora Díaz, and Planning Director Meredith Guns. He also lauded the spectacular performance of Dare County Health and Human Services Director Dr. Sheila Davies, for her and her staff's work during the COVID-19 pandemic and the rolling out of the highly efficient immunization clinics. He suggested the Mayor write a letter of appreciation on behalf of Town citizens for her work in our community and Dare County.

Commissioner Windley

Assistant Town Manager Shawn Murphy Retirement Commissioner Windley expressed appreciation to Assistant Town Manager Shawn Murphy, who will be retiring after 25 years of service to Kill Devil Hills. He stated Mr. Murphy has always been a friendly face with a helping hand and thanked him for his service. Commissioner Windley also congratulated Assistant Finance Director Charlene Allen, who is being promoted to the Assistant Manager position.

Mayor's Agenda

2021 Citizen's Guides Mayor Sproul noted that the 2021 Dare County Citizen's Guides from the League of Women Voters of Dare County had been received, and expressed the Board's appreciation for everyone who made the guides possible. The League is distributing 6,500 copies of the guides for Dare County in 2021, and he noted it is an essential resource that contains helpful and important local, state, and national information.

Town Manager's Agenda

Ms. Díaz stated that she has greatly enjoyed the years working with retiring Assistant Town Manager Shawn Murphy, noting that she has learned a lot from his personnel expertise. She also looked forward to working with incoming Assistant Town Manager Charlene Allen, and was pleased that the organization could promote from within. Ms. Díaz stated that Finance Department Accountant Angell Doughtie was being promoted to the Assistant Finance Director position to replace Ms. Allen.

Town Attorney's Agenda

Consent Agenda

1. Minutes (Attached CA-1A)

A. February 9, 2021

2. Monthly report (Attached CA-2A)

A. January 2021

3. Proclamation (Attached CA-3A)

A. Kill Devil Hills Board of Commissioners Declaring March 1, 2021, as COVID-19 Memorial Day

Initiated by Arizona Congressman Greg Stanton, this resolution, which has been adopted by many state and local governments across the United States, recognizes the many lives lost to COVID in the United States and globally, and acknowledges the ongoing grieving and widespread loss felt throughout the pandemic. It records the BOC's earlier support, and approval of the Consent Agenda will place this action in the minutes of this meeting.

4. Government Education Access Channels Committee – 2021-2022 Proposed Budget (Attached CA-4)

Approval of the Consent Agenda will record approval of the 2021-2022 GEACC Budget, operating Current Television's government and educational access channels (Charter Spectrum 191 and 198).

5. Budget Amendments (Attached 5A, 5B, 5C, 5D)

A. #11 - to increase dumpster sales and associated expenses due to increase in demand for dumpsters.

- B. #12 - to appropriate 2020-2021 Government Education Access Channels Grant.
- C. #13 - to appropriate the grant award from the Governor's Crime Commission for school safety.
- D. #14 - to appropriate the grant award from the Dare County Tourism Board for the Meekins Field Community Park project.

6. Schedule public hearings on the following recommended amendments (Attached CA-6A and 6B)

- A. Zoning Amendment Request—Albemarle & Associates, Ltd— amend §153.076(A) (12) (d) Off-Street Parking and Loading to allow stacked employee parking for hotels and motels
- B. Amended Conditional Use Site Plan – Leslie Hornfeck – Unit 808 E Eighth Avenue, Nature's Walk, in the Light Industrial Two Zone – to modify site plan to remove workforce housing designation from Unit 808E

7. June 30, 2021 Audit (Attached CA-7)

The three-year audit proposal with Potter and Company, PA was recommended and approved in April 2020 for year-end 2020 in the amount of \$35,000. The agreement included a Consumer Price Index (CPI) inflationary increase for years two and three. The proposed fee for the FY 2021 audit is \$35,700, an inflationary increase of 2%, and Staff recommended approval. Approval of the Consent Agenda will record approval of the 2021 audit contract with Potter and Company, PA, and authorize its execution by appropriate officials.

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, 5-0, vote.

Public comment

Response to Public Comment

Adjournment

There being no further business appearing before the BOC at this time, Commissioner McAvoy moved to adjourn the meeting. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0, vote.

The time was 6:45 p.m.

Submitted by:

James Michael O'Dell
Deputy Town Clerk