

Minutes of the Wednesday, April 28, 2021, regular meeting and public forum 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; Derek Dail, Assistant Planning Director; Meredith Guns, Planning Director; Cameron Ray, Assistant Planning Director; and James Michael O'Dell, Deputy Town Clerk

Call to Order

At 6:02 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 keep those dealing with the ongoing COVID-19 pandemic in their thoughts.

Agenda Approval

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

Public Comment

Amanda Lotas, 2011 Smithfield Street, Kill Devil Hills and Liza Yowell, 702 Swan Street, Kill Devil Hills – Ms. Lotas shared a Dare County Board of Commissioners resolution passed in 2012, which opposed United Nations Agenda 21. She noted that a "Great Reset" affecting economies was being implemented throughout the U.S. and around the world, through local sustainable development policies such as smart growth, wildlands projects, resilient cities, regional visioning projects, and other green or alternative projects. She encouraged everyone to oppose any legislation, policies, or regulations that infringe on the public's right to private property and bodily sovereignty. Her printed comments are included in the record of this meeting.

Response to Public Comment

Committee Reports

West-side Recreation Group Commissioner Gray stated that the WRG had recently concluded its last meeting, and would have a report, with recommendations, at an upcoming BOC meeting.

Commissioners' Agenda

Commissioner Windley

Bay Drive / West Walker Street intersection Commissioner Windley stated that a constituent had expressed a concern over the Bay Drive and West Walker Street intersection and its painted stop bar on the road. Staff had responded to the inquiry and Town Engineer Pete Burkimer had shared additional information, and Commissioner Windley recommended the topic be further reviewed by the Street Improvement and Special Projects Committee (SISPC). Through consensus, the BOC directed the issue be forwarded to the SISPC.

Nags Head Firing Range Mayor Sproul stated he had recently received a concern over the firing range in Nags Head and the associated noise. He indicated that he had spoken with Nags Head Mayor Ben Cahoon, and Mayor Sproul hoped that the long-term plan was to phase out the facility. However, at this time, local law enforcement agencies continue to need the facility to complete required daytime and nighttime firearms training.

Mayor's Agenda

1. Resolution

A. Resolution Opposing HB401/ SB349 Increase Housing Opportunities

The General Assembly is considering legislation through HB401 and SB349 that would eliminate the single-family dwelling development category and establish higher development densities that would be contrary to the Town's Land Use Plan, radically reducing the authority of Kill Devil Hills and towns throughout North Carolina to regulate density, which is essential in order to protect public health and safety.

Commissioner Windley moved to approve the resolution as presented. Commissioner Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

Town Manager's Agenda

Ms. Díaz introduced Assistant Town Manager Charlene Allen. She also congratulated Town Attorney Casey Varnell, who was not in attendance, on his wedding anniversary.

Town Attorney's Agenda

Consent Agenda

1. Minutes

A. April 12, 2021

2. Budget Amendments

- A. #21 - to appropriate funds for beach sand fencing available from Dare County.
- B. #22 – to appropriate funds for the addition of a full-time Equipment Operator for the Streets Department and a full-time Facility Maintenance Specialist allocated 50% to Buildings and Grounds and 50% to Solid Waste
- C. #23 - to record grant funds awarded by the NC Department of Environmental Quality to be used for sediment analysis in the 2022 Beach Nourishment construction project.
- D. #24 – to appropriate funds for Hayman Park playground equipment

3. Appointment of Tax Collector

The Town has an inter-governmental agreement with Dare County for the collection of *ad valorem* taxes; however, the agreement does not replace the statutory requirement that Kill Devil Hills must also appoint a tax collector. Approval of the Consent Agenda will record appointment of Finance Department Accountant Scott Nickens as Kill Devil Hills' tax collector.

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

Commissioner Gray moved to approve the Consent Agenda, as presented with the additional budget amendment. Commissioner McAvoy seconded the motion, which was approved by a unanimous, 5-0, vote.

Public Forum

Mayor Sproul stated that the BOC was committed to our citizens and receiving feedback: it sets aside two public forums a year, which are slightly different from Public Comment periods at its regular meetings. This public forum gives the Board an opportunity to speak casually with the public on issues raised from the floor.

He noted that exchanges would not be timed; however, to allow everyone to be heard, he reserved the right to “wrap up a topic” and move onto the next item. Anyone wishing to speak should stand, and provide their name and address for the record of the meeting. No decisions will be made during the forum; however, the Board may assign issues to other Town boards or committees or to Staff for additional review or action.

There were six citizens in attendance at the public forum, who shared the comments / asked questions on the following topics: Hayman Park recreational facilities; Third Street and

Dock Street soundside access; beach access signage; sidewalks; public parking; refuse collection; and tree preservation.

David Rollins, 1504 Small Court, Kill Devil Hills – Mr. Rollins shared that he regularly visits the Clark Street Beach access for lunch, and presented a visual for the development of a section of amphitheater seating, where multiple patrons could enjoy the access without walking onto the beach.

Amy Scarborough, 1805 Sea Swept Road, Kill Devil Hills – Ms. Scarborough inquired whether there were any regulations to promote tree preservation during lot development.

In response, the BOC shared information and updates on the following items:

Recreational Facilities and Beach Accesses

Hayman Park, which will remain a neighborhood park, will receive new playground equipment in the first phase, with an eventual pavilion and other amenities. Meekins Field construction is ongoing, and will include a multi-use field, a playground, restrooms, shaded picnic areas, and a splash pad.

Mayor Sproul said there had been follow up regarding the Third Street access, noting that the fencing was allowable. Moor Shores estuarine access is currently being developed with a Division of Coastal Management grant and will include five parking spaces and a short pier for non-motorized launch. Planning Director Meredith Guns noted the project was out for bid and that Staff hoped to have the access completed by mid-summer. She noted that Dock Street was a public access operated by the State of North Carolina. Ms. Guns stated there seemed to be some conflict between motorized and non-motorized launching at the Dock Street access. At this time, there are no plans to expand parking at the Town's improved beach accesses; however, there could be some development at unimproved accesses.

The BOC thanked Mr. Rollins for his submission, and directed Staff to review the possibilities of developing amphitheater-style seating. Ms. Guns stated that Coastal Area Management Agency (CAMA) regulations provided heavy oversight for the accesses, their structure, and amenities, but welcomed the concept for CAMA review. She also shared that Staff is developing updated recommendations for the Town's Shoreline Access Plan for the BOC's review.

Signage

On display at the meeting was updated signage for beach accesses and wayfinding signage for recreational facilities. Staff shared that the signage for the beach accesses consolidated information from multiple existing signs, which will be removed. The BOC noted that these signs, along with lighted crosswalks and other upgrades, were part of the Town's commitment to increase consistency in messaging while decreasing redundant signage and communicating with different populations. The BOC directed Staff to include a Quick Response

(QR) code on the beach access signage to increase messaging options. Members of the BOC also shared support for beautification options, and Ms. Díaz stated that Staff was in contact with potential organizations about volunteer options for beach access beautification.

Streets and Sidewalks

In response to a question from Ms. Scarborough, the BOC shared that a sidewalk for Third Street was being developed as part of the road's infrastructure project, and Ms. Guns stated the project was in the engineering phase. Additionally, sidewalk projects are being developed on West Helga and East Martin Streets. Mayor Sproul stated that the Town's streets budget is approximately \$1 million a year, and more recently, projects have been including pedestrian infrastructure.

Ms. Diaz stated that the BOC has allowed additional mowing along US 158 by Town Staff beyond N.C. Department of Transportation (NCDOT) schedules, with Town staff basically doubling with additional mowing. Assistant Planning Director Derek Dail stated that Staff does pick up litter along the roadways and around accesses. The Town also bids for contracted services every other year to trim around sidewalks.

Bulk Item and Refuse Collection

Commissioner Gray commented on the high service delivery of the Town Staff with the bulk item collection. Commissioner Ingram shared she had received inquiries about year-round twice a week garbage collection. She noted that trash carts could be cumbersome with smaller frontage lots. She has not received a large number of complaints, but has noticed that people stack up trash bags on top of bins. She noted additional transportation costs with twice a week collection during the off-season, and that Public Services Staff are committed during the off-season to streets-related and other Town projects. She spoke with Staff about additional public education, with topics including cart placement, what can go into the carts, and the options available with the Town's Recycle Center / Dry Trash Drop Off facilities.

Ms. Díaz shared that the Town promotes the public's use of a second trash cart by providing a second trash cart at a reduced cost. Town Staff also places notices to alert and educate the public on proper trash cart uses. Commissioner Gray inquired whether the Town could offer mulch at another Town location. Ms. Díaz said that Staff would review options.

Commissioner McAvoy inquired whether the Town had information on Airbnb development in the area. Ms. Guns indicated that it was very difficult to ascertain Airbnb usage because property management companies and hotels have also been utilizing the popular platform. Mr. Dail stated any house with over six bedrooms must have a dumpster, and up to 18 must have a second dumpster. Ms. Diaz stated that Staff monitored garbage and informed property owners of issues with overflowing cans.

Housing

Mayor Sproul shared he was working with Nags Head Mayor Cahoon to develop a non-profit organization to purchase starter houses and leverage large employers to transition properties into a land trust with restrictive deeds. This would allow people purchase a home at a lower-than-market rate and build equity over time.

Lighted Crosswalks

Mayor Sproul said that the Town was implementing Phase 1 of a solar powered lighted crosswalk installation. Ms. Díaz shared the project will be implemented during this budget cycle and that Kill Devil Hills had partnered with the Town of Nags Head to speed up the process of ordering the new crosswalk signs.

Trees

Ms. Guns responded to Ms. Scarborough's question about trees by providing a brief overview of other local government tree regulations, and said that while the Town tries to support and promote trees, it is difficult to balance tree / green preservation with property rights. In Kill Devil Hills, property owners on small lots would be prohibited from developing their property without utilizing all of the lot for the structure, septic, and drain fields. If a tree is in the right-of-way, it cannot be cut down without permission of the Town. The minimum lot size is 15,000 square feet, with some exceptions for certain zoning districts. She noted that some old neighborhoods contain lots as small as 2,500 square feet.

Commissioner Ingram shared that the Town will be observing Arbor Day with a tree planting at Town Hall on April 30 at 10:30 a.m., and the public is invited.

Members of the Board expressed a commitment to green issues, including reduction of the carbon footprint concerning budget planning.

Mayor Sproul thanked everyone for attending and sharing their ideas and feedback.

Adjournment

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

The time was 7:50 p.m.

Submitted by:

James Michael O'Dell
Deputy Town Clerk