

Minutes of the Monday, May 10, 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 6:01 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

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 Comment

Response to Public Comment

Old Business

New Business

1. Appointments (Attached NB-1)

All applications on file from persons interested in serving in either capacity have been previously copied to the Board of Commissioners and no new applications for those purposes have been received. Appointment histories are included with this memorandum.

A. Board of Adjustment - Two regular positions and one alternate position

Ron Seidman's term expires this month, and Toni Dorn's term expires June 2021. Both have expressed a desire for reappointment.

Commissioner Gray moved to reappoint regular members Ron Seidman and Toni Dorn to the Board of Adjustment for terms ending in May 2024 and June 2024, respectively.

Commissioner Windley seconded the motion, which was approved by a unanimous, 5-0, vote.

Blake Culpepper's alternate member term expires this month, and he has expressed a desire for reappointment.

Commissioner Gray moved to reappoint alternate member Blake Culpepper to the Board of Adjustment for a term ending in May 2024. Commissioner McAvoy seconded the motion, which was approved by a unanimous, 5-0, vote.

B. Dangerous Animal Appeals Board – two regular positions

Christine Stafford's term expires this month, and Temple Heggie's term expires June 2021. Both members have expressed a desire for reappointment. A motion(s) will be in order to make two three-year appointments to the Dangerous Animal Appeals Board that will expire in May 2024 and June 2024, respectively.

Commissioner McAvoy moved to reappoint regular members Christine Stafford and Temple Heggie to the Dangerous Animal Appeals Board for terms ending in May 2024 and June 2024, respectively. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0, vote.

C. Community Appearance Commission

A new member position was created when the Board of Commissioners eliminated the Planning Board representative position on the Community Appearance Commission.

Commissioner Windley moved to appoint Jo Williams to the Community Appearance Commission for a term that will end in May 2024. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0, vote.

2. Presentation of Town Manager's Recommended Budget Fiscal Year 2021/2022

Town Manager Debora Díaz presented the proposed budget for the Town of Kill Devil Hills for fiscal year 2021/2022 to the Board of Commissioners at this meeting. She stated that in accordance with the provisions of N.C.G.S. 159-13, the governing board shall adopt a budget ordinance not earlier than ten (10) days after the budget is presented to the Board, and not later than July 1. Before adopting the budget ordinance, the Board of Commissioners will need to hold a public hearing, at which time any persons(s) wishing to be heard on the Recommended Budget may appear. The hearing may be held at any time after presentation of the budget. Additionally, the budget may be adopted at any time but not sooner than 10 days after its presentation to the Board.

She noted that, historically, the Board of Commissioners has conducted budget worksessions prior to the budget public hearings and if it was the desire of the Board, Staff

recommended the Board consider holding a worksession on Wednesday, May 26, 2021, at 6:00 p.m., which will be the date and time of its second regular meeting of the month. The budget public hearing could be scheduled for Monday, June 14, 2021, at 6:00 p.m.

Commissioner Ingram moved for the Board of Commissioners to schedule a budget worksession on Wednesday, May 26, 2021, at 6:00 p.m., and a public hearing on the Town Manager's Recommended Budget for Fiscal Year 2021-2022 for Monday, June 14, 2021, at 6:00 p.m. Commissioner Gray seconded the motion, which passed with a unanimous, 5-0, vote.

Ms. Diáz thanked the BOC and encouraged members to contact Staff with any questions or concerns.

Committee Reports

West-side Recreation Group

Commissioner Gray stated that on April 14, 2021, the West-side Recreation Group (WRG) concluded its work with its last meeting. He thanked the WRG members for their work, along with the Town Staff that assisted in the process. Assistant Planning Director Cameron Ray then provided WRG recommendations for the Baum Tract, a soundside parcel located at the western end of Veteran's Drive.

He stated the Town's Baum Tract parcel was reviewed, including the online survey results that included 407 entries. Following discussion, the group made the following recommendations for future amenities at the Baum Tract for BOC consideration:

- Incorporate the KDH 44-acre western Baum Tract in the update to the 2004 Recreational Facilities Plan.
- Use the most recent study (Baum Tract Recreational Development July 2014 prepared by ConsultEcon) for facility inventory and analysis, maintenance routine and schedule, needs analysis, and recommended improvements and preliminary cost estimates.
- Permanent restrooms adequate to serve the facility and additionally support the Dare County Sheriff Department obstacle course (Camp S.A.L.T.) and Run Hill State Park visitors.
- Shoreline access with kayak launch, boardwalk, fishing pier, including a covered gazebo.
- Incorporate walking trail/greenways within existing disc golf course including lookouts for scenic views and benches. (Possibly modify course layout)
- Incorporate outdoor education into park layout.
- Incorporate access road to shoreline for drop off location for paddle sports, turn around area, and emergency services access.
- Explore relocating current mulching operation to eastern wooded portion between the Dare County Sheriff Department obstacle course (Camp S.A.L.T.) and FFHS Fields.

- Explore entrance/walkway in association with Planned Unit Development Bermuda Bay to the East.
- Install pet waste station.
- Explore Run Hill State Park entrance/trailhead.
- SISPC review for projects to consider at future meetings to assist with Baum Tract improvements:
 - Connect greenway to multi use path that connects to First Flight Schools, Aviation Park, Town Hall, Dare County Parks and Recreation, and Wright Brothers Monument. (Centennial Path)
 - Improve parking lot to include additional/sufficient parking.
 - Improve road from Veterans Drive to the site.
- Create KDH Baum Tract trail head/park entry to access site amenities (signage, paths, shoreline access, etc.)
- Explore outdoor nature center to include area for outdoor education, restrooms, and nature porch (sustainable/off-grid construction)

In addition to the group's recommendations, Staff recommended the BOC authorize the Town Manager to incorporate the following improvements into a future master conceptual plan for future BOC review.

The Board expressed its appreciation to Commissioner Gray for his leadership with the group. Commissioner McAvoy shared he served on the original Baum Tract Site Study Committee; he noted that the existing disc golf course was a great facility and that the Baum Tract had many possibilities for additional recreational opportunities.

Commissioner Gray moved the Board authorize the Town Manager to incorporate the WRG's recommended improvements for the Baum Tract into a future master conceptual plan for BOC review. Commissioner Windley seconded the motion, which was approved by a unanimous, 5-0, vote.

Recreational Facilities Masterplan Update

Mr. Ray also reported that the WRG had also discussed the Town's 2004 Recreational Facilities Plan, and had recommended the plan's update, to incorporate the group's recommendations to provide an up-to-date framework needed to guide improvements and maintenance of existing recreational facilities.

Commissioner Gray moved the Town update the 2004 Recreational Facilities Masterplan, incorporating the all of the WRG recommendations. Commissioner Windley seconded the motion, which was approved by a unanimous, 5-0, vote. Ms. Díaz stated that Staff would follow up and report to the Board.

Community Appearance Commission (CAC) Commissioner Windley shared that a group

of volunteers would be meeting at Aviation Park on Saturday, May 22, at 9:00 a.m. to construct cigarette butt receptacle units which will be installed at the Town's beach accesses. He also shared the CAC's upcoming meeting schedule.

Commissioners' Agenda

Commissioner Gray

He expressed his appreciation to members of the BOC for their community involvement, and noted that Commissioner Windley had recently participated in a boy scout-sponsored car wash.

Commissioner Ingram

Arbor Day event Commissioner Ingram expressed appreciation to the CAC and Staff for their work for the Arbor Day tree-planting event on April 30th at Town Hall.

Commissioner Windley

East Martin Street improvements Commissioner Windley lauded the improvements to East Martin Street, including drainage, paving, and additional on-street parking spaces. He complimented Town Engineer Pete Burkheimer on all of his work with the project.

Mayor's Agenda

1. Proclamations (Attached MA-1A, MA-1B, and MA-1C)

- A. May 15, 2021, as Peace Officers Memorial Day and May 10-15, 2021, as Police Week**
- B. Hurricane Preparedness Week**
- C. Beach Safety Week**

Mayor Sproul noted these proclamations highlight the importance of our first responders and the critical role that our law enforcement plays in maintaining our communities while also protecting the rights and interests of all of our citizens and visitors, keeping the Town of Kill Devil Hills a safe place to work, visit, and live.

He noted that preparation also plays a critical role in our coastal environment. With the upcoming storm season, KDH Emergency Management Director - Fire Chief Troy Tilley reminded all of us that preparation for storm events, or even for a visit to our beaches, is the key to weathering the storms that all too often affect our communities or threaten our families.

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

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

1. Minutes

A. April 28, 2021

2. Monthly report

A. March 2021

3. Budget Amendments (Attached CA-3A)

A. #25 – to increase dumpster sales and associated expenses due to increase in demand for dumpsters

B. #26 – to appropriate funds for the Meekins Field Redevelopment Project

4. Schedule Public Hearing (Attached CA-4)

In 2019, the North Carolina General Assembly adopted legislation that reorganizes statutes mainly related to local Planning and Development regulations. The new Chapter 160D applies to land use regulations, while all other statutes for municipalities remain located in N.C.G.S. Chapter 160A. Planning Director Meredith Guns provided a memorandum and summary of changes, which is an overview of the Town Code sections affected. At its meeting on April 20, 2021, the Planning Board reviewed the recommended amendments and voted to forward them for consideration by the BOC.

With only amendments to Sections 152 and 153 requiring a public hearing for adoption, Staff recommends the following:

- Schedule the amendments affecting Chapters 152 and 153 for public hearing on Monday, June 14, 2021, at 6:00 p.m.
- Schedule a new business item for the May 26th Board of Commissioners meeting for members to discuss proposed changes to Chapters 10, 30, 31, and 150 and ask any questions, with consideration of adoption scheduled for the June 14, 2021, BOC meeting.

Approval of the Consent Agenda will approve Staff's recommendations, and will schedule the public hearing as presented.

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

Mr. Varnell stated that the General Assembly was increasing municipal zoning uniformity. Ms. Guns stated that many gray areas have been addressed by the 160D changes, including vesting rights.

Commissioner Gray highlighted the Fire Department response times noted in the monthly report, which are well below the national average. He noted that training has been instrumental to those efficient times. He also complimented the Police and Planning Departments for their work.

Commissioner McAvoy moved to approve the Consent Agenda, as presented. Commissioner Windley 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 Gray moved to adjourn the meeting. Commissioner Windley seconded the motion, which was approved by a unanimous, 5-0, vote.

The time was 6:51 p.m.

Submitted by:

James Michael O'Dell
Deputy Town Clerk