

Minutes of the Wednesday, June 23, 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 6:05 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 Gray moved to approve the agenda as presented. Commissioner McAvoy seconded the motion, which passed by a unanimous, 5-0, vote.

Public Hearing

1. Chapter 150, Building Regulations – to incorporate mandated amendments from new General Statutes Chapter 160D

Mr. Varnell read aloud the rules for public hearings and then opened the hearing. Notice for the item has been published in the *Coastland Times*, meeting or exceeding the N.C.G.S. requirements for public hearings, posted on the Town's bulletin boards, website at <https://www.kdhnc.com/904/June-14-2021-Board-of-Commissioners-Meet>, and social media platforms, and has been disseminated through the town's electronic distribution list. A printed copy has also been made available for public inspection at the entrance of Town Hall.

As a land-use ordinance, the amended Chapter 150, Building Regulations, which incorporates the mandated amendments from the new General Statutes Chapter 160D, required the same consideration, public hearing, and action as the Town's Zoning Ordinance, Chapter 153, and Subdivision Ordinance, Chapter 152, which were adopted at the June 14, 2021, public hearing. There were no speakers at this public hearing.

Commissioner Ingram moved to adopt the proposed amendment to Chapter 150, Building Regulations, as presented, as it is consistent with state law. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0, vote.

Public Comment

Response to Public Comment

Introductions and Presentations

1. Eagle Scout project presentation

Damien Gregory, of Boy Scout Pack 116, shared information on his Eagle Scout project, which involved the construction and installation of cigarette disposal stations at area beach accesses. The project was completed in conjunction with the Community Appearance Commission and Town Staff. Mr. Gregory expressed enthusiasm that his project had built upon an Eagle Scout's earlier project. He noted members of the Community Appearance Commission had worked with several scouts and constructed cigarette butt containers, and he installed the units at the various accesses.

Mayor Sproul noted his service in scouting and, on behalf of the BOC, presented Mr. Gregory a certificate of appreciation for his volunteerism.

Old Business

New Business

1. Recommended action to adopt an operating budget

A. FY 2021/2022 Budget Ordinance and consolidated fee schedule for the Town of Kill Devil Hills

Ms. Díaz noted that the Town Manager's recommended budget for fiscal year 2021/2022 was presented to the BOC on May 10, 2021 and a worksession was held on May 26th. At the conclusion of the June 14th public hearing, the BOC agreed the final document would reflect a change in the COLA from 2.6% to 3.6%.

Staff recommended the BOC adopt the Budget Ordinance and consolidated fee schedule, for the Fiscal Year 2021/2022 as amended, in the total amount of \$119,295 for additional COLA and Worker's Compensation premium expenses, neither of which requires any change to the *ad valorem* tax rate.

B. Amendment to Capital Ordinances

The following capital ordinances also required updating and adoption:

1. Capital Reserve Ordinance for the Purpose of Nourishing Approximately 2.6 Miles of Oceanfront Beaches in the Town of Kill Devil Hills
2. Capital Reserve Ordinance for the Purpose of Development of Recreational Facilities
3. Capital Reserve Ordinance for the Purpose of Construction of and Improvements to Shoreline Accesses
4. Beach Nourishment Capital Project Ordinance (for the 2021/2022 project)

Commissioner Gray moved the BOC to adopt the Budget Ordinance and consolidated fee schedule for the Fiscal Year 2021/2022, as amended, and detailed in Item 1A above, and adopt the four Capital Ordinances detailed in Item 1B above, as presented. Commissioner Windley seconded the motion, which passed with a unanimous, 5-0, vote.

The BOC expressed its appreciation to Staff for its continued dedication to the Town.

2. Oceanfront shoreline accesses

Assistant Planning Director Cameron Ray noted that at the April 28th Public Forum, resident Dave Rollins requested additional seating areas at the Town's improved beach accesses. The Planning Department has consulted with Staff at the North Carolina Division of Coastal Management (CAMA) and found that additional seating could be allowed, classified as an "open deck" with the provision that it comply with the regulations associated with the Ocean Hazard Area of Environmental Concern (AEC).

Mr. Ray further explained that the AEC requirements could eliminate such seating from being possible at all access facilities; each access would be independently evaluated for compliance and overall suitability. Mr. Ray noted that the Town's Shoreline Access Management Plan and its recommendations did not include access seating. The Plan's policy for beach accesses is to transport people to and from the beach, while protecting the dunes. He noted that the beach accesses are in the Coastal High Hazard Flood Zone, and any structures are uninsurable, so construction must be built to withstand high wave action.

Staff proposed the Town continue to maintain the Town's existing shoreline facilities with the intent of providing access to the oceanfront with only minimum effect to the dune system. Accessibility of these facilities is a Town priority and should be continued for compliance with ADA requirements. Staff also proposed to continue site review and recommendation for design features based on location and topographical features of specific ocean accesses, and include seating areas as potential improvements when all rules and regulations can be met.

Mayor Sproul stated that the citizen's design concept would be difficult to apply in a dynamic, shifting environment. However, he noted that the BOC welcomed new ideas and suggestions for examination. Commissioner Windley encouraged expanded seating at accesses,

but noted the uniqueness of each access. Commissioner Ingram suggested incorporating a standing countertop area at accesses to promote additional opportunities. Mr. Ray stated that Buildings & Grounds Staff was examining that option. Commissioner McAvoy encouraged “out of the box” ideas for beach accesses and encouraged seating options similar to what the citizen had submitted. Mayor Sproul said he hoped this would be the continuation of a constructive conversation. Commissioner Gray supported creative opportunities in new construction, but also expressed his concern about over-working Staff in the construction and maintenance of the accesses.

Committee Reports

Community Appearance Commission (CAC) Chairperson Sue Kelly shared the CAC’s upcoming meeting schedule. She highlighted the recent worksession for the cigarette butt containers. She recognized the CAC members present and expressed appreciation for the scouts who participated in the worksession. Ms. Kelly shared information about promoting the planting of Live Oak trees. The Community Appearance Awards will be given this year and the CAC welcomed the public’s suggestions for nominees for this year’s awards.

Commissioners’ Agenda

Commissioner Gray Commissioner Gray thanked the Fire and Police Departments for all of their work over the past few days in dealing with several large structure fires in the community.

Mayor’s Agenda

Mayor Sproul stated that applications for the Town’s First Flight Market at Aviation Park were being received, and noted that several vendors had applied already. Ms. Díaz expressed Staff’s appreciation to Paige Griffin, the Nags Head market coordinator, who provided valuable insight to Staff in the creation of the Kill Devil Hills market.

Town Manager’s Agenda

Town Attorney’s Agenda

Consent Agenda

1. Minutes

- A. June 14, 2021 BOC meeting

2. Budget amendments and transfer

- A. #31 – to appropriate funds to cover tipping fee expenses
- B. #32 – to appropriate funds to cover treated water costs
- C. #33 – to appropriate funds to cover solid waste fuel charges
- D. Budget transfer #18A – to transfer funds to cover expenses in the Police Department related to the vacation payout of an employee who has resigned

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

Police Chief Gary Britt announced that the Veterans of Foreign Wars organization had awarded Assistant Police Chief Dana Harris a certificate of appreciation “in grateful recognition of unyielding adherence to the highest ideals of law enforcement in maintaining, preserving, and protecting the lawful rights of all citizens.” Chief Britt highlighted Harris’ career, which began with the N.C. Highway Patrol in 1978, and ongoing 13 years with the Town. Following a standing ovation by those assembled, Assistant Chief Harris accepted this national award and thanked everyone.

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

The time was 6:55 p.m.

Submitted by:

James Michael O’Dell
Deputy Town Clerk