



TOWN OF KILL DEVIL HILLS
Land Where Flight Began

MEMORANDUM

February 7, 2022

TO: Mayor and Board of Commissioners
FROM: Debora P. Díaz, Town Manager 
REF: Public Hearing

1. Public Hearing (Attached PH-1)

Notice for the following 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/964/January-26-2022-Board-of-Commissioners-M>, social media platforms, and has been disseminated through the town's electronic distribution list.

A. Ordinance Amending the Town Charter of Kill Devil Hills to Change the Mayor's Term of Office to Four Years

At its November 8, 2021, meeting, the BOC discussed amending the Town Charter to change the Mayor's term from two to four years. Staff prepared a procedural timeline for amending the Charter and the Town Attorney concurred with the process outline.

Certain changes to a town charter may be implemented without action by the General Assembly, and include setting a mayor's term between two to four years (§160A-101(8)(a)). Any change to the Town Charter affecting the election of city officers would need to be approved and finalized at least 90 days prior to the next election.

The statute language also notes that a mayor's voting rights, whether voting on all items or only in the event of a tie, may be included. Clarifying language for our Mayor's voting rights have been included into the Town Charter amendment, since our Mayor votes on all items.

The BOC's Resolution of Intent to change the Town Charter was adopted at the January 10, 2022, meeting. This resolution laid out the amendment consideration schedule, which included this public hearing, meeting the 45-day resolution consideration requirement.

Pursuant to N.C.G.S §160A-102, the Board of Commissioners may take action on this item at its March 7, 2022, meeting, with such action to include approval, disapproval, or tabling the item for further consideration.

Staff recommends discussion on this item, but no Board action is necessary at this meeting.



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

**A Resolution of Intent
to Consider an Ordinance Amending the Town Charter of Kill Devil Hills
to Change the Mayor's Term of Office to Four Years
and Setting the Date for a Public Hearing Thereon**

WHEREAS, the Town of Kill Devil Hills operates under a council-manager form of government, with a governing board composed of four commissioners and one mayor; and

WHEREAS, the terms of commissioners are four years, staggered with biennial elections, and the term of the mayor is two years; and

WHEREAS, the Kill Devil Hills Board of Commissioners has expressed interest in changing the term of Kill Devil Hills Mayor to a term of four years; and

WHEREAS, N.C.G.S. §160A-102 lays out a process by which municipalities may amend their town charters by ordinance without General Assembly approval; and

WHEREAS, optional form changes to a town charter available through ordinance adoption are prescribed in N.C.G.S. §160A-101, with the mayoral term listed in N.C.G.S. §160A-101(8)(a) "The mayor shall be elected by all the qualified voters of the city for a term not less than two years nor more than four years"; and

WHEREAS, 160A-101(8) also states that "Under option [(8)(a)], the mayor may be given the right to vote on all matters before the council, or he may be limited to voting only to break a tie"; and

WHEREAS, under the Board of Commissioners' longtime adopted rules of procedure, the mayor's eligibility to vote on matters is as follows: "The mayor votes on the same basis as other council members, though in no event may the mayor break a tie on a motion which he or she has already voted."; and

WHEREAS, the process to change the town charter under §160A-102 begins with the Board of Commissioners' consideration of a Resolution of Intent, and if adopted, conducting a public hearing not more than 45 days from the resolution's adoption. Within 60 days following the public hearing at a regularly scheduled Board meeting, the Board of Commissioners may take action on the amendment to the town charter; now, therefore, be it

RESOLVED by the Board of Commissioners of Kill Devil Hills:

1. That it is the intent of the Kill Devil Hills Board of Commissioners to consider an ordinance amending the Town Charter of Kill Devil Hills, pursuant to N.C.G.S. §160A-102 and §160A-101, as follows:

Section 2-3. Mayor; Term of Office; Voting

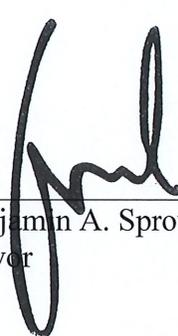
The Mayor shall be elected by qualified voters of the entire town of a term of four years or until a successor is elected and qualified. The Mayor votes on the same basis as other council members, though in no event may the Mayor break a tie on a motion in which he or she has already voted.

2. That a public hearing on the proposed ordinance is called at the Board of Commissioners Meeting Room at Town Hall at 6:00 p.m. on Monday, February 7, 2022.
3. That following the public hearing, the Board of Commissioners shall consider passage of the ordinance at its regular meeting on Monday, March 7, 2022.
4. The Office of the Town Clerk is directed to cause to be published in *The Coastland Times* a public hearing notice, containing a summary of the proposed charter amendment, complying with public hearing notice requirements.

This the 10th day of January, 2022.

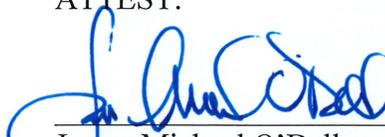
SEAL





Benjamin A. Sproul
Mayor

ATTEST:



James Michael O'Dell
Deputy Town Clerk