

**Minutes of the Wednesday, April 27, 2022, regular meeting and public forum of the Kill Devil Hills Board of Commissioners held at 6:00 p.m. in the Meeting Room at the Administration Building, 102 Town Hall Drive, Kill Devil Hills.**

**Members Participating:** Mayor Ben Sproul; Commissioners Terry Gray, Ivy Ingram, Bernard “B.J.” McAvoy, and John Windley

**Members Not Participating:**

**Others Participating:** Debora P. Díaz, Town Manager; Meredith Guns, Planning Director; Cameron Ray, Assistant Planning Director; Casey Varnell, Town Attorney; and James Michael O’Dell, Town Clerk.

**Call to Order**

At 6:05 p.m., Mayor Ben 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 Comment**

**Response to Public Comment**

**Introductions and Presentations**

**1. Resolution in Support of a Wright Brothers Tribute Museum and Observatory (Attached IP-1)**

Kitty Hawk Town Council Member Charlotte Walker and Town Manager Andy Stewart presented an overview of a proposed Wright Brothers Tribute Museum and Observatory to be located 5230 North Croatan Highway, Kitty Hawk, which is currently home to the Aycock Brown Visitors Center and Monument to a Century of Flight. The Town of Kitty Hawk has requested that all local governments consider a resolution in support of this project.

Mayor Sproul moved to adopt the Resolution in Support of a Wright Brothers Tribute Museum and Observatory, as presented. Commissioner Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

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## Ongoing Business

### 1. Offer to purchase 3315 North Virginia Dare Trail and Resolution Authorizing the Upset Bid Process

The Town received a written offer on March 21, 2022, to purchase a parcel located at 3315 North Virginia Dare Trail, Pin #988509056311, depicted on the individual tax map, along with the individual deed, which are included in the meeting materials. Sand Life, LLC, is offering \$5,400.00 for the property, which was deeded to the Town as a gift in 2001. The property is an unbuildable vacant lot. The offeror's residence is located across from the property at 3316 North Virginia Dare Trail.

At its April 11, 2022, meeting, the BOC directed Staff to verify whether to proceed with the proposed sale. Staff has communicated with the offeror, and detailed the potential limitations of the parcel; Sand Life, LLC, still wishes to proceed with the sale, and a required deposit of 5% of the purchase price has been received by the Town. The BOC may accept this offer, and then begin the upset bid process.

Commissioner Gray moved to adopt the *Resolution Authorizing the Upset Bid Process for Sale of 3315 North Virginia Dare Trail*, including acceptance of the offer and authorization of the upset bid process. Commissioner Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

## New Business

### 1. Kill Devil Hills Pedestrian Plan (Attached NB-1)

Planning Director Meredith Guns stated that with discussions by the Board about the pedestrian infrastructure throughout Kill Devil Hills, Planning Department Staff wanted to provide an overview of the Town's Pedestrian Plan. The plan, which was adopted in 2012, provides guidance on pedestrian amenities, sets standards for sidewalks and multi-use paths, and promotes the goal of KDH as a pedestrian-friendly community. She shared the industry standards for sidewalks and multi-use paths, and shared examples of each throughout the town, noting that sidewalks are five feet wide and multi-use paths are 10 feet wide. The main difference between the two is that multi-use paths permit bicycle traffic. Since the BOC established its Sidewalk Capital Reserve Fund, that funding, along with multiple grant sources, has greatly benefited the Town's pedestrian infrastructure. For example, the Town's sidewalk system is complete on both sides of US 158 south of Colington Road. North of Colington Road, US 158 sidewalks are almost complete, with the exception of Landing Drive to Colington Road (in front of the Wright Brothers National Memorial) and between West Durham and West Avalon Streets (with a service road providing alternative pedestrian options). She stated that 2.1 miles of sidewalk along US 158, and 4.1 miles of sidewalks or multi-use paths in other areas have been completed since 2012. Assistant Planning Director Cameron Ray then highlighted the status of long and short-term projects outlined in the Plan.

The group discussed various Town sidewalk projects, and noted the work of Town Staff in securing grant and partnership funding for projects over the years. Ms. Díaz stated that sidewalk improvements were often made in conjunction with infrastructure / roadway projects. There is great savings and less disruption for the public; she noted the ongoing West Third Street project as an example. Ms. Guns stated that in KDH, multi-use paths had been historically developed along low-speed roadways because they were developed for recreation. She said that the Town would be meeting with National Park Service (NPS) staff to further discuss the opportunity to establish a sidewalk along US 158 at Wright Brothers Memorial.

Mayor Sproul noted that in contrast with the recently installed multi-use pathways in Nags Head, KDH has many more driveway cuts, and that the Town has historically promoted multi-use paths away from US 158 because their use is more recreational. Ms. Guns replied that along US 158, KDH is more commercial than Nags Head and has more utilities; additionally, a multi-use path on one side of US 158 would promote additional pedestrian traffic crossing US 158. Mr. Ray noted that multi-use paths are approximately three to four times more expensive as sidewalk projects. He also stated that STOP signs are required for multi-use paths at every intersection.

Mayor Sproul inquired about sidewalks along NC 12. Ms. Guns replied that the Pedestrian Plan has outlined sidewalks along both sides of NC 12; however, Ms. Guns did not think that sidewalks on both sides of the roadway could be established unless the N.C. Department of Transportation (NCDOT) would shift NC 12, as it is not centered in the right-of-way. Mr. Ray stated that projects that involve shifting roads and improved rights-of-way could become costly. Ms. Guns shared that sidewalks along NC 12 would be a large undertaking, due to the large amount of infrastructure located along and under the road, but it is a goal in the future. A PowerPoint plan overview and sidewalk installation project data were presented, and have been included with the meeting materials.

## **2. Grant Project Ordinance for the Town of Kill Devil Hills American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds (Attached NB-2)**

Assistant Town Manager Charlene Allen shared that with the Town's receipt of American Rescue Plan (ARP/ARPA) grant funding, it is required to complete a Project and Expenditure report by April 30, 2022. The Finance Department's accompanying memorandum details the report's requirements, which includes approval and submission of a grant project ordinance, which builds upon the BOC's July 12, 2021, resolution. Guidance on this ordinance and other Town ARP/ARPA policies have been provided by the UNC School of Government.

Staff recommended adoption of the Grant Project Ordinance for the Town of Kill Devil Hills American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds.

Commissioner Gray moved to adopt the Grant Project Ordinance for the Town of Kill Devil Hills American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds, as presented. Commissioner Windley seconded the motion, which was approved by a unanimous, 5-0, vote.

## **Committee Reports**

Community Appearance Commission (CAC) – CAC Chairperson Sue Kelly provided an update on the Adopt a Live Oak program, noting that all 26 trees had been adopted.

## **Commissioners' Agenda**

### **Mayor's Agenda**

1. **Resolutions and proclamations (Attached MA-1A and MA-1B)**
  - A. **A Proclamation Declaring May 1-7, 2022 as Hurricane Preparedness Week**
  - B. **A Proclamation Declaring May 15, 2022 as Peace Officers Memorial Day and May 15-21, 2022 as Police Week**

Mayor Sproul stated that preparation plays a critical role in our coastal environment. With the upcoming storm season, our Emergency Management Director Fire Chief Troy Tilley reminds 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.

This second proclamation highlighted 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.

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

### **Town Attorney's Agenda**

### **Town Manager's Agenda**

### **Consent Agenda**

1. **Minutes (Attached CA-1A)**
  - A. **April 11, 2022**
2. **Partnership organization annual report (Attached CA-2A)**
  - A. **Community Care Clinic of Dare**

The Town supports four partnership organizations that serve the citizens of Kill Devil Hills: the Community Care Clinic of Dare, Interfaith Community Outreach, Outer Banks

YMCA, and Nags Head Woods Ecological Preserve. A requirement of the Town's partnership is an annual report of the organization's activities and service to the community. Executive Director Lyn Jenkins has submitted the 2021-2022 annual report, which highlights the Clinic's operations.

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

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

### **Public Forum**

Mayor Sproul lead a discussion on housing, and inquired incentives could be linked to essential housing. He said that Staff could present topic areas in coming meetings for an informal discussion. He stated that deed restrictions could be developed to maintain year-round housing. Ms. Díaz stated that Staff would return to the BOC with bulleted ideas/concepts for the Board to discuss and provide direction. Ms. Guns stated that Staff would develop a methodical approach to promote long-term essential housing. Commissioner Gray suggested the potential for room rentals by establishing additional entrances, noting that although additional doors may currently be available in the permitting process, public education of the available options could be warranted. Mayor Sproul thanked everyone for their input and noted he looked forward to Staff's information.

### **Adjournment**

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

The time was 7:08 p.m.

Submitted by:

James Michael O'Dell  
Town Clerk