

Minutes of the Monday, November 14, 2022, regular meeting 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; Gary Britt, Police Chief; Steve Albright, Public Services Director; and James Michael O’Dell, Town Clerk.

Call to Order

At 6:02 p.m., Mayor Ben Sproul opened this meeting of the Kill Devil Hills Board of Commissioners (BOC) and welcomed all present. It was noted that Town Attorney Casey Varnell was ill, and unable to attend the meeting.

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

Chris Marik, Ocean Atlantic Rentals, 2001 S. Croatan Highway, Kill Devil Hills, NC – Mr. Marik thanked the BOC for its consideration and welcomed the discussion regarding golf carts on Town roadways. He supported electric-only carts with triangle reflectors and clear inspection stickers.

Mike Morway, 500 Burns Drive, Kill Devil Hills, NC – Mr. Morway expressed concern regarding electric bikes, sharing that he regularly witnessed operators of the bikes creating unsafe conditions.

Jack McCombs, 3118 Bay Drive, Kill Devil Hills, NC – Mr. McCombs expressed his continued concern over e-bike operators. He noted that many were not trained for higher speed electric cycles, and did not know the etiquette for operating them, since many are using multi-use paths. He encouraged all Dare County localities to coordinate any education and response.

Response to Public Comment

Commissioner Windley suggested development of e-bike education. Commissioner McAvoy supported a combined approach among the towns; Commissioner Gray requested Mayor Sproul speak to the Dare County mayors at their upcoming meeting.

Introductions & Presentations

1. Eagle Scout project presentation

David Shepherd, of Boy Scout Troop 116, shared information on his Eagle Scout project, which involved the construction and installation of three benches for Aviation Park, in and around Mary's Paws Park. The project was completed in conjunction with the Town's Buildings and Grounds Staff. On behalf of Kill Devil Hills, Mayor Sproul presented Mr. Shepherd with a certificate of appreciation for his work. He also thanked all of the local scouting leaders who have worked diligently to help the scouts succeed.

2. Memorial to Memorial event presentation

Jack McCombs reported on the inaugural Memorial to Memorial (M2M) ride, which was recently held in the area. The US Air Force (USAF) Cycling Team of Air Force and Space Command cyclists rode from the Wright Brothers Memorial to the USAF Memorial in Arlington, Virginia. His presentation, which has been included as a part of the meeting materials, highlighted the 330-mile ride that began on September 15 and raised funds for the Wounded Airman Program; the event also celebrated the USAF's 75th anniversary. Mr. McCombs then presented a framed event photo to the Town with his appreciation, and shared his hope that the event would continue to grow.

Ongoing Business

1. Golf Carts in Kill Devil Hills (Attached OB-1)

On April 11, 2022, the BOC heard a presentation from Ocean Atlantic Rentals (OAR) in support of permitting electric golf carts on Town streets only on the westside of Town, with no carts allowed to traverse US 158 or the eastside. The proposal recommended a permitting / inspection system of the units, potentially self-regulated by cart owners.

During the OAR presentation, a distinction was made between golf carts and Low Speed Vehicles (LSVs), a different category of vehicle which are licensed and permitted by the State to operate on N.C. roadways with speeds of 35 m.p.h. or less. The OAR proposal only included golf carts, not LSVs.

The BOC requested additional input from the Town Attorney and Staff before further consideration. On May 25, 2022, the BOC reviewed information from Staff and the Town Attorney that highlighted the potential safety and liability concerns that will likely develop if the

Town would permit golf carts on any Kill Devil Hills streets. Staff recommended golf carts not be permitted on Town streets. Through consensus, the BOC requested additional information on how other communities have integrated golf carts, including ordinances that did not require inspections by the municipalities.

Staff communicated with communities across North Carolina of various geographic and population sizes, including coastal, piedmont, and mountain areas; and high and low tourism impacted localities. The super-majority of N.C. communities that permit golf carts on their roadways in any form require some method of vehicle inspection. The only exception is the Town of Duck, which does not have an inspection requirement for golf carts.

Town Manager Debora Díaz noted that included in the meeting materials were ordinances from two localities that permit golf carts: Manteo and Duck. The Town of Manteo's recently adopted ordinance is an example of the largest number of municipalities that permit golf carts. In contrast, Duck's ordinance does not require an inspection. She noted that Staff was requesting Board guidance.

Mayor Sproul stated he would receive feedback from the other mayors at the upcoming mayor's meeting. The Board expressed interest in feedback from Manteo's ongoing experience with its new ordinance. Commissioner Windley suggested revisiting the topic in four to six months after some data review from Manteo. Commissioner McAvoy inquired about the Duck model. Ms. Díaz noted that Duck does not have any town-owned / maintained streets; NC 12 is the only government-owned roadway in Duck. Commissioner McAvoy inquired whether an inspection program would require additional Staff and if permits would cover program costs. Ms. Díaz replied that an inspection program would be a large workload and that any fees would not adequately cover the cost for an inspections program. She also noted that a weekly scheduling system for inspections would be difficult, stating that most visitors arrive over the weekend. Commissioner Gray noted the intricacies of an effective inspection program, and suggested that Staff study the potential for additional Staff. Police Chief Gary Britt stated that potentially one to two additional employees could be required and also highlighted the need for more officers to patrol and enforce a program like this.

New Business

Committee Reports

Dare County Tourism Board (DCTB) – Commissioner Ingram shared that the long-term resident survey had been released, which has been shared by the Town through electronic distribution and social media. She noted that the Town has received a large grant for sidewalks projects.

Community Appearance Commission (CAC) – Commissioner Windley shared that he and CAC Chair Sue Kelly had attended the recent Halloween Parade to represent the CAC. Mayor Sproul shared that he had been honored to serve as a judge for the parade's costume contest.

Commissioners' Agenda

Commissioner Gray

West-side speed limit reduction Commissioner Gray said several residents had expressed concerns about the speed limits in the west-side residential side streets, and had requested a reduction from 25 m.p.h. to 20 m.p.h. He highlighted increased complaints about speeding on Third Street. Commissioner Gray asked for the topic to be discussed at the December meeting, and for Staff to provide cost estimates for any potential signage changes.

Commissioner McAvoy

Commissioner Ingram

Commissioner Windley

US 158 appearance Commissioner Windley suggested additional cleaning along US 158 for the upcoming fiscal year. Mayor Sproul stated he had spoken with Staff; external vendors were difficult to secure.

Public Services Director Steve Albright stated that Staff had researched this topic, and had contacted several local and out-of-area vendors. Along US 158, there is no consistency of irrigation, which hampers weed suppression and fertilization; he said the vendors noted that regular irrigation was essential.

In addition to the N.C. Department of Transportation (NCDOT) mowing, the Town uses a NCDOT contractor for four to five supplemental passes annually, which includes rotary mowers, string trimmers around signage, and debris / trash pick-up. The Town also uses a local contractor to edge sidewalk once a year for the past three years. It was Staff's hope that businesses would be encouraged to participate and better maintain their lots and the right-of-way. However, he provided an example of a local business center that actually ceased maintenance in response. Mr. Albright also noted that vendors interviewed in April would not entertain providing services due to staffing and shortages, lack of irrigation on site, and concerns about traffic and safety. Although edging is being completed on sidewalks, curb maintenance is a different issue. There are requirements for lane closures if workers get within four feet of the travel lane; NCDOT has expressed concern about possible in-season lane closures for US 158. NCDOT is supposed to clean the gutter pan three times a year, but due to difficulty in securing contractors, that maintenance is being done once a year. He stated that Staff had developed a scope of services, and it was very difficult to secure any interest from any private contractors.

Mayor Sproul highlighted the Kissimmee, Florida, area beautification, but noted that not much could be done without water. Mr. Albright asked the BOC for any ideas to encourage the local business community to take pride in ownership of areas along US 158. Commissioner Windley said the CAC could discuss possible options to promote the positive behavior. Commissioner Gray supported Commissioner Windley's recommendation and for Staff to assist by creating a plan to accomplish that goal.

Mayor's Agenda

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

- 1. Minutes (Attached CA-1A and CA-1B)**
 - A. October 10, 2022
 - B. October 18, 2022 joint worksession

- 2. Monthly Report (Attached CA-2A)**
 - A. September 2022

- 3. Budget Amendments and Transfers (Attached CA-3A, CA-3B, CA-3C, and CA-3D)**
 - A. Budget Amendment #1C – to record encumbrances outstanding at 6/30/2022. This updates the beach nourishment encumbrance amount caused by entries made after initial budget amendment request.
 - B. Budget Amendment #3 – to appropriate funds for the canal debris removal project in First Flight Village and to record the STRaP grant awarded by the NC Department of Agriculture and Consumer Services for the purpose of canal debris removal.
 - C. Budget Amendment #4 – to appropriate funds for the purpose of meters and supplies for installing and repairing meters.
 - D. Budget Transfer #3 – transfer funds to cover training for Animal Control Officers to handle increase in severely injured feral animals.

- 4. Contract for legal services (Attached CA-4)**

The Town of Kill Devil Hills periodically reviews its service provider agreements to maintain its professional partnerships while promoting the highest level of service delivery. The Town's independent contractor agreement with Sharp, Graham, Baker and Varnell, LLP, (SGBV) was last updated in 2016. The attached agreement updates the terms of SGBV's services for the Town, including a new fee schedule and clarification of litigation services. Approval of the Consent Agenda will record the Board's approval and authorize the Town Manager to execute the updated contract with SGBV.

5. Adoption Town Code Supplement 18 (Attached CA-5)

The Town has received the final draft of Supplement 18, which was completed by American Legal Publishing Corporation. Supplement 18 codifies all of the 18-series ordinance amendments into the Town Code, and has been reviewed and found to be accurate with the Board's actions. Adoption of this attached ordinance reinforces the Board's earlier actions in adopting the ordinances that comprise this Supplement.

Approval of the Consent Agenda will record approval of this ordinance.

6. Centenarian Society Resolution (Attached CA-6)

KDH resident Ms. Wilma Hill celebrated her 101st birthday on October 29. In honor of this milestone birthday, the Town of Hill Devil Hills, through resolution, has inducted Lady Wilma into its Centenarian Society. Approval of the Consent Agenda will record the Board's approval of this resolution and Lady Wilma's induction into the Society.

7. Schedule public hearing (Attached CA-7)

- A. Proposed Zoning Amendment—§153.076(A)(9)(h) & §153.076(D) Off-Street Parking and Loading—Create Parking and Driveway Requirements for Emergency Services Facilities

Assistant Planning Director Cameron Ray's attached memorandum highlighted the necessary changes to the Town Code to develop parking and drive requirements for emergency services facilities. At its recent meeting, the Planning Board recommended forwarding this amendment to the BOC with a favorable recommendation. Staff recommended scheduling a public hearing for Monday, December 12, 2022, at 6:00 p.m.

Approval of the Consent Agenda will schedule this item for public hearing.

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

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

The time was 7:16 p.m.

Submitted by:

James Michael O'Dell
Town Clerk