

**Minutes of the Monday, December 12, 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; Cameron Ray, Assistant Planning Director; Gary Britt, Police Chief; Dana Harris, Assistant Police Chief; Derek Dail, Assistant Public Services Director; and James Michael O’Dell, Town Clerk.

**Call to Order**

At 6:01 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 Hearing**

Mr. Varnell read aloud the rules for public hearings and then opened each hearing. Notice for the following item has been published in the *Coastland Times*, meeting or exceeding the N.C.G.S. requirements for public hearings. The notice has been posted on the Town’s bulletin boards, on the Town’s website at <https://www.kdhnc.com/1090/December-12-2022-Board-of-Commissioners->, and social media platforms, and has been disseminated through the Town’s electronic distribution list.

**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 (Attached PH-1)**

Mayor Sproul shared that the Town’s code provisions do not currently address off-street parking and loading requirements necessary for the development of a proposed Kill Devil Hills Fire and Dare County EMS joint station. Assistant Planning Director Cameron Ray’s attached

memorandum detailed the proposed changes, which include special entrance requirements for emergency services.

At its October 18, 2022, meeting, the Planning Board voted to forward the attached amendment to the BOC, recommending approval. At its November 14, 2022, meeting, the BOC scheduled this public hearing.

Commissioner McAvoy moved to approve the amendment as presented, noting that the Board of Commissioners finds that the amendment to Chapter 153 Zoning, —§153.076(A)(9)(h) & §153.076(D) Off-Street Parking and Loading— Create Parking and Driveway Requirements for Emergency Services Facilities is consistent with all comprehensive plans or other officially adopted plans of the Town of Kill Devil Hills that are applicable and that the amendment is reasonable in the public interest because it provides adequate development standards for emergency services. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0, vote.

### **Public Comment**

**Marie Ruggiero, 405 W. Martin Street, Kill Devil Hills, NC** – Ms. Ruggiero expressed her support for the proposed lower speed for the west-side areas of town.

**Laura Swisher, 900 West Third Street, Kill Devil Hills, NC** – Ms. Swisher also expressed her support for the proposed lower speed for the west-side areas. She was appreciative of the recent improvements to Third Street, but noted that the improved roadway seemed to add to speeding.

### **Response to Public Comment**

### **Ongoing Business**

### **New Business**

#### **1. Proposed reduction of west-side speed limit to 20 m.p.h. (Attached NB-1)**

At its November 14, 2022, meeting, the BOC directed Staff to include for this meeting a discussion of a proposed reduction in the west-side speed limit from 25 to 20 m.p.h. The BOC requested Staff prepare cost estimates of any potential signage changes.

Ms. Díaz stated that Public Services Director Steve Albright's memorandum with the meeting materials outlined the potential costs for changing signage, along with relevant sections of the Manual on Uniform Traffic Control Devices (MUTCD), a guide which the BOC directed Staff to utilize in 2008. Staff recommendations included the review of Police Department speed and crash data, and Town Engineer analysis.

Patrick Lewis and Pete Burkheimer, of American Engineering, at Staff's request, submitted a memorandum addressing the components necessary in evaluating speed limits.

Ms. Díaz noted that Assistant Public Services Director Derek Dail and Town Engineer Pete Burkheimer were present for questions. Mayor Sproul stated that everyone was concerned

about speeding in town, and also clarified that the MUTCD recommends an engineering study be performed prior to a change in speed limits. He stated that the Town had collected large amounts of data from stationary electronic speed recording devices, and that data indicates that most motorists do not speed.

Assistant Police Chief Dana Harris reported that in 2022, 52 speeding tickets and 102 warning citations had been issued in the west-side of town. He stated this did not include any verbal warnings. Mr. Harris stated that west-side tickets were only a fraction of the speeding tickets issued across the rest of Town. Town Engineer Pete Burkheimer stated that the MUTCD was a guideline which recommended an engineering study if deviating from a statutory speed limit or in creating a new statutory speed limit, and that a study could be implemented if the BOC directed.

Mr. Burkheimer then spoke to the BOC as a town resident. He recommended data collection through blanketing the west-side with stationary electronic speed recording devices. He said it would be costly to purchase a number of electronic speed devices for data collection, but he offered to do the analysis. Mr. Burkheimer stated that speed limits should be set within a few miles per hour at the 85<sup>th</sup> percentile of motorist speeds.

In addressing the stationary electronic speed recording devices, Police Chief Gary Britt noted that the lower-end models require manual data downloads and battery replacement. His recommendation would be the costlier models that can download data remotely and are solar powered. This would save staff time and increase efficiency.

Commissioner Gray stated that since COVID, more people are working from home and also outside more. He cited different areas of town for speeding, and thought that lowering the speed limit would deter some motorists from higher speeds. Commissioner Windley said that maybe lowering the speeds of some roadways would assist because of limited visibility since many roads are on an east-west orientation.

Commissioner Ingram supported a combination of a study and / or stationary electronic speed recording devices. Commissioner McAvoy did not like punishing everyone for any outlier speeders. He said that reducing the entire speed to the west-side seemed extreme, but supported additional study since additional speed data is beneficial. If there are outliers in the data for specific roads, then it could require a combination of additional enforcement and possible decreased speeds. Commissioner Ingram inquired whether the Town of Nags Head had implemented a speed study prior to lowering its residential speed limit. Commissioner Gray replied in the negative. He supported lowering the speed limit and not conducting a traffic study. He stated that speed bumps were not a viable alternative. Commissioner McAvoy inquired whether the speeding traffic was vacationer versus residents.

Mayor Sproul stated that he wanted to achieve the goal of reducing dangerous, speeding drivers but that the research he had seen did not support lowering the speed limit to 20 mph. Chief Britt stated that since Nags Head had lowered its speed limit, he understood that some Nags Head residents were requesting a return to the 25 mph speed limit during the off-season and 20 mph during the summer season.

Commissioner Gray moved that Staff take the necessary steps to lower the speed limit to 20 mph on the west-side. Commissioner Windley seconded the motion, which failed, on a vote of 2 for and 3 against, with Mayor Sproul and Commissioners Ingram and McAvoy voting against.

Commissioner Ingram inquired about moving forward with data collection and additional stationary electronic speed recording devices. Chief Britt shared that he supported numerous devices. Ms. Díaz suggested that devices could be placed on thoroughfare streets. Mayor Sproul asked for a recommended listing of the most beneficial placement areas for speed recording devices, and longer-term research of what other communities across the nation are doing to combat speeding motorists. Commissioner McAvoy inquired about additional stop signs. Chief Britt replied that the MUTCD noted that stop signs and speed bumps were not recommended for speed enforcement. Planning Director Meredith Guns said the BOC has previously adopted the MUTCD as a standardized guide for roadway signage and as its primary guidance. Mayor Sproul stated the Town does not want to create any unintended risks. Chief Britt stated that the Police Department will research and report back to the BOC with stationery device recommendations.

**2. Appointment**

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

**A. Personnel Board**

Mayor Sproul stated that Sue Kelly’s term on the Personnel Board expires January 2023, and she has expressed a desire for reappointment.

Name	Appointment History
Kelly, Sue  <b>Personnel Board</b>	<b>Community Appearance Commission</b> - Appointed October 2013 to October 2024  <b>Personnel Board</b> - Appointed January 2011 to January 2023  <b>Dangerous Animal Appeal Board</b> - Appointed as alternate member October 2011, appointed as regular member June 2011 to June 2023

Commissioner Windley moved to reappoint Sue Kelly to the Personnel Board for a three-year term that will expire January 2026. Commissioner Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

## **Committee Reports**

Dare County Tourism Board (DCTB) – Commissioner Ingram shared that the residential survey is now closed; and that group research interviews are being conducted. The Board of Tourism has added a volunteerism page to its website to promote volunteer opportunities.

Coastal Resources Advisory Council (CRAC) – Commissioner Windley attended the November 16, 2022, meeting, which focused on orientation and land use plans. He also attended the Coastal Resources Commission meeting the following day, which covered variance requests and addressing septic systems affected by waterways.

## **Commissioners' Agenda**

### Commissioner Gray

Santa in KDH neighborhoods Commissioner Gray thanked the Staff and volunteers involved with the Santa event in the various neighborhoods.

### Commissioner Windley

Leadership OBX Commissioner Windley enjoyed representing the Town during the Chamber's Leadership OBX seminar session that focused on local governments.

First Flight Markets He expressed his appreciation to Staff for the recent First Flight Holiday Markets. BOC members concurred, and noted the beautiful holiday lights at Aviation Park.

Town mulch He suggested mulch delivery by appointment during the off-season by Town Staff to give people more access.

Assistant Public Service Director Derek Dail shared that the Public Services Department could not easily deliver mulch to residents because it would be in a dump truck in a load of approximately three cubic yards, which is much more than most people would need. There are not enough Staff resources to unload mulch by hand. Mayor Sproul stated that it could be a good volunteerism project for area individuals and organizations, such as the Boy Scouts, National Honor Society, or Dare Challenge.

## **Mayor's Agenda**

### **1. Proposed 2023 Board of Commissioners meeting schedule**

The following schedule has been coordinated with the BOC; changes to the schedule may be made at any time. Two open comment public fora are scheduled: the spring forum on April

26 and the autumn forum on October 9. The Town Hall Meeting Room will serve as an Early Voting and Elections Day polling station from mid-October through November 8, 2023.

Our tentative BOC meeting schedule would be as follows:

~~Monday~~, Wednesday, January 9 18  
Wednesday, January 25  
Monday, February 13  
Wednesday, February 22  
Monday, March 13  
Wednesday, March 22  
Wednesday, April 5  
Wednesday, April 26 (public forum)  
Monday, May 8  
Wednesday, May 24  
~~Monday~~, Wednesday June ~~12~~14  
Wednesday, June 28  
Monday, July 10  
Monday, August 14  
Monday, September 11  
Monday, October 9 (public forum)  
Monday, November 13  
Monday, December 11

Mayor moved to approve the 2023 Board of Commissioners meeting schedule, as amended, with the following changes: Wednesday, January 18 and Wednesday, June 14. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0, vote.

Beach accesses Mayor Sproul shared that he hoped to have additional funding for beach accesses beautification, including edging, sweeping, and shoveling. He suggested a possible grant program those who volunteer to beautify the areas.

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

Ms. Díaz shared that the Wright flyer kite on display in the meeting would be part of a raffle at the upcoming December 17 First Flight Market celebrating the anniversary of flight.

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

### **Consent Agenda**

#### **1. Minutes**

A. November 14, 2022

**2. Monthly Report**

A. October 2022

**3. Centenarian Society Resolution**

KDH residents Alma Hyman and Clara Bellman celebrated their 100<sup>th</sup> birthdays on November 14 and November 25, respectively. In honor of these milestone birthdays, the Town of Kill Devil Hills, through resolution, has inducted Lady Alma and Lady Clara into its Centenarian Society. Approval of the Consent Agenda will record the Board's approval of these resolutions and their induction into the Society.

**4. Appointment to Kill Devil Hills' Local Firefighters' Relief Fund Board**

A vacancy on the KDH Local Firefighters' Relief Fund Board has been created with the resignation of member Mark Evans. The Fire Department is recommending the appointment of Ronald J. Seidman to fill the position.

Approval of the Consent Agenda will record Mr. Seidman's appointment to the Relief Fund Board.

**5. Recommendation for the acceptance of street improvements to Indian Drive, east of Seminole Street; and adoption of the Official Traffic Map and Powell Bill Map for the Town of Kill Devil Hills to reflect the improvements**

With the recent completion of street, water main, and right-of-way improvements to Indian Drive, the developer has petitioned the Board of Commissioners for these improvements to be accepted into the Town's public streets and water systems.

Approval of the Consent Agenda will adopt the attached resolution, which:

1. Accepts the street, water main, and right-of-way improvements for Indian Drive into the Town's public streets and water systems;
2. Revises and adopts the Official Traffic Map of the Town of Kill Devil Hills, reflecting these improvements;
3. Revises and adopts the Powell Bill Map, reflecting the improvements.

The Official Traffic Map and Powell Bill Map were posted in the Meeting Room prior to the meeting, and included with the electronic packet on the Town's website, [www.kdhnc.com](http://www.kdhnc.com).

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.

Centenarian Society visit Mayor Sproul shared that he had enjoyed a great visit with the recently inducted members. He stated that their trick for long lives was staying active with friends.

### **Public Comment**

**Larissa York, 1205 Argus Road, Kill Devil Hills, NC** – Ms. York had volunteered with the Santa in KDH neighborhoods event, and expressed her appreciation to the Police, Fire, and Finance Departments. She recommended dog bones for distribution at future events.

### **Response to Public Comment**

### **Adjournment**

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

The time was 7:19 p.m.

Submitted by:

James Michael O'Dell  
Town Clerk