

Minutes of the Wednesday, April 5, 2023, 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; Casey Varnell, Town Attorney; and James Michael O’Dell, Town Clerk.

Call to Order

At 6:00 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 Ingram seconded the motion, which passed by a unanimous, 5-0, vote.

Public Comment

Courtney Gallop, League of Women Voters – Representing the League of Women Voters of Dare County (LOWV), Ms. Gallop presented the Board of Commissioners with the 2023 Citizens Guide. This year, the LOWV published almost 7,000 copies of the guide, and expressed the group’s appreciation for the Town of Kill Devil Hills and its Staff.

Response to Public Comment

Introductions and Presentations

1. Trash Attack! Community Clean Up Event poster contest recognitions

Since its inaugural event on April 22, 1995, the Town’s Trash Attack! Community Clean-Up Event has provided our citizens and visitors an enjoyable way to fellowship and also “attack” the trash and litter in our town.

One of the event’s most popular activities is the poster contest, which is open to all K-12 school-aged KDH residents and First Flight Schools students. An independent judging panel

reviewed all submissions, and Trash Attack! expressed its appreciation for Dare County Arts Council Executive Director Jessica Sands, for her assistance with the judging panel. Trash Attack! Chairperson Sandie Markland was present to highlight the submitted entries and recognize the following student artists:

Third Place: Ruby Marik

Second Place: Benjamin Travis

First Place (tie): Alice Fearn & Dylan Wood

The Town uses the submitted artwork in a variety of ways to remind the public to keep Kill Devil Hills clean and litter free, including garbage truck vinyl panels, signs for our recreation areas and facilities, and on social media.

Sandie Markland also reported on the Trash Attack! event, which consisted of 150 volunteers and Staff, who collected 18 cubic yards of litter and debris. She thanked the event's volunteers, co-chairperson Chris Marik, Town Staff, and all of the local business sponsors that made the event possible.

2. N.C. Insurance Commissioner / State Fire Marshal Mike Causey: Kill Devil Hills Fire Department ISO Inspection

NC Department of Insurance, Office of the State Fire Marshal, Insurance Commissioner / State Fire Marshal Mike Causey noted that fire department inspections are routinely conducted by officials with the N.C. Department of Insurance Office of the State Fire Marshal and required on a regular basis as part of the N.C. Response Ratings System. Commissioner Causey presented the results of the Kill Devil Hills Fire Department's recent ISO Inspection, and congratulated Kill Devil Hills on achieving a Class 1 rating. Ratings and Inspections Supervisor Tony Bailey stated that these inspections are conducted every five years, and assess proper staffing levels, sufficient equipment, proper equipment maintenance, communications capabilities, and water source availability, among other criteria. The KDH Fire Department had received a 90.14 out of a possible 105.5 points. There are over 1,200 North Carolina fire departments, and KDH is one of 28 to have a Class 1 rating.

Fire Chief Tilley expressed his appreciation to Commissioner Causey and his Staff, the Board of Commissioners, along with the Fire Department Staff and volunteers, for all of the hard work involved in achieving this ranking. Members of the Board expressed their appreciation to the Fire Department for all of its dedication to the community and congratulated them for this ranking.

Ongoing Business

New Business

1. Site Plan Review — 1630 N. Croatan Highway — Emergency Services Facility: KDH Fire Station 14 / Dare County EMS Station 1

Mayor Sproul shared that Timmons Group has submitted a site plan for a proposed 35,814 square-foot emergency services facility, 51 parking spaces, and associated site improvements to be located at 1630 N. Croatan Highway. The Town of Kill Devil Hills and Dare County plan to operate a joint fire station and emergency medical services station on the property. The Planning Department's memorandum in the meeting materials, along with the submitted application and plans, details the proposed improvements for the site.

Commissioner Gray moved to approve the Site Plan for 1630 North Croatan Highway, Emergency Services Facility: Kill Devil Hills Fire Station #14 / Dare County EMS Station #1, as presented. Commissioner McAvoy seconded the motion, which was approved by a unanimous, 5-0, vote.

Committee Reports

Community Appearance Commission (CAC) Chairperson Kelly shared the upcoming meeting schedule for the group, and highlighted the upcoming biennial Community Appearance Awards, which will be considered and awarded this year.

Dare County Tourism Bureau (DCTB) Commissioner Ingram shared that the Town's grant application for the 2023 Fourth of July Independence Day Fireworks event had been approved. She noted that the long-term plan report was expected to be available in the upcoming month.

Government Education Access Channels Committee (GEACC) Commissioner Gray noted that the Town had received a Local Development Initiative grant application to make lighting upgrades to the Town Hall Meeting Room.

Commissioners' Agenda

Commissioner Windley

Saving Lives Taskforce Faith Summit Commissioner Windley had attended the event, which highlighted all of the services available for the addiction community.

Coastal Resource Advisory Council (CRAC) Commissioner Windley shared the upcoming meeting schedule for the group.

Mayor's Agenda

1. Proclamations and Resolutions

- A. Proclamation Declaring April 2023, as Child Abuse Prevention Month**
- B. Proclamation Declaring April 22, 2023, as Earth Day in Kill Devil Hills**

The above proclamations honor the children and issues important to our community and vital to society. Upon the Board of Commissioners' adoption, they will be shared with our citizens, employees, and posted on our website and social media.

Mayor Sproul moved that the Board of Commissioners adopt the proclamations as presented. Commissioner Gray seconded the motion, which was adopted by a unanimous, 5-0, vote.

ADA Survey Mayor Sproul reported that Kill Devil Hills is completing an Americans with Disabilities Act (ADA) Transition Plan. This plan will look at challenges with accessibility and ways to improve access to our Town services, buildings, sidewalks and streets. As part of this process, a survey will be available on the Town's website, social media outlets, and Town weekly updates. There will also be paper copies of the survey at Town facilities. This survey will guide the ADA Transition Plan and help Staff to identify areas for improving accessibility throughout the community.

Public Forum Coming He noted that the Board will conduct a public forum at its April 26th meeting. This is the first of two that the Board conducts annually, one in spring and one in fall. It's a much more informal event, and gives us all a chance to share questions, concerns, and information.

Bulk Item Collection The Town will begin collection of approved bulk trash items from improved properties on Monday, April 17, 2023. Citizens can begin placing items for collection in the street right-of way. Mayor Sproul said that if anyone has questions about the collection, call the Town's Public Services Department.

Town Manager's Agenda

Town Manager Debora Diaz announced that assistant Finance Director Angell Doughtie has been promoted to the Town's new Finance Director. She will begin the role on May 1, 2023. Finance Director Beverly Kissinger is retiring after 26 years of dedicated service to the Town.

The Board congratulated Ms. Doughtie on her promotion, and expressed its appreciation to Ms. Kissinger for her long-time service to the Town.

Town Attorney's Agenda

Consent Agenda

1. Minutes

- A. March 13, 2023

2. Monthly Report

- A. February 2023

3. Budget Amendments and Transfers

- A. Budget Amendment #12 – to appropriate FY 2022-2023 Local Programming Development Initiative Grant from the Government Education Access Channels Committee
- B. Budget Amendment #13 – to record FY 2022-2023 lease proceeds
- C. Budget Amendment #14 – to appropriate funds to pay the interest associated with the renewal of the 2021B FEMA special obligation bond
- D. Budget Amendment #15 – to appropriate funds to cover departmental budget variances for recommended financing of FY 2022-2023 vehicle and equipment purchases

Approval of the Consent Agenda will authorize execution of the above budget amendments and the accompanying financing resolutions.

4. Schedule Public Hearings

Assistant Planning Director Cameron Ray's meeting memoranda highlighted two proposed amendments to the Town Code, which are a result of the joint worksession of the Board of Commissioners and the Planning Board. Discussions at the worksession were to consider options to promote long-term housing in the community, while alleviating the existing housing issues. At its March 21, 2023, meeting, the Planning Board recommended forwarding these amendments to the BOC with favorable recommendations.

A. Proposed Zoning Amendment — §153.211(B) Light Industrial Two Zone & §153.231(B) Light Industrial One Zone — Modify Mixed Use Development Setback Requirements

This proposed amendment will align mixed use setbacks in the Light Industrial 1 and Light Industrial 2 Zones to match existing commercial setbacks, unless the property abuts a Residential Low Zoning District. This will protect single family dwellings from a higher intensive land use.

B. Proposed Zoning Amendment — §153.315 (B) Accessory Dwelling Units, §153.116 (C) Low Density Residential Zone Permitted Uses, §153.156 (E) High Density Residential Zone Permitted Uses — Add Accessory Dwelling Units for Long Term Occupancy

This proposed amendment will categorize Accessory Dwelling Units (ADUs) as permitted uses in the High Density Residential and Low Density Residential Zones, and will only permit ADUs if used for long-term occupancy.

Staff recommended both amendments as presented, along with scheduling two public hearings for Wednesday, April 26, 2022, at 6:00 p.m. Approval of the Consent Agenda will schedule these items for public hearings.

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

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

Public Comment

Courtney Gallop, 1717 Sunset Avenue, Kill Devil Hills – Ms. Gallop expressed her appreciation to the Board and its public transparency, with the public comment sections and public fora at Board meeting.

Duke Geraghty, representing the Outer Banks Homebuilders Association – Mr. Geraghty expressed support for the proposed amendments scheduled for public hearing on April 26, and thanked the Board and Town Staff for their commitment.

Response to Public Comment

Adjournment

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

The time was 6:46 p.m.

Submitted by:

James Michael O'Dell
Town Clerk