

**Minutes of the Monday, May 8, 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; Ryan Lang, Senior Planner; Casey Varnell, Town Attorney; and James Michael O’Dell, Town Clerk.

**Call to Order**

At 6:04 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 McAvoy moved to approve the agenda, as presented. Commissioner Gray seconded the motion, which passed by a unanimous, 5-0, vote.

**Public Comment**

**Response to Public Comment**

**Ongoing Business**

**New Business**

**1. Recommendation for Bid Acceptance for 2023-2024 Street, Drainage, and Right-of-Way Improvements Projects (Attached NB-1)**

Town Engineers Patrick Lewis and Pete Burkheimer noted that at its September 12, 2022, meeting, the Board of Commissioners approved the re-bid of the Seminole – Indian - Apache Project, separating it from the 2022-2023 street, drainage, and right-of-way improvements project and deferring it to fiscal year 2023-2024 due to anticipated construction costs.

The proposed Seminole – Indian - Apache Project includes approximately 0.39 miles of improvements, including paving, drainage, water main, and related work:

- **Seminole Street:** new drainage, asphalt paving, some driveway work and water main replacement from W. Third Street to Indian Drive.
- **Indian Drive:** water main replacement, asphalt paving, some driveway work and drainage improvements from Seminole Street to Apache Street.
- **Apache Street:** drainage work and associated driveway replacements from W. Third Street to Indian Drive.

Public Services Director Steve Albright’s meeting memorandum highlights that on April 21, 2023, bids were received for the project and reviewed by Mr. Lewis and staff. Staff concurred with Mr. Lewis’ recommendation that the low bidder, Hatchell Concrete, Inc. be awarded the contract for the Seminole – Indian – Apache Water and Stormwater Improvements Project as outlined in his recommendation letter. Mr. Lewis stated that this year’s winning bid was approximately \$100,000 less than last year’s bid for the same project. He and Mr. Burkheimer expressed their optimism that construction project costs were slowly beginning to decrease following the pandemic.

A breakdown of the recommended construction-related project costs:

<b>Seminole, Indian, &amp; Apache Project</b>	<b>Project Breakdown</b>		
	<b>Streets &amp; Drainage</b>	<b>Water</b>	<b>Total</b>
Hatchell Concrete, Inc. – Base Bid + Unit Price Items	\$591,918	\$635,241	\$1,227,159
Contingency	\$59,192	\$63,524	\$122,716
Engineering	\$23,390	\$35,650	\$59,040
<b>Totals</b>	<b>\$674,500</b>	<b>\$734,415</b>	<b>\$1,408,915</b>

If the Board of Commissioners agrees with these recommendations for the Seminole Street, Indian Drive, and Apache Street Water and Stormwater Improvements Project, a motion will be in order to:

- Approve the contract with Hatchell Concrete, Inc. for 2023-2024 Street, Drainage, and Right-Of-Way Improvements Project in the amount of \$1,227,159 and authorize its execution by the Town Manager;
- Approve the engineering services agreement with American Engineering in the total amount of \$59,040 for construction oversight services;
- Approve a 10% not-to-exceed contingency for the streets and drainage portions of the project in the amount of \$59,192 and a 10% contingency for the water portions of the project in the amount of \$63,524;

- Authorize expenditure of \$734,415 from the Water Capital Reserve Fund; \$674,500 from the fund balance, for a total of \$1,408,915; and
- Approve any budget amendments to appropriate funds from the Water Capital Reserve Fund, and unassigned fund balance for the 2023-2024 street, drainage, and right-of-way improvements project.

Commissioner Gray inquired about the planned water main work in the project. Town Manager Debora Díaz replied that the asbestos water main replacement costs were allocated from water funds. She noted that the Board had given Staff permission to bid this project in a more flexible manner to give the successful bidder a larger window to order materials and to prepare for the project. If approved by the Board, this project will be funded from fund balance in this year's budget; however, the work will not be completed until the 2023-2024 budget year. She noted that with the Town allowing larger project windows, it can potentially save the Town substantial allocations with such an approach. Commissioner Gray noted that the addition of the drainage component to the Town's street improvement projects has had phenomenal results. Ms. Díaz replied that the inclusion of drainage has resulted in longer average life for the Town's street inventory.

Commissioner Ingram moved approve the Recommendation for Bid Acceptance for 2023-2024 Street, Drainage, and Right-of-Way Improvements Projects, as presented. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0, vote.

## **Committee Reports**

Community Appearance Commission (CAC) Commissioner Windley shared the group's meeting schedule and highlighted the upcoming Community Appearance Awards.

Street Improvement and Special Projects Committee (SISPC) Commissioner McAvoy reported that the committee had met earlier in the day, and had reviewed the streets assessment survey. The group briefly discussed the FY 2024-2025 Wrightsville / Memorial streets improvement project, and had received input from residents about their specific street issues. He thanked the SISPC members and Staff for completion of the streets assessment survey, and noted that the Town continued to make gains with the conditions of its streets.

## **Commissioners' Agenda**

### Commissioner Ingram

Cottage Court Developments Commissioner Ingram inquired whether Staff could prepare recommendations to update the cottage court regulations. Members concurred with Commissioner Ingram's suggestion, and Staff will present options at a future meeting.

## Commissioner Windley

Fire Station / EMS Groundbreaking Commissioner Windley reminded everyone about the upcoming groundbreaking for the KDH Fire Station 14 / Dare EMS Station 1 on Wednesday, May 10, 2023 at 2:00 p.m.

### **Mayor's Agenda**

1. **Proclamations and Resolutions (Attached MA-1A, MA-1B, and MA-1C)**
  - A. **Police Week & Peace Officers Day Proclamation**
  - B. **Beach Safety Week / Rip Current Awareness Proclamation**
  - C. **A Resolution in Support of *The Lost Colony***

Mayor Sproul stated that the first proclamation highlighted the importance of our first responders and the critical role that 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.

The second proclamation recognizes that knowledge and planning are the keys to making a beach outing successful and uneventful. Safety on our coast is also essential for beachgoers of all ages and backgrounds. Whether a home-grown, seasoned surfer or a first-time visitor to our shore, everyone is encouraged to prepare for their beach time by knowing the latest beach conditions.

He stated that *The Lost Colony* outdoor symphonic drama has been a fixture of the Outer Banks, revealing the past to new audiences for over the last 85 years. This resolution expresses our Town's support for this ongoing community production.

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

Beach nourishment dredge visit Mayor Sproul noted that he and Commissioner Windley planned to tour the beach nourishment dredge the following day, which was actively working off the coast of Duck.

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

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

### **Consent Agenda**

1. **Minutes (Attached CA-1A)**
  - A. April 26, 2023

**2. Monthly Report (Attached CA-2)**

A. March 2023

**3. Partnership Reports (Attached CA-3A)**

A. Outer Banks Family YMCA

The Town supports four partnership organizations that serve the citizens of Kill Devil Hills: the Outer Banks Family YMCA, Community Care Clinic of Dare, Interfaith Community Outreach, 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 Jamie Koch has submitted the YMCA's annual report, which highlights the services directly provided to Kill Devil Hills citizens.

**4. Appointment to Kill Devil Hills' Local Firefighters' Relief Fund Board (Attached CA-4)**

A vacancy on the KDH Local Firefighters' Relief Fund Board has been created with the resignation of retiring Finance Director Beverly Kissinger. The Fire Department recommended newly appointed KDH Finance Director Angell Doughtie to fill the position.

Approval of the Consent Agenda will record Ms. Doughtie's appointment to the Relief Fund Board.

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

Commissioner Windley moved to approve the Consent Agenda, as presented.

Commissioner McAvoy seconded the motion, which was approved by a unanimous, 5-0, vote.

**Public Comment**

**Pete Burkheimer, 302 St. Louis Street, Kill Devil Hills, NC** – Mr. Burkheimer asked everyone to keep in their thoughts those construction and infrastructure workers that complete the vital projects across our state and the nation. He noted that it is a profession filled with risks, and a family member of his was recently killed by a drunk driver while on the job at a construction site along Interstate 40.

**Response to Public Comment**

DRAFT Minutes

May 8, 2023

Board of Commissioners Meeting & Public Forum

Page 5 of 6

## **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 6:30 p.m.

Submitted by:

James Michael O'Dell  
Town Clerk