

Minutes of the Monday, July 10, 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, and John Windley

Members Not Participating: Bernard "B.J." McAvoy

Others Participating: Debora P. Díaz, Town Manager; Meredith Guns, Planning 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. It was noted that Commissioner McAvoy was unable to attend tonight's meeting due to a scheduling conflict.

Pledge of Allegiance and Moment of Silence

Agenda Approval

Commissioner Gray moved to approve the agenda, as presented. Commissioner Windley seconded the motion, which passed by a unanimous, 4-0, vote.

Public Comment

Julie Robinson, 2019 South Virginia Dare Trail, Kill Devil Hills, NC – Ms. Robinson expressed her appreciation to Staff, the Planning Board, and others involved in the development of stronger regulations to protect the dune system. She stated that she will be out of town for the August meeting, but encouraged the Board to support the ordinance amendment. She then displayed several images of areas near her property that have been recently developed, with the destruction of the existing dune and vegetation. Those images have been included with the record of the meeting. Ms. Robinson expressed her concern about structures being constructed within the dune line as they are weakening the entire dune system.

Response to Public Comment

Commissioner Ingram asked Ms. Robinson to submit the photos displayed to Staff. Mayor Sproul thanked Ms. Robinson for her comments, and noted that the public hearing was being scheduled to consider stronger regulations regarding dune protection.

Ongoing Business

New Business

1. Recommendation for Engineering Design for 2024-2025 Street, Drainage, and Right-of-Way Improvements Projects (Attached NB-1)

At its September 12, 2022, meeting, the Board of Commissioners approved the transition of the planned Wrightsville Boulevard infrastructure project to the 2024-2025 year. Additionally, with Staff recommendation and BOC approval, infrastructure project bidding windows are being expanded when possible to provide contractors additional time to secure project materials in response to recent national supply chain delays. This project's bidding window has been moved up to the spring. Public Services Director Steve Albright's meeting memorandum highlighted the project's schedule, along with American Engineering's proposal for the design and bidding of the 2024-2025 Wrightsville Project Group, which is recommended to be separated into three phases, for increased flexibility:

- **Wrightsville Boulevard Phase 1:** Wrightsville Boulevard paving, 30" "sock drain" trunk drainage and water main replacement from Goddard Avenue to East Atlantic Street
- **Wrightsville Boulevard Phase 2:** Wrightsville Boulevard paving, 30" & 24" "sock drain" trunk drainage and water main replacement from East Atlantic Street to Carolyn Drive
- **Southeast Area Water main Replacement:** Neptune Drive water main replacement and pavement overlay, and water main replacements for East Atlantic, East Clark, and East Baum Streets.

American Engineering's design and bidding phases proposal for these projects is as follows:

2024-2025 Project Phase	Design Phase Costs		
	Streets & Drainage	Water	Total
Wrightsville Boulevard, Phase 1	\$52,405	\$28,300	\$80,705
Wrightsville Boulevard, Phase 2	\$35,480	\$35,480	\$70,960
Southeast Area WM Replacement		\$57,495	\$57,495
Grand Totals	\$87,885	\$121,275	\$209,160

The bidding phase for the three project phases includes a total cost of \$22,710 (\$9,110 streets funding and \$13,600 water funding). American Engineering would plan to start survey work in August 2023, followed by design phase work and permitting throughout the winter allowing for bidding in spring 2024.

Patrick Lewis, PE, and Emily Zeltmann, PE, of American Engineering were present, and highlighted the benefits of the project, including the potential doubling or tripling of stormwater drainage capacity for the surrounding area. Mr. Lewis noted that almost of a mile of streets rated as “poor” would be upgraded in the project.

If the Board of Commissioners agrees with these recommendations for the 2024-2025 Wrightsville Project Group Street, Drainage, and Right-of-Way Improvements Projects, a motion will be in order to:

- Approve the engineering services agreement with American Engineering for the design and bidding of three phases of the 2024-2025 Wrightsville Project Group Street, Drainage, and Right-of-Way Improvements Projects in the total amount of \$231,870 and authorize its execution by the Town Manager;
- Authorize expenditure of \$96,995 from the Streets Capital Reserve Fund and \$134,875 from the Water Capital Reserve Fund for design and bidding costs; and
- Approve any necessary budget amendments to appropriate funds from the Streets and Water Capital Reserve Funds for the 2024-2025 Wrightsville Project Group Street, Drainage, and Right-of-Way Improvements Projects.

Commissioner Ingram moved to approve the Recommendation for Engineering Design for 2024-2025 Street, Drainage, and Right-of-Way Improvements Projects, as presented. Commissioner Gray seconded the motion, which was approved by a unanimous, 4-0, vote.

2. Chapter 130, General Offenses, §130.75 et seq. Skateboard/Skating Parks – amendment to add water park rules and guidelines (Attached NB-2)

With the redevelopment of the Meekins Field Park, a splash pad is undergoing construction, which is anticipated to be a highly popular amenity for our youngest citizens and visitors. Assistant Town Manager Charlene Allen’s meeting memorandum highlighted the need for the Town to develop rules to protect the Splash Pad patrons. As a part of the process of updating Chapter 130, General Offenses, Aviation Park hockey rink and skate park rules have also been updated.

Town Manager Debora Díaz shared that the Splash Pad was currently open, and complimented the hard work of Staff and construction vendors involved.

Commissioner Windley moved to approve the amendment to Chapter 130, General Offenses, §130.75 et seq. Skateboard/Skating Parks – to add water park rules and guidelines, as presented. Commissioner Ingram seconded the motion, which was approved by a unanimous, 4-0, vote.

Committee Reports

Dare County Tourism Bureau (DCTB) Commissioner Ingram inquired about a ribbon-cutting ceremony for the sidewalk in front of Wright Brothers sidewalk. Ms. Guns stated that the N.C. Department of Transportation (NCDOT) was making some improvements at the Colington Road

/ US 158 intersection, and that the final segment of the sidewalk would be completed once those improvements were completed.

Commissioners' Agenda

Commissioner Gray

National Fitness Campaign Commissioner Gray shared that he had followed up on the program, and that he had turned the information over to Assistant Planning Director Cameron Ray for further research.

Commissioner Ingram

Independence Day Fireworks Commissioner Ingram expressed her appreciation to all Staff and vendors involved with the Fourth of July Fireworks.

Mayor's Agenda

Meekins Field Splash Pad Mayor Sproul stated that the Town's newest amenity, the Meekins Field Splash Pad, has begun its phased testing with a "soft opening." He said that youngest citizens and visitors seem to really like this addition to the Town's recreational facilities. The Town plans to have an official ribbon cutting in the coming weeks, and everyone will be invited.

First Flight Farmers Market The First Flight Farmers Market will be held on Tuesdays, from 10 a.m. – 2 p.m., through August 15, 2023.

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

1. **Minutes (Attached CA-1A)**
 - A. June 28, 2023
2. **Monthly Report (Attached CA-2A)**
 - A. May 2023

3. Schedule public hearing (Attached CA-3A)

A. Proposed Zoning Amendment – §153.079 Dune Protection: Modify Regulations for Development within Dune Systems

The BOC directed Staff to prepare alternatives to promote the increased protection and preservation of dunes throughout Kill Devil Hills. At the May 24, 2023, meeting, Planning and Inspections Staff proposed options for the Dune Protection ordinance (§153.079). At the Board's direction, Staff presented a draft ordinance to the Planning Board for consideration at its June 20, 2023, meeting. The Planning Board voted to forward this item to the Board of Commissioners, with a favorable recommendation. Assistant Planning Director Cameron Ray's attached memorandum highlighted the amendment, which updates definitions of dunes and increases protection for the Town's dune system.

Staff recommended scheduling a public hearing for Monday, August 14, 2023, 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, 4-0, vote.

Public Comment

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 Windley seconded the motion, which was approved by a unanimous, 4-0, vote.

The time was 6:28 p.m.

Submitted by:

James Michael O'Dell
Town Clerk