



# TOWN OF KILL DEVIL HILLS

*Land Where Flight Began*

MEMORANDUM

October 9, 2023

TO: Mayor and Board of Commissioners  
FROM: Mayor Ben Sproul  
REF: Mayor's Agenda

1. **Resolutions and Proclamations (Attached MA-1A, MA-1B, and MA-1C)**
  - A. **Resolution in Support of Honoring North Carolina Veterans and Active Service Members in Operation Green Light**
  - B. **Resolution in Support of Maintaining Local Governmental Authority in Affordable Housing**
  - C. **Resolution Opposing Consolidated Atlantic Highly Migratory Species Fishery Amendment 15 Section F Subsection F2**

These resolutions and proclamations highlight the various issues that affect our community. The first resolution honors our veterans and active service members and their families, and encourages everyone to “go green” in support. The other resolutions expressing the Board’s positions on local governmental planning and zoning authority and opposition to federal changes that would negatively affect local watermen have previously been approved through electronic consensus; approval of these would record the Board’s earlier action in the record of this meeting.

I recommend approval of these items and a motion or motions would be in order for their adoption.

## 2. **Fire Department Open House**

The Fire Department will host its annual Open House on Tuesday, October 10, 2023, from 4:00 p.m. to 7:00 pm. at our Station 14, located at 1634 North Croatan Highway. There will be great activities for kids of all ages, important fire safety information, and some great food!



## TOWN OF KILL DEVIL HILLS

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### **Resolution in Support of Honoring North Carolina Veterans and Active Service Members in Operation Green Light**

**WHEREAS**, the residents of Kill Devil Hills have the utmost respect, appreciation, and gratitude for all of the men and women who have served our community and our country in the Armed Forces; and,

**WHEREAS**, the contributions and sacrifices made by those who have served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens, and the Town of Kill Devil Hills seeks to honor these individuals and their families who have made countless sacrifices for freedom by placing themselves in harm's way for the good of all; and,

**WHEREAS**, veterans continue to serve and lead our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and community organizations and events; and,

**WHEREAS**, approximately 200,000 service members transition to civilian communities annually, and an estimated 20 percent increase will transition to civilian life in the near future; and,

**WHEREAS**, studies indicate that 44-72 percent of service members experience high levels of stress during transition from military to civilian life and are at a high risk for suicide during their first year after military service; and,

**WHEREAS**, approximately 40 percent of transitioning service members stationed in bases throughout North Carolina decided to stay in our state upon their transition to civilian life, and 55 percent of retiring service members with 20 or more years of service also made the decision to stay in North Carolina; and,

**WHEREAS**, the Town of Kill Devil Hills has supported the nationwide tour of The Wall That Heals, a traveling, three-quarter scale replica of the Vietnam Veterans Memorial, to the Outer Banks, where it will be on display at the Tourism Bureau's Soundside Event Site from November 16, 2023, through November 19, 2023; therefore, be it

**RESOLVED**, the Board of Commissioners for the Town of Kill Devil Hills hereby designates our community a "Green Light for Veterans Community," declaring now through November 19, 2023, a time to salute and honor all active and veteran service members and their families; and,

**BE IT FURTHER RESOLVED**, that in observance of Operation Green Light 2023, the Kill Devil Hills Board of Commissioners encourages its citizens, property owners, and businesses to recognize the importance of honoring all those who have made sacrifices to preserve our freedom by displaying green lights in a window of their residence or place of business from November 6, 2023, through November 19, 2023.

This 9<sup>th</sup> day of October, 2023.

SEAL

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Benjamin A. Sproul  
Mayor

ATTEST:

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James Michael O'Dell  
Town Clerk



## TOWN OF KILL DEVIL HILLS

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### **Resolution in Support of Maintaining Local Governmental Authority in Affordable Housing**

**WHEREAS**, the 2023 Session of the General Assembly is nearing agreement on a budget for the State of North Carolina through House Bill 259; and

**WHEREAS**, the draft version House Bill 259 includes Section 24.8, which is comprised of language, either identical or similar to the following

#### **“DARE COUNTY AFFORDABLE HOUSING**

**SECTION 24.8.(a)** The following shall apply to all construction of buildings and infrastructure under the agreement or series of agreements entered into pursuant to Section 24.1 of S.L. 2022-74 to construct affordable housing units in accordance with Dare County's longstanding master development plan to increase workforce housing:

- (1) With respect to building permits and inspections of the new construction, the State of North Carolina and any local government with jurisdiction over the new construction shall expedite the issuance of permits and prioritizing the conduct of all necessary inspections.
- (2) With respect to development regulations:
  - a. Articles 6 and 7 of Chapter 160D of the General Statutes shall not apply to the new construction under the agreement or series of agreements.
  - b. Approval under Article 8 of Chapter 160D of the General Statutes shall not be required for the new construction under the agreement or series of agreements; however, a plat of any subdivided land shall be recorded by a selected qualified private partner.
- (3) With respect to utilities, and provided that the local government has sufficient capacity, any local government within a 1-mile radius of the new construction under the agreement or series of agreements shall provide all utilities in the same manner as that local government provides utilities to all other new construction in that jurisdiction.

**SECTION 24.8.(b)** This section is effective when it becomes law.”; and

**WHEREAS**, NCGS 160D, Article 7, 160D-702 specially grants power to municipalities to adopt zoning regulations and specifies what can be regulated: “a zoning regulation may regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other open spaces; the density of population; the location and use of buildings, structures, and land.”

**WHEREAS**, Section 24.8(a) of the North Carolina 2023 Appropriations Act strips only six local governments in Dare County (out of 552 North Carolina municipalities) the explicit authority to regulate zoning; and

**WHEREAS**, NCGS Article 7, 160D-703 already addresses concessions for affordable housing developments: “Limitations. - For parcels where multifamily structures are an allowable use, a

local government may not impose a harmony requirement for permit approval if the development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.” The General Assembly has already made statewide provisions for affordable housing; and

**WHEREAS**, in 2019, the General Assembly overhauled and reorganized planning and zoning statutes into a comprehensive, statewide framework for all 552 municipalities; and

**WHEREAS**, North Carolina, along with many areas across the country, is experiencing a housing crisis. Yet, Section 24.8(a) of the North Carolina 2023 Appropriations Act, removes six coastal municipalities’ ability to regulate land use and balance growth and development with the needs of their residents, property owners, businesses, and infrastructure; and

**WHEREAS**, this provision targets and penalizes six coastal communities that have adopted NCGS 160D, along with Land Use Plans that have been developed with citizen input; therefore be it

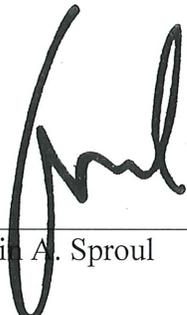
**RESOLVED**, the Board of Commissioners for the Town of Kill Devil Hills, North Carolina expresses its support for maintaining local government authority in addressing affordable housing and urges the following:

1. The removal of Section 24.8 from the North Carolina 2023 Appropriations Act; or
2. The immediate repeal of Section 24.8 of the North Carolina 2023 Appropriations Act; and
3. A broader, statewide discussion of affordable housing and planning and zoning regulation solutions; and
4. The Dare County Board of Commissioners to adopt a resolution in support of the municipal rights of the Towns of Kill Devil Hills, Duck, Southern Shores, Kitty Hawk, Nags Head, and Manteo to fully enforce planning and zoning ordinances for all development, including affordable housing, through the authority granted by the General Assembly.

This 20<sup>th</sup> day of September, 2023.

SEAL



  
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Benjamin A. Sproul  
Mayor

ATTEST:

  
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James Michael O'Dell  
Town Clerk



## TOWN OF KILL DEVIL HILLS

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### **Resolution Opposing Consolidated Atlantic Highly Migratory Species Fishery Management Plan Amendment 15 Section F Subsection F2**

**WHEREAS**, the Outer Banks of North Carolina has a long heritage in commercial fishing, and commercial fishing is the second largest economic driver in Dare County; and,

**WHEREAS**, due to overregulation of the commercial fishing industry, the economic viability and the ever-decreasing number of area watermen threatens this valuable economic engine in eastern North Carolina and other coastal counties along the Eastern Seaboard of the United States; and,

**WHEREAS**, Dare County is the home port to 18 pelagic longline vessels and four seafood processing plants, directly providing employment for hundreds of its citizens and providing fresh, wild-caught product to seafood markets, restaurants, and consumers across the United States, including 1.82 million pounds of highly migratory species (swordfish, tuna, and mahi) in 2022; and,

**WHEREAS**, in 2006, the National Oceanic and Atmospheric Administration (NOAA) adopted the Consolidated Atlantic Highly Migratory Species Fishery Management Plan; and,

**WHEREAS**, in 2015, NOAA adopted Amendment 7, adding the Electronic Monitoring Camera System on all pelagic longline vessels, and this system was installed and maintained by NOAA funding; and,

**WHEREAS**, on May 7, 2019, Procedure 04-115-02, "Cost Allocation in Electronic Monitoring Programs for Federally Managed Fisheries," was implemented and electronic monitoring continued to be funded by NOAA; and,

**WHEREAS**, in May 2023, NOAA released the Draft Amendment of the Consolidated Atlantic Highly Migratory Species Fishery Management Plan; and,

**WHEREAS**, in Draft Amendment 15, Alternatives Section F, "Electronic Monitoring Program," Subsection F2, would transfer all costs of the Electronic Monitoring Program from NOAA, the agency requesting the data, to the fishing industry, as vessel owners would be financially responsible for all aspects of electronic monitoring, including the equipment, services, sampling, and data storage of footage in which only 10% of a set would be viewed; and,

**WHEREAS**, Draft Amendment 15 establishes a cost for any and all sets at \$280.00 each, resulting in an estimated \$1,700.00 additional cost per trip on average; and,

**WHEREAS**, since 2015, the number of North Atlantic pelagic longliners has fallen from approximately 135 to less than 80 vessels, the resulting overall cost to NOAA for the electronic monitoring program is significantly lower than before, and it would therefore appear that the purpose and effect of Amendment 15 is purely punitive rather than an economic necessity; and,

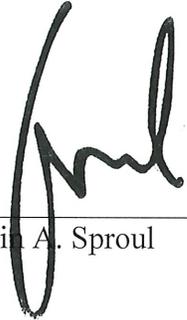
**WHEREAS**, on August 9, 2023, NOAA released the National Seafood Strategy report, which outlines NOAA's direction over the next five years for supporting a thriving domestic U.S. seafood economy and enhancing the resilience of the seafood sector in the face of climate change and other stressors; therefore, be it

**RESOLVED**, the Board of Commissioners for the Town of Kill Devil Hills, North Carolina opposes Draft Amendment 15 Section F subsection F2 as this would add a crushing financial burden on our already overregulated commercial watermen and seafood industry in the Outer Banks specifically and on the pelagic longline fishing industry of the East Coast.

This 27<sup>th</sup> day of September, 2023.

SEAL



  
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Benjamin A. Sproul  
Mayor

ATTEST:

  
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James Michael O'Dell  
Town Clerk