

Minutes of the Wednesday, January 24, 2024, regular meeting of the Kill Devil Hills Board of Commissioners held at 6:00 p.m. in the Town Hall Meeting Room, 102 Town Hall Drive, Kill Devil Hills.

Members Participating: Mayor John Windley; Commissioners Ivy Ingram, and Bernard “B.J.” McAvoy

Members Not Participating: Commissioner Terry Gray; Vacant Seat

Others Participating: Debora P. Díaz, Town Manager; Angell Doughtie, Finance Director; Meredith Guns, Planning Director; and James Michael O’Dell, Town Clerk.

Call to Order

At 6:00 p.m., Mayor Windley opened this meeting of the Kill Devil Hills Board of Commissioners (BOC) and welcomed all present. It was noted that Commissioner Gray was absent due to a family commitment.

Pledge of Allegiance and Moment of Silence

Agenda Approval

Commissioner McAvoy moved to approve the agenda, as presented. Commissioner Ingram seconded the motion, which passed by a unanimous, 3-0, vote.

Public Comment

Bruce “Woody” White, 508 Loblolly Court, Kill Devil Hills, NC – Mr. White expressed his concern over his discussion with Planning Department representatives, which resulted in neighbors being cited for ordinance violations. Mr. White was not pleased that any of his remarks were conveyed to the neighbors, which he indicated were misconstrued as a complaint.

Dennis Pohl, 1205 West Fourth Street, Kill Devil Hills, NC – Mr. Pohl provided an overview of his concerns about Fourth and Fifth Street Accesses, including port-john units, a Fourth Street walkover, and push-button showers.

Response to Public Comment

Mayor Windley thanked all of the speakers for their comments.

Introductions and Presentations

1. **Trash Attack! 2024 Community Clean-Up Event update (Attached IP-1)**

Trash Attack! Chairperson Sandie Markland shared information about the upcoming community clean up event and poster contest:

- Event Trash Attack! 2024 will be held on Saturday, March 23, 2024, from 9:00 a.m. to 12:00 p.m., at Aviation Park, with a rain date of Sunday, March 24, 2024, from 1:00 p.m. to 3:00 p.m.
- Poster Contest The popular Trash Attack! poster contest has returned, and is open to all K-12 First Flight students or KDH residents. Posters celebrating the event and KDH “attacking the trash” can be dropped off to the Administration Department (M-F, 9:00 a.m. – 4:00 p.m.). The deadline for poster submission is March 1, 2024.
- Registration Form Complete and submit the registration form to be a part of this cherished community clean up event! Online registration is available on the Town’s website at www.kdhnc.com

She noted that Dare Arts Council Executive Director Jessica Sands would be assisting the judging panel for the poster contest. She noted that the organization meeting would be held February 6, 2024, at 4:00 p.m. in the Town Hall Meeting Room.

2. **Presentation of Annual Comprehensive Financial Report for FY 2022/2023 and Certificate for Excellence in Financial Reporting for Fiscal Year ended June 30, 2022 (Attached IP-2)**

Through a video presentation, Emily Mills, CPA and Partner, of Potter and Company, Certified Public Accountants, presented the results of Kill Devil Hills’ audit for the 2022/2023 Fiscal Year. Ms. Mills’ comments included her firm’s unmodified “clean” opinion, the best that can be issued, of the Town’s financial condition. Ms. Mills was available via conference call to answer any questions.

Finance Director Angell Doughtie shared that the Local Government Commission had noted a performance indicator to which the Town would need to respond. It concerned the water/wastewater condition of assets ratio, which is a newly implemented benchmark requirement that calculates the estimated remaining life of all water and wastewater assets. The State has set the benchmark at 0.5 or higher, indicating that half the useful life remains in the systems’ assets: the Town’s rating was 0.49. Ms. Doughtie noted that the calculation does not take into account the physical condition of the assets; it only estimates the useful life of an asset when acquired. She noted that an engineer conducts an evaluation every 10 years of the water and wastewater systems, and develops a 10-year capital improvement plan. The most recent plan was completed in January 2022, and the review noted that the Towns water and wastewater

systems were in excellent condition, both physically and financially. Town Manager Debora Díaz stated that the Town's response to the performance indicator would be provided to the BOC at the upcoming meeting.

Ms. Doughtie noted that the Town had been presented with the Certificate for Excellence in Financial Reporting for Fiscal Year ended June 30, 2022, the Town's 35th consecutive award.

Ms. Doughtie then shared a summary of the Town's financial operations for the 2022/2023 fiscal year. Ms. Doughtie also presented the Finance Department's first Popular Annual Finance Report (PAFR) to highlight the Town's overall financial condition. This new report provides a user-friendly format to better convey the Town's financial status to the public. Mayor Windley inquired about Town's expenditures of debt service. Ms. Doughtie shared about the one-time FEMA special obligation bond. The Mayor also inquired about the water revenue decrease. Ms. Doughtie replied that the decrease was based on slowed new construction, which resulted in less System Development Fees (SDFs) income.

The Board expressed its appreciation to and congratulated the entire Finance Department for its diligent efforts in maintaining such a high standard of financial, budgetary, and accounting practices.

Ongoing Business

New Business

1. Reducing the Town's Carbon Footprint (Attached NB-1)

Ms. Díaz stated that with updates in technology and service provision, Town Staff has diligently worked to decrease the Town's carbon footprint, which the Board has historically indicated is one of its goals for Kill Devil Hills. Town Clerk James Michael O'Dell's meeting memorandum provided just a snapshot of the numerous activities and plans that Staff have been implementing to decrease the Town's consumption of natural resources while also increasing the opportunities for more efficient services to our citizens.

Although mainly offered as an update, the one item which Staff requested Board direction on is approval to decrease the number of paper site plans submitted during the review process. Currently, 15 paper copies are required for submission by §§153.355 and 153.357; Staff requested approval to develop an ordinance amendment to decrease the required number to 5, accompanied by an electronic copy.

Commissioner Ingram moved for the BOC to direct development of an ordinance amendment to decrease the required number to five printed copies for the Town's review process. Commissioner McAvoy seconded the motion.

Commissioner McAvoy inquired about the site review process, and the group discussed the integration of electronic site plans into the BOC's packet, along with a regular 8½ x 11 inch paper copy, rather than the full-sized copies.

The motion was approved by a unanimous, 3-0, vote.

Committee Reports

Commissioners' Agenda

Mayor's Agenda

Dare County Housing Taskforce Meeting Mayor Windley shared that he and Ryan Lang, the Town's Senior Planner, had recently attended the Dare County Housing Taskforce meeting, and that it was very informative. He will update the BOC as the meetings progress. He thanked Mr. Lang for his work.

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

1. Minutes (Attached CA-1A)

A. January 15, 2024

2. Adoption Town Code Supplement 19 (Attached CA-2)

The Town has received the final draft of Supplement 19, which was completed by American Legal Publishing Corporation. Supplement 19 codifies all of the 19-series ordinance amendments into the Town Code, and has been reviewed and found to be accurate with the Board's actions. Adoption of this attached ordinance reinforces the Board's earlier actions in adopting the ordinances that comprise this Supplement.

Approval of the Consent Agenda will record approval of this ordinance.

3. Recommendation for audit services for Fiscal Year 2023/2024 (Attached CA-3)

The firm of Potter & Company of Mooresville, N.C. has been providing audit services for the Town since the FY 2020 review. Over the past several years, it has been a beneficial partner as the Town has implemented a number of complicated accounting standards. The Finance Department's meeting memorandum highlighted this second year of the ongoing 3-year contract extension for a continuation of services through June 30, 2025, and a contract for the FY 2023/2024 audit for \$42,500 (plus \$1,800 per major program audit cost, if required), along with the Finance Department's recommendation to continue this partnership.

Approval of the Consent Agenda will authorize the Town Manager to execute the contractual agreement for audit services for FY 2023/2024.

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

Commissioner McAvoy moved to approve the Consent Agenda, as presented.
Commissioner Ingram seconded the motion, which was approved by a unanimous, 3-0, vote.

Public Comment

Dennis Pohl, 1205 West Fourth Street, Kill Devil Hills, NC – Mr. Pohl shared his support for push-button shower facilities at the Town's beach accesses to conserve water resources. He noted that the Coquina Beach facility had similar units.

Response to Public Comment

Adjournment

There being no further business appearing before the BOC at this time, Commissioner McAvoy moved to adjourn the meeting. Commissioner Ingram seconded the motion, which was approved by a unanimous, 3-0, vote.

The time was 6:47 p.m.

Submitted by:

James Michael O'Dell
Town Clerk