



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

April 24, 2024

TO: KDH Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: Public Hearing

Notice for the following item has been published in the *Coastland Times*, and posted on the Town's bulletin boards, website at <https://www.kdhnc.com/1128/April-24-2024-Board-of-Commissioners-Mee> and social media platforms, and has been disseminated through the Town's electronic distribution list, meeting or exceeding the N.C.G.S. requirements for public hearings. The Town Clerk's attached memorandum highlight proposed amendment to the Town Code.

At the conclusion of each hearing, a motion will be in order to approve, disapprove, or table the item for further consideration.

1. Town Code Amendment – Chapter 71, Traffic Regulations, §71.25(B) No Through Traffic Permitted on Certain Streets or Intersections within the Town – elimination of Code section to remove inconsistent or outdated ordinances (Attached PH-1)

Staff regularly reviews the Town Code to update or remove ordinances that may become outdated to better serve the citizens in our community and promote safety. The Town Clerk's meeting memorandum highlights examples in Chapter 71, Traffic Regulations. Section 71.25(B), No Through Traffic Permitted on Certain Streets or Intersections within the Town, is not effective due to inconsistencies for the following intersection:

Intersection of Sixth Avenue and W. Baum Street Although a full three-way intersection was recommended during the development of the First Flight Schools Complex, only northbound traffic from 6th Avenue is permitted due to the concern of increased traffic in the undeveloped area. With the development of single-family dwellings in the immediate area, full utilization of 6th Avenue for north and southbound traffic would increase safety and the potential for improved emergency response times.

At its March 27, 2024, meeting, the Board approved a proposed Town Code amendment, resulting in the removal of §71.25(A), *Intersection of Landing Drive and Porthole Court*, which had previously not permitted motorists to enter Porthole Court from Landing Drive. Although the proposed amendment addressing Chapter 71, Traffic Regulations, requires no public hearing, the Board of Commissioners tabled the section of the amendment addressing §71.25(B) *Intersection of Sixth Avenue and W. Baum Street* to provide the public an additional opportunity to provide input.

Staff recommends approval of the proposed amendment, and if the Board of Commissioners would be in agreement, a motion would be in order.



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

ADMINISTRATION

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PARKER MIDGETT

April 24, 2024

Memorandum

To: Debora P. Díaz, Town Manager
From: James Michael O'Dell, Town Clerk *jm*
Subject: Proposed Town Code Amendment – Chapter 71, Traffic Code, §71.25(B) No Through Traffic Permitted on Certain Streets or Intersections within the Town – elimination of Code section to remove inconsistent or outdated ordinances

Staff regularly reviews sections of the Town Code of Ordinances to amend or eliminate inconsistent or outdated ordinances for accuracy, increased clarity, and compliance with state or federal law.

The Office of the Town Clerk requests the Board's consideration of an amendment to eliminate Chapter 71 Traffic Code, §71.25(B) *No Through Traffic Permitted on Certain Streets or Intersections within the Town: §71.25(B) Intersection of Sixth Avenue and W. Baum Street* because of changes to this area has resulted in the ordinance being outdated.

The Planning, Police, and Public Services Departments have been consulted on the proposed amendment, and all concur with the recommendation.

§71.25(B) Intersection of Sixth Avenue and W. Baum Street

Although initially recommended by the architect of the First Flight Schools Complex to be a full three-way intersection, with north / southbound options from Veterans Drive onto 6th Avenue, the BOC did not adopt the recommendation for the intersection of Sixth Avenue and W. Baum Street due to concerns of potential increased school traffic and its negative effects on 6th Avenue since that area of town was not highly developed.

Since that time, the entire area around the intersection has been developed with single-family dwellings on almost every lot along Veteran's Drive and 6th Avenue. With additional traffic, Staff are aware that although there is no southbound access to 6th Avenue from Veteran's Drive, motorists regularly disregard the grassy berm and simply drive around it onto 6th Avenue.

Opening this intersection to allow southbound access onto 6th Avenue provides additional safety and traffic flow options for the First Flight Schools Complex and residents in the immediate and surrounding neighborhoods. There is the potential for improved emergency response times by first responders to these areas, which better serves our community.

If the BOC approves the proposed amendment, Staff recommends that the Public Services Department set the timetable for the removal of the vegetative berm and upgrade of the intersection, based on materials and staffing resources.



Sixth Avenue & West Baum Street area and intersection



**AN ORDINANCE AMENDING THE KILL DEVIL HILLS TOWN CODE,
CHAPTER 71, TRAFFIC REGULATIONS**

BE IT HEREBY ORDAINED BY THE Kill Devil Hills Board of Commissioners that Chapter 71, Traffic Regulations, of the Kill Devil Hills Town Code, shall be amended by adding the underlined language and deleting the following stricken language to the sections identified below, as follows:

TRAFFIC REGULATIONS

~~§ 71.25 NO THROUGH TRAFFIC PERMITTED ON CERTAIN STREETS OR INTERSECTIONS WITHIN THE TOWN.~~

~~Pursuant to the traffic control provisions of G.S. § 160A-300, no through traffic shall be permitted to travel on the following streets or intersections thereof:~~

~~(B) *Intersection of Sixth Avenue and W. Baum Street.* At the intersection of Sixth Avenue and W. Baum, southbound traffic may not enter Sixth Avenue. Sixth Avenue shall be an exit only at this intersection. The Police Department of the town, pursuant to the provisions of G.S. § 20-158 and under the supervision of the Town Manager, shall cause to be erected a “Do Not Enter” sign at the intersection of Sixth Avenue and W. Baum Street prohibiting southbound traffic from entering Sixth Avenue. Curbing shall also be constructed to create a barricade over the southwestern corner of the intersection as to further prohibit the southbound flow of traffic on Sixth Avenue. A “Stop” sign, “Left Turn Only” and “No Thru Traffic” sign shall also be erected at the intersection of Sixth Avenue and W. Baum Street directing southbound traffic on Sixth Avenue to come to a complete stop at the intersection and turn left onto W. Baum Street. Likewise, a “Stop” sign and “Right Turn Only” sign shall be erected at the northeastern corner of the intersection directing traffic flowing west on W. Baum towards the intersection to come to a~~

DRAFT Amendment

Chapter 71, Traffic Regulations, §71.25 No through traffic permitted on certain streets or intersections within the town – Eliminating Through Traffic Requirements on Certain Streets or intersections

~~complete stop and turn right onto Sixth Avenue. A “Stop” sign shall cause to be erected on the southeastern corner of Sixth Avenue and W. Baum Street instructing northbound traffic on Sixth Avenue to come to a complete stop before either turning right onto W. Baum or crossing the intersection to continue north on Sixth Avenue.~~

This amendment to Chapter 71, Traffic Regulations, shall be in full force and effect from and after the ____ day of _____, 2024. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the ____ day of _____, 2024, by a vote of ____ in favor and ____ opposed.

SEAL

John Windley
Mayor

ATTEST:

James Michael O’Dell
Town Clerk

APPROVED AS TO FORM:

Casey C. Varnell
Town Attorney

The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE AMENDING CHAPTER 71, TRAFFIC REGULATIONS, was placed in the Kill Devil Hills Town Code Book on the _____ day of _____, 2024, at _____ .m.

James Michael O'Dell
Town Clerk

DRAFT Amendment

Chapter 71, Traffic Regulations, §71.25 No through traffic permitted on certain streets or intersections within the town – Eliminating Through Traffic Requirements on Certain Streets or intersections