

Minutes of the Monday, June 10, 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 Terry Gray, T. Dillon Heikens, Ivy Ingram, and Bernard “B.J.” McAvoy

Members Not Participating:

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

Call to Order

At 6:06 p.m., Mayor John Windley opened this meeting of the Kill Devil Hills Board of Commissioners (BOC) and welcomed all present.

Pledge of Allegiance and Moment of Silence

Mayor Windley noted the passing of retired Deputy Fire Chief Craig Clark. His service with the Town began as a volunteer firefighter in June of 1981. He was hired as a Fire Inspector and ultimately was promoted to Deputy Fire Chief in 1987, and he retired after 27 years of dedicated service. His wife, Margaret, in the Finance Department, and his son, Devin, a Fire Engineer, also work with the Town. The Board extended its deepest condolences to the entire family, and asked to keep them in thoughts and prayers.

Agenda Approval

Commissioner Heikens moved to approve the agenda, as presented. Commissioner Ingram seconded the motion, which passed by a unanimous, 5-0, vote.

Public Hearing

1. Town Manager’s Recommended Budget for Fiscal Year 2024/2025 (Attached PH-1)

Town Attorney Casey Varnell read aloud the public hearing rules and then opened the public hearing. He stated that notice for the following item has been published in the *Coastland Times*, meeting or exceeding the N.C.G.S. requirements for public hearings. The notice has been posted on the Town’s bulletin boards, the Town’s website <https://www.kdhnc.com/1132/June-10-2024-Board-of-Commissioners-Meet>, social media platforms, and has been disseminated through the Town’s electronic distribution list.

At its May 22, 2024, meeting, the BOC was presented with the Town Manager's Recommended Budget for Fiscal Year 2024/2025, in accordance with the Local Government and Fiscal Control Act. Members received a bound, paper copy of the Town Manager's Recommended Budget; a General Worksession was also scheduled for this evening's meeting.

The Town's website provides links to the full budget document and a budget portal gateway, <https://www.kdhnc.com/937/Finance-Department>, where the public has been encouraged to share its input. Bound copies of the Recommended Budget have been placed in the Town Hall lobby and the KDH Library for public inspection.

There were no speakers at the public hearing. The Board took no action at this time.

Public Comment

Julie Owens Robinson, 2019 South Virginia Dare Trail, Kill Devil Hills – Ms. Robinson thanked the Town for the development and enforcement of the dune protection ordinance that was amended in 2023. She then expressed concern regarding a proposed project at 2021 South Virginia Dare Trail. A sixteen-bedroom house with 16 required parking spaces is being proposed; however, the parking plan has three rows of spaces, five spaces deep, with no access lane and no way to turn around. Emergency vehicles would not have access to the structure. Additionally, vehicles to the site would be required to back onto the roadway to exit. Ms. Robinson believed that this would be a safety issue.

Response to Public Comment

Mayor Windley thanked Ms. Robinson for her comments. Planning Director Meredith Guns noted that the Town had addressed some safety issues at large single-family dwellings, 11 bedrooms or more, including required seven-foot setbacks with an exception of five-foot setbacks if a drive aisle is included. She stated this exception was incentivized because the Town is not permitted to place fire safety requirements on single-family dwellings. Ms. Guns said that the development in question did not take advantage of the decreased setback with drive aisle incentive. If a driveway is 20 feet in width, combined with a required 20-foot front setback, this 20-foot by 20-foot area creates a turnaround under the Town's ordinance. She noted that the plans for this development had been submitted, but not yet permitted due to violations.

Commissioner McAvoy stated that the Town had developed incentives to promote safety, and until the State of North Carolina develops another designation for these large single-family dwellings, the Town was limited in its approaches to parking and safety. Commissioner Ingram stated that the Board has been discussing parking options.

Ongoing Business

New Business

1. Site Plan Review – 1106 Blue Jay Street in the Commercial Zone – Proposed Professional Office Building: Dentist Office (Attached NB-1)

David Ryan, of Creative Engineering Solutions, was present at the meeting on behalf of Sapling Land Company, LLC, which had submitted a proposed site plan for a 3,400-square-foot office building (dentist office), 20 parking spaces, and associated site improvements at 1106 Blue Jay Street. Under §153.76, *Professional Office* is a permitted use in the Commercial Zone. The attached Planning Department memorandum and site plans highlight the request, along with project specifics for this permitted use.

Town Manager Debora Díaz stated that at its May 21, 2024, meeting, the Planning Board unanimously voted to forward this site plan for the Board of Commissioners' approval, pending minor revisions, which have all been addressed. Staff recommended approval of the site plan as presented. Board members expressed appreciation because the plans included maintaining a portion of the existing vegetative buffer, composed of live oak trees and other established vegetation.

Commissioner Ingram moved to approve the site plan for 1106 Blue Jay Street in the Commercial Zone – Proposed Professional Office Building: Dentist Office, as presented. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0, vote.

2. Partnership Organizations

Mayor Windley stated that he was an officer in the Community Care Clinic of Dare and requested excusal on New Business Item 2. Partnership Organizations. Commissioner Gray moved to excuse Mayor Windley from New Business Item 2. Commissioner Ingram seconded the motion, which was approved by a vote of 4-0.

Mayor Windley left the Meeting Room at 6:23 p.m.

Ms. Díaz stated that over the years, the Town of Kill Devil Hills has entered into partnership with various organizations to accomplish its mission and provide services for its citizens. The Town currently supports four partnership organizations that serve the citizens of Kill Devil Hills: the Community Care Clinic of Dare, Interfaith Community Outreach, Nags Head Woods Ecological Preserve, and the Outer Banks YMCA. These organizations are not provided a donation from the Town: they receive funding to provide specialized services to KDH citizens on the Town's behalf, and are required to provide an annual report to the BOC on their operations as a part of this relationship.

In 2021, the General Assembly enacted N.C.G.S §14-234.3, which lays out stringent requirements for municipal governing board members who also serve as officers, directors, or board members of non-profit organizations that receive funding through a contract with that municipality. Any member of a governing board who also serves in an organization in the capacity above is not permitted to knowingly participate in a discussion about or vote on funding through contract for their specific organization.

Historically, funding for the partnership organizations has been part of Board’s review and approval process of the Town Manager’s Recommended Budget. In consideration of the Board’s continued commitment to transparency and following consultation with the UNC School of Government, Staff recommends the BOC approve funding levels for the following partnership organizations for Fiscal Year 2024/2025 through a separate motion, which will then be included as a part of the Town Manager’s Recommended Budget for Fiscal Year 2024/2025:

- Community Care Clinic of Dare \$10,000.00
- Interfaith Community Outreach \$10,000.00
- Nags Head Woods Ecological Preserve \$ 5,000.00
- Outer Banks YMCA \$ 5,000.00

Commissioner McAvoy moved to approve the approve funding levels for the partnership organizations for Fiscal Year 2024/2025, as presented, which will then be included as a part of the Town Manager’s Recommended Budget for Fiscal Year 2024/2025. Commissioner Heikens seconded the motion, which was approved by a 4-0 vote.

Mayor Windley returned to the Town Hall Meeting Room at 6:27 p.m.

Committee Reports

Community Appearance Commission (CAC) Commissioner Ingram shared that the CAC will be distributing recyclable bags.

Commissioners’ Agenda

Commissioner Ingram

Buildings & Grounds Division Commissioner Ingram complemented the Buildings and Grounds Division on its work throughout the town.

Mayor’s Agenda

2024 Graduates On behalf of the BOC, Mayor Windley congratulated all of the Outer Banks’ 2024 graduates from local high schools and the home school community.

Centennial Horse Re-dedication & Unveiling Mayor Windley highlighted the newly renovated courtyard in front of the Town Hall Meeting Room, which has been landscaped by the Buildings and Grounds Staff. The platform will house the Town’s recently updated Centennial Horse, “Pegasus,” which was completed by local Outer Banks artist Cliff Dunn. He invited everyone to join the BOC at 5:30 p.m. on Wednesday, June 26, 2024, for Pegasus’ unveiling.

June 8, 2024, BOC Retreat Mayor Windley expressed appreciation to Facilitator Stan Keeler and to Staff for the work in making the Board's June 8, 2024, retreat such a success.

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

1. **Minutes (Attached CA-1A)**
 - A. May 22, 2024
2. **Monthly Report (Attached CA-2A)**
 - A. April 2024
3. **Budget Amendments and Transfers (Attached CA-3A, CA-3B, and CA-3C)**
 - A. Budget Amendment #15 – PEG channel funds.
 - B. Budget Amendment #16 - To record the revenues and associated expenditures for lease of the Flock camera system in accordance with the lease Standard GASB 87.
 - C. Budget Amendment #17 - To appropriate funds for insurance claims filed throughout FY 2023 / 2024.
4. **Partnership Organization Annual Reports (Attached CA-4A, CA-4B, and CA-4C)**

The Town supports four partnership organizations that serve the citizens of Kill Devil Hills: the Community Care Clinic of Dare, Interfaith Community Outreach, Outer Banks YMCA, 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.

- A. Outer Banks YMCA
- B. Interfaith Community Outreach
- C. Community Care Clinic of Dare County

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

Commissioner Gray moved to approve the Consent Agenda, as presented. Commissioner Heikens seconded the motion, which was approved by a unanimous, 5-0, vote.

The Mayor called a brief break in proceedings at 6:31 p.m.

The regular meeting reconvened at 6:34 p.m.

General Worksession

1. Town Manager's Recommended Budget for Fiscal Year 2024 / 2025

Ms. Diáz noted this budget was the product of new budgeting software, and that it has been a great experience for Staff. It was noted that the Town Manager's Recommended Budget for the upcoming fiscal year was presented to the Board of Commissioners at the May 22, 2024, meeting. A required public hearing on the Recommended Budget, along with this worksession, was scheduled for this meeting.

The Town's website provided links to the full budget document and a budget portal gateway, where the public has had the opportunity to share its input. Paper copies of the Recommended Budget have been placed in the Town Hall lobby and the KDH Library as additional options for public access.

Ms. Diáz and Finance Director Angell Doughtie highlighted the proposed budget, noting that Staff's approach to budgeting, especially revenues, has been conservatively estimated. Ms. Diáz then conducted a review of the budget, fund by fund, division by division, with general comments and questions. She stated that a 4.0% cost of living adjustment (COLA) was recommended for Town Staff.

Some areas highlighted included continued special events programming; a Recreational Facilities Plan update, facilities renovations and upgrades; various vehicle and equipment purchases / leases, and partnership organizations funding.

Commissioner Gray noted that the Board wanted to support the needs of the Buildings and Grounds Staff, especially any staffing needs. Mayor Windley inquired about the 40% increase in property and liability insurance. Ms. Diáz noted that many insurance companies were dropping coverage for individuals and organizations. Ms. Doughtie stated that the insurance company had completed a revaluation of all Town properties, which has resulted in increases in coverage and cost. Mayor Windley noted that Workers Compensation claims had decreased by approximately 7%. Ms. Diáz replied that Staff was continuing to work to decrease those claims.

Mayor Windley inquired about the salary structure for Ocean Rescue's seasonal lifeguards. Ms. Diáz explained the payment structure, which includes increases for EMS certifications and experience. She then noted a new Sidewalk (and Multi-Use Path) Capital Reserve Ordinance being established in this budget.

Ms. Diáz and Ms. Doughtie then reviewed the anticipated revenues. Mayor Windley inquired about the recent dumpster and roll-out garbage can sales versus the projected for the upcoming budget. Ms. Doughtie replied that during the COVID-19 years, sales of dumpsters and cans exploded, but are now returning to historic levels.

Commissioner Gray stated that with increases in Consumer Price Index (CPI), he proposed adjusting the COLA for employees to 4.5% for the coming year's budget. Through consensus of the Board, Staff was directed to adjust the COLA for employees from 4.0% to 4.5%. The Board thanked the Town Manager and Staff for their work on the recommended

budget. Ms. Díaz thanked the Board for its commitment to employees, and noted that the change would be reflected in the budget ordinances to be presented for approval at the June 26, 2024, meeting.

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

The time was 7:06 p.m.

Submitted by:

James Michael O'Dell
Town Clerk