

Minutes of the Monday, August 12, 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; Cameron Ray, Assistant Planning Director; Casey Varnell, Town Attorney; and James Michael O’Dell, Town Clerk

Call to Order

At 6:00 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

Agenda Approval

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

Public Comment

Response to Public Comment

Ongoing Business

New Business

1. Appointments

All applications on file from persons interested in serving in any capacity have been previously copied to the Board of Commissioners and no new applications for those purposes have been received. Appointment histories were included with the meeting materials.

A. Planning Board – two positions

Natalie Painter's term on the Planning Board expires in September 2024, and she did not wish to be reappointed. Long-time member Ron Seidman's term also expires September 2024, and he has expressed a desire to be considered for reappointment.

Commissioner Gray moved to reappoint Ron Seidman to the Planning Board for a term that will expire September 2027. Commissioner Heikens seconded the motion, which was approved by a unanimous, 5-0, vote.

Through consensus, the Board determined to postpone the remaining Planning Board appointment to a later date.

2. Baum Tract – Survey and Wetland Delineation Services (Attached NB-2)

Since the Town's purchase of 322 undeveloped acres in 1983, the property has been used for its original purpose, for the "benefit of the citizens of Kill Devil Hills." The Thomas A. Baum Senior Center, Dare County Water Department, KDH Library, Dare County Family Recreation Park, First Flight Schools Complex, Town Hall Complex, Aviation Park, and Casey R. Logan Disc Golf Course have all been developed to serve the citizens of our community.

Assistant Planning Director Cameron Ray stated that following an almost two-year exhaustive review of all town parks and recreational areas west of US 158, the West-side Recreation Group (WRG), chaired by Commissioner Gray, presented its recommendations for the remaining "undeveloped" 44-acre parcel (which includes the Casey R. Logan Disc Golf Course) at the Board's May 10, 2021, meeting. Composed of community citizens and Town Staff, the WRG conducted an in-depth review of all previous studies and information on the Baum Tract, including the Community Development Group of North Carolina State University (1984), the Baum Tract Site Study Committee (2013), and the Surface 678 Marketing Study and Operational Planning (2014).

Mr. Ray noted that at the Board's June 8, 2024, Retreat, the Board directed Staff to move forward with the development of a plan to establish additional recreational opportunities and possible infrastructure at the Baum Tract site. With the recent extensive research and review by the WRG, Staff will be anchoring its recommendations and direction from the WRG's thorough analysis.

To begin the process of further development, a new survey of the Baum Tract will be required. The Planning Department's meeting memorandum highlighted response from the Request for Services (RFS):

- Surveying Services: \$16,000.00
- Wetland Delineation Environmental Services
- Two proposals provided:
 - Stage 1 Service to confirm that the wetland areas have not changed and coordinate U.S. Army Corps of Engineers (USACE) review and approval; OR \$ 2,700.00

- Stage 2 If Stage 1 determination that significant change has occurred, all wetlands on site would be completely delineated and coordinate USACE review and approval.

\$ 9,450.00

Maximum estimated project cost \$25,450.00

Staff recommended approval of the proposals, as presented.

Commissioner Gray said it was an excellent plan. Commissioner Ingram inquired about the possibilities for permanent protections for the property. Mr. Ray replied that once the surveys are completed and a conceptual plan is established, the Town will be in a position to apply for certain grants, many of which will require a perpetual use of the property for recreational usage.

Commissioner Gray moved for the Board of Commissioners to approve the proposals for the surveying and environmental services as presented, along with authorization of Staff to contract for the recommended providers up to \$25,450.00, and any budget amendments necessary for the completion of those services. Commissioner Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

Committee Reports

Commissioners' Agenda

Commissioner McAvoy

US 158 Traffic Study Commissioner McAvoy noted the increase in traffic congestion with the new development around the Target / Truist Bank area at US 158 and Fourth and Fifth Streets from the N.C. Department of Transportation (NCDOT). He inquired whether the Town should immediately request a traffic study for US 158 / Fourth Street and north. Ms. Díaz replied that the Board's direction from its June 8, 2024, retreat was that the Town would be requesting a traffic study once the ongoing construction and development, including the carwash being constructed north of the intersection at US 158 and Fifth Street, was complete. She inquired whether the Board would want Staff to make the request sooner than directed earlier. Following a brief discussion, the Board directed Staff to request the study on the timeframe outlined at the Board's retreat.

Commissioner Gray

Jockey's Ridge State Park Commissioner Gray reported that N.C. Senator Bobby Hanig had introduced legislation to categorize Jockey's Ridge as an Area of Environmental Concern (AEC) temporarily until permanent rules are in place.

Fire Department Emergency Signals on US 158 Commissioner Gray expressed concern regarding the placement and effectiveness of emergency signals at the new Fire Station at

1630 North Croatan Highway, and shared that he had spoken with N.C. Department of Transportation (NCDOT) representatives. Fire Chief Troy Tilley thanked Commissioner Gray and the Board for their action, and that he would be meeting with representatives in the coming days to discuss the situation.

Mayor's Agenda

1. Ice Cream Social

Mayor Windley stated that the Town's upcoming Ice Cream Social was scheduled for Tuesday, September 24, 2024, from 4:30 p.m. to 7:00 p.m., at Aviation Park. This year's event will also include a pie-making contest, and a bake sale to benefit the Wallace H. McCown Scholarship.

William E. Gard Fire Station Ribbon Cutting Mayor Windley said that it was a pleasure to attend the ribbon cutting for the Town's new William E. Gard Fire Station #14 and Dare EMS Station #1 on August 5, 2024. It has been a great partnership between the Town and the County, and now provides fire and EMS crews with a modern facility that will serve our citizens for decades to come. He expressed the Board's appreciation to every KDH and County staff member who worked to make this longtime dream a reality.

National Night Out Although Hurricane Debby and the accompanying rain cancelled the Town's 2024 National Night Out Event, Mayor Windley and the Board thanked the Police Department, especially Police Lieutenant David Pierce, for all the work involved in the weeks of planning and coordinating the event.

First Flight Farmers Market Mayor Windley shared that the Town's last Farmers Market of the summer season would be held the following day, August 13, 2024, from 9:00 a.m. to 1:00 p.m. He noted that the schedule for the Town's 2024 Holiday Markets has been released, and encouraged everyone to visit them in November and December.

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

1. Minutes (Attached CA-1A)

A. July 8, 2024

2. Monthly Report (Attached CA-2A)

A. June 2024

3. Budget Amendments and Transfers (Attached CA-3A)

A. Budget Amendment #2 – to appropriate funds for a salary increase at the direction of the Board of Commissioners from its June 26, 2024 meeting

Budget Amendment #2 was previously approved through action taken at the Board's June 26, 2024, meeting. Its inclusion on the Consent Agenda enters it into the record of this meeting.

4. Schedule Public Hearing

The Planning Department's meeting memorandum detailed the proposed amendment to the Town's Code of Ordinances. At its July 16, 2024, meeting, the Planning Board reviewed and forwarded the following amendment, recommending approval:

A. Proposed Zoning Amendment — §153.120(E)(4)(c) Low Density Residential Zone Site Requirements — Amend Requirements for Permeable Pavement Lot Coverage Calculations for Lot(s) Greater than One Acre

The proposed amendment will eliminate the site requirement for the 50% of required parking being outside the footprint on all lots greater than one acre in the Low Density Residential Zone. Staff recommended approval of the proposed amendment and to schedule a public hearing for Monday, September 9, 2024, 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 McAvoy seconded the motion, which was approved by a unanimous, 5-0, vote.

Public Comment

Response to Public Comment

Adjournment

There being no further business appearing before the BOC at this time, Commissioner Heikens moved to adjourn the meeting. Commissioner Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

The time was 6:28 p.m.

Submitted by:

James Michael O'Dell
Town Clerk