

Minutes of the Monday, November 18, 2024, regular meeting and public forum 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; Charlene Allen, Assistant Town Manager; Gary Britt, Police Chief; 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.

1. Public Hearings

Town Attorney Casey Varnell read aloud the public hearing rules and then opened each hearing. He noted the Board’s October 14, 2024, meeting, these public hearings were scheduled. Notice for the following items has been published in the *Coastland Times*, and posted on the Town’s bulletin boards, website at <https://www.kdhnc.com/1138/November-18-2024-Board-of-Commissioners>, 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.

A. Zoning Amendment Request — §153.315(B)(4) Accessory Dwelling Units — Modify Accessory Dwelling Unit (ADU) Site Requirements

The Planning Department’s memorandum detailed the proposed amendment to the Town’s Code of Ordinances, specifically Chapter 153, Zoning, §153.315(B)(4) Accessory Dwelling Units, which will eliminate the requirement for detached Accessory Dwelling Units (ADUs) to be located behind the primary dwelling. At its September 17, 2024, meeting, the Planning Board reviewed and forwarded the amendment, recommending approval.

One electronic public comment was submitted by Duke Geraghty, Government Affairs Director, Outer Banks Association of Homebuilders, which had been previously provided to the Board. Mr. Geraghty suggested that the amendment will allow more access for homeowners to provide additional and much needed workforce housing opportunities. His comments have been included in the record of the meeting.

Commissioner Gray supported the height restriction. Assistant Planning Director Cameron Ray noted that the height restriction was not initially in the applicant's proposed language; Staff had recommended the additional language, and the applicant consented to its inclusion. Commissioner McAvoy inquired about the potential for ADU growth. Mr. Ray replied that the oceanfront and Bay Drive neighborhoods were the most likely areas for ADU development.

Commissioner Ingram moved to approve this proposed amendment as presented, noting that the Board of Commissioners finds the amendment to Chapter 153, Zoning, §153.315(B)(4) Accessory Dwelling Units — Modify Accessory Dwelling Unit (ADU) Site Requirements is consistent with all comprehensive plans or other officially adopted plans of the Town of Kill Devil Hills that are applicable and that the amendment is reasonable and in the public interest because it provides additional opportunities for housing. Commissioner Heikens seconded the motion, which was approved by a unanimous, 5-0 vote.

Mr. Varnell then opened each subsequent hearing.

Historic Landmark Designations

At its October 9, 2024, public hearings, the Historic Landmarks Commission (HLC) reviewed the following property designation reports and State comments, and voted to unanimously recommend these properties for historic landmark designations:

B. Local Historic Landmark Designation – 2025 New Bern Street: Harris / Blanchard Cottage

Commissioner Heikens moved to designate 2025 New Bern Street, Kill Devil Hills: Harris / Blanchard Cottage as a historic landmark. Commissioner Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

C. Local Historic Landmark Designation – 606 N. Memorial Blvd: Diane Baum Cottage

Commissioner Ingram moved to designate 606 N. Memorial Boulevard, Kill Devil Hills: Diane Baum Cottage as a historic landmark. Commissioner Heikens seconded the motion, which was approved by a unanimous, 5-0, vote.

Public Comment

Superintendent Dave Hallac, National Park Service, Outer Banks Group – On behalf of the National Park Service, Superintendent Dave Hallac expressed appreciation to the Town of Kill Devil Hills for its work in response to the recent plane wreck at the Wright Brothers National Memorial airstrip. He thanked Fire Chief Troy Tilley, the Fire and Police Departments, and all of the first responders for their work, and for the continued governmental partnership. Supt. Hallac then presented a plaque to Chief Tilley for the Town.

Colleen Almoney, 1627 Village Lane, Kill Devil Hills, NC – Ms. Almoney shared that she had attended the First Street trick or treat on Halloween, and had been concerned about the high volume of traffic. She suggested closing off portions of the street to vehicular traffic during future trick or treat events.

Response to Public Comment

Mayor Windley thanked the speakers for their comments, and the Board expressed its appreciation to Chief Tilley and all KDH Staff for its work and commitment to the community. The Board also recognized Supt. Hallac for being honored with the Stephen T. Mather Award from the National Parks Conservation Association (NPCA).

Mayor Windley inquired whether any Town roads had been closed for similar events. Chief Britt noted that members of the Police Department regularly patrolled the First Street area during trick or treat. He stated that the Town had not closed streets in similar events, and that a lot of residents would be inconvenienced; he stated that the Police Department would not recommend a closure. If a closure was instituted, staffing would be taxed. Commissioner McAvoy suggested the potential for one-way traffic during the event. Through consensus, the Board decided to discuss the topic at a meeting in April 2025. It was noted that an educational campaign would be appropriate.

Introductions and Presentations

1. North Carolina League of Municipalities Commemorative Resolutions Presentation (Attached IP-1)

Town Manager Debora Díaz noted that at the 2024 North Carolina League of Municipalities (NCLM) Conference, commemorative resolutions were adopted to honor the service of municipal public servants in Kill Devil Hills and across the state. Included in the retirement resolutions was the following Town employee:

- Eric Louis Darden, Equipment Operator

At the same conference, the following memorial resolution was adopted:

- Walter Gray, Construction Inspector / Utility Locator, Equipment Operator

Ms. Díaz highlighted each member's service, and noted that Mr. Darden had returned to work for the Town. The Family of Walter Gray was present to accept the resolution from the Town. The Board expressed its appreciation for their committed service to the Town.

Ongoing Business

New Business

Committee Reports

Government Education Access Channels Committee (GEACC) – Commissioner Gray highlighted Public Information Officer Rachel Tackett and her service to the Town. He noted that she will be representing KDH at the GEACC meetings with him.

Community Appearance Commission Chairperson Sue Kelly shared the upcoming CAC meeting schedule.

Commissioners' Agenda

Mayor's Agenda

Mayor Windley shared information on the following upcoming Town events:

First Flight Holiday Markets Mayor Windley stated he and his family had attended the First Flight Holiday Market this past Saturday at Aviation Park. There were over 50 vendors at the season's first market. He noted that KDH has additional markets scheduled:

- Tuesday, November 26, from 4:00 p.m. – 7:00 p.m.
- Saturday, December 7, from 10:00 a.m. – 2:00 p.m.
- Tuesday, December 17, from 4:00 p.m. – 7:00 p.m.

He expressed his excitement about the Aviation Park holiday lights, and appreciation to the Buildings and Grounds Division for their work.

Wright Lights Illumination The Wright Lights Illumination event will be held on Tuesday, December 10, 2024, from 4:00 p.m. to 7:00 p.m., at Aviation Park. The Town will be hosting the First Flight Choirs and enjoying sleigh rides, an outdoor movie, a food truck, and lots of other surprises.

KDH Holiday Drives Mayor Windley reminded everyone about the Town’s holiday collection drives for Toys for Tots and the Children and Youth Partnership Diaper Bank. Donations can be dropped off through December 17 at Town Hall, the Fire Department, and the Recycle Center. Latino Resources Commission Mayor Windley thanked Staff on attendance at the recent Latino Resources Commission meeting to discuss issues facing the Latino population.

First Flight High School Men’s Soccer Team – Mayor Windley and the Board expressed their congratulations to the First Flight High School Men’s Soccer Team on their success in the state playoffs, and wished them well in coming seasons.

Town Manager’s Agenda

Town Attorney’s Agenda

Consent Agenda

1. **Minutes (Attached CA-1A)**
 - A. October 14, 2024
2. **Monthly Report (Attached CA-2A)**
 - A. September 2024
3. **Partnership Organization Reports (Attached CA-3A)**
 - A. Nags Head Woods Ecological Preserve

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. Aaron McCall, Northeast Regional Steward, submitted the facility’s 2023-2024 annual report, which highlighted the preserve’s operations.

4. **Resolution Approving Conveyance of Property from the Town of Kill Devil Hills to Another Unit of Government in North Carolina Pursuant to N.C.G.S. 160A-274 (Attached CA-4)**

In response to the recent storm events that affected western North Carolina communities, the Police Department identified two police vehicles, which had already been authorized to be surplus, that could be transferred to the City of Hendersonville, N.C.; State statute permits such a transfer. Staff followed guidance from the UNC School of Government, along with

consultation with the Town Attorney, to develop the attached *Resolution Approving Conveyance of Property from the Town of Kill Devil Hills to Another Unit of Government in North Carolina Pursuant to N.C.G.S. 160A-274*. The resolution was approved through Board consensus electronically to expedite the transfer to the storm-ravaged community.

Approval of the Consent Agenda will record the Board's action into the record of the meeting.

5. **Schedule Public Hearings (Attached CA-5A and CA-5B)**

Following its June 8, 2024, retreat, the Board directed Staff to research options to address, identify, and develop options to limit density and development in the Ocean Impact Residential Zone (OIR). Staff presented regulatory options for the Board to discuss during its September 9, 2024, meeting, including the potential of the Floor Area Ratio (FAR) density measurement. At the Board's October 14, 2024, meeting, Staff shared a presentation on its finalized recommendations, which included the following amendments. At its November 12, 2024, meeting, the Planning Board reviewed and forwarded the amendments, recommending approval:

A. Proposed Zoning Amendment – 153.076 Off Street Parking and Loading – Modify Minimum Parking Space Size and Table of Parking Requirements

This amendment is intended to meet the requirements of N.C.G.S. 1060D while also promoting safer parking areas and regulating density consistently with existing developments and historical land use regulations.

B. Proposed Zoning Amendment – 153.002 Definitions, 153.076 Off Street Parking and Loading, 153.096 Permitted Use Ocean Impact Residential Zone, and 153.100 Site Requirements Ocean Impact Residential Zone – Define Large Single-Family Dwelling, Require an Access Aisle, and Apply Floor Area Ratio (FAR) for Large Single Family Dwellings (over 6,000 SF)

This amendment regulates bulk, density, and parking in the Ocean Impact Residential Zone (OIR) by defining large single-family dwellings, requiring an access aisle, and applying a tiered Floor Area Ratio (FAR) for large single-family dwellings.

Staff recommended approval of the requested amendments and to schedule public hearings for Monday, December 9, 2024, at 6:00 p.m. Approval of the Consent Agenda will schedule these items each for public hearing.

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

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

Public Comment

Sue Kelly, 211 Sea Village Lane, Kill Devil Hills, NC – Ms. Kelly highlighted the Senior Tar Heel Legislature program and encouraged area seniors to become involved.

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 6:39 p.m.

Submitted by:

James Michael O'Dell
Town Clerk