

Minutes of the Monday, December 9, 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; 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 Gray moved to approve the agenda, as presented. Commissioner Ingram 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 that at the Board’s November 18, 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/1139/December-9-2024-Board-of-Commissioners-M> 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.

Following its June 8, 2024, retreat, the Board directed Staff to research options to address, identify, and develop options to regulate 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 amendments below. At its November 12, 2024, meeting, the Planning Board reviewed and forwarded the following amendments, recommending approval.

**A. Proposed Zoning Amendment – 153.076 Off Street Parking and Loading –
Modify Minimum Parking Space Size and Table of Parking Requirements
Proposed Zoning Amendment – 153.002 Definitions, 153.076 Off Street**

This amendment is intended to meet the requirements of N.C.G.S. 160D while also promoting safer parking areas and regulating density consistently with existing developments and historical land use regulations.

Duke Geraghty, Government Affairs Director, Outer Banks Association of Homebuilders (electronic) – Through electronic submission, Mr. Geraghty shared his opposition to the larger parking space requirement. He also proposed the Board postpone its vote on the second proposed amendment until a corrective measure had been taken in the General Assembly. His comment has been included with the record of this meeting.

Kim James, 404 Holly Street, Kill Devil Hills, NC – Ms. James stated that with the proposed amendment, it felt like a punishment was being applied for meeting the state's statutory requirements. She inquired how the parking space size creates a requirement for additional spaces.

Assistant Planning Director Cameron Ray provided a background on the amendment's origin. With the General Assembly's adoption of House Bill 600, a statutory change to 160D-702(C)(2) was included that restricts local governments from requiring a parking space to be larger than nine feet by 20 feet, unless handicapped, parallel, or diagonal. To be compliant with the statutory provision, this amendment permits a nine-foot by 20-foot parking space; however, the minimum number of parking spaces required would be increased by 20 percent. The exception would be single family development, where the parking requirements would be nine feet by 20 feet. He shared the example of the standard width of a Ford 150 pick-up truck: a common vehicle in this area, it measures eight feet, four inches. Two such vehicles parked side by side in nine-foot wide spaces would make entrance and exit from the vehicles extremely difficult, if not impossible. As a result, additional spaces are required because people will not always park vehicles beside each other in parking lots. Mr. Ray said that for retail businesses, the ordinance requires one parking space for every 200 square feet of space. The size of a building is offset by the number of required parking spaces. This has been how the Town's land use ordinances have historically regulated density. For consistency with land uses and to promote safety in parking areas, along with the ability practically park and exit a vehicle, the standard ten-foot by 20-foot parking space is recommended.

Commissioner McAvoy inquired about the proposed requirement of a 20 percent increase in the number of parking spaces. Mr. Ray replied that the 20 percent space requirement was to incentivize the larger space. Commissioner Gray noted that although some businesses like banks conduct more electronic business and may not need physical parking spaces, he supported the parking space recommendations. Mr. Ray noted that if the Town would take no action, Staff would expect to see larger structures with the same amount of parking being developed. Planning

Director Meredith Guns stated that with single-family dwellings, there could be a benefit with the smaller nine-foot by 20-foot parking requirement when developing an addition or bedroom.

Commissioner Ingram moved to approve this proposed amendment as presented, noting that the Board of Commissioners finds the amendment to Chapter 153, Zoning, 153.076 Off Street Parking and Loading – Modify Minimum Parking Space Size and Table of Parking 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 meets the statutory requirements while also promoting safer parking areas. Commissioner Heikens seconded the motion, which was approved by a unanimous, 5-0 vote.

Mr. Varnell then opened the second hearing.

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 limits 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.

Julie Owens Robinson, 2019 South Virginia Dare Trail, Kill Devil Hills, NC – Ms. Robinson thanked the Planning Department, Planning Board, and the Board of Commissioners for their consideration of these amendments. She stated that the issues with large single-family dwellings are real, including the lack of privacy, noise, extra traffic, and overcrowding on the beaches. Ms. Robinson expressed concern about the density of the beach population; she calculated that if the structures around her house were completely occupied, 700 – 1,000 additional people could be on the beach in only two-tenths of a mile. With the large structures being built, their walls block the breezes and views. She said the most important issue is safety, and supported a required access aisle and limiting stacked parking to promote safety.

Commissioner Ingram thanked the Planning Department for its work. Commissioner Gray reiterated the importance of the drive aisle and its importance to safety so first responders can access these structures during emergencies. Commissioner McAvoy agreed about the drive aisle, and although he had some reservations, he supported the amendment. Commissioner Heikens stated that the proposed amendment had been a long time coming, is well thought out, and is as fair as possible.

Commissioner Ingram moved to approve this proposed amendment as presented, noting that the Board of Commissioners finds the amendment to Chapter 153, Zoning, 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) 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 promotes safety and appropriately regulates density, bulk, and parking for large single-family dwellings. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0 vote.

Public Comment

Response to Public Comment

Ongoing Business

New Business

Committee Reports

Government Education Access Channels Committee (GEACC) – Commissioner Gray shared that the Town would be submitting a Local Programming Development Initiative (LPDI) application to develop a Citizens Academy video series.

Commissioners' Agenda

Mayor's Agenda

1. Proposed 2025 Board of Commissioners meeting schedule

In developing the 2025 Board of Commissioners meeting schedule, the Board has taken into account Federal, State, and Town holidays, the Dare County Schools student schedule, and Election Days. However, changes to the schedule may be made at any time. Two open comment public fora are scheduled: the spring forum on April 30 and the autumn forum on October 13. It is anticipated that the Town Hall Meeting Room will serve as an Early Voting and Election Day polling station from mid-October through November 4, 2025.

The tentative BOC meeting schedule would be as follows:

Monday, January 13	Monday, June 9
Wednesday, January 22	Wednesday, June 25
Monday, February 10	Monday, July 14
Monday, March 10	Monday, August 11
Monday, April 14	Monday, September 8
Wednesday, April 30 (public forum)	Monday, October 13 (public forum)
Monday, May 12	Monday, November 10
Wednesday, May 28	Monday, December 8

Commissioner Gray moved to adopt the regular BOC meeting schedule for the 2025 calendar year. Commissioner Heikens seconded the motion, which was approved by a unanimous, 5-0 vote.

2. Resolutions and Proclamations (Attached MA-2A and MA-2B)

A. Resolution Reaffirming the Town of Kill Devil Hills' Opposition to Offshore Drilling, Seismic Testing, and Leasing

Mayor Windley stated that as Kill Devil Hills' pristine coastline is vital to our community and its economy, reaffirming the Board's opposition to offshore drilling along North Carolina's coast will be a reminder to all of KDH's position. Commissioner Ingram recognized Matt Walker, who was present at the meeting, for being instrumental in the development of the first resolution opposing offshore drilling.

B. Resolution in Opposition to Provisions in Senate Bill 382 Affecting Zoning Authority of Local Governments

Mayor Windley noted that with the potential for adoption of Senate Bill 382, a section of the bill would strip local government's authority to enact land-use provisions. This resolution further communicated the Board's commitment to protecting its citizens and residents through effective planning and zoning ordinance-making authority.

Mayor Windley moved to approve both resolutions as presented. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0, vote.

Mayor Windley shared information on the following upcoming Town events:

Wright Lights Illumination The Wright Lights Illumination in Aviation Park will be held Tuesday, December 10, 2024, from 4:00 p.m. to 7:00 p.m. Families can visit with Santa Claus, and the First Flight Choirs will be performing. There will also be sleigh rides, a food truck, and an outdoor movie.

First Flight Holiday Markets The Town's last Holiday Market will be Tuesday, December 17, from 4:00 p.m. – 7:00 p.m. at Aviation Park.

KDH Holiday Drives He encouraged everyone to join in and support the Town's holiday drives: Toys for Tots and the Children and Youth Partnership Diaper Bank. Donations can be dropped off through December 17, 2024, at Town Hall, the Fire Department, and the Recycle Center.

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

1. Minutes (Attached CA-1A)

A. November 18, 2024

2. Monthly Report (Attached CA-2A)

A. October 2024

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

A. Budget Amendment #5 – to recognize Dare County Tourism Board Grant funds receivable and designate Shoreline CRF funds related to the East Hayman Street Beach Access

4. Designation of Official Bank Depositories (Attached CA-4)

Throughout the course of business, the Town must evaluate and update its service providers from time to time. The Finance Department's meeting memorandum highlighted the need to select a new firm to serve as the Town's safekeeping provider.

Approval of the Consent Agenda will approve the attached resolution and authorize Staff to execute all agreements and any necessary budget amendments to establish the Town's new safekeeping provider.

5. Letter Expressing Board Opposition to Portions of Senate Bill 382 Affecting Zoning Authority of Local Governments (Attached CA-5)

Through earlier electronic consensus, the Board approved the submittal of a letter sharing its position regarding portions of Senate Bill 382 that would strip local governments of the ability to enact land-use provisions. Approval of the Consent Agenda will record the Board's action with the minutes of the meeting.

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

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

The time was 6:27 p.m.

Submitted by:

James Michael O'Dell
Town Clerk