

**Minutes of the Monday, January 13, 2025, 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; and James Michael O’Dell, Town Clerk

**Call to Order**

At 6:01 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 National Park Service Ranger Darrell Collins, and asked everyone to keep the Collins Family in their thoughts and prayers.

**Agenda Approval**

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

**Public Comment**

**Sandie Markland, 2013 Hampton Street, Kill Devil Hills, NC** – Ms. Markland, through her role as a precinct judge and Early Voting coordinator, expressed her appreciation to the Board and Town Staff for their assistance with the recent Early Voting and Election Day, which were conducted at KDH Town Hall.

**Response to Public Comment**

The Board expressed its appreciation of Ms. Markland and her work on behalf of the Town and the community.

## **Introductions and Presentations**

### **1. Trash Attack! 2025 Community Clean-Up Event update (Attached IP-1)**

Trash Attack! Chairperson Sandie Markland presented information about the upcoming community clean up event. Event flyers provided additional information on the event and the poster contest:

- Event Trash Attack! 2025 will be held on Saturday, April 5, 2025, from 9:00 a.m. to 12:00 p.m., at Aviation Park, with a rain date of Sunday, April 6, 2025, from 1:00 p.m. to 3:00 p.m.
- Poster Contest The Trash Attack! poster contest is open to all K-12 First Flight schools students / KDH residents. Posters celebrating the event and KDH “attacking the trash” may be dropped off to the Administration Department (M-F, 9:00 a.m. – 4:00 p.m.). The deadline for poster submission is March 7, 2025 by 4:00 p.m.
- Registration Form The registration form is available online at the Town’s website at [www.kdhnc.com](http://www.kdhnc.com).

### **2. Presentation of Annual Comprehensive Financial Report for FY 2023/2024, Certificate for Excellence in Financial Reporting for Fiscal Year ended June 30, 2023, and Popular Annual Financial Report (Attached IP-2)**

Through a video presentation, Emily Mills, CPA and Partner, of Potter and Company, Certified Public Accountants, presented the results of Kill Devil Hills’ audit for the 2023/2024 Fiscal Year. Ms. Mills’ comments included her firm’s unmodified “clean” opinion, the best that can be issued, of the Town’s financial condition. She was available via conference call to answer any questions from the Board.

Assistant Finance Director Sam Angelo then presented a summary of the Town’s financial operations for the 2023/2024 fiscal year through review of the Town’s Annual Comprehensive Financial Report (ACFR).

The Town was presented with the Certificate for Excellence in Financial Reporting for Fiscal Year ended June 30, 2023. The entire Finance Department was congratulated for its diligent efforts in maintaining such a high standard of financial, budgetary, and accounting practices.

The Finance Department also presented its Popular Annual Finance Report (PAFR) to highlight the Town’s overall financial condition. This report provides a user-friendly format to better convey the Town’s financial status to the public.

## **Ongoing Business**

## **New Business**

### **1. Shore Protection Project – Beach Maintenance Plan (Attached NB-1)**

Planning Director Meredith Guns noted that the most recent beach nourishment project for the Town's Beach Erosion Control and Flood and Hurricane Protection Works successfully concluded in August 2022. This renourishment project followed the Town's initial 2017 construction project to protect the Town's infrastructure and shoreline. The Planning Department's meeting memorandum highlighted the updated Beach Maintenance Plan, submitted by Coastal Protection Engineering of North Carolina, Inc. The Plan, which is also included in the meeting materials, detailed the project design (initial and most recent), maintenance cost and schedules, and monitoring protocols. This information is required for the Town's eligibility to participate in the Federal Emergency Management Agency (FEMA) Public Assistance (PA) program. Additionally, justification that the maintenance plan has been implemented must be provided to be eligible to receive federal aid in a presidentially declared disaster. Staff recommended adoption of the Town of Kill Devil Hills updated Shore Protection Project – Beach Maintenance Plan.

Ms. Guns stated that the next nourishment was scheduled for 2027, and that following results of that project, the nourishment timeline could be adjusted to a six or seven-year cycle for cost savings. It would be dependent upon the dynamism of the shoreline, sand source, and other potential factors. All governmental participants would need to approve any changes to the ongoing plan.

Commissioner Gray moved to adopt the Shore Protection Project – Beach Maintenance Plan as presented. Commissioner Heikens seconded the motion, which was approved by a unanimous, 5-0, vote.

### **2. Bay Disposal rate increase request (Attached NB-2)**

Bay Disposal & Recycling, which provides voluntary subscription residential curbside recycling for the Town's citizens, has requested a rate increase. The Public Services meeting memorandum highlighted the request by Bay Disposal for a subscription increase to \$14.83 per cart, per month (\$44.50 per quarter). This is a 6.5% rate increase from its previous rate of \$13.99 per cart (\$41.98 per quarter), which was implemented in April 2024. The requested rate increase is to address Bay Disposal's rising operational costs.

The Town has enjoyed a 17-year relationship with Bay Disposal & Recycling, providing citizens a convenient service to those who want it, without imposing it on those who prefer to utilize the Town's Recycle Center. If this rate increase is approved, it would only be the sixth increase since the company entered into a franchise agreement with the Town in 2008.

Commissioner Heikens moved to approve the rate increase to \$14.83 per cart, per month, for the voluntary subscription residential curbside recycling program. Commissioner Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

## **Committee Reports**

## **Commissioners' Agenda**

The Board expressed its appreciation to Town Staff for all of the Town-wide events and decorations over the Christmas and New Year's holiday.

## **Mayor's Agenda**

Mayor Windley shared that on January 6, 2025, the President signed two executive memoranda protecting areas on both coasts, but specifically the entire eastern U.S. Atlantic coast and the Eastern Gulf of Mexico, approximately 334 million acres of the Atlantic Outer Continental Shelf (OCS) from Canada to the southern tip of Florida, and the Eastern Gulf of Mexico. There are currently no active oil and natural gas leases in Federal waters off the eastern Atlantic coast. This supersedes an earlier time-limited federal ban that would have expired in 2032 without these recent protections.

## **Town Manager's Agenda**

## **Town Attorney's Agenda**

## **Consent Agenda**

- 1. Minutes (Attached CA-1A)**
  - A. December 9, 2024
- 2. Monthly Report (Attached CA-2A)**
  - A. November 2024
- 3. Annual Certification of Firefighters (Attached CA-3)**

The Board of Trustees for the N.C. Firemen's Pension Fund requires all fire departments to submit a roster of active firefighters annually. Rosters must be certified by each local governing board in order to maintain eligibility for pensions and the line-of-duty death benefit provided for firefighters by the State. Our Fire Department has prepared this list, which includes only those firefighters that have met the State's minimum requirement for training hours. Approval of the Consent Agenda will record the Board's certification of the Fire Department roster.

**4. Performance Indicator: Response to Local Government Commission (Attached CA-4)**

At this meeting, the Board of Commissioners received a presentation from the Town's auditor, Potter & Company. The Town received an unmodified opinion, the highest that can be issued. It was shared that the Local Government Commission (LGC) had noted a performance indicator to which the Town would need to respond. It concerned the water/wastewater condition of assets ratio, which is a recently implemented benchmark requirement that calculates the estimated remaining life of all water and wastewater assets. The State has set the benchmark at 0.5 or higher, indicating that half the useful life remains in the systems' assets: the Town's rating was 0.48. This calculation does not take into account the condition of the assets; the Town contracts with an engineer to conduct an evaluation of the water and wastewater systems every 10 years, and to develop a 10-year capital improvement plan. The most recent plan was completed in January 2022, and the review noted that the Town's water and wastewater systems were in excellent condition, both physically and financially. The LGC requires a response, and the letter included with the Consent Agenda addresses the Board's position.

Approval of the Consent Agenda will record the Board's approval of the response to the LGC, and authorize its execution and submission.

**5. Recommendation for audit services for Fiscal Year 2024/2025 (Attached CA-5)**

The firm of Potter & Company of Mooresville, N.C. has been providing audit services for the Town since the FY 2020 review. Over the past several years, it has been a beneficial partner as the Town has implemented a number of complicated accounting standards. The Finance Department's Consent Agenda memorandum highlighted the contract for the FY 2024/2025 audit for \$44,600 (plus \$2,000 per major program audit cost, if required), along with the Finance Department's recommendation to continue this partnership.

Approval of the Consent Agenda will authorize the Town Manager to execute the contractual agreement for audit services for FY 2024/2025.

**6. Recommended Resolution Authorizing the Sale of Unclaimed and Found Property (Attached CA-6)**

On occasion, the Police Department must dispose of items that have been turned in or found and unclaimed by their rightful owners. North Carolina law requires that revenues raised from the sale of this unclaimed property, less the Town's expenses, must be turned over to the Dare County Board of Education. The Consent Agenda resolution authorizes the sale of the listed items; the Town of Kill Devil Hills utilizes GovDeals.com for surplus and found or unclaimed property.

Approval of the Consent Agenda will record the Board's authorization for the sale of unclaimed property in accordance with the requirements of the General Statutes.

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 Heikens moved to adjourn the meeting. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0, vote.

The time was 6:40 p.m.

Submitted by:

James Michael O'Dell  
Town Clerk