



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

February 10, 2025

TO: Mayor and Board of Commissioners
FROM: Mayor John Windley
REF: Mayor's Agenda

1. **Resolutions and Proclamations (Attached MA-1A, MA-1B, MA-1C, and MA-1D)**
 - A. **Resolution of Support for Legislation Restoring Zoning Authority to Local Governments**
 - B. **Resolution of Support for Updating the 2016 Beach and Inlet Management Plan**
 - C. **Resolution of Support for Abandoned and Derelict Vessel Program in North Carolina**
 - D. **Resolution of Appreciation and Support for the North Carolina Department of Transportation**

The four resolutions express our support for the restoration of local zoning authority, an update to the 2016 Beach and Inlet Management Plan, the Abandoned and Derelict Vessel Program, and our continued appreciation and support for the N.C. Department of Transportation.

I recommend approval of these proclamations and a motion or motions would be in order for their adoption.



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A Resolution of Support for Legislation Restoring Zoning Authority to Local Governments

WHEREAS, regulating development is considered the most basic tool local governments have access to stay consistent with their Land Use Plans, promote safety, maintain land use compatibility, achieve appropriate density, ensure orderly growth and development, and adequately address new land-use trends; and

WHEREAS, land-use trends are continually changing and evolving, and a local government's ability to govern land use is essential to maintain a safe and sustainable community, consistent with its adopted Land Use Plan; and

WHEREAS, communities in North Carolina deal with growth and development challenges routinely and their zoning authority is one of the only means to balance growth with the needs of the community and constituent concerns; and

WHEREAS, Senate Bill 382, entitled

“AN ACT TO MAKE MODIFICATIONS TO AND PROVIDE ADDITIONAL APPROPRIATIONS FOR DISASTER RECOVERY; TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2023; AND TO MAKE VARIOUS CHANGES TO THE LAW”

was enacted by the General Assembly on December 11, 2024; and

WHEREAS, Senate Bill 382 amended N.C.G.S. 160D-601, and eliminated or greatly diminished local government's ability to enact or enforce zoning ordinances or zoning map amendments that could be considered as down-zoning without written permission of any affected property owner; and

WHEREAS, down-zoning refers to any zoning provision that reduces development density to any degree, or removes any permitted uses of land from any zoning district; and

WHEREAS, the stringent requirements of Senate Bill 382 could result in the empowerment of a single property owner to override the will of a majority of affected property owners, a unanimous governing board, a municipality's Land Use Plan, and the will of the community, with regard to possible local legislation; and

WHEREAS, proposed legislation has been introduced in the General Assembly (including but not limited to HB 24, HB 27, and SB 11) that would restore local government's ability to fulfill its obligation to its citizens through regulation of development to stay consistent with its Land Use Plans and maintain land-use compatibility, achieve appropriate density, promote safety, ensure orderly growth and development, and adequately address new land-use trends; and

WHEREAS, suggested legislation would restore local governments' ability to provide land-use regulations that support each municipality's infrastructure ability to serve and protect and are in the best interest of their communities to maintain sustainability; therefore, be it

RESOLVED, That the Kill Devil Hills Board of Commissioners strongly supports the adoption of legislation that would modify GS 160D-601(d), restoring the ability of local governments across North Carolina to initiate and enforce down-zoning amendments, and also consider any local government regulatory ordinance enacted as down-zoning retroactively to December 11, 2024.

This 10th day of February, 2025.

SEAL

John Windley
Mayor

ATTEST:

James Michael O'Dell
Town Clerk



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Resolution of Support for Updating the 2016 Beach and Inlet Management Plan

WHEREAS, a Beach and Inlet Management Plan provides socioeconomic valuations of North Carolina beaches and recommends management strategies to guide communities, municipalities, and counties to make accurate decisions regarding the State's natural resources and funding mechanisms for the ocean and inlet shorelines; and

WHEREAS, the first Plan was completed in 2009; the latest Beach and Inlet Management Plan was released in 2016 and provided accurate coastal and economic data and reflected policy changes implemented from the first plan. The updates included the latest beach nourishment and dredging activities completed over the previous seven years; and

WHEREAS, the 2016 Plan projected the necessary funding to maintain the State's coastline and offered several potential revenue options; and

WHEREAS, since 2016, the Plan has not been updated, leaving coastal governments without any statistical data to make informative decisions on behalf of its citizens and businesses; and

WHEREAS, without accurate and updated data, local and regional governments are tasked with the nearly impossible mission of projecting direct expenditures, including beach nourishment and dredging projects, and determining recreational consumer surplus and economic impacts from coastal communities to the total State tax revenue; and

WHEREAS, a regularly updated Beach and Inlet Management Plan is crucial to effectively guide state and local management resources in support of 326 miles of ocean shoreline (86 miles of coastline of which are in Dare County), barrier island communities (that are the economic heart of North Carolina's tourism economy), and 19 active inlet complexes that generate over \$4,000,000,000 in annual revenues; therefore, be it

RESOLVED, that the Board of Commissioners for the Town of Kill Devils supports updating the 2016 Beach and Inlet Management Plan to provide members of the North Carolina General Assembly with correct and current data to make accurate decisions to better the coastline and inlets in our community and those throughout coastal North Carolina.

This 10th day of February, 2025.

SEAL

John Windley
Mayor

ATTEST:

James Michael O'Dell
Town Clerk



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Resolution Supporting an Abandoned and Derelict Vessel Program in North Carolina

WHEREAS, the Town of Kill Devil Hills is situated on the Outer Banks barrier islands, and its thousands of citizens and visitors participate in water activities recreationally and professionally on a daily basis; and

WHEREAS, the safety, welfare, and livelihood of our citizens is our first priority and is always considered with each position that the Town takes; and

WHEREAS, whether a nor'easter, hurricane, or other weather-related event, or unattended or unmaintained conditions, all can cause vessels to break away from their slip and obstruct waterways; and

WHEREAS, regularly traveled channels, ditches, and canals can become unnavigable with such neglected vessels which impede our waterways, cause dangerous predicaments, and become a nuisance to society with potential negative environmental and economic results; and

WHEREAS, unattended vessels can cause watermen navigating to unknowingly run into sunken vessels causing damage to their watercraft, and potential serious injuries to the handler. Sunken vessels and marine debris can contaminate the water with oils and gases causing polluted areas that are unsafe to wildlife and people; and

WHEREAS, the North Carolina Coastal Federation, North Carolina Wildlife Resources Commission, North Carolina Division of Coastal Management and North Carolina local governments have worked together in a successful partnership to remove abandoned and derelict vessels from state waters in the past, but have limited resources to continue in the future; and

WHEREAS, the creation and implementation of a State-wide program specifically for abandoned and derelict vessels would greatly benefit North Carolina's citizens and ensure their safety; the goal to have dedicated resources to handle the issues that these vessels cause; and

WHEREAS, this program could address the removal of such vessels and marine debris in non-emergency and emergency situations along North Carolina waterways; therefore, be it

RESOLVED that the Board of Commissioners for the Town of Kill Devil Hills expresses its strong support for the General Assembly's creation of a permanent, long-term, and sustainable abandoned and derelict vessel program in North Carolina to positively impact each individual and creature's experience on the waters that surround us.

This 10th day of February, 2025.

SEAL

John Windley
Mayor

ATTEST:

James Michael O'Dell
Town Clerk



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Resolution of Appreciation and Support for the North Carolina Department of Transportation

WHEREAS, the mission of the North Carolina Department of Transportation (NCDOT) is *connecting people, products and places safely and efficiently with customer focus, accountability and environmental sensitivity to enhance the economy and vitality of North Carolina*; and

WHEREAS, NCDOT maintains Aviation, Ferry, Highway, Port, and Turnpike operations throughout the State and specifically to Kill Devil Hills, US 158 (The Bypass), NC 12 (Beach Road), SR 1217 (Colington Road); and

WHEREAS, hundreds of thousands of residents and visitors annually travel these roadways in our Town and their safety is integrally dependent on the condition of the roadways; and

WHEREAS, over the past few years, NCDOT has conducted numerous major projects within the Town, including the paving of all lanes of US 158, the extension of the southbound turning lane on US 158 at the Colington Road intersection, the addition of a signal light at Lake Drive / US 158 intersection, upgrades and paving of Colington Road, and the regular maintenance and monitoring of ocean outfall stormwater infrastructure, along with regular traffic studies, all to the betterment of our community and its safety; and

WHEREAS, the Town highly values its longstanding partnership with NCDOT, and works to communicate concerns, questions, and comments from its citizens throughout each project; and

WHEREAS, with each endeavor, NCDOT Division One staff and agency leadership, along with its Board of Transportation, have shown the upmost responsiveness with the highest levels of professionalism; and

WHEREAS, the Town of Kill Devil Hills would like to recognize NCDOT for its good works and express gratitude for its exceptional commitment to Kill Devil Hills and communities across North Carolina; therefore, be it

RESOLVED that the Board of Commissioners for the Town of Kill Devil Hills expresses its appreciation to the North Carolina Department of Transportation for the remarkable undertaking and accomplishment of multiple projects within the Town of Kill Devil Hills and for our invaluable partnership that promotes safety throughout our community.

This 10th day of February, 2025.

SEAL

John Windley
Mayor

ATTEST:

James Michael O'Dell
Town Clerk