

Minutes of the Wednesday, May 28, 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 Ivy Ingram, Terry Gray, Bernard “B.J.” McAvoy and T. Dillon Heikens

Members Not Participating:

Others Participating: Debora P. Díaz, Town Manager; Starkey Sharp, Town Attorney; Angel Doughtie, Finance Director; Meredith Guns, Planning Director; Gary Britt, Police Chief; Dana Harris, Assistant Police Chief; and James Michael O’Dell, Town Clerk

Call to Order

At 6:00 p.m., Mayor 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 retired Fire Captain Pete Turek, who served the community with a distinguished career of over two decades. He also stated that former Commissioner and Mayor Duncan Wright had also died, noting that not only did he serve the Town through elected office, he served the community as a dedicated EMT first responder. The Board extended its sympathies to the Turek and Wright families.

Agenda Approval

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

Public Hearing

Town Attorney Starkey Sharp read aloud the public hearing rules and then opened the public hearing. Notice for the following item has been published in the *Coastland Times*, and posted on the Town’s bulletin boards, website at <https://www.kdhnc.com/1146/May-28-2025-Board-of-Commissioners-Meeti>, 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. At the conclusion of this hearing, a motion will be in order to approve, disapprove, or table the item for further consideration.

1. Proposed Zoning Amendment – 153.121 Residential Low Setbacks & 153.161 Residential High Setbacks – Amend double frontage setbacks for lots 5,000 SF or less (Attached PH-1)

Planning Director Meredith Guns provided an overview on how the proposed amendment will apply to double frontage lots in the Residential Low and Residential High Zoning Districts. This will eliminate the current confusion over which frontage is used to calculate the front and rear yard setbacks. Additionally, the amendment will exclude properties that abut Scott and Harding Streets from double frontage requirements since these rights-of-way are designated as future greenways, not to be improved with streets.

At its April 15, 2025, meeting, the Planning Board reviewed and forwarded this amendment, recommending approval; Staff also recommended approval of the proposed amendment. At this Board's April 30, 2025, meeting, this public hearing was scheduled. There were no speakers.

Commissioner McAvoy inquired about the rationale for the exception to these two streets. Ms. Guns noted there were other double frontage lots in town, but Scott and Harding Streets are the only right-of-ways designated as greenways and will never be paved. Other right-of-ways are paved or have the potential to be paved.

Commissioner Gray moved to approve the amendment to §153.121 Residential Low Setbacks & §153.161 Residential High Setbacks – Amend double frontage setbacks for lots 5,000 SF or less, as presented, with its consistency statement, and that the Board of Commissioners found that the amendment is consistent with all comprehensive plans and other official adopted plans of the Town of Kill Devil Hills that are applicable, reasonable, and in the public interest because it provides consistency for all double frontage lot setback requirements and corrects unwarranted double frontage regulations for lots abutting unimproved Scott and Harding Street. Commissioner Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

Public Comment

Response to Public Comment

Ongoing Business

New Business

Mayor Windley stated that he was an officer in the Community Care Clinic of Dare and requested excusal on *New Business Item 1. Partnership Organizations*. Commissioner Gray moved to excuse Mayor Windley from New Business Item 1. Commissioner Heikens seconded the motion, which was approved by a vote of 4-0.

Mayor Windley left the Town Hall Meeting Room at 6:12 p.m.

1. Partnership Organizations

In 2021, the General Assembly enacted N.C.G.S §14-234.3, which set stringent requirements for municipal governing board members who may also serve as officers, directors, or board members of non-profit organizations that receive funding through a contract with that municipality. Any member of a governing board who also serves in an organization in the capacity above is not permitted to knowingly participate in a discussion about or vote on funding through contract for their specific organization.

Town Manager Debora Díaz noted that over the years, the Town of Kill Devil Hills has entered into partnership with various organizations to accomplish its mission and provide services for its citizens. The Town currently supports four partnership organizations that serve the citizens of Kill Devil Hills: the Community Care Clinic of Dare, Interfaith Community Outreach, Nags Head Woods Ecological Preserve, and the Outer Banks Family YMCA. These organizations are not provided a donation from the Town: they receive funding to provide specialized services to KDH citizens on the Town's behalf, and are required to provide an annual report to the BOC on their operations as a part of this relationship.

Historically, funding for the partnership organizations has been part of the Board's review and approval process of the Town Manager's Recommended Budget. In consideration of the Board's continued commitment to transparency, Staff recommended the BOC approve funding levels for the following partnership organizations for Fiscal Year 2025/2026 through a separate motion, which is included as a part of the Town Manager's Recommended Budget for Fiscal Year 2025/2026:

- | | |
|---------------------------------------|-------------|
| • Community Care Clinic of Dare | \$10,000.00 |
| • Interfaith Community Outreach | \$10,000.00 |
| • Nags Head Woods Ecological Preserve | \$ 5,000.00 |
| • Outer Banks Family YMCA | \$ 5,000.00 |

Commissioner Gray moved to approve the funding levels for the partnership organizations for Fiscal Year 2025/2026, as presented, which will be included as a part of the Budget for Fiscal Year 2025/2026. Commissioner Heikens seconded the motion, which was approved by a 4-0 vote.

Mayor Windley returned to the Town Hall Meeting Room at 6:15 p.m.

Committee Reports

Community Appearance Commission (CAC) Chairperson Sue Kelly updated the Board on the group's activities and initiatives, including the biennial 2024-2025 Community Appearance Awards. The group participates with the Surfrider Foundation's Adopt-a-Beach-Access program, and has adopted the Sutton Street beach access and regularly picks up litter and trash. The group's biggest initiative this year has been to purchase new stainless steel cigarette

receptacles, which have been placed at the Town's beach and soundside accesses and replace the blue PVC units.

Commissioners' Agenda

Commissioner McAvoy

Fresh Pond Recreational Opportunities Commissioner McAvoy expressed interest in revisiting opening Fresh Pond to recreational opportunities.

Mayor's Agenda

Wrightsville Boulevard Mayor Windley shared that the Wrightsville Boulevard work was almost complete. He noted that the long-term plans for this drainage and paving infrastructure project were initially conceived in 2006-2007, and the community was benefiting from these investments. The Board expressed its appreciation to the Town Engineer, Town Staff, and the vendors who made the project a reality.

High School & College Graduates He stated that the Town of Kill Devil Hills extended its congratulations to all of the local high school and college graduates, and their families. Mayor Windley said that from recent pre-school grads and all of the achievements accomplished in our local schools, to those who have gone on to college and professional trade schools, the Town of Kill Devil Hills is very proud of each of them.

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

1. Minutes (Attached CA-1A)

A. May 12, 2025

2. Resolutions and Proclamations (Attached CA-2A)

A. Resolution in Opposition to Proposed Increase in Insurance Premiums for Department of Instruction State Employees

At its May 12, 2025, meeting, the Board, through consensus, directed Staff to develop and distribute a *Resolution in Opposition to Proposed Increase in Insurance Premiums for Department of Instruction State Employees*. Approval of the Consent Agenda records this action of the Board and the accompanying resolution.

3. Partnership Organization Annual Reports (CA-3A and CA-3B)

The Town supports four partnership organizations that serve the citizens of Kill Devil Hills: 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. The following reports recently have been submitted:

- A. Community Care Clinic of Dare
- B. Interfaith Community Outreach

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.

Mayor Windley called a break in proceedings at 6:26 p.m.

The Board of Commissioners resumed its work at 6:30 p.m.

General Worksession

1. Town Manager's Recommended Budget for Fiscal Year 2025 / 2026

The Town Manager's Recommended Budget for 2025/2026 was presented to the Board of Commissioners at the May 12, 2025, meeting. At that time, this worksession on the Recommended Budget was scheduled for this meeting, along with a required public hearing, which is set for Monday, June 9, 2025, at 6:00 p.m.

Following the Recommended Budget's introduction, Staff uploaded information to the Town's website to provide links to the full budget document and a budget portal gateway, where the public has had the opportunity to review the document and share input. A paper copy of the Recommended Budget has been placed in the Town Hall lobby as an additional option for public access.

Ms. Díaz and Finance Director Angell Doughtie highlighted the proposed budget, noting that Staff's approach to budgeting, especially revenues, has been conservatively estimated. Ms. Díaz then conducted a review of the budget, fund by fund, division by division, with general comments and answered questions. Ms. Díaz commended the Finance Department for its work in preparation of the budget and its new format. The worksession presentation has been included with the meeting materials.

Ms. Doughtie highlighted several areas, including that the recommended Town-wide ad valorem tax rate was \$.28 per \$100 valuation; the revenue-neutral Municipal Service District (MSD) rate would be \$.1638 per \$100 valuation. State and local sales taxes, along with the land transfer tax, were expected to remain at the previous year's levels, with a slight decrease due to

the levy share percentage. The Powell Bill distribution was expected to increase by 10% over the previous year.

It was also noted that the budget included a 3% cost of living (COLA), community events, and decreased workers compensation rates. Ms. Díaz recognized Ms. Doughtie, Assistant Town Manager Charlene Allen, Deputy Town Clerk Jennifer Stecher, and Payroll and Benefits Administrator Cheri Woods-Gionet for their work on researching and securing a health insurance plan for the coming year. It was noted that in this transitional year, the new health insurance will be based on a fiscal year, rather than calendar year.

Among the capital projects, the Aviation Park hockey rink will be resurfaced and upgraded into a multi-sport facility. Mayor Windley inquired whether the Derby Brigade and men's hockey groups continued to utilize the rink. Ms. Guns replied that the groups use the rink, and that the resurfacing will repair some longstanding issues with the court's surface, while new striping will allow traditional derby and hockey sports and also basketball and pickleball options. Commissioner Ingram noted that she regularly walks by the facility and that the facility is mainly used in the evenings by roller derby and hockey; this could broaden the facility's use.

Mayor Windley inquired about the length of the debt service for the Public Works Complex. Ms. Doughtie replied that the project was multi-phased with differing dates, and that she would provide him the information. Mayor Windley inquired whether every municipality partnered with Dare County for municipal tax collection. Ms. Díaz replied in the negative, but that this partnership has worked well for the Town, and resulted in extremely high collection rates.

Mayor Windley inquired about the purchasing / lease and replacement policies for Town vehicles, especially in the Police Department Fleet. Ms. Díaz replied that the Town makes many purchases on the state contract, and then the vehicles are specially equipped for certain departments, like police vehicles. Police Chief Gary Britt noted that vehicles in his department usually log 25,000-30,000 miles annually, and the length of their service often depended upon the make and model of vehicles. Assistant Police Chief Dana Harris said that the mileage did not include often hours of idling from traffic stops, wreck response, etc. Ms. Díaz noted that the Fleet Maintenance Division works closely with every department to not only make timely repairs but to maintain each vehicle to the highest standard, which leads to often longer service time for vehicles. When a vehicle is eligible to be phased out of a department's fleet, other departments are made aware to determine if they could utilize the vehicle.

Commissioner Gray inquired about recommendations from the recently completed staffing study, and whether the consultant had reviewed the Outer Banks Fire Response Analysis report from the Outer Banks Professional Fire Fighters. Ms. Díaz replied that the staffing consultant had been provided the report for review. Commissioner Gray requested the Town manager and Fire Chief meet with him to review the report's recommendations. Mayor Windley requested that, when practicable, Town Staff consider the integration of hybrid or alternative energy vehicles to the Town's fleet.

The Board thanked the Town Manager and Staff for their work on the recommended budget. Ms. Díaz thanked the Board for its continued commitment to employees. She noted that the public hearing was set for the June 9, 2025, meeting, and that the Board could consider adoption of the Recommended Budget during that meeting.

Public Comment**Response to Public Comment****Adjournment**

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

The time was 7:20 p.m.

Submitted by:

James Michael O'Dell
Town Clerk