



TOWN OF KILL DEVIL HILLS

Application for Boards, Committees & Commissions

Return completed application: Town Clerk, 102 Town Hall Drive, P.O. Box 1719
Kill Devil Hills, NC 27948

Boards / Committees in which I am interested (check all that apply):

- | | |
|----------------------------------------------|--------------------------------------------------------------------------|
| <input type="checkbox"/> Planning Board | <input type="checkbox"/> Street Improvement & Special Projects Committee |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Historic Landmarks Commission |
| <input type="checkbox"/> Personnel Board | <input type="checkbox"/> Dangerous Animal Appeal Board |
| | <input type="checkbox"/> Community Appearance Commission |
| | <input type="checkbox"/> Other: _____ |

Name: _____

Phone number: _____ Email: _____

Home /Mailing address: _____

Business Name: _____

Business Address: _____

Are you currently serving as an appointee to a Town of Kill Devil Hills committee, commission or board: Yes No

If "Yes," list which one (s): _____

... and length of service: _____

Why are you interested in serving on the board, commission or committee selected above?

For Office Use Only		
Date Received	Date Appointed	Date Application Updated
Contacted By	Date Reappointed	



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Please tell the Board about yourself. Include relevant information such as expertise, education, work and/or real-life experience as it relates to the board(s) that you have expressed interest:

Are there any restrictions on your time or flexibility?

How long have you lived in Kill Devil Hills: _____

Do you have access to Internet and email: Yes No

Are there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Board of Commissioners or for the Town of Kill Devil Hills?

No Yes (please attach an explanation of the possible conflict)

I understand that if I miss three consecutive regular meeting of this Board that I will be removed from the Board / Committee / Commission. In addition, members are required to attend at least 50% of each meeting in order to be considered present. I also understand that my faithful attendance to all regular, special and assigned subcommittee meetings during the course of my term is required in order to be eligible for reappointment. I certify that the facts contacted in this application are true and correct to the best of my knowledge and belief. I understand that this application will be retained in the office of the Town Clerk for two (2) years and must be updated after that time or it will be discarded. I understand that upon submitting this application to the Town of Kill Devil Hills, the application and all information contained herein are considered a public record under North Carolina law.

Applicant Signature

Date

Submit pages 1 and 2 of this application to the Office of Town Clerk.
Submit page 3 ONLY if applying for the Community Appearance Commission.
All else may be retained for your records.



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Application Addendum for Community Appearance Commission ONLY:

- A. To aid the Board of Commissioners in selecting members of the Community Appearance Commission, please provide the Board with your insight into the Town's appearance. Identify five characteristics about the Town's appearance that you like and five that you do not care for. Develop the negative characteristics by explaining what you would suggest to improve those characteristics.

Five Characteristics You Like About Kill Devil Hills' Appearance	Five Characteristics You Do Not Care For About Kill Devil Hills' Appearance & How You Would Propose Each Be Improved

- B. Describe your enthusiasm for participating on the Community Appearance Commission by summarizing your overall feelings about Kill Devil Hills and how it can be made better for citizens, businesses, and visitors:

CAC Applicant Signature

Date

Pages 3-11 provide a summary of duties and responsibilities of each of the standing boards and committees of the Town of Kill Devil Hills. Please keep these pages for your records. Thank you.

PLANNING BOARD – The Kill Devil Hills Planning Board meets on the first and third Tuesday of each month, at 7:00 p.m. in the Meeting Room of the Administration Building, at 102 Town Hall Drive, off Colington Road. The Planning Board holds a planning session on the first Tuesday of the month and reviews site plans on the third Tuesday of the month, at its regular meetings. All Planning Board meetings are open to the public.

**KILL DEVIL HILLS TOWN CODE § 31.04 POWERS AND DUTIES;
COMPREHENSIVE PLAN.**

(A) The Planning Board shall prepare plans and coordinate the plans of the municipality and those of others so as to bring about a coordinated and harmonious development of the area. The Planning Board is designated as the planning agency for the revision of the zoning code of the town under the authority of G.S. § 160A-387. In addition, the Planning Board is directed and authorized:

(1) To prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area. The comprehensive plan shall be the Planning Board's recommendations to the Board of Commissioners for the development of the town, including, among other things, the general location, character and extent of streets, bridges, parkways, playgrounds, parks and other public ways, grounds and open spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes; the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, buildings, grounds, open spaces, property, utilities or terminals; and the most desirable pattern of land use within the area;

(2) To establish principles and policies and recommend their adoption to the Board of Commissioners for guiding the action of development in the area. The Planning Board may prepare a capital improvements program and report its recommendations to the Board of Commissioners upon the extent, location and design of all public structures and facilities, on the acquisition and disposal of public properties and on the establishment of building lines, mapped street lines and proposals to change existing street lines in order to insure that the goals of the comprehensive plan are furthered by a coordinated and efficient expenditure of public funds;

(3) To prepare and recommend amendments to existing ordinances promoting orderly development of the area along the lines indicated in the comprehensive plan, including a zoning ordinance and subdivision regulations. The Planning Board may initiate, from time to time, proposals for the amendment of the zoning code and the subdivision regulations based upon its studies and comprehensive plan. In addition, it shall review and make recommendations to the

Board of Commissioners concerning all proposed amendments to the zoning code and subdivision regulations;

(4) To determine whether specific proposed developments referred to it by governmental or private agencies in the area conform to the principles and requirements of the comprehensive plan for the area and to make recommendations concerning them;

(5) To keep the Board of Commissioners and the general public informed and advised as to these matters and to make any other recommendations which it sees fit for improving the development of the area. In the development of these suggestions, the Planning Board shall acquire and maintain data and materials to show correlation of past, present and future needs and conditions;

(6) To perform any other duties which may be lawfully assigned to it.

(B) The Planning Board is authorized to appoint such committees and employees and to authorize such expenditures as it may see fit, subject to limitation of funds provided for the Planning Board by the Board of Commissioners in the town's annual budget.

(C) The Planning Board may set up special committees to assist it in the study of specific problems.

(D) The Planning Board may perform any of the actions authorized for municipal planning boards by G.S. § 160A-387, as amended.

STREET IMPROVEMENTS AND SPECIAL PROJECTS COMMITTEE – All meetings of this committee are held on an as-needed bases in the Meeting Room of the Administration Building, at 102 Town Hall Drive, off Colington Road and are open to the public.

The Street Improvement and Special Projects Subcommittee is a subcommittee of the Kill Devil Hills Planning Board. Its purpose include:

1. The responsibility to provide the Planning Board with a list of streets recommended for improvement each fiscal year. The Planning Board finalizes the list and forwards its recommendations to the Board of Commissioners. The SISPC is also responsible for updating the Street Improvements Master Plan, which is the plan for upgrading and improving the street system of Kill Devil Hills on a “pay-as-you-go” basis.
2. Updating the Town’s Storm-water Management Plan.
3. Serving as the Town’s Flood-plain Management Committee and updating the Flood-plain Management Plan.

For the purposes of the Flood-plain Management Committee, membership is comprised of all ten persons listed on the preceding page.

The Planning Board Chairman selects the Planning Board members and the Subcommittee chair

each year. No limitations were placed on any appointment term by the Board of Commissioners.

BOARD OF ADJUSTMENT - The Zoning Board of Adjustment meets on an as-needed basis in the Meeting Room of the Administration Building, at 102 Town Hall Drive, off Colington Road. Meetings are scheduled as much as possible without creating a burden on the applicant, for the last Tuesday of the month, at 7:00 p.m. All Zoning Board of Adjustment meetings are open to the public.

The following statute outlines the powers and duties of boards of adjustment. The Kill Devil Hills Town Code, beginning with Section 153-315 specifically addresses compensation, meeting procedures, membership, etc. of the Kill Devil Hills Board of Adjustment, and it can be found at www.kdhnc.com or a copy obtained at the Town Clerk's Office.

NORTH CAROLINA GENERAL STATUTE § 160A-388. BOARD OF ADJUSTMENT.

(a) The city council may provide for the appointment and compensation of a board of adjustment consisting of five or more members, each to be appointed for three years. In appointing the original members of such board, or in the filling of vacancies caused by the expiration of the terms of existing members, the council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. The council may, in its discretion, appoint and provide compensation for alternate members to serve on the board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member. A city may designate a planning board or governing board to perform any or all of the duties of a board of adjustment in addition to its other duties.

(b) A zoning ordinance or those provisions of a unified development ordinance adopted pursuant to the authority granted in this Part shall provide that the board of adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of that ordinance. An appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the city. Appeals shall be taken within times prescribed by the board of adjustment by general rule, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the ordinance. In that case proceedings shall not be stayed except by a restraining order, which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for

the hearing of the appeal, give due notice thereof to the parties, and decide it within a reasonable time. The board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the premises. To this end the board shall have all the powers of the officer from whom the appeal is taken.

(c) The zoning ordinance may provide that the board of adjustment may permit special exceptions to the zoning regulations in specified classes of cases or situations as provided in subsection (d) of this section, not including variances in permitted uses, and that the board may use special and conditional use permits, all to be in accordance with the principles, conditions, safeguards, and procedures specified in the ordinance. The ordinance may also authorize the board to interpret zoning maps and pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in the administration of the ordinance. The board shall hear and decide all matters referred to it or upon which it is required to pass under any zoning ordinance.

(d) When practical difficulties or unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall have the power to vary or modify any of the regulations or provisions of the ordinance so that the spirit of the ordinance G.S. 160A-388 shall be observed, public safety and welfare secured, and substantial justice done. No change in permitted uses may be authorized by variance. Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a variance, may be imposed on any approval issued by the board.

(e) The concurring vote of four-fifths of the members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of an ordinance adopted pursuant to this Part, or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance, or to grant a variance from the provisions of the ordinance. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the board" for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.

(e1) A member of the board or any other body exercising quasi-judicial functions pursuant to this Article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(e2) Every decision of the board shall be subject to review by the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the decision of the board is filed in such office as the ordinance specifies, or after a written copy thereof is delivered to every aggrieved party who has

filed a written request for such copy with the secretary or chairman of the board at the time of its hearing of the case, whichever is later. The decision of the board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

(f) The chairman of the board of adjustment or any member temporarily acting as chairman, is authorized in his official capacity to administer oaths to witnesses in any matter coming before the board.

(g) The board of adjustment may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the board of adjustment pursuant to a subpoena issued in exercise of the power conferred by this subsection may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor.

PERSONNEL BOARD - The Personnel Board meets on an as-needed basis in closed session in the Meeting Room of the Administration Building, at 102 Town Hall Drive, off Colington Road. The Chairperson, of the Personnel Board, is elected by the other members of the Personnel Board. Two members shall constitute a quorum. The Town Clerk serves as ex officio secretary to the Personnel Board.

KILL DEVIL HILLS PERSONNEL POLICY ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

It is the policy of the Town to provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair.

Employees utilizing the grievance procedures shall not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under this policy. Supervisors or other employees who violate this policy shall be subject to disciplinary action up to and including dismissal from Town service.

Section 2. Organization of Personnel Board

The Board of Commissioners may appoint a Personnel Board consisting of three members. Members of the Personnel Board shall serve three-year staggered terms. Members shall be appointed by the Board of Commissioners at their first regular meeting in January of each year. A member of the Personnel Board may be removed by the Board of Commissioners only for cause and after being given a written statement of the charges and a public hearing thereon, if so requested. Vacancies in an unexpired term shall be

filled by the Board of Commissioners by appointment for the remainder of the term.

Each member of the Personnel Board shall be a qualified voter of the Town and shall be known to be in sympathy with the merit principle of personnel administration. No person who has actively participated in the immediately preceding municipal election by seeking office, soliciting funds or votes, either by letter, telephone, personal contact or speeches, in behalf of any candidate for municipal office, and no Town employee or officer shall be eligible to serve on the Personnel Board. One member of the Personnel Board shall have experience in public or private personnel administration. Any member of the Personnel Board who becomes a candidate for political office or actively participates in town elections, in the manner hereinbefore set forth, shall be deemed to have vacated his/her position as a member of the Personnel Board.

In the event there exists a relationship of any kind between any member of the Personnel Board and an employee, group of employees or a witness appearing before the Personnel Board, the remainder of the members of the Personnel Board not affected, by majority vote, shall determine whether or not the affected Personnel Board member has a conflict of interest and whether he/she be allowed to sit in at the hearing and determination.

As necessary, the Personnel Board shall elect one of its members as chairperson, who shall preside at all meetings and shall be responsible for calling all such meetings. Meetings shall be held from time to time as necessary, and two members shall constitute a quorum. Members of the Personnel Board shall serve without compensation. The Town Clerk shall serve as official secretary to the Personnel Board and shall perform such duties as the Personnel Board may direct.

The Personnel Board shall:

- a) Advise the Board of Commissioners and the Town Manager on municipal problems;
- b) Conduct a hearing, either public or private at the employee's request, upon the request of discharged, suspended or demoted town employees. The Personnel Board shall have all powers necessary to complete investigation of the action taken, including the power to call and examine witnesses and papers. The Personnel Board shall inform the employee and the Town Manager in writing of its findings and recommendations; and
- c) Keep an adequate record of all proceedings, findings, and recommendations.

HISTORIC LANDMARKS COMMISSION - The Kill Devil Hills Historic Landmarks Commission meets on the second Tuesday of each month, at 10:00 a.m. in the Meeting Room of the Administration Building, at 102 Town Hall Drive, off Colington Road. All Historic Landmarks Commission meetings are open to the public.

KILL DEVIL HILLS TOWN CODE § 31.41 POWERS AND DUTIES.

(A) The powers of the Historic Landmarks Commission are as follows:

- (1) Undertake an inventory of properties of historical, prehistoric, architectural and/or cultural significance.

(2) Recommend to the Board of Commissioners individual structures, buildings, sites, areas or objects to be designated by ordinance as "Landmarks".

(3) Recommend to the Board of Commissioners that designation of any building, structure, site, area or object as a landmark, be revoked or removed for cause.

(4) Review and act upon proposals for the alteration or demolition of designated landmarks.

(5) Conduct an educational program with respect to historic landmarks within its jurisdiction.

(6) Cooperate with the state, federal and local government in pursuance of the purpose of this subchapter; to offer or request assistance, aid, guidance or advice concerning matters under its purview or mutual interest. The Board of Commissioners, or the Commission when authorized by the Board of Commissioners, may contract with the State or the United States, or any agency of either, or with any other organization provided the terms are not inconsistent with state or federal law.

(7) Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the Commission may enter any private building or structure without express consent of the owner or occupant thereof.

(8) Prepare and recommend the official adoption of a preservation element as part of the Town of Kill Devil Hills comprehensive plan.

(9) Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to any such properties designated as landmarks; to hold, manage, preserve, restore and improve the same; and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property.

(10) Restore, preserve and operate historic properties.

(11) Negotiate at any time with the owner of a building, structure, site, area or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate.

(B) Prior to any official action the Commission shall adopt rules of procedure governing its meetings and the conduct of official business and bylaws governing the appointment of members, terms of office, the election of officers and related matters. A public record shall be kept of the Commission's resolutions, proceedings and actions. The Commission shall also prepare and adopt principles and guidelines for altering, restoring, moving, or demolishing properties designated as landmarks.

DANGEROUS ANIMAL APPEALS BOARD – The Dangerous Animal Appeal Board meets on an as-needed basis in the Meeting Room of the Administration Building, at 102 Town Hall Drive, off Colington Road. The Chairperson, of the Dangerous Animal Appeal Board, is elected by the other members of the Dangerous Animal Appeal Board.

KILL DEVIL HILLS TOWN CODE § 94.20 DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS.

(A) The Chief of Police is the person designated to determine when a dog or an animal is dangerous or potentially dangerous under the provisions of G.S. § 67-4.1 and to determine when an animal is dangerous or potentially dangerous as defined herein. The Kill Devil Hills Board of Commissioners shall designate as needed, three members to serve as the Dangerous Animal Appeal Board to hear appeals from the Police Chief's determination that a dog or an animal is dangerous or potentially dangerous.

(B) Upon receipt of a report that an animal is dangerous or potentially dangerous:

(1) The Animal Control Officer shall promptly investigate the report and upon completion of the investigation present the findings of such investigation to the Chief of Police.

(2) Upon receipt of the investigative report, the Chief of Police shall determine whether there is probably cause to believe that the animal which is the subject of the report is a dangerous or potentially dangerous animal.

(3) Upon determining that an animal is a dangerous animal or a potentially dangerous animal the Chief of Police shall:

(a) Notify the owner in writing, giving the reasons for the determination, before the animal may be considered dangerous or potentially dangerous.

(b) Notify Animal Control of the Police Chief's determination and direct that the animal be seized and impounded until final disposition is deemed.

(c) Give the owner notice that owner may appeal the determination by filing written objections with the Dangerous Animal Appeal Board within three days and provide the address at which to deliver such notice of appeal.

(d) Direct the owner to immediately deliver the animal to Kill Devil Hills Animal Shelter if not previously seized by Kill Devil Hills Animal Control to be impounded until the animal's disposition is determined as provided herein.

(e) If after reasonable efforts the owner or the whereabouts of the owner cannot be determined, the Chief of Police and Kill Devil Hills Animal Control shall proceed as provided herein as if such notice was properly given.

(C) An animal control officer is authorized to serve a copy of the Police Chief's notice upon the owner of the animal and to seize and impound the animal upon the Police Chief's determination that the animal is dangerous or potentially dangerous.

(D) Within three days of receipt of notice of the Police Chief's determination that an animal is dangerous or potentially dangerous, the owner may appeal the determination to the Dangerous Animal Appeal Board. In the event the written notice of appeal is not received within the times prescribed herein, the determination of the Chief of Police shall be final. Upon a timely appeal, the Dangerous Animal Appeal Board shall convene within ten days and conduct a hearing to determine whether the determination of the Chief of Police is affirmed. The hearing shall be conducted pursuant to the procedures adopted by Dangerous Animal Appeal Board may be appealed to the superior court by filing notice of appeal and a petition for review within ten days of the final decision of the appellate Board and shall be heard de novo before a superior court judge sitting in Dare County. In the event that the notice of appeal and petition for review are not timely filed, the decision of the Dangerous Animal Appeal Board shall be final.

(E) Upon final determination that an animal is dangerous, the animal shall be humanely destroyed and the owner shall be responsible for all costs and expenses of impoundment and destruction as set forth on the schedule of fees adopted by Kill Devil Hills Board of Commissioners. Upon a final determination that an animal is not dangerous or potentially dangerous, the animal shall be returned to the owner.

(F) Notwithstanding any of the foregoing, the provisions of this chapter do not apply to:

(1) An animal being used by a law enforcement officer to carry out the law enforcement officer's official duties:

(2) An animal being used in a lawful hunt;

(3) An animal where the injury or damage inflicted by the animal was sustained by a domestic animal while the animal was working as a hunting animal, herding animal, or predator control animal on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the animal; or

(4) An animal where the injury inflicted by the animal was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the animal, had tormented, abused, or assaulted the animal, or was committing or attempting to commit a crime.