

**Minutes of the Monday, March 14, 2016 regular meeting of the Kill Devil Hills Board of Commissioners held at 5:30 o'clock p.m. in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road.**

**Members Present:** Mayor Sheila F. Davies; Commissioners Travis Appleman, Mike Hogan, Michael Midgette, and Brandi Rheubottom

**Members Absent:**

**Others Present:** Debora P. Diaz, Town Manager; Steven D. Michael, Town Attorney; Greg Loy, Planning Director; Mary E. Quidley, Town Clerk

**Call to Order**

At 5:30 p.m. Mayor Davies called this meeting to order and welcomed all present.

**Pledge of Allegiance and Moment of Silence**

Mayor Davies acknowledged the passing of former Mayor Pro Tem Bill Pitt. She explained that during her relationship with Mr. Pitt he had taught her a great deal. A memorial service will be conducted April 2<sup>nd</sup> at the Hilton Garden Pier House, in Kitty Hawk at 4:00 p.m. and donations may be given to the national Wounded Warriors Project. Mayor Davies asked all to keep Mr. Pitt's wife, Glenda, and his family in thoughts and prayers.

**Agenda Approval**

On motion by Commissioner Appleman, seconded by Commissioner Rheubottom, the agenda for this meeting was approved by unanimous vote, 5-0.

**Public Hearing**

Town Attorney Steve Michael outlined the rules of procedure for the public hearing and at the conclusion called the hearing to order and continued to conduct the hearing.

1. **Proposed amendment - Chapter 153, Zoning, §153.078(A) Access to US 158/Croatan Highway and NC 12/Virginia Dare Trail – clarify regulations to apply only to corner lots (Attached PH-1)**

The consistency statement for this proposed amendment was included in the packet materials for the February 8, 2016 meeting at which time the public hearing was scheduled by the Board of Commissioners.

Planning Director Greg Loy explained that the amendment will remove the restriction that prohibits driveway cuts on either US 158 or NC 12 if there is ingress/egress from any other dedicated public right-of-way, and clarifies that the restriction is only applicable to corner lots, which had been the original intent of the ordinance.

There being no other speakers the public hearing was closed.

Commissioner Hogan made a motion for the Board of Commissioners to approve the proposed amendment to Chapter 153, Zoning, and further that the Board of Commissioners finds that this proposed amendment to *Chapter 153: Zoning, §153.078(A) Access to US 158/Croatan Highway and NC 12/Virginia Dare Trail* – clarify regulations to apply only to corner lots - 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 in the public interest because it clarifies the existing ordinance to apply as originally intended. Commissioner Midgette seconded that motion and approval was unanimous, 5-0.

### **Public Comment (Time limit of 3 minutes per person; 5 minutes per group)**

**Mary Jane Sliesinski, Dare County League of Women Voters:** Ms. Sliesinski presented the Town with the 2016 Dare County Guide to Services, which is published each year by the League. Over 6,000 copies of this booklet are printed and distributed throughout various locations in Dare County.

The League has a new website accessible by entering [www.lwvdarenc.org](http://www.lwvdarenc.org).

**Matt Walker, Outer Banks Surfrider Foundation:** Mr. Walker provided an update on offshore oil/natural gas exploration and drilling. The national Bureau of Ocean Energy Management is due to present its findings shortly. He asked for everyone to keep this in mind and be prepared to support the Town and Foundation's position in opposition to these potentially harmful activities.

Mr. Walker also thanked the Board of Commissioners for this year's Trash Attack! event.

**Sue Kelly, 211 Sea Village Lane, Kill Devil Hills:** Ms. Kelly delivered the award for the 2015 Community Appearance Award to Shutters Hotel after it was announced at the February 8, 2016 Board of Commissioners meeting. The owners were thrilled to receive it and placed it in a prominent location at the hotel.

Ms. Kelly also reported on the Trash Attack! event that was held on Saturday, March 12<sup>th</sup>. It went well and was a very enjoyable event. She commented on the involvement of many businesses in Kill Devil Hills, and the involvement of so many members of Town Staff.

Posters for the contest are up at the back of the room, with the winner in the middle with a blue ribbon on it. A presentation will be made at the April 11, 2016 meeting.

Thanks to everyone who did anything for Trash Attack! this year.

### **Response to Public Comment**

## **Introductions and Presentations**

### **1. Partnership report**

#### **A. Dana Ensley, Director, Outer Banks YMCA**

Ms. Ensley conducted a PowerPoint presentation which is included with the record of this meeting. She reported to the Board of Commissioners on various projects and activities the local YMCA is involved that help local families and children.

There are 926 members at the YMCA from Kill Devil Hills, of which 362 are part of the Y's *Open Doors* program that allows them a membership discount for a set period of time.

### **2. Jenny Ash, Race Director, Outer Banks Sporting Events**

Lynda Wood, Executive Director of Outer Banks Sporting Events (OBSE) and Jenny Ash, the groups Event and Race Director addressed the Board of Commissioners on OBSE's events from the 2015 calendar year and what they have in store for the region in 2016.

Ms. Ash also provided revenues information on how OBSE impacted the local economy during 2015 through events participants. For Kill Devil Hills, specifically, OBSE estimated that for 2015 a total revenue amount of \$1.8 million.

A copy of the PowerPoint presentation they conducted is on file with the record of this meeting.

At the conclusion of their comments, Ms. Wood presented the Town with this year's print from the Outer Banks Marathon Weekend, 2015, which will be hung in the Meeting Room.

## **Old Business**

### **1. Outer Banks Chamber of Commerce lease agreement renewal (Attached OB-1)**

At the February 8, 2016 meeting the Board of Commissioners approved the attached public notice announcing the Town's intent to renew the lease agreement for the property occupied by the Chamber of Commerce building. This will be the third of five renewals authorized by paragraph 3 of the original agreement that was initially approved on April 22, 1986.

Staff recommended approval of this item.

Commissioner Rheubottom made a motion for the Board of Commissioners to approve the Resolution Renewing the Lease Agreement between the Town of Kill Devil Hills and the Outer Banks Chamber of Commerce as presented. Commissioner Hogan seconded that motion and approval was unanimous, 5-0.

## New Business

### 1. **Authorization for the Dare County Board of Commissioners to accept beach nourishment bid (Attached NB-1)**

Mayor Davies addressed this item for the benefit of the Board and audience.

Bids for the multi-jurisdictional beach nourishment project were received on February 9, 2016 and subsequently rejected. Three contractors participated and all three bids exceeded the funding available for the project.

The project was re-bid with a change of scope which removed the requirement of any portion of the project to be constructed in 2016. Four bids were received on March 8, 2016.

Mayor Davies explained that, by extending the timeframe for beginning and completing the project, bids had been received that were considerably lower and within engineer's cost estimates.

Coastal Planning & Engineering (CP&E), engineers for the beach nourishment project, has concluded its review of the complete bid package and determined Great Lakes Dredge and Dock Company to have submitted the lowest responsible base bid in the amount of \$38,596,850.

The recommended bid is within Kill Devil Hills' anticipated cost range and Staff recommended the Board of Commissioners authorize the Dare County Board to accept the bid for the beach nourishment project.

Commissioner Hogan made a motion for the Board of Commissioners to authorize the Dare County Board of Commissioners to accept the bid from Great Lakes Dredge and Dock Company in the base bid amount of \$38,596,850, as recommended. Commissioner Appleman seconded that motion and approval was unanimous, 5-0.

## Commissioners Agenda

### Commissioners Appleman, Rheubottom and Hogan

- Thanked all participants for the success of the Trash Attack! event and expressed anticipation for next year's event.

### Commissioner Hogan

- Told of his special relationship with Mr. Pitt, which included their membership in the OMG, the "*Old Man Group*," several friends who get together for lunch or coffee periodically. Mr. Pitt served as a mentor for Commissioner Hogan and helped encourage him to seek elected public service. He will be missed, Commissioner Hogan said.
- Recognized the tremendous amount of work Daryl Davies has done on securing donations and sponsorships for the proposed disc golf course. There are still

sponsorships available, he explained, and interested persons can get in touch with Mr. Davies to learn more about the various levels of participation.

### **Mayor's Agenda**

#### **1. Request to change April 27, 2016 meeting date**

Mayor Davies verbally proposed to cancel the April 27, 2016 meeting and for the Board to hold only one meeting this month. The April 11<sup>th</sup> meeting would be combined into a public forum and regular business meeting.

The Board was in agreement and notice will be appropriately given.

- Explained about a recent push to expand the boundaries of the [USS] Monitor National Marine Sanctuary off the coast of North Carolina, near Cape Hatteras. The Dare County Board of Commissioners and the Chamber of Commerce have gone on record opposing this matter as it has a great potential to negatively affect recreational fishing.
- The Board of Commissioners opted to forego a presentation on this issue, as there has been a presentation on the National Marine Sanctuary in the recent past. Also, the Board agreed to not support further expansion of the sanctuary.
- The Town has recently participated in a survey conducted by Professor Daniel Butler of Washington University in St. Louis, Missouri; 281 people responded/completed the survey and that is a great response rate. The Town will be receiving more information on the survey and its results.
- In December 2015 a young student designed a brochure that included information given to him about Kill Devil Hills by Mayor Davies. She shared information about the discussions she had with him and explained that his final project had been posted on the Town's Facebook page for those who would like to see it. The Town will be sending him an appropriate recognition for his endeavor.

### **Town Manager's Agenda**

### **Town Attorney's Agenda**

### **Consent Agenda**

#### **1. Minutes (Attached CA-1A)**

- A. February 8, 2016

**2. Board of Commissioners' February 2016 consensus to reject beach nourishment bids and rebid the project**

At their February 11, 2016 meeting the Dare County Board of Commissioners voted unanimously to reject the three bids received for the multi-jurisdictional beach nourishment project, all of which exceeded available funding for the project. Approval of the Consent Agenda will record the Kill Devil Hills' Board's earlier consensus to support rejection of the February 9<sup>th</sup> bids.

**3. Proposed amendment to the Town Code - schedule public hearing (Attached CA-3A)**

- A. Chapter 153, Zoning - *§153.356 Dimensional Requirements and Development Standards – to require combination of lots for single developments for new construction and substantial damage/improvement*

If adopted, this amendment will relax existing regulations that create an undue hardship by requiring property owners utilizing more than one lot to recombine or otherwise legally encumber the properties before completing relatively simple projects. The new language removes the requirement of “in all cases” and establishes the standard as “for new construction, substantial improvements or substantial damage.”

Staff concurred with the Planning Board's recommendation to schedule this item for public hearing at the Monday, April 11, 2016 Board of Commissioners meeting, at 5:30 p.m.

**4. Correction to Chapter 152, Subdivisions - *§152.59 Recording of Exempt Plats – to correct a statutory reference***

A portion of this section of the Subdivision Ordinance states “...*which complies with G.S. §10A-376...*” It should read “§160A-376.” Approval of the Consent Agenda will record approval of having this correction made. No public hearing is necessary for this technical correction.

**5. Budget amendments (Attached CA-5A and 5B)**

- A. #9 - to record the Board of Commissioners' prior consensus approval to provide \$3,000 for engineering services for the Phase 4 Sidewalk Improvements Project along US 158 from Holly Street to Colington Road.
- B. #10 – to record grant funds and Town's match for Phase 4 Sidewalk Improvements Project
- C. #11 – to provide funds to purchase additional dumpsters for sale

D. #12 – to appropriate fund balance to cover current year projects

**6. An Ordinance Enacting and Adopting Supplement #14 of the Code of Ordinances of the Town of Kill Devil Hills (Attached CA-6)**

The Town recently received Supplement #14 to the Town Code and this ordinance is presented at this time for adoption of the supplement as completed by American Legal Publishing Corporation. This action reinforces the Board's earlier actions in adopting the ordinances that comprise this supplement. Supplement #14 has been reviewed and found to be accurate to the Board's actions.

Approval of the Consent Agenda recorded approval of this ordinance.

**7. Government Education Access Channels Proposed Budget 2016-2017 (Attached CA-7)**

This budget must be approved by every participating member entity of the channels, which includes Dare County and its municipalities, Dare County Schools, College of the Albemarle, and UNC Coastal Studies Institute. The current annual \$1,000 membership fee remains in place as required for eligibility to receive Video Distribution funding from the State of North Carolina.

Staff recommended approval of the Consent Agenda as presented.

Commissioner Appleman made a motion for the Board of Commissioners to approve the Consent Agenda as presented and Commissioner Midgette seconded that motion. Approval was unanimous, 5-0.

**Public Comment**

**Jack McCombs, 917 Cedar Drive, Kill Devil Hills:** Mr. McCombs explained that he has longed hoped for and planned for cycling events to be held on the Outer Banks. Working with the OBSE has resulted in success of this concept and he is very pleased. The possibility of continued and increased cycling events, bike paths, etc., has reached epic proportions and further development could generate as much as a \$1 billion annually for the region. This will require education of all the residents of Dare County – not just about cyclist safety, but about a very significant contribution to the region's economy.

**Dana Harris, Assistant Chief of Police, Kill Devil Hills:** Assistant Chief Harris, who volunteers with the Missions of Mercy Dental Clinic, a free source of all levels of dental care, explained that the upcoming visit of this roving assistance organization is going to be April 1<sup>st</sup> and 2<sup>nd</sup>. Volunteers are still needed for this event, which in past visits has provided dental

assistance to between 600-800 people. He offered to provide additional information to anyone who would like to volunteer.

### Response to Public Comment

Mayor Davies shared her experience with the MOM and also encouraged interested persons to volunteer.

She also thanked Mr. McCombs for his comments.

Regarding Mr. Pitt and beach nourishment, Mayor Davies expressed regret that he will not see realization of beach nourishment on Dare County's beaches as he was a huge proponent of the project.

### Adjourn

There being no further business before the Board of Commissioners at this time, Commissioner Rheubottom made a motion to adjourn this meeting and Commissioner Appleman seconded that motion. Approval was unanimous, 5-0.

It was 6:55 p.m.



Submitted by:

*Mary E. Quidley*  
Mary E. Quidley  
Town Clerk

These minutes were approved at the April 11, 2016 meeting of the Kill Devil Hills Board of Commissioners.

*Sheila F. Davies*

Sheila F. Davies  
Mayor