**Minutes of the Wednesday, May 25, 2016 Town of Kill Devil Hills Board of Commissioners regular meeting and budget worksession held at 5:30 p.m. in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road.**

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| **Members Present:** | Mayor Sheila F. Davies; Commissioners Travis Appleman, Mike Hogan, Michael Midgette, and Brandi Rheubottom |
| **Members Absent:** | None |
| **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 of the Kill Devil Hills Board of Commissioners to order and welcomed all present.

**Pledge of Allegiance and Moment of Silence**

Mayor Davies reminded that this coming Monday is the Memorial Day Holiday and it is a special day to recognize our country's service members, past and present. Also, it is traditionally the beginning of our area's most busy season and she reminded everyone to be careful on area roadways.

**Agenda Approval**

Mayor Davies made a motion for the agenda of the May 25, 2016 meeting to be amended by deleting the *Introductions and Presentations* and *Consent Agenda* items, and the addition of a *Closed Session* at the conclusion of the first *Response to Public Comment* item. Commissioner Hogan seconded that motion and approval was unanimous, 5-0.

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

**Response to Public Comment**

**Closed Session**

In accordance with the provisions of NCGS 143-311(a)(3), Mayor Davies made a motion for the Board of Commissioners to enter Closed Session in order to preserve the attorney-client privilege between the attorney and the Board, and for the purpose of consulting with the Town Attorney on handling a claim, judicial action, mediation, arbitration, administrative procedure, or resolution in the matters of *Morrison vs. the Town of Kill Devil Hills*, and *RMW Investments,*

*LLC, et al. vs. the Town of Kill Devil Hills*. Commissioner Appleman seconded that motion and approval was unanimous, 5-0.

It was 5:37 p.m.

At 6:00 p.m. the regular meeting reconvened and the Town Attorney announced that during Closed Session the Board of Commissioners discussed the handling of the lawsuits mentioned above and provided direction in accordance with the statute listed above.

**Introductions and Presentations**

**Old Business**

**New Business**

**1. Beach Nourishment Agreement – Amendment to Interlocal Agreement (Attached NB-1A)**

The attached amendment changes the project funding (Section 4.1) to accurately reflect each entity's contribution. The amount for Kill Devil Hills remains the same. Dare County's contributions to the Towns (Section 4.3) to be used for debt service will add $95,000 to the Kill Devil Hills portion of the project.

The Town Attorney has reviewed the amended agreement and staff recommends approval as presented.

Commissioner Appleman made a motion for the Board of Commissioners to approve the Amendment to the Interlocal Agreement Between Kill Devil Hills and Dare County for Beach Nourishment as presented. Commissioner Rheubottom seconded that motion and approval was unanimous, 5-0.

**Commissioners Agenda**

**Mayor's Agenda**

**1. Proclamation for National Beach Safety/Rip Current Awareness Week – June 5-12, 2016 (Attached MA-1)**

Mayor Davies explained that local waters can be a wonderful recreational resource, but they can also be treacherous. Lifeguards are provided in an effort to reduce the number of accidents at our beaches, but they cannot do the job alone. An informed public is essential to maintaining adequate levels of beach and water safety.

The objective of National Beach Safety Week is to make citizens aware of the need to be safe while in and near the water with special emphasis on the hazards associated with Rip Currents. This objective stresses the following:

- Learn to Swim.
- Swim Near a Lifeguard.

- Swim with a Buddy.
- Check with the Lifeguards.
- Use Sunscreen and Drink Water.
- Obey Posted Signs and Flags.
- Keep the Beach and Water Clean.
- Learn Rip Current Safety.
- Enter Water Feet First.
- Wear a Life Jacket.

The United States Lifesaving Association (USLA) is a national non-profit organization dedicated to improving beach safety in America and we are an affiliate chapter of USLA. Membership includes professional beach lifeguards in this area, joining lifeguards from across the country.

Commissioner Hogan made a motion for the Board of Commissioners to adopt this proclamation as presented. Commissioner Appleman seconded that motion and approval was unanimous, 5-0.

This proclamation will be distributed electronically, shared with the other Dare County local governments, provided to our Ocean Rescue Division, and posted on Town bulletin boards and social media sites.

**2. Resolution Opposing North Carolina House Bill 1122 that would Limit Marine Net Fishing (Attached MA-2)**

The commercial fishing industry in North Carolina is a traditional maritime industry that began in the early 18th century. Not only does commercial fishing bring fresh, local, seafood to market — it is a way of life and a mainstay of the coastal economy. There are already numerous regulations restricting net fishing in place, but this bill appears to ban in an arbitrary manner most if not all nets and their use.

Mayor Davies explained that she supports the Dare County Board of Commissioners opposition of HB 1122, which, if passed, will be added to the 2016 general election ballots. The resolution will be posted on all of the Town's informational resources and forwarded to our state legislators and the other Dare County municipal governments.

Commissioner Appleman made a motion for the Board of Commissioners to approve the Resolution Opposing North Carolina House Bill 1122 that would Limit Marine Net Fishing. Commissioner Hogan seconded that motion and approval was unanimous, 5-0.

**Town Manager's Agenda**

**Town Attorney's Agenda**

**General Worksession**

**1. Town Manager's Recommended Budget FY 2016/2017**

The proposed budget for the Town of Kill Devil Hills for fiscal year 2016/2017 was presented to the Board of Commissioners at the May 16, 2016 meeting. At that time, the worksession was scheduled for this meeting and the public hearing scheduled for the Monday, June 13, 2016 meeting, which will begin at 5:30 p.m.

The Town Manager conducted a review of the draft budget and the Board of Commissioners commented and asked questions on issues of their choosing, with the following changes agreed upon by consensus:

- *Merit for deserving employees.* Using additional funding in the Streets Division/Streets and Drainage, thus without increasing the budget, the Board of Commissioners authorized the Town Manager to implement a merit bonus plan for the 2016/2017 fiscal year in the range of $80,000 overall in the General Fund; with a similar ratio in the Water Fund. The Town Manager was asked to make plans to recommend and implement a new merit plan for deserving Town employees in the 2017/2018 fiscal year.
- *Funding for printing the Historic Landmarks Booklet and posters for HLC Open House*: Assistant Planning Director Meredith Guns explained these needs and added that this year's Open House had about 130 people go through the historic landmark homes. The Board's consensus is to honor this request and the estimated cost of $1,800 will be pulled from the existing, recommended budget lines. In the future, there can be an expense line in the Planning Department to meet the HLC's needs.
- *Replacement of 2005 Explorer in the Fire Department.* This vehicle was originally in the plan year budget and the estimated amount that was included in this Recommended Budget was incorrect. The Board gave the Town Manager authority to make the correction in the budget document.

The Board of Commissioners had no other issues and was very complimentary of the Town Manager's Recommended Budget for the upcoming fiscal year.

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

**Response to Public Comment**

**Adjourn**

There being no further business before the Board of Commissioners at this time, Commissioner Rheubottom made a motion to adjourn this meeting. Commissioner Midgette seconded that motion, which was approved unanimously, 5-0.

It was 6:53 p.m.

Submitted by:

Mary E. Quidley
Town Clerk

These minutes were approved at the June 13, 2016 meeting of the Kill Devil Hills Board of Commissioners meeting.

Sheila F. Davies
Mayor
Town of Kill Devil Hills