Minutes of the Monday, September 12, 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: None

Others Present: Shawn R. Murphy, Assistant Town Manager; Casey Varnell, Town Attorney; Meredith Guns, 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

Prior to the Moment of Silence, Mayor Davies reminded all of yesterday's 15th anniversary of the 9/11 terrorist attacks at the World Trade Center, of those who lost their lives and those who responded. She recognized the vital roles of emergency response personnel, our nation's military and encouraged everyone to do likewise in their thoughts this evening.

Also prior to the Moment of Silence, Mayor Davies announced the passing of former Kill Devil Hills Mayor Lowell M. Perry, who served the Town in the late 1970s through the early 1990s; and, the passing of Carl Peterson, Jr., who had long been the Town's plumbing contractor. A native of Kill Devil Hills, his family built a number of structures in Town in the 1950s, including the See Sea Motel, where Carl grew up. Carl was a Vietnam Veteran.

Agenda Approval

Commissioner Hogan made a motion for the Board of Commissioners to approve the agenda for this meeting as presented and Commissioner Rheubottom seconded that motion. Approval was unanimous, 5-0.

Public Hearing

Mayor Davies called on Town Attorney Casey Varnell to conduct this public hearing. He read aloud the rules of procedure for this hearing and at the conclusion of those comments Mr. Varnell called the public hearing to order.

1. Conditional use site plan – IG Holdings, LLC – small amusement ride with maximum capacity of 24 persons – 3300 North Croatan Highway (Attached PH-1)

The Planning Board conducted its review on July 19, 2016 at which time they voted to forward the site plan amendment for Paradise Golf, 3300 North Croatan Highway, to the Board of Commissioners with a favorable recommendation. The site plan amendment is for the addition of a small amusement ride; an amendment to Chapter 153, Zoning, which established such rides as conditional uses in the Commercial Zones, was approved by the Board of Commissioners at the May 16, 2016 meeting. Prior to action by the Board of Commissioners, as a conditional use site plan, a public hearing is required, and at the August 8th meeting the Commissioners scheduled tonight's public hearing.

Packet materials for this item were included with the August 8, 2016 meeting information.

There were no speakers signed up to speak at this public hearing. John DeLucia of Albemarle Associates, engineers for the project, represented the developer on this matter.

Staff concurred with the Planning Board and recommended approval of the conditional use site plan. Mr. Varnell closed the public hearing.

Commissioner Appleman made a motion for the Board of Commissioners to approve the conditional use site plan for IG Holdings, LLC – small amusement ride with maximum capacity of 24 persons, to be located at 3300 North Croatan Highway, as presented. Commissioner Midgette seconded that motion and approval was unanimous, 5-0.

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

Carl Reiber, Dare County Veterans Advisory Council: Mr. Reiber explained that the Dare County Veterans Advisory Council had recently taken action to recommend a change in the various Dare County local governments' public personnel policies to establish a veterans preference in hiring practices. He explained that several Dare County local governments have adopted such language and he expressed a hope that Kill Devil Hills would do the same. Mr. Reiber stressed that the recommended language does not include any provision to hire veterans unqualified for available positions.

Response to Public Comment

Assistant Town Manager Shawn Murphy explained that a meeting has been scheduled of the Town's Personnel Committee to review the proposed veterans hiring preference language with a hope that the matter would go before the Board of Commissioners in October.

Introductions and Presentations

1. Coyotes – North Carolina Wildlife Resources Commission – J. Chris Turner – Coastal Regional Wildlife Biologist

During the summer, in response to growing concerns in our area about increased coyote sightings, the Board of Commissioners agreed to invite staff from the North Carolina Wildlife Resources Commission (NCWRC) to this meeting. Biologist Chris Turner attended tonight's meeting to follow-up a presentation he made on March 2, 2016 to the Nags Head Board of Commissioners. His intent was to provide information that will help our citizens and residents better understand this non-indigenous species.

Mr. Turner introduced several other staff members at the NCWRC, who attended this meeting with him:

- Deanna Noble – Technical Assistance Biologist
- Evin Stanford – Coastal Region Supervisor
- Jessie Birckhead – Extension Biologist

At the conclusion of his prepared remarks, which included specific review of several items in the attached slide show, Mr. Turner answered questions from the Board and the audience.

During the question and answer session, Mr. Turner explained:

- Coyotes likely came to the Outer Banks by swimming and following local bridges.
- It is difficult to know exact numbers of coyotes within specified geographic areas; however, one way to estimate is through [animal] trapping "harvests." There are still people who trap animals for skins and they must tag each animal. Tags are analyzed and population estimates can be made.
- Families of coyotes have a specific geographic range. There are coyotes that continue roaming looking for a range for themselves with a pack, or alone. A specific range may have a family or families of coyotes and also transient animals "just passing through."
- Increased coyote populations could be reasons why fewer calls are received by the NCWRC on small animal nuisances. Coyotes will eat small mammals such as raccoons, possums, feral cats, etc. Coyotes and red foxes do not inhabit the same areas, but gray foxes and coyotes can live in the same areas since gray foxes climb trees to avoid coyotes.
- Coyotes and red wolves are from the same genus: canids. Therefore, the possibility of interbreeding was not ruled out.
- Coyotes are adept at finding food sources, not just small mammal populations, but also, pet food left outside, dumpsters, etc.

At the conclusion of the official question and answer session, Mr. Turner and the other members of the NCWRC Staff spent time meeting with interested persons outside of the meeting.

The Town will be working with the NCWRC to provide additional information on coyotes, as well as indigenous Outer Banks wildlife, on our website.

Old Business

New Business

1. Site plan review

A. Kill Devil Development Company, LLC — proposed 46,013 sq. feet - grocery store and associated site modifications – 1530 North Croatan Highway in the Commercial Zone (Attached NB-1A)

This site plan for a proposed grocery store, including 231 parking spaces and associated site modifications, to be located at 1530 North Croatan Highway in the Commercial Zone, was reviewed by the Planning Board at its August 16, 2016 meeting. Assistant Planning Director Bryan Brightbill addressed this item for the Board.

Gordon Kolb, President, GHK Developments, made a brief presentation on this proposed grocery store. He conducted a slide show presentation and a copy of those slides is included with the packet materials for this meeting.

The packet materials for this item include typical Staff comments and recommendations; however, due to volume, some information including the revised stormwater management report, property deed, traffic impact analysis, and similar technical reports was scanned with the meeting packet for public review on the Town's website, www.kdhnc.com, *Government → Board of Commissioners → Agendas, Packets and Minutes →September 12, 2016.*

The Planning Board voted to recommend approval of this site plan with conditions, most of which have been addressed on the revised site plan. The eight items listed on Assistant Planning Director Bryan Brightbill's attached memorandum remain, and the applicant, via e-mail from its engineering and design firm, has agreed to address them. Staff concurred with the Planning Board's recommendation.

Questions from the Board of Commissioners included the subjects of traffic signal frequencies and patterns on First Street and its intersection with US 158; on-site lighting and whether or not there would be spillover onto surrounding properties; the potential for proposed shrubbery to create vehicular blind spots on First Street; and, the pervious concrete that is proposed to be used to achieve additional lot coverage.

Staff and Mr. Kolb addressed the Board's concerns. Mr. Brightbill explained that the North Carolina Department of Transportation will have final approval over traffic patterns that directly affect its rights-of-way and Planning Director Meredith Guns added that she was unsure how the traffic signal would accommodate the grocery store traffic, but would ask the question of the proper individual(s) and let Commissioner Midgette know the answer. Mr. Kolb explains that the lighting plan for the new site was designed by a fully licensed and experienced lighting engineer and that there should be no spillover. Regarding the possibility of blind spots, Mr. Brightbill pointed out that the Town's landscaping requirements establish the requirements for landscaping vegetation and that the sight triangle should not be compromised by what is proposed. Mr. Kolb called on Andy Deal of Deal Engineering to address the issue of pervious

concrete and Mr. Deal explained that one type of pervious concrete is proposed for the parking spaces, while the actual drive aisles will be a heavier type of pervious concrete.

Commissioner Hogan made a motion for the Board of Commissioners to approve the site plan for Kill Devil Development Company, LLC – proposed 46,013 sq. feet – grocery store and associated site modifications –1530 North Croatan Highway in the Commercial Zone subject to satisfaction of the eight items outlined on the Assistant Planning Director's September 12, 2016 memorandum. Commissioner Appleman seconded that motion and approval was unanimous, 5-0.

2. Appointments

A. Historic Landmarks Commission

Two regular three-year terms on the Historic Landmarks Commission (HLC) are available for appointment. Both Sandie Markland's and Mary Simpson's appointments expire this month, and they each desire to be considered for reappointment. Their appointment histories follow:

Name	Appointment History
Markland, Sandie	**Historic Landmarks Commission** – Appointed September 2013, for a term ending September 2016 **Community Appearance Commission** – Appointed December 2014, for a term ending October 2017
Simpson, Mary	**Historic Landmarks Commission** – Appointed April 2014, for a term ending September 2016

Commissioner Hogan made a motion for the Board of Commissioners to reappoint Ms. Markland and Ms. Simpson to the Town's Historic Landmarks Commission, each for a three-year regular term to expire in September 2019. Commissioner Midgette seconded that motion and approval was unanimous, 5-0.

Commissioners Agenda

Commissioner Appleman

- *Tropical Storm Hermine.* Expressed his hope that everyone fared well from the recent Tropical Storm Hermine. He had noticed that several fixed stands for ocean guards had been damaged and he wondered if the Board of Commissioners needed to take any action to help with those stands being replaced. Chief Tilley explained that the Board did not need to provide any funds for those stands, which will not be put into place until the 2017 season begins.

Commissioner Rheubottom

- *OBX Alzheimer's Walk.* Saturday, October 1st, Walk for Alzheimer's – beginning at Spring Arbor at 9:30 a.m. All funds raised will stay in Dare County and used for respite care and education for dementia and Alzheimer's diseases.

Mayor's Agenda

1. Proclamation – Don't Wait, Check the Date! Replace Smoke Alarms Every 10 Years – Fire Prevention Week – October 9-15, 2016 – (Attached MA-1)

The National Fire Protection Association (NFPA) has declared the week of October 9-15, 2016 as Fire Prevention Week. The attached proclamation recognizes Kill Devil Hills' participation in spreading the NFPA's important message: *Don't Wait, Check the Date! Replace Smoke Alarms Every 10 Years.*

Chief Troy Tilley announced that this year the Fire Department would be conducting exercises to help educate elementary school children about fire safety. There will be an open house at the Fire Station, and the department will work with Lowe's to provide a fire truck building class for children.

Commissioner Rheubottom made a motion for the Board of Commissioners to adopt the *Proclamation Declaring October 9-15, 2016 as Fire Prevention Week.* Commissioner Hogan seconded that motion and approval was unanimous, 5-0.

This proclamation will be shared with the Fire Department, placed on the Town's website and Facebook pages, posted Town bulletin boards, and sent to the Town's electronic distribution lists.

2. Items to note (Attached MA-2A, 2B, 2C and 2D)

A. Annual Ice Cream Social – Tuesday, October 4, 2016 – begins at 4:30 p.m., Aviation Park.

B. 2016 Kill Devil Hills Flood and Storm Awareness – public information campaign – published in the Fall 2016 North Beach Sun magazine.

C. August 2016 – a "wild" sea turtle nest hatched in the vicinity of the Raleigh Street beach access - The event was captured by still photo. Our Ocean Rescue personnel assisted the local Network for Endangered Sea Turtles (NEST) volunteers with the births! The photo of the 67 baby turtles was posted on the Town's Facebook page and it was ultimately shared with more than 335,000 Facebook accounts through more than 3,000 shares of the original post. NEST gave Ocean Rescue Supervisor Dave Elder a plaque commemorating Ocean Rescue's participation and the baby turtles' photo and the plaque presentation photo are both attached.

D. **Storm debris collection *and* Fall 2016 Bulk Trash Collection** – collection of storm-related yard debris resulting from Tropical Storm Hermine will be collected by the Town beginning Wednesday, September 14, 2016. This is only for yard debris collection.

Kill Devil Hills' regular, semi-annual collection of bulk trash begins on Monday, October 17, 2016.

Announcements for both collections were included with the packet materials for this item.

- *Change in October meetings schedule.*
  Mayor Davies explained that she had scheduling conflicts arise with the regular October meeting dates and the Board of Commissioners agreed to change its schedule to hold a regular meeting on Wednesday, October 12th, and the Fall public forum on Tuesday, October 25th. (Town Clerk's Note: After this meeting, the public forum date was changed to November 14, 2016; the October 25th meeting was canceled to accommodate early voting scheduling by the Board of Elections.)

Town Manager's Agenda

Town Attorney's Agenda

The Town Attorney provided the Board of Commissioners with an update on the beach nourishment easements condemnations matter. Out of approximately 200 easements that were needed for the beach nourishment project, there are only four that must be obtained through court procedures.

Mr. Varnell will continue providing update information on this matter as it becomes available.

Consent Agenda

1. Minutes (Attached CA-1A)

A. August 8, 2016

2. Budget amendments (Attached CA-2A)

A. #2 – to record encumbrances outstanding at June 30, 2016

3. Personnel Policy adoption as recommended by The Maps Group

This updated policy was previously copied to the Board of Commissioners, and is available for review on the Town's website by following the links outlined in the *New Business #1A* memorandum. Approval of the Consent Agenda will record the Board of Commissioners adoption of this policy document.

4. Appointment of Planning Director Meredith Guns to the Albemarle Regional Planning Organization Technical Coordinating Committee

This appointment was previously held by former Planning Director Greg Loy and approval of the Consent Agenda will record the Board's appointment of Ms. Guns as the Town's representative on the Technical Coordinating Committee.

Staff recommended approval of the Consent Agenda as presented.

Commissioner Hogan made a motion for the Board of Commissioners to approve the Consent Agenda as submitted. Commissioner Rheubottom seconded that motion and approval was unanimous, 5-0.

Public Comment

Patty Armistead, Kill Devil Hills: Ms. Armistead explained that as one of the persons instrumental in bringing the issue of allowing dogs on the beach full-time up for discussion earlier this summer, she was requesting that additional discussion be postponed until the Board of Commissioners November 14th meeting, rather than its October meeting as previously scheduled. Ms. Armistead will be out of town in October and desired to address the issue during open meeting.

Response to Public Comment

The Board of Commissioners agreed to postpone further discussion about dogs on the beach until the November 14th meeting.

Adjourn

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

It was 7:04 p.m.

Submitted by:

Mary E. Quidley

Town Clerk

These minutes were approved at the October 12, 2016 meeting of the Kill Devil hills Board of Commissioners.

Sheila F. Davies, Ph.D.
Mayor