

**Minutes of the Monday, August 8, 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 C. Varnell, Town Attorney; Bryan Brightbill Assistant Planning Director; Mary E. Quidley, Town Clerk

**Call to Order**

At 5:34 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 explained that the Town Manager had a medical procedure done today and is planning on being at the Board's regular September meeting. Ms. Diaz has had some physical issues regarding her back over the past couple of months and the hope is that the procedure will provide some much-needed pain and discomfort relief.

**Agenda Approval**

Commissioner Rheubottom made a motion for the Board of Commissioners to approve the agenda for this meeting as presented. Commissioner Appleman 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**

**Introductions and Presentations**

**Old Business**

**New Business**

**Commissioners Agenda**

Commissioner Appleman

*Traffic light at Ocean Acres Drive.* Asked to have the timing sequence reviewed at the intersection of US 158 and Ocean Acres Drive as there seems to be real delays imposed on vehicles existing Ocean Acres Drive onto US 158. Public Services Director Steve Albright will be in touch with officials at the North Carolina Department of Transportation regarding this matter and report to the Board as information becomes available.

Commissioner Hogan

*Drainage swale improvements on 6<sup>th</sup> Avenue.* Commissioner Hogan explained that about seven years ago, the Town's Public Services Department had completed necessary swale improvements along 6<sup>th</sup> Avenue. It recently was time to redo those improvements and Commissioner Hogan recognized the Street Division for a job well done.

**Mayor's Agenda****1. Resolutions (Attached MA-1A and 1B)****A. Resolution Opposing the Rate Increase Requested by Dominion North Carolina Power**

Dominion North Carolina Power has filed a rate increase application with the North Carolina Utilities Commission, which if approved will increase the average residential bill by \$18.15 or 17.2% per month.

A series of public hearings have been scheduled during August and September, including a public hearing that the Utilities Commission will hold in Manteo on Wednesday, September 14<sup>th</sup> at 7:00 p.m. in the Dare County Commissioners' Meeting Room, Dare County Administration Building, 954 Marshall Collins Drive.

The Dare County Board of Commissioners has adopted a similar resolution. Upon approval by Kill Devil Hills we will share it, along with the public hearing information, with our Facebook followers and our electronic distribution lists, and place the information on the Town's bulletin boards and the website.

Mayor Davies recommended adoption of the resolution included with the packet materials for this item as she felt the rate increase to be too high to be absorbed by the utility's customers.

Mayor Davies made a motion for the Board to adopt the *Resolution Opposing the Rate Increase Requested by Dominion North Carolina*, as presented. Commissioner Hogan seconded that motion and approval was unanimous, 5-0.

**B. Resolution Supporting Terminal Groins and Jetties**

At their July 18<sup>th</sup> meeting the Dare County Board of Commissioners also adopted this resolution. Summarizing the Dare Board's action, the County's Public Relations Office prepared

the following for the *Highlights from the Dare County Board of Commissioners Meeting - July 18, 2016*:

*Shifting inlets have resulted in enormous losses of public beach access, property, business, and infrastructure, costing coastal North Carolina cities and counties tens of millions of dollars in reconstruction costs and lost tax revenue.*

*With over 320 miles of coastline and 19 inlets in our state, North Carolina is only one of two states in the country that does not allow for protection from the problem of shifting inlets. The Board of Commissioners approved a resolution asking state and federal representatives to support the construction of terminal groin and jetty projects along the North Carolina coast.*

Mayor Davies made a motion for the Board of Commissioners to adopt *the Resolution Supporting Terminal Groins and Jetties*, as presented. Commissioner Rheubottom seconded that motion and approval was unanimous, 5-0.

## **2. Proclamation**

### **A. Proclamation Declaring September 7, 2016 as First Flight Middle School Day (Attached MA-2A)**

In honor of First Flight Middle School's 25<sup>th</sup> anniversary of operation the attached proclamation has been prepared for adoption at this meeting. It has also been shared with the other Dare County local governments with a request for them to take similar action that can be shared with the Board of Education and First Flight Middle School personnel and students on the September 7<sup>th</sup> anniversary.

Mayor Davies made a motion for the Board of Commissioners to adopt the *Proclamation Declaring September 7, 2016 as First Flight Middle School Day*, as presented. Commissioner Rheubottom seconded that motion and approval was unanimous, 5-0.

- *National Aviation Day.* Wright Brothers National Memorial, August 19, 2016, from 9:00 a.m. until 5:00 p.m. Entrance fees will be waived for the event. There will be activities all day, including the Junior Ranger Program, kite-making, air-craft displays, model airplane displays, as well as Flight Room Talks to teach how the Wright Brothers solved the problems of human flight. National Aviation Day is also the date of Orville Wright's birthday.
- *Promotions in the Planning and Inspections Department.* Congratulations to Assistant Planning Director Bryan Brightbill and Planner Cameron Ray for recently being promoted to their new positions.
- *Recognition to Public Services Director Steve Albright.* For the praise he received from a gentleman he helped with questions regarding flooding and drainage conveyances; the gentleman was very appreciative.
- *Coyotes presentation at the September 12, 2016 meeting.* Video from an earlier presentation to the Town of Nags Head is available for viewing from the Town's website

and will be shown prior to the regular meeting, beginning at 4:45 p.m., on the evening of the 12<sup>th</sup>.

- *Public Services videos.* Two videos on the improvements being made at the Public Works Complex have recently been completed and have been sent to the Government Access Channel to be aired. A link to the videos will also be set up on the Town's Facebook page and the videos will be able to be viewed on the Town's website page. They are quite interesting videos – one almost entirely on the construction and installation of fuel tanks that will allow the Town to purchase vehicle and apparatus fuel at bulk rates, thus saving quite a bit of money. It is anticipated that the new fuel island will have paid for itself, through fuel cost savings, after about ten years of usage.
- *Paint mailboxes blue.* Mayor Davies explained that the Town had received a suggestion for people to show support of police and other first responders – paint your mailbox(es) blue! It is a practice that was initiated in Southern Shores and the suggestion has been distributed to other Dare County local governments. Kill Devil Hills has sent the suggestion to our electronic distribution lists and placed the suggestion on the Town's Facebook page. The Mayor encouraged everyone to show their support of police and first responders, and added that there are other ideas for showing support on the Town's Facebook page, as well.
- *National Night Out.* Thanks to all for working so hard to hold the event; it was very unfortunate that it had to be canceled due to weather. Mayor Davies also thanked all who donated time and money for the success of *National Night Out*.

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

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

The Town Attorney provided the Board with an update on the status of the property at 1208 Swan Street. This property had recently been offered at public auction due to numerous and long-standing, continuing nuisance - , junked vehicle-, open storage of certain items-, and condemned structures-violations, which generated fines and penalties, and other fees, in the approximate amount of \$22,000, which had not been paid to the Town by the owners, Mrs. Darlene Mays-Titman and her son, Delbert Melton. A lawsuit was filed by the Town and a judgment obtained; to enforce the judgment, the Dare County Sheriff's Office obtained the necessary documents to publicly sell the property at public auction.

Through a wide-spread community effort, funds were raised through private donations to pay the fines, penalties and fees on Mr. Melton's behalf. Payment was made and the legal proceedings ceased. Penalties and fees, in accordance with the requirements of the North Carolina General Statutes, once collected are turned over to local school systems, in our case the Dare County Schools/Board of Education.

Mr. Varnell explained requirements in the Town Code stipulate that in order for any items to be stored on property there must be a primary structure. The primary structure that had been on the property at 1208 Swan Street has been gone for some time, due to condemnation and removal; however, a number of items remain on the site and the overall condition of the property

therefore remains out of compliance with the Town Code and has been that way since at least February 2016, at which time additional citations were issued.

Town officials met with Mr. Melton and two advocates for his behalf once the fines and penalties were paid. At that meeting, which also included the Assistant Town Manager, Mayor, Planning Director, and Town Attorney, Mr. Melton was advised that the Town was allowing him a grace period until October 4, 2016 to completely clear the property of debris and other loose materials (not fixed concrete). If that is accomplished, the current additional fines and penalties, which have been accruing since February 2016 will be waived by the Town. Mr. Varnell added that Town inspectors are available to inspect the property as Mr. Melton progresses to remove the items as required.

### **Consent Agenda**

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

A. July 11, 2016

**2. Budget amendment (Attached CA-2A)**

A. #1 – to record donation from SAGA Construction for National Night Out

**3. Schedule public hearing – conditional use site plan – IG Holdings, LLC – small amusement ride with maximum capacity of 24 persons – 3300 North Croatan Highway (Attached CA-3)**

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.

Approval of the Consent Agenda will schedule this item for public hearing at the September 12, 2016 Board of Commissioners meeting, 5:30 p.m., 102 Town Hall Drive.

Staff recommended approval of the Consent Agenda.

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

### **Public Comment**

**Skip Jones, 1508 Captains Lane, Kill Devil Hills:** Mr. Jones stated that it makes no sense that North Carolina does not allow hardened structures, such as jetties and groin to protect property along the oceanfront.

He also stated that he has been riding his bicycle through Kill Devil Hills for quite a while and he has noted there are a lot of areas that haven't looked all that great in the past that are really beginning to look nice. Sidewalks have made a real difference. Additional port-a-johns have been placed at more beach accesses and, he stated, they are welcome additions.

### Response to Public Comment

Mayor Davies thanked Mr. Jones for his involvement in the Town of Kill Devil Hills (he is a member of the Planning Board and the Community Appearance Commission, and she also thanked him for noticing the improvements that have been made.

### Adjourn

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

It was 5:57 p.m.



Submitted by:

Mary E. Quidley  
Town Clerk

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

Sheila F. Davies  
Mayor  
Town of Kill Devil Hills