

Minutes of the Wednesday, October 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:** Debora P. Diaz, 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 of the Kill Devil Hills Board of Commissioners to order and welcomed all present.

Pledge of Allegiance and Moment of Silence

Mayor Davies spoke to the Board and audience. She acknowledged that throughout this past week Kill Devil Hills citizens and visitors have suffered hardships due to Hurricane Matthew. This week and over the past weekend has been an extremely difficult time for the Town, its citizens and visitors. The storm caused a great deal of damage and destruction, from which the Town and Outer Banks has not fully recovered and won't recover for some time. The Mayor has already been advised of and witnessed acts of kindness and assistance and she praised our citizens for reaching out to those in need. Willingness, cooperation, patience and caring are qualities which abound on the Outer Banks and they will be the same qualities that will help us get past this period and recover.

Mayor Davies also recognized the passing of former Commissioner, and long-time Board of Adjustment Chairman Richard Baer. Mr. Baer's elected and appointed service to the Town extends nearly 40 years to his first appointment in 1982. The Mayor extended our community's thoughts and prayers to Richard's wife, Sunny, their children and entire family.

There is a new community liaison with Dominion Power, Pam Pekrun. She provided current information to Mayor Davies regarding electrical outages:

- As of 3:30 p.m. today there were 279 outages still in Kill Devil Hills.
- Tomorrow morning there will be only 120.
- There are 50 properties that because of standing water in yards and on the property that access has not yet been able to be secured.
- Yesterday morning, there were 5,000 people in Dare County without service.

Mayor Davies commended the Town's Staff, particularly emergency response personnel, the Public Services Department and the Planning and Inspections Department for doing a phenomenal job during these last few days and for the work they will continue to do as the Town works its way through storm recovery.

Agenda Approval

Mayor Davies made a motion for the Board of Commissioners to approve the agenda for this meeting with the relocation of the *Town Attorney's Agenda* immediately following the first *Response to Public Comment*. Commissioner Rheubottom seconded that motion and approval was unanimous, 5-0.

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

Skip Jones, 1508 Captains Lane, Kill Devil Hills: Mr. Jones told the Board about a house on the beaches in Currituck County that has +/- 3-4 feet of stormwater water standing on the property. There is no drainage relief available in the subdivision and Mr. Jones explained that the situation is dire. Knowing what those property owners are facing, Mr. Jones wondered if the Town of Kill Devil Hills had anything in place to help people pump water from their properties in the event of a similar disaster?

Response to Public Comment

Public Services Director Steve Albright came forward to address Mr. Jones' question. He explained the overall situation including how much rain fell, which was about 13.7 inches; how short a time period it took for it to fall, which was 13 inches in six hours; how well so much of the Town's drainage conveyances have worked; the high water table our area is experiencing due to both Hurricane Matthew, and Tropical Storm Hermine, which had grazed the Outer Banks several weeks ago; and, the areas in Kill Devil Hills that are experiencing stormwater problems due to the need for significant drainage improvements and the unusually high water table.

He concluded with saying that he was unaware of any property that had "feet" of standing water and that the Town, at this time, has no means of clearing flood water from private property.

Town Attorney's Agenda

1. Closed Session

Mayor Davies made a motion that in accordance with the provisions of NCGS 143-318.11(a)(3) for the Board of Commissioners to closed session discussions to protect the attorney-client privilege and to consider and give instructions concerning a potential or actual

claim, administrative procedure or judicial action concerning beach nourishment easements. Commissioner Hogan seconded that motion and approval was unanimous, 5-0.

Attorney Ben Gallop also joined the Board in Closed Session.

It was 5:49 p.m.

At 6:16 p.m., Mayor Davies made a motion for the Board to re-enter the regular meeting and Commissioner Hogan seconded that motion. Approval was unanimous, 5-0.

The Town Attorney explained that the Board had gone into Closed Session for the purpose of holding discussions to protect the attorney-client privilege and to consider and give instructions concerning a potential or actual claim, administrative procedure or judicial action concerning beach nourishment easements.

Introductions and Presentations

1. North Carolina Lions Visually Impaired Persons Fishing Tournament

The Town Manager explained that the 33rd Annual Lions Visually Impaired Persons (VIP) Fishing Tournament is slated for October 17-20. The tournament, hosted by the First Flight, Manteo, Nags Head, Wanchese, Lower Currituck and the Columbia Lions clubs is the largest service project of its kind in the world.

VIPs from across North Carolina, will be joined by VIPs from Alabama, Connecticut, West Virginia, Massachusetts, Rhode Island, South Carolina, Virginia, California, and Canada for bragging rights as a national winning angler. There will be 525 VIPs and their guests, about 300 volunteers, plus about 125 high school and college student volunteers.

This event is more than a few hours of fishing. It has everything to do with people. Attendees face daily obstacles that sighted people take for granted. During the three-day independent living event participants develop self-confidence, courage, and self-esteem. Besides fishing, the VIPs learn independent living skills and get to enjoy the beauty of our community, tourist attractions, restaurants, hotels, and the fellowship of others. It provides Lions an opportunity to walk alongside the people they serve.

Fishing will be on the Avalon, Nags Head, Jennette's, and Kitty Hawk Fishing Piers and two head boats, the Crystal Dawn and Miss Oregon Inlet. All other events and banquets will be at the Lions Westcott Park in Manteo.

Old Business

New Business

1. Report on history of *tattooing* regulations (Attached NB-1)

Recently, the Board of Commissioners requested information regarding tattoo regulations in Town and also neighboring municipalities and counties.

Dare County allows tattoo parlors and at this time there are three located in unincorporated Dare: Hatteras, Stumpy Point, and Colington. Currently, no municipality in Dare County allows tattoo parlors. In Currituck, tattoo parlors are allowed on the mainland in the industrial areas, but not on the Currituck Outer Banks.

In Kill Devil Hills:

- A 1998 zoning amendment request to allow tattoo and body piercing as a conditional use in the Light Industrial One zoning district was denied by the Board of Commissioners.
- In 2001 an amendment request was submitted to allow body piercing as a conditional use in the Commercial zoning district. As a result, regulations were adopted in the Town Code, Chapter 114, Body Piercing Establishments, which ultimately included the primary requirement that “No person shall perform or offer to perform body piercing services at any body piercing business unless said person is a licensed osteopath or physician pursuant to the laws of the state.”
- No requests to allow tattoo parlors have been submitted in Kill Devil Hills since 1998.

The Board agreed to take no action at this time; to wait until an ordinance amendment is requested before further considering the matter.

2. Appointments (Attached NB-2)

Applications on file from persons interested in the appointment positions available at this time have previously been copied to the Board of Commissioners.

A. Board of Adjustment (BOA) – one alternate and one regular position

Kevin Cox and Robert Rollason, III each hold an alternate and regulation position, respectively, on the BOA, and each desires to be considered for reappointment.

Commissioner Hogan made a motion for the Board of Commissioners to reappoint Mr. Cox and Mr. Rollason to an alternate and regular position on the Board of Adjustment, respectively, each for a three year term that would expire in October 2019. Commissioner Appleman seconded that motion and approval was unanimous, 5-0.

B. Street Improvements and Special Projects Committee (SISPC)

Commissioner Hogan made a motion for the Board of Commissioners to appoint Chris Stoessner to the SISPC. Commissioner Appleman seconded that motion and approval was unanimous, 5-0.

C. Community Appearance Commission (CAC)

The unfulfilled term for this appointment expires in October 2017.

Commissioner Hogan made a motion for the Board of Commissioners to appoint Natalie Painter to the unexpired term on the CAC, which will come due in October 2017. Commissioner Appleman seconded that motion and approval was unanimous, 5-0.

Commissioners' Agenda

Commissioner Midgette

- Commended Staff for the great level of information provided during Hurricane Matthew.

Commissioner Rheubottom

- Agreed with Commissioner Midgette's comment.
- Thanked everyone involved for the success of the Ice Cream Social – it was a wonderful and great time, she said, and greatly enjoyed.
- The local Alzheimer's Walk was well attended, although the weather was very hot. She recognized Chief Tilley for having one of the Town's fire apparatus there, which was enjoyed by attending children.
- Staff's doing a great job, she stated.

Commissioner Hogan

- Thanked everyone for all they've done during the Hurricane Matthew event. He added that he's getting used to the Town's high quality level of response and assistance.

Mayor's Agenda

1. Resolution Requesting Summer Traffic Control from the NC Highway Patrol (Attached MA-1)

Each weekend during the summer, traffic gridlock occurs at the intersection of US 158 and NC 12 in front of the Aycock Brown Welcome Center in Kitty Hawk. It lasts for hours at a time with little to no relief and causes great inconvenience, and potentially dangerous conditions, for our residents and visitors. Local law enforcement personnel have worked together to provide traffic control at the intersection and this has made a tremendous difference. Our local agencies are unable to continually provide the total law enforcement resources that are required to provide this coverage without seriously jeopardizing our ability to respond to other emergencies in our communities.

For two weekends this summer, the North Carolina Highway Patrol provided traffic control assistance to local agencies at the Aycock Brown area intersection, and their participation was greatly needed and appreciated. The Dare County Board of Commissioners voted unanimously on October 3rd to adopt a resolution formally asking the North Carolina Highway Patrol to provide traffic control assistance at the intersection during summer weekends. A copy of their resolution is attached and the Dare County Board has requested each of the

municipalities support their action by adopting a similar resolution. The target date is for Dare County to submit one unified package on behalf of all our entities by November 30th.

Mayor Davies recommended the Kill Devil Hills Board of Commissioners support this matter by taking favorable action on the attached resolution which has been modified for our adoption.

Commissioner Hogan explained that he had heard about this resolution through Kitty Hawk Mayor Gary Perry who requested a grant from the Tourism Board for assistance in paying overtime salaries for local law enforcement officers placed at the Duck intersection. It was agreed by the Tourism Board that local officials should pursue obtaining a commitment from the State for Highway Patrol assistance at the Duck intersection in the future.

Mayor Davies made a motion for the Board of Commissioners to adopt this resolution and Commissioner Rheubottom seconded that motion. Approval was unanimous, 5-0.

- *Pink Ribbons for National Breast Cancer Awareness Month.* Prior to the beginning of this meeting, Staff provided the Board and audience with commemorative pink ribbons to help increase consciousness of National Breast Cancer Awareness Month. Mayor Davies also explained that at the Frog Pond, Staff has constructed a tall, pink ribbon, which was welded together for use and reuse. The ribbon, pictured below, will remain lighted through October. Mayor Davies commended Staff and stated that the ribbon is quite beautiful. As capabilities allow, there are plans to commemorate other such campaigns in the future.



The ribbon was constructed by Ross Cipriano and Cliff Hoggard of the Buildings and Grounds Division; and, Kenny Crawford and Todd Magee in the Fleet Maintenance Division did all the welding of the ribbon.

Town Manager's Agenda

The Town Manager expressed her appreciation of the Board's indulgence in allowing her to miss several meetings due to a late-spring back injury. She also expressed her appreciation to Assistant Town Manager Shawn Murphy for attending those meetings on her behalf.

Consent Agenda

1. Minutes (Attached CA-1A)

A. September 14, 2016

2. Personnel Policy amendment to add Veterans Preference (Attached CA-2)

This addition to the Town's Personnel Policy in the definitions section (Page 8), and the Equal Employment Opportunity Policy (Page 17), recognizes the contribution of our veterans and gives credit for military service training, schooling and experience to them and their qualified dependents when seeking employment with the Town.

The proposed amendment has been reviewed and approved by the Town Attorney.

Approval of the Consent Agenda will add the attached language to Kill Devil Hill's Personnel Policy guide document.

3. Schedule public hearing on Beach Nourishment Municipal Service District (MSD) amendment (Attached CA-3)

As stated in the attached draft public hearing notice, Kill Devil Hills proposes to remove properties from the MSD and to adopt a new map depicting the new boundaries of the MSD.

Upon adoption after the public hearing, the necessary documentation will reduce the MSD. Two votes will be required to adopt the change and the first will be scheduled for November 14th, with the second at the December 12th regular meeting.

Approval of the Consent Agenda will authorize Staff to proceed with advertising and scheduling the public hearing for Monday, November 14, 2016 at 5:30 o'clock p.m. here in the Meeting Room.

4. NC Parks and Recreation Trust Fund Project (PARTF) Agreement (Attached CA-4)

Kill Devil Hills was recently awarded a \$250,000 grant by PARTF for extension of the Bay Drive Multi-Use Path, Phases 3 & 4. Approval of the Consent Agenda will record the Board's approval of the agreement subject to review and approval by the Town Attorney, and authorize the agreement's execution by Mayor Davies.

The Town Manager congratulated the Planning Department, particularly Planning Director Meredith Guns, for their vigilance in applying for and monitoring this grant process to its successful conclusion!

(Note: Additional grant applications are underway to further assist the Town with the overall costs of this project.)

5. Waiver of building permits fees for construction and repairs related to Hurricane Matthew

Approval of the Consent Agenda will record the Board's approval to waive building permit fees for construction and repairs related to Hurricane Matthew between Monday, October 11, 2016 and November 10, 2016.

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 and Commissioner Appleman seconded that motion. Approval was unanimous, 5-0.

Public Comment

Response to Public Comment

Adjourn

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

It was 6:36 p.m.



Submitted by:

Mary E. Quidley
Mary E. Quidley
Town Clerk

These minutes were approved at the November 14, 2016 meeting of the Kill Devil Hills Board of Commissioners.

Sheila F. Davies

Sheila F. Davies, Ph.D.
Mayor