TOWN OF KILL DEVIL HILLS

Land Where Flight Began

NOTICE OF PUBLIC MEETING AND PUBLIC FORUM

NOTICE is hereby given that on Monday, April 11, 2016 at 5:30 o'clock p.m. the Kill Devil Hills Board of Commissioners will hold its only regular meeting of the month in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road; this meeting includes a PUBLIC FORUM at which the Board of Commissioners welcomes informal participation, comments and questions from its citizens.

Call to Order
Pledge of Allegiance and Moment of Silence
Agenda Approval
Public Hearing

1. 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

Introductions and Presentations
Old Business
New Business

1. Site plan review
   A. Captain George's Restaurant – 705 South Croatan Highway – building addition and parking area addition on adjacent property with associated site modifications
2. Water System Master Plan Capital Improvements Update – water meter replacements
3. Requested amendment to Official Traffic Map – Jim Douglas – to allow on-street parking south side of East Chowan Street from US 158 to Raymond Avenue
4. Disc golf course project
   A. Estimated revenues and amenities
   B. In-kind services agreement

Commissioners Agenda
Mayor's Agenda
Town Manager's Agenda
Town Attorney's Agenda
Consent Agenda
Public Forum
Adjourn

Posted this 7th day of April 2016.

Mary E. Quidley
Town Clerk

Copies to: Mayor and Board of Commissioners, TM, TA in their packet materials; all department heads; all town bulletin boards; KDH Sunshine List, including all local news media; KDH electronic distribution list; Facebook; KDH website; file

Minutes of the Monday, April 11, 2016 Town of Kill Devil Hills Board of Commissioners regular meeting and public forum held at 5:30 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, Acting Town Attorney; Greg Loy, Planning Director; Mary E. Quidley, Town Clerk

Call to Order

At 5:34 p.m. Mayor Davies called this meeting to order and welcomed all present.

Pledge of Allegiance and Moment of Silence

Agenda Approval

Mayor Davies explained that the *Public Forum* would begin at the conclusion of the business meeting; the *Public Forum* will include regular *Public Comment* for this meeting.

Public Hearing

1. **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 (Attached PH-1)**

The consistency statement for this proposed amendment was included in the packet materials for the March 14, 2016 meeting at which time the public hearing was scheduled by the Board of Commissioners.

Acting Town Attorney Casey Varnell read aloud the rules of procedure for this public hearing and at the conclusion, he opened the public hearing.

As proposed, the 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.

There were no speakers and the public hearing was closed.

Commissioner Hogan made a motion that the Board of Commissioners finds that this proposed amendment to *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 - 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 provides greater flexibility by only applying to new construction and substantially improved/damaged structures. Commissioner Appleman seconded that motion and approval was unanimous, 5-0.

Introductions and Presentations

Old Business

New Business

1. Site plan review

A. Captain George's Restaurant – 705 South Croatan Highway – building addition and parking area addition on adjacent property with associated site modifications (Attached NB-1A)

At their March 16, 2016 meeting, the Planning Board reviewed this site plan for construction of a 1,344 square foot dining room addition; 767.5 square foot kitchen addition, which included other existing kitchen and site modifications; and, 25-space parking addition, which will be established by combination of two lots at the northeast corner of Wrightsville Avenue and Baum Street into the Captain George's Restaurant site. At that time, the Planning Board voted to forward it to the Board of Commissioners with a favorable recommendation subject to the conditions outlined in Planning Director Greg Loy's attached memorandum.

Those six conditions were satisfied prior to the site plan coming before the Board of Commissioners, and Staff recommended approval of the site plan as presented.

Commissioner Rheubottom made a motion for the Board of Commissioners to approve the site plan for *Captain George's Restaurant – 705 South Croatan Highway – building addition and parking area addition on adjacent property with associated site modifications*, as presented. Commissioner Midgette seconded that motion and approval was unanimous, 5-0.

2. Water System Master Plan capital improvements update – water meter replacements (Attached NB-2)

Public Services Director Steve Albright was present to formally present information pertaining to "radio read" water meters for residential accounts. These new meters were recommended in the Water System Master Plan capital improvements plan to replace aging water meters, which use much less refined technology, and which read in 1,000 gallons increments. This report also provided insight on how new technology can assist the Town and its customers in discovering small leaks. "Big" leaks might be defined as those that are more

easily identified because of surface evidence of water leakage. The new meters will allow Staff to perform "drive by" meter reads; and, the meters read in 10's of gallons, which is a finer read.

There are 6,200 residential water meters in Kill Devil Hills and migration from existing meters to new radio read meters continues. Mr. Albright explained that the hope is for approximately 4,900 residential meters to be converted to the new technology by late summer.

There have been questions from water customers on the possibility of reading water meters and billing for water usage on a monthly basis. Staff believes the new technology meters will provide improvements in service, including earlier detection of small water leaks while maintaining current operations and staffing costs related to quarterly billing.

The Board of Commissioners supported the new meter technology and agreed with Staff that this is a more efficient system than increasing personnel and processing costs. Staff will proceed with the project and take steps to inform residents and property owners of these new meters.

3. Requested amendment to Official Traffic Map – Jim Douglas – to allow on-street parking on the south side of East Chowan Street from US 158 to Raymond Avenue (Attached NB-3)

Jim Douglas of Chili Peppers Restaurant submitted a request to allow on-street parking on the south of East Chowan Street that was considered by the Street Improvement and Special Projects Committee (SISPC) at their meeting on March 15, 2016. The Planning Director's summary of the SISPC's consideration and associated visual aids are attached to this memorandum.

Mr. Loy reviewed discussions at the SISPC meeting at which time the SISPC voted to forward a recommendation to the Board of Commissioners for approval of a change to the Town's Official Traffic Map to allow parking on the south side of East Chowan Street, between US 158 and Raymond Avenue only between the hours of 6:00 a.m. – 12 midnight from April 1 through October 1. As proposed, a parking-permitted zone for the 100 block of East Chowan Street would be created on both the north and south sides with similar restrictions. Commissioner Hogan, who chairs the SISPC, also commented on the meeting and pointed out that if there should be any problem created by approving the request that the action can be rescinded.

Staff presented the recommendation that the Board of Commissioners condition its approval on Mr. Douglas agreeing to complete improvements to repair damages to Chowan Street caused by vehicular parking, as may be determined necessary by our Public Services Department and Town Engineer, to protect the integrity of Chowan Street.

Commissioner Midgette made a motion for the Board of Commissioners to approve the request from Mr. Douglas for the Board of Commissioners to amend the Official Traffic Map to allow on-street parking on the south side of East Chowan Street from US 158 to Raymond Avenue, between the hours of 6:00 a.m. and 12 midnight from April 1 through October 1 with the condition that Mr. Douglas complete improvements to repair damages to Chowan Street caused by vehicular parking, as may be determined necessary by our Public Services Department

and Town Engineer, to protect the integrity of Chowan Street. Commissioner Hogan seconded that motion and approval was unanimous, 5-0.

4. Disc golf course project

A. Estimated revenues and amenities

To accommodate increased support for lower sponsorship pricing on items related to the disc golf course, Staff recommended the following revenue schedule adjustments, and quantity change in benches:

Quantity	Item and Original Sponsorship Amounts	Revised Sponsorship Amounts	Total Projected Revenues per Item
23	tee boxes @ $500 per each	n/a	$ 11,500
24	baskets @ $500 per each	n/a	12,000
1	parking lot @ $5,000	n/a	5,000
~~9~~ 19	benches @ $2,000 per each	$500 per each	9,500
2	picnic tables @ $2,000 per each	$500 per each	1,000
1	bicycle rack @ $2,000	$500	500

Although anticipated revenues through sponsorship have reduced, through private efforts donations are expected to fund the remaining cost of the project.

When funding is complete, Staff will return to the Board of Commissioners with a budget amendment to record the revenues for the project and construction can begin.

Staff recommended approval of this item.

Commissioner Hogan made a motion for the Board of Commissioners to approve the disc golf course adjusted revenue and amenities schedule. Commissioner Appleman seconded that motion and approval was unanimous, 5-0.

B. In-kind services agreement (Attached NB-4B)

The Town Manager explained that Town Attorney Steve Michael prepared the attached agreement to address a request to accept in-kind services or materials to be provided at the course, as opposed to monetary donations or sponsorship purchases.

Individual in-kind services agreements will appear under future Consent Agendas for Board of Commissioners approval.

Staff recommended approval.

Commissioner Appleman made a motion for the Board of Commissioners to approve the in-kind services agreement as presented. Commissioner Hogan seconded that motion and approval was unanimous, 5-0.

The Town Manager added that some volunteer work has begun at the disc golf course site and she praised all involved to help make this project a reality.

Commissioner Hogan also added that a great deal of thanks is owed to Daryl Davies and Derek Dail, who have worked so hard to coordinate this project, and, on Mr. Dail's part, donated professional services to design the course.

Commissioners Agenda

Commissioner Midgette

- *Refuse containers.* Reminded people to keep them protected because they will blow over and trash will get scattered.

Commissioner Rheubottom

- *Outer Banks Senior Games.* This year's Senior Games will begin on April 18th and she invited everyone to attend. There will be approximately 200 competitors this year, some of whom will move on to the State and National Senior Games. The events will be exciting and provide opportunities to cheer on our local senior athletes.

Mayor's Agenda

1. Proclamations

A. Week of the Young Child, April 10-16, 2016 (Attached MA-1A)

The Week of the Young Child is an annual celebration sponsored by the National Association for the Education of Young Children (NAEYC), the world's largest early childhood education association, with nearly 80,000 members and a network of over 300 local, state, and regional Affiliates.

The purpose of the Week of the Young Child is to focus public attention on the needs of young children and their families and to recognize the early childhood programs and services that meet those needs.

NAEYC first established the Week of the Young Child in 1971, recognizing that the early childhood years (birth through age 8) lay the foundation for children's success in school and later life. The Week of the Young Child is a time to plan how we can better meet the needs of all young children and their families.

B. Child Abuse Prevention Month, April 2016 (Attached MA-1B)

April is designated as the time to celebrate the role that communities play in children's well-being. Communities that support policies and programs that encourage children's safety,

good health, and appropriate development at home, in school, and in the community ensure that all children reach their fullest potential.

Attached is a Proclamation Declaring April as Child Abuse Prevention Month. The Child Abuse Prevention Month campaign is a project of Children & Youth Partnership, the Dare County Department of Social Services, and other collaborating agencies and organizations that work to make our community a safer and healthier place for children and families.

Mayor Davies made a motion for the Board of Commissioners to adopt these proclamations as presented and Commissioner Rheubottom seconded that motion. Approval was unanimous, 5-0. These will be shared with appropriate local organizations through the Town's social media, and electronic distribution to our citizens and local news media, including the Dare County local governments.

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

1. Minutes (Attached CA-1)

A. March 14, 2016

2. Requested amendments to Chapter 153, Zoning – schedule public hearings (Attached CA-2A and 2B)

The consistency statements, which were approved by the Planning Board's March 15, 2016 meeting, are included with the other materials for these items. Also, slight modifications in each of the proposed amendments were made at the Planning Board level and those changes were agreed upon by each of the applicants.

Approval of the Consent Agenda will schedule these items for Public Hearing on Monday, May 16, 2016 at 5:30 p.m.

A. IG Holding LLC – 153.177(A) Commercial Zone Conditional Use and 153.076 Table of Parking Requirements – add small amusement rides with maximum capacity of 24 persons to *Outdoor Recreational Activities in the Commercial Zone* and *Parking Requirements*

The recommendation for this amendment is to add small amusement rides with maximum capacity of 24 persons to Commercial Zone Conditional Use, Outdoor Recreational Activities; and, the Parking Requirements sections of Chapter 153, Zoning identified in the title of this item.

B. Ratnam Patel – 153.180(C)(2) Commercial Zone – establish Floor Area Ratio (FAR) for *Hotel/Motel in the Commercial Zone*

This request to amend Chapter 153, Zoning, Commercial Zone regulations, will convert Hotel/Motel density to Floor Area Ratio (FAR) calculations on a graduated scale. The agreed upon recommendation is a compromise from the original request and is in line with the FAR established in the Ocean Impact Residential Zone (OIR). Planning Director Greg Loy's memorandum includes the proposed amendment language.

Staff recommends approval of the Consent Agenda as presented.

Commissioner Hogan made a motion to approve the Consent Agenda as presented. Commissioner Rheubottom seconded that motion and approval was unanimous, 5-0.

Public Forum

Mayor Davies welcomed everyone to this portion of the meeting.

Phil Hobbs, representing Kill Devil Hills Beach Nourishment Taper Group: Mr. Hobbs presented his comments on behalf of the group who are concerned that they must pay the full amount of the $.33 tax increase slated by approval of the Municipal Services District, but are yet getting less than half of the sand. The group has spoken with Town officials, including Mayor Davies, offered solutions, in the past but with no results; therefore, legal action has been taken.

The group is not opposed to beach nourishment, but is opposed to unfair taxation, he stated. And, Mr. Hobbs, added the group hopes the Board of Commissioners will address this in the next fiscal year's budget.

Mr. Hobbs also stated that the easements the Town is claiming are not valid and cannot be used for the current beach nourishment project.

The terms of the Municipal Service District, Mr. Hobbs, added, requires the Town to find properties that are in need of beach nourishment and are not stable. The properties within the taper zone, as those in the groups are, are stable and not in need of beach nourishment. Several state maps, he pointed, have indicated the area's stability and property owners don't understand why their property is being included and why they must be involved.

The Town's taxation is unfair, and not legal. Further, Mr. Hobbs stated, the entire Kill Devil Hills oceanfront is not being taxed. Those in the taper zone must pay the full $.33 increase, but the property immediately on the other side to the south, at Prospect Avenue, has only a $.03 tax increase. Therefore the MSD taxation is not fair and not legal.

Property owners within the group are trying to get a tax decrease. Furthermore, Mr. Hobbs stated that the Town collected the increased taxes "last year," but there will be no beach nourishment, and the understanding is that the beach nourishment has to be done this year; therefore, what will happen to the revenue when nothing's happening? Also, with the bids

coming in lower than anticipated, will there be a reduction in this year's taxes? Taxes are being collected but property owners are getting nothing for it, Mr. Hobbs said.

The out of town property owner, Mr. Hobbs stated, is being discriminated against as they cannot vote but must pay taxes; this is not fair.

Mr. Hobbs stated that the group's attorney had appeared before the Board of Commissioners in April of 2015 and advised the Board that they did not have the authority to take the action that was being taken, that they did not have the easements necessary for the project. Their attorney felt the Municipal Service District statutes are being misrepresented.

Solutions have been offered, Mr. Hobbs reiterated, and the taper group owners are willing to work with the Town to resolve this, but no one is willing to work with us, Mr. Hobbs concluded. They want beach nourishment but do not feel they should have to pay for it.

Acting Town Attorney Casey Varnell recommended that, since this is a litigation matter, the Board of Commissioners do not respond to Mr. Hobbs' comments, and leave this matter between the respective attorneys.

The Town Manager addressed the tax rate, explaining that the requirement is a beach nourishment contract to be executed during the year of the tax increase. That is on track to become a reality with Great Lakes Dredging Company. Therefore, even though the work will not commence until 2017 there is no requirement for tax funding to be returned. In response to a question from Mr. Hobbs, who wondered if this would be addressed in the upcoming budget, the Town Manager stated that beach nourishment would be addressed in the 2016/2017 fiscal year budget.

The Mayor and Town Manager both explained that both the direct revenues received from taxation of the Municipal Service District properties and the indirect revenues received because of the tax increase (those revenues received based on tax levy) must be used for beach nourishment. The Town Manager stated that the statutes are quite clear on this provision.

Skip Jones, 1508 Captains' Lane, Kill Devil Hills: Mr. Jones commended the Town for the new water meters and felt they would help customers a great deal. He asked the Board how customers who have experienced leaks over the winter could obtain assistance in getting their service turned back on. The meter was padlocked by the Public Services Department.

Administrative Services Supervisor Marcia Scarborough explained the process, which includes an attempt to contact the owner to determine whether or not they want the meter padlocked to prevent further leakage, and encouraged anyone with questions to contact the department for further information.

Mr. Jones also applauded the Board and Planning and Public Services Departments for making great progress on sidewalks construction.

Commissioner Rheubottom asked if Staff could take steps to update property owners and customers on contact information for the Public Services Department so that should water service be interrupted or there is another issue that requires assistance. Staff will work to get updated information out.

Colleen Almoney, 900 Ninth Avenue, Kill Devil Hills: She asked the Board of Commissioners to consider establishing attendance requirements for members of appointed boards and committees. She took issue with appointees who work to get appointed, but then miss as many as half of the meetings in a given year, and she felt the board or committee could be better serviced by someone who attends and participates in the meetings.

Kill Devil Hills Assistant Police Chief Dana Harris: Assistant Chief Harris thanked all who participated in the April 1-2, 2016 Missions of Mercy dental clinic that came to Dare County and performed dental services for more than 600 patients with no patient charges. So many people, he explained, were really appreciative of the service they received. Overall, it was a wonderful experience.

Chip Almoney, 900 Ninth Avenue, Kill Devil Hills: Mr. Almoney asked if there is a way to speed up securing properties that have been damaged by fire, when there's no one living in the house

Staff will look into this and report back to the Board of Commissioners.

Commissioner Hogan commended all departments involved in the sidewalks construction and installation projects. Through great cooperation and planning a great job is being done and everything is coming along so well.

Adjourn

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

It was 6:32 p.m.

Submitted by:

Mary E. Quidley
Town Clerk

These minutes were approved at the May 16, 2016 meeting of the Board of Commissioners.

Sheila F. Davies
Mayor