

**Minutes of the Monday, January 13, 2020, regular meeting of the Kill Devil Hills Board of Commissioners held at 6:00 o'clock p.m. in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road.**

- Members Present:** Mayor Ben Sproul; Commissioners Terry Gray, Ivy Ingram, Bernard "B.J." McAvoy, and John Windley
- Members Absent:** none
- Others Present:** Debora P. Díaz, Town Manager; Casey Varnell, Town Attorney; Meredith Guns, Planning Director; Cameron Ray, Assistant Planning Director; and James Michael O'Dell, Deputy Town Clerk

**Call to Order**

At 6:00 p.m., Mayor Sproul opened this meeting of the Kill Devil Hills Board of Commissioners (BOC) and welcomed all present.

**Pledge of Allegiance and Moment of Silence**

**Agenda Approval**

Commissioner Gray moved to approve the agenda for this meeting as presented. Commissioner Windley seconded the motion, which passed by a unanimous, 5-0, vote.

**Public Comment**

**Pete Burkheimer, 302 St. Louis Street, Kill Devil Hills** – Mr. Burkheimer, representing American Engineering as the Town Engineer, expressed his appreciation for working with the Town of Kill Devil Hills.

**Response to Public Comment**

**Introductions and Presentations**

**1. Presentation of Comprehensive Annual Financial Report for FY 2018/2019 and Award for Excellence in Financial Reporting FY Ended 2018**

Teresa Osborne, of the CPA firm Dowdy and Osborne, presented Kill Devil Hills' audit for the 2017/2018 fiscal year. Ms. Osborne's comments included her firm's unmodified (clean) opinion, the best that can be issued, of the Town's financial condition and adherence to good

governmental practices. She noted the Town goes above and beyond the basic statement reporting requirements through its completion of the Comprehensive Annual Financial Report (CAFR). The CAFR has been included in the meeting materials. Compared to the annual expenditures, the fund represented 66.8% of the current expenses. Ms. Osborne noted that the Town has a minimum fund balance policy that instructs management to maintain an unassigned fund balance of 35% of budgeted expenditures. The fund ended the year with a strong balance and in a strong position.

She noted that the Capital Reserve Fund, most of which is reserved for Beach Nourishment, ended the year with \$3,192,935.00. Ms. Osborne stated the Town had implemented GASBY Statement 88 reporting standard, which has included minor changes to debt reporting by the Town. She expressed her appreciation to Beverly Kissinger, Charlene Allen, and the entire Finance Department for its high caliber work on behalf of the Town in completion of the CAFR. The Board thanked Ms. Osborne and her firm for its work.

Assistant Finance Director Charlene Allen then presented the Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year Ended June 30, 2018, from the Government Finance Officers Association. She stated the entire Finance Department was commended for their diligent efforts to maintain such a high standard of financial, budgetary and accounting practices. The Board congratulated the Finance Department, and noted this is the 31<sup>st</sup> consecutive year that Kill Devil Hills has received the Award.

## **Old Business**

### **New Business**

#### **1. Appointments**

The BOC determined to make the appointments in one motion, following the Mayor's description of the positions.

##### **A. Government Education Access Channels Committee Appointee: Must be a member of the Board of Commissioners**

Mayor Sproul shared that oversight of the two government/education channels (Current TV) is the responsibility of the Government Education Access Channels Committee composed of all the Dare County local governments and three education entities (COA, the Board of Education & ECU CSI). He noted that the Town's representative is required to be a member of the BOC, and that former Mayor Davies had represented the Town for many years.

**B. Street Improvement & Special Projects Committee**  
**Appointee: From the Board of Commissioners (Attached NB-1B)**

Mayor Sproul noted the Street Improvement and Special Projects Subcommittee's (SISPC) parent group is the Planning Board. The SISPC, which meets on an as-needed basis, is tasked with:

1. Providing the Planning Board with a recommended list of streets and drainage improvements for each fiscal year. The Planning Board finalizes the list, which is then sent to the BOC with a recommendation.
2. Updating the Street Improvements Master Plan, which is the guide document for upgrading and improving the Town's street system on a "pay-as-you-go" basis.
3. Updating the Town's Stormwater Management Plan.
4. Serving as the Town's Floodplain Management Committee and updating the Floodplain Management Plan. When acting as the Floodplain Management Committee (FMC), all SISPC members and all Staff Support persons comprise the FMC.
5. Such other special projects as may be assigned by the BOC.

A majority of the members of the SISPC are appointed by the BOC. The Planning Board Chairman selects the Planning Board representative on the SISPC; and a member of the BOC serves as the de facto chair of the SISPC.

**C. Personnel Board (Attached NB-1C)**

Mayor Sproul stated that Ms. Sue Kelly's position on the Town's Personnel Board expires at the end of January 2020, and she desires to be considered for another three-year term of appointment, which would expire in January 2023.

Applications on file from persons desiring to be considered for appointment to the Personnel Board have been previously copied to the BOC. Section 2 in the attachments outlines the qualifications a person must meet in order to be considered for a position on the Personnel Board.

Ms. Kelly has served on the Personnel Board since 2007 and has personnel administration experience.

**D. Planning Board – a regular term (Attached NB-1D)**

Mr. Mark Evans' term on the Planning Board expires in February 2020 and he desires to be reappointed to the seat.

Applications on file from persons desiring to be considered for appointment to the Planning Board have been previously copied to the BOC.

Mayor Sproul moved for the BOC to make the following appointments:

- Commissioner Terry Gray as the Town's representative to the Government Education Access Channels Committee;
- Commissioner B.J. McAvoy as the Board's representative (and de facto chairperson) of the Street Improvement and Special Projects Committee;
- Sue Kelly to the Personnel Board for a three-year term to expire in January 2023;
- Mark Evans to the Planning Board for a three-year term to expire in February 2023.

Commissioner Windley seconded the motion, which was approved by a unanimous, 5-0, vote. The Board thanked those continuing to serve on the Town's boards and committees.

**2. Discussion to establish goals for possible facilitated Board of Commissioners retreat (Attached NB-2A, NB-2B, NB-2C and NB-2D)**

Mayor Sproul stated that members of the BOC have expressed a desire to have a facilitated retreat conducted. He noted that several retreats have been held by different governing boards for Kill Devil Hills, with the most recent on March 20, 2012, and was facilitated by Mayor Davies.

Through consensus, the BOC set Saturday, March 28, 2020, from 9:00 a.m. to 5:00 p.m., at Town Hall, as its retreat. Mayor Sproul said he would coordinate scheduling a facilitator, whether through the UNC School of Government, League of Municipalities, or other option. Town Manager Debbie Díaz stated that Staff will provide assistance at any level to support the Board's needs and expectations.

**3. Adoption of Suggested Rules of Procedure for a City Council (Attached NB-3)**

Mayor Sproul noted that public bodies for the Town of Kill Devil Hills use the *Suggested Rules of Procedure for a City Council*, published by the UNC School of Government, as their procedural guide, as established by Section 30.03 of the Town Code, which is attached. He described several changes to the guide that reflect how the BOC conducts its business. An electronic version of the rules of procedure, along with the identified changes, has been placed on the Town's website with the rest of the packet for ease of review by the public.

Commissioner Windley moved for the Board of Commissioners to adopt the *Suggested Rules of Procedure for a City Council*, with the recommended changes, as presented. Commissioner McAvoy seconded the motion, which passed by a unanimous, 5-0, vote.

**Committee Reports**

West-side Recreation Group (WRG) – Commissioner Gray shared that the WRG had recently met and reviewed the Aviation Park facility, and presented its recommendations to the Board:

- Continue with planned improvements/community events:
  - Improvements- Expanding playground to include more equipment, replace lights on hockey rink, and install park signage.

- Community Events- Ice Cream Social, Halloween Parade, Frostbite 5K, Rundown 5K, etc.
- Create large scale Town recreation facility map to include “You Are Here” to be placed at each recreational facility. Create individual map of each recreational facility to show park amenities and features.
- Connect Aviation Park walking trails to Master Gardeners/Arboretum walking trails.
- Construct open air pavilion.
- Promote Aviation Park as community event location.
- Consider incorporating public art spaces within the park and survey local artist co-ops and other art groups to determine public art opportunities.
- Provide additional benches where possible.
- Integrate inclusive playground equipment when playground facilities are expanded.

Commissioner Gray noted that WRG supported the Staff recommendation that the Board authorize the Town Manager to develop a plan for implementation. He noted that the group’s members were very proactive and worked diligently on the recreational facility reviews.

Assistant Planning Director Cameron Ray highlighted the group’s online citizen surveys, and that the WRG would be meeting later in the week to discuss the Meekins Field complex.

Community Appearance Commission (CAC) Sue Kelly, CAC chairperson, highlighted the Town’s upcoming Trash Attack! volunteer community clean up event, which will be held on Saturday, April 25, from 9:00 a.m. to 1:00 p.m., with a rain date of Sunday, April 26, from 1:30 p.m. to 4:30 p.m. The event will be held at Aviation Park.

She also shared upcoming meeting information, and that the biennial Community Appearance Awards, awarded to local businesses, would be presented at a future BOC meeting.

### **Commissioners’ Agenda**

#### Commissioner Windley

N.C. Department of Transportation (NCDOT) Commissioner Windley inquired whether the Town could extend an invitation for a NCDOT representative to present to the BOC projects that the agency is conducting in the community.

### **Mayor’s Agenda**

Nags Head Woods ADA Trail Closure Mayor Sproul stated that the Nags Head Woods Ecological Preserved has announced that its ADA Accessible Trail, located within the Woods in Kill Devil Hills, will be closed for necessary repairs from January 15<sup>th</sup> through January 28<sup>th</sup>.

**1. Resolution**

**A. Resolution Opposing Reclassification of Jurisdictional Waters (Attached MA-1A)**

Mayor Sproul noted that in 2019, the Wildlife Resources Commission (WRC) brought forward a controversial “salinity value” level in an attempt to determine boundaries between inland and coastal waters. As a result of the proposed value level under this Reclassification of Jurisdictional Waters, there would be a loss of 226.5 square miles (144,984 square acres) of commercial and coastal fishing waters. The WRC’s action contradicts its 2017 rule review which determined there was no basis to adjust the boundaries.

With the potential for over \$1 billion in negative sustainable economic impacts to our State’s commercial fishing industry, such a jurisdictional change must not occur that could affect our coastal fishing industry

Mayor Sproul moved to approve *Resolution Opposing Reclassification of Jurisdictional Waters*. Commissioner Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

**Town Manager’s Agenda**

**Town Attorney’s Agenda**

**Consent Agenda**

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

A. December 9, 2019

**2. Monthly Report (Attached CA-2)**

A. November 2019

**3. Annual Certification of Firefighters (Attached CA-3)**

In 1980, the Board of Trustees for the North Carolina Firemen’s Pension Fund established a requirement for State fire departments to annually submit a roster of active firefighters. The roster is prepared by the Fire Department and includes only those firefighters that have met the State’s minimum requirement for training hours. The list must be certified by each local governing board in order to maintain eligibility for pensions and the line of duty death benefit provided by the State for firefighters.

**4. Schedule public hearing – Chapter 153. Zoning, § 153.071 Soil Erosion and Sedimentation Control – modification to meet state requirements (Attached CA-4)**

At its meeting on December 17, 2019, the Planning Board reviewed this proposed amendment to the Zoning Ordinance and voted to recommend it for public hearing by the BOC. The purpose of this portion of Chapter 153 is to allow development in Town, while preventing pollution by erosion and sedimentation. Kill Devil Hills' local program complies with the N.C. Sedimentation Pollution Control Act, and through the Town's participation, property owners enjoy the benefits of a locally administered program, which can respond to needs with more personalized service. To continue participation in the State program, including issuance of soil and sedimentation erosion control permits, the Town ordinance must comply with the State model. This amendment would update Town code to meet State requirements.

**5. Budget Amendment (Attached CA-5A)**

- A. #14 – to appropriate Shoreline Access Capital Reserve Funds for engineering costs and additional construction costs of restroom facilities at Prospect Avenue Beach Access.

Ms. Díaz presented the Consent Agenda and recommended approval as presented.

Commissioner McAvoy moved to approve the Consent Agenda, as presented. Commissioner Windley provided a second, and the motion passed with a unanimous, 5-0, vote.

**Adjournment**

There being no further business appearing before the Board of Commissioners at this time, Commissioner Windley moved to adjourn the meeting. Commissioner Ingram seconded the motion and approval was by a unanimous, 5-0 vote. It was 6:38 p.m.

Submitted by:

James Michael O'Dell  
Deputy Town Clerk