

Minutes of the Monday, August 9, 2021, 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 Participating: Mayor Ben Sproul; Commissioners Terry Gray, Ivy Ingram, and John Windley

Members Not Participating: Bernard "B.J." McAvoy

Others Participating: 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 6:01 p.m., Mayor Sproul opened this meeting of the Kill Devil Hills Board of Commissioners (BOC) and welcomed all present. Mayor Sproul noted that Commissioner McAvoy had a family matter and would not be present for the meeting.

Pledge of Allegiance and Moment of Silence

Agenda Approval

Commissioner Windley moved to approve the agenda as presented. Commissioner Ingram seconded the motion, which passed by a unanimous, 4-0, vote.

Public Comment

J. Lyle Bagley, 303 West Durham Street, Kill Devil Hills – Mr. Bagley noted that he had previously spoken at the recent Street Improvement and Special Project Committee (SISPC) meeting, and that he had emailed the BOC his concerns regarding drainage, with charts and graphs. His email public comment has been included with the meeting materials. He stated that when his family originally built their house in 1972, there was less flooding due to a large drainage ditch behind the property. Since that time with surrounding development, the ditch had disappeared and localized flooding has increased.

Response to Public Comment

Mayor Sproul thanked the speaker for his comments, and stated that Town Staff and the engineer would review and consider them as the Town prioritized its projects. He reiterated Kill Devil Hills' commitment to infrastructure upgrades and noted that the planned Wrightsville

Boulevard project, among others, would be a large undertaking that would greatly increase the effectiveness of the Town's drainage infrastructure.

Introductions and Presentations

1. Community Rating System (CRS) update

The Town participates in the National Flood Insurance Program (NFIP) and the Community Rating System (CRS), which is a voluntary incentive program that encourages community floodplain management practices and promotes reduced flood risk and damage to properties.

Planning Director Meredith Guns noted the Town's first FEMA Flood maps were issued and adopted in 1973. If a property is located in a special flood hazard area and has a mortgage, property owners are required to maintain national flood insurance. To assist citizens with this financial burden, the Town of Kill Devil Hills joined the CRS in 1990. CRS communities can be rewarded for doing more than simply regulating construction of new building to the minimum national standards. CRS criteria are based on community effort to reduce flood risk to buildings, manage development, protect new buildings beyond minimum NFIP protection level, preserve and / or restore natural functions of floodplains, help insurance agents obtain flood data and help obtain flood insurance.

Ms. Guns stated the CRS recognizes and encourages community and state activities that go beyond the NFIP minimum requirements. The program rewards communities with the use of flood insurance premium discounts. Kill Devil Hills has been a Class 6 community for the past 10 years.

This year, the Town has undergone its three-year cycle visit and because of the Town's efforts to protect property and reduce risk from flooding, Kill Devil Hills has been rated a Class 5 community. As a result, all our citizens will receive a 25% discount on flood insurance premiums for NFIP policies, new and renewed after October 1, 2021. She noted that for preferred-rate policies outside of flood zones, there is an expected savings of 10%. This is the tangible result of the flood mitigation activities the Town of Kill Devil Hills implements to protect lives and reduce property damage. Ms. Guns stressed the importance of all property owners maintaining their flood insurance coverage.

2021 Lifeguard video Staff then presented a video highlighting and introducing the 2021 Ocean Rescue lifeguards. Commissioner Ingram noted that Ocean Rescue operates a junior lifeguard program, and that some current lifeguards are graduates of the program. Commissioner Gray noted the sizeable number of First Flight High School graduates working as lifeguards.

Old Business

New Business

1. Site plan review

A. Proposed 2,500 square foot drive-thru restaurant – 1208 S. Croatan Highway in the Commercial Zone – 25 parking spaces and associated site modifications (Attached NB-1)

Assistant Planning Director Cameron Ray shared that Quible and Associates had submitted a site plan on behalf of MPF Investment Company for the proposed construction at 1208 S. Croatan Highway of a 2,500 square foot drive-thru restaurant with 25 parking spaces, drive-thru aisle, and associated site improvements. As a part of the site plan, the existing shopping center will be demolished. He noted that Staff's memorandum and the application were included with the meeting materials.

At its July 20, 2021, meeting, the Planning Board approved the proposed site plan, and voted to forward it to the Board of Commissioners, recommending approval, with specific conditions and recommendations, which were detailed in Staff's memorandum, including a breakdown of required and provided plantings along the property line. Mr. Ray noted that the applicant had subsequently addressed the condition satisfactorily. Staff recommended the site plan, as presented. Mayor Sproul noted that although there was a recommendation for the site to connect to Blue Jay Street, allowing traffic to enter the property from another street than US 158, it was not required.

Commissioner Windley moved to approve the site plan for a proposed 2,500 square foot drive-thru restaurant – 1208 S. Croatan Highway in the Commercial Zone – 25 parking spaces and associated site modifications, as presented. Commissioner Ingram seconded the motion, which was approved by a unanimous, 4-0, vote.

2. Street Improvement Request – Indian Drive ROW: Hedricks Addition Subdivision (Attached NB-2)

Town Manager Debora Díaz stated that Mike Robinson, P.E., had submitted a conceptual right-of-way plan on behalf of Phillip Harrington Enterprises, LLC, to improve the Indian Drive right-of-way from the intersection of Seminole Street to Aztec Street.

At its July 27, 2021, meeting, the SISPC reviewed the request and voted to forward it to the Board of Commissioners with a favorable recommendation, subject to the following conditions:

1. Access easement for fire apparatus turn around area shall be reviewed and approved by Town Staff and Town Attorney prior to construction.
2. Public Service Department and Town Engineer will approve final engineering plans prior to construction.
3. All state and local permits will be secured prior to construction.

Staff recommended approval of the conceptual right-of-way improvement plan for Indian Drive, from Seminole Street to Aztec Street, subject to the conditions listed.

Commissioner Windley moved to approve the request for the Indian Drive right-of-way: Hedricks Addition Subdivision, subject to the conditions listed above. Commissioner Gray seconded the motion, which was approved by a unanimous, 4-0, vote.

3. Appointments (Attached NB3A)

All applications on file from persons interested in serving in this capacity have been previously copied to the Board of Commissioners and no new applications for those purposes have been received. Appointment histories are included with this memorandum.

A. Planning Board

With James Almoney's resignation, a position has opened on the Board, which would have expired September 2021. In addition, Ron Seidman's term expires September 2021, and he has expressed a desire for reappointment.

Commissioner Windley moved to reappoint Ron Seidman, II, and appoint Natalie Painter, each to the Planning Board for terms ending September 2024. Commissioner Ingram seconded the motion, which was approved by a unanimous, 4-0, vote.

Committee Reports

Community Appearance Commission (CAC) Commissioner Windley said that the CAC will have a table at the First Flight Market at Aviation Park on August 10. He noted that the Staff intern had developed a brochure on the CAC and its initiatives, along with a survey insert so the public can submit ideas for the Town.

Street Improvement and Special Projects Committee (SISPC) Ms. Guns reported on the recent SISPC meeting, which met on July 27, 2021. There were three items on the agenda:

The first was the request to pave a portion of Indian Drive that the Board of Commissioners already voted on this evening.

The second item was the request brought forward by Commissioner Windley to repaint the stop bar at the intersection of Bay Drive and Walker Street. This item was sent to the SISPC for review because of the response from the Town Engineer regarding the MUTCD. After lengthy discuss of the MUTCD and use of stop signs, the SISPC recommended the Board of Commissioners continue to follow the MUTCD for the use and placement of all traffic control devices. Following MUTCD guidelines, the stop bar would not be repainted at this intersection.

The third item was drainage concerns from citizens, specifically from property owners in the Virginia Dare Shores and Avalon Beach subdivisions, following the series of heavy rain events between June 2 and June 12, 2021. The SISPC heard from many of those citizens at the meeting. The SISPC directed Staff to evaluate the areas and develop cost estimates to relieve

some of the issues if possible. The Town Engineer will develop his analysis and cost estimates for SISPC consideration when the next Capital Projects review cycle is completed.

Dare County Tourism Board – Commissioner Ingram said the group was exploring the potential for Nags Head’s Soundside Event Site, including a convention center and sports courts.

Commissioners’ Agenda

Commissioner Gray Commissioner Gray said he had inquired about traffic accident reports from the Police Department at the Lake Drive / US 158 intersection in 2018. He noted that NC Department of Transportation (NCDOT) originally acknowledged that data indicated that a signal light was warranted at the intersection, but that the agency did not have funding available for the establishment of a stop signal. Since his initial inquiry, he stated that the Police Department reported 28 collisions at the intersection. Through consensus, the Board will send a letter asking NCDOT to reexamine funding levels for a signal light project at the Lake Drive / US 158 intersection.

Mayor’s Agenda

Town Manager’s Agenda

Town Manager Debora Diaz shared that Jill O’Dell, who was serving as the meeting’s videographer, had been an intern in the Planning and Administration Departments. She had assisted the Town in many areas, and had developed the Community Appearance Commission brochure. Ms. O’Dell is returning to UNC Chapel Hill as a junior.

Town Attorney’s Agenda

Mayor Sproul moved that the Board of Commissioners enter into closed session pursuant to NCGS §143-318.11(a)(3) in order to preserve attorney-client privilege concerning various legal matters. Commissioner Gray seconded the motion, which was approved by a unanimous, 4-0, vote.

The Board entered closed session at 6:37 p.m. The Board resumed open session at 7:12 p.m.

Mr. Varnell reported that during closed session, he was given direction by the BOC on various legal matters. Mayor Sproul noted that no action had been taken during closed session.

Consent Agenda

1. Minutes (Attached CA-1A)

A. July 12, 2021

2. Monthly report (Attached CA-2)

A. June 2021

3. Budget amendment & Transfer (Attached-3A and 3B)

- A. Budget Amendment #2 – Purchase of body cameras, in-car video software, and video as a service for the Police Department is included in the 2021/2022 budget and this amendment establishes the mechanism to contract for this purpose. The life of the contract and related service package is five years and will be paid in five annual installments.
- B. Budget transfer #1 – transfer from existing Buildings and Grounds budget to Administration to cover expenses for a consulting agreement to assist staff in the development of an ADA self-evaluation and transition plan for ADA compliance.

4. Schedule Public Hearing (Attached 4A)

- A. Proposed Zoning Amendment – §153.227 Light Industrial One Zone Special Uses – Add “Tattoo Studio”

At its June 14, 2021, meeting, the Board of Commissioners directed Staff to draft a zoning amendment to add “Tattoo Studio” as a special use within the Light Industrial One Zone (LI-1). The Planning Board reviewed the requested amendment at its July 20, 2021, meeting, and voted unanimously to forward for consideration by the BOC. Approval of the Consent Agenda will schedule this item for public hearing on Monday, September 13, 2021, at 6:00 p.m.

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

Commissioner Ingram moved to approve the Consent Agenda, as presented.

Commissioner Windley seconded the motion, which was approved by a unanimous, 4-0, vote.

Public comment

Response to Public Comment

Adjournment

There being no further business appearing before the BOC at this time, Commissioner Ingram moved to adjourn the meeting. Commissioner Windley seconded the motion, which was approved by a unanimous, 4-0, vote.

The time was 7:17 p.m.

Submitted by:

James Michael O'Dell
Deputy Town Clerk