

Minutes of the Monday, July 11, 2022, regular meeting of the Kill Devil Hills Board of Commissioners held at 6:00 p.m. in the Meeting Room at the Administration Building, 102 Town Hall Drive, Kill Devil Hills.

Members Participating: Mayor Ben Sproul; Commissioners Terry Gray, Ivy Ingram, Bernard "B.J." McAvoy, and John Windley

Members Not Participating:

Others Participating: Debora P. Díaz, Town Manager; Meredith Guns, Planning Director; Cameron Ray, Assistant Planning Director; Casey Varnell, Town Attorney; and James Michael O'Dell, Town Clerk.

Call to Order

At 6:05 p.m., Mayor Ben Sproul opened this meeting of the Kill Devil Hills Board of Commissioners (BOC) and welcomed all present.

Pledge of Allegiance and Moment of Silence

Mayor Sproul shared the passing of Jerry Froehlich, who dedicated decades of service to the Town's Planning Board, the SISPC, the Fire Department Auxiliary, and the Firefighter's Relief Fund Board, and elsewhere throughout the community. He asked the group to keep Jerry's wife, Gail, and their family in thought and prayer during this time of loss.

Agenda Approval

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

1. Public Hearing

Notice for the following item has been published in the *Coastland Times*, meeting or exceeding the N.C.G.S. requirements for public hearings. The notice has been posted on the Town's bulletin boards, on the <https://www.kdhnc.com/1060/July-11-2022-Board-of-Commissioners-Meet>, and social media platforms, and has been disseminated through the town's electronic distribution list.

Proposed Zoning Amendment – §153.117 Low Density Residential Zone Special Use(s) – Add Cluster Home(s) (Attached PH-1)

The Board of Commissioners directed Staff to prepare a zoning amendment to add Cluster Home(s) as a special use in the Low Density Residential (RL) Zone for essential long-term housing at its May 16, 2022, meeting.

At its May 24, 2022, meeting, the Planning Board voted to forward the attached amendment to the BOC, recommending approval. The Planning Department's memorandum highlighted the changes of the proposed amendment. At its June 13, 2022, meeting, the BOC scheduled this public hearing.

Commissioner Windley moved to approve the amendment as presented, and that the Board of Commissioners finds that the amendment to Chapter 153 Zoning, §§153.002, 153.117, 153.120, and 153.311 – Add Cluster Home(s) is consistent with all comprehensive plans and other official adopted plans of the Town of Kill Devil Hills that are applicable. The amendment is reasonable and in the public interest because it allows for development for long-term housing stock. Commissioner Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

Public Comment

Response to Public Comment

Ongoing Business

New Business

1. Site Plan Review – 3206 Briggs Street in the Commercial Zone – Proposed Two 4-Unit Townhomes (Attached NB-1)

Assistant Planning Director Cameron Ray stated that House Engineering has submitted a proposed site plan for two four-unit townhomes at 3206 Briggs Street in the Commercial Zone. The two four-unit townhomes, consisting of each unit with two bedrooms, would include 22 parking spaces and associated site modifications.

At its June 21, 2022, meeting, the Planning Department voted to forward this site plan for the Board of Commissioners' approval as presented. Staff also recommended approval of the site plan as presented.

Commissioner Ingram moved to approve the site plan 3206 Briggs Street in the Commercial Zone – Proposed Two 4-Unit Townhomes, as presented. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0, vote.

2. Authorization to Apply for DCTB Grant – Sidewalk from Landing Drive to Colington Road on west side of US158 (Attached NB-2)

From multiple discussions in its regular meetings and Board retreats, the BOC has expressed support for the construction of a sidewalk on the west side of US 158, from Landing Drive to Colington Road. Planning Director Meredith Guns stated this proposed .95 mile pedestrian link, which is a part of the Town's Pedestrian Plan, would complete the Town's west side US 158 sidewalk infrastructure. Staff was directed to contact the National Park Service, which is generally in support of the project.

She shared that Staff has requested BOC authorization to apply for a Tourism Impact Grant from the Dare County Tourism Bureau. As a part of that process, Staff also requested authorization to begin work with the Town Engineer for a preliminary project cost estimate and design for grant submittal.

Commissioner Windley moved to authorize Staff to apply for a Tourism Impact Grant from the Dare County Tourism Bureau, and to authorize its work with the Town Engineer for a preliminary project cost estimate and design for grant submittal. Commissioner Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

Committee Reports

Dare County Tourism Board (DCTB) – Commissioner Ingram stated the DCTB had recently met and approved its annual budget.

Commissioners' Agenda

Commissioner Gray

New Town Website Commissioner Gray and the BOC thanked Staff for its work on the Town's new website.

Independence Day Fireworks The BOC expressed its appreciation to Town's public safety employees, the fireworks vendor, and everyone involved with successful Town fireworks event and streaming service.

Mayor's Agenda

Baum Tract Mayor Sproul stated that the BOC was exploring its options with regard to the Town's Baum Tract property, and that Town Staff was researching the issue. He thanked the public for its input.

Town Manager's Agenda

Town Attorney's Agenda

Mr. Varnell requested that the Board of Commissioners enter into closed session in order to preserve attorney-client privilege concerning a legal matter.

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 Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

The Board entered closed session at 6:22 p.m. The Board resumed open session at 6:44 p.m.

Mr. Varnell reported that during closed session, he was given direction by the BOC on a legal matter. Any action taken during the session would come up before the public at a later time.

Consent Agenda

1. Minutes (Attached CA-1A)

A. June 13, 2022

2. Monthly Report (Attached CA-2A)

A. May 2022

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

Commissioner Ingram moved to approve the Consent Agenda, as presented. Commissioner Windley seconded the motion, which was approved by a unanimous, 5-0, vote.

Public Comment

Town Manager Debora Peele Díaz congratulated Fire Chief Troy Tilley on the birth of a new grandchild, and also congratulated Assistant Police Chief Dana Harris on his 41st wedding anniversary.

Response to Public Comment

Adjournment

There being no further business appearing before the BOC at this time, Commissioner Gray moved to adjourn the meeting. Commissioner Windley seconded the motion, which was approved by a unanimous, 5-0, vote.

The time was 6:48 p.m.



Submitted by:


James Michael O'Dell
Town Clerk

These minutes were approved by the Board of Commissioners on August 8, 2022.


Ben Sproul
Mayor