

Minutes of the Wednesday, January 18, 2023, 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; Charlene Allen, Assistant Town Manager; Beverly Kissinger, Finance Director; Gary Britt, Police Chief; Casey Varnell, Town Attorney; and James Michael O’Dell, Town Clerk.

Call to Order

At 6:02 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

Agenda Approval

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

Public Comment

Response to Public Comment

Introductions and Presentations

1. Presentation of Annual Comprehensive Financial Report for FY 2021/2022 and Award for Excellence in Financial Reporting FY 2021

Emily Mills, CPA and Partner of Potter and Company, Certified Public Accountants, presented the results of Kill Devil Hills’ audit for the 2021/2022 fiscal year via recorded video segment. Ms. Mills’ comments included her firm’s unmodified “clean” opinion, the best that can be issued, of the Town’s financial condition.

Finance Director Beverly Kissinger noted that the Annual Comprehensive Financial Report (ACFR) cover highlighted the Town’s Mary’s Paws Park facility, and was dedicated to former Town Clerk Mary Elizabeth Quidley, who was instrumental in the facility’s development. She then presented a summary of the Town’s financial operations for the 2021/2022 fiscal year.

Her presentation has been included with the meeting materials. The Town was then presented with the Certificate for Excellence in Financial Reporting for Fiscal Year Ended June 30, 2021, which is the Town's 34th consecutive award. The Board congratulated the entire Finance Department for its diligent efforts in maintaining such a high standard of financial, budgetary, and accounting practices.

Ongoing Business

1. Stationary electronic speed recording devices

At its December 12, 2022, meeting, the BOC considered possible actions to address speeding in residential areas of town. Board members discussed moving forward with speed data collection and the potential for additional stationary electronic speed recording devices. Police Chief Gary Britt shared that the Police Department supported numerous devices throughout neighborhoods to deter speeding motorists and also collect vital traffic data. The BOC asked Staff for a recommended listing of the most beneficial placement areas for speed recording devices.

Chief Britt's memorandum, included in the meeting materials, provided an overview of the device costs (initial unit and annual cloud services), along with recommended areas for priority placement. Those areas include Third Street, Ocean Acres Drive, Martin Street and also Bay Drive.

Commissioner McAvoy inquired how data from these units was utilized, and whether the recording devices would be of assistance to the Police Department. Chief Britt stated that the data is utilized by his department to supplement existing enforcement mechanisms: if device data indicates an issue with speeding, officers will then patrol and monitor affected areas. Chief Britt stated that these devices assist in deterring speeding motorists. He noted that the units, which are solar powered and web-accessible, have a two-year warranty and an average 12-year lifespan. Commissioner Windley inquired how many units are currently in service by the Town. Two devices are in operation currently; two earlier devices, purchased approximately 12 years ago, are not in service as one was damaged by hurricane weather and the other used ceased working. The existing devices require manual data downloads and battery charging.

Commissioner McAvoy inquired whether other local governments utilized speed recording devices and whether they were considered effective. Chief Britt stated that he had received data from Nags Head from before and after its speed limit change. He noted that Nags Head data mirrored the Town's data, and that the decreased speed limit in Nags Head had not resulted in any change in the number of speeding motorists. Commissioner McAvoy inquired about the units' cost and efficacy versus an additional officer. Chief Britt replied that a comparison would be difficult: even with an additional officer solely assigned to traffic, the department would receive speeding complaints from the public who would argue that the patrols were not where they needed to be in town. Commissioner McAvoy asked Chief Britt about complaints that speed limits are not enforced. He responded that the Police Department regularly received those complaints, which are not correct. There are records to indicate that officers are patrolling the areas of concern and throughout the town, and issuing tickets. Chief

Britt stated that when speeding complaints are received, the Police Department responds with increased patrols and monitoring.

Commissioner Gray inquired about a traffic control unit. Chief Britt stated that the Town previously had a traffic control unit, but that limited staffing required officers to be available for all areas of patrol. Commissioner Ingram stated that stationary electronic speed recording devices were prevalent in large and small communities across the state, which indicated their effectiveness. Commissioner Gray expressed concern over cost, and inquired about the lifespan of the software. Chief Britt stated he was unsure, but that the units were under warranty for two years. Commissioner Gray stated that this was something that could be discussed during the budget discussions, and inquired whether grant possibilities were available. Chief Britt stated that the Police Department has been reviewing grant opportunities, but noted that license plate reader (LPR) devices were the only grant options at this time. The BOC inquired about how many other local governments utilize stationary electronic speed recording devices and their effectiveness.

New Business

1. Appointment

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 history is included with this memorandum.

A. Planning Board

Becky Breiholz's term on the Planning Board expires February 2023, and she has expressed a desire for reappointment. A motion will be in order to make one three-year appointment to the Planning Board that will expire February 2026.

Name	Appointment History
Breiholz, Becky Planning Board	Planning Board - Appointed June 2022 to a term ending February 2023

Commissioner Gray moved to reappoint Becky Breiholz to the Planning Board for a three-year term that will expire February 2026. Commissioner Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

Committee Reports

Dare County Tourism Board (DCTB) – Commissioner Ingram shared that the DCTB has scheduled a long-range planning meeting on January 24, 2023, at 6:00 p.m.

Community Appearance Commission (CAC) – Commissioner Windley stated that the group would meet on January 26, 2023, at 8:30 a.m.

Commissioners' Agenda

Commissioner Gray

Dare County Veterans Commissioner Gray reported that Dare County Commissioner Wally Overman will be presenting information at an upcoming meeting on the “Wall that Heals,” a touring, miniature version of the Vietnam Memorial, which will visit Dare County in November 2023.

Commissioner McAvoy

Storm Clean-Up and Recycle Center Staff Commissioner McAvoy highlighted the recent December 23, 2023, storm clean-up by Town Staff along Bay Drive and Recycle Center staff, including employee Candy Boyd.

Commissioner Ingram

Wright Lights Illumination Commissioner Ingram complimented the great work of the Buildings and Grounds Division with the holiday lights at Aviation Park.

Commissioner Windley

Recycle Center Staff Commissioner Windley highlighted employee Candy Boyd and her work at the Recycle Center.

Disc Golf Course He shared he was overwhelmed by the public’s use of the facility over the holidays, and noted how popular it is.

Mayor’s Agenda

Town Manager’s Agenda

Ms. Díaz shared that the January 25, 2023, meeting will mainly be for budget guidance.

Town Attorney’s Agenda

Consent Agenda

1. Minutes

A. December 12, 2022

2. Monthly Report

A. November 2022

3. Budget Amendments and Transfers

A. Budget Amendment #5 – to appropriate funds for a salary increase at the direction of the Board of Commissioners at its October 12, 2022, meeting

4. Annual certification of firefighters

The Board of Trustees for the N.C. Firemen's Pension Fund requires all fire departments to submit a roster of active firefighters annually. Rosters must be certified by each local governing board in order to maintain eligibility for pensions and the line-of-duty death benefit provided for firefighters by the State. Our Fire Department has prepared this list, which includes only those firefighters that have met the State's minimum requirement for training hours.

Approval of the Consent Agenda records the Board's certification of the Fire Department roster.

5. Recommendation for audit services for fiscal year 2023 and continued services through 2025

The firm of Potter & Company of Mooresville, N.C. has been providing audit services for the Town since the FY 2020 review. Over the past several years, it has been a beneficial partner as the Town has implemented a number of complicated accounting standards. Finance Director Beverly Kissinger's attached memorandum highlights the firm's three-year proposal for a continuation of services through June 30, 2025, and a contract for the FY 2023 audit for \$44,000, along with the Finance Department's recommendation to continue this partnership.

Approval of the Consent Agenda authorizes the Town Manager to execute the contractual agreement for audit services for FY 2023, and approve the firm's continuation of services to the Town through June 30, 2025.

6. Recordation of continued approval of Wright Brothers US 158, Phase V, Sidewalk Project

On December 22, 2022, the Board, through consensus, electronically approved its continued commitment to the Wright Brothers US 158 Phase V Sidewalk Project, and authorized

Staff to oversee and implement the engineering plans and bidding processes, including all allocations for the project to date, along with any future projected-related expenses, from the Sidewalk Capital Reserve Fund and other necessary Town sources.

Approval of the Consent Agenda records the Board’s action in the minutes of the meeting.

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

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

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

Public Comment

Response to Public Comment

Adjournment

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

The time was 6:49 p.m.



Submitted by:

James Michael O'Dell
James Michael O'Dell
Town Clerk

These minutes were approved by the Board of Commissioners on January 25, 2023.

Ben A. Sproul
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Mayor