

Minutes of the Monday, February 13, 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. Diáz, Town Manager; Meredith Guns, Planning Director; Casey Varnell, Town Attorney; and James Michael O’Dell, Town Clerk.

Call to Order

At 6:00 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 Gray 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. The Wall that Heals traveling exhibit

The Wall that Heals is a traveling exhibit that features a three-quarter scale, 375-foot long and 7.5-foot high replica of the Vietnam Veterans Memorial, along with a mobile education center. Since its unveiling in 1996, the Wall that Heals has traveled to almost 700 communities across the country. This year, the exhibit tour will visit Dare County at the Soundside Event Center in Nags Head on November 16-19, 2023.

Dare County Board of Commissioners Vice-Chairperson Wally Overman and Veterans Services Officer Patty O’Sullivan shared a presentation and video on this upcoming exhibit. Their presentation has been included with the meeting materials.

Vice-Chair Overman shared that the Dare County Advisory Council was responsible for the event’s tour stop in Dare County, and recognized two members of the Council present. Ms.

O’Sullivan stated that the exhibit tour, which begins in California and ends in Dare County, is accompanied by an education center. The exhibition will be open 24-hours-a-day during its time in Dare County. Commissioner Gray inquired about funding potentials, and Town Manager Debora Díaz replied that funds were potentially available in the current fiscal year’s budget.

Commissioner Gray moved to allocate \$5,000.00 to the Wall that Heals traveling exhibit, authorizing Staff to work out the specifics via a partner organization of the Town or other appropriate method. Commissioner Ingram seconded the motion, which was approved by a unanimous, 5-0, vote.

Ongoing Business

New Business

1. Site Plan Review – 2000 North Croatan Highway in the Commercial Zone – Proposed Car Wash (Attached NB-1)

Carter Engineering Consultants, Inc. has submitted a proposed site plan for a 2,015-square-foot drive through car wash, 20 parking spaces, and associated site modification at 2000 North Croatan Highway. The attached Planning Department memorandum and site plans highlight the request, along with project specifics for this permitted use.

At its January 17, 2023, meeting, the Planning Board voted to forward this site plan for the Board of Commissioners’ approval, pending several conditions, which have all been addressed. Staff recommended approval of the site plan as presented.

Commissioner Gray moved to approve the site plan for 2000 North Croatan Highway in the Commercial Zone – Proposed Car Wash, as presented. Commissioner Windley seconded the motion, which was approved by a unanimous, 5-0, vote.

2. Appointments

All applications on file from persons interested in serving in either capacity have been previously copied to the Board of Commissioners and no new applications for those purposes have been received.

A. Historic Landmarks Commission

With the resignation of Mary Simpson, a position on the Historic Landmarks Commission is open for a term that will expire in September 2025.

Commissioner Windley moved to appoint Grant Fletcher to the Historic Landmarks Commission for a term that will expire September 2025. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0, vote.

B. Community Appearance Commission

With the resignation of Martin Dalton, a position on the Community Appearance Commission is open for a term that will expire in November 2023.

Through consensus, the Board chose to delay the appointment until later in the spring, after additional committee applications have been received.

Committee Reports

Trash Attack! Community Clean-Up Event Commissioner Windley highlighted the Town's Trash Attack! Community Clean Up event, which will be held on Saturday April 1, 2023 (rain date on Sunday April 2), at Aviation Park. The event also has a poster contest for K-12 students, and its deadline is March 1, 2023.

Government Education Access Channels Committee (GEACC) Commissioner Gray highlighted the GEACC Budget, which is included in the Consent Agenda.

Commissioners' Agenda

Commissioner Gray

Business not looking good He expressed his appreciation to the Planning Department Staff for their assistance with a problem commercial property.

Commissioner Ingram

Fence requirements on site plans Commissioner Ingram expressed concern over commercial lot requirements for fencing, especially those adjoining other zoning categories. She mentioned height, materials and other requirements. Planning Director Meredith Guns replied that the Planning Department would bring some potential options to the Board for consideration.

Commissioner Windley

Derelict vehicle Commissioner Windley thanked Staff for the response of the removal of a derelict vehicle.

Mayor's Agenda

Beach Accesses Mayor Sproul expressed appreciation to Town Staff for the maintenance and improvements being done at the beach accesses.

Town Manager's Agenda

1. Recommendation for cancellation of February 22, 2023, Board meeting

With its adoption of the 2023 meeting schedule, the Board scheduled two regular meetings for the winter and spring months. This calendar has permitted flexibility in scheduling sessions for the budgetary development process. At its second January meeting, the Board provided budget guidance to Staff, and as a result, a second February meeting is not required.

In addition, the department heads have indicated that there is no pressing business that warrants the immediate action by the Board at this time. Staff recommended the cancellation of the February 22, 2023, Board meeting.

Commissioner Gray moved to cancel the February 22, 2023, Board of Commissioners meeting. Commissioner Windley seconded the motion, which was approved by a unanimous, 5-0, vote.

Town Attorney's Agenda

Consent Agenda

1. Minutes

A. January 25, 2023

2. Monthly Report

A. December 2022

3. Budget Amendments and Transfers

A. Budget Amendment #7 – to appropriate North Carolina League of Municipalities (NCLM) Wellness grant funds.

4. Proclamations and resolutions

A. Reimbursement Resolution for Fiscal Year 2022/2023 Declaring the Intention to Reimburse the Cost of Certain Expenditures

United States Treasury Regulations require a declaration of intent as a part of the process of financing some expenditures. The above resolution declares the Town's official intent to reimburse expenditures for vehicles, equipment, and software as identified as follows:

5 police vehicles	\$242,814.10
1 police utility vehicle	19,339.41
Motorola Flex IT software	153,318.00
1 Fire apparatus – KME Pumper	791,837.82
1 pick-up truck	46,748.62
1 John Deere utility tractor	20,001.52
1 grapple attachment	101,542.17
2 commercial garbage trucks	672,410.00
 Total Financing	 \$2,048,011.64

Approval of the Consent Agenda will approve the Reimbursement Resolution for Fiscal Year 2022/2023 Declaring the Intention to Reimburse the Cost of Certain Expenditures and allow the Town to reimburse itself for costs incurred for the purchase of the above items with loan proceeds.

B. Corrective Resolution Relating to Kill Devil Hills Town Code of Ordinances, Chapter 31, Boards and Commissions §31.20

On April 12, 2021, the Board adopted Town Code amendment 18-2, which clarified the membership of the Community Appearance Commission, removing some membership requirements and increasing the Commission to eight members. On June 14, 2021, the Board adopted amendment 18-7, part of a number of ordinance changes to the Town Code required N.C.G.S. Chapter 160D. In that process, changes to Chapter 31, Boards and Committees, referenced language prior to the 18-2 language. This corrective resolution addresses the inadvertency and returns the Code language to the Board’s original intent for §31.20, adopted on April 12, 2021.

Approval of the Consent Agenda will approve the Corrective Resolution Relating to Kill Devil Hills Town Code of Ordinances, Chapter 31, Boards and Commissions §31.20.

5. Government Education Access Channels Committee – 2023-2024 Proposed Budget

The Government Education Access Channels Committee (GEACC) oversees operations of the local government and education access channels, known as Current TV. It is a collaboration of the Towns of Duck, Southern Shores, Kitty Hawk, Kill Devil Hills, Nags Head, and Manteo, along with Dare County, and educational entities Dare County Schools, UNC Coastal Studies Institute, and College of The Albemarle. The Committee is composed of a representative from each participating entity; government representatives to the committee must be members of their respective governing board. Commissioner Gray is the Kill Devil Hills Representative.

The GEACC annually submits its annual operating budget, which must be approved by all member entities. Approval of the Consent Agenda will record the BOC’s approval of the 2023-2024 GEACC Budget.

6. Adoption of updated NC Division of Archives and Records Retention Schedules

The Division of Archives and Records for the North Carolina Department of Natural and Cultural Resources has updated its records retention and disposition schedules. The General and Program Records Schedules were developed and updated in accordance with the provisions of North Carolina General Statutes (NCGS) Chapters 121 and 132.

The schedules set out the retention and disposition periods for the series of records as they pertain to North Carolina's municipal governments. By adoption of these schedules, Kill Devil Hills is authorized to dispose of records in a manner that does not exceed their provisions.

Procedures for disposition include participation by records managers from each Town department. Those records identified for disposition according to the schedules are examined and confirmed for destruction. A listing is compiled of all eligible records, citing the records, dates of origination, and destruction date, which is sent to the Town Attorney for review and approval. Once approved, a finalized form listing is prepared and executed by the records manager, department head, Town Clerk, and Town Attorney. In 2022, the Town disposed of 320 eligible boxes of records under the Town's current records and retention schedule.

The Town has historically taken a cautious view of records disposition: records are examined for historical value and future reference by each department, Town Clerk, and Town Attorney to determine any anticipated need based on current events and trends.

The proposed records retention and disposition schedules were previously provided to the BOC electronically and a link has been placed on this meeting's page on the Town website for public inspection.

Approval of the Consent Agenda will record the Board's approval of the General and Program Records Schedules.

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

Commissioner Gray 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

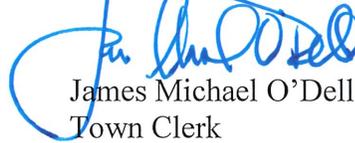
Adjournment

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

The time was 6:40 p.m.



Submitted by:


James Michael O'Dell
Town Clerk

These minutes were approved by the Board of Commissioners on March 13, 2023.


Ben A. Sproul
Mayor