

**Minutes of the Wednesday, June 28, 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; Meredith Guns, 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**

**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**

**Ongoing Business**

**New Business**

**1. Recommended Action to adopt an operating budget FY 2023/24 Budget Ordinance and consolidated fee schedule for the Town of Kill Devil Hills (Attached NB-1)**

The Town Manager’s Recommended Budget for Fiscal Year 2023/2024 was presented to the Board of Commissioners at the May 24, 2023, meeting, in accordance with the Local Government and Fiscal Control Act. The Board scheduled a public hearing and subsequent budget worksession for its June 14, 2023, meeting, the Board made no changes to the recommended document.

The Town’s website provided links to the full budget document and a budget portal gateway, where the public has had the opportunity to share its comments on the Recommended

Budget. Bound copies have been placed in the Town Hall lobby and the Kill Devil Hills branch of Dare County Library as additional options for public access. Staff recommended the Board of Commissioners adopt the Budget Ordinance and consolidated fee schedule for Fiscal Year 2023/2024.

Commissioner Gray shared his concerns about the efficacy of stationery speed recording devices, and their inclusion in the budget. He then expressed his support for Town Staff and its work, and recommended a 7% cost-of-living adjustment (COLA) for Staff in the 2023/2024 Budget, especially in response to the recent Consumer Price Index rates. Commissioner Windley concurred, stating that the recommended 7% COLA rate was well deserved. Commissioner Ingram noted that housing costs in the Outer Banks were also an issue, and supported the 7% COLA for Staff, as did the other members. The BOC thanked Staff for its work in preparation of the Budget.

Commissioner Gray moved that the Board of Commissioners adopt the Town Manager's Recommended Budget for Fiscal Year 2023/2024, with a 7% COLA for Staff, Budget Ordinance, and consolidated fee schedule for the Town of Kill Devil Hills. Commissioner McAvoy seconded the motion, which was approved by a unanimous, 5-0, vote.

## **2. Appointments**

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 were included in the meeting materials.

### **A. Board of Adjustment – Alternate member**

Natalie Painter's term as an alternate member of the Board of Adjustment will expire July 2023; she has expressed a desire for reappointment.

Commissioner Windley moved to reappoint Natalie Painter as an alternate member to the Board of Adjustment for a term that will expire in July 2026. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0, vote.

### **B. Community Appearance Commission**

With the resignations of Martin Dalton and Bambos Charalambous, two positions, with expirations of November 2023 and October 2023, respectively, are available for appointment. Commissioner Windley moved to table the Community Appearance Commission appointments until the October 9, 2023, meeting. Commissioner McAvoy seconded the motion, which was approved by a unanimous, 5-0, vote.

## **Committee Reports**

## **Commissioners' Agenda**

### Commissioner Gray

Grant information Commissioner Gray shared that he had forwarded playground grant information to Assistant Planning Director Cameron Ray for review.

### Commissioner McAvoy

Independence Day Commissioner McAvoy and BOC members expressed appreciation to the first responders and Staff working during the holiday fireworks event.

## **Mayor's Agenda**

### **1. Closed session**

Mayor Sproul noted that at its May 24, 2023, meeting, the Board scheduled time at this meeting for a performance evaluation of the Town Manager. In order to complete this, the Board needed to enter into closed session.

Mayor Sproul moved that, pursuant to NCGS §143-318.11(a)(6), the Board of Commissioners enter into closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0, vote.

The Board entered closed session at 6:20 p.m.

The Board resumed open session at 6:51 p.m.

Mayor Sproul reported that during closed session, the BOC conducted a performance appraisal of the Town Manager, and that Ms. Díaz had been authorized to implement the terms of the evaluation.

## **Town Manager's Agenda**

## **Town Attorney's Agenda**

## **Consent Agenda**

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

A. June 14, 2023



## 2. **Budget Amendments and Transfers (Attached CA-2A, CA-2B, and CA-2C)**

- A. #22 – To record funds for Fleet Maintenance inventory.
- B. #23 – To record funds for Fleet Maintenance repairs for the Streets department.
- C. #24 – To record the revenues and associated expenditures for leases in accordance with the new leasing standard, GASB 87.

## 3. **Streamflow Rehabilitation Assistance Program grant (Attached CA-3)**

The Town has applied for and has been notified that \$51,788 additional Streamflow Rehabilitation Assistance Program (StRAP) grant funds were reallocated by N.C. Department of Agriculture for previously awarded StRAP grantees who successfully performed on projects and met certain financial criteria. Proceeds from the grant will be used to clear vegetative debris removal from the drainage channel located in the unimproved portion of the Bickett Street right-of-way west of Lee Avenue.

Approval of the Consent Agenda will:

- Accept the grant award of \$51,788 from the StRAP grant for Bickett Street channel debris removal.
- Authorize the Town Manager to execute any contracts related to the project, including a modification to the Town's existing contract with the N.C. Department of Agriculture, for the debris removal project.
- Approve any necessary budget amendments to appropriate and record the necessary grant funds.

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

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

The time was 6:54 p.m.



Submitted by:

  
James Michael O'Dell  
Town Clerk

These minutes were approved by the Board of Commissioners on July 10, 2023.

  
Ben A. Sproul  
Mayor