

Minutes of the Wednesday, May 24, 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 6:01 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

Teri Stewart, 2035 Newport News Street, Kill Devil Hills, NC – Ms. Stewart requested BOC support for a traffic study of the Avalon Drive / US 158 and Durham / US 158 intersection areas be conducted by N.C. Department of Transportation (NCDOT) for consideration of a traffic signal light. She requested the Town submit a letter requesting NCDOT to conduct a study of the areas, and noted her concerns about the increased vehicle and pedestrian traffic.

Jo Eure, 2016 Edenton Street, Kill Devil Hills, NC – Ms. Eure stated that she serves as secretary for the Avalon Beach Association, and noted that the association’s board was in unanimous support of a traffic study.

Bonnie Langdale, 2015 Edenton Street, Kill Devil Hills, NC – Ms. Langdale noted that she also served on the Avalon Beach Association Board, and expressed her support for a traffic signal light and crosswalk in the area.

Maria Reyes, 408 West Avalon Drive, Kill Devil Hills, NC – Ms. Reyes expressed her concerns about traffic, and support for a traffic signal light.

Caroline Dorman, 2032 Elizabeth City Street, Kill Devil Hills, NC – Ms. Dorman shared that with the addition of the Target store development, the overall traffic has increased in that area. She supported a traffic study to be conducted by NCDOT.

Katie Sharp, 1005 Suffolk Street, Kill Devil Hills, NC – Ms. Sharp stated that along with her residence, she owned properties at 500 West Avalon Drive and 101 West Sportsman Drive. She supported a traffic signal light for the area to prevent accidents.

Response to Public Comment

Mayor Sproul thanked all of the speakers for their comments. Through consensus, the Board expressed its support for Staff submitting a letter to NCDOT requesting a traffic study to be conducted in the Avalon Drive / US 158 and Durham / US 158 intersection areas.

Ongoing Business

New Business

1. Considerations for additional dune protection coverage (Attached NB-1)

Planning Director Meredith Guns said that at the Board of Commissioners' request, Staff had researched and prepared options for consideration to amend the Town's dune protection ordinance. She stated that the Planning Department's meeting memorandum highlighted the opportunities to provide greater protection for the Town's dune systems.

Ms. Guns provided an overview of the Town's dune ordinance, which has paralleled Coastal Area Management Act (CAMA) regulations; however, to minimize some of the construction on and around oceanfront dunes, some options include limiting development on the dunes to only elevated structures, prohibition of the removal or relocation of sand from ocean dunes, and the prohibition of the destruction or removal of dune vegetation without a restoration plan. She noted that the Town is permitted to develop more restrictive ordinances regarding dune protection than CAMA regulations.

Mayor Sproul inquired whether Staff knew of other towns having more restrictive ordinances than CAMA. Ms. Guns stated she was not aware of any but the Town appeared to be the only locality experiencing development on its dune system. This may be a result of the deeper oceanfront lots in the community, which often have multiple series of dunes, rather than only one primary / frontal dune. CAMA regulations only protect a primary dune, and not any additional dunes. Commissioner Ingram noted that, until recently, CAMA regulations addressed development to the western toe of a dune system, but they seem to have been reinterpreted in the past five to ten years that a trough after a primary dune has been considered to be the western toe.

Commissioner McAvoy inquired about how the differences in interpretation affect a property. Ms. Guns replied that historically CAMA regulated any area of a parcel where the elevation began to rise to the dune system, or the western toe. She noted that although there may

be differences between the widths of oceanfront dunes from the primary dune to the western toe, the entire properties can often be 500 feet deep. Commissioner Ingram stated that elevated structures would not be affected; however, currently, in-ground pools have been built within the dune in Kill Devil Hills, in the trough areas. Ms. Guns stated that if there is a trough, it is not regulated by CAMA, and does not count as a part of the dune. Twenty to thirty feet of the traditional “dune” areas are being affected. Ms. Guns stated that the Planning Department had aerial views that can be presented to provide scenarios on how new and existing properties could be affected. She noted that the development of structures like pools could compromise the Town’s dune system and infrastructure. Through consensus, the BOC directed the development of ordinance language for Planning Board consideration, based on Staff recommendations presented.

2. Presentation of the Town Manager’s Recommended Budget Fiscal Year 2023/2024

The proposed budget for the Town of Kill Devil Hills for fiscal year 2023/2024 was presented to the Board of Commissioners at this meeting.

Ms. Díaz stated that in accordance with the provisions of N.C.G.S. §159-13, the governing board is required to adopt a budget ordinance not earlier than ten (10) days after the budget is presented to the Board, and not later than July 1. Before adopting the budget ordinance, the Board of Commissioners will need to hold a public hearing, at which time any persons wishing to be heard on the Recommended Budget may appear. The hearing may be held at any time after presentation of the budget, either prior to, or subsequent to, the Board’s budget worksession.

Staff recommended the Board consider holding its budget public hearing on Wednesday, June 14, 2023, at 6:00 p.m., and conducting a subsequent budget worksession at the same meeting, its first regular meeting of the month.

Commissioner Ingram moved to schedule the budget public hearing for Wednesday, June 14, 2023, at 6:00 p.m., with a subsequent budget worksession at the same meeting. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0, vote.

Ms. Díaz thanked the BOC and encouraged members to contact Staff with any questions or concerns.

Committee Reports

Community Appearance Commission (CAC) Chairperson Kelly shared the upcoming meeting schedule, and highlighted the upcoming Community Appearance Awards.

Dare County Tourism Board (DCTB) Commissioner Ingram shared that the Outer Banks Visitors Bureau was presenting its Long-Range Tourism Management Plan (LRTMP) findings, a nine-month project which included the results of community leader assessments and public surveys. She noted that 4,538 survey responses had been received from Outer Banks citizens, the highest from any area. The Plan’s four strategic goals are to strengthen resident and visitor engagement, to adopt an integrated approach to improving environmental stewardship, to support

infrastructure development that supports the viability of the community residents and visitors, and to collaborate to advocate for an increase in residential housing diversity.

Commissioners' Agenda

Commissioner Gray

Southern City Magazine Commissioner Gray noted there was an article on town managers in *Southern City Magazine*, and what all managers do for municipalities. Members of the Board then complimented Ms. Díaz on her longtime service to the town.

Mayor's Agenda

1. Proclamations and Resolutions (Attached MA-1A)

A. Resolution in Support of Municipal Zoning Approaches and Balanced Zoning Changes by the North Carolina General Assembly

Mayor Sproul stated that to better address the potential legislation, he was withdrawing this resolution from his agenda to fine-tune it, and would present it at a future meeting.

Mary's Paws Park Event On Friday, June 2, 2023, from 1 p.m. to 4p.m., the Town will hold a celebration event at Mary's Paws Park. The celebration includes a supply drive for local animal shelters, and treats for pets and their owners. The animal supply drive is ongoing and items can be dropped off at the Fire Department and the Police Department lobby.

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

1. Minutes (Attached CA-1A)

A. May 8, 2023

2. Budget Amendments and Transfers (Attached CA-2A and CA-2B)

- A. #16 – To appropriate funds for the Street, Drainage, and Right-of-Way Improvements Projects as approved at the May 8, 2023 meeting.**
- B. #17 – To record contributions received to the Police and Fire Departments.**

3. Amendment of Grant Project Ordinance for the Town of Kill Devil Hills American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds (Attached CA-3)

Through its consultation with the UNC School of Government, the Town initially structured its ARP Grant Project Ordinance for expenditures of ARP funds to conclude by December 31, 2023. The Board approved Ordinance 19-10 on April 27, 2022.

The expenditures of the ARP funds are on track to conclude on or before June 30, 2023. This amendment to Ordinance 19-10 will adjust the project closure date to June 30, 2023, and will direct Staff to transfer \$26,579.76 in interest to the General Fund.

Approval of the Consent Agenda will approve the amendment to Ordinance 19-10 and direct Staff to transfer \$26,579.76 in interest revenue to the General Fund.

4. Partnership Reports (Attached CA-4A)

A. Interfaith Community Outreach

A requirement of the Town's partnership is an annual report of the organization's activities and service to the community. Executive Director Jenniffer Albanese has submitted ICO's annual report, which highlights the services directly provided to Kill Devil Hills citizens.

5. Centenarian Society Resolution (Attached CA-5)

KDH resident Bette DeGabrielle celebrated her 100th birthday on May 16, 2023. In honor of this milestone birthday, the Town of Hill Devil Hills, through resolution, has inducted Lady Bette into its Centenarian Society. Approval of the Consent Agenda will record the Board's approval of this resolution and her induction into the Society.

6. Schedule public hearings (Attached CA-6A and CA-6B)

At its May 16, 2023, meeting, the Planning Board voted to forward these two items to the Board of Commissioners, with a favorable recommendation; specifically, the Planning Board recommended approval of the site plan review, with minor revisions, which have been addressed by the applicant on the attached plans.

A. Site Plan Review — 207 W. Martin Street — Proposed Cluster Home Development in the Low Density Residential Zone — Including 10 “3-bedroom” and 11 “2-Bedroom” Long-Term Residential Units

Senior Planner Ryan Lang's meeting memorandum details House Engineering's submittal for the proposed construction of a 10 3-bedroom and 11 2-bedroom single-family dwelling Cluster Home development for 207 West Martin Street. As the proposed development is a Special Use, a public hearing is required as a part of the Board's consideration.

B. Zoning Amendment Request – §153.180(C) Commercial Zone Density – Change Density Measurement to Floor Area Ratio (FAR)

Assistant Planning Director Cameron Ray's attached memorandum highlights the requested zoning amendment submitted by Eddie Goodrich. If adopted, the amendment would change the density measurement for multi-family dwellings, cottage courts, and cluster homes in the Commercial Zoning District to Floor Area Ratio (FAR) from units per acre. In addition, FAR adjustments can be made with additional side yard setbacks and buffers.

Staff recommends scheduling public hearings for Wednesday, June 14, 2023, at 6:00 p.m. Approval of the Consent Agenda will schedule these items for public hearing.

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

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, 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 June 14, 2023.


Ben A. Sproul
Mayor