

Minutes of the Monday, June 9, 2025, regular meeting of the Kill Devil Hills Board of Commissioners held at 6:00 p.m. in the Town Hall Meeting Room, 102 Town Hall Drive, Kill Devil Hills.

Members Participating: Mayor John Windley; Commissioners Ivy Ingram, Terry Gray, Bernard “B.J.” McAvoy and T. Dillon Heikens

Members Not Participating:

Others Participating: Debora P. Diáz, Town Manager; Casey Varnell, Town Attorney; Meredith Guns, Planning Director; and James Michael O’Dell, Town Clerk

Call to Order

At 6:00 p.m., Mayor Windley 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 Gray seconded the motion, which passed by a unanimous, 5-0, vote.

Public Hearing

Town Attorney Casey Varnell read aloud the public hearing rules and then opened the public hearing. Notice for the following item has been published in the *Coastland Times*, and posted on the Town’s bulletin boards, website at <https://www.kdhnc.com/1147/June-9-2025-Board-of-Commissioners-Meeti>, social media platforms, and has been disseminated through the Town’s electronic distribution list, meeting or exceeding the N.C.G.S. requirements for public hearings on this matter.

1. Town Manager’s Recommended Budget for Fiscal Year 2025/2026

At its May 12, 2025, meeting, the BOC was presented with the Town Manager’s Recommended Budget for Fiscal Year 2025/2026, in accordance with the Local Government and Fiscal Control Act. Members received a bound, paper copy of the Town Manager’s Recommended Budget; a General Worksession was conducted at the May 28, 2025, meeting; and this evening’s public hearing was scheduled at the May 12, 2025, meeting.

The Town’s website provides links to the full budget document and a budget portal gateway, <https://www.kdhnc.com/937/Finance-Department>, where the public has been

encouraged to share its input. A bound copy of the Recommended Budget was placed in the Town Hall lobby for public inspection.

There were no meeting speakers or electronic submissions by the public on the budget portal. Mayor Windley noted that the discussion was productive at the May 28, 2025, budget worksession. The Board took no action at this time.

Public Comment

Response to Public Comment

Ongoing Business

New Business

1. Recommended action to adopt an operating budget FY 2025 / 2026 Budget Ordinance, Capital Reserve Ordinance for the Purpose of the Construction of and Improvements to Streets and Related Stormwater Management, and consolidated fee schedule for the Town of Kill Devil Hills (Attached NB-1)

The Town Manager's Recommended Budget for Fiscal Year 2025/2026 was presented to the Board of Commissioners at its May 12, 2025, meeting, in accordance with the Local Government and Fiscal Control Act. The Board scheduled a budget worksession for its May 28, 2025, meeting, and a public hearing for this June 9, 2025, meeting.

The Town's website provides links to the full budget document and a budget portal gateway, where the public has been provided the opportunity to share its comments on the Recommended Budget. A bound copy has been available for inspection in the Town Hall lobby as an additional option for public access.

Commissioner Gray stated that in the budget \$200,000 was appropriated for upgrades to the Aviation Park hockey rink, and recommended setting aside \$50,000 to replace the wall boards and other small improvements, while reallocating the remaining \$150,000 to the recreational fund. Town Manager Debora Díaz noted that with the current budget recommendation and the Board's focus on the repair / repainting of wall boards as a priority, no changes to the line item would be required. Any funds not utilized for the rink could be utilized for recreational facilities. Ms. Díaz stated that the intent was to commission a design concept and return to the Board with options for consideration with Board input: any specific recommendations for changes to recreational facilities would be brought to the Board for review and consideration. With regard to committee review, she said that improvements to the hockey rink would be appropriate review by the Street Improvement and Special Projects Committee (SISPC) prior to going to the Board for consideration. Commissioner Gray shared that the hockey skaters, derby brigade, and lacrosse players all wished to keep the rink the same. It is a unique recreational facility in Kill Devil Hills. Commissioner Ingram agreed, but noted that the facility remains empty 80-90 percent of the time. The future of recreation in the county requires multiple uses of a facility by different groups. Commissioner McAvoy suggested multiple uses,

including possible roller skating and ice skating options. Ms. Díaz said Staff understood the Board’s direction in maintaining the \$200,000 recreational facilities allocation to conduct some skating rink improvements and to maintain current usage by groups while examining options to expand rink usage, with future review of conceptual plans by the Board.

Commissioner Ingram moved for the Board of Commissioners to adopt the Budget Ordinance, Capital Reserve Ordinance for the Purpose of the Construction of and Improvements to Streets and Related Stormwater Management, and consolidated fee schedule for Fiscal Year 2025/2026, as presented. Commissioner Gray seconded the motion, which was approved by a unanimous, 5-0, vote.

2. Recommendation for Bid Acceptance for 2025-2026 Street, Drainage, and Rights-of-Way Improvements Projects

At its October 14, 2024, meeting, the Board of Commissioners approved the design and bidding of the street, drainage and right-of-way improvements project for Fiscal Year 2025/2026. The capital improvement project includes paving, drainage, sidewalk, water main replacement and related work as detailed below.

The Public Services meeting memoranda highlighted that on May 22, 2025, bids were received for the project and reviewed by the Town’s engineer, Emily Zeltmann, P.E., and Town Staff. Staff concurred with Ms. Zeltmann’s recommendations as outlined in her attached recommendation letters and accompanying bid tabulations.

Town Engineers Pete Burkheimer and Patrick Lewis were present for any questions. Commissioner Heikens inquired about the Ocean Acres Drive project’s scope. Mr. Burkheimer noted that this project would address the pavement issues, specifically the washboard-type rippling in the asphalt, along Ocean Acres Drive between its two intersections with Burns Drive, which had resulted since the 2012 paving project.

A. West Martin Street, Infrastructure Improvements (Attached NB-2A)

West Martin Street, Infrastructure Improvements (approximately 0.81 miles) - Improvements will include paving, drainage, sidewalk, water main, and related work as follows:

- **W. Martin Street (US 158 to Blue Jay Street):** Road widening to the south adding a right turn lane at US 158, sidewalk addition on the north side, asphalt paving, drainage improvements and some driveway work.
- **W. Martin Street (Blue Jay Street to Ninth Ave.):** Sidewalk addition on the north side, asphalt paving, drainage improvements, waterline work including valve and hydrant replacements and some driveway work.
- **Swan Street (Martin Street to W. Baum Street):** Sidewalk addition on the west side, fire hydrant replacements from W. Martin Street to W. Baum Street and water main replacement and pavement overlay between W. Martin Street and Airstrip Road.

- **West Baum Street** (*Swan Street to Sixth Ave.*): Sidewalk addition from Swan Street to Sixth Avenue along the south side to allow pedestrian crossing at Sixth stop sign controlled intersection.

Staff concurred with Ms. Zeltmann’s recommendation that the low bidder, Hatchell Concrete, Inc. is awarded the contract for the West Martin Street, Infrastructure Improvements as outlined in the attached recommendation letter.

**Breakdown of the recommended construction related costs for
the West Martin Street, Infrastructure Improvements:**

West Martin Street, Infrastructure Improvements	Base Bid			
	Streets & Drainage	Sidewalk	Water	Total
Hatchell – Base Bid + Unit Price Items	\$1,312,994	\$445,000	\$368,356	\$2,126,350
Contingency	\$65,650	\$22,250	\$36,836	\$124,736
Engineering	\$48,587	\$26,502	\$13,251	\$88,340
Grand Totals	\$1,427,231	\$493,752	\$418,443	\$2,339,426

If the Board of Commissioners agrees with the recommendations for the West Martin Street, Infrastructure Improvements, a motion will be in order for the following:

- Approve the contract with Hatchell Concrete, Inc. for 2025-2026 street, drainage, and right-of-way improvements project in the amount of \$2,126,350 and authorize its execution by the Town Manager;
- Approve the engineering services agreement with American Engineering in the total amount of \$88,340 for construction oversight services;
- Approve a 5% not-to-exceed contingency for the streets and drainage portions of the project in the amount of \$65,650, sidewalk portions of the project in the amount of \$22,250, and a 10% contingency for the water portions of the project in the amount of \$36,836;
- Authorize expenditure of \$1,247,231 from the Street Construction Capital Reserve Fund; \$180,000 from Powell Bill Funds; \$220,000 from the Sidewalk Construction Capital Reserve Fund; \$240,000 of grant funds; \$33,752 from the general fund balance; and \$418,443 from the Water Fund, for a total of \$2,339,426; and
- Approve budget amendments to appropriate funds from the Street Construction Capital Reserve, Sidewalk Construction Capital Reserve Fund, Fund Balance – Powell Bill, grant funds, and unassigned fund balances for the 2025-2026 street, drainage, and right-of-way improvements project.

B. Ocean Acres Drive, Pavement Improvements (Attached NB-2B)

This Spring Project includes pavement replacement on Ocean Acres Drive from Burns Drive to Burns Drive or approximately 0.56 miles of asphalt milling and pavement replacement. Staff concurred with Ms. Zeltmann’s recommendation that the low bidder, Fred Smith Contracting is awarded the contract for the Ocean Acres Drive Pavement Improvements as outlined in the attached recommendation letter.

Breakdown of the recommended construction related costs for the Ocean Acres Drive Pavement Improvements:

Ocean Acres Drive - Pavement Imp.	Project Breakdown		
	Streets & Drainage	Water	Total
FSC II, LLC d.b.a. Fred Smith Contracting – Base Bid + Unit Price Items	\$121,305	0	\$121,305
Contingency	\$6,066	0	\$6,066
Engineering	\$13,860	0	\$13,860
Totals	\$141,231	\$0	\$141,231

If the Board of Commissioners agrees with these recommendations for the Ocean Acres Drive Pavement Improvements, a motion will be in order to:

- Approve the contract with FSC II, LLC d.b.a. Fred Smith Contracting for 2025-2026 street, drainage, and right-of-way improvements spring project in the amount of \$121,305 and authorize its execution by the Town Manager;
- Approve the engineering services agreement with American Engineering in the total amount of \$13,860 for construction oversight services;
- Approve a 5% not-to-exceed contingency for the streets and drainage portions of the project in the amount of \$6,066;
- Authorize expenditure of \$141,231 from the Powell Bill Fund.

Commissioner McAvoy moved to approve New Business Item #2, Recommendations for Bid Acceptance for 2025-2026 Street, Drainage, and Rights-of-Way Improvements Projects – West Martin Street, Infrastructure Improvements and Ocean Acres Drive, Pavement Improvements, as presented. Commissioner Heikens seconded the motion, which was approved by a unanimous, 5-0, vote.

3. Appointments and Nominations

A. Nomination for appointment by the Dare County Board of Commissioners to the Land Transfer Tax Appeals Board

Jaqueline Ricks-Sample's term as Kill Devil Hills' representative on the Dare County Land Transfer Tax Appeals Board expires June 2025, a position she has held since 2010. Ms. Ricks-Sample has expressed interest in continuing her service to the Town in this position; her appointment history was included with the meeting materials.

Commissioner Ingram moved to nominate Jackie Ricks-Sample to the Dare County Board of Commissioners for an appointment as the Kill Devil Hills representative to the Dare County Land Transfer Tax Appeals Board. Commissioner Heikens seconded the motion, which was approved by a unanimous, 5-0, vote.

Committee Reports

Commissioners' Agenda

Commissioner Gray

Fire Department Staffing Commissioner Gray expressed his continued concern about Fire Department staffing. He recommended continual monitoring to assess any staffing needs as they develop, and to closely follow the Workforce Manpower Study, which was adopted at the April 30, 2025, meeting. Mayor Windley inquired about the minimum age for fire volunteers. Fire Chief Troy Tilley replied that the age was 18. However, there is a junior firefighter program that is working with local high school students. He hoped that this program would build upon an interest in firefighting.

Commissioner Heikens

Mobile Phone Service Commissioner Heikens expressed concern about issues regarding local cellular / mobile phone services. Ms. Díaz replied that Staff could contact the Town's cellular intermediary and would follow up on the issue.

Mayor's Agenda

1. Closed Session

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

The Board of Commissioners entered closed session at 6:27 p.m.

The Board resumed its business at 6:42 p.m.

Mayor Windley reported that in the Board's closed session, the Board conducted a performance appraisal of the Town Manager, and that he would meet with Ms. Díaz at a later date to review and implement the terms of the evaluation.

Mary's Paws Park Celebration Mayor Windley highlighted the Town's recent Mary's Paws Park Celebration at Aviation Park to celebrate the dog park. He noted that as a part of the event, the SPCA and Beagle Rescue organizations were present to provide pet adoption opportunities. Mayor Windley and the Board expressed their appreciation to Town Staff for making the event possible. Commissioner McAvoy expressed his appreciation for the newly installed speakers and music throughout Aviation Park.

Offshore Drilling Public Comment Period Mayor Windley shared that a plan recently was announced by the President's Administration to develop a new Federal schedule for offshore oil and gas lease sales. Through consensus, the Board authorized a letter from the Mayor to accompany the Board's most recent resolution opposing such activity for submission by the public comment deadline.

First Flight Farmers Market Mayor Windley said that the first of the Town's summer markets will begin Tuesday, June 17th, from 9:00 a.m. to 1:00 p.m. at Aviation Park, across from First Flight High School. The market will include more than 50 vendors, consisting of produce, jewelry, baked goods, homemade candles, food trucks, jams and jellies, and one-of-a-kind local crafts, photographs, and products from local artists. The markets will be held every Tuesday, with the last one of the season on August 12th.

Independence Day Fireworks The annual Independence Day Fireworks Show is scheduled for July 4th, at Avalon Pier. Mayor Windley encouraged everyone to bring their families and friends and enjoy the show. The event also will be live-streamed; links and more information will be on the Town website at www.kdhnc.com.

Bicycle Safety Course Mayor Windley thanked Community Policing Officer Lane who had conducted a bicycle safety program for Cub Scout Pack 116.

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

1. Minutes (Attached CA-1A)

A. May 28, 2025

2. Monthly Reports (Attached CA-2A)

A. April 2025

3. Budget Amendments and Transfers (Attached CA-3A, CA-3B, CA-3C, CA-3D, CA-3E, and CA-3F)

- A. Budget Amendment #13 – To record the revenues and right-to-use asset associated with the new fire station lease calculated as the total future principle payments as of the start date of the lease plus payments made prior to the start of the lease
- B. Budget Amendment #14 – To appropriate insurance proceeds for insurance claims received throughout FY 2024-2025
- C. Budget Amendment #15 – To appropriate PEG channel support funds
- D. Budget Amendment #16 – To appropriate fuel funds received from Dare County and funds for Fleet Maintenance inventory
- E. Budget Amendment #17 – To appropriate sales tax reimbursement funds
- F. Budget Transfer #22 – To transfer funds from the Finance Department to Management Information Systems for paid internship program and budget shortfall

4. Official Traffic Map (Attached CA-4)

From time to time, it is necessary to revise the Town's Official Traffic Map. In this instance, the update involved the status of the overnight parking prohibition at the Town's beach accesses. Approval of the Consent Agenda will record the Board's adoption of the Town's Official Traffic Map.

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 McAvoy moved to adjourn the meeting. Commissioner Gray 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
Town Clerk