

Minutes of the Monday, December 8, 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, Bernard “B.J.” McAvoy, and T. Dillon Heikens

Members Not Participating:

Others Participating: Charlene Allen, Assistant 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 Windley opened this meeting of the Kill Devil Hills Board of Commissioners (BOC) and welcomed all present.

Pledge of Allegiance and Moment of Silence

As the group entered a moment of silence, Mayor Windley asked everyone to keep former Commissioner Terry Gray’s family in their thoughts and prayers.

Agenda Approval

Commissioner McAvoy moved to approve the meeting’s agenda as presented. Commissioner Heikens seconded the motion, which passed by a unanimous, 4-0, vote.

1. Public Hearings

Town Attorney Casey Varnell read aloud the public hearing rules and then opened each hearing. He noted that at the Board’s November 12, 2025, meeting, these public hearings were scheduled. Notice for the following items has been published in the *Coastland Times*, and posted on the Town’s bulletin boards, website at <https://www.kdhnc.com/1155/December-8-2025-Board-of-Commissioners-M>, 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.

Zoning Amendment Request

- A. Zoning Amendment Request — §§153.206, 153.210, 153.310, and 153.311 — Allow Cottage Courts and Cluster Homes to be Permitted in the LI-2 Zone**

The Planning Department's meeting memorandum detailed the proposed amendment to the Town's Code of Ordinances. At its October 14, 2025, meeting, the Planning Board reviewed and forwarded the following amendment, recommending approval. This proposed amendment would allow Cottage Courts and Cluster Homes as permitted uses in the Light Industrial Two Zone, and regulate Cottage Courts and Cluster Homes under the same density regulations as multi-family dwellings, consistent with other zoning districts that allow these uses.

Applicant Eddie Goodrich was present to answer any questions. The group discussed the diverse growth in the Light Industrial Two Zone, and that the addition of Cluster Homes and Cottage Courts would be a welcomed addition, since multi-unit housing is already permitted.

Mayor Windley moved to approve this proposed amendment as presented, noting that the Board of Commissioners finds the amendment to Chapter 153, Zoning, §§153.206, 153.210, 153.310, and 153.311 — to allow Cottage Courts and Cluster Homes to be Permitted in the LI-2 Zone is consistent with all comprehensive plans or other officially adopted plans of the Town of Kill Devil Hills that are applicable. The amendment is reasonable and in the public interest because it provides additional housing types consistent with other permitted uses in the Light Industrial Two Zone. Commissioner Ingram seconded the motion, which was approved by a unanimous, 4-0 vote.

Historic Landmark Designations

The Planning Department's meeting memoranda and supporting materials highlighted two candidate properties for Local Historic Landmark designation. At its November 5, 2025, public hearings, the Historic Landmarks Commission (HLC) reviewed property designation reports and State comments for these properties, and voted unanimously to recommend the Historic Landmark Designation status. Staff recommended approval of these historic landmark designations.

B. Local Historic Landmark Report and Proposed Ordinance – 409 West Sportsman Drive: Ducey Cottage

Commissioner Heikens moved to designate 409 West Sportsman Drive, known as Ducey Cottage, as a historic landmark in Kill Devil Hills. Commissioner McAvoy seconded the motion, which was approved by a unanimous, 4-0, vote.

C. Local Historic Landmark Report and Proposed Ordinance – 1023 B North Virginia Dare Trail: Jackson Cottage

Mayor Windley moved to designate 1023 B North Virginia Dare Trail, known as Jackson Cottage, as a historic landmark in Kill Devil Hills. Commissioner Heikens seconded the motion, which was approved by a unanimous, 4-0, vote.

Public Comment

Response to Public Comment

Ongoing Business

New Business

1. **Organizational Meeting: Certification of election results, oaths of office, and other organizational items**

Organizational Meeting

A. Certification of election results

Terrance L. “Terry” Gray, Sr. – Commissioner – 385 votes

Timothy Dillon Heikens – Commissioner – 314 votes

B. Oath of office

1. Commissioner

Town Clerk James Michael O’Dell certified for the record of this meeting the results of the November 4, 2025, municipal election, conducted by the Dare County Board of Elections for the Town of Kill Devil Hills. At the conclusion of the certification, an oath of office was administered to Commissioner T. Dillon Heikens for a four-year term that will expire in 2029.

C. Appointment of Mayor *Pro Tempore*

Mayor Windley nominated Ivy Ingram for the office of Mayor *Pro Tempore*. Commissioner McAvoy seconded the nomination. With no additional nominations, Ivy Ingram was appointed by a unanimous, 4-0, vote. Mr. O’Dell then administered the oath of office to Mayor *Pro Tem* Ingram.

2. **Adoption of Code of Ethics and Conduct for the Board of Commissioners and Rules of Procedure**

In 2012, a Code of Ethics and Conduct was adopted by the then-seated Board of Commissioners; the most recent adoption was at the Board’s organizational meeting in December 2023. The Code is an affirming statement to town citizens of the Board of Commissioner’s pledge to conduct the Town’s business in a manner to maintain the level of trust, professionalism, and moral conduct they expected when they voted its members into office.

North Carolina General Statutes require local governments adopt a code of ethics to guide members in the performance of their official duties, which at the least must contain the following:

- The need [for all governing board members] to obey all applicable laws;

- The need [] to uphold the integrity of the office;
- The need [] to avoid impropriety in the execution of duties;
- The need [] to faithfully discharge the duties of the office; and,
- The need [] to conduct the affairs of the governing board in an open and public manner.

Attachments for this agenda item included the following:

- An adoptable Code: there are no changes from the 2023 document;
- Amendments to the Allen, Trey (2017). *Suggested Rules of Procedure for a City Council* (4th ed.). School of Government. The University of North Carolina at Chapel Hill (which has been previously provided to Board members)

Mayor Windley moved for the Board of Commissioners to readopt the Code of Ethics policy and Rules of Procedure at this meeting. Commissioner Heikens seconded the motion, which was approved by a unanimous, 4-0, vote.

Committee Reports

Street Improvement and Special Projects Committee (SISPC) Commissioner McAvoy shared that the SISPC would be meeting on January 20, 2026.

Commissioners' Agenda

Board members shared their thoughts and recollections on the life and influence of former Mayor and Commissioner Terry L. Gray, Sr. Everyone noted Commissioner Gray's immeasurable impact on the Board and the entire community, with his dedication to local community causes and the citizens of the Town.

Commissioner Ivy Ingram

Public Services Department Commissioner Ingram expressed appreciation to the Public Services Department for its great work, especially with the ongoing streets project.

Mayor's Agenda

1. Resolution Honoring the Longtime Service of Former Mayor and Commissioner Terrance L. Gray, Sr. (Attached MA-1A)

Mayor Windley moved to adopt the *Resolution Honoring the Longtime Service of Former Mayor and Commissioner Terrance L. Gray, Sr.* as an expression of respect for a colleague who dedicated his life to his family and the Outer Banks community. Commissioner McAvoy seconded the motion, which was approved by a unanimous, 4-0, vote.

2. Proposed 2026 Board of Commissioners meeting schedule

In developing the 2026 Board of Commissioners meeting schedule, the Board has taken into account Federal, State, and Town holidays, the Dare County Schools student schedule, and Election Days. However, changes to the meeting schedule may be made at any time. Two open comment public fora are scheduled: the spring forum on April 22 and the autumn forum on October 12. It is anticipated that the Town Hall Meeting Room will serve as an Early Voting and Elections Day polling station for the State Primary, mid-February through March 3, and General Election, mid-October through November 4, 2025. The tentative BOC meeting schedule would be as follows:

Monday, January 12	Monday, June 8
Wednesday, January 28	Wednesday, June 24
Monday, February 9	Monday, July 13
Monday, March 9	Monday, August 10 17
Wednesday, March 25	Monday, September 14
Wednesday, April 22 (public forum)	Monday, October 12 (public forum)
Monday, May 11	Monday, November 16
Wednesday, May 27	Monday, December 14

Mayor Windley moved to approve the 2026 Board of Commissioners meeting schedule, as amended. Commissioner Ingram seconded the motion, which was approved by a unanimous, 4-0, vote.

Mayor Windley then shared the following items:

Fire Chief Frank M. Roepcke, III Mayor Windley congratulated former Deputy Fire Chief Roepcke on his promotion to Kill Devil Hills Fire Chief and Emergency Management Director.

Holiday Drives Mayor Windley stated that for the holiday season, the Town of Kill Devil Hills is collecting for Toys for Tots and the Beach Food Pantry through December 15. Items can be dropped off at Town Hall, the Recycle Center, and the Fire Station.

Wright Lights Illumination Mayor Windley reminded everyone that the Town's Wright Lights Illumination at Aviation Park would be held Tuesday, December 9, from 4:00 p.m. – 7:00 p.m. The Buildings and Grounds Staff have been working on an amazing light display. There will also be holiday music from local choirs, sleigh rides, a food truck, and lots of other surprises. He shared that Santa Claus will also be making a visit.

Breakfast with Heroes Mayor Windley stated that the Fire Department will be hosting its Breakfast with Heroes event Saturday, December 13, from 8:00 a.m. – 11:00 a.m. at the Fire Station.

First Flight Holiday Markets Mayor Windley said that on December 19, the Town will hold its last Holiday Market of the season, from 3:00 p.m. – 7:00 p.m. at Aviation Park. There are going to be many vendors to get last minute shopping done, and representatives from the Children & Youth Partnership will be receiving diapers and donations for the Dare County Diaper Bank.

Town Manager's Agenda

Assistant Town Manager Charlene Allen shared the Staff's appreciation for former Commissioner Gray, highlighting his dedication to every employee and their families.

Town Attorney's Agenda

Consent Agenda

1. Minutes (Attached CA-1A)

A. November 12, 2025

2. Monthly Reports (Attached CA-2A)

A. October 2025

3. Recommendation for the acceptance of street improvements to East Boundary Street; and adoption of the Official Traffic Map and Powell Bill Map for the Town of Kill Devil Hills to reflect the improvements (Attached CA-3)

With the recent completion of street and right-of-way improvements to East Boundary Street, the developer has petitioned the Board of Commissioners for these improvements to be accepted into the Town's public street systems. The Public Services meeting memorandum highlighted the submitted materials, which are on file with the Office of the Town Clerk.

Approval of the Consent Agenda will adopt the attached resolution, which:

1. Accepts the street and right-of-way improvements for East Boundary Street into the Town's public streets and water systems;
2. Revises and adopts the Official Traffic Map of the Town of Kill Devil Hills, reflecting the improvements;
3. Revises and adopts the Powell Bill Map, reflecting the improvements.

The Official Traffic Map and Powell Bill Map will each be posted in the Meeting Room prior to the meeting, and included with the electronic packet on the Town's website, www.kdhnc.com.

Staff recommended approval of the Consent Agenda and a motion would be in order.

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

Commissioner Ingram moved to approve the Consent Agenda, as presented. Commissioner Heikens seconded the motion, which was approved by a unanimous, 4-0, vote.

Public Comment

Response to Public Comment

Adjournment

There being no further business appearing before the BOC at this time, Commissioner Heikens moved to adjourn the meeting. Commissioner Ingram seconded the motion, which was approved by a unanimous, 4-0, vote.

The time was 6:35 p.m.

Submitted by:

James Michael O'Dell
Town Clerk