

**Minutes of the Monday, January 12, 2026, 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:** Debora P. Díaz, Town Manager; Angell Doughtie, Finance Director; Meredith Guns, Planning Director; Cameron Ray, Assistant Planning Director; Dana Harris, Assistant Police Chief; Frank M. Roepcke, III, Fire Chief; Casey Varnell, Town Attorney; and James Michael O’Dell, Town Clerk

**Call to Order**

At 6:08 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 McAvoy moved to approve the meeting’s agenda as presented. Commissioner Ingram seconded the motion, which passed by a unanimous, 4-0, vote.

**Public Comment**

One electronic public comment was submitted, which was forwarded to the Board of Commissioners prior to the meeting, and has been included with the record of the meeting:

**Chris Lilliston, 1409 Lake Ridge Court, Kill Devil Hills, NC** – Ms. Lilliston expressed a support for accessory dwelling unit options in the Maritime Forest Environmental District.

**Chris Marik, Ocean Atlantic Rentals, 2001 S. Croatan Highway, Kill Devil Hills, NC** – Mr. Marik shared that the Trash Attack! Community Clean-Up Event would be coming up later in the spring, and encouraged everyone to attend. Mr. Marik shared his support for the proposed amendment addressing beach concierge services. He did express a concern about retaining equipment that would be rented by the public prior to discard by Staff. Mr. Marik noted that there were a lot of businesses performing these concierge services that were possibly not of the highest quality. Sometimes there are chronic violators of these rules, and he supported potential fines.

## Response to Public Comment

Mayor Windley thanked Mr. Marik for his comments, and for his longtime participation as the Vice-Chair of Trash Attack! Community Clean-Up event. He also expressed his appreciation for Trash Attack! Chairman Sandie Markland and her work for the Town.

## Ongoing Business

### New Business

#### 1. **Annual Comprehensive Financial Report for FY 2024/2025, Certificate of Excellence in Financial Reporting for Fiscal Year ended June 30, 2024, and Popular Annual Financial Report (Attached NB-1)**

Finance Director Angell Doughtie stated that Emily Mills, CPA and Partner, of DMJPS, LLC, (formerly Potter and Company, Certified Public Accountants), was available via teleconference to present the results of Kill Devil Hills' audit for the 2024/2025 Fiscal Year. Ms. Mills' comments included her firm's unmodified "clean" opinion, the best that can be issued, of the Town's financial condition. She thanked the entire Finance Department Staff for its work.

Ms. Doughtie then presented a summary of the Town's financial operations for the 2024/2025 Fiscal Year through review of the Town's Annual Comprehensive Financial Report (ACFR). The Finance Department also presented its Popular Annual Finance Report (PAFR) to highlight the Town's overall financial condition. This report provides a user-friendly format to better convey the Town's financial status to the public. Both reports have been included with the record of this meeting.

The Town was presented with its 36<sup>th</sup> annual Certificate for Excellence in Financial Reporting for Fiscal Year ended June 30, 2024, and its second annual award for its Popular Annual Financial Report. Ms. Doughtie expressed appreciation to the Finance Staff, including Assistant Finance Director Sam Angelo, Accountant Scott Nickens, and Customer Service Representative Celena Dermatas.

To reference the Annual Comprehensive Financial Report (ACFR):



To reference the Popular Annual Financial Report (PAFR):



Mayor Windley and the Board members expressed their appreciation to Ms. Doughtie and the entire Finance Department was congratulated for its diligent efforts in maintaining such a high standard of financial, budgetary, and accounting practices.

**2. Proposed Amendment to Chapter 96, Seaside Regulations: Add Regulations for Beach Equipment Setup and Regulations for Beach Concierge Services (Attached NB-2)**

Planning Director Meredith Guns shared that the Planning Department developed this proposed amendment to address the community's growing concern about unattended beach equipment and sprawling areas of the beach becoming monopolized, especially by commercial beach set up companies, or beach concierge services.

This proposed amendment to Chapter 96, Seaside Regulations, would require beach concierge services to obtain an annual Town permit prior to conducting business within Kill Devil Hills, and set guidelines for equipment setup, hours of operation, and limitations of beach area encumbered. The amendment closely parallels existing ordinances in the Towns of Duck and Nags Head. As a part of this process, a "Beach Concierge Service Permit" fee of \$500 is proposed to cover permit review and enforcement by Town Staff. Ms. Guns noted the amendment would specifically require placement of the equipment at least 30 feet from the beach access points, with setup after 6:00 a.m. and removal by 8:00 p.m., along with a limitation of no more than two canopies within 10 feet, and if the equipment is unoccupied, all must be under the canopy.

Ms. Guns shared that the amendment also applies to placement of rented equipment by individuals. There are civil remedies for non-compliance and also a two-strike prohibition from beaches. She noted that the Town would be implementing an education strategy, including videos about the ordinance and communications with existing concierge services. She also explained the existing process for addressing overnight items on the beach, and with this ordinance, how Ocean Rescue Staff would monitor and the Planning Department would provide enforcement.

Commissioner McAvoy inquired about private individuals leaving items out. Ms. Guns shared that regulations on items left overnight on the beach have been in place since 2015, and that Ocean Rescue has been educating the public and utilizing the two-tag approach to provide warnings prior to any equipment removal. Commissioner McAvoy inquired whether this amendment would become taxing for Ocean Rescue Staff. Assistant Planning Director Cameron Ray replied that the Staff has been enforcing the overnight beach items ordinance already, so this would not be an additional burden. Ms. Guns noted that it would actually take some work from Ocean Rescue because Planning Department Staff would be addressing enforcement with the concierge services.

Mayor Windley inquired about the number of items picked up from the beach that were discarded. Fire Chief Frank Roepcke replied that he was unsure whether Ocean Rescue kept statistics on the numbers. He assumed that the majority of the items collected were from less reputable operators. Ms. Guns shared that this amendment also would directly address fly-by-night individuals peddling umbrellas and chairs, and the storage of equipment at the base of beach access overnight because some operators do not want to remove it from the beach. Mr. Ray noted that when the overnight items prohibition began in 2015, the first summer was very busy with educational outreach and enforcement. Over time, there has been more of an understanding regarding the ordinance and less items collected. Mayor Windley inquired about

the fee. Ms. Guns replied that it was a graduated scale; Mr. Ray shared that the revocation of the permit would also be an alternative.

Since this proposed amendment does not affect Title XV, Land Usage, of the Town Code of Ordinances, a public hearing was not required. Commissioner Ingram moved to approve the proposed amendment to Chapter 96, Seaside Regulations: Add Regulations for Beach Equipment Setup and Regulations for Beach Concierge Services, and amend the Town's Consolidated Fee Schedule to include a Beach Concierge Service Permit for \$500.00. Commissioner Heikens seconded the motion, which was approved by a unanimous, 4-0, vote.

### **3. Proposed Amendment, Chapter 71, Traffic Regulations: Prohibition of Vehicular Travel in Flooded Areas (Attached NB-3)**

Town Manager Debora P. Díaz noted that often following storm or heavy-rain events, curious or thrill-seeking individuals sometimes venture onto flooded roadways, displacing large amounts of standing water and causing additional damage to property or creating unsafe conditions for individuals. The Police Department's meeting memorandum highlighted its mission to promote public safety and prevent damage in those flooded areas, and proposed an amendment to Chapter 71, Traffic Regulations. If adopted, this amendment would make it unlawful for a motorist to operate a vehicle in flood waters, displacing water and/or creating a wake that would adversely affect property or cause injury to individuals or animals.

Since this proposed amendment does not affect Title XV, Land Usage, of the Town Code of Ordinances, a public hearing was not required.

Mayor Windley inquired about the two-inch water threshold, and whether this proposed ordinance would address public and private properties. Ms. Díaz replied that it would only address public roadways, not private property, such as private roads or parking lots. Ms. Guns replied that the two-inch threshold was based upon the Town's roads, which are constructed with a center crown, lowering to both sides. As a result, it is understood that a larger depth of water is along with side of the roadway and shoulder, which, when displaced, has the potential to greatly affect area properties.

Commissioner McAvoy inquired whether this only affected marked areas of flooding. Assistant Police Chief Dana Harris replied that the proposed amendment addressed all public roadways that were flooded, whether or not signage was present. He stated that during weather events, it was not always feasible to place signage due to time constraints or weather conditions that could blow away the signage. Mr. Harris noted that during flood events on NC 12, vehicles would intentionally go through flooded areas on streets at speeds that would create wakes of water higher than vehicles. Commissioner McAvoy highlighted motorists going to Hatteras and driving on flooded roadways as a necessity to return home or get to work. Mr. Harris replied that when that scenario was applied to the Town with the proposed amendment, the motorist would not be cited because they were not operating the vehicle in a reckless manner. Commissioner McAvoy inquired whether driving through flooded areas was already covered by reckless driving statutes. Mr. Harris replied not necessarily, and noted that under this amendment, it is a civil citation, not a criminal charge.

Following additional discussion, the Board expressed support for the general intent but asked Staff and the Town Attorney to return at a future meeting with further clarification in the proposed ordinance.

#### **4. Process and Timeline to Fill Vacant Position on the Board of Commissioners**

Ms. Díaz noted that Staff recently conferred with representatives from the UNC School of Government for guidance in the process and timeline to fill the vacancy created by the death of sitting Commissioner Terry Gray, Sr., on November 27, 2025. She detailed the following recommendations:

Notice of the Board’s intent to fill the vacant seat will be made via the Town’s website, [www.kdhnc.com](http://www.kdhnc.com), electronic distribution, and media releases.

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|-----------------------------------|--|
| <u>Monday, February 2, 2026</u>   | Deadline for applications to be submitted to the Office of the Town Clerk by 5:00 p.m. Applications may be submitted on-line through the Town’s website, and a résumé may be submitted with the completed application. |
| <u>February 9, 2026</u>           | The Town Clerk will forward all eligible applications to the Board of Commissioners.   |
| <u>February 9 - March 9, 2026</u> | Board of Commissioners members will review the applications and may individually contact applicants to obtain additional information or clarify any information submitted.   |
| <u>March 9, 2026</u>              | During the Board of Commissioners meeting, members will use the nomination-and-ballot method to fill the vacant seat from the eligible candidates submitting applications.   |
| <u>March 25, 2026</u>             | In the event an applicant is selected, the oath of office will be administered at the Board of Commissioners meeting, and the new commissioner will be seated.   |

Ms. Díaz noted that, when filled, the term of this appointed Board of Commissioners position will be through December 2027. The remaining two years of the term will be decided by Kill Devil Hills voters in the November 2027 municipal elections, and the certified winner of that election will serve through December 2029.

Commissioner McAvoy moved to approve the recommended process and timeline to fill the vacancy on the Board of Commissioners. Commissioner Heikens seconded the motion, which was approved by a unanimous, 4-0, vote.

## **5. Appointments and Nominations**

All applications on file from persons interested in serving in any capacity have been previously copied to the Board of Commissioners and no new applications for those purposes have been received. Town Staff has continued its outreach through print and electronic media, social media, and the KDH website to encourage interested members of the public to submit applications for consideration.

### **A. Planning Board – two positions**

Longtime Planning Board Chairman Howard Buchanan recently moved outside of the Town's corporate limits; as a result, Mr. Buchanan submitted his resignation from the Planning Board, effective December 1, 2025. The term of the position expires April 2028.

Becky Breiholz's term as a member of the Planning Board expires February 2026, and she has expressed a desire for reappointment.

Mayor Windley moved to appoint Shannon McArthur to the vacant Planning Board position for a term that expires April 2028 and reappoint Becky Breiholz to the Planning Board for a three-year appointment that will expire February 2029. Commissioner McAvoy expressed his support for Jason Self. Commissioner Heikens seconded the motion, which was approved by a unanimous, 4-0, vote.

### **B. Government Education Access Channels Committee (GEACC)**

Former Commissioner Gray was Kill Devil Hills' elected representative on the Government Education Access Channels Committee (GEACC), which operates Current Television's government access and education access channels. Public Information Officer Rachel Tackett regularly attends the meetings and assists the Town's representative, a position which has no term limitation.

Through consensus, the Board determined to delay an appointment to the Government Education Access Channels Committee until the Board was fully seated and outside committee assignments were allocated among all members.

### **C. Dare County Tourism Board – Nomination (Attached NB-3)**

Members of the Dare County Tourism Board serve two-year terms and are appointed by the Dare County Board of Commissioners after being nominated for consideration by the municipal governing boards. Former Commissioner Terry Gray had served as the Town's representative since early 2024 until his death on November 27, 2025.

As a part of its nomination procedures, the Dare County Board requests the submission of three names from the membership of the Kill Devil Hills Board for consideration for appointment to the Tourism Board. Ms. Diáz noted that because the Tourism Board was an appointment through the Dare County Board of Commissioners, a delay in submitting a nomination would only further delay an appointment of a Town representative.

Through consensus, the Board determined to delay until the March 25, 2026, meeting, an appointment to the Government Education Access Channels Committee and a nomination for the Dare County Tourism Board until the Board of Commissioners was fully seated and outside committee assignments were allocated among all members.

## **Committee Reports**

Dare Housing Foundation Mayor Windley shared on December 16, 2025, he attended the Dare Housing Foundation meeting. A corporate office has been established in Southern Shores, a meeting calendar has been adopted, and committee work has been assigned to consider potential sites. He recognized Chairperson Donna Creef, who was present at the meeting.

## **Commissioners' Agenda**

### Commissioner Ingram

Town-issued laptops and digital meeting packets Since all members are in process of receiving laptops for their Town work, Commissioner Ingram asked that the Board support a digital meeting packet, considering the paper waste and Staff time. Members expressed overall support for the idea; through consensus, the Board will further discuss this topic at an upcoming meeting once all members have fully transitioned to their Town-issued laptops.

## **Mayor's Agenda**

Holiday Drives Mayor Windley expressed the Board's thanks to generous donations by the community: numerous toys were donated for the Toys for Tots drive and over 400 pounds of food was collected for the Beach Food Pantry.

Early Voting Mayor Windley shared that Kill Devil Hills has again volunteered the Town Hall Meeting Room to serve as a site for early voting for all of the voters of Dare County for the upcoming March 3, 2026, Primary election.

Early Voting will begin on Thursday, February 12:

- 8:00 a.m. – 7:30 p.m. weekdays (M-F, February 12 – 27)
- 8:00 a.m. – 3:00 p.m. on February 28 (only Saturday Early Voting session)
- Primary Election Day will be Tuesday, March 3, 2026, with polls open 6:30 a.m. to 7:30 p.m.

Mayor Windley noted that the Town IS NOT involved in the voting process. If anyone has questions about voting or registration, please contact the Dare County Elections Office.

## **Town Manager's Agenda**

## Town Attorney's Agenda

### Consent Agenda

#### 1. Minutes

A. December 8, 2025

#### 2. Monthly Reports

A. November 2025

#### 3. Annual Certification of Firefighters

The Board of Trustees for the N.C. Firemen's Pension Fund requires all fire departments to submit a roster of active firefighters annually. The Fire Department's memorandum detailed how rosters must be certified by each local governing board in order to maintain eligibility for pensions and the line-of-duty death benefit provided for firefighters by the State. Our Fire Department has prepared this list, which includes only those firefighters who have met the State's minimum requirement for training hours. Approval of the Consent Agenda will record the Board's certification of the Fire Department roster.

#### 4. Performance Indicator: Response to Local Government Commission (Attached CA-4)

At this meeting, the Board of Commissioners received a presentation from the Town's auditor, DMJPS, LLC. The Town received an unmodified opinion, the highest that can be issued. It was shared that the Local Government Commission (LGC) had noted a performance indicator to which the Town would need to respond.

The LGC requires a response, and the attached letter addresses the Board's position, in which the Town acknowledges that the capital asset condition formula was slightly below the recommended 0.5 level at 0.46, and the Town has been working to address the needs identified in the Water Systems Master Plan (WSMP). For example, the Town had \$2,577,667 in Construction in Progress as of June 30, 2025 for two large water main projects. In addition, Kill Devil Hills has set aside money in the FY 2025 / 2026 budget to address capital needs including \$2,250,000 for a new Water Systems building, \$300,000 for renovations to the Water Plant building, and \$765,850 for other waterline improvements.

Approval of the Consent Agenda will record the Board's approval of the response to the LGC, and authorize its execution and submission.

**5. Proclamations and Resolutions (Attached CA-5A)**

**A. Reimbursement Resolution for Fiscal Year 2025/2026 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. This included resolution declares the Town’s official intent to reimburse expenditures for vehicles and equipment as identified as follows:

Buildings and Grounds Bobcat Utility Vehicle	\$	25,740
5 Police Tahoes (with upfitting)		314,874
Animal Control pickup truck (with upfitting)		57,181
Fire pickup truck (with upfitting)		64,141
3 Streets pick up trucks		141,392
Solid Waste pick up truck		46,898
2 commercial garbage trucks		<u>704,000</u>
	\$	1,354,226

Approval of the Consent Agenda will approve the *Reimbursement Resolution for Fiscal Year 2025/2026 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.

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

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

The time was 7:16 p.m.

Submitted by:

James Michael O'Dell  
Town Clerk