



TOWN OF KILL DEVIL HILLS
Land Where Flight Began

MEMORANDUM

August 14, 2023

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: Consent Agenda

1. Minutes (Attached CA-1A)

A. July 10, 2023

2. Monthly Report (Attached CA-2A)

A. June 2023

3. Fiber Optic Master Encroachment Agreement and amendment to the Town's Fee Schedule: Encroachment Application Fee (Attached CA-3)

Following the development of the recently adopted Chapter 113, Fiber Optic Services ordinance, the Town has been positioned to enter into franchise agreements with fiber optic providers. Multiple vendors have contacted Staff regarding the establishment of fiber-to-the-premises (FTTP) infrastructure. Attached is a Fiber Optic Master Encroachment Agreement between Open Fiber USA, LLC, and the Town of Kill Devil Hills to permit encroachment on Town streets and rights-of-way for the development of a FTTP network. This agreement has been reviewed by Staff and the Town Attorney.

During review of this process, Staff also identified the need for the Town to establish an encroachment application fee related to the Town's review of encroachment by a private utility within a Town right-of-way. Similar to other jurisdictions, an Encroachment Application Fee of \$.10 per linear foot (Minimum of \$100) would be added to the Town's consolidated fee schedule.

Staff recommends approval of the Fiber Optic Master Encroachment Agreement and amendment to Consolidated Fee Schedule: Encroachment Application Fee. Approval of the Consent Agenda will approve the attached Fiber Optic Master Encroachment Agreement, authorize the Town Manager's execution of the agreement, and amend the Town's consolidated fee schedule to include Encroachment Application Fee.

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