



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

April 11, 2022

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager 

REF: Public Hearings

Notice for the following items has been published in the *Coastland Times*, meeting or exceeding the N.C.G.S. requirements for public hearings / proposed road closures, posted on the Town's bulletin boards, website at <https://www.kdhnc.com/975/April-11-2022-Board-of-Commissioners-Mee>, social media platforms, and has been disseminated through the town's electronic distribution list.

1. Proposed permanent closure of a portion of West Eighth Street (Attached PH-1)

The Town of Nags Head requested that Kill Devil Hills consider permanently closing the westernmost portion of West Eighth Street, which would result in this unimproved portion between Pond Avenue and the bank of Fresh Pond being closed permanently. The portion proposed to be closed is described specifically as follows:

“The westernmost portion of West Eighth Street, located west of Pond Avenue to the bank of Fresh Pond (body of water) in the Fresh Pond Beaches Subdivision – adjacent to Lots 1-3, Block 9, in the Town of Kill Devil Hills”

With Nags Head also initiating a similar action, each surrounding property owner (KDH and Nags Head) would equally divide this section of West Eighth Street.

Pursuant to N.C.G.S. §160A-299, the BOC approved a *Resolution of Intent to Permanently Close a Portion of West Eighth Street and Set the Date for a Public Hearing Thereon* at its March 7, 2022, meeting, which scheduled this public hearing. A notice was published in the *Coastland Times* for four consecutive weeks, notice signage was placed at the street in two locations, and surrounding property owners were provided notice through certified mail.

At the conclusion of this public hearing, a motion will be in order to approve, disapprove, or table this item for further consideration.

2. Water System Development Fees (Attached PH-2)

In 2017, the North Carolina General Assembly adopted legislation that requires local governments that provide water and sewer services to establish cost-based justification for charging Water System Development Fees (SDFs), replacing earlier “initial hook-up fees” or “impact fee” fee systems. The initial SDF analysis and accompanying rates were adopted by the Town in March 2018.

Water and wastewater providers are required to review and update SDFs every five years. N.C.G.S. §162A-209 lays out the process for SDF adoption and updates: prior to adoption, the Town must post the SDF analysis on its website at a minimum and solicit a means for the public to submit written comments, which shall be considered for possible modifications or revisions to the analysis and subsequent action to adopt and implement policies and ordinance amendment(s). Following this 45-day posting period, the Board of Commissioners must conduct a public hearing to consider SDF analysis adoption, with any modification or revision. Additionally, the Town must publish the adopted SDFs in its annual budget ordinance and Comprehensive Fee Schedule.

N.C.G.S. Article 8, also known as the “Public Water and Sewer System Development Fee Act,” also pertains to wastewater systems. In the Southern Sanitary District (SSD), disposal is accomplished through purchased capacity from a private utility, Kill Devil Hills Wastewater Treatment Plant, LLC (KDHWTP); the collection system within the Southern Sanitary District belongs to the Town of Kill Devil Hills.

At its January 26, 2022, meeting, Town Engineer Pete Burkheimer and Patrick Lewis, PE, presented an overview of the proposed rate recommendations for both Water System Development Fees and Southern Sanitary District/Ocean Acres Wastewater System Development Fees. Staff concurred with the SDF analysis and recommendations. The BOC approved the 45-day review and solicitation of written public comment period and scheduled this public hearing.

The Town has solicited input from the public by posting SDF information on its website, through repeated electronic distribution, in newspaper ads, and by providing written copies requesting public input at Town Hall, the Public Services Administration Building, and at the KDH branch of the Dare County Library.

At the conclusion of this public hearing, a motion will be in order to approve, disapprove, or table this item for further consideration.