Town of Boonville
June 29, 2021, Recessed Meeting Minutes
Harvey E. Smith Municipal Building

The following were in attendance: Mayor Vaughn Benton, Mayor Pro-tem Justin Phillips, Commissioners: David Cox, Monica Craver, and Dwaine Dobbins. Also in attendance were Finance Officer/Town Clerk Kim Wells, Public Works Director Jeff Jones, and Police Chief Jeff Hobson. Commissioner Tim Driver was absent.

Mayor Benton called the meeting to order at 7:15 p.m.

Commissioner Craver motioned to adopt the Town of Boonville Fiscal Year 2021-2022 Budget Ordinance as written and accept the Capital Improvement Plans and Schedule of Fees. Commissioner Dobbins seconded, and the motion passed unanimously.

Commissioner Craver reviewed the GS-160D update. Steve Hutchens reported on a memo and checklist he had received outlining the changes to the Town Zoning Ordinance. The list included the required changes to meet the requirements, but the actual verbiage had not been provided by the Piedmont Triad Regional Council (PTRC) staff.

Commissioner Cox entered the meeting.

Commissioner Craver motioned to approve the GS-160D checklist updates as provided by PRTC staff. Mayor Pro-tem Phillips seconded, and the motion passed unanimously.

Finance Officer /Town Clerk Wells presented budget amendments. Commissioner Cox motioned to approve the proposed budget amendments. Commissioner Craver seconded, and the motion passed unanimously.

Commissioner Cox reviewed safety ideas that he had addressed with Police Chief Hobson. Discussion followed.

Commissioner Craver reported that the playground was completed.

Mayor Pro-tem Phillips motioned to adjourn. Commissioner Craver seconded, and the motion passed unanimously. The meeting concluded at 7:35 p.m.

Vaughn Benton

R. Devaughn (Vaughn) Benton, Mayor

Kim Wells

Kim Wells, Finance Officer/Town Clerk

TOWN OF BOONVILLE
2021-2022 BUDGET ORDINANCE

BE IT ORDAINED by the Governing Board of the Town of Boonville, North Carolina that the FY 2021-2022 Budget Ordinance be hereby adopted as follows:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of town government and its activities for the fiscal year beginning July 1, 2021, and ending June 30, 2022, in accordance with the chart of accounts heretofore established for this Town:

Governing Body	$51,480
Administrative Department	91,170
Cares Funding	7,349
ARP Funding	330,000
Law Enforcement	364,600
Street Department	161,075
Powell Bill	35,380
Sanitation	110,685
Non-Departmental	34,450
Zoning	835
Total	**$1,187,024**

Section 2: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2021, and ending June 30, 2022.

Taxes Advalorem – Current Year	$322,022
Taxes Advalorem – 1st Prior Year	5,000
Taxes Advalorem – 2nd Prior Year	2,000
Taxes Advalorem – 3rd Prior Year	1,000
Taxes Advalorem – 4th Prior & Older	2,000
DMV Collections – Current Year	37,000
DMV Collections – 1st Prior Year	100
DMV Collections – 2nd Prior & Older	100
DMV Collections – 3rd Prior & Older	100
DMV Collections – 4th Prior & Older	100
Tax Discounts	(4,200)
DMV Discounts	(1,900)
Yadkin County Tax Discount	(7,000)
Tax Penalties & Interest	3,800
Interest on Investments	600
Court Officer Fees	423
Miscellaneous Revenue	1,000
Yard Sale Permit	300
Parks and Rec Fees	100
Parks and Rec Donations	6,000
Zoning Fees	500
Utility Franchise Tax	111,000

Alcohol/Beverage Tax	5,200
Powell Bill Allocation	35,380
Local Option Sales Tax	236,050
Solid Waste Disposal Tax	1,000
Landfill Tipping Fees	85,000
Sales Tax Refund	7,000
ARP Funding	330,000
Beginning Fund Balance – Powell Bill	0
Beginning Fund Balance – Cares Funding	7,349
Beginning Fund Balance – ARP Funding	0
Beginning Fund Balance – General Fund	0
Total	**$1,187,024**

Section 3: There is hereby levied a tax at the rate of forty-nine cents (.49) per one hundred dollars ($100) valuation of property as listed for taxes as of June 08, 2021, for the purpose of raising the revenue listed as "Taxes Advalorem – Current Year" in the General Fund in Section 2 of this ordinance.

This rate is based on a total valuation of property for the purposes of taxation of $74,123,222.31 and an estimated rate of collection of 97%. The estimated rate of collections is based on the anticipated fiscal 2021-2022 collection rate of 97%.

Section 4: The following amounts are hereby appropriated in the Water and Sewer Fund for the operation of the water and sewer utilities for the fiscal year beginning July 1, 2021, and ending June 30, 2022, in accordance with the chart of accounts heretofore approved for the Town:

Water Department	$309,355
Sewer Department	175,510
Sewer Plant Department	134,196
Total	**$619,061**

Section 5: It is estimated that the following revenues will be available in the Water and Sewer Fund for the fiscal year beginning July 1, 2021, and ending June 30, 2022:

Interest on Investments	$200
Miscellaneous Revenue	200
Charges for Utilities - Water	289,900
Charges for Utilities - Sewer	237,200
Charges for Utilities – Water Bulk	5,000
Taps and Connection Fees	10,000
Penalties	5,000
Reconnection Fees	8,500
Sales Tax Refund	16,000
Beginning Fund Balance	47,061
Total	**$ 619,061**

Section 6: The Town of Boonville Fee Schedule, dated July 1, 2021, as attached, is hereby incorporated into this annual budget ordinance, and such fees shall become effective on July 1, 2021.

Section 7: Full Time employees, shall be given a 3% COLA, starting with the first full pay period in July.

Section 8: The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:

a. He/She may transfer amounts between line item expenditures within a department without limitations and without a report being required. These changes should not result in increases in recurring obligations such as salaries.

b. He/She may transfer amounts up to $1,000 between departments, including contingency appropriations, within the same fund. He/She must make an official report on such transfers at the next regular meeting of the Governing Board.

c. He/She may not transfer any appropriated amounts between funds, except as approved by the Governing Board in the Budget Ordinance as amended.

Section 9: The Budget Officer may make cash advances between funds for periods not to exceed 60 days without reporting to the Governing Board. Any advances that extend beyond 60 days must be reported to the Governing Board.

Section 10: This Ordinance and Budget Document shall be the basis for the financial plan for the Town of Boonville during the 2021-2022 fiscal year. The Budget Officer shall administer the budget and shall insure that operating officials are provided guidance and sufficient details to implement their appropriate portion of the Budget. The accounting section shall establish record which is in consonance with the Budget and this Ordinance and the appropriate statutes of the State of North Carolina.

ADOPTED THIS THE 29th DAY OF JUNE, 2021 AT BOONVILLE, N.C.

R. Devaughn (Vaughn) Benton, Mayor

Kim Wells, Finance Officer/Town Clerk

Town of Boonville - Administration Capital Improvement Plan

Updated: 6/11/2021

Item	Prior Years	FY2021 - 2022	FY2022 - 2023	FY2023 - 2024	FY2024 - 2025	FY2025 - 2026	2027 & Beyond	Totals
								$0.00
								$0.00
								$0.00
								$0.00
								$0.00
								$0.00
								$0.00
								$0.00
								$0.00
								$0.00
								$0.00
								$0.00
CIP Expenditures per year:		$0.00	$0.00	$0.00	$0.00		$0.00	
Accumulative CIP/Projects	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**		**$0.00**	**$0.00**

Financing Sources								
Operating Revenues		$0.00	$0.00	$0.00	$0.00		$0.00	$0.00
Fund Balance								$0.00
Capital Reserves								$0.00
General Obligation bonds/debt								$0.00
Other Bonds or Debt								$0.00
Impact/Development Fees								$0.00
Grants								$0.00
Other								
Total Financing Sources:								$0.00

Town of Boonville - Police Capital Improvement Plan								
Updated: 6/11/2021								
Item	**FY2020 - 2021**	**FY2021 - 2022**	**FY2022 - 2023**	**FY2023 - 2024**	**FY2024 - 2025**	**FY2025 - 2026**	**2027 & Beyond**	**Totals**
New Police Car - replace 2011 Crown Vic			$30,000.00					$30,000.00
								$0.00
New Police Car - replace 2014 Dodge Charger				$30,000.00				$30,000.00
								$0.00
New Police Car - replace 2016 Ford Explorer							$30,000.00	$30,000.00
								$0.00
New Police Car- replace chief crown vic							$30,000.00	$30,000.00
								$0.00
New Police Truck	$35,000.00							$35,000.00
								$0.00
CIP Expenditures per year:	$35,000.00	$0.00	$30,000.00	$30,000.00	$0.00	$0.00	$60,000.00	
Accumulative CIP/Projects	**$35,000.00**	**$35,000.00**	**$65,000.00**	**$95,000.00**	**$95,000.00**	**$95,000.00**	**$155,000.00**	**$155,000.00**

Financing Sources								
Operating Revenues	$35,000.00	$0.00	$30,000.00	$30,000.00	$0.00	$0.00	$60,000.00	$155,000.00
Fund Balance								$0.00
Capital Reserves								$0.00
General Obligation bonds/debt								$0.00
Other Bonds or Debt								$0.00
Impact/Development Fees								$0.00
Grants								$0.00
Other								
Total Financing Sources:								$155,000.00

Town of Boonville - Streets System Capital Improvement Plan

Updated: 6/11/2021

Item	FY2019-2020	FY2020 - 2021	FY2021 - 2022	FY2022 - 2023	FY2023 - 2024	FY2024 - 2025	2026 & 2027	2027& 2028	Totals
Streets									
									$0.00
Sidewalks									$0.00
									$0.00
Capital Outlay									$0.00
Crew Cab Service Truck				$5,000.00	$5,000.00	$5,000.00			$15,000.00
Dump Truck				$15,000.00	$15,000.00				$30,000.00
Chipper									$24,000.00
									$0.00
New Town Shop				$6,000.00	$6,000.00	$6,000.00	$6,000.00	$24,000.00	$48,000.00
									$0.00
601/67 Interesection Upgrade				$13,000.00					$13,000.00
									$0.00
									$0.00
CIP Expenditures per year:	$0.00	$0.00	$0.00	$39,000.00	$26,000.00	$11,000.00	$6,000.00	$24,000.00	
Accumulative CIP/Projects	**$0.00**	**$0.00**	**$0.00**	**$39,000.00**	**$65,000.00**	**$76,000.00**	**$82,000.00**	**$106,000.00**	**$106,000.00**

Financing Sources									
Operating Revenues	$0.00	$0.00	$0.00	$39,000.00	$26,000.00	$11,000.00	$6,000.00	$24,000.00	$106,000.00
Fund Balance	$0.00								$0.00
Capital Reserves									$0.00
General Obligation bonds/debt									$0.00
Other Bonds or Debt									$0.00
Impact/Development Fees									$0.00
Grants									$0.00
Other									
Total Financing Sources:									$106,000.00

Town of Boonville - Powell Capital Improvement Plan								
Updated: 6/11/2021								
Item	**FY2020-2021**	**FY2021 - 2022**	**FY2022 - 2023**	**FY2023 - 2024**	**FY2024 - 2025**	**FY2025 - 2026**	**2026 & Beyond**	**Totals**
Streets								
Garwood	32,000							$32,000.00
Grace St								$0.00
Meadoview Dr		$32,000.00						$32,000.00
Air Compreser	$5,000.00							$5,000.00
repair drainage on garwood and ellen	$3,500.00							$3,500.00
Hickory Ave	$12,000.00							$12,000.00
Sidewalks								$0.00
								$0.00
Capital Outlay								$0.00
Replacement Backhoe							$7,500.00	$7,500.00
								$0.00
CIP Expenditures per year:	$52,500.00	$32,000.00	$0.00	$0.00	$0.00	$0.00	$7,500.00	
Accumulative CIP/Projects	**$52,500.00**	**$84,500.00**	**$84,500.00**	**$84,500.00**	**$84,500.00**	**$84,500.00**	**$92,000.00**	**$92,000.00**

Financing Sources								
Operating Revenues								$0.00
Powell Fund Balance								$0.00
Powell Grant Funds	$52,500.00	$32,000.00	$0.00	$0.00	$0.00	$0.00	$7,500.00	$92,000.00
Other								$0.00
Total Financing Sources:								$92,000.00

Town of Boonville - Water System Capital Improvement Plan 10 year										
Updated: 6/11/2021										
Item	2019 & 2020	FY2020& 2021	FY2021& 2022	FY2022& 2023	FY2023& 2024	FY2024& 2025	FY 2026 & 2027	FY 2027 & 2028	Beyond	Totals
Equipment										
(Replacement) Backhoe							$7,500.00			$7,500.00
Dump Truck				$10,000.00	$2,500.00	$2,500.00	$5,000.00			$20,000.00
Crew Cab Service Truck				$19,500.00	$5,000.00	$5,000.00				$29,500.00
New Public Works Shop				$6,000.00	$6,000.00	$6,000.00	$6,000.00	$6,000.00	$28,000.00	$58,000.00
Air Compresser		$6,000.00								$6,000.00
Well Filters										$0.00
Williams St, Depot St, Cornfield renovations										$0.00
										$0.00
Water Lines Upgrades										$0.00
Park St				$9,300.00	$9,300.00	$9,300.00	$9,300.00	$9,300.00		$46,500.00
67 reece to Quik pic				$13,000.00	$26,000.00	$26,000.00	$13,000.00	$13,000.00	$1,300.00	$92,300.00
Cardinal Ave			$35,000.00							$35,000.00
Baptist Church Rd			$48,000.00							$48,000.00
Key St										$0.00
										$0.00
Well Development										$0.00
Well Installation, Connection, Land Purchase - Phase II	$232,335.00									$232,335.00
New Well - Phase II	$197,000.00									$197,000.00
Other improvements/fees - Phase II	$169,339.00									$169,339.00
										$0.00
Intersection Project				$60,000.00						$60,000.00
Rock Bins	$10,000.00									$10,000.00
										$0.00
										$0.00
										$0.00
										$0.00
										$0.00
Well House Rehab										$0.00
Williams	$122,000.00									$122,000.00
Depot	$177,000.00									$177,000.00
Cornfield	$98,000.00									$98,000.00
CIP Expenditures funded in Loan Phase II	$995,674.00									$995,674.00
CIP Expenditures per year:	$10,000.00	$6,000.00	$83,000.00	$57,800.00	$48,800.00	$48,800.00	$40,800.00	$28,300.00	$29,300.00	$352,800.00
Total CIP Expenditures	**$1,005,674.00**	**$6,000.00**	**$89,000.00**	**$146,800.00**	**$195,600.00**	**$244,400.00**	**$285,200.00**	**$313,500.00**	**$342,800.00**	**$1,408,474.00**

Financing Sources										
Operating Revenues	$0.00	$6,000.00	$0.00	$57,800.00	$48,800.00	$48,800.00	$40,800.00	$28,300.00	$29,300.00	$259,800.00
Fund Balance	$10,000.00									$10,000.00
Capital Reserves	$15,920.00									$15,920.00
State Revolving Fund Phase II	$979,754.00									$979,754.00
Impact/Development Fees										$0.00
Grants										$0.00
Other			$83,000.00							$83,000.00
Total Financing Sources:										$1,348,474.00

Town of Boonville - Sewer System Capital Improvement Plan 10 year

Updated: 6/11/2021

Item	2019 & 2020	2019 & 2020	FY2020& 2021	FY2021& 2022	FY2022& 2023	FY2023& 2024	FY2024& 2025	FY 2026 & 2027	FY 2027 & 2028	Beyond	Totals
Equipment											
Dump Truck					$10,000.00	$10,000.00					$20,000.00
Crew Cab Service Truck					$10,000.00	$7,500.00					$17,500.00
New Public Works Shop					$6,000.00	$6,000.00	$6,000.00	$6,000.00	$6,000.00	$18,000.00	$48,000.00
Replacement CCTV					$10,000.00	$20,000.00	$20,000.00	$10,000.00	$10,000.00	$10,000.00	$80,000.00
Replacement Sewer Jetter					$25,000.00	$15,000.00	$15,000.00	$15,000.00	$15,000.00	$40,000.00	$125,000.00
Lift Gate Truck					$3,000.00	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$6,000.00	$21,000.00
Air Compresser					$6,000.00						$6,000.00
Collection System											$0.00
Hurt Creek Outfall (debt)											$0.00
Sizemore					$28,000.00	$30,000.00					$58,000.00
Canary and Cherry					$25,000.00	$30,000.00					$55,000.00
AIA Grant											$0.00
Holly/ Cardinal				$56,000.00							$56,000.00
											$0.00
Intersection Project					$50,000.00						$50,000.00
											$0.00
Rock bins	$10,000.00										$10,000.00
											$0.00
											$0.00
CIP Expenditures funded in Loan											$0.00
CIP Expenditures per year:	$10,000.00	$0.00	$0.00	$56,000.00	$173,000.00	$121,500.00	$44,000.00	$34,000.00	$34,000.00	$74,000.00	$546,500.00
Total CIP Expenditures	**$10,000.00**	**$10,000.00**	**$10,000.00**	**$66,000.00**	**$239,000.00**	**$360,500.00**	**$404,500.00**	**$438,500.00**	**$472,500.00**	**$546,500.00**	$0.00

Financing Sources											
Operating Revenues	$0.00	$0.00	$0.00	$0.00	$173,000.00	$121,500.00	$44,000.00	$34,000.00	$34,000.00	$74,000.00	$480,500.00
Fund Balance	$10,000.00										$10,000.00
Capital Reserves											$0.00
Clean Water State Revolving Fund											$0.00
Other Bonds or Debt											$0.00
Impact/Development Fees											$0.00
Grants											$0.00
Other				$56,000.00							
Total Financing Sources:											$490,500.00

Town of Boonville - Sewer Plant System Capital Improvement Plan 10 year										
Updated: 6/11/2021										
Item	FY 2019 & 2020	FY 2020& 2021	FY 2021 & 2022	FY 2022 & 2023	FY 2023 & 2024	FY 2024 & 2025	FY 2026 & 2027	FY 2027 & 2028	FY 2028 & 2029	Totals
Telemetry for Sewer Plant	$3,600.00									$3,600.00
Refrigerated sampler		$8,000.00								
Wells for Drying Beds	$43,966.00									$43,966.00
Blowers	$16,784.00									$16,784.00
Other rehab to plant	$1,311,285.00									$1,311,285.00
CIP Expenditures per year:	$3,600.00	$8,000.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$1,375,635.00
Total CIP Expenditures	**$1,375,635.00**	**$11,600.00**	**$11,600.00**	**$11,600.00**	**$11,600.00**	**$11,600.00**	**$11,600.00**	**$11,600.00**	**$11,600.00**	**$0.00**

Financing Sources										
Operating Revenues	$0.00									$0.00
Fund Balance	$3,600.00									$3,600.00
Capital Reserves										$0.00
Clean Water State Revolving Fund	$1,372,035.00									$1,372,035.00
Other Bonds or Debt										$0.00
Impact/Development Fees										$0.00
Grants										$0.00
Other										
Total Financing Sources:										$1,375,635.00

Schedule of Fees
July 2021

The Town Board shall have the authority to set any fee not otherwise listed and shall have the authority to make changes to these fees throughout the year.

Administration

Copies (per page)	$0.10
Late Fee – Taxes	2% January; .75% February-December
Late Fee – Utilities	10%
Reconnect Fee***	$30.00
Return Check Fee **	$25.00
Tax Advertising Fee	$5.00
Tax Discount (paid in August)	2%
Tax Rate	0.49/$100 assessed value

Public Works Sanitation Division

Trash fee (monthly)		
- Residential -	$12.34	
- Commercial -	$16.51	
- Out of Town (optional) -	$19.08	
Recycling (monthly)		
- Residential – included with monthly trash fee		
Truck Rental Fee	(if truck is available)	$25.00 plus landfill cost

Public Works Street Division

Mowing of private lots	$75.00/hour; minimum cost of $150.00

Public Works Water/Sewer Division

Deposit:	
In Town Owner	$50.00
Out of Town Owner	$60.00
All Renters	$150.00

All Businesses	$60.00

Water & Sewer Rates (based off actual consumption):

In Town Pricing

Gallons	Water Fee	Sewer Fee
0-2000	27.20	27.20
Next 2000	4.10/1000	10.87/1000
Next 2000	4.10/1000	10.87/1000
Next 2000	4.10/1000	10.87/1000
Next 2000	4.10/1000	10.87/1000
Next 10000	4.10/1000	10.87/1000
Next 30000	4.10/1000	10.87/1000
Next 50000	4.10/1000	10.87/1000

Out of Town Pricing

Gallons	Water	Sewer
0-2000	54.40	54.40
Next 2000	8.20/1000	21.74/1000
Next 2000	8.20/1000	21.74/1000
Next 2000	8.20/1000	21.74/1000
Next 2000	8.20/1000	21.74/1000
Next 10000	8.20/1000	21.74/1000
Next 30000	8.20/1000	21.74/1000
Next 50000	8.20/1000	21.74/1000

Master Meter for a Multi-home Complex

- Base Rate will be computed at the Residential Base Rate x number of homes in the complex
- Base consumption will be computed at the Residential Base Consumption of 2,000 x number of homes in the complex
- Consumption over the computed base consumption amount will be calculated at the normal residential tier system stated above

Bulk Accounts

- Will be computed using the Out of Town Pricing

Taps:	
Water	
In Town	$2,000.00 (¾ " – 1")
Out of Town	$2,500.00 (¾ " – 1")
Any taps over 1" is at cost	
Sewer	
In Town (only)	$2,200.00 (up to 7')
Any taps over 7' is at cost	
Boring Fee/Crossing Paved Right-a-way	$800.00 (¾ ")
Any bores over ¾" is at cost	

Rock Blasting	Cost plus 10%
Extension of Service Water Line	Cost plus tap fee
Meter Set Fee	$360.00
Reconnect Fee - Administration Fee***	$30.00

Zoning

Administrative Appeal	$175
Rezoning Request	$175
Special Use Permit	$175
Subdivision:	
Minor	$50.00
Major	$150.00
Variance	$175.00
Zoning Permit	$20.00

Miscellaneous

Business License Permits	$5.00 annually
Peddler Permit for 3 days – limit to 1 per year	$10.00
Yardsale Permit for 2 days – limit 3 per year	$10.00

* **THE TOWN OF BOONVILLE DOES NOT ACCEPT TWO PARTY CHECKS.**

** **RETURN CHECK POLICY**

Beginning 1/2/2001, the Town of Boonville will not accept checks for a period of 24 months from an individual/business who has had two checks returned to us for NSF.

***__ADMINISTRATIVE FEE (RECONNECT FEE)__

ALL previous month balances are due by the 14th at 5PM. For payments made after 5PM, there is automatically an Administrative fee assigned to those accounts and water WILL be disconnected on the 15th for non-payment.

SERVICE (ADMINSTRATIVE) FEE FOR RETURNED CHECKS

If a check is returned for any reason to the Town of Boonville and the payment was for reconnection of water service, the water will be cut off again and another service (administrative) fee will be accessed if the return check is not taken care of in a timely manner.

Proposed Budget Amendmen June 29, 2021

By Kim Wells, Finance Officer

	Account Number	Description	Current Budget $	Amendment	Ending Budget $	
General Fund						
Revenues						
	100 - 400 - 40001 - 30001	Taxes Adv - 1st year	10,000	1,600	11,600	Projected for Year End
	100 - 400 - 40001 - 30002	Taxes Adv - 2nd year	1,500	1,300	2,800	Projected for Year End
	100 - 400 - 40001 - 30004	Taxes Adv - 4th yr and older	4,000	1,000	5,000	Projected for Year End
	100 - 400 - 40001 - 30010	dmv collect - current	35,000	6,200	41,200	Projected for Year End
	100 - 402 - 40002 - 31101	DMV COLLECT FEES	(1,800)	(200)	(2,000)	Projected for Year End
	100 - 404 - 40004 - 31700	TAX PENALTY AND INTEREST	3,800	25	3,825	Projected for Year End
	100 - 406 - 40006 - 33500	Miscellaneous Revenue	1,900	200	2,100	Projected for Year End
	100 - 406 - 40006 - 33503	INSURANCE PROCEEDS	-	7,139	7,139	RECORD CLAIM FROM CHARGER (BODY WORK ONLY)
	100 - 406 - 40006 - 39901	Beginning Fund Balance - POWELL	-	5,750	5,750	To balance budget
	100 - 407 - 40007 - 33700	UTILITY FRAN TAX	110,000	1,000	111,000	Projected for Year End
	100 - 407 - 40007 - 33800	ALCOHOL/BEV TAX	5,500	(385)	5,115	Tie to actual
	100 - 406 - 40006 - 34500	LOCAL OPTION SALES TAX	225,000	5,600	230,600	Projected for Year End
	100 - 422 - 40022 - 39910	Beginning Fund Balance	(621.00)	621	-	To balance budget
				29,850		
Expenses						
Admin	100 - 420 - 50000 - 40002	SALARIES	36,900	300	37,200	To record 6/30/21 salary, paid 7/16/21
	100 - 420 - 50000 - 40003	CONTRACT LABOR	3,000	450	3,450	Tie to actual
Cares Funds	100 - 440 - 50400 - 40074	Capital Outlay	10,588	(2,950)	7,638	Move funds to cover other uses
	100 - 440 - 50400 - 40075	Computer Expense	28,055	2,700	30,755	TO RECORD PURCHASE OF RADIOS
	100 - 440 - 50400 - 40157	Safety	6,000	250	6,250	TO RECORD HAND SANITIZER PURCHASE FOR EVENTS
Police	100 - 510 - 50400 - 40017	M&R VEHICLES	4,000	11,000	15,000	Projected for Year End
	100 - 510 - 50400 - 40055	COMMUNITY OUTREACH	500	100	600	Projected for Year End / USED 100 FROM FY 2019-2020
Streets	100 - 560 - 50000 - 40002	SALARIES	46,500	2,000	48,500	Record extra june PR
	100 - 560 - 50000 - 40003	CONTRACT LABOR	-	600	600	Record mowing expense
	100 - 560 - 50200 - 40005	FICA	3,500	200	3,700	Projected for Year End
	100 - 560 - 50300 - 40007	RETIREMENT EXP	4,750	250	5,000	Projected for Year End
	100 - 560 - 50300 - 40008	401 K EMPLOYER	2,400	100	2,500	Projected for Year End
	100 - 560 - 50400 - 40033	Supplies & Materials	2,600	700	3,300	Projected for Year End
	100 - 560 - 50400 - 40034	Equipment Expense	1,000	200	1,200	Projected for Year End
	100 - 560 - 50400 - 40254	Group Insurance	12,500	200	12,700	Projected for Year End
Powell Bill	100 - 570 - 50400 - 40033	Supplies & Materials	5,000	(2,000)	3,000	Move funds to cover other uses
	100 - 570 - 50400 - 40573	Maintance of Streets	20,931	7,750	28,681	Projected for Year End
Sanitation	100 - 580 - 50000 - 40003	CONTRACT LABOR	74,400	1,800	76,200	Projected for Year End
	100 - 580 - 50400 - 40254	Group Insurance	4,050	200	4,250	Projected for Year End
Non Departmental	100 - 660 - 50400 - 40052	BANK CHARGES	2,000	500	2,500	Projected for Year End
	100 - 660 - 50400 - 40360	PARK EQUIPMENT	17,100	5,500	22,600	Record installation
				29,850		

MEMORANDUM

To: Town of Boonville

From: Jesse Day, Piedmont Triad Regional Council

cc:

Date: Tuesday, September 21, 2021

Re: Chapter 160D Update

In 2014, the Zoning, Planning, and Land Use section of the North Carolina Bar Association initiated an effort to modernize the framework of the State's enabling statutes for planning and development regulations. The proposed legislation was circulated and reviewed, and revised over five years, with suggestions from city and county attorneys, attorneys who represented development interests, zoning officials, planning officials, and various organizations interested in developing regulation (including the League of Municipalities, the NC Association of County Commissioners, the NC Home Builders Association, among others) incorporated into successive drafts of the legislation. The legislation moved through the General Assembly, the Senate Judiciary Committee, and the House and Senate, with the Governor signing the legislation on July 11, 2019. The new Chapter160D of the North Carolina General Statutes consolidates current city-and county-enabling statues (now found in Chapters 153A and 160A, respectively) into a single, unified chapter and pulls in related statutes previously scattered throughout the General Statutes.

Chapter160D also places these statutes into a more logical, coherent organization. Without making major policy changes or shifts in the scope of authority granted to local governments, the legislation also includes many clarifying amendments and consensus reforms. A summary of the changes include:

- Language and process consistency around meetings, hearings and notices.
- Allows digital options for zoning maps and communications on development approvals and permits.
- Converts conditional use permits to conditional zoning making it a legislative process instead of quasi-judicial process.
- Standardizes vested rights and development agreements.
- Makes all communities enforcing zoning to have a reasonably updated comp or land use/development plan by June 30, 2022.

Please see the following checklist of change that includes the 5 pages of "must" change requirements of the legistlation.
Chapter 160D was originally effective as of January 1, 2021; however, due to the Coronavirus pandemic, an extension was granted to July 1, 2021. All city and county zoning, subdivision, and other development regulations, including unified development ordinances, will need to be updated by July 1, 2021, to conform to the new law. The North Carolina School of Government has issued numerous publications and webinars to help municipalities understand the various updates and revisions now required.

The School of Government has a dedicated webpage for information related to the NCGS Chapter 160D Update, should anyone be interested: https://www.sog.unc.edu/resources/microsites/planning-and-development-regulation/ch-160d-2019.

160D CHECKLIST

A. MUST TAKE ACTION

CATEGORIES

A. **Must take action** (statutory citations in parentheses)

B. **Permissive legislative changes;** local governments ***may*** take action\

C. **Notable legislative changes** – be aware of but do not require local action

Comment [JD1]: Temporary Health Care Structure allowed with single family districts 160D-915

A. MUST TAKE ACTION

TERMINOLOGY & CITATIONS

Must update any references to provisions in G.S. Chapter 160A or 153A to indicate relevant provisions in Chapter 160D. (*See* appendixes B and C in the Chapter 160D book.)

Must align ordinance terminology with Chapter 160D terminology for *conditional zoning* and *special use permits*; must delete use of the terms *conditional use permit*, *special exception*, *conditional use district zoning*, and *special use district zoning*. (*See* G.S. 160D-102.)

Must ensure that ordinance definitions for the following terms are not inconsistent with definitions provided in state law and regulation: *building*, *dwelling*, *dwelling unit*, *bedroom*, and *sleeping unit*. (G.S.160D-706; S.L. 2019-111, § 1.17.)

ETJ & 2 JURISDICTIONS

Must for extension of extraterritorial jurisdiction (ETJ), a municipality **must** provide mailed notice thirty days prior to ETJ hearing; municipality **may** hold one hearing (with single mailed notice) regarding ETJ and initial zoning amendment. (G.S. 160D-202(d).)

BOARDS

Must adopt broadened conflict-of-interest standards for governing and advisory boards. (G.S. 160D-109.)

Must keep minutes of proceedings of each board. (G.S. 160D-308.)

Must have each board member take an oath of office before starting his or her duties. (G.S. 160D-309.)

Must update ETJ population estimate, at least with each decennial census (also calculation for proportional representation is simplified and process for appointment is clarified). (G.S. 160D-307.)

Must provide proportional representation for ETJ on preservation commission if any districts or landmarks are designated in the ETJ. (G.S. 160D-307.)

LAND USE ADMINISTRATION

Must incorporate new staff conflict-of-interest standards into ordinance or policy. (G.S. 160D-109.)

Must maintain in paper or digital format current and prior zoning maps for public inspection. (G.S. 160D-105.)

Must maintain in paper or digital format any state or federal agency maps incorporated by reference into the zoning map. (G.S. 160D-105.)

ENFORCEMENT

160D CHECKLIST

A. MUST TAKE ACTION

Must issue notices of violation (NOVs) in conformance with statutory procedures (must deliver to permittee and landowner if different; may deliver to occupant or person undertaking the activity; delivery by hand, email, or first-class mail; may be posted onsite; administrator to certify NOV for the file.) (G.S. 160D-404(a).)

If inspecting, **must** enter the premises during reasonable hours and upon presenting credentials; **must** have consent of premises owner or an administrative search warrant to inspect areas not open to the public. (G.S. 160D-403(e).)

For revocation of development approval, **must** follow the same process as was used for the approval. (G.S. 160D-403(f).)

ZONING MAPS & ORDINANCE

Must maintain current and prior zoning maps for public inspection (local government clerk or other office may be the responsible office); **may** adopt and maintain in paper or digital format. (G.S. 160D-105.)

Must eliminate conditional-use-district zoning; existing conditional-use-district zoning converts to conditional district upon adoption of updated local ordinances or July 1, 2021. (G.S. 160D-703; S.L. 2019-111, § 2.9(b).)

Must not set a minimum square footage for structures subject to the One- and Two-Family Residential Building Code. (G.S. 160D-703; S.L. 2019-174.)

OTHER DEVELOPMENT ORDINANCES

Must conform subdivision performance guarantee requirements with statutory standards. (G.S. 160d-804.1; S.L. 2020-25; S.L. 2019-79 (S.B. 313))

Must conform subdivision procedures for expedited review of certain minor subdivisions. (G.S. 160D-802, established prior to G.S. Chapter 160D.)

Must not require a developer, as a condition to subdivision approval, to bury a power line existing above ground and outside of property to be subdivided. (G.S. 160D-804; S.L. 2019-174.)

Must exempt farm use on bona fide farm in ETJ from city zoning to the same extent it would be exempt from county zoning; Chapter 160D clarifies that other municipal development regulations may still apply. (G.S. 160D-903(c).)

Must not exclude manufactured homes based on the age of the home. (G.S. 160D-910.)

Must follow standardized process for housing-code enforcement to determine owner's abandonment of intent to repair and need for demolition. (G.S. 160D-1203(6).)

HISTORIC PRESERVATION

Must follow standard quasi-judicial procedures for preservation certificates of appropriateness. (G.S. 160D-947(c).)

Must frame preservation district provisions as "standards" rather than "guidelines." (G.S. 160D-947(c).)

May choose for appeals of preservation commission decisions to go to board of adjustment. Default rule is that preservation appeals go directly to superior court rather than to board of adjustment. (G.S. 160D-947(e).)

DEVELOPMENT AGREEMENTS

Must process a development agreement as a legislative decision. (G.S. 160D-105.)

Must have a local government as a party to a development agreement (a water and sewer authority may enter an agreement as a party, but not independently). (G.S. 160D-1001(b).)

160D CHECKLIST

A. MUST TAKE ACTION

COMPREHENSIVE PLAN

Must adopt a comprehensive plan or land use plan by July 1, 2022, to maintain zoning (no need to re-adopt a reasonably recent plan). (G.S. 160D-501(a).)

Must adopt a plan or a plan update following the procedures used for a legislative decision. (G.S. 160D-501(c).)

Must reasonably maintain a plan. (G.S. 160D-501(a).)

LEGISLATIVE DECISIONS

Notice

Must follow applicable procedures for legislative decisions under any development regulation authorized under Chapter 160D, not just zoning; **must** adopt any development regulation by ordinance, not by resolution. (G.S. 160D-601.)

For zoning-map amendments, **must** provide notice not only to immediate neighbors but also to properties separated from the subject property by street, railroad, or other transportation corridor. (G.S. 160D-602.)

For zoning-map amendments, **must** provide posted notice during the time period running from twenty-five days prior to the hearing until ten days prior to the hearing. (G.S. 160D-602(c).)

Planning Board Comment

Must refer zoning amendments to the planning board for review and comment; **must** not have governing board handle planning board duty to review and comment on zoning amendments. (G.S. 160D-604(c), (e).)

Must have planning board consider any plan adopted according to G.S. 160D-501 when making a comment on plan consistency. (G.S. 160D-604(d).)

Plan Consistency

When adopting an amendment to the zoning ordinance, **must** adopt a brief statement describing whether the action is consistent or inconsistent with approved plans. (G.S. 160D-605(a).) (*This eliminates the 2017 requirement that statements take one of three particular forms.*)

Must note on the applicable future land use map when a zoning-map amendment is approved that is not consistent with the map; the future land use map is deemed amended when an inconsistent rezoning is approved. (G.S. 160D-605(a).) (*This clarifies that a rezoning inconsistent with a plan does not amend the text of the plan, but it does amend the future land use map.*)

Must adopt a statement of reasonableness for zoning-*map* amendments; for such statements, **may** consider factors noted in the statutes; **may** adopt a statement of reasonableness for zoning-*text* amendments. (G.S. 160D-605(b).)

Must permit adoption of a legislative decision for development regulation on first reading by simple majority; no need for two-thirds majority on first reading, as was required for cities under prior law. (G.S. 160A-75; S.L. 2019-111, § 2.5(n).)

Certain Legislative Decisions

Must prohibit third-party down-zonings; **may** process down- zonings initiated by the local government or landowner. (G.S. 160D-601; S.L. 2019-111, Pt. I.)

Must obtain applicant's/landowner's written consent to conditions related to a conditional-

zoning approval to ensure enforceability. (G.S.160D-703(b)S.L. 2019-111, Pt. I.)

QUASI-JUDICIAL DECISIONS

Procedures

Must follow statutory procedures for all quasi-judicial development decisions, including variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. (G.S. 160D-102(28).)

Must hold an evidentiary hearing to gather competent, material, and substantial evidence to establish the facts of the case; the evidentiary hearing **must** have testimony under oath; **must** establish written findings of fact and conclusions of law. (G.S. 160D-406.)

Board chair **must** rule at the evidentiary hearing on objections to inclusion or exclusion of administrative material; such ruling **may** be appealed to the full board. (G.S. 160D-406(d).)

Must allow parties with standing to participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments; **may** allow non-parties to present competent, material, and substantial evidence that is not repetitive. (G.S. 160D-406(d).)

Be aware that the definition of *close family relationship* as used for conflicts of interest includes spouse, parent, child, brother, sister, grandparent, or grandchild (including step, half, and in-law relationships). (G.S. 160D-109(f).)

Must not impose conditions on special use permits that the local government does not otherwise have statutory authority to impose. (G.S. 160D-705(c); S.L. 2019-111, Pt. I.)

Must obtain applicant's/landowner's written consent to conditions related to a special use permit to ensure enforceability. (G.S. 160D-1402(k); G.S. 160D-1403.2; S.L. 2019-111, Pt. I.)

Must set a thirty-day period to file an appeal of any administrative determination under a development regulation; **must** presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).)

ADMINISTRATIVE DECISIONS

Development Approvals

Must provide development approvals in writing; **may** provide in print or electronic form; if electronic form is used, then it **must** be protected from further editing. (G.S. 160D-403(a).)

Must provide that applications for development approvals must be made by a person with a property interest in the property or a contract to purchase the property. (G.S. 160D-403(a).)

Must provide that development approvals run with the land. (G.S. 160D-104.)

For revocation of development approval, **must** follow the same process as was used for the approval. (G.S. 160D-403(f).)

Determinations

Must provide written notice of determination by personal delivery, electronic mail, or first- class mail to the property owner and party seeking determination, if different from the owner. (G.S. 160D-403(b).)

Appeals of Administrative Decisions

Must allow administrative decisions of any development regulations (not just zoning) to be

appealed to the board of adjustment, unless provided otherwise by statute or ordinance.
(Appeals relating to erosion and sedimentation control, stormwater control, or building-code and housing-code violations are not made to the board of adjustment unless specified by local ordinance.) (G.S. 160D-405.)

Must set a thirty-day period to file an appeal of any administrative determination under a development regulation; must presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(d).)

Must require the official who made the decision (or his or her successor if the official is no longer employed) to appear as a witness in the appeal. (G.S. 160D-406.)

Must pause enforcement actions, including fines, during the appeal. (G.S. 160D-405.)

VESTED RIGHTS AND PERMIT CHOICE

Vested Rights

Must recognize that building permits are valid for six months, as under prior law. (G.S. 160D-111)

Must recognize the default rule that development approvals/permits are valid for twelve months, unless altered by statute or extended by local rule. (G.S. 160D-108(d).)

Must identify site-specific vesting plans (formerly site-specific development plans) with vesting for two to five years, as under prior law, except for specified exceptions. (G.S. 160D-108.1)

Must recognize multi-phase developments—long-term projects of at least 25 acres—with vesting up to seven years, except for specified exceptions (160D-108(d)(4); -108(f).) (The previously authorized phased-development plan is obsolete and should be deleted from ordinance.)

Permit Choice

Must not make an applicant wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules. (G.S. 143-755; G.S. 160D-108(b).)

Appeals of Quasi-Judicial Decisions (certificates of appropriateness)

Must update ordinance to address appeals of certificates of appropriateness for historic landmarks and historic districts; default rule is that such appeals go straight to court; local government may opt for such appeals to go to the board of adjustment, as under prior statutes. (G.S. 160D-947.)

Must provide that appeals of certificates of appropriateness must be filed within thirty days after the decision is effective or written notice is provided, the same as for appeals of other quasi-judicial decisions. (G.S. 160D-947; -1405.

160D CHECKLIST

B. PERMISSIVE CHANGES

TERMINOLOGY & CITATIONS

May align ordinance terminology with Chapter 160D terminology, including for the following terms: *administrative decision*, *administrative hearing*, *determination*, *developer*, *development*, *development approval*, *development regulation*, *dwelling*, *evidentiary hearing*, *legislative decision*, *legislative hearing*, *planning and development regulation jurisdiction*, and *quasi- judicial decision*. (G.S. 160D-102.)

ETJ & 2 JURISDICTIONS

Municipality **may** hold hearings in anticipation of change in jurisdiction. (G.S. 160D-204.)

For a parcel in two jurisdictions, the owner and the jurisdictions **may** agree for development regulations from one jurisdiction to apply to the entire parcel. (G.S. 160D-203.)

In ETJ, the county **may** elect to exercise development regulations that the municipality is not exercising. (G.S. 160D-202(b).)

For counties, the county may apply zoning and subdivision regulations to all or part of the county's planning and development regulation jurisdiction. Cities with zoning must apply zoning jurisdiction-wide. (G.S. 160D-201; S.L. 2020-35.)

BOARDS

May have detailed rules of procedure for each board; **may** be adopted by governing board; if not, then **may** be adopted by individual board; if adopted, **must** maintain board rules of procedure (by clerk or other officer as set by ordinance) and **must** post board rules of procedure to website, if the jurisdiction has a website. (G.S. 160D-308.)

May establish reasonable procedures to solicit, review, and make appointments; governing board typically makes appointments but may delegate that appointment-making authority. (G.S. 160D-310.)

May establish additional advisory boards related to development regulations. (G.S. 160D-306.)

May assign to planning board the coordination of citizen engagement for planning. (G.S. 160D-301.)

May assign planning board to serve as preliminary forum for review and comment on quasi- judicial decisions, provided that no part of the preliminary forum or recommendation may be used as a basis for the deciding board. (G.S. 160D-301.)

May assign board of adjustment to hear and decide matters under any development regulation, not just zoning. (G.S. 160D-302.)

May assign duties of housing appeals board to board of adjustment. (G.S. 160D-305.)

LAND USE ADMINISTRATION & ENFORCEMENT

May enact ordinances, procedures, and fee schedules relating to administration and enforcement of development regulations. (G.S. 160D-402(b).)

May charge reasonable fees for support, administration, and implementation of development regulation; **must** use any such fees for that purpose, not for other purposes. (G.S. 160D-402(d).)

May perform inspections for other development approvals to ensure compliance with state law, local law, and the terms of the approval; **must** perform (or contract for) inspections for building permits. (G.S. 160D-1113; -403(e).)

May perform inspections for general code compliance and enforcement (inspections unrelated to a development approval). (G.S. 160D-402(b).)

May require a certificate of compliance or occupancy to confirm that permitted work complies with applicable laws and terms of the permit; still **must** require certificate of occupancy for

work requiring a building permit. (G.S. 160D-403(g).)

May issue stop-work orders for illegal or dangerous work or activity, whether related to a permit or not. (G.S. 160D-404(b).)

May continue to use general enforcement methods, including civil penalties, fines, court-ordered actions, and criminal prosecution. (G.S. 160D-404(c).)

ZONING ORDINANCE & MAPS

May incorporate maps officially adopted by state or federal agencies (such as flood-insurance rate maps (FIRMs)) into the zoning map; **may** incorporate *the most recent officially adopted version* of such maps so that there is no need for ordinance amendment for subsequent map updates; **must** maintain current effective map for public inspection; **may** maintain in paper or digital format. (G.S. 160D-105.)

May require certain dedications and performance guarantees for zoning approvals to the same extent as for subdivision approvals. (G.S. 160D-702.)

May use form-based codes. (G.S. 160D-703(a)(3).)

May allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, **must** define "minor modification" by ordinance, **must** not include modification of use or density, and major modifications **must** follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).)

May apply zoning standards jurisdiction-wide, not just on a zoning-district-by-zoning-district basis. (G.S. 160D-703(d).)

May regulate development over navigable waters, including floating homes. (G.S.160D-702(a).)

OTHER DEVELOPMENT ORDINANCES & AGREEMENTS

May adopt moratoria for development regulations (subject to limitation on residential uses); moratoria do not affect rights established by permit choice rule. (G.S. 160D-107.)

May consider a development agreement concurrently with a rezoning, subdivision, or site plan; **may** consider a development agreement in conjunction with a conditional zoning that incorporates the development agreement. (G.S. 160D-1001(d).)

May address fewer topics in development agreement content (list of mandated topics is shortened). (G.S. 160D-1006.)

May mutually agree with a developer for the developer to provide public improvements beyond what could have been required, provided such conditions are included in the development agreement. (G.S. 160D-1006(d).)

May include penalties for breach of a development agreement in the agreement or in the ordinance setting the procedures for development agreements; either party may bring legal action seeking an injunction to enforce a development agreement. (G.S. 160D-1008.)

Municipalities **may** petition court to appoint a receiver for vacant structures. (160D-1130)

COMPREHENSIVE PLAN

May coordinate a comprehensive plan with other required plans, such as Coastal Area Management Act (CAMA) plans. (G.S. 160D-501(a).)

May coordinate with other local governments, state agencies, or regional agencies on planning processes. (G.S. 160D-503(a).)

LEGISLATIVE DECISIONS

160D CHECKLIST

B. PERMISSIVE CHANGES

Notice

For extension of ETJ, **may** use single mailed notice for ETJ and zoning-map amendment pursuant to statutory procedures. (G.S. 160D-202.)

For zoning-map amendments, **may** require applicant to notify neighbors and hold a community meeting and **may** require report on the neighborhood communication as part of the application materials. (G.S. 160D-602(e).)

Planning Board Comment

May refer development regulation amendments (other than zoning) to the planning board for review and comment. (G.S. 160D-604(c).)

Plan Consistency

May adopt plan-consistency statement when acting upon the zoning amendment or as a separate motion. (G.S. 160D-605(a).)

May meet the requirement for plan consistency even without formal adoption of a written statement if the minutes of the governing board meeting reflect that the board was fully aware of and considered the plan. (G.S. 160D-605(a).)

May concurrently consider a comprehensive plan amendment and a zoning amendment; must not require a separate application or fee for plan amendment. (G.S. 160D-605(a).)

May consider and approve a statement of reasonableness and a plan-consistency statement as a single, combined statement. (G.S. 160D-605(c).)

Certain Legislative Decisions

May use purely legislative conditional zoning and/or quasi-judicial special use permitting; **must** not use combined legislative and quasi-judicial process, such as conditional-use-district zoning. (G.S. 160D-102.)

With applicant's written consent, **may** agree to conditional-zoning conditions that go beyond the basic zoning authority to address additional fees, design requirements, and other development considerations. (S.L. 2019-111, Pt. I.)

May allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, **must** define "minor modification" by ordinance, **must** not include modification of use or density, and major modifications **must** follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).)

QUASI JUDICIAL DECISIONS

Procedures

May continue an evidentiary hearing without additional notice if the time, date, and place of the continued hearing is announced at a duly noticed hearing that has been convened; if quorum is not present at a meeting, the evidentiary hearing is automatically continued to the next regular meeting of the board with no notice. (G.S. 160D-406(b).)

Be aware that even if there is no objection before the board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value and traffic impacts. (S.L. 2019-111, § 1.9.)

May distribute meeting packet to board members in advance of the evidentiary hearing; if this is done, then **must** distribute the same materials to the applicant and landowner at the same time; **must** present such administrative materials at the hearing and make them part of the hearing record. (G.S. 160D-406(c).)

May have the planning board serve as a preliminary forum for review in quasi-judicial decisions; if this is done, the planning board must not conduct a formal evidentiary hearing but must conduct an informal preliminary discussion of the application; the forum and recommendation must not be used as the basis for the decision by the board—the decision must still be based on evidence presented at the evidentiary hearing. (G.S. 160D-

301.)

May require recordation of special use permits with the register of deeds. (G.S. 160D-705(c).)

CERTAIN QUASI JUDICIAL DECISIONS

May adjust variance standards to provide for reasonable accommodation under the federal Fair Housing Act. (G.S. 160D-705(c).)

May use purely legislative conditional zoning and/or quasi-judicial special use permitting; **must** not use combined legislative and quasi-judicial process, such as conditional-use-district zoning. (G.S. 160D-102.)

May allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, **must** define "minor modification" by ordinance, **must** not include modification of use or density, and major modifications **must** follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).)

ADMINISTRATIVE DECISIONS

Development Approvals

May require community notice or information mtgs.as part of the decision-making process for administrative development approvals (quasi-judicial and legislative decisions already had notice and hearing requirements). (G.S. 160D-403(h).)

May set expiration of development approvals if work is not substantially commenced; default rule is twelve months, unless altered by state or local rule. (G.S. 160D-403(c).) **Be aware** that legislation will clarify the provisions on duration of development approvals. (G.S. 160D-403(c); S.L. 2019-111, § 1.3.)\

May extend expiration for development aprovals for which construction is commenced and then is discontinued; default rule is that such approvals are valid for 24 months after discontinuation. (G.S. 160D-108(d.) Building permits for which work has been discontinued expire after twelve months, as under prior law (no change to building permits). (G.S. 160D-1111)

May authorize administrative staff to approve minor modifications of development approvals and conditional-zoning approvals; if this is done, then **must** define "minor modifications" by ordinance and **must** not include modification of permitted use or density of development; major modifications **must** go through full applicable approval process. (G.S. 160D-403(d);-703(b); -705(c).)

Determinations

May designate an official to make determinations for a particular development regulation. (G.S. 160D-403(b).)

May require owner to post notice of determination on the site for 10 days; if not required, owner has option to post on the site to establish constructive notice. (G.S. 160D-403(b

Appeals of Administrative Decisions

May assign the duty of hearing appeals to another board (other than the board of adjustment); if this is done, such board must follow quasi-judicial procedures. (G.S. 160D-405.)

May designate that appeals be filed w/ local government clerk *or* another official. (G.S. 160D-405.)

VESTED RIGHTS and PERMIT CHOICE

Vested Rights

May provide for administrative determination of vested rights and for appeal to the board of

adjustment. (G.S. 160D-108(h), -405.)

JUDICIAL REVIEW

Subdivision Decisions

May establish a rule that administrative subdivision decisions are appealed to the board of adjustment. (G.S. 160D-1405.)

160D CHECKLIST

C. BE AWARE OF

LAND USE ADMINISTRATION

Enforcement

Be aware that a local government must bring a court action in advance of the applicable five- and seven-year statutes of limitation. (G.S. 1-51 and -49; established prior to Chapter 160D.)

Be aware that local government must comply with existing rules for uses that were previously nonconforming situations. If a use loses its nonconforming status, by amortization or change of use, or otherwise, the local government must bring an enforcement action within ten years of the loss of nonconforming status. (160D-1405(c1); established prior to Chapter 160D.)

QUASI JUDICIAL DECICION

Be aware that the definition of *close family relationship* as used for conflicts of interest includes spouse, parent, child, brother, sister, grandparent, or grandchild (including step, half, and in-law relationships). (G.S. 160D-109(f).)

Be aware that even if there is no objection before the board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value and traffic impacts. (S.L. 2019-111, § 1.9

VESTED RIGHTS & PERMIT CHOICE

Vested Rights

Be aware that a person claiming vested rights may bring an original civil action in court, skip- ping administrative determination and board of adjustment consideration. (G.S. 160D-405(c).)

Be aware that vested rights run with the land, except for state-permitted outdoor advertising permits that run with the owner of the permit. (G.S. 160D-108(i); S.L. 2019-111, Pt. I.)

Permit Choice

Be aware that if a local development regulation changes after an application is submitted, the applicant may choose the version of the rule that applies; but **may** require the appli- cant to comply with new rules if the applicant delays the application for six months. (G.S. 143-755; G.S. 160D-108(b); S.L. 2019-111, Pt. I.)

Be aware that an application for one development permit triggers permit choice for per- mits under any development regulation; such permit choice is valid for eighteen months after approval of the initial application. (G.S. 143-755; G.S.160D-108(b); S.L. 2019-111, Pt. I.)

JUDICIAL REVIEW

Declaratory Judgements

Be aware that an individual may bring a declaratory judgment action to challenge legislative zoning decisions, vested rights claims, and challenges to land use authority related to administrative decisions, subject to specified procedures. (G.S. 160D-1401; G.S. 160D-1403.1)

Be aware that other civil actions may be authorized—Chapter 160D does not limit availability of other actions. (G.S. 160D-1404.)

Appeal Of Quasi Judicial Decisions

Be aware that on appeal a party may request a stay of the approval or enforcement action. (G.S. 160D-1402(e).)

160D CHECKLIST

C. BE AWARE OF

Be aware that a local government may seek a stay in favor of itself (to prevent development under an approval). (G.S. 160D-1402(e).)

Be aware that if, in the absence of a stay, an applicant proceeds with development, the person does so at his or her own risk. (G.S. 160D-1402(*l*).)

Be aware that on appeal, the superior court now must allow for supplementing the record on questions of standing, conflicts of interest, constitutional violations, or actions in excess of statutory authority. (G.S. 160D-1402; S.L. 2019-111, § 1.9.)

Be aware that even if there is no objection before the board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value and traffic impacts. (G.S. 160D-1402; S.L. 2019-111, § 1.9.)

Be aware of specific judicial instructions for decisions of appeals of quasi-judicial decisions. (G.S. 160D-1402 (k); S.L. 2019-111, § 1.9.)

Subdivision Decisions

Be aware that appeals of administrative subdivision decisions may be appealed directly to superior court. (G.S. 160D-1403.)

Be aware that quasi-judicial subdivision decisions are appealed to superior court in the nature of certiorari. (G.S. 160D-1402.)

Attorneys' Fees

Be aware that a court *shall* award attorneys' fees if the court finds that a city or county vio- lated a statute or case law setting forth unambiguous limits on its authority. (G.S. 6-21.7; S.L. 2019-111, Pt. I.)

Be aware that a court *shall* award attorneys' fees if the court finds that a local government took action inconsistent with, or in violation of, the permit choice and vested rights statutes. (G.S. 6-21.7; S.L. 2019-111, Pt. I.)

Be aware that a court may award attorneys' fees in other matters of local government litigation. (G.S. 6-21.7; S.L. 2019-111, Pt. I.)

Additional Judicial Rules

Be aware that a court may join a civil action challenging an ordinance with an appeal in the nature of certiorari. (G.S. 160D-1402(m).)

Be aware that a local government **must** not assert the defense of estoppel to enforce conditions to which an applicant did not consent in writing. (G.S. 160D-1403.2; S.L. 2019-111, Pt. I.)

Be aware that an action is not rendered moot if the party loses the relevant property interest as a result of the local government action being appealed, subject to applicable case law limits. (G.S. 160D-1402(j1); S.L 2019-111, Pt. I.)

Enterprise Fund

Revenues

300 - 411 -						Projected for Year End
300 - 422 - 40022 -	39910	Beginning Fund Balance	120,442.00	13,105	133,547.00	To balance budget
				13,105		

Expenses

Water	300 - 810 - 50000 -	40003	CONTRACT LABOR	24,440	(5,120)	19,320	Adj to actual
	300 - 810 - 50400 -	40012	PRINTING AND POSTAGE	1,500	250	1,750	TO RECORD POSTAGE FOR WATER LETTER
	300 - 810 - 50400 -	40017	M&R VEHICLES	3,000	(1,000)	2,000	Projected for Year End
	300 - 810 - 50400 -	40026	ADVERTISING EXPENSE	500	(500)	-	Adj to actual
	300 - 810 - 50400 -	40031	GAS AND OIL	15,750	2,000	17,750	To record more gas at Sunset generator
	300 - 810 - 50400 -	40034	Equipment Expense	1,500	(1,000)	500	Projected for Year End
	300 - 810 - 50400 -	40036	UNIFORM	900	(600)	300	Adj to actual
	300 - 810 - 50400 -	40058	UNEMPLOYMENT	500	(500)	-	Adj to actual
	300 - 810 - 50400 -	40073	OTHER IMPROVMENTS	500	(500)	-	Projected for Year End
	300 - 810 - 50400 -	40114	School and Training	500	(500)	-	Adj to actual
	300 - 810 - 50400 -	40131	Tires	1,200	(1,200)	-	Projected for Year End
	300 - 810 - 50400 -	40157	Safety	1,200	(900)	300	Adj to actual
	300 - 810 - 50400 -	40254	Group Insurance	17,200	1,700	18,900	Projected for Year End
	300 - 810 - 50400 -	40335	Supplies - Chemicals	7,000	3,000	10,000	Projected for Year End
Sewer	300 - 820 - 50000 -	40225	Overtime	3,000	(3,000)	-	Adj to actual
	300 - 820 - 50400 -	40015	M&R Bldg and Grounds	1,000	(800)	200	Projected for Year End
	300 - 820 - 50400 -	40016	M&R VEHICLES	5,000	(3,000)	2,000	Projected for Year End
	300 - 820 - 50400 -	40026	ADVERTISING EXPENSE	600	(600)	-	Projected for Year End
	300 - 820 - 50400 -	40033	Supplies	11,700	(5,200)	6,500	Projected for Year End
	300 - 820 - 50400 -	40034	Equipment Expense/Rental	1,500	(1,000)	500	Projected for Year End
	300 - 820 - 50400 -	40036	UNIFORM	1,325	(1,025)	300	Projected for Year End
	300 - 820 - 50400 -	40058	UNEMPLOYMENT	400	(400)	-	Projected for Year End
	300 - 820 - 50400 -	40114	School and Training	500	(500)	-	Adj to actual
	300 - 820 - 50400 -	40131	Tires	2,000	(2,000)	-	Projected for Year End
	300 - 820 - 50400 -	40157	Safety	1,000	(600)	400	Projected for Year End
	300 - 820 - 50400 -	40254	Group Insurance	21,850	500	22,350	Projected for Year End
Sewer Plant	300 - 830 - 50400 -	40013	Utilites	14,000	500	14,500	Projected for Year End
	300 - 830 - 50400 -	40015	M&R Bldg and Grounds	5,500	(3,500)	2,000	Projected for Year End
	300 - 830 - 50400 -	40016	M&R Equipment	3,500	(2,500)	1,000	Projected for Year End
	300 - 830 - 50400 -	40031	GAS AND OIL	100	(100)	-	Projected for Year End
	300 - 830 - 50400 -	40036	UNIFORM	800	(800)	-	Projected for Year End
	300 - 830 - 50400 -	40053	Dues and Subscriptions	2,325	125	2,450	Projected for Year End
	300 - 830 - 50400 -	40058	UNEMPLOYMENT	125	(125)	-	Projected for Year End
	300 - 830 - 50400 -	40114	School and Training	500	(500)	-	Projected for Year End
	300 - 830 - 50400 -	40157	Safety	500	(500)	-	Projected for Year End
	300 - 830 - 50400 -	40165	M&R Sewer Plant	3,000	(3,000)	-	Projected for Year End
	300 - 830 - 50400 -	40335	Supplies - Chemicals	7,000	(4,000)	3,000	Projected for Year End
	300 - 830 - 50400 -	40575	Debt Payment	68,602	50,000	118,602	Projected for Year End
					13,105		