



Board of Commissioners
Regular meeting
Agenda

Tuesday, May 4, 2021
6:30 PM

Location: 28 N Raleigh Street, Angier, NC 27501

Call to Order

Pledge of Allegiance

Invocation

Approval of Agenda

Presentations

- 1. Professional Municipal Clerks Week**
 - a. Consideration to proclaim May 2-8 as Professional Municipal Clerks Week
- 2. National Police Week Proclamation**
 - a. Consideration to proclaim May 9-16 as National Police Week
- 3. National Public Works Week Proclamation**
 - a. Consideration to proclaim May 16-23 as National Public Works Week

Public Comment

Consent Agenda

- 1. Approval of Minutes**
 - a. April 6, 2021 – Regular Meeting
 - b. April 20, 2021 – Work Session
 - c. March 2, 2021 – Regular Meeting
 - d. March 16, 2021 – Work Session

New Business

- 1. Ordinance to Demolish Dilapidated Dwelling**
 - a. Code Enforcement staff has been enforcing the minimum housing standard code against the deteriorating dwelling at 67 S. Cross Street since the case was opened on October 9, 2019.

- 2. Consideration of Resolutions #R008-2021 & #R009-2021 in Opposition to House Bills 401 & 456**
 - a. At the April 20th Board Workshop, staff presented two proposed NC House Bills which would have a direct impact of the Town's ability to regulate development in Angier.
- 3. Capital Area MPO Executive Board Alternate**
 - a. CAMPO has requested the Town to choose an elected official to serve on the Executive Board as an alternate
- 4. Angier Masonic Lodge 1st Annual Oyster Roast Bash Street Closures**
 - a. A request has been submitted by Tristan Scott to close certain streets for Sunday, October 3rd from 1pm to 6pm.

Manager's Report

Staff Reports

Mayor and Town Board Reports

Closed Session pursuant to NCGS 143-318.11 (a) (3) to consult with the Town Attorney and 143-318.11 (a) (4) to discuss economic development

Adjourn

*****IN ACCORDANCE WITH ADA REGULATIONS, PLEASE NOTE THAT ANYONE WHO NEEDS AN ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD NOTIFY THE TOWN CLERK AT 919.331.6703 AT LEAST 48 HOURS PRIOR TO THE MEETING. *****

PRESENTATIONS

PROCLAMATION
52nd Annual Professional Municipal Clerks Week
May 2nd – 8th 2021

***WHEREAS**, the Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world; and*

***WHEREAS**, the Office of the Professional Municipal Clerk is the oldest among public servants; and*

***WHEREAS**, the Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and*

***WHEREAS**, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and*

***WHEREAS**, the Professional Municipal Clerk serves as the information center on functions of local government and community; and*

***WHEREAS**, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops, and the annual meetings of their state, provincial, county and international professional organizations*

***WHEREAS**, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.*

***NOW, THEREFORE**, be it resolved that I **Robert K. Smith**, Mayor of the Town of Angier proclaim Professional Municipal Clerks Week as, May 2-8, 2021 and further extend appreciation to our Professional Municipal Clerk, Veronica Hardaway and to all Professional Municipal Clerks for the vital service they perform and their exemplary dedication to our community.*

Robert K. Smith, Mayor

***IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the Town of Angier on this fourth day of May in the year of our Lord Two Thousand Twenty-One.*

PROCLAMATION

National Police Week May 9th - 16th 2021

WHEREAS, in 1962 President Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the calendar week in which May 15 falls, as National Police Week; and

WHEREAS, the members of the law enforcement agency of the Town of Angier play an important role in safeguarding the rights and freedoms of the citizens of our community; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our department recognize their duty to serve the people by safeguarding life and property, protecting them against violence or disorder, and protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, our police department has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

*NOW, THEREFORE, be it resolved that I **Robert K. Smith**, Mayor of the Town of Angier proclaim National Police Week as, May 9-16, 2021 and further extend appreciation to our Police Chief Arthur Yarbrough, Lieutenant Thompson, and to all Law Enforcement for the vital services they perform and their exemplary dedication to the community they serve.*

Robert K. Smith, Mayor

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Town of Angier on this fourth day of May in the year of our Lord Two Thousand Twenty-One.

PROCLAMATION

National Public Works Week May 16th – 23rd 2021

WHEREAS, public works services provided in our community are an integral part of our citizens everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as streets, public buildings, grounds, solid waste collection, and snow removal; and

WHEREAS, the health, safety, and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning design, and construction, are vitally dependent upon the efforts and skill of public works employees; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the community's understanding of the work they perform; and

WHEREAS, the year 2021 marks the 61st annual National Public Works Week sponsored by the American Public Works Association;

NOW, THEREFORE, be it resolved that I ***Robert K. Smith***, Mayor of the Town of Angier proclaim National Public Works Week as, May 16-23, 2021 and further extend appreciation to our Public Works Director Jimmy Cook and to the public works department for the vital service they perform and their exemplary dedication to our community.

Robert K. Smith, Mayor

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Town of Angier on this fourth day of May in the year of our Lord Two Thousand Twenty-One.

CONSENT AGENDA

**Town of Angier
Board of Commissioners
Tuesday, April 6, 2021, 6:30 P.M.
Angier Municipal Building
28 North Raleigh Street
Minutes**

The Town of Angier convened during a regularly scheduled Board of Commissioners meeting on Tuesday, April 6, 2021, in the Board Room inside the Municipal Building at 28 North Raleigh Street.

Members Present: Mayor Bob Smith
Mayor Pro-tem Hawley
Commissioner Alan Coats
Commissioner Mike Hill
Commissioner Junior Price

Members Excused:

Staff Present: Town Clerk Veronica Hardaway
Planning Director Sean Johnson
Chief of Police Arthur Yarbrough
Library Director Katy Warren
Finance Director Hans Kalwitz
Parks & Recreation Director Derek McLean
Public Works Director Jimmy Cook
Town Attorney Dan Hartzog, Jr.

Others Present:

Call to Order: Mayor Smith presided, calling the Board of Commissioners meeting to order at 6:30 p.m.

Pledge of Allegiance: Mayor Smith led the pledge of allegiance.

Invocation: Mayor Smith offered the invocation.

Approval of the April 6, 2021 meeting agenda: The Town Board unanimously approved the agenda as presented.

Board Action: The Town Board voted to approve the agenda as presented.

Motion: Commissioner Hill

Vote: 4-0; unanimous

Public Comment

Ryan Inzenga, 35 Goldleaf Court, voiced his concern regarding significant drainage issues in Harvest Ridge Subdivision causing property damage. He believes it is the Town's responsibility to maintain the pond adjacent to his property and requested the Board to consider taking steps to resolve the issue.

Consent Agenda

1. NC DEQ Capital Project Budget Ordinance

- a. This Capital Project Budget Ordinance pertains to the \$100,000 distribution from the North Carolina Department of Environmental Quality that was accepted by the Board February 16, 2021.

Board Action: The Town Board unanimously voted to approve the consent agenda as presented.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

Public Hearings

1. Annexation Petition

Planning Director Sean Johnson stated that the Planning Department received a voluntary annexation petition submitted by Southern Built, LLC for an approximately 2.109-acre tract of land located at 1192 Rawls Church Rd (Harnett PIN#: 0674-25-9617.000). The Town Clerk has investigated the sufficiency of the petition and the Board fixed the date of the Public Hearing at their March 2nd meeting.

Mayor Smith opened the Public Hearing.

Seeing no one wishing to speak specifically on the annexation, Mayor Smith closed the Public Hearing.

Board Action: The Town Board unanimously voted to approve the Annexation Petition submitted by Southern Built, LLC requesting to annex approximately a 2.109-acre tract of land located at 1192 Rawls Church Road (Harnett PIN#: 0674-25-9617.000).

Motion: Commissioner Price

Vote: 4-0; unanimous

2. Rezoning Request

Planning Director Sean Johnson stated the Planning Department has received a rezoning request from Southern Built, LLC for the approximately 2.109-acre tract of land located at 1192 Rawls Church Rd (Harnett PIN#: 0674-25-9617.000) from RA-30 to R-10. The

Planning Board voted unanimously to recommend approval of the rezoning at their March 9th meeting.

Mr. Johnson explained the property is currently wooded and surrounding land uses include low density residential, manufactured home parks, and agricultural uses. Public water and sewer services are available in the near vicinity. The property in question is currently outside of the Future Land Use Map. The proposed rezoning to R-10 would allow for uses that will be compatible with the surrounding residential uses.

Mayor Smith opened the Public Hearing.

Benton Dewar, professional surveyor, stated he is there to answer questions anyone might have.

Gwen Brown, 1175 Rawls Church Road, stated that she has livestock adjacent to the property in question and is concerned it will affect her livelihood. However, the Planning Director explained it would not have an effect on her property as the rezoning only pertains to the 2.109-acre tract.

Eileen Wasnak, 1226 Rawls Church Road, asked what size lots are permissible in an R-10 zoning. Mr. Johnson explained lot sizes must be at least 10,000 sq. ft.

Town Attorney Dan Hartzog Jr. explained that anything permissible under the particular rezoning classification would be allowed on the property in question as long as they meet the minimum requirements. The Board is not entitled to decide what a property owner will do once it's zoned.

Seeing no one, Mayor Smith closed the Public Hearing.

Board Action: The Town Board unanimously voted to approve the rezoning request submitted by Southern Built, LLC to rezone approximately 2.109-acre tract of land located at 1192 Rawls Church Road from RA-30 to R-10.

Motion: Commissioner Hill

Vote: 4-0, unanimous

3. Annexation Petition

Planning Director Sean Johnson stated the Planning Department has received a voluntary annexation petition for 3 tracts totaling approximately 48.7 acres located on NC 210 just east of Town (Harnett PIN#: 0684-10-5183.000, 0684-20-7231.000, 0683-19-2678.000). The Spring Village mixed use development was recently approved on these properties. The Town Clerk has investigated the sufficiency of the petition and the Board fixed the date of the Public Hearing at their March 2nd meeting.

Mayor Smith opened the Public Hearing.

James O'Brian, 688 Circle Drive, asked about plans of the mixed used development, Mr. Johnson invited Mr. O'Brian to visit the Planning Department to view maps of the proposed developments plans.

Seeing no one else, Mayor Smith closed the Public Hearing.

Commissioner Price deferred to the Town Attorney asking for clarification on what types of questions can be asked to the applicant during an annexation.

Town Attorney Dan Hartzog Jr. replied that the law does not permit the Board to require testimony about the use of a property prior to the zoning. The proposed property should be looked at what it could be used for in the future according to the land use map, not what one person in particular intends to do with the property.

Board Action: The Town Board voted to approve the Annexation Petition submitted by Spring Village requesting to annex 3 tracts of land totaling approximately 48.7 acres located at NC 210 just east of Town (Harnett PIN#'s: 0683-19-2678.000; 0684-10-5183.000; and 0684-20-7231.000).

Motion For: Commissioner Hill; Commissioner Coats

Opposed: Commissioner Price; Mayor Pro-tem Hawley

Vote: 2-2

Mayor Vote to break tie: 3-1, motion carried

4. Rezoning Request

Planning Director Sean Johnson stated the Planning Department has received a rezoning request from Sergio Cortes for an approximately 0.11-acre tract of land located at 66 W. Williams Street (Harnett PIN#: 0674-70-2054.000) from General Commercial to Office & Institutional. The property is approximately 95ft x 50ft and contains a roughly 2,500 sq. ft. building. Surrounding land uses include commercial, retail, and government uses. Public water and sewer are available.

Mr. Johnson explained the property in question is not compatible with the Future Land Use Map. However, the proposed rezoning to Office & Institutional would allow for uses that will be compatible with the surrounding commercial and residential uses such as schools, government uses, churches, and offices. The Planning Board voted 3-3, a split Board, concerning the rezoning requested at their March 9th meeting.

Mayor Smith opened the Public Hearing.

Commissioner Coats stated he would like to see this property continue to stay commercial as he does not want to lose commercial areas within the downtown due to our continued growth.

Commissioner Hill recommended the Board stay with the classification shown on the Town's Future Land Use Map.

Sergio Colon, speaking on behalf of the owner of the property, stated the owner requested a rezoning due to the fact he has been having a hard time renting the property out.

Christina Kazakavage, Planning Board Chairperson, reminded the Board about the Future Land Use Map and how it was designed for the Town. She agreed with Commissioner Hill about staying within Angier's Future Land Use Plan and spoke about the Town needing more retail spaces.

Seeing no one, Mayor Smith closed the Public Hearing.

Board Action: The Town Board unanimously voted to deny the rezoning request submitted by Sergio Cortes to rezone approximately 0.11-acre tract of land located at 66 W. Williams Street from General Commercial to Office & Institutional due to the proposed zoning not matching the Land Use Plan.

Motion: Commissioner Coats

Vote: 4-0, unanimous

5. Rezoning Request

Planning Director Sean Johnson stated the Planning Department has received a rezoning request from Danny Honeycutt for an approximately 15.14-acre tract of land located on NC 210 N. West of Town (Harnett PIN#: 0673-12-0580.000) from RA-30 to Commerce Park. The property is currently agricultural land and has approximately 400ft. of frontage along Highway 210. Surrounding land uses include low density residential, commercial, light manufacturing and agricultural uses. Public water and private septic are available.

Mr. Johnson stated the rezoning on the property in question is not compatible with the Future Land Use Map. However, the proposed rezoning to Commerce Park is in line with adjacent property zoning and those adjacent uses identified by the Future Land Use Map. The rezoning request would allow for many uses that will be compatible with the surrounding commercial and manufacturing uses and bring tax base and jobs to Town. The Planning Board voted unanimously to recommend approval of the rezoning in question at their March 9th meeting.

Mayor Smith opened the Public Hearing.

Carlota Reyes, who lives adjacent to proposed rezoning, voiced her concern that the proposed rezoning will affect her property value.

Tilghman Pope, Attorney located at 403 W. Broad Street, Dunn, NC, stated he represents Highland Paving Company who is the applicant requesting the proposed rezoning. On behalf of the applicant he expressed that there is no secret to their intended use of the property. If the Special Use Permit is approved, their intention is to build an asphalt plant on the site. Highland Paving Company is based out of Fayetteville. In respect to the rezoning, all criteria have been met with the exception of being compatible with the Future Land Use Plan, however the Planning Board has unanimously recommended to approve the rezoning.

Seeing no one, Mayor Smith closed the Public Hearing.

Board Action: The Town Board voted to approve the rezoning request submitted by Danny Honeycutt to rezone approximately 15.14 acres located on NC 210 N. west of Town (Harnett PIN#: 0673-12-0580.000) from RA-30 to Commerce Park.

Motion: Mayor Pro-tem Hawley; Commissioner Hill; Commissioner Coats

Opposed: Commissioner Price

Vote: 3-1; motion carried

New Business

1. Text Amendment

Mr. Johnson proposed a Town Code Amendment in an effort to comply with recent changes to the NC General Statutes related to the time of collection of water and sewer system development fees, which will now be payable prior to the issuance of a building permit. This amendment is to Town Code Section 17-57 and is in accordance with Session Law 2020-61.

Board Action: The Town Board unanimously voted to amend the Town Code Section 17-57 accordance with Session Law 2020-61 to comply with the recent changes to the NC General Statutes related to the time of collection of water and sewer development fees.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

Manager's Report

- Department Reports (Informational Items included in Agenda packets)

Mr. Vincent updated the Board on various items. Those items are the following:

1. The American Rescue Plan Act: State and local governments will be receiving funding as part of the \$1.9 trillion COVID-19 relief package. The Town of Angier will receive \$1,580,000. There are restrictions as to the use of these funds, but staff will review the criteria and the Town's priorities and make a recommendation to the Board of Commissioners. Funds are to be spent by December 2024, and the first allocation of funds (50%) will be June 15, 2021 in the amount of \$790,000.
2. On March 26th & 27th, the Town Board of Commissioners held its annual Retreat, along with staff, to discuss a number of major challenges, positive changes in the community, and downtown. These topics were, but not limited to: a) move forward with a new Town Hall & Police Station; b) a community center; c) a financial plan to be presented in the near future; d) negotiate water & sewer capacities with Harnett County Regional Water e) Stormwater Fee (Maintenance of the drainage issues throughout the community; f) continue to discuss a Farmer's Market; and g) review the advantages of a Telcom Master Plan. A number of these items will be reviewed and may be incorporated in FY22, other items will be placed on a future workshop agenda for discussion. All in all, a very

successful two days, positive discussions, and much accomplished! Thank you to the Mayor, Board of Commissioners, and staff for all the hard work!

Mayor & Town Board Reports

Commissioner Price witnessed Officer Reagan helping an elderly citizen from his vehicle to his chair inside a restaurant. Mr. Price commended him for his actions.

Mayor Pro-tem Hawley thanked the Police Department for everything they do day to day.

Board Action: The Town Board unanimously voted to commend Officer Reagan for his actions.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

Commissioner Price thanked Town Attorney Dan Hartzog Jr. for his continued support.

Public Works Director Jimmy Cook offered further explanation regarding the drainage issues on Mr. Inzenga's property that was previously discussed earlier in the meeting.

Commissioner Price asked the Town Clerk if questions asked on Facebook live get answered, to which the Clerk responded that they do get answered by the appropriate department.

Mr. Hartzog Jr. suggested directing citizens to review the agenda as it's published and direct questions to the Town Clerk prior to the meeting.

Adjournment: Being no further business, the Town Board voted unanimously to adjourn the meeting at 8:33pm.

Motion: Mayor Pro-tem Hawley

Vote: Unanimous, 4-0

Robert K. Smith, Mayor

Attest:

Veronica Hardaway, Town Clerk

**Town of Angier
Board of Commissioners
Work Session
Tuesday, April 20, 2021, 6:30 P.M.
Angier Municipal Building
28 North Raleigh Street
Minutes**

The Town of Angier convened during a regularly scheduled Board of Commissioners Work Session meeting Tuesday, April 20, 2021, in the Board Room inside the Municipal Building at 28 North Raleigh Street.

Members Present: Mayor Bob Smith
Mayor Pro-tem Loru Boyer Hawley
Commissioner Alan Coats
Commissioner Mike Hill
Commissioner George Junior Price

Members Absent:

Staff Present: Town Manager Gerry Vincent
Town Clerk Veronica Hardaway
Planning Director Sean Johnson
Community Devel. Coordinator Heather Keefer
Chief of Police Arthur Yarbrough
Public Works Director Jimmy Cook
Parks & Recreation Director Derek McLean
Finance Director Hans Kalwitz
Town Attorney Dan Hartzog Jr.

Others Present:

Call to Order: Mayor Smith presided, calling the Board of Commissioners Work Session meeting to order at 6:34 p.m.

Pledge of Allegiance: Mayor Smith led the pledge of allegiance.

Invocation: Mayor Smith offered the invocation.

Approval of the April 20, 2021 meeting agenda: The Town Board unanimously approved the agenda as presented.

Board Action: The Town Board unanimously approved the April 20, 2021 meeting agenda as presented.

Motion: Commissioner Price
Vote: Unanimous, 4-0

Business Items

1. Budget Work Schedule FY2021-22

Town Manager Gerry Vincent provided a Budget Work Session for FY2021-22. The schedule is as follows:

March 26th & 27th – Budget Retreat
April 5th to 12th – Budget Worksheets distributed to staff
April 20th – Adopt Budget Work Schedule
April 23rd – Deadline for Department Requests
May 7th – Town Manager Finalizes Budget
May 18th – Town Manager’s Budget Presentation
May 19th to June 14th – Budget Work Sessions
June 15th – Public Hearing & Adoption of General & Utility Fund Budgets

Board Action: The Town Board unanimously voted to approve the Budget Work Schedule FY2021-22.

Motion: Commissioner Hill
Vote: 4-0, unanimous

2. Summary of House Bills 401 & 456

Planning Director Sean Johnson summarized two recently filed House Bills at the NC General Assembly relating to planning and development regulations.

House Bill 401 “A Bill to Be Entitled an Act to Provide Reforms to Local Government Zoning Authority to Increase Housing Opportunities and to Make Various Changes and Clarifications to the Zoning Statutes”. This bill is well intentioned to provide additional available housing options across the state; however, it has some concerning language in terms of stripping power from local governments like Angier.

The main item of concern is the language for “middle housing uses in residential zones”. Middle housing units are defined as duplexes, triplexes, quadplexes, and townhomes. If approved, this bill would specifically prohibit local government from regulating these multifamily uses any differently than single family uses. That would trigger ordinance changes in Angier as well as many other towns across the state. Angier currently requires Special Use Permits for large scale multifamily developments due to a greater impact to surrounding properties than single family homes do.

There was also concerning language pertaining to accessory dwellings such as mother-in-law suites or an apartment above a garage that could be rented out to a separate tenant on your own property. There are concerns for local governments triggering different rules when renting out accessory dwellings. Angier requires a Special Use Permit accessory dwellings and requires them to get their own utility connections in the tenant's name. That authority would also be removed if this Bill is approved.

House Bill 456 "A Bill to Be Entitled an Act to Remove the Injustice of Extraterritorial Planning Jurisdiction by Declaring that no City in the State may have or Exercise Planning Jurisdiction Outside its Corporate Limits". This Bill would remove ETJ from all municipalities in North Carolina. All jurisdiction for planning regulation which includes all building permits, code enforcement, and zoning districts within the ETJ would be eliminated. It's not discriminatory based on the size of the city; therefore, the Town of Angier would be affected by this bill the same as large cities. The purpose of an ETJ is to plan and regulate property that will become part of the Town in the future. Currently, Angier has one mile of ETJ and when 10,000 population is reached, we would then be eligible for a two-mile ETJ. The Unified Development Ordinance applies to the ETJ just as it does within corporate limits.

Mr. Johnson has examples of Resolutions in opposition of these House Bills from other towns.

It was the consensus of the Board to review the Resolutions at the May Board meeting.

3. Advisory Board Bylaws and Meeting Date Changes

Planning Director Sean Johnson explained the proposed changes to the former Downtown Advisory Board. With the Town's exodus from the Mainstreet Program, the advisory board has been re-branded to the Community Development Advisory Board, similar to the way the Downtown Manager's title has been changed to Community Development Coordinator. Proposed amendments to the Advisory Board By-laws are recommended to widen the focus of the Board beyond the downtown area to support all businesses and economic development initiatives in Angier. Meetings will be held on the fourth Monday of every month at 6:30pm in the Board Room.

Mayor Smith suggested a minor change to Article 6; Section 6 by adding to the first sentence; "the vote of the motion to be carried out must have a vote of the majority of all 5 members"

Mr. Johnson stated there were two applications submitted by Addison Allgood and Haley Plumley to be appointed to the Community Development Advisory Board. The Advisory Board currently has eight members; however, this Board serves as a nine-member Board.

Board Action: The Town Board unanimously voted to appoint Addison Allgood to serve on the Community Development Advisory Board.

Motion: Commissioner Price

Vote: 4-0, unanimous

Board Action: The Town Board unanimously voted to approve the amended By-laws for the Community Development Advisory Board with the suggestion added by Mayor Smith.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

It was the consensus of the Board to revise the Advisory Board application to better reflect the Ethics acknowledgement.

4. Ordinance to Demolish House at 67 S. Cross Street

Planning Director Sean Johnson stated the aforementioned case began on October 9, 2019 with a complaint received from Angier Police Department. Code Enforcement staff has been enforcing the minimum housing standard code against the deteriorating dwelling at 67 S. Cross Street since the case was opened in October 9, 2019. After property owner failed to repair or close the dwelling, staff facilitated the boarding of the dwelling on March 11, 2020. The house has recently been illegally occupied, causing staff to again facilitate boarding windows. Because the owner has shown no effort to restore the dwelling to a habitable condition, and the house continues to attract illegal activity, staff is requesting an Ordinance to Demolish the dwelling.

Town Attorney Dan Hartzog Jr. advised that a separate hearing regarding the Ordinance to Demolish should take place after certified mail has been sent to the last known address of the owner.

It was the consensus of the Board to hear this issue at the May Board meeting.

5. American Rescue Plan Act – Use of Funds

Town Manager Gerry Vincent acknowledged that state and local governments will be receiving funding as part of the \$1.9 trillion COVID-19 relief package. The Town of Angier will receive \$1,580,000. Funds are to be spent by December 2024, and the first allocation (50%) will be June 15, 2021 in the amount of \$790,000. Guidelines for the use of funds have not been set yet, however Mr. Vincent proposed using approximately \$250,000 to go to the downtown merchants in the form of a Small Business Improvement Grant application submission in order to receive \$5,000. This opportunity can be afforded up to 50 businesses in Angier. These funds are intended to encourage and provide an economic incentive for: improvements to the exterior façade of buildings, improvements to parking lots, outdoor seating, entryways, landscaping and other outdoor areas as well as interior renovations and enhancements of buildings. The applicant must provide a detailed description of the improvement project to be completed along with a rendering or sketch of the proposed project. All applications will be reviewed by staff for criteria compliance.

Board Action: The Town Board unanimously voted to allocate \$250,000 to implement the American Rescue Plan Act merchant grant.

Motion: Mayor Pro-tem Hawley

Vote: 4-0; unanimous

6. Future Park Site

Mr. Vincent proposed utilizing the Town's 110 acres located off of Campbell Street near the Public Works building as a new park site. The site is currently used as a wastewater spray field; however, the EPA will be involved to get it shovel ready. The access road would be installed off of Guy Road. The approved community center would then be located at the center of the ball field at Jack Marley Park.

Board Action: The Town Board unanimously voted to allocate funding in the budget to test the land to prepare for use in the future.

Motion: Commissioner Hill

Vote: 4-0, unanimous

7. Misc. Information

Mr. Vincent stated the Angier Meat Market requested to purchase the Town's property located off of W. Lillington Street behind Depot Square. This site is continuously used for town events and possibly future use for a farmer's market.

Board Action: The Town Board unanimously voted to deny the sale of the town's property located off of W. Lillington Street.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

It was the consensus of the Board to place no parking signs on the aforementioned property.

Mr. Vincent stated the Angier Chamber of Commerce has requested to secure the Depot and grounds for the following dates:

December 2, 2021 – Christmas on the Square 5:30-8pm

December 4, 2021 – Angier Christmas Parade 10am

December 4, 2021 – (3rd) Annual Christmas Vendor Fair 9am-2pm

It was the consensus of the Board to approve the aforementioned dates.

Mr. Vincent informed the Board of Tristan Scott's event hosted by the Masonic Lodge October 3rd with proceeds going to the children's hospital and parks and recreation.

Town Attorney Dan Hartzog Jr. explained the quasi-judicial hearing process.

Adjournment: There being no further business, the Town Board voted unanimously to adjourn the meeting at 8:14pm.

Motion: Mayor Pro-tem Hawley

Vote: Unanimous, 4-0

Robert K. Smith, Mayor

Attest:

Veronica Hardaway, Town Clerk

**Town of Angier
Board of Commissioners
Tuesday, March 2, 2021, 6:30 P.M.
Angier Municipal Building
28 North Raleigh Street
Minutes**

The Town of Angier convened during a regularly scheduled Board of Commissioners meeting on Tuesday, March 2, 2021, in the Board Room inside the Municipal Building at 28 North Raleigh Street.

Members Present: Mayor Bob Smith
Mayor Pro-tem Hawley
Commissioner Alan Coats
Commissioner Mike Hill
Commissioner Junior Price

Members Excused:

Staff Present: Town Manager Gerry Vincent
Town Clerk Veronica Hardaway
Planning Director Sean Johnson
Chief of Police Arthur Yarbrough
Library Director Katy Warren
Finance Director Hans Kalwitz
Parks & Recreation Director Derek McLean
Public Works Director Jimmy Cook
Administrative Assistant Donna DiMambro
Town Engineer Bill Dreitzler
Town Attorney Dan Hartzog, Jr.

Others Present:

Call to Order: Mayor Smith presided, calling the Board of Commissioners meeting to order at 6:30 p.m.

Pledge of Allegiance: Mayor Smith led the pledge of allegiance.

Invocation: Mayor Smith offered the invocation.

Approval of the March 2, 2021 meeting agenda: The Town Board unanimously approved the agenda as presented.

Board Action: The Town Board voted to approve the agenda as presented.

Motion: Mayor Pro-tem Hawley

Vote: 4-0; unanimous

Public Comment

Brian Hawley, ABC Board Chairman, provided an update of the ABC store financials.

Tim Flannery, *Mowbot* representative, introduced the company to the Board and explained their services for possible use in the future.

Consent Agenda

1. Approval of Minutes

- a. January 5, 2021 – Regular Meeting (amended)
- b. February 2, 2021 – Regular Meeting
- c. February 16, 2021 – Work Session

2. Budget Amendment #7

- a. Consideration and approval of Budget Amendment #7 that pertains to Harnett County Grassroots Arts Program, Powell Bill, and Bank of America P-Card Program Rebate.

Board Action: The Town Board unanimously voted to remove consent agenda item #1b to discuss.

Motion: Commissioner Hill

Vote: 4-0, unanimous

Commissioner Coats pointed out that the vote for the Rezoning Hearing submitted by T. Warren Gregory needs to be amended as he recused himself. The amended vote will read 2-1 instead of 3-1.

Board Action: The Town Board unanimously voted to approve the consent agenda including February 2nd meeting minutes as amended.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

New Business

1. Solid Waste & Recycling Collection Services Bid Award

Town Manager Gerry Vincent stated the Town received six bids with the apparent low bid by Waste Industries, LLC. The solid waste and recycling collection services contract with Waste Industries, LLC began in March 2007. The updated contract will be an initial term of five years and may be renewable for successive two-year terms upon mutual agreement by both parties. The contract amount will be budgeted each fiscal year and approved by the Board of Commissioners. The apparent low bid creates a cost savings of approximately \$47,400 annually, and potentially \$237,000 over the five-year contract term.

The Board of Commissioners had concerns of customer service that was directed to the General Manager of GFL.

Nick Zdeb, General Manager for GFL of Garner, stated they have been working with the Town the last six years since he's been at the current facility. He explained his team has worked with Public Works Director, Jimmy Cook with some of the issues that have come up. Mr. Zdeb assured the Board that he personally has spoken with his team along with the drivers about customer service. Anything that comes to his attention gets addressed as quickly as possible. The dumpsters the Board mentioned that was a concern are competitor's containers and cannot be moved by GFL. One of his drivers was taken out of Town due to repeated complaints. Mr. Zdeb explained that if a customer is consistent with extra trash, they will bring it to the attention of the Town that an additional cart is needed. There is constant communication between GFL and the Town through a portal that creates a record of any and all requests.

Norma Yanez, GFL Government Contracts Manager, stated they responded to the RFP exactly how it was asked, if it was asked to respond with new carts that would have been included. If new carts are something the Board wants, she would be more than happy to include that.

Commissioner Hawley asked if representatives from *Carolina Trash* had any comment since they were in attendance.

Howard Babbitt, Owner of Carolina Trash, stated he is a local business in Angier that had placed a bid for the requested RFP. Bids were slightly higher but that was due to having to purchase new containers for all customers.

Alex Babbitt, Carolina Trash, explained the services their company offers.

Town Attorney Dan Hartzog Jr., explained to the Board they are not required by statute to bid this out, however once you do put it out for bid, the low-bid process should be followed through unless you reject all bids and start over.

Board Action: The Town Board voted to table this until the workshop meeting to discuss further.

Motion For: Commissioner Price; Mayor Pro-tem Hawley

Opposed: Commissioner Hill, Commissioner Coats

Vote: 2-2, tie

Mayor Vote to break tie: 2-3, motion failed

Commissioner Hill expressed the Board should go with the recommendations made by the Town Manager and make a ruling.

Town Manager Gerry Vincent explained the intent of starting the bidding process in January with bid approval in March is simply if new carts need to be purchased there would be adequate time to get them ordered and distributed.

Board Action: The Town Board voted to award the bid contract to GFL for Solid Waste & Recycling services.

Motion For: Commissioner Coats, Commissioner Hill

Opposed: Commissioner Price, Mayor Pro-tem Hawley

Vote: 2-2, tie

Mayor Vote to break tie: 3-2, motion carries

2. Transforming Communities Library Grant

Library Director Katy Warren stated the library has an opportunity to apply for a grant worth \$3,000 from the American Library Association. This grant is for small and rural libraries to facilitate discussion on a community engagement project. This project would create an opportunity to create discussion within the community on ways that the library can provide support to the local youth and help with literacy and programming options to support the citizens of Angier. This grant does not require matching funds.

Board Action: The Town Board unanimously voted to apply for the Transforming Communities Library Grant.

Motion: Commissioner Coats

Vote: 4-0, unanimous

Old Business

1. Resolution #R004-2021 – Fixing a Date for Annexation Public Hearing submitted by Southern Built

Planning Director Sean Johnson stated the Planning Department has received a voluntary annexation petition from Southern Built, LLC for an approximately 2.109-acre tract of land located at 1192 Rawls Church Road (Harnett PIN: 0674-25-9617.000). The property is currently in Harnett County's planning jurisdiction and is zoned RA-30. There is a rezoning request pending for the property in question to be heard following annexation approval. The Town Clerk has investigated the sufficiency of the petition. The next step is to set the date for the Public Hearing.

Board Action: The Town Board unanimously voted to adopt Resolution #R004-2021 to Fix a Date for Annexation Public Hearing submitted by Southern Built for April 6, 2021.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

2. Resolution #R005-2021 – Fixing a Date for Annexation Public Hearing submitted by Spring Village

Planning Director Sean Johnson stated staff received a voluntary annexation petition for 3 tracts of land totaling approximately 48.7-acres located on NC 210 just East of Town (Harnett PIN's: 0683-19-2678.000; 0684-10-5183.000; and 0684-20-7231.000). The

Spring Village mixed use development was recently approved on these properties. The Town Clerk has investigated the sufficiency of the petition. The next step is to set the date for the Public Hearing.

Board Action: The Town Board unanimously voted to adopt Resolution #R005-2021 to Fix a Date for Annexation Public Hearing submitted by Spring Village for April 6, 2021.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

3. Resolution #R006-2021 – Fixing a Date for Annexation Public Hearing submitted by Danny Honeycutt

Planning Director Sean Johnson stated staff received a voluntary annexation petition from Danny Honeycutt for an approximately 15.14-acre tract of land located on NC 210 N. west of Town (Harnett PIN: 0673-12-0580.000). There is a rezoning request pending for the property in question to be heard following annexation approval. The Town Clerk has investigated the sufficiency of the petition. The next step is for the Board to set a date for the Public Hearing.

Board Action: The Town Board unanimously voted to adopt Resolution #R006-2021 to Fix a Date for Annexation Public Hearing submitted by Danny Honeycutt for April 6, 2021.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

Manager's Report

- Department Reports (Informational Items included in Agenda packets)

Mr. Vincent updated the Board on various items. Those items are the following:

1. "Spring Clean Up Day" will be March 20th, the first day of Spring. With Gov. Cooper relaxing restrictions on mass gatherings, the time is now. The Town is working closely with Rick Gutierrez with Anthem Church, Commissioner Junior Price, and Ashley Deans with Harnett County to coordinate an effort to clean up the litter within the town limits of Angier. It is an issue that has gotten out of control since the pandemic. Staff will coordinate logistics to make this effort successful!
2. The Board Retreat is scheduled for March 26th & 27th here in Angier. Staff is working hard on their reports, preparing presentations and the logistics are being ironed out. This Retreat will identify our strengths, weaknesses as we grow, and establish a vision for the next 5 years. The previous Retreats we were asking ourselves if growth was going to happen, and now we know, it's here! These two days will give staff a very clear direction from the Board of Commissioners on how to proceed with managing our growing pains.

3. Update: There are some rumblings that as part of the \$1.9 trillion stimulus bill, state & local governments may be receiving additional funds, as previously received by the CARES Act. In 2020, Angier received approximately \$254,000.
4. The Town is working with Enterprise Fleet Management to secure trade-ins of our existing fleet of vehicles in the Police & Public Works Departments. Our fleet is, in some cases, 21 years old, and very expensive to maintain. Just recently, two vehicles needed new transmissions costing approximately \$10,000. Newer vehicles which means less maintenance, reliable and efficient to operate. Our fleet in both departments will be consistent with similar type vehicles and better maintained. The entire fleet will be replaced over the course of three fiscal years.
5. On Friday, February 26th, Angier hosted the area town managers for a luncheon to discuss the effects of the pandemic, budgets, growth, traffic issues, etc. The event was well attended.

Mayor & Town Board Reports

Commissioner Price announced that Simply Décor will be hosting a meet the Commissioner's event Saturday, April 3rd.

Commissioner Price discussed that a local business owner's water was shutoff and was issued a reconnect fee due to a payment error. Mr. Price made a motion to reimburse the business owner and along with a letter of apology.

Donna DiMambro, Utility Billing Clerk, explained how the billing system is setup and described how the Town works with customers during these situations.

Public Works Director Jimmy Cook stated that citizens are often reminded on the multiple ways they can make a payment.

Town Attorney Dan Hartzog Jr. stated that these situations should be evaluated at the staff level, the Board of Commissioners should direct the Town Manager to take a look at this issue and determine the course of action to be taken. This could be problematic for the Board to be involved in micromanagement of this level of particular bill payments. Mr. Hartzog explained that he is just providing advice to the Board to prevent potential problems in the future.

Commissioner Price stated he understood what the Attorney was trying to express, however he wanted to see the motion carried out.

Mayor Smith asked if this was a first-time occurrence for the business owner. Mr. Vincent explained that it was not and that he and the Finance Director were looking into the matter.

Commissioner Hill stated that he would like to make a motion to table Commissioner Price's motion so the Town Manager can look further into the matter and take appropriate action. The Town Manager was hired to run the Town and should be given the chance and not the Town Board.

Mr. Hill stated that calling a Board member about this situation is inappropriate and should be done in the office not during a Town meeting.

Board Action: The Town Board voted to table Commissioner Price's motion to allow the Town Manager to research the matter and take appropriate action.

Motion For: Commissioner Hill; Commissioner Coats

Opposed: Commissioner Price, Mayor Pro-tem Hawley

Vote: 2-2, tie

Mayor Vote to break tie: 3-2, motion carries

Kelly Ennis, Planning Board Member, requested permission to speak. She expressed her disappointment with the Board on the vendor they selected for the Solid Waste Collection. There are constant customer service issues with the current vendor.

The Board discussed with the Town Attorney the process in which to start the bid process over.

Board Action: The Town Board unanimously voted to reconsider prior vote for solid waste.

Motion: Commissioner Hill

Vote: 4-0, unanimous

Board Action: The Town Board unanimously voted to table discussion of award of contract.

After further discussion, Mayor Pro-tem Hawley retracted her motion aforementioned above.

Board Action: The Town Board unanimously voted to reject all bids received for Solid Waste Collection services.

Motion: Commissioner Hill

Vote: 4-0, unanimous

Board Action: The Town Board unanimously voted to cancel bidding solicitation.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

Board Action: The Town Board unanimously voted to direct the Town Manager to negotiate a contract with Carolina Trash & Septic.

Motion For: Commissioner Price; Commissioner Hill; Mayor Pro-tem Hawley

Did not vote: Commissioner Coats

Vote: 4-0, unanimous

Closed Session pursuant to NC 143-318.11 (a)(5) – to discuss land acquisition.

Board Action: The Town Board unanimously voted to go into closed session at approximately 9:14pm.

Motion: Mayor Pro-tem Hawley
Vote: 4-0, unanimous

Board Action: The Town Board unanimously voted to reconvene in open session at approximately 10:04pm.

Motion: Commissioner Hill
Vote: 4-0, unanimous

Adjournment: Being no further business, the Town Board voted unanimously to adjourn the meeting at 10:05pm.

Motion: Mayor Pro-tem Hawley
Vote: Unanimous, 4-0

Robert K. Smith, Mayor

Attest:

Veronica Hardaway, Town Clerk

**Town of Angier
Board of Commissioners
Work Session
Tuesday, March 16, 2021, 6:30 P.M.
Angier Municipal Building
28 North Raleigh Street
Minutes**

The Town of Angier convened during a regularly scheduled Board of Commissioners Workshop Session meeting Tuesday, March 16, 2021, in the Board Room inside the Municipal Building at 28 North Raleigh Street.

Members Present: Mayor Bob Smith
Mayor Pro-tem Loru Boyer Hawley
Commissioner Alan Coats
Commissioner Mike Hill
Commissioner George Junior Price

Members Absent:

Staff Present: Town Manager Gerry Vincent
Town Clerk Veronica Hardaway
Planning Director Sean Johnson
Community Development Coordinator Heather Keefer
Chief of Police Arthur Yarbrough
Public Works Director Jimmy Cook
Library Director Katy Warren
Parks & Recreation Director Derek McLean
Finance Director Hans Kalwitz
Town Attorney Dan Hartzog Jr.

Others Present:

Call to Order: Mayor Smith presided, calling the Board of Commissioners Work Session meeting to order at 6:30 p.m.

Pledge of Allegiance: Mayor Smith led the pledge of allegiance.

Invocation: Mayor Smith offered the invocation.

Approval of the March 16, 2021 meeting agenda: The Town Board unanimously approved the agenda with the following amendment: adding a Closed Session pursuant to NCGS 143-318.11 (a) (6) to discuss a personnel matter.

Board Action: The Town Board unanimously approved the March 16, 2021 meeting agenda as amended.

Motion: Commissioner Price
Vote: Unanimous, 4-0

Business Items

1. Presentation regarding the Town of Angier's Comprehensive Park and Master Plan, and Jack Marley Master Plan

Susan Hatchell presented the final draft of Angier's Comprehensive Parks and Recreation Master Plan and the Jack Marley Park Master Plan to the Board.

Board Action: The Town Board unanimously voted to approve both plans as presented.

Motion: Commissioner Price
Vote: 4-0, unanimous

2. Depot Building Mural Project

Planning Director Sean Johnson explained that the design has been adjusted since the last meeting with the Board in response to the Board's comments. The plan is to have the mural painted on a movable wooden structure and not permanently painted on the depot itself. The cost is approximately \$3,500.

Mr. Johnson stated the new owner of the property located at 61 S. Broad Street E. has secured an artist to create a rendering for a mural of the wall of the building facing E. Lillington Street. The mural design will be shared with the Board when the property owner moves forward.

Board Action: The Town Board unanimously voted to move forward with the depot building mural as presented.

Motion: Mayor Pro-tem Hawley
Vote: 4-0; unanimous

3. Downtown Alleyway Brick Paver Project

Mr. Johnson shared a rendering of the proposed E. Depot Street alleyway brick paver project that was shared with the Board back in 2019. Donations were collected to have individual bricks engraved, which will be installed in the alleyway between the Razon Contracting building and the dress shop. Currently, the alleyway has uneven stepping stones with gravel in between. The idea with the project is to make that entrance safe and handicapped accessible by installing a concrete ramp with a slight grade to the path where the brick pavers will be installed.

Mr. Johnson introduced the new Community Development Coordinator, Heather Keefer, to the Board. Ms. Keefer will assist the Town with various events, local business promotion and economic development initiatives.

4. Annexation Agreement between the Town of Lillington and Angier

Planning Director Sean Johnson stated this annexation is a parcel specific agreement that the Town of Lillington has proposed. The first annexation is located on either side of NC Hwy 210 beside Harnett Central Middle School. The property in question is slightly closer to Angier than Lillington, thus creating the need for an annexation agreement allowing Lillington to annex the parcels. The NCGS states that if the parcel in question is closer to another Town's contiguous limits, permission must be requested from the neighboring town.

Mr. Johnson explained the second annexation is on the north side of Harnett Central Road and includes several larger tracts. Since Harnett County's sewer runs directly adjacent to these properties, it would not be feasible or realistic for Angier to serve these parcels in the future. Similarly, the parcels located off of NC Hwy 210 have Harnett County and/or Town of Lillington sewer in the near vicinity.

Staff recommended approval of the Annexation Agreement between the Town of Lillington and the Town of Angier.

Board Action: The Town Board unanimously voted to authorize the Town Manager to proceed with the Annexation Agreement between the Town of Lillington and the Town of Angier.

Motion: Commissioner Price

Vote: 4-0; unanimous

5. Solid Waste & Recycling Collection Services Contract

Town Manager Gerry Vincent stated that staff has met with Carolina Trash Pickup, Inc. on two occasions to discuss contract negotiations regarding the Town's solid waste and recycling collection services. The contract establishes a five (5) year term, and shall be renewable for successive two (2) year terms. The contract has been reviewed and revised by the Town Attorney. The current contract shows a reduction in rates, in addition, a proposed two (2) separate day collection. Schedule A will be conducted on Thursday (West of Hwy 55) and Schedule B will be conducted on Friday (East of Hwy 55). This service will begin on July 1st.

Mayor Smith offered minor edits pertaining to trash service being missed, not due to the fault of the company, but rather the absence of the cart at the road.

Town Attorney Dan Hartzog Jr. suggested to include the following language: In the event that the Harnett County landfill is closed due to unforeseen circumstances, the provider will seek alternate landfills with the approval of the Town Manager.

Board Action: The Town Board unanimously voted to approve the Solid Waste & Recycling Collection Services Contract with Carolina Trash & Septic as presented with the aforementioned edits.

Motion: Mayor Pro-tem Hawley

Vote: 4-0; unanimous

6. Budget Amendment #8

Finance Director Hans Kalwitz stated that as discussed during the October 2020 Regular Board of Commissioners meeting, library donations are treated as restricted revenue. Since that meeting, additional donations were received and will be recognized as increased allowable Library Department spending. This budget amendment will increase the General Fund by \$135 and, if not fully utilized, will carry forward into the following fiscal year for spending within the department.

Board Action: The Town Board unanimously voted to approve Budget Amendment #8.

Motion: Commissioner Coats

Vote: 4-0, unanimous

7. Robin Paige Boys & Girls Club/Requesting a Donation

Joe Langley, 298 Kirk Adams Road, provided information to the Board regarding Harnett County's first Boys & Girls Club located in Lillington. Mr. Langley has requested the Board to consider contributing \$2,000 in an effort to help sustain the club.

It was the consensus of the Board to discuss this matter during the Budget Work Sessions.

8. Reimbursement Resolution – Pump Stations Renovation Projects

Town Manager Gerry Vincent stated that Pump Station #1 is the oldest, 30 years plus in serving the north quadrant of Angier. Pump Station #6 is also 30 plus years in age, located south of Town, serving as the main station for Angier. Pump Station #9 is located at the old Angier wastewater treatment plant and transfers all waste to Harnett County Regional Wastewater Treatment Facility. The FY21 Budget included funding (\$550,000 – Fund Balance) to replace parts and equipment for efficiencies, as the Town grows. However, all three (3) pump stations require replacement immediately. The Town's financial advisors (Davenport & Co.) recommended to secure loans for the improvements, and future improvements, instead of fund balance appropriations. The total costs for the improvements are: PS#1 \$1,014,520; PS#6 \$693,410; and PS#9 \$30,000 (\$1,737,930 Total). The next step would be soliciting the local banks, securing a revenue bond, and public advertisements. This will be accomplished in the next few months, concluding in a June/July time frame. The Reimbursement Resolution is a tool to recoup costs associated with the pump stations upgrades.

Board Action: The Town Board unanimously voted to adopt Reimbursement Resolution for Pump Station Renovations.

Motion: Commissioner Price

Vote: 4-0, unanimous

9. National Library Week Proclamation

Mayor Bob Smith presented a Proclamation observing National Library Week to Library Director Katy Warren.

Board Action: The Town Board unanimously voted to proclaim April 4th through April 10th National Library Week.

Motion: Commissioner Coats

Vote: 4-0, unanimous

Closed Session

Board Action: The Town Board excused the Town Clerk and unanimously voted to go into closed session pursuant to NCGS 143-318.11 (a) (6) to discuss a personnel matter at approximately 8:41pm.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

Board Action: The Town Board reconvened in open session at approximately 10:15pm.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

Adjournment: There being no further business, the Town Board voted unanimously to adjourn the meeting at 10:15pm.

Motion: Mayor Pro-tem Hawley

Vote: Unanimous, 4-0

Robert K. Smith, Mayor

Attest:

Veronica Hardaway, Town Clerk

NEW BUSINESS



Board of Commissioners Agenda Report

55 N Broad Street W.
PO Box 278
Angier, NC 27501
www.angier.org

MEETING DATE: May 4, 2021
PREPARED BY: Sean Johnson
ISSUE Ordinance to Demolish Dilapidated Dwelling
CONSIDERED:
DEPARTMENT: Planning & Inspections

SUMMARY OF ISSUE:

Code Enforcement Staff has been enforcing the minimum housing standard code against the deteriorating dwelling at 67 S. Cross Street since the case was opened on October 9, 2019.

After the property owner failed to repair or close the dwelling, Staff facilitated the boarding of the dwelling on March 11, 2020. The house has recently been illegally occupied, causing Staff to again facilitate boarding windows.

Because the owner has shown no effort to restore the dwelling to a habitable condition, and the house continues to attract illegal activity, Staff is requesting an Ordinance to demolish the dwelling.

FINANCIAL IMPACT: Staff will solicit bids for the demolition of the dwelling. All costs will be a lien against the property.

RECOMMENDATION: Staff recommends approval of the Ordinance to Demolish

REQUESTED MOTION: I move to approve the Ordinance to Demolish.

REVIEWED BY TOWN MANAGER:

Attachments:

Case Summary Memo
Dwelling Photos



Town of Angier
P.O. Box 278
Angier, NC 27501
919-639-2071



Robert K. Smith
Mayor

Gerry Vincent
Town Manager

Ordinance No.: A004-2021
Date Adopted: May 4, 2021

**AN ORDINANCE DIRECTING THE CODE ENFORCEMENT OFFICER TO
DEMOLISH THE DWELLING ON THE PROPERTY HEREIN DESCRIBED AS
UNFIT FOR HUMAN HABITATION**

File No. 19-159

Dwelling in Question: 67 S. Cross Street, Angier, NC 27501

(Harnett PIN: 0673-59-7119.000)

WHEREAS, the Board of Commissioners of the Town of Angier finds that the dwelling described herein is unfit for human habitation under the Town Minimum Housing Code and that all of the procedures of the Minimum Housing Code have been complied with; and

WHEREAS, this dwelling should be demolished and removed as directed by the Housing Inspector; and

WHEREAS, the owner of this dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Minimum Housing Code in accordance with NCGS 160D-1203 pursuant to an order by the Housing Inspector on December 20, 2019 and the owner has failed to comply with the order;

WHEREAS, the Harnett County Tax Department has placed a value on the dwelling in question at \$4,570.00 and the Code Enforcement Officer certifies that the cost to repair and improve the dwelling in order to render it fit for human habitation cannot be made at a cost less than fifty percent of the value of the dwelling;

WHEREAS, this dwelling has been vacated and closed pursuant to the Minimum Housing Code for a period exceeding one year; and

WHEREAS, the owner of this dwelling has abandoned the intent to repair the dwelling in order to render it fit for human habitation; and

WHEREAS, in accordance with Town Code Section 5-28.10(f), The Angier Board of Commissioners finds that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals, and welfare of the town in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Angier that:

Section 1. The Code Enforcement Officer is hereby authorized and directed to facilitate the demolition of the above described structure in accordance with the Minimum Housing Code and NCGS 160D-1203;

Section 2. The cost of the materials and labor involved shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of NCGS Chapter 160A;

Section 3. This Ordinance shall become effective upon adoption.

ADOPTED this 4th day of May, 2021.

Robert K. Smith, Mayor

Veronica Hardaway, Town Clerk



Town of Angier

P.O. Box 278

Angier, NC 27501

919-639-2071



Robert K. Smith

Mayor

Gerry Vincent

Town Manager

MEMORANDUM

TO: Board of Commissioners and Town Manager
FROM: Sean Johnson, Planning Director
DATE: March 3, 2020
RE: Request adoption of an Ordinance to Vacate; Close and Post the Dilapidated Dwelling at 67 S. Cross Street, File 19-159

Property Owner: Terri Ann McDougald

BACKGROUND:

This case began on October 9, 2019 with a complaint received from the Angier Police Department. The complaints were due to no power or water service to the home as well as unsanitary conditions inside the home. A site visit was conducted on October 10, 2019 in which it was observed that the power meter had been removed from the home. Further investigation into the water service found that the water meter had been removed and the account was listed as vacant since November of 2018.

Code Enforcement Staff sent letters to all listed owners and parties in legal interest of the property at 67 S. Cross Street on October 14, 2019 requesting entry into the dwelling to compile any other minimum housing violations present. Staff received no receipt of certified mail to any of the parties. Because the lack of power and water service to the dwelling is enough evidence to deem the dwelling uninhabitable, Staff proceeded to hold a hearing as required by the Code to proceed with the process of vacating and closing the dwelling.

After exercising all avenues of due diligence to locate the property owners to no avail, Staff proceeded to advertise the notice of minimum housing hearing in the *Daily Record* as required by Town Code Section 5-28.11(b).

On December 18, 2019, a Hearing was conducted to determine if the fitness standards of the dwelling would allow for human habitation. Following the Hearing, a Finding of Fact and Order was issued through a second public notice in the *Daily Record*. The Order deemed the dwelling dilapidated and unfit for human habitation. The Order also required the property owner to bring the dwelling located at 67 S. Cross Street into compliance with the Standards of the Town of Angier Minimum Housing Code by repairing, altering, improving, or vacating and closing the structure by a date no later than February 18, 2020.



Town of Angier

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919-639-2071



Robert K. Smith
Mayor

Gerry Vincent
Town Manager

On February 19, 2020 an inspection was performed to verify the current status of the dwelling. The inspection revealed that the dwelling remains in violation of the human habitation standards without any signs of corrective action taken.

The Board adopted an Ordinance to Vacate and Close the dwelling on March 3, 2020. Staff facilitated the boarding of the dwelling on March 11, 2020.

PROBLEM:

The dwelling poses hazards to the health and safety to the community due to the potential for unauthorized habitation, illegal activity, accidents and fire.

FINDINGS AND CONCLUSIONS:

The dwelling continues to deteriorate and the owner has shown no sign of restoring the dwelling to a livable condition.

The Harnett County Tax Department has placed a value of \$4,570.00 on the dwelling in question. Based on the violations cited, it appears that the cost of corrective actions would exceed 50% of the assessed value of the structure. It appears that the owner is not willing to comply with the minimum housing code. Therefore, it is recommended and requested that the Town Board of Commissioners approve an Ordinance directing the Code Enforcement Officer to facilitate the demolition of the dwelling.

All costs associated with demolition and clearing of the property will be a lien against the property.

Attached Are Photos Showing The Status Of The Dwelling In Question



Town of Angier

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919-639-2071



Robert K. Smith
Mayor

Gerry Vincent
Town Manager





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Robert K. Smith
Mayor

Gerry Vincent
Town Manager





Town of Angier

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919-639-2071



Robert K. Smith
Mayor

Gerry Vincent
Town Manager





Board of Commissioners Agenda Report

55 N Broad Street W.
PO Box 278
Angier, NC 27501
www.angier.org

MEETING DATE:	May 4, 2021
PREPARED BY:	Sean Johnson
ISSUE	Resolution Opposing House Bills 401 & 456
CONSIDERED:	
DEPARTMENT:	Planning & Inspections

SUMMARY OF ISSUE:

At the April 20th Board Workshop, Staff presented two proposed NC House Bills which would have a direct impact of the Town's ability to regulate development in Angier.

If House Bill 401 is passed, municipalities would lose all of the planning jurisdiction in the ETJ. This would remove the Town's ability to plan for growth adjacent to Town Limits and prevent requiring development to acquire Town utilities.

If House Bill 456 is passed, municipalities would not be able to regulate certain multifamily housing types such as townhomes, duplexes and triplexes any differently than single family houses. This would be detrimental to ensuring reasonable protections are in place to account for the impact of multifamily developments and to preserve existing single family subdivisions.

FINANCIAL IMPACT: N/A

RECOMMENDATION: Staff recommends approval of the resolution opposing these Bills.

REQUESTED MOTION: I move to adopt the resolutions to oppose House Bill 401 and 456.

REVIEWED BY TOWN MANAGER:

Attachments:
Proposed Resolutions



Town of Angier

P.O. Box 278
Angier, NC 27501
919-639-2071



Robert K. Smith
Mayor

Gerry Vincent
Town Manager

Resolution No.: R008-2021
Date Submitted: May 4, 2021
Date Adopted: May 4, 2021

A RESOLUTION BY THE TOWN OF ANGIER OPPOSING N.C. HOUSE BILL 401

**“AN ACT TO PROVIDE REFORMS TO LOCAL GOVERNMENT ZONING
AUTHORITY TO 2 INCREASE HOUSING OPPORTUNITIES AND TO MAKE
VARIOUS CHANGES AND 3 CLARIFICATIONS TO THE ZONING STATUTES.”**

WHEREAS, the legislation proposed by HB 401 is of great concern to the Town of Angier and other local governments within North Carolina; and

WHEREAS, the language in HB 401 would require all local governments to allow certain multi-family housing types defined as “middle housing” in all areas zoned for residential use;

WHEREAS, development of certain multifamily housing types, left unregulated, would diminish the character of neighborhoods in the Town of Angier and potentially lead to a decrease in property values; and

WHEREAS, removing local government authority to regulate the housing types described in the proposed bills does not guarantee more affordable housing in communities across the state;

WHEREAS, this Bill would severely reduce the ability of local governments to properly plan for the future growth of their community and bypass community input in the decision-making process; and

WHEREAS, this uniform housing legislation for all local governments under one statewide mandate would eliminate the purpose of single-family zoning districts by allowing certain multi-family housing types in single-family neighborhoods; and

NOW, THEREFORE BE IT RESOLVED that copies of this resolution are sent to our legislative delegation and to the leadership of the North Carolina General Assembly in an effort



Town of Angier

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919-639-2071



Robert K. Smith
Mayor

Gerry Vincent
Town Manager

to stop HB 401 from becoming law and to encourage our elected officials to find alternate ways to advance affordable housing opportunities.

Adopted this the _____ day of _____, 2021.

Robert K. Smith, Mayor

ATTEST:

Veronica Hardaway, Town Clerk

(SEAL)



Town of Angier

P.O. Box 278
Angier, NC 27501
919-639-2071



Robert K. Smith
Mayor

Gerry Vincent
Town Manager

Resolution No.: R009-2021
Date Submitted: May 4, 2021
Date Adopted: May 4, 2021

A RESOLUTION BY THE TOWN OF ANGIER OPPOSING N.C. HOUSE BILL 456

“AN ACT TO REMOVE THE INJUSTICE OF EXTRATERRITORIAL PLANNING JURISDICTION BY DECLARING THAT NO CITY IN THE STATE MAY HAVE OR EXERCISE PLANNING JURISDICTION OUTSIDE ITS CORPORATE LIMITS.”

WHEREAS, the legislation proposed by HB 456 is of great concern to the Town of Angier and other municipalities within North Carolina; and

WHEREAS, HB 456 would remove all extraterritorial planning jurisdiction from every municipality in the State;

WHEREAS, Extraterritorial planning jurisdiction is of great importance to planning for the future of the Town of Angier and other municipalities within North Carolina; and

WHEREAS, HB 456 would severely reduce the ability of local governments to properly plan for the future growth of their community; and

WHEREAS, removing local government authority to assign zoning districts, regulate uses of property, and require building inspections in areas adjacent to their corporate limits would be detrimental to the community;

WHEREAS, the enforcement of zoning ordinances in extraterritorial jurisdictions is crucial in providing public infrastructure to new development, limiting development's impact to rural areas, providing open space and recreational opportunities for new developments, and protecting existing uses of land from new development; and

WHEREAS, Municipalities depend on the extraterritorial jurisdiction to create and implement long-range plans which plan for the orderly growth of their community;



Town of Angier

P.O. Box 278
Angier, NC 27501
919-639-2071



Robert K. Smith
Mayor

Gerry Vincent
Town Manager

WHEREAS, The Town of Angier and other municipalities rely on representatives from the extraterritorial jurisdiction to serve on the Planning Board in order to assist in making zoning and ordinance decisions for the Town;

NOW, THEREFORE BE IT RESOLVED that copies of this resolution are sent to our legislative delegation and to the leadership of the North Carolina General Assembly in an effort to stop HB 456 from becoming law.

Adopted this the _____ day of _____, 2021.

Robert K. Smith, Mayor

ATTEST:

Veronica Hardaway, Town Clerk

(SEAL)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 401
Mar 24, 2021
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10179-MQ-32B

Short Title: Increase Housing Opportunities. (Public)

Sponsors: Representative D. Hall.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO PROVIDE REFORMS TO LOCAL GOVERNMENT ZONING AUTHORITY TO
INCREASE HOUSING OPPORTUNITIES AND TO MAKE VARIOUS CHANGES AND
CLARIFICATIONS TO THE ZONING STATUTES.

The General Assembly of North Carolina enacts:

PART I. AFFORDABLE HOUSING OPTIONS

SECTION 1.1.(a) Article 7 of Chapter 160D of the General Statutes is amended by
adding a new section to read:

"§ 160D-707. Middle housing use in residential zones.

(a) Definitions. – As used in this section, the term "middle housing" means a residential dwelling that is one of the following, as defined by the North Carolina Building Code Council:

- (1) A duplex.
- (2) A triplex.
- (3) A quadplex.
- (4) A townhouse.

(b) Middle Housing in Residential Zones. – A local government shall allow all middle housing types in areas zoned for residential use, including those that allow for the development of detached single-family dwellings.

(c) Regulation and Scope. – A local government may regulate middle housing pursuant to the provisions of this Chapter, provided that the regulations do not act to discourage development of middle housing types through unreasonable costs or delay. In permitting middle housing types, nothing in this section shall be construed to prohibit a local government from permitting single-family dwellings in areas zoned to allow for single-family dwellings. Nothing in this section affects the validity or enforceability of private covenants or other contractual agreements among property owners relating to dwelling type restrictions. Any regulation adopted pursuant to this section shall not apply to an area designated as a local historic district (i) pursuant to Part 4 of Article 9 of this Chapter or (ii) on the National Register of Historic Places. This section shall only apply to areas that are served, or through extension may be served, by one or more of the following:

- (1) A local government water system.
- (2) A local government sewer system.
- (3) A public water system.
- (4) A wastewater collection or treatment works, the operation of which is primarily to collect or treat municipal or domestic wastewater and for which



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1 a permit is issued under Part 1 of Article 21 of Chapter 143 of the General
2 Statutes."

3 **SECTION 1.1.(b)** G.S. 160D-102 is amended by adding a new subdivision to read:
4 "(28a) Single-family dwelling. – The term shall include all of the types of middle
5 housing as defined in G.S. 160D-707(a)."

6 **SECTION 1.1.(c)** This section becomes effective October 1, 2021.

7 **SECTION 1.2.** The North Carolina Building Code Council (Council) shall adopt
8 amendments to the North Carolina Residential Code for One- and Two-Family Dwellings (Code)
9 to define and include regulation of triplex dwelling units and quadplex dwelling units in order to
10 facilitate regulation of those units in areas zoned for residential use, including those that allow
11 for the development of detached single-family dwellings. Upon adoption of the amendments, the
12 Council and local governments enforcing the Code shall regulate triplex dwelling units and
13 quadplex dwelling units being sited pursuant to G.S. 160D-707, as enacted in this act, under the
14 new amendments to the Code.

15 **SECTION 1.3.(a)** Part 1 of Article 9 of Chapter 160D of the General Statutes is
16 amended by adding a new section to read:

17 "**§ 160D-917. Accessory dwelling units.**

18 (a) A local government shall allow the development of at least one accessory dwelling
19 unit which conforms to the North Carolina Residential Code for One- and Two-Family
20 Dwellings, including applicable provisions from State fire prevention code, for each detached
21 single-family dwelling in areas zoned for residential use that allow for development of detached
22 single-family dwellings. For the purposes of this section, the term "accessory dwelling unit"
23 means an attached or detached residential structure that is used in connection with or that is
24 accessory to a single-family dwelling.

25 (b) Development and permitting of an accessory dwelling unit shall not be subject to any
26 of the following requirements:

- 27 (1) Owner-occupancy of any dwelling unit, including an accessory unit.
28 (2) Minimum parking requirements or other parking restrictions.
29 (3) Conditional use zoning.

30 (c) In permitting accessory dwelling units under this section, a local government shall
31 not do any of the following:

- 32 (1) Prohibit the connection of the accessory dwelling unit to existing utilities
33 serving the primary dwelling unit.
34 (2) Charge any fee other than a building permit that does not exceed the amount
35 charged for any single-family dwelling unit similar in nature.
36 (3) Establish development setbacks that differ from the development setbacks
37 applicable for a similarly situated lot in the same zoning classification."

38 **SECTION 1.3.(b)** This section becomes effective October 1, 2021.

39 **SECTION 1.4.(a)** G.S. 42A-3 reads as rewritten:

40 "**§ 42A-3. Application; exemptions.**

41 (a) The provisions of this Chapter shall apply to any person, partnership, corporation,
42 limited liability company, association, or other business entity who acts as a landlord or real
43 estate broker engaged in the rental or management of residential property for vacation rental as
44 defined in this Chapter. The provisions of G.S. 160A-424 and G.S. 153A-364 shall apply to
45 properties covered under this Chapter.

46 (b) The provisions of this Chapter shall not apply to:

- 47 (1) Lodging provided by hotels, motels, tourist camps, and other places subject to
48 regulation under Chapter 72 of the General Statutes.
49 (2) Rentals to persons temporarily renting a dwelling unit when traveling away
50 from their primary residence for business or employment purposes.
51 (3) Rentals to persons having no other place of primary residence.

(4) Rentals for which no more than nominal consideration is given.

(5) Accessory dwelling units permitted pursuant to G.S. 160D-917."

SECTION 1.4.(b) This section becomes effective October 1, 2021.

SECTION 1.5. Local governments shall adopt land use ordinances and regulations or amend their comprehensive plans to implement the provisions in this Part no later than October 1, 2021.

SECTION 1.6. Except as otherwise provided, this Part is effective when it becomes law.

PART II. VARIOUS CHANGES AND CLARIFICATIONS TO THE ZONING STATUTES FOR MORE HOUSING OPPORTUNITIES

SECTION 2.1. G.S. 160D-108 reads as rewritten:

"§ 160D-108. Permit choice and vested rights.

(a) Findings. – The General Assembly recognizes that local government approval of development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expenses. The General Assembly finds that it is necessary and desirable to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the development regulation process, to secure the reasonable expectations of landowners, and to foster cooperation between the public and private sectors in land-use planning and development regulation. The provisions of this section and G.S. 160D-108.1 strike an appropriate balance between private expectations and the public interest.

(b) Permit Choice. – If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies.

(b1) Substantial Compliance. – A development permit application that substantially complies with the provision of information required by ordinance or regulation shall be sufficient to accept and process a request for a local or State development permit. Minor omissions in the application shall not be a sufficient basis to make an application ineligible for vesting. A local development regulation shall not condition the acceptance or processing of a development permit application upon the application for or issuance of a State permit, nor shall a State development regulation condition the acceptance or processing of a development permit application upon a local permit, unless specifically authorized by statute.

(c) Vested Rights. – Amendments in land development regulations are not applicable or enforceable without the written consent of the owner with regard to any of the following:

(1) Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with G.S. 143-755.

(2) Subdivisions of land for which a development permit application authorizing the subdivision has been submitted and subsequently issued in accordance with G.S. 143-755.

(3) A site-specific vesting plan pursuant to G.S. 160D-108.1.

(4) A multi-phased development pursuant to subsection (f) of this section.

(5) A vested right established by the terms of a development agreement authorized by Article 10 of this Chapter.

The establishment of a vested right under any subdivision of this subsection does not preclude vesting under one or more other subdivisions of this subsection or vesting by application of common law principles. A vested right, once established as provided for in this section or by common law, precludes any action by a local government that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property allowed by the

1 applicable land development regulation or regulations, except where a change in State or federal
2 law mandating local government enforcement occurs after the development application is
3 submitted that has a fundamental and retroactive effect on the development or use.

4 (d) Duration of Vesting. – Upon issuance of a development permit, the statutory vesting
5 granted by subsection (c) of this section for a development project is effective upon filing of the
6 application in accordance with G.S. 143-755, for so long as the permit remains valid pursuant to
7 law. Unless otherwise specified by this section or other statute, local development permits expire
8 one year after issuance unless work authorized by the permit has substantially commenced. A
9 local land development regulation may provide for a longer permit expiration period. For the
10 purposes of this section, a permit is issued either in the ordinary course of business of the
11 applicable governmental agency or by the applicable governmental agency as a court directive.

12 Except where a longer vesting period is provided by statute or land development regulation,
13 the statutory vesting granted by this ~~section~~, section or common law vesting, once established,
14 expires for an uncompleted development project if development work is intentionally and
15 voluntarily discontinued for a period of not less than 24 consecutive months, and the statutory
16 vesting period granted by this section or common law vesting for a nonconforming use of
17 property expires if the use is intentionally and voluntarily discontinued for a period of not less
18 than 24 consecutive months. The 24-month discontinuance period is automatically tolled during
19 the pendency of any board of adjustment proceeding or civil action in a State or federal trial or
20 appellate court regarding the validity of a development permit, the use of the property, or the
21 existence of the statutory vesting period granted by this section. The 24-month discontinuance
22 period is also tolled during the pendency of any litigation involving the development project or
23 property that is the subject of the vesting.

24 (e) Multiple Permits for Development Project. – Subject to subsection (d) of this section,
25 where multiple ~~local~~ development permits are required to complete a development project, the
26 development permit applicant may choose the version of each of the ~~local~~ land development
27 regulations applicable to the project upon submittal of the application for the initial development
28 permit. ~~This~~ Except as provided in subsection (f) of this section, this provision is not applicable
29 only for those subsequent development permit applications filed within after 18 months of the
30 latter of (i) the date following the approval of an initial of cessation of work related to the
31 uncompleted development project or (ii) the date of issuance of the immediately preceding local
32 development permit. For purposes of the vesting protections of this subsection, an erosion and
33 sedimentation control permit or a sign permit is not an initial development permit.

34 (f) Multi-Phased Development. – A multi-phased development is vested for the entire
35 development with the land development regulations then in place at the time a site plan approval
36 is granted for the initial phase of the multi-phased development. A right which has been vested
37 as provided for in this subsection remains vested for a period of seven years from the time a site
38 plan approval is granted for the initial phase of the multi-phased development.

39 (g) Continuing Review. – Following issuance of a development permit, a local
40 government may make subsequent inspections and reviews to ensure compliance with the
41 applicable land development regulations in effect at the time of the original application.

42 (h) Process to Claim Vested Right. – A person claiming a statutory or common law vested
43 right may submit information to substantiate that claim to the zoning administrator or other
44 officer designated by a land development regulation, who shall make an initial determination as
45 to the existence of the vested right. The decision of the zoning administrator or officer may be
46 appealed under G.S. 160D-405. On appeal, the existence of a vested right shall be reviewed de
47 novo. In lieu of seeking such a determination or pursuing an appeal under G.S. 160D-405, a
48 person claiming a vested right may bring an original civil action as provided by
49 G.S. 160D-1403.1.

50 (i) Miscellaneous Provisions. – The vested rights granted by this section run with the
51 land except for the use of land for outdoor advertising governed by G.S. 136-131.1 and

G.S. 136-131.2 in which case the rights granted by this section run with the owner of a permit issued by the North Carolina Department of Transportation. Nothing in this section precludes judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.

(j) **Definitions.** – As used in this section, the following definitions apply:

- (1) Development. – As defined in G.S. 143-755(e)(1).
- (2) Development permit. – As defined in G.S. 143-755(e)(2).
- (3) Land development regulation. – As defined in G.S. 143-755(e)(3).
- (4) Multi-phased development. – A development containing 25 acres or more that is both of the following:
 - a. Submitted for development permit approval to occur in more than one phase.
 - b. Subject to a master development plan with committed elements showing the type and intensity of use of each phase."

SECTION 2.2. G.S. 160D-702 reads as rewritten:

"§ 160D-702. Grant of power.

(a) A local government may adopt zoning regulations. Except as provided in subsections (b) ~~and (c) through (e)~~ of this section, a zoning regulation may regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other open spaces; the density of population; the location and use of buildings, structures, and land. A local government may regulate development, including floating homes, over estuarine waters and over lands covered by navigable waters owned by the State pursuant to G.S. 146-12. A zoning regulation shall provide density credits or severable development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11. Where appropriate, a zoning regulation may include requirements that street and utility rights-of-way be dedicated to the public, that provision be made of recreational space and facilities, and that performance guarantees be provided, all to the same extent and with the same limitations as provided for in G.S. 160D-804 and G.S. 160D-804.1.

(b) Any regulation relating to building design elements adopted under this Chapter may not be applied to any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings except under one or more of the following circumstances:

- (1) The structures are located in an area designated as a local historic district pursuant to Part 4 of Article 9 of this Chapter.
- (2) The structures are located in an area designated as a historic district on the National Register of Historic Places.
- (3) The structures are individually designated as local, State, or national historic landmarks.
- (4) The regulations are directly and substantially related to the requirements of applicable safety codes adopted under G.S. 143-138.
- (5) Where the regulations are applied to manufactured housing in a manner consistent with G.S. 160D-908 and federal law.
- (6) Where the regulations are adopted as a condition of participation in the National Flood Insurance Program.

Regulations prohibited by this subsection may not be applied, directly or indirectly, in any zoning district or conditional district unless voluntarily consented to by the owners of all the property to which those regulations may be applied as part of and in the course of the process of seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval, nor may any such regulations be applied indirectly as part of a review pursuant to G.S. 160D-604

or G.S. 160D-605 of any proposed zoning amendment for consistency with an adopted comprehensive plan or other applicable officially adopted plan.

For the purposes of this subsection, the phrase "building design elements" means exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms. The phrase "building design elements" does not include any of the following: (i) the height, bulk, orientation, or location of a structure on a zoning lot, (ii) the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors, or (iii) regulations adopted pursuant to this Article governing the permitted uses of land or structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.

Nothing in this subsection affects the validity or enforceability of private covenants or other contractual agreements among property owners relating to building design elements.

(c) A zoning regulation shall not set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings.

(d) A local government shall not adopt or enforce an ordinance downzoning property, as defined in G.S. 160D-601(d), that has access to public water or public sewer, unless the local government can show a change in circumstances that substantially affects the public health, safety, or welfare.

(e) A local government shall not adopt or enforce an ordinance that establishes a ban or has the effect of establishing a ban on a use of land that is not an industrial use, a nuisance per se, or that does not otherwise pose a serious threat to the public health, safety, or welfare.

(f) Nothing in this section shall be construed to limit the authority of a local government to regulate adult establishments or other facilities as defined in Article 26A of Chapter 14 of the General Statutes."

SECTION 2.3. G.S. 160D-703 reads as rewritten:
"§ 160D-703. Zoning districts.

(a) Types of Zoning Districts. – A local government may divide its territorial jurisdiction into zoning districts of any number, shape, and area deemed best suited to carry out the purposes of this Article. Within those districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. Zoning districts may include, but are not be limited to, the following:

(1) Conventional districts, in which a variety of uses are allowed as permitted uses or uses by right and that may also include uses permitted only with a special use permit.

(2) Conditional districts, in which site plans or individualized development conditions are imposed.

(3) Form-based districts, or development form controls, that address the physical form, mass, and density of structures, public spaces, and streetscapes.

(4) Overlay districts, in which different requirements are imposed on certain properties within one or more underlying conventional, conditional, or form-based districts.

(5) Districts allowed by charter.

(b) Conditional Districts. – Property may be placed in a conditional district only in response to a petition by all owners of the property to be included. Specific conditions may be proposed by the petitioner or the local government or its agencies, but only those conditions approved by the local government and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, in the exercise of the authority granted by this section, a local government may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise

1 applicable law, including, without limitation, taxes, impact fees, building design elements within
2 the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in
3 G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or
4 use of land. Conditions and site-specific standards imposed in a conditional district shall be
5 limited to those that address the conformance of the development and use of the site to local
6 government ordinances, plans adopted pursuant to G.S. 160D-501, or the impacts reasonably
7 expected to be generated by the development or use of the site. The zoning regulation may
8 provide that defined minor modifications in conditional district standards that do not involve a
9 change in uses permitted or the density of overall development permitted may be reviewed and
10 approved administratively. Any other modification of the conditions and standards in a
11 conditional district shall follow the same process for approval as are applicable to zoning map
12 amendments. If multiple parcels of land are subject to a conditional zoning, the owners of
13 individual parcels may apply for modification of the conditions so long as the modification would
14 not result in other properties failing to meet the terms of the conditions. Any modifications
15 approved apply only to those properties whose owners petition for the modification.

16 (c) Uniformity Within Districts. – Except as authorized by the foregoing, all regulations
17 shall be uniform for each class or kind of building throughout each district but the regulations in
18 one district may differ from those in other districts.

19 (d) Standards Applicable Regardless of District. – A zoning regulation or unified
20 development ordinance may also include development standards that apply uniformly
21 jurisdiction-wide rather than being applicable only in particular zoning districts.

22 (e) Limitations. – A local government shall not engage in any of the following practices:

23 (1) The adoption or enforcement of an ordinance that downzones property in
24 order to evade voluntary consent of landowners or petitioners or any other
25 requirements contained in subsection (b) of this section.

26 (2) Allow a particular land use only through conditional zoning.

27 (3) Establishing a threshold on square footage or the number of dwelling units,
28 where to exceed the threshold would require conditional zoning."

29 **SECTION 2.4.** Article 7 of Chapter 160D of the General Statutes is amended by
30 adding a new section to read:

31 **"§ 160D-703.1. Remedies for violations.**

32 (a) If a court finds that a local government has acted in violation of G.S. 160D-702 or
33 G.S. 160D-703(e), the court shall award reasonable attorneys' fees and costs to the party who
34 successfully challenged the actions of the local government.

35 (b) In the event that a court invalidates a regulation pursuant to this section, a permit
36 applicant may choose which zoning designation will apply to the permit and use of the building,
37 structure, or land indicated on the permit application from the following options:

38 (1) The zoning development regulation that existed most recently prior to the
39 invalidated regulation.

40 (2) The least restrictive development standards contained within the zoning
41 designation for the jurisdiction that is the most similar zoning designation to
42 the class of property use identified in the permit application.

43 (c) For the purposes of this section, the term "class of property use" means one of the
44 following major land-use groups:

45 (1) Commercial.

46 (2) Governmental.

47 (3) Industrial.

48 (4) Institutional.

49 (5) Residential."

50 **SECTION 2.5.** G.S. 160D-706 reads as rewritten:

51 **"§ 160D-706. Zoning conflicts with other development standards.**

(a) When regulations made under authority of this Article require a greater width or size of yards or courts, or require a lower height of a building or fewer number of stories, or require a greater percentage of a lot to be left ~~unoccupied, or impose other higher standards unoccupied~~ than are required in any other statute or local ordinance or regulation, the regulations made under authority of this Article govern. When the provisions of any other statute or local ordinance or regulation require a greater width or size of yards or courts, or require a lower height of a building or a fewer number of stories, or require a greater percentage of a lot to be left ~~unoccupied, or impose other higher standards unoccupied~~ than are required by the regulations made under authority of this Article, the provisions of that statute or local ordinance or regulation govern.

(b) When adopting regulations under this Article, a local government may not use a definition of building, dwelling, dwelling unit, bedroom, or sleeping unit that is inconsistent with any definition of those terms in another statute or in a rule adopted by a State agency, including the State Building Code Council.

(c) Except as provided in subsection (a) of this section, a local government shall not adopt or enforce development regulations that alter the principle that ambiguities in land development regulations are to be construed in favor of the free use of land, including any development regulations that assert that a more restrictive rule or regulation is controlling.

(d) Subject to the provisions of Article 33 of Chapter 143 of the General Statutes, a local government, through its governing board, is authorized to settle any litigation related to the enforcement of or compliance with development regulations for a development or a development permit applicant, including any quasi-judicial development permit."

SECTION 2.6. G.S. 160D-1402 reads as rewritten:

"§ 160D-1402. Appeals in the nature of certiorari.

(a) Applicability. – This section applies to appeals of quasi-judicial decisions of decision-making boards when that appeal is in the nature of certiorari as required by this Chapter.

(b) Filing the Petition. – An appeal in the nature of certiorari shall be initiated by filing a petition for writ of certiorari with the superior court. The petition shall do all of the following:

- (1) State the facts that demonstrate that the petitioner has standing to seek review.
- (2) Set forth allegations sufficient to give the court and parties notice of the grounds upon which the petitioner contends that an error was made.
- (3) Set forth with particularity the allegations and facts, if any, in support of allegations that, as the result of an impermissible conflict as described in G.S. 160D-109, or locally adopted conflict rules, the decision-making body was not sufficiently impartial to comply with due process principles.
- (4) Set forth the relief the petitioner seeks.

(c) Standing. – A petition may be filed under this section only by a petitioner who has standing to challenge the decision being appealed. The following persons have standing to file a petition under this section:

- (1) Any person possessing any of the following criteria:
 - a. An ownership interest in the property that is the subject of the decision being appealed, a leasehold interest in the property that is the subject of the decision being appealed, or an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed.
 - b. An option or contract to purchase the property that is the subject of the decision being appealed.
 - c. An applicant before the decision-making board whose decision is being appealed.
- (2) Any other person who will suffer special damages as the result of the decision being appealed.

(3) An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal.

(4) A local government whose decision-making board has made a decision that the governing board believes improperly grants a variance from or is otherwise inconsistent with the proper interpretation of a development regulation adopted by the governing board.

(d) Respondent. – The respondent named in the petition shall be the local government whose decision-making board made the decision that is being appealed, except that if the petitioner is a local government that has filed a petition pursuant to subdivision (4) of subsection (c) of this section, then the respondent shall be the decision-making board. If the petitioner is not the applicant before the decision-making board whose decision is being appealed, the petitioner shall also name that applicant as a respondent. Any petitioner may name as a respondent any person with an ownership or leasehold interest in the property that is the subject of the decision being appealed who participated in the hearing, or was an applicant, before the decision-making board.

(e) Writ of Certiorari. – Upon filing the petition, the petitioner shall present the petition and a proposed writ of certiorari to the clerk of superior court of the county in which the matter arose. The writ shall direct the respondent local government or the respondent decision-making board, if the petitioner is a local government that has filed a petition pursuant to subdivision (4) of subsection (c) of this section, to prepare and certify to the court the record of proceedings below within a specified date. The writ shall also direct the petitioner to serve the petition and the writ upon each respondent named therein in the manner provided for service of a complaint under Rule 4(j) of the Rules of Civil Procedure, except that, if the respondent is a decision-making board, the petition and the writ shall be served upon the chair of that decision-making board. Rule 4(j)(5)d. of the Rules of Civil Procedure applies in the event the chair of a decision-making board cannot be found. No summons shall be issued. The clerk shall issue the writ without notice to the respondent or respondents if the petition has been properly filed and the writ is in proper form. A copy of the executed writ shall be filed with the court.

Upon the filing of a petition for writ of certiorari, a party may request a stay of the execution or enforcement of the decision of the quasi-judicial board pending superior court review. The court may grant a stay in its discretion and on conditions that properly provide for the security of the adverse party. A stay granted in favor of a city or county shall not require a bond or other security.

(f) Response to the Petition. – The respondent may, but need not, file a response to the petition, except that, if the respondent contends for the first time that any petitioner lacks standing to bring the appeal, that contention must be set forth in a response served on all petitioners at least 30 days prior to the hearing on the petition. If it is not served within that time period, the matter may be continued to allow the petitioners time to respond.

(g) Intervention. – Rule 24 of the Rules of Civil Procedure governs motions to intervene as a petitioner or respondent in an action initiated under this section with the following exceptions:

- (1) Any person described in subdivision (1) of subsection (c) of this section has standing to intervene and shall be allowed to intervene as a matter of right.
- (2) Any person, other than one described in subdivision (1) of subsection (c) of this section, who seeks to intervene as a petitioner must demonstrate that the

- 1 person would have had standing to challenge the decision being appealed in
2 accordance with subdivisions (2) through (4) of subsection (c) of this section.
3 (3) Any person, other than one described in subdivision (1) of subsection (c) of
4 this section, who seeks to intervene as a respondent must demonstrate that the
5 person would have had standing to file a petition in accordance with
6 subdivisions (2) through (4) of subsection (c) of this section if the
7 decision-making board had made a decision that is consistent with the relief
8 sought by the petitioner.

9 For intervention under subdivisions (2) and (3) of this subsection, a motion to intervene is
10 untimely and shall not be allowed if filed after the court has rendered a final judgment on the
11 underlying appeal.

12 (h) The Record. – The record shall consist of the decision and all documents and exhibits
13 submitted to the decision-making board whose decision is being appealed, together with the
14 minutes of the meeting or meetings at which the decision being appealed was considered. Upon
15 request of any party, the record shall also contain an audio or videotape of the meeting or
16 meetings at which the decision being appealed was considered if such a recording was made.
17 Any party may also include in the record a transcript of the proceedings, which shall be prepared
18 at the cost of the party choosing to include it. The parties may agree that matters unnecessary to
19 the court's decision be deleted from the record or that matters other than those specified herein
20 be included. The record shall be bound and paginated or otherwise organized for the convenience
21 of the parties and the court. A copy of the record shall be served by the local government
22 respondent, or the respondent decision-making board, upon all petitioners within three days after
23 it is filed with the court.

24 (i) Hearing on the Record. – The court shall hear and decide all issues raised by the
25 petition by reviewing the record submitted in accordance with subsection (h) of this section. The
26 court shall allow the record to be supplemented with affidavits, testimony of witnesses, or
27 documentary or other evidence if, and to the extent that, the petition raises any of the following
28 issues, in which case the rules of discovery set forth in the North Carolina Rules of Civil
29 Procedure apply to the supplementation of the record of these issues:

- 30 (1) Whether ~~a petitioner or an~~ intervenor has standing.
31 (2) Whether, as a result of impermissible conflict as described in G.S. 160D-109
32 or locally adopted conflict rules, the decision-making body was not
33 sufficiently impartial to comply with due process principles. A failure to
34 object at a hearing by a person with standing under subsection (c) of this
35 section shall not constitute a waiver of a right to assert impermissible conflict
36 involving any member of the quasi-judicial decision-making body.
37 (3) Whether the decision-making body erred for the reasons set forth in
38 sub-subdivisions a. and b. of subdivision (1) of subsection (j) of this section.

39 (j) Scope of Review. –

- 40 (1) When reviewing the decision under the provisions of this section, the court
41 shall ensure that the rights of petitioners have not been prejudiced because the
42 decision-making body's findings, inferences, conclusions, or decisions were:
43 a. In violation of constitutional provisions, including those protecting
44 procedural due process rights.
45 b. In excess of the statutory authority conferred upon the local
46 government, including preemption, or the authority conferred upon the
47 decision-making board by ordinance.
48 c. Inconsistent with applicable procedures specified by statute or
49 ordinance.
50 d. Affected by other error of law.

- 1 e. Unsupported by competent, material, and substantial evidence in view
2 of the entire record.
- 3 f. Arbitrary or capricious.
- 4 (2) When the issue before the court is one set forth in sub-subdivisions a. through
5 d. of subdivision (1) of this subsection, including whether the decision-making
6 board erred in interpreting an ordinance, the court shall review that issue de
7 novo. The court shall consider the interpretation of the decision-making board,
8 but is not bound by that interpretation, and may freely substitute its judgment
9 as appropriate. Whether the record contains competent, material, and
10 substantial evidence is a conclusion of law, reviewable de novo.
- 11 (3) The term "competent evidence," as used in this subsection, does not preclude
12 reliance by the decision-making board on evidence that would not be
13 admissible under the rules of evidence as applied in the trial division of the
14 General Court of Justice if (i) except for the items noted in sub-subdivisions
15 a., b., and c. of this subdivision that are conclusively incompetent, the
16 evidence was admitted without objection or (ii) the evidence appears to be
17 sufficiently trustworthy and was admitted under such circumstances that it
18 was reasonable for the decision-making board to rely upon it. The term
19 "competent evidence," as used in this subsection, shall, regardless of the lack
20 of a timely objection, not be deemed to include the opinion testimony of lay
21 witnesses as to any of the following:
- 22 a. The use of property in a particular way affects the value of other
23 property.
- 24 b. The increase in vehicular traffic resulting from a proposed
25 development poses a danger to the public safety. An approval by the
26 North Carolina Department of Transportation of a traffic impact
27 analysis for a development project shall be conclusive evidence that
28 the traffic related to the project will not pose a danger to the public
29 safety and will otherwise preclude using traffic as a basis for denying
30 a development permit.
- 31 c. Matters about which only expert testimony would generally be
32 admissible under the rules of evidence.
- 33 (j1) Action Not Rendered Moot by Loss of Property. – Subject to the limitations in the
34 State and federal constitutions and State and federal case law, an action filed under this section
35 is not rendered moot, if during the pendency of the action, the aggrieved person loses the
36 applicable property interest as a result of the local government action being challenged and
37 exhaustion of an appeal described herein is required for purposes of preserving a claim for
38 damages under G.S. 160D-1403.1.
- 39 (k) Decision of the Court. – Following its review of the decision-making board in
40 accordance with subsection (j) of this section, the court may affirm the decision, reverse the
41 decision and remand the case with appropriate instructions, or remand the case for further
42 proceedings. If the court does not affirm the decision below in its entirety, then the court shall
43 determine what relief should be granted to the petitioners:
- 44 (1) If the court concludes that the error committed by the decision-making board
45 is procedural only, the court may remand the case for further proceedings to
46 correct the procedural error.
- 47 (2) If the court concludes that the decision-making board has erred by failing to
48 make findings of fact such that the court cannot properly perform its function,
49 then the court may remand the case with appropriate instructions so long as
50 the record contains substantial competent evidence that could support the
51 decision below with appropriate findings of fact. However, findings of fact

are not necessary when the record sufficiently reveals the basis for the decision below or when the material facts are undisputed and the case presents only an issue of law.

- (3) If the court concludes that the decision by the decision-making board is not supported by competent, material, and substantial evidence in the record or is based upon an error of law, then the court may remand the case with an order that directs the decision-making board to take whatever action should have been taken had the error not been committed or to take such other action as is necessary to correct the error. Specifically:

- a. If the court concludes that a permit was wrongfully denied because the denial was not based on competent, material, and substantial evidence or was otherwise based on an error of law, the court shall remand with instructions that the permit be issued, subject to any conditions expressly consented to by the permit applicant as part of the application or during the board of adjustment appeal or writ of certiorari appeal.
- b. If the court concludes that a permit was wrongfully issued because the issuance was not based on competent, material, and substantial evidence or was otherwise based on an error of law, the court may remand with instructions that the permit be revoked.
- c. If the court concludes that a zoning board decision upholding a zoning enforcement action was not supported by substantial competent evidence or was otherwise based on an error of law, the court shall reverse the decision.

(l) Effect of Appeal and Ancillary Injunctive Relief. — of Administrative Decision on a Permitted Use. —

- (1) If a development approval is ~~appealed~~, appealed on the basis of a use not being permitted by a development regulation, the applicant shall have the right to commence work while the appeal is pending. However, if ~~the development approval is reversed by a final decision of any court of competent jurisdiction~~, jurisdiction determines that the use is not allowed, the applicant shall not be deemed to have gained any vested rights on the basis of actions taken prior to or during the pendency of the appeal and must proceed as if no development approval had been granted.
- (2) ~~Upon motion of a party to a proceeding under this section, and under appropriate circumstances, the court may issue an injunctive order requiring any other party to that proceeding to take certain action or refrain from taking action that is consistent with the court's decision on the merits of the appeal.~~

(l) Effect of Appeal of Quasi-Judicial Relief. —

- (1) An appeal by a party with standing under subsection (c) of this section from the granting of a special use permit by a local board or other development permit issued pursuant to quasi-judicial proceedings shall be rendered moot if development authorized by the approved permit substantially commences prior to the issuance of an injunction by a court under subsection (o) of this section or under Rule 65 of the Rules of Civil Procedure with appropriate security.
- (2) If a special use permit is issued by the applicable local board after remand from a decision of a court of competent jurisdiction and no injunction is otherwise in place to prevent the issuance of a permit, any appeal related to the subject matter of the permit is rendered moot.

1 (m) Joinder. – A declaratory judgment brought under G.S. 160D-1401 or other civil action
2 relating to the decision at issue may be joined with the petition for writ of certiorari and decided
3 in the same proceeding.

4 (n) Stays. – An appeal under this section is stayed as provided in G.S. 160D-405.

5 (o) Upon motion of a party to a proceeding under this section, and under appropriate
6 circumstances, the court may issue an injunctive order requiring any other party to that
7 proceeding to take certain action or refrain from taking action that is consistent with the court's
8 decision on the merits of the appeal. The court shall require the moving party to post an
9 appropriate bond set by the judge or clerk issuing the stay. A local government shall not be
10 required to post a bond under this subsection."

11 12 **PART III. LOCAL GOVERNMENT REPORTING ON GROWTH HAMPERING** 13 **DENIALS**

14 **SECTION 3.1.** Beginning October 1, 2021, every local government engaged in
15 development permitting review shall submit a semiannual report to the Joint Legislative
16 Committee on Local Government and the Fiscal Research Division. The report shall contain at
17 least all of the following:

- 18 (1) The number of development permit applications received.
- 19 (2) The number of development permit applications denied and the reason for
20 denial.
- 21 (3) The number of down-zoning ordinances enacted.

22 23 **PART IV. EFFECTIVE DATE**

24 **SECTION 4.1.** Except as otherwise provided, this act is effective when it becomes
25 law. Sections 2.1, 2.5, and 2.6 of this act clarify and restate the intent of existing law and apply
26 to permit applications filed and appeals taken before, on, and after the effective date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 456
Mar 30, 2021
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH10112-LM-26A

Short Title: Justice for Rural Citizens.

(Public)

Sponsors: Representative Pittman.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO REMOVE THE INJUSTICE OF EXTRATERRITORIAL PLANNING
JURISDICTION BY DECLARING THAT NO CITY IN THE STATE MAY HAVE OR
EXERCISE PLANNING JURISDICTION OUTSIDE ITS CORPORATE LIMITS.

Whereas, any city may exercise planning jurisdiction under Chapter 160D of the
General Statutes within a defined area extending not more than one mile beyond its corporate
limits; and

Whereas, with the approval of the board of county commissioners with jurisdiction
over the area, a city of 10,000 or more but less than 25,000 may exercise planning jurisdiction
over an area extending not more than two miles beyond its corporate limits, and a city of 25,000
or more may exercise these powers over an area extending not more than three miles beyond its
limits; and

Whereas, the citizens who live in an area over which a city exercises extraterritorial
planning jurisdiction are prohibited from voting in municipal elections; and

Whereas, without the ability to vote in municipal elections to choose the persons who
will make planning decisions about the areas in which they live, rural citizens do not have a say
in some of the important matters that affect their lives and livelihoods; Now, therefore,
The General Assembly of North Carolina enacts:

PART I. EXTRATERRITORIAL PLANNING JURISDICTION PROHIBITED

SECTION 1. G.S. 160D-201 reads as rewritten:

"§ 160D-201. Planning and development regulation jurisdiction.

(a) Cities. – All of the powers granted by this Chapter may be exercised by any city within
its corporate limits and within any extraterritorial area established pursuant to
G.S. 160D-202-limits.

...."

SECTION 2. G.S. 160D-202 reads as rewritten:

"§ 160D-202. Municipal extraterritorial Transfer or relinquishment of jurisdiction.

(a) Geographic Scope. – Any city may exercise the powers granted to cities under this
Chapter within a defined area extending not more than one mile beyond its contiguous corporate
limits. In addition, a city of 10,000 or more population but less than 25,000 may exercise these
powers over an area extending not more than two miles beyond its limits and a city of 25,000 or
more population may exercise these powers over an area extending not more than three miles
beyond its limits. In determining the population of a city for the purposes of this Chapter, the city
council and the board of county commissioners may use the most recent annual estimate of
population as certified by the Secretary of the North Carolina Department of Administration.



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Pursuant to G.S. 160A-58.4, extraterritorial municipal planning and development regulation may be extended only from the primary corporate boundary of a city and not from the boundary of satellite areas of the city.

(b) Authority in the Extraterritorial Area. — A city may not exercise any power conferred by this Chapter in its extraterritorial jurisdiction that it is not exercising within its corporate limits. A city may exercise in its extraterritorial area all powers conferred by this Chapter that it is exercising within its corporate limits. If a city fails to extend a particular type of development regulation to the extraterritorial area, the county may elect to exercise that particular type of regulation in the extraterritorial area.

(c) County Approval of City Jurisdiction. — Notwithstanding subsection (a) of this section, no city may extend its extraterritorial powers into any area for which the county has adopted and is enforcing county zoning and subdivision regulations. However, the city may do so where the county is not exercising both of these powers, or when the city and the county have agreed upon the area within which each will exercise the powers conferred by this Chapter. No city may extend its extraterritorial powers beyond one mile from its corporate limits without the approval of the board or boards of county commissioners with jurisdiction over the area.

(d) Notice of Proposed Jurisdiction Change. — Any municipality proposing to exercise extraterritorial jurisdiction under this Chapter shall notify the owners of all parcels of land proposed for addition to the area of extraterritorial jurisdiction, as shown on the county tax records. The notice shall be sent by first class mail to the last addresses listed for affected property owners in the county tax records. The notice shall inform the landowner of the effect of the extension of extraterritorial jurisdiction, of the landowner's right to participate in a legislative hearing prior to adoption of any ordinance extending the area of extraterritorial jurisdiction, as provided in G.S. 160D-601, and of the right of all residents of the area to apply to the board of county commissioners to serve as a representative on the planning board and the board of adjustment, as provided in G.S. 160D-303. The notice shall be mailed at least 30 days prior to the date of the hearing. The person or persons mailing the notices shall certify to the city council that the notices were sent by first class mail, and the certificate shall be deemed conclusive in the absence of fraud.

(e) Boundaries. — Any council exercising extraterritorial jurisdiction under this Chapter shall adopt an ordinance specifying the areas to be included based upon existing or projected urban development and areas of critical concern to the city, as evidenced by officially adopted plans for its development. A single jurisdictional boundary shall be applicable for all powers conferred in this Chapter. Boundaries shall be defined, to the extent feasible, in terms of geographical features identifiable on the ground. Boundaries may follow parcel ownership boundaries. A council may, in its discretion, exclude from its extraterritorial jurisdiction areas lying in another county, areas separated from the city by barriers to urban growth, or areas whose projected development will have minimal impact on the city. The boundaries specified in the ordinance shall at all times be drawn on a map, set forth in a written description, or shown by a combination of these techniques. This delineation shall be maintained in the manner provided in G.S. 160A-22 for the delineation of the corporate limits and shall be recorded in the office of the register of deeds of each county in which any portion of the area lies.

Where the extraterritorial jurisdiction of two or more cities overlaps, the jurisdictional boundary between them shall be a line connecting the midway points of the overlapping area unless the city councils agree to another boundary line within the overlapping area based upon existing or projected patterns of development.

(f)(a) County Authority Within City Jurisdiction. — The county may, on request of the city council, exercise any or all of these the powers granted in this Chapter in any or all areas lying within the city's corporate limits or within the city's specified area of extraterritorial jurisdiction limits.

(g)(b) Transfer of Jurisdiction. – When a city ~~annexes, annexes~~ or a new city is incorporated ~~in, or a city extends its jurisdiction to include, in~~ an area that is currently being regulated by the county, the county development regulations and powers of enforcement shall remain in effect until (i) the city has adopted such development regulations or (ii) a period of 60 days has elapsed following the ~~annexation, extension, annexation~~ or incorporation, whichever is sooner. Prior to the transfer of jurisdiction, the city may hold hearings and take any other measures consistent with G.S. 160D-204 that may be required in order to adopt and apply its development regulations for the area at the same time it assumes jurisdiction.

(h)(c) Relinquishment of Jurisdiction. – When a city relinquishes jurisdiction over an area that it is regulating under this Chapter to a county, the city development regulations and powers of enforcement shall remain in effect until (i) the county has adopted such development regulation or (ii) a period of 60 days has elapsed following the action by which the city relinquished jurisdiction, whichever is sooner. Prior to the transfer of jurisdiction, the county may hold hearings and take other measures consistent with G.S. 160D-204 that may be required in order to adopt and apply its development regulations for the area at the same time it assumes jurisdiction.

(i)(d) Process for Local Government Approval. – When a local government is granted powers by this section subject to the request, approval, or agreement of another local government, the request, approval, or agreement shall be evidenced by a formally adopted resolution of the governing board of the local government. Any such request, approval, or agreement can be rescinded upon two years' written notice to the other governing boards concerned by repealing the resolution. The resolution may be modified at any time by mutual agreement of the governing boards concerned.

(j) Local Acts. ~~Nothing in this section shall repeal, modify, or amend any local act that defines the boundaries of a city's extraterritorial jurisdiction by metes and bounds or courses and distances.~~

(k)(e) Effect on Vested Rights. – Whenever a city or county, pursuant to this section, acquires jurisdiction over a territory that theretofore has been subject to the jurisdiction of another local government, any person who has acquired vested rights in the surrendering jurisdiction may exercise those rights as if no change of jurisdiction had occurred. The city or county acquiring jurisdiction may take any action regarding such a development approval, certificate, or other evidence of compliance that could have been taken by the local government surrendering jurisdiction pursuant to its development regulations. Except as provided in this subsection, any building, structure, or other land use in a territory over which a city or county has acquired jurisdiction is subject to the development regulations of the city or county."

SECTION 3. G.S. 160D-307 is repealed.

SECTION 4. G.S. 160D-602 reads as rewritten:

"§ 160D-602. Notice of hearing on proposed zoning map amendments.

(a) Mailed Notice. – Subject to the limitations of this Chapter, an ordinance shall provide for the manner in which zoning regulations and the boundaries of zoning districts are to be determined, established, and enforced, and from time to time amended, supplemented, or changed, in accordance with the provisions of this Chapter. The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. ~~If the zoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single hearing on the zoning map amendment and the boundary amendment may be held. In this instance, the initial notice of the zoning map amendment hearing may be combined with the~~

~~boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing.~~

~~...."~~

SECTION 5. G.S. 160D-903 reads as rewritten:

"§ 160D-903. Agricultural uses.

~~...~~

~~(e) **Agricultural Areas in Municipal Extraterritorial Jurisdiction.**—Property that is located in a city's extraterritorial planning and development regulation jurisdiction and that is used for bona fide farm purposes is exempt from the city's zoning regulation to the same extent bona fide farming activities are exempt from county zoning pursuant to this section. As used in this subsection, "property" means a single tract of property or an identifiable portion of a single tract. Property that ceases to be used for bona fide farm purposes becomes subject to exercise of the city's extraterritorial planning and development regulation jurisdiction under this Chapter. For purposes of complying with State or federal law, property that is exempt from municipal zoning pursuant to this subsection is subject to the county's floodplain regulation or all floodplain regulation provisions of the county's unified development ordinance.~~

~~...."~~

SECTION 6. G.S. 160D-912 reads as rewritten:

"§ 160D-912. Outdoor advertising.

~~...~~

~~(m) This section does not apply to any ordinance in effect on July 1, 2004. A local government may amend an ordinance in effect on July 1, 2004, to extend application of the ordinance to off-premises outdoor advertising located in territory acquired by annexation or located in the extraterritorial jurisdiction of the city. annexation. A local government may repeal or amend an ordinance in effect on July 1, 2004, so long as the amendment to the existing ordinance does not reduce the period of amortization in effect on June 19, 2020.~~

~~...."~~

SECTION 7. G.S. 160D-925 reads as rewritten:

"§ 160D-925. Stormwater control.

~~...~~

~~(e) **Unless the local government requests the permit condition in its permit application, the Environmental Management Commission may not require as a condition of an NPDES stormwater permit issued pursuant to G.S. 143-214.7 that a city implement the measure required by 40 Code of Federal Regulations § 122.34(b)(3)(1 July 2003 Edition) in its extraterritorial jurisdiction.**~~

SECTION 8. G.S. 160D-1125 reads as rewritten:

"§ 160D-1125. Enforcement.

~~...~~

~~(c) **Additional Lien.** — The amounts incurred by a local government in connection with the removal or demolition are also a lien against any other real property owned by the owner of the building or structure and located within the local government's planning and development regulation jurisdiction, and for cities without extraterritorial planning and development jurisdiction, within one mile of the city limits, jurisdiction, except for the owner's primary residence. The provisions of subsection (b) of this section apply to this additional lien, except that this additional lien is inferior to all prior liens and shall be collected as a money judgment.~~

~~...."~~

SECTION 9. Any provision in a local act that grants a city the power to exercise extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, is hereby repealed.

SECTION 10. The relinquishment of jurisdiction over an area that a city is regulating under the authority of extraterritorial planning jurisdiction under Article 19 of Chapter 160A of

1 the General Statutes, or its successor Chapter 160D of the General Statutes, shall become
2 effective January 1, 2022. However, nothing in this act shall be construed as prohibiting a city
3 from relinquishing jurisdiction over an area prior to January 1, 2022, so long as the city complies
4 with the provisions of Article 19 of Chapter 160A of the General Statutes, or its successor
5 Chapter 160D of the General Statutes.

6 **SECTION 11.** Upon relinquishment of jurisdiction over an area that a city is
7 regulating under the authority of extraterritorial planning jurisdiction under Article 19 of Chapter
8 160A of the General Statutes, or its successor Chapter 160D of the General Statutes:

- 9 (1) The city regulations and powers of enforcement shall remain in effect until (i)
10 the county has adopted the regulation or (ii) a period of 60 days has elapsed
11 following the effective date of this act, whichever is sooner. During this
12 period, the county may hold hearings and take other measures that may be
13 required in order to adopt its regulations for the area.
- 14 (2) Any person who has acquired vested rights under a permit, certificate, or other
15 evidence of compliance issued by the city may exercise those rights as if no
16 change of jurisdiction had occurred. The county acquiring jurisdiction may
17 take any action regarding the permit, certificate, or other evidence of
18 compliance that could have been taken by the city surrendering jurisdiction
19 pursuant to its ordinances and regulations. Except as provided in this section,
20 any building, structure, or other land use in a territory over which a county has
21 acquired jurisdiction is subject to the ordinances and regulations of the county.

22 23 **PART II. CONFORMING CHANGES**

24 **SECTION 12.** G.S. 113A-208 reads as rewritten:

25 **"§ 113A-208. Regulation of mountain ridge construction by counties and cities.**

26 ...
27 (d) An ordinance adopted under the authority of this section applies to all protected
28 mountain ridges as defined in G.S. 113A-206. A county or city may apply the ordinance to other
29 mountain ridges within its jurisdiction if it finds that this application is reasonably necessary to
30 protect against some or all of the hazards or problems set forth in G.S. 113A-207. ~~Additionally,~~
31 ~~a city with a population of 50,000 or more may apply the ordinance to other mountain ridges~~
32 ~~within its extraterritorial planning jurisdiction if it finds that this application is reasonably~~
33 ~~necessary to protect against some or all of the hazards or problems set forth in G.S. 113A-207.~~

34"

35 **SECTION 13.** G.S. 122C-3 reads as rewritten:

36 **"§ 122C-3. Definitions.**

37 The following definitions apply in this Chapter:

38 ...
39 (13e) Extraterritorial jurisdiction. – The boundaries of the area over which the Town
40 of Butner was exercising extraterritorial planning jurisdiction under Article
41 19 of Chapter 160A of the General Statutes, or its successor Chapter 160D of
42 the General Statutes, prior to the Town's relinquishment of jurisdiction over
43 the area on or before January 1, 2022.

44"

45 **SECTION 14.** G.S. 122C-403 reads as rewritten:

46 **"§ 122C-403. Secretary's authority over Camp Butner reservation.**

47 The Secretary shall administer the Camp Butner reservation except (i) those areas within the
48 municipal boundaries of the Town of Butner and (ii) that portion of the Town of Butner's
49 extraterritorial ~~jurisdiction-jurisdiction, as defined in G.S. 122C-3(13e),~~ consisting of lands not
50 owned by the State of North Carolina. In performing this duty, the Secretary has the powers listed
51 below. In exercising these powers the Secretary has the same authority and is subject to the same

1 restrictions that the governing body of a city would have and would be subject to if the reservation
2 was a city, unless this section provides to the contrary. The Secretary may:

3"

4 **SECTION 15. G.S. 122C-405 reads as rewritten:**

5 **"§ 122C-405. Procedure applicable to rules.**

6 Rules adopted by the Secretary under this Article shall be adopted in accordance with the
7 procedures for adopting a city ordinance on the same subject, shall be subject to review in the
8 manner provided for a city ordinance adopted on the same subject, and shall be enforceable in
9 accordance with the procedures for enforcing a city ordinance on the same subject. Violation of
10 a rule adopted under this Article is punishable as provided in G.S. 122C-406.

11 Rules adopted under this Article may apply to part or all of the Camp Butner Reservation,
12 except those areas within the municipal boundaries of the Town of Butner and that portion of the
13 Town of Butner's extraterritorial ~~jurisdiction~~ jurisdiction, as defined in G.S. 122C-3(13e),
14 consisting of lands not owned by the State of North Carolina. If a public hearing is required
15 before the adoption of a rule, Advisory the Secretary shall designate one or more employees of
16 the Department to conduct the hearing. The Butner Town Council shall receive at least 14 days'
17 advance written notice of any public hearing with all correspondence concerning such public
18 hearings to be directed to the mayor of the Town of Butner and sent by certified mail, return
19 receipt requested, or equivalent delivery service to Butner Town Hall."

20 **SECTION 16. G.S. 122C-410 reads as rewritten:**

21 **"§ 122C-410. Authority of county or city over Camp Butner Reservation; zoning
22 jurisdiction by Town of Butner over State lands.**

23 (a) A municipality other than the Town of Butner may not annex territory extending into
24 ~~or extend its extraterritorial jurisdiction into~~ the Camp Butner reservation without written
25 approval from the Secretary and the Butner Town Council of each proposed ~~annexation or~~
26 ~~extension~~ annexation. The Town of Butner may not annex territory extending into ~~or extend its~~
27 ~~extraterritorial jurisdiction into~~ those portions of the Camp Butner Reservation owned by the
28 State of North Carolina without written approval from the Secretary of each proposed ~~annexation~~
29 ~~or extension~~ annexation. The procedures, if any, for withdrawing approval granted by the
30 Secretary to an annexation ~~or extension of extraterritorial jurisdiction~~ shall be stated in the notice
31 of approval.

32 (b) A county ordinance may apply in part or all of the Camp Butner reservation (other
33 than areas within the Town of Butner) if the Secretary gives written approval of the ~~ordinance,~~
34 ~~except that ordinances adopted by a county under Article 18 of Chapter 153A of the General~~
35 ~~Statutes may not apply in the extraterritorial jurisdiction of the Town of Butner without approval~~
36 ~~of the Butner Town Council.~~ ordinance. The Secretary may withdraw approval of a county
37 ordinance by giving written notification, by certified mail, return receipt requested, to the county.
38 A county ordinance ceases to be effective in the Camp Butner reservation 30 days after the county
39 receives the written notice of the withdrawal of approval. This section does not enhance or
40 diminish the authority of a county to enact ordinances applicable to the Town of ~~Butner and its~~
41 ~~extraterritorial jurisdiction.~~ Butner.

42 (c) Notwithstanding any other provision of this Article, no portion of the lands owned by
43 the State as of September 1, 2007, which are located in the ~~extraterritorial jurisdiction or the~~
44 incorporated limits of the Town of Butner shall be subject to any of the powers granted to the
45 Town of Butner pursuant to ~~Article 19 of Chapter 160A~~ Chapter 160D of the General Statutes
46 except as to property no longer owned by the State. If any portion of such property owned by the
47 State of North Carolina as of September 1, 2007, is no longer owned by the State, the Town of
48 Butner may exercise all legal authority granted to the Town pursuant to the terms of its charter
49 or by ~~Article 19 of Chapter 160A~~ Chapter 160D of the General Statutes and may do so by
50 ordinances adopted prior to the actual date of transfer. Before the State shall dispose of any
51 property inside the incorporated limits of the Town of Butner or any of that property currently

1 under the control of the North Carolina Department of Health and Human Services or the North
2 Carolina Department of Agriculture and Consumer Services within the extraterritorial
3 ~~jurisdiction-jurisdiction~~, as that term is defined in G.S. 122C-3(13e), of the Town of Butner,
4 southeast of Old Highway 75, northeast of Central Avenue, southwest of 33rd Street, and
5 northwest of "G" Street, by sale or lease for any use not directly associated with a State function,
6 the Town of Butner shall first be given the right of first refusal to purchase said property at fair
7 market value as determined by the average of the value of said property as determined by a
8 qualified appraiser selected by the Secretary and a qualified appraiser selected by the Town of
9 Butner."

10 **SECTION 17.** G.S. 130A-317 reads as rewritten:

11 **"§ 130A-317. Department to provide advice; submission and approval of public water**
12 **system plans.**

13 ...

14 (d) Municipalities, counties, local boards or commissions, water and sewer authorities,
15 or groups of municipalities and counties may establish and administer within their utility service
16 areas their own approval program in lieu of State approval of water system plans required in
17 subsection (c) of this section for construction or alteration of the distribution system of a proposed
18 or existing public water system, subject to the prior certification of the Department. For purposes
19 of this subsection, the service area of a municipality shall include only that area within the
20 corporate limits of the municipality and that area outside a municipality in its extraterritorial
21 jurisdiction where water service is already being provided to the permit applicant by the
22 municipality or connection to the municipal water system is immediately available to the
23 applicant; the service areas of counties and the other entities or groups shall include only those
24 areas where water service is already being provided to the applicant by the permitting authority
25 or connection to the permitting authority's system is immediately available. For purposes of this
26 subsection, the term "extraterritorial jurisdiction" means the boundaries of the area over which a
27 municipality was exercising extraterritorial planning jurisdiction under Article 19 of Chapter
28 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, prior to the
29 municipality's relinquishment of jurisdiction over the area on or before January 1, 2022. No later
30 than the 180th day after the receipt of an approval program and statement submitted by any local
31 government, commission, authority, or board, the Department shall certify any local program
32 that meets all of the following conditions:

33

34 **SECTION 18.** G.S. 136-55.1 reads as rewritten:

35 **"§ 136-55.1. Notice of abandonment.**

36 ...

37 (b) ~~In keeping with its overall zoning scheme and long-range plans regarding the~~
38 ~~extraterritorial jurisdiction area, a~~ A municipality may keep open and assume responsibility for
39 maintenance of a road within one mile of its corporate limits once it is abandoned from the State
40 highway system."

41 **SECTION 19.** G.S. 136-63 reads as rewritten:

42 **"§ 136-63. Change or abandonment of roads.**

43 ...

44 (b) ~~In keeping with its overall zoning scheme and long-range plans regarding the~~
45 ~~extraterritorial jurisdiction area, a~~ A municipality may keep open and assume responsibility for
46 maintenance of a road within one mile of its corporate limits once it is abandoned from the State
47 highway system."

48 **SECTION 20.** G.S. 136-66.3 reads as rewritten:

49 **"§ 136-66.3. Local government participation in improvements to the State transportation**
50 **system.**

(a) Municipal Participation Authorized. – A municipality may, but is not required to, participate in the right-of-way and construction cost of a State transportation improvement approved by the Board of Transportation under G.S. 143B-350(f)(4) that is located in the ~~municipality or its extraterritorial jurisdiction.~~ municipality.

...."

SECTION 21. G.S. 143-138 reads as rewritten:
"§ 143-138. North Carolina State Building Code.

...
(e) Effect upon Local Codes. – Except as otherwise provided in this section, the North Carolina State Building Code shall apply throughout the State, from the time of its adoption. Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any political subdivision of the State may adopt a fire prevention code and floodplain management regulations within its jurisdiction. The territorial jurisdiction of any municipality or county for this purpose, unless otherwise specified by the General Assembly, shall be as follows: Municipal jurisdiction shall include all areas within the corporate limits of the ~~municipality and extraterritorial jurisdiction areas established as provided in G.S. 160A-360 or a local act;~~ municipality; county jurisdiction shall include all other areas of the county. No such code or regulations, other than floodplain management regulations and those permitted by G.S. 160A-436, shall be effective until they have been officially approved by the Building Code Council as providing adequate minimum standards to preserve and protect health and safety, in accordance with the provisions of subsection (c) above. Local floodplain regulations may regulate all types and uses of buildings or structures located in flood hazard areas identified by local, State, and federal agencies, and include provisions governing substantial improvements, substantial damage, cumulative substantial improvements, lowest floor elevation, protection of mechanical and electrical systems, foundation construction, anchorage, acceptable flood resistant materials, and other measures the political subdivision deems necessary considering the characteristics of its flood hazards and vulnerability. In the absence of approval by the Building Code Council, or in the event that approval is withdrawn, local fire prevention codes and regulations shall have no force and effect. Provided any local regulations approved by the local governing body which are found by the Council to be more stringent than the adopted statewide fire prevention code and which are found to regulate only activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion or related hazards, and are not matters in conflict with the State Building Code, shall be approved. Local governments may enforce the fire prevention code of the State Building Code using civil remedies authorized under G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or other State official with responsibility for enforcement of the Code institutes a civil action pursuant to G.S. 143-139, a local government may not institute a civil action under G.S. 143-139, 153A-123, or 160A-175 based upon the same violation. Appeals from the assessment or imposition of such civil remedies shall be as provided in G.S. 160A-434.

A local government may not adopt any ordinance in conflict with the exemption provided by subsection (c1) of this section. No local ordinance or regulation shall be construed to limit the exemption provided by subsection (c1) of this section.

...."

SECTION 22. G.S. 143-215.1 reads as rewritten:
"§ 143-215.1. Control of sources of water pollution; permits required.

...
(f) Local Permit Programs for Sewer Extension and Reclaimed Water Utilization. – Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of municipalities and counties may establish and administer within their utility service areas their own general permit programs in lieu of State permit required in G.S. 143-215.1(a)(2), (3), and (8) above, for construction, operation, alteration, extension, change of proposed or existing sewer

1 system, subject to the prior certification of the Commission. For purposes of this subsection, the
2 service area of a municipality shall include only that area within the corporate limits of the
3 municipality and that area outside a municipality in its extraterritorial jurisdiction where sewer
4 service or a reclaimed water utilization system is already being provided by the municipality to
5 the permit applicant or connection to the municipal sewer system or a reclaimed water utilization
6 system is immediately available to the applicant; the service areas of counties and the other
7 entities or groups shall include only those areas where sewer service or a reclaimed water
8 utilization system is already being provided to the applicant by the permitting authority or
9 connection to the permitting authority's system is immediately available. For purposes of this
10 subsection, the term "extraterritorial jurisdiction" means the boundaries of the area over which a
11 municipality was exercising extraterritorial planning jurisdiction under Article 19 of Chapter
12 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, prior to the
13 municipality's relinquishment of jurisdiction over the area on or before January 1, 2022. No later
14 than the 180th day after the receipt of a program and statement submitted by any local
15 government, commission, authority, or board the Commission shall certify any local program
16 that does all of the following:

17"

18 **SECTION 23.** G.S. 153A-317.14 reads as rewritten:

19 **"§ 153A-317.14. Extension of economic development and training districts.**

20 (a) Standards. – A board of commissioners may by resolution annex territory to an
21 economic development and training district upon finding that:

22 ...

23 (6) ~~If any of the area proposed to be annexed to the district is wholly or partially~~
24 ~~within the extraterritorial jurisdiction of a municipality, then it shall be~~
25 ~~necessary to first obtain the affirmative vote of a majority of the members of~~
26 ~~the governing body of the municipality before the area can be annexed.~~

27"

28 **SECTION 24.** G.S. 160A-58.4 reads as rewritten:

29 **"§ 160A-58.4. Extraterritorial powers.**

30 Satellite corporate limits shall not be considered a part of the city's corporate limits for the
31 purposes of ~~extraterritorial land use regulation pursuant to G.S. 160A-360, or abatement of~~
32 ~~public health nuisances pursuant to G.S. 160A-193.~~ However, a city's power to regulate land use
33 pursuant to ~~Chapter 160A, Article 19, Chapter 160D of the General Statutes~~ or to abate public
34 health nuisances pursuant to ~~G.S. 160A-193, G.S. 160A-193~~ shall be the same within satellite
35 corporate limits as within its primary corporate limits."

36 **SECTION 25.** G.S. 160A-176.1 reads as rewritten:

37 **"§ 160A-176.1. Ordinances effective in Atlantic Ocean.**

38 (a) A city may adopt ordinances to regulate and control swimming, surfing and littering
39 in the Atlantic Ocean adjacent to that portion of the city within its ~~boundaries or within its~~
40 ~~extraterritorial jurisdiction; boundaries;~~ provided, however, nothing contained herein shall be
41 construed to permit any city to prohibit altogether swimming and surfing or to make these
42 activities unlawful.

43"

44 **SECTION 26.** G.S. 160A-176.2 reads as rewritten:

45 **"§ 160A-176.2. Ordinances effective in Atlantic Ocean.**

46 (a) A city may adopt ordinances to regulate and control swimming, personal watercraft
47 operation, surfing and littering in the Atlantic Ocean and other waterways adjacent to that portion
48 of the city within its ~~boundaries or within its extraterritorial jurisdiction; boundaries;~~ provided,
49 however, nothing contained herein shall be construed to permit any city to prohibit altogether
50 swimming or surfing or to make these activities unlawful.

51"

1 **SECTION 27.** G.S. 160A-296 reads as rewritten:

2 **"§ 160A-296. Establishment and control of streets; center and edge lines.**

3 ...

4 ~~(a1) A city with a population of 250,000 or over according to the most recent decennial~~
5 ~~federal census may also exercise the power granted by subdivision (a)(3) of this section within~~
6 ~~its extraterritorial planning jurisdiction. Before a city makes improvements under this subsection,~~
7 ~~it shall enter into a memorandum of understanding with the Department of Transportation to~~
8 ~~provide for maintenance.~~

9 "

10 **SECTION 28.** G.S. 160A-299 reads as rewritten:

11 **"§ 160A-299. Procedure for permanently closing streets and alleys.**

12 ...

13 (d) This section shall apply to any street or public alley within a city ~~or its extraterritorial~~
14 ~~jurisdiction~~ that has been irrevocably dedicated to the public, without regard to whether it has
15 actually been opened. This section also applies to unopened streets or public alleys that are shown
16 on plats but that have not been accepted or maintained by the city, provided that this section shall
17 not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to
18 G.S. 136-96.

19 "

20 **SECTION 29.** G.S. 160A-340.2 reads as rewritten:

21 **"§ 160A-340.2. Exemptions.**

22 ...

23 (c) The provisions of G.S. 160A-340.1, 160A-340.3, 160A-340.4, 160A-340.5, and
24 160A-340.6 do not apply to a city or joint agency providing communications service as of
25 January 1, 2011, provided the city or joint agency limits the provision of communications service
26 to any one or more of the following:

27 ...

28 (3) The following service areas:

- 29 a. For the joint agency operated by the cities of Davidson and
30 Mooresville, the service area is the combined areas of the city of
31 Cornelius; the town of Troutman; the town of Huntersville; the
32 unincorporated areas of Mecklenburg County north of a line beginning
33 at Highway 16 along the west boundary of the county, extending
34 eastward along Highway 16, continuing east along Interstate 485, and
35 continuing eastward to the eastern boundary of the county along
36 Eastfield Road; and the unincorporated areas of Iredell County south
37 of Interstate 40, excluding the City of Statesville and the
38 extraterritorial jurisdiction of the City of Statesville. For purposes of
39 this sub-subdivision, the term "extraterritorial jurisdiction" means the
40 boundaries of the area over which the City of Statesville was
41 exercising extraterritorial planning jurisdiction under Article 19 of
42 Chapter 160A of the General Statutes, or its successor Chapter 160D
43 of the General Statutes, prior to the City's relinquishment of
44 jurisdiction over the area on or before January 1, 2022.

45 "

47 **PART III. LAW ENFORCEMENT**

48 **SECTION 30.** This act shall have no effect on the extraterritorial jurisdiction of law
49 enforcement officers as authorized in Chapter 77 of the General Statutes, G.S. 15A-402, 20-38.2,
50 160A-286, or any other local act or provision of general law.

1 **PART IV. EFFECTIVE DATE**

2 **SECTION 31.** The headings to the parts of this act are a convenience to the reader
3 and are for reference only. The headings do not expand, limit, or define the text of this act.

4 **SECTION 32.** This act becomes effective January 1, 2022.



Board of Commissioners Agenda Report

55 N Broad Street W.
PO Box 278
Angier, NC 27501
www.angier.org

MEETING DATE: May 4, 2021
PREPARED BY: Veronica Hardaway
ISSUE Capital Area MPO Executive Board Alternate Member
CONSIDERED:
DEPARTMENT: Administration

SUMMARY OF ISSUE: CAMPO has requested the Town to choose an elected official to serve on the Executive Board as an alternate member.

FINANCIAL IMPACT:
N/A

RECOMMENDATION:

The Board of Commissioner's must nominate one of its members to serve on the CAMPO Executive Board as an alternate member.

REQUESTED MOTION:

REVIEWED BY TOWN MANAGER:

Attachments:

1 Email received by CAMPO

Veronica T. Hardaway

From: Akimoto, Sara <sara.akimoto@campo-nc.us>
Sent: Tuesday, April 20, 2021 10:08 AM
To: Veronica T. Hardaway
Subject: Gerry Vincent appointment to CAMPO Exec Board

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Veronica,

Is Gerry Vincent the Town Manager in Angier? If so, unfortunately he's not eligible to be an alternate on the Exec Board (must be an elected official from the municipality).

If that is the case, please let me know when his replacement has been appointed.

Thank you,

Respectfully,

Sara Akimoto
Administrative Assistant to
Executive Director Chris Lukasina, AICP, GISP
Capital Area MPO
421 Fayetteville St. Suite 203
Raleigh, NC 27601
(919) 996-4400 (v)



Board of Commissioners Agenda Report

55 N Broad Street W.
PO Box 278
Angier, NC 27501
www.angier.org

MEETING DATE: March 5, 2019
PREPARED BY: Gerry Vincent, Town Manager ICMA-CM *LV*
ISSUE
CONSIDERED: Requesting Street Closures for the Angier Masonic Lodge 1st Annual Oyster Roast Bash
DEPARTMENT: Administration

SUMMARY OF ISSUE: A request has been submitted by Mr. Tristan Scott to close certain streets (S. Broad Street East from East Depot Street to Lillington Street, and from Lillington Street to the alleyway west of Depot Square). Please refer to the attached map, as a reference. The event is scheduled for Sunday October 3rd from 1pm to 6pm.

FINANCIAL IMPACT: There is no financial impact.

RECOMMENDATION: Authorize the Town Manager to proceed with the street closures, as submitted.

REQUESTED MOTION: I recommend authorizing the Town Manager to proceed with the street closures for the above event, as submitted.

REVIEWED BY TOWN MANAGER: *Gerry Vincent*

Attachments: *Map and a detail description of event*

Gerry D. Vincent

From: Tristan Scott <tristandrewscott@gmail.com>
Sent: Wednesday, April 14, 2021 11:41 AM
To: Gerry D. Vincent
Subject: October 3rd Oyster Roast

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Gerry,

Below is what was voted on and approved. Can you book off the depot for us for that date. Also, if we need to go in front of the board, let me know. Send me over what the needs of the Library are. I am going to propose that our May steak night profits go to the Angier Library.

Thank you,
Tristan

WHAT: ANGIER MASONIC LODGE 1ST ANNUAL OYSTER BASH

WHEN: SUNDAY OCTOBER 3RD 1PM TO 6PM

GOAL: RAISE MONEY FOR THE OXFORD MASONIC HOME FOR CHILDREN AND THE ANGIER PARK AN REC. 50/50 SPLIT OF PROFITS

COST OF TICKETS: \$50 FOR OYSTER TICKET, \$10 FOR MUSIC TICKET

SPONSORSHIP:

MAIN - \$2000 OR GREATER AND THEY WILL RECEIVE IN RETURN: 10 OYSTER TICKETS, 10 MUSIC TICKETS, NAME ON PAPER TICKET, NAME ON LANDING PAGE, BANNER @ THE STAGE, SHOUT OUT ON SOCIAL MEDIA

GOLD - \$1000 FOR GOLD LEVEL AND THEY WILL RECEIVE IN RETURN: 8 OYSTER TICKETS, 8 MUSIC TICKETS, SIGN BY THE STAGE, NAME ON LANDING PAGE, SHOUT OUT ON SOCIAL MEDIA

SILVER - \$500 AND THEY WILL RECEIVE IN RETURN: 4 OYSTER TICKETS, 4 MUSIC TICKETS AND A SIGN BY THE STAGE

ENTERTAINMENT:

1PM TO 3PM ELLINGTON STUDIOUS \$400

3PM TO 6PM PAIGE JOHNSON \$1600

FACE PAINTING AND BALLONS

INFLATABLE RON AND PHIL

COST OF BUSINESS:

\$5600 140 – 100 COUNT BOXES OF OYSTERS

\$2000 BANDS

\$500 SOCIAL MEDIA PAID PROMOTION

\$500 WEBSITE AND EVENT BRIGHT TO SELL TICKETS

\$*** DUMPSTER

\$300 TART PORTAPOTTIES AND HAND WASHING STATION

\$*** TICKETS AND ARM BANDS

\$*** CONDIMENTS

\$*** TENTS

ESTIMATED COST \$11,000

SPONSORSHIP MONEY - \$12,000

1 MAIN \$2000

4 GOLD \$4000

15 SILVER \$6000

102 OYSTER TICKETS USED FROM SPONSORSHIP

300 OYSTER TICKETS - \$15,000

MUSIC TICKETS - \$1000

FOOD TRUCK - \$300

ESTIMATED TOTAL PROFIT \$17,300

HELP NEEDED: 60 TOTAL BODIES

ANGIER LODGE

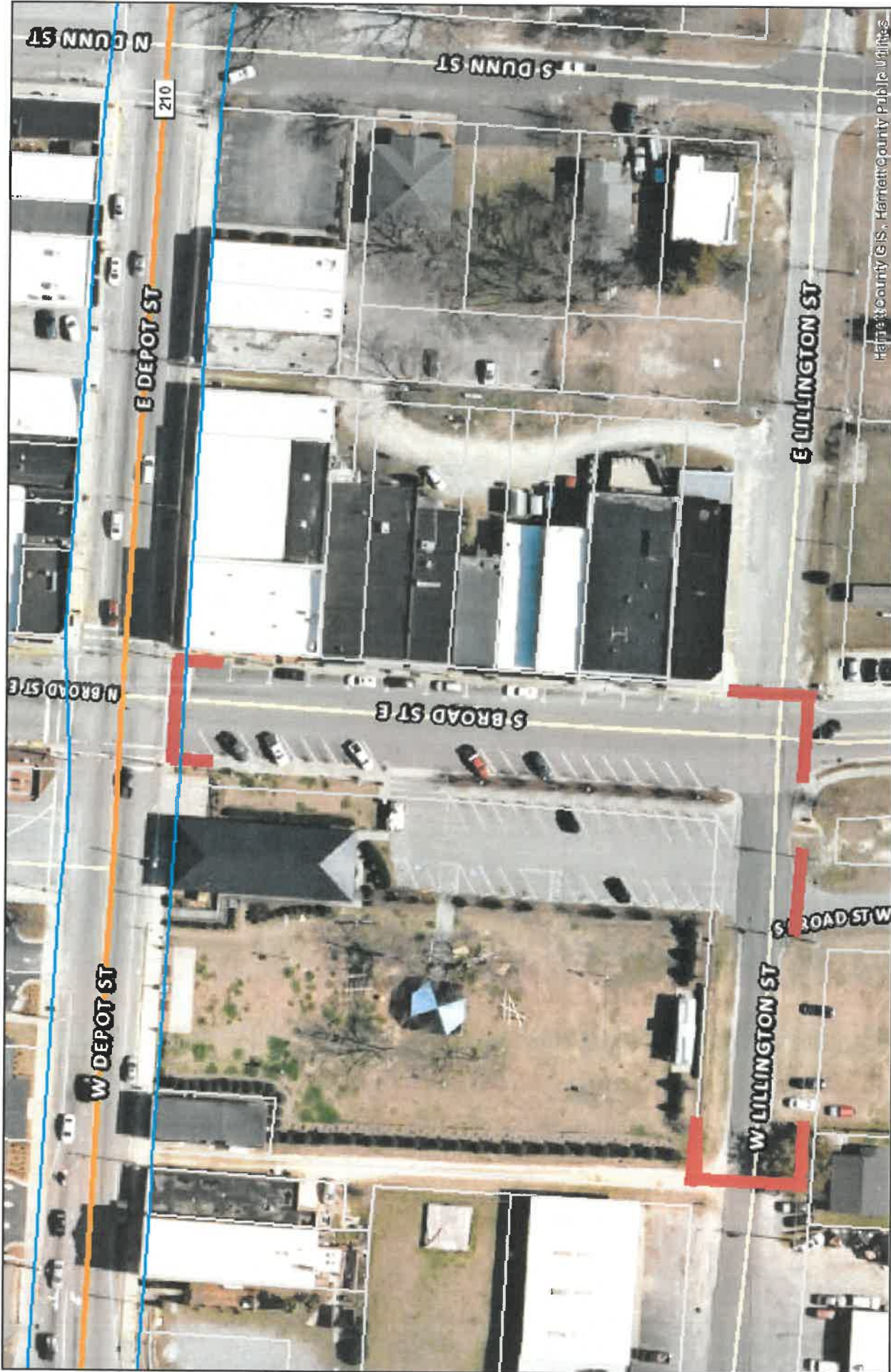
OXFORD MASONIC HOME

LILLINGTON LODGE/SHRINE

DUNN SHRINE

HCHS JROTC

Harnett GIS



Harnett County GIS, Harnett County Public Utilities

Harnett County
COUNTY OFFICE

GIS/E-911 Addressing
April 29, 2021

Legend

	Recycle Center		US
	Landfills		Harnett County Boundary
	Surrounding County Boundaries		Roads
	Federal Property		Mile_Markers
	City Limits		Railroad
			Parcels

Major Roads

	Airport		Interstate
	Major Road		NC

Other Features

	Cape Fear River
--	-----------------

Scale

0 40 80 160 Feet

1 inch = 94 feet

MANAGER'S REPORT & STAFF REPORTS

FINANCE



Town of Angier May 2021 Financial Report

SALES AND USE TAX ANALYSIS FY's 2014-2021

	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
JULY	\$ 41,365.95	\$ 45,037.32	\$ 50,244.39	\$ 56,084.29	\$ 66,869.58	\$ 65,195.40	\$ 77,370.47	\$ 73,777.08
AUGUST	\$ 46,654.79	\$ 45,670.51	\$ 49,930.99	\$ 55,557.40	\$ 61,087.65	\$ 72,533.17	\$ 76,455.85	\$ 83,580.63
SEPT	\$ 49,086.63	\$ 52,446.12	\$ 55,797.12	\$ 67,886.26	\$ 66,601.23	\$ 73,538.08	\$ 82,101.99	\$ 95,415.88
OCT	\$ 45,287.95	\$ 43,269.18	\$ 53,165.24	\$ 52,701.25	\$ 61,370.24	\$ 58,542.31	\$ 76,940.98	\$ 90,420.40
NOV	\$ 41,332.42	\$ 50,359.42	\$ 43,719.03	\$ 60,488.28	\$ 65,335.23	\$ 66,991.57	\$ 76,243.84	\$ 84,738.69
DEC	\$ 36,683.68	\$ 39,041.39	\$ 51,358.88	\$ 62,670.74	\$ 67,374.14	\$ 69,018.88	\$ 76,768.83	\$ 82,731.52
JAN	\$ 40,005.53	\$ 49,563.38	\$ 48,985.49	\$ 60,488.28	\$ 59,520.04	\$ 71,875.13	\$ 79,174.71	\$ 85,773.42
FEB	\$ 46,362.69	\$ 46,618.33	\$ 50,354.19	\$ 64,688.65	\$ 68,248.48	\$ 75,991.44	\$ 78,426.77	\$ 91,131.96
MARCH	\$ 48,422.31	\$ 58,298.98	\$ 60,691.74	\$ 73,243.06	\$ 75,235.74	\$ 80,537.79	\$ 83,543.99	\$ 102,935.98
APRIL	\$ 38,785.44	\$ 44,937.03	\$ 44,835.77	\$ 53,970.97	\$ 57,544.30	\$ 65,539.52	\$ 67,996.27	\$ 90,251.80
MAY	\$ 42,789.11	\$ 42,622.56	\$ 47,875.96	\$ 60,008.79	\$ 58,211.82	\$ 64,390.11	\$ 68,856.81	\$ -
JUNE	\$ 48,162.72	\$ 47,167.89	\$ 57,925.24	\$ 70,884.97	\$ 71,628.50	\$ 82,125.20	\$ 79,460.71	\$ -
TOTAL	\$ 524,939.22	\$ 565,032.11	\$ 614,884.04	\$ 738,672.94	\$ 779,026.95	\$ 846,278.60	\$ 775,023.70	\$ 880,757.36
Increase/(Decrease)								
Previous								
FY	\$ 10,788.61	\$ 40,092.89	\$ 49,851.93	\$ 123,788.90	\$ 40,354.01	\$ 67,251.65	\$ 77,062.62	\$ 105,733.66
% Growth	2.10%	7.64%	8.82%	20.13%	5.46%	8.63%	9.11%	13.64%



MARCH 2020 VS MARCH 2021 EXPENSES





UTILITIES USAGE AND REVENUE SUMMARY

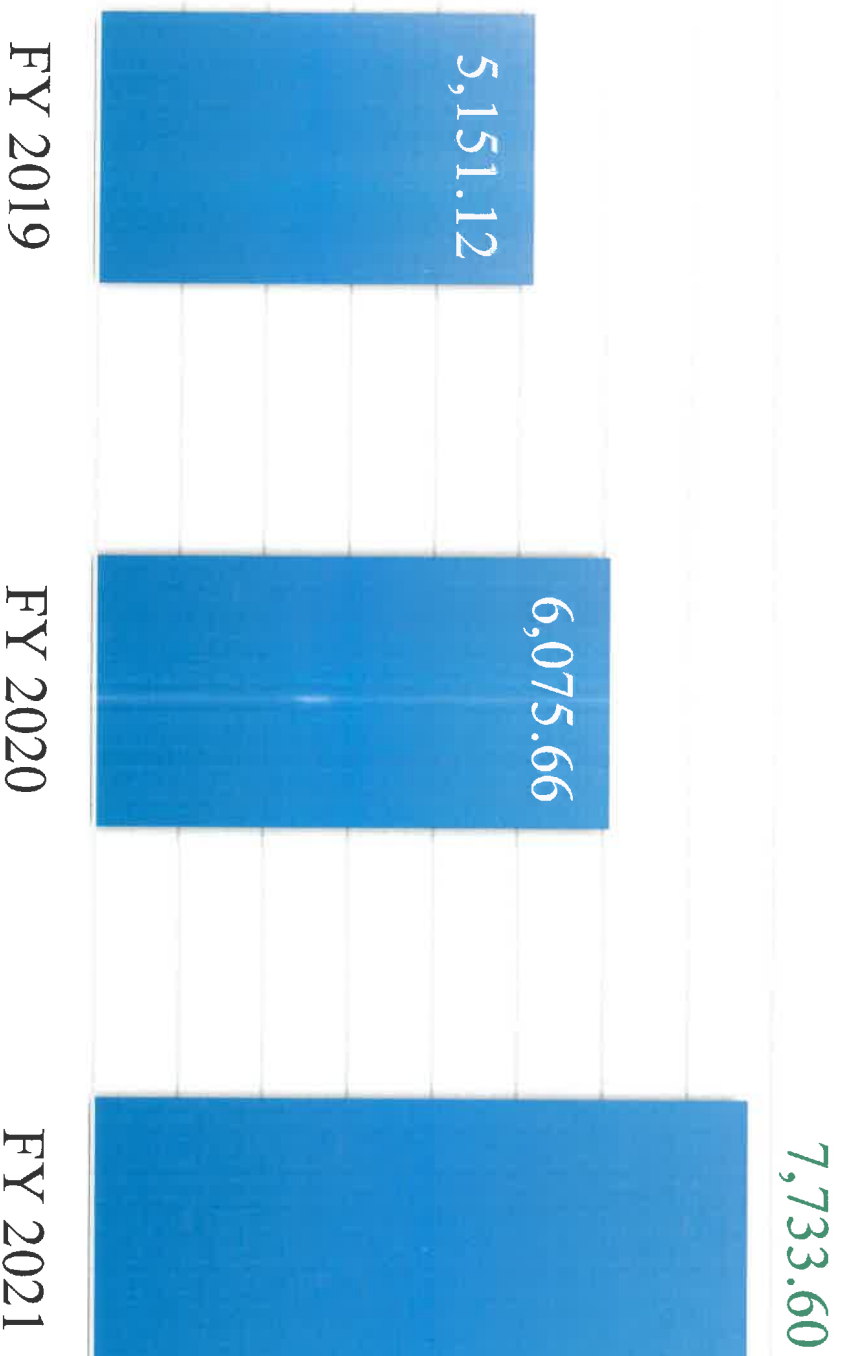
	FY 2019-2020		FY 2020-2021		% CHANGE USAGE	% CHANGE REVENUE
	USAGE	REVENUE	USAGE	REVENUE		
JULY	22,951,536	\$ 196,885.39	21,939,778	\$ 197,470.30	-4.41%	0.30%
AUGUST	21,396,184	\$ 189,638.86	25,625,384	\$ 220,784.34	19.77%	16.42%
SEPTEMBER	21,821,213	\$ 193,342.47	25,141,617	\$ 219,273.15	15.22%	13.41%
OCTOBER	19,010,969	\$ 180,700.65	21,928,890	\$ 203,176.92	15.35%	12.44%
NOVEMBER	19,417,795	\$ 182,938.84	21,337,196	\$ 201,007.45	9.88%	9.88%
DECEMBER	21,789,979	\$ 190,420.08	22,003,737	\$ 205,528.72	0.98%	7.93%
JANUARY	17,929,158	\$ 176,249.42	21,447,212	\$ 204,161.06	19.62%	15.84%
FEBRUARY	19,582,947	\$ 182,507.22	22,195,937	\$ 207,740.26	13.34%	13.83%
MARCH	19,782,841	\$ 185,637.31	18,850,792	\$ 189,378.64	-4.76%	2.02%
APRIL	21,100,726	\$ 190,595.32			-100.00%	-100.00%
MAY	20,263,941	\$ 188,076.51			-100.00%	-100.00%
JUNE	26,458,902	\$ 218,192.63			-100.00%	-100.00%
Y-T-D TOTAL	183,692,622	1,678,320	200,470,543	1,848,521	9.13%	10.14%
MONTHLY AVERAGE	20,959,683	189,599	22,274,505	205,391	6.27%	8.33%



FY 2019 - 2020				FY 2020 - 2021				Profit/Loss			
	Late Fees/ Reconnection fees	Activation Fees	NSF fees	Late Fees/ Reconnection fees	Activation Fees	NSF fees	Late/ Reconn Fees	Activation fees	NSF fees		
July	\$ 8,344.98	\$ 1,260.00	\$ 208.00	\$ -	\$ 2,380.00	\$ 50.00	\$ (8,344.98)	\$ 1,120.00	\$ (158.00)		
August	\$ 8,175.00	\$ 1,680.00	\$ 179.00	\$ 10,185.29	\$ 1,785.00	\$ 25.00	\$ 2,010.29	\$ 105.00	\$ (154.00)		
September	\$ 8,800.00	\$ 1,715.00	\$ 275.00	\$ 14,562.01	\$ 1,715.00	\$ 100.00	\$ 5,762.01	\$ -	\$ (175.00)		
October	\$ 7,490.00	\$ 1,680.00	\$ 133.00	\$ 10,990.00	\$ 1,785.00	\$ 275.00	\$ 3,500.00	\$ 105.00	\$ 142.00		
November	\$ 8,755.00	\$ 1,750.00	\$ 212.00	\$ 9,120.00	\$ 2,275.00	\$ 125.00	\$ 365.00	\$ 525.00	\$ (87.00)		
December	\$ 8,985.00	\$ 1,470.00	\$ 175.00	\$ 10,540.00	\$ 1,785.00	\$ 50.00	\$ 1,555.00	\$ 315.00	\$ (125.00)		
January	\$ 7,190.00	\$ 2,310.00	\$ 208.00	\$ 12,210.00	\$ 1,610.00	\$ -	\$ 5,020.00	\$ (700.00)	\$ -		
February	\$ 8,840.00	\$ 1,155.00	\$ 75.00	\$ 8,990.00	\$ 2,450.00	\$ 250.00	\$ 150.00	\$ 1,295.00	\$ 175.00		
March	\$ -	\$ 1,365.00	\$ 125.00	\$ 7,049.61	\$ 2,170.00	\$ 75.00	\$ 7,049.61	\$ 805.00	\$ (50.00)		
April	\$ -	\$ 2,205.00	\$ 225.00				\$ -	\$ -	\$ -		
May	\$ -	\$ 1,785.00	\$ 75.00				\$ -	\$ -	\$ -		
June	\$ -	\$ 1,750.00	\$ 1,890.00				\$ -	\$ -	\$ -		
Subtotal:	\$ 66,579.98	\$ 20,125.00	\$ 3,780.00	\$ 83,646.91	\$ 17,955.00	\$ 950.00	\$ 17,066.93	\$ 3,570.00	\$ (432.00)		

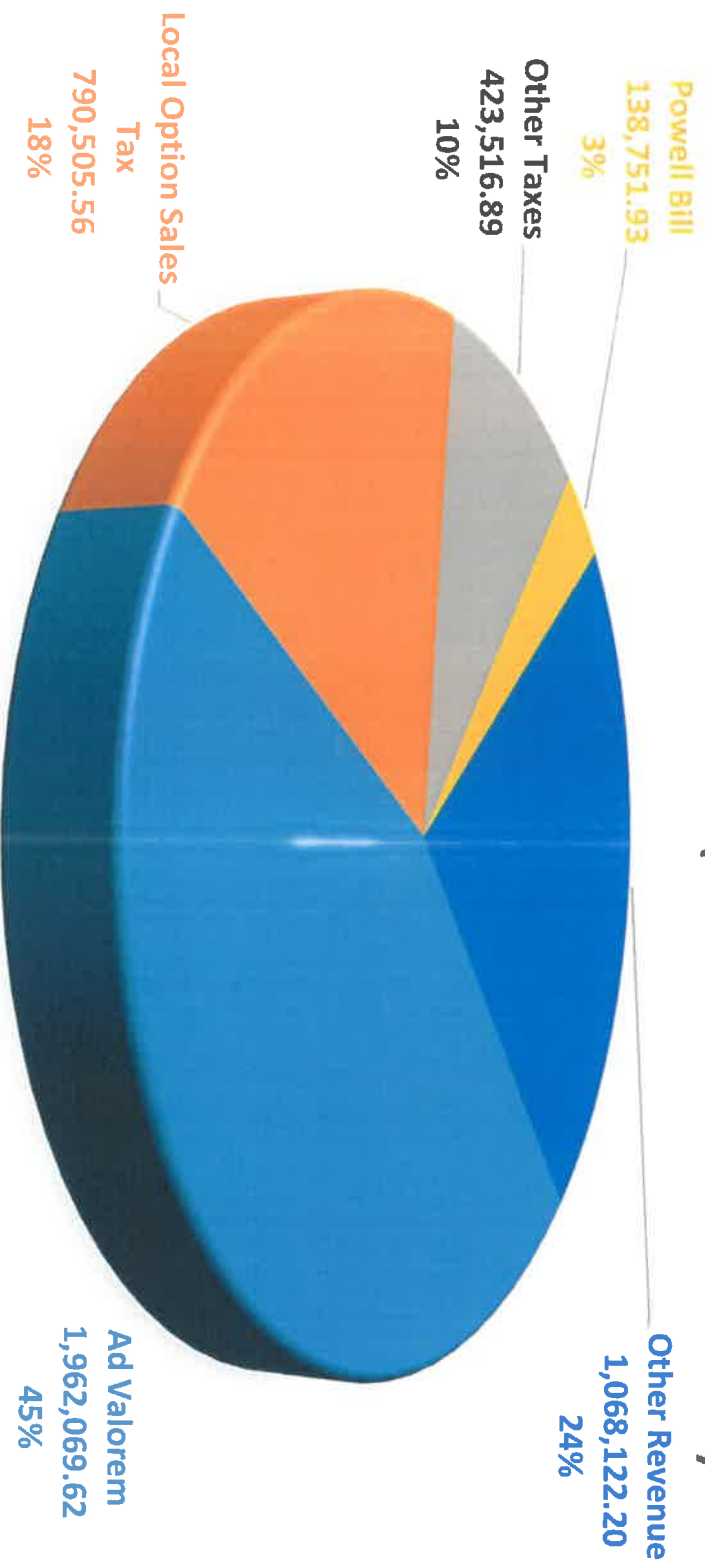


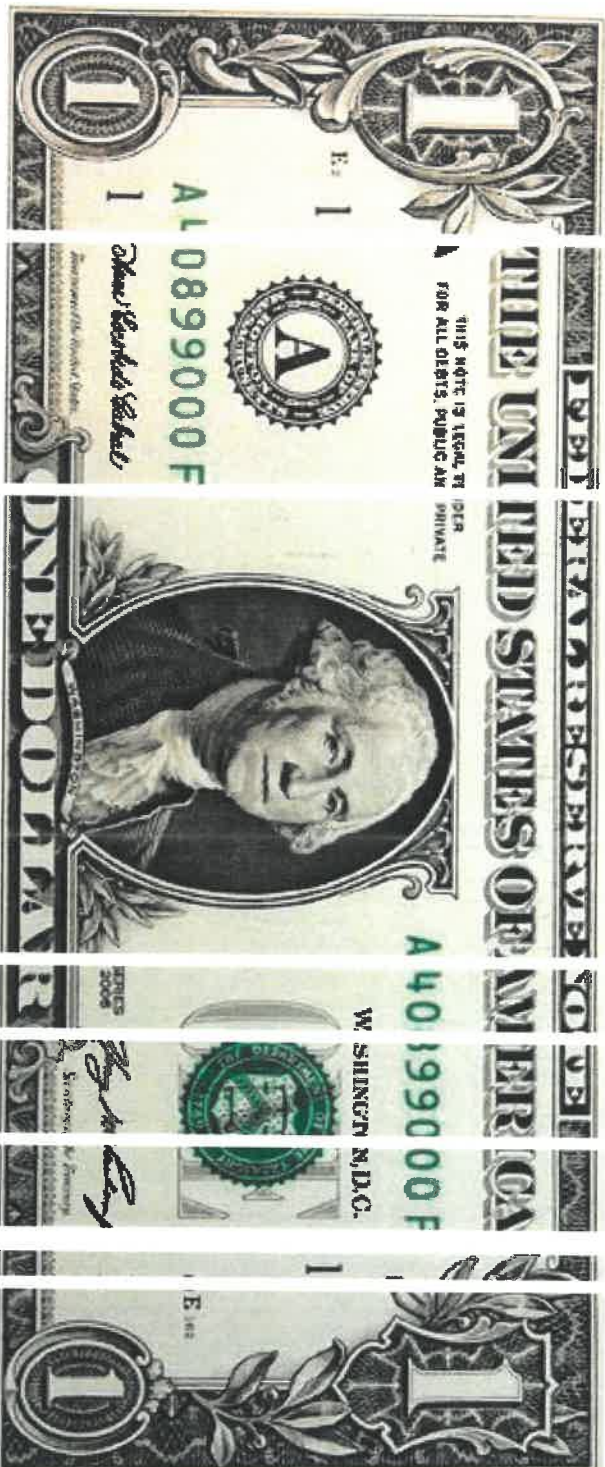
(Recovered Utility Delinquencies)





GENERAL FUND REVENUE (INCLUDING POWELL BILL)





Principle
0.025

Interest
0.003

Depot
0.005

Inter-Fund
Transfers
0.137

Administration
0.161

Street & Sanitation
0.170

Police
0.315

Library
0.050

Planning & Zoning
0.063

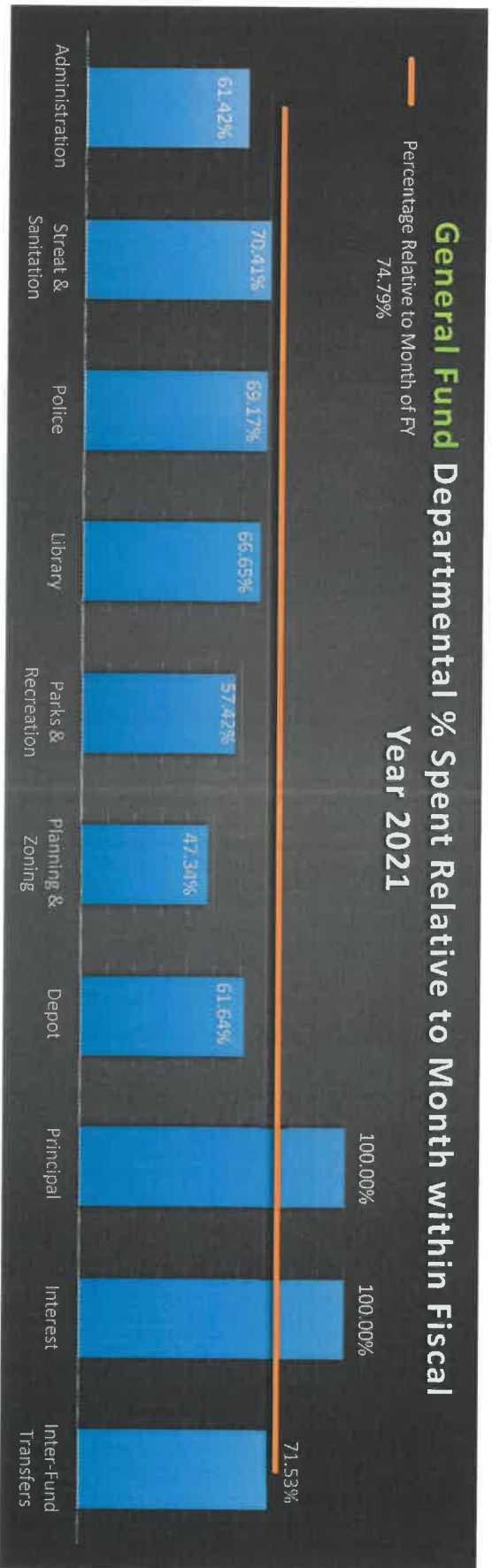
Parks & Recreation
0.071

Your Tax Dollar at Work

Cents to the Dollar

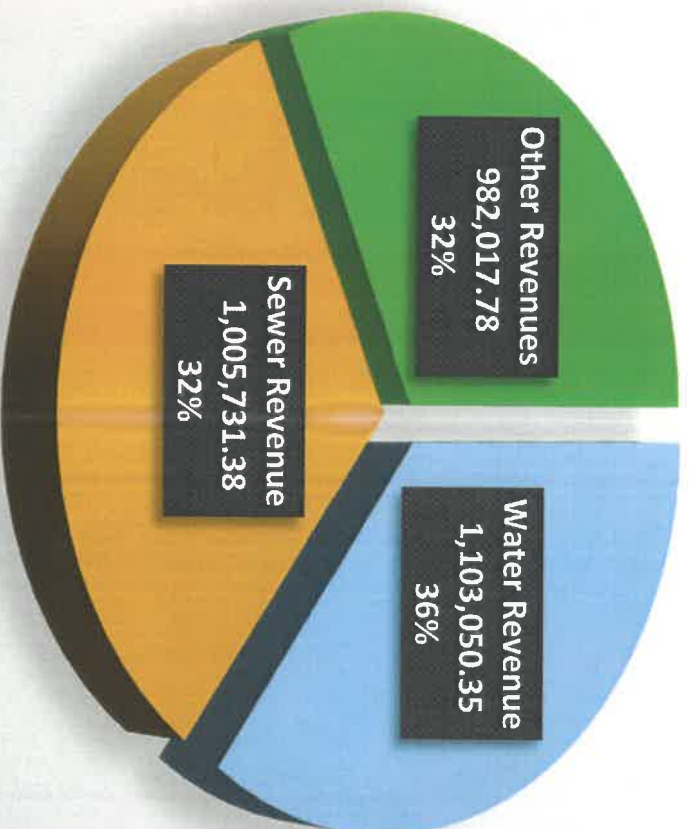


General Fund Departmental % Spent Relative to Month within Fiscal Year 2021





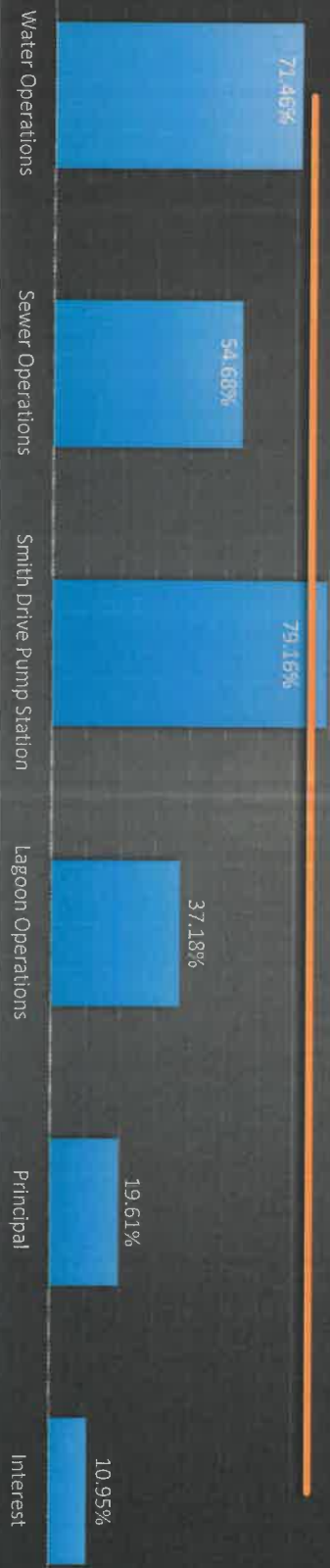
Water & Sewer Fund Revenue





Water & Sewer Fund Departmental % Spent Relative to Month within Fiscal Year 2021

Percentage Relative to Month of FY
74.79%



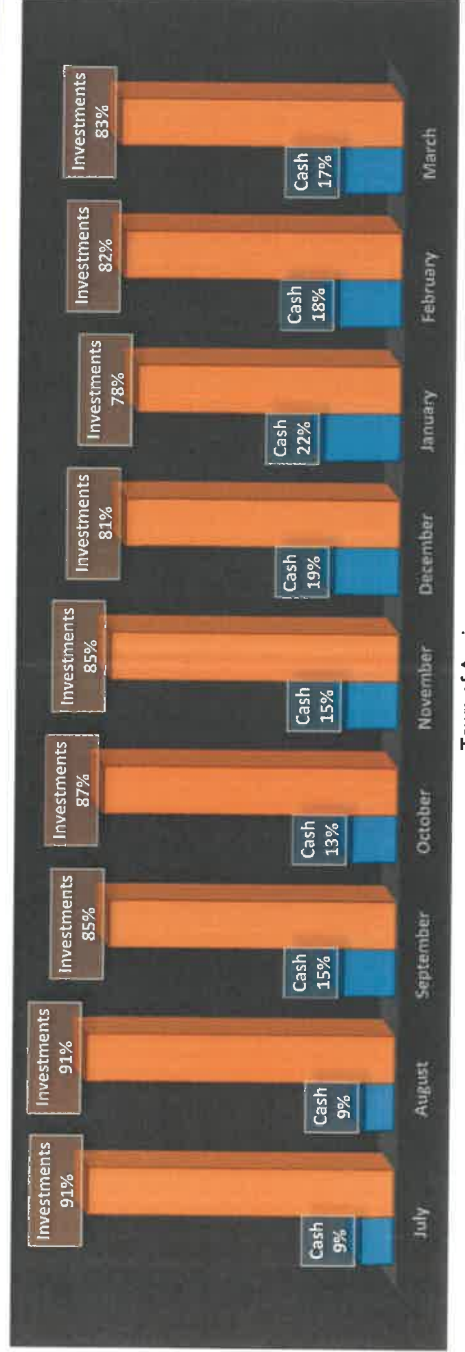


FY 2021 Cash Flow Report

Months	General Fund*	Powell Bill	HWY 210 Project	Wake County Tank Project	Water & Sewer Fund*	Angier Elementary Drainage Project	Debt Service Reserve Fund	Total Cash Flow
July	(356,300.64)	78,960.64	4,693.09	3.33	932,033.49	15,190.89	142,763.00	817,343.80
August	(477,606.97)	77,787.06	4,693.09	3.33	992,663.28	15,190.89	142,763.00	755,493.68
September	(355,949.10)	20,012.00	4,693.09	3.33	1,537,271.08	15,190.89	142,763.00	1,363,984.29
October	(445,104.02)	20,012.23	4,693.19	3.33	1,421,890.55	15,190.89	142,763.00	1,159,449.17
November	(390,113.11)	9,795.48	4,693.19	3.33	1,590,347.51	15,190.89	142,763.00	1,372,680.29
December	(76,808.59)	79,213.08	262,613.24	3.33	1,465,837.94	15,190.89	142,763.00	1,888,812.89
January	361,039.34	79,215.15	262,620.11	3.33	1,461,239.60	15,190.89	142,763.00	2,322,071.42
February	377,102.25	76,811.00	262,623.50	3.33	967,189.69	15,190.89	142,763.00	1,841,683.66
March	236,933.79	73,584.20	262,627.01	3.33	953,013.31	15,190.89	142,763.00	1,684,115.53

FY 2021 Investment of Idle Funds Report

Months	NCCMT		NCCMT W/S		First Bank General Fund	First Bank W/S Fund	First Bank G/F CD	First Bank W/S CD	Total Investments
	General Fund	Powell Bill Fund	Fund	Fund					
July	2,977,100.80	-	442,984.11	1,000,000	1,500,000	1,500,000	422,852.14	1,499,203.05	7,842,140.10
August	3,061,773.21	-	443,131.02	1,000,000	1,500,000	1,500,000	422,852.14	1,499,203.05	7,926,959.42
September	3,212,180.70	127,001.88	1,343,448.44	1,000,000	-	-	422,852.14	1,499,203.05	7,604,686.21
October	3,302,685.30	127,003.07	1,343,640.78	1,000,000	-	-	422,852.14	1,499,203.05	7,695,384.34
November	3,388,463.45	127,004.11	1,343,813.12	1,000,000	-	-	422,852.14	1,499,203.05	7,781,335.87
December	3,544,409.42	127,005.15	1,443,824.99	1,000,000	-	-	422,852.14	1,499,203.05	8,037,294.75
January	3,630,213.45	127,005.15	1,443,837.17	1,000,000	-	-	422,852.14	1,499,203.05	8,123,110.96
February	3,722,524.64	127,007.18	1,443,848.14	1,000,000	-	-	422,852.14	1,499,203.05	8,215,435.15
March	3,887,517.97	127,008.24	1,347,142.38	1,000,000	-	-	422,852.14	1,499,203.05	8,283,723.78





Statement of Revenues & Expenditures (as of March 31, 2021)

General Fund				
	Budget	YTD	Variance	Percentage
Revenues:				
Ad Valorem Taxes	1,754,500	1,962,069.62	207,569.62	111.83%
Motor Vehicle Tax	218,500	206,612.47	(11,887.53)	94.56%
Local Option Sales Tax	850,805	790,505.56	(60,299.44)	92.91%
Other Taxes	319,830	216,904.42	(102,925.58)	67.82%
Restricted Intergovernmental	89,518	81,099.04	(8,418.96)	90.60%
Permits and Fees	475,399	467,102.14	(8,296.86)	98.25%
Recreation Department Fees	61,050	53,561.00	(7,489.00)	87.73%
Investment Earnings	14,000	6,097.93	(7,902.07)	43.56%
Other General Revenues	474,910	460,262.09	(14,647.91)	96.92%
Fund Balance Appropriated	706,920	-	(706,920.00)	0.00%
Total Revenues	4,965,432	4,244,214.27	(721,217.73)	85.48%
Expenditures:				
	Budget	YTD	Variance	Percentage
Administration	854,931.00	525,071.67	329,859.33	61.42%
Street & Sanitation	790,175.00	556,379.65	233,795.35	70.41%
Police	1,491,269.00	1,031,540.48	459,728.52	69.17%
Library	247,036.00	164,658.57	82,377.43	66.65%
Parks & Recreation	402,400.00	231,051.79	171,348.21	57.42%
Planning & Zoning	435,346.00	206,103.35	229,242.65	47.34%
Depot	25,096.00	15,468.08	9,627.92	61.64%
Debt Service Obligations:				
Interest	9,675.00	9,675.00	-	100.00%
Principle	83,334.00	83,333.33	0.67	100.00%
Inter-Fund Transfers	626,170.00	447,920.00	178,250.00	71.53%
Total Expenditures	4,965,432	3,271,201.92	1,694,230.08	65.88%
Revenues over Expenditures (Spread) ----->		973,012.35		



Statement of Revenues & Expenditures (as of March 31, 2021)

Powell Bill				
	Budget	YTD	Variance	Percentage
Revenues:				
State Aid-Street	138,644	138,643.20	(0.80)	100.00%
Investment Earnings	-	12.83	12.83	0.00%
Miscellaneous	96	95.90	(0.10)	99.90%
Fund Balance Appropriated	-	-	-	0.00%
Total Revenues	138,740	138,751.93	11.93	100.01%
Expenditures:				
Equipment Maintenance	6,000.00	3,157.67	2,842.33	52.63%
Fuel	1,000.00	-	1,000.00	0.00%
Materials	10,096.00	14,414.34	(4,318.34)	142.77%
Contracted Service	121,644.00	-	121,644.00	0.00%
Total Expenditures	138,740	17,572.01	121,167.99	12.67%
Revenues over Expenditures (Spread) ----->		121,179.92		

Statement of Revenues & Expenditures (as of March 31, 2021)

Water & Sewer Fund				
	Budget	YTD	Variance	Percentage
Revenues:				
Water Sales	1,381,649	1,103,050.35	(278,598.65)	79.84%
Sewer Sales	1,308,304	1,005,731.38	(302,572.62)	76.87%
Investment Earnings	35,400	14,050.58	(21,349.42)	39.69%
Late Fees/Reconnections	65,000	82,034.30	17,034.30	126.21%
Other Operating Revenues	1,948,568	885,932.90	(1,062,635.10)	45.47%
Transfer from W/S Capital Reserve	-	-	-	0.00%
Total Revenues	4,738,921	3,090,799.51	(1,648,121.49)	65.22%
Expenditures:				
Water Operations	1,749,379.00	1,250,076.01	499,302.99	71.46%
Sewer Operations	1,902,596.00	1,040,433.58	862,162.42	54.68%
Smith Drive Regional Pump Station	574,891.00	455,072.95	119,818.05	79.16%
Lagoon	87,838.00	32,654.73	55,183.27	37.18%
Debt Service				
Principal	240,231.00	47,113.86	193,117.14	19.61%
Interest	168,286.00	18,427.83	149,858.17	10.95%
Debt Service Reserve	15,700.00	-	15,700.00	0.00%
Total Expenditures	4,738,921	2,843,778.96	1,895,142.04	60.01%
Revenues over Expenditures (Spread) ----->		247,020.55		



Statement of Revenues & Expenditures (as of March 31, 2021)

HWY 210/Park Street Sidewalk Extension Project Fund

	Budget	YTD	Variance	Percentage
Revenues:				
Interest on Investments	-	15.11	15.11	0.00%
NC Department of Transportation	516,006	56,093.68	(459,912.32)	10.87%
Payment in Lieu of Sidewalk	-	20,000.00	20,000.00	0.00%
Transfer from General Fund	257,920	268,236.00	10,316.00	104.00%
Total Revenues	773,926	344,344.79	(429,581.21)	44.49%
Expenditures:	Budget	YTD	Variance	Percentage
Engineering	3,413.00	81,717.78	(78,304.78)	2394.31%
Construction	770,513.00	-	770,513.00	0.00%
Total Expenditures	773,926	81,717.78	692,208.22	10.56%
Revenues over Expenditures (Spread) ----->		262,627.01		

Statement of Revenues & Expenditures (as of March 31, 2021)

Angier Elementary Drainage Project Fund

	Budget	YTD	Variance	Percentage
Revenues:				
Transfer from General Fund	-	-	-	0.00%
Harnett County Board of Education	14,907	50,000.00	35,093.00	335.41%
Interest on Investments	-	283.54	283.54	0.00%
Total Revenues	14,907	50,283.54	35,376.54	337.31%
Expenditures:	Budget	YTD	Variance	Percentage
Construction	14,907.00	35,092.65	(20,185.65)	235.41%
Total Expenditures	14,907	35,092.65	(20,185.65)	235.41%
Revenues over Expenditures (Spread) ----->		15,190.89		

HUMAN RESOURCES



HR/PAYROLL MONTHLY REPORT

FOR THE MONTH OF:
MARCH 2021

- Processed payroll on 3/5/2021 \$6633.46, 3/12/2021 \$52684.16 and 3/26/2021 \$52,831.32
- Compiled & Submitted Monthly Retirement Report on 3/26/2021 \$24,076.17
- Remitted Federal & State payroll tax on 3/5/2021, 3/12/2021 and 2/26/2021
- Invoiced Harnett County SRO Contract for March 2021
- Sent out reminders for annual evaluations
- Worked with Tyler on Payroll configuration and tested
- Assisted with new Tyler Software configuration meetings weekly
- Hired new employee for Code Enforcement Officer position in the Planning Department. Start Date is March 29th.
- Attended ongoing Tyler Software training classes
- Attended Budget Retreat

LIBRARY

Library:	Angier
Month:	March
Year:	2021

VIRTUAL PROGRAMMING	
Live Virtual Programs	
# Unique or peak views of live stream <i>(Do not include on-demand views of previously live streamed programs)</i>	
# On Demand views <i>(Include on-demand views of originally live-streamed programs. If using Facebook, report 1 minute views.)</i>	
Recorded Programming (do not include programs originally live streamed)	
# Recorded Programs <i>(Do not include programs that were originally streamed live and then made available as recordings.)</i>	0
# Views of Recorded Programs <i>(Do not include programs that were originally streamed live and then made available as recordings.)</i>	0

[illegible]

***Reference Questions**-Reference questions are no longer categorized by general, technology, or job/career. Simply count all questions and record the total number above. You may choose to count every question during the month or provide a sampling count by counting 1 week and multiply by 4.

****Definitions:**

Early Literacy Program-any program for children birth to age 5 that involves activities that models and/or promotes pre-literacy skills such as vocabulary, print motivation, print awareness, narrative skills, letter knowledge and phonological awareness. Examples include but are not limited to activities such as reading aloud, storytelling, story related arts and crafts, music, nursery rhymes, readers' theatre, finger plays, flannel board stories and games, etc...

STEM/STEAM Program-any program or active play/discovery session in which the primary subject matter is related to science, technology, engineering, art and/or math. Examples include but are not limited to programs such as Lego club, arts/crafts, science experiments and demonstrations, computer coding, etc..

Adult Literacy Program-Library sponsored/supported programs or small group sessions in which the primary subject matter is related to adult literacy skills for ages 18 and up. Examples include but are not limited to programs or learning sessions for English as a second language learners, GED preparation, literacy coaching/tutoring, etc...



Town of Angier

www.angier.org

Robert K. Smith
Mayor

Gerry Vincent
Town Manager

Veronica Hardaway
Town Clerk

Library Report – April 2021

April was a busy month for patrons coming into the library to utilize computers and printing. We spent most of the month still assisting patrons from the main library, however on April 26th, they reopened their doors to the public. We do however continue to see most people utilizing our in-person services now for checking out items. We also did extend our open hours this month, and that has been well received and used by the public.

Our preschool story time wrapped up this month, and will pick back up during our summer reading program. We also had a great turnout for our monthly Lego club, with lots of new faces coming in. It was our busiest attendance to date. We also began the process of planning to work with the Parks and Rec. department on a new program starting at the library soon. We will be offering a “library of things” in which patrons can check out items that can be used at the park such as tennis equipment, baseball gloves/balls, basketballs, soccer balls, volley balls, and shuffleboard or horseshoe sets. This will give an opportunity for people to use the areas at the park without having to make an investment in equipment and will hopefully bring more people to both locations. The library was also able to purchase 2 iPads that will be used in the building as an option for our younger patrons to be able to access the online resources that we offer through the county, as well as education games. This is going to be a project we work with the main library on, to have the same offerings as their own iPads that are available for in-library use.

We were able to get some shelving from the old library in Lillington that is set up as our new “annex” shelving in the back. This shelving matches what we have in the library, as well as offers more shelves per unit. This will help us to keep the back as a browsable area for all of our patrons, as we have had to move a lot of books around due to lack of space. We were extremely thankful to the town employees who assisted us with this project.

Work has started with the grant project that we received, with the funds being sent out by April 30th. We are in the process of details for our community discussion and will continue to update the Board as we plan this event and utilize the funds we have received.

Katy Warren
Library Director

PARKS & RECREATION

MONTHLY REPORT
ANGIER PARKS & RECREATION
April 27, 2021

- THE CONSTRUCTION OF THE NEW PICNIC SHELTER ALONG WITH NEW EQUIPMENT BUILDING IS NOW COMPLETE AND THEY LOOK GREAT. THE OLD METAL BUILDING HAS BEEN TORN DOWN, CLEANED UP AND HAULED AWAY.
- NEW SCOREBOARD HAS BEEN INSTALLED AT FIELD 5 AND IS UP AND RUNNING. THE NEW SIGNAGE ON THE SCOREBOARDS WILL BE INSTALLED WITHIN THE NEXT COUPLE OF WEEKS. SPECIAL THANKS TO JOHN HEISTER AUTOMOTIVE GROUP FOR SPONSORING OUR 4 SCOREBOARDS AT JACK MARLEY PARK.
- (3) NEW SCORER'S BOOTHS AT FIELD 2, 3 & 5 ARE ALMOST COMPLETE AND THEY ARE WAITING ON THE METAL ROOFING TO COME IN TO FINISH UP. SPECIAL THANKS TO PAUL DAVIS RESTORATION COMPANY FOR DONATING THEIR TIME AND MATERIALS TO CONSTRUCT THE NEW BOOTHS. THEY LOOK GREAT.
- ALL 4 OF THE FIELDS HAVE BEEN EDGED AND SPRAYED OUT WITH HIGH PRESSURE WATER TO ELIMINATE DANGEROUS LIPS WHERE THE TURF MEETS THE DIRT.
- THE 2021 SPRING SPORTS SEASON GAMES BEGAN ON APRIL 20 AND WILL CONTINUE EVERY MONDAY, TUESDAY AND THURSDAY EVENINGS THROUGH EARLY JUNE. SOME SATURDAYS AS WELL. EVERYONE IS HAPPY TO GET BACK TO SOME TYPE OF NORMALCY AT JACK MARLEY PARK.

PLANNING & INSPECTIONS



Town of Angier
Planning & Inspections Department
919-331-6702



Robert K. Smith
Mayor

Gerry Vincent
Town Manager

Planning and Inspections Department
Monthly Report: April 2021

*All Data as of 4/28/21***

Permitting Totals – Month of April 2021:

Total Permits Issued: **60**

Building Inspections Performed: **236**

New Construction Permits Issued - Residential: **16**

New Construction Permits Issued - Commercial: **0**

Total Fees Collected: **\$42,812.75**

2020-2021 Fiscal Year Totals:

New Construction - Residential: **157**

New Construction - Commercial: **0**

Total Fees Collected: **\$201,939.50**

Fiscal Year Revenue Projection: **\$90,000**

Additional Revenue to Date: \$111,939.50



Town of Angier
Planning & Inspections Department
919-331-6702



Robert K. Smith
Mayor

Gerry Vincent
Town Manager

Subdivisions – Current Status:

Whetstone Phase II: Infrastructure Construction Underway

Bellewood: All Residential Phases Recorded, Home Construction Underway

Kathryn's Retreat: Phases 1-3 Recorded, Phase 4 Under Review

Coble Farms West: Construction Drawings Approved, Off-Site Utilities Pending

Honeycutt Oaks PUD: Construction Drawings Approved, Site Construction Underway

Glen Meadow Phase II: All Lots Recorded, Home Construction Underway

Lynn Ridge: Phase I Recorded, Home Construction Underway

Neill's Pointe: Site Construction Underway

Highland Ridge: Preliminary Plat Approved, Construction Drawings Under Review

Kennebec Crossing: Preliminary Approved, Construction Drawings Under Review

Spring Village PUD: Master Plan Approved, Construction Drawings Under Review

Tanglewood: Preliminary Plat Conditionally Approved

Cotswold PUD: Master Plan Approved, Special Use Permit Approved

Multifamily & Nonresidential Projects – Current Status:

Andrews Landing Townhomes (8316 S. Nc 55 Hwy): Townhome Construction Underway

Carolina Charter Academy – 16 Classroom Addition Underway

Code Enforcement Spreadsheet Attached

2021 Code Enforcement Report

All Active and Recently Closed Violation Files

File Number	Site Address	Property Owner	Nature of Violation	Date Opened	Date Closed	Current Status
18-107	102 N Dunn St	Barbara Bass-Jones	Minimum Housing Case	11/6/2018		Unit for Habitation, Vacated and Closed March 15, 2019. Property sold Sept. 2020 - New Owner repairing dwelling. 4/6/21- Requested updated engineer findings / contractor report
19-021	191 W Lillington St	Rhennell Chalmers	Minimum Housing Case	2/25/2019		Vacated and Closed June 10, 2019. Owner converted structure to uninhabitable storage building.
19-158	91 S Johnson St	Omar Arroyo Aparicio (new owner)	Minimum Housing Case	10/14/2019		Dwelling Boarded 4/9/20. New Owner pulled building permit to restore to liveable condition - 2/24/21
19-159	67 S Cross St	Terry McDougald	Minimum Housing Case	10/14/2019		Unit for Human Habitation. Dwelling Boarded 4/9/20. Ordinance to Demolish to be presented to the Board in May if no progress made.
20-3	123 E Depot St	Curtis Perry	Unscreened Dumpster	1/2/2020		Civil Penalties Continued Pending)
20-19	201 W Lillington St	Jennie Scriven	Minimum Housing Case	4/9/2020		Property sold June 2020. New property owner in progress of renovating dwelling for habitation. Requested contact 4/13/21
20-66	161 W Mciver St	Morris Coals	Unpermitted Work	7/31/2020		Stop Work Order Issued, Tenant Working to Obtain Permits
20-105	45 Fish Dr	Passport Door Systems, Inc.	Incomplete Dumpster Screening	11/12/2020		Violation Letter Sent contact with owner 4-5-21 30 days ext.
20-110	7639 NC 210 N	Lanco Custom Builders, LLC	Abandoned Dwelling	12/10/2020		Violation Letter Sent
20-111	355 E Smithfield St	Rodney Smith	Potential Junked Vehicle	12/10/2020		Violation Letter Sent

2021 Violation Files

21-001	94 S Cross St	Margaret Murchison	Minimum Housing Violations	1/15/2021		Inspection Completed, Min Housing Hearing 2/18/21, Order to Repair or Demolish - Deadline: 5/19/21
21-002	115 S Raleigh St	Torres Investments, LLC	Damaged Sign	1/15/2021		Violation Letter Sent, Owner Pulling Permits for site renovation and building expansion
21-005	234 W Depot St	Avery Moore	Alleged Min Housing Violations	1/21/2021		Notice of Hearing Sent, Min Housing Hearing 2/10/21, Order to Repair or Vacate and Close - Deadline: April 12th. Request to inspect repairs 4/26/21
21-006	102 N Dunn St	Barbara Bass-Jones	Stop Work Order	1/21/2021		Stop Work Order Sent, Owner to Obtain building permit for repairs
21-010	180 N Raleigh St	Sergio Cortes	Vacant Sign	2/8/2021		Violation Letter Sent, Deadline: April 5th
21-026	288 N Raleigh St	Barbara B Properties, LLC	Damaged Dumpster Screening	2/24/2021		Violation Letter Sent, Owner working to repair screening
21-028	140 S Cross St	Dorothy Carrington	Trunk & Travel trailer	2/25/2021	4/14/2021	Trailer removed; Trunk removal pending. Certified NOV 4-5-21, abatement pending
21-017	272 W Church St	Brian Brown	Junked Vehicle	3/2/2021		CLOSED Violation Letter Sent - Vehicle Tagged for Removal Owner compliance
21-031	70 Calabar Ct	Chas & Amy Schroeder	Fence - Encasement Encroachment	3/22/2021		Violation Letter Sent: 4/9/21 - civil citation issued, Fines paid
21-033	99 E Church St	Betty Gardner	Dilapidated Shed	3/10/2021	3/29/2021	CLOSED, Home and Shed Demolished 3-29-21
21-034	194 Montazel Ct	Robert Tingen & Lindsey Hinglgen	Fence - Encasement Encroachment	3/11/2021	3/22/2021	CLOSED, Fence Permit Issued, Fence to be Moved
21-035	340 W Church St	Glen Morrissey	Dilapidated Shed	3/25/2021	4/20/2021	CLOSED Violation Letter Sent STRUCTURE DEMO/REMOVAL COMPLETE
21-036	340 W Church St	Glen Morrissey	Potential Junked Vehicle	3/25/2021	4/1/2021	CLOSED - Notification Letter Sent
21-037	67 S Cross St	Tiffany McKay	Abandoned Vehicle	3/30/2021	4/5/2021	CLOSED - NOV letter issued - 4/7/21 (Posted on vehicle) Vehicle removed 4/5/21
21-038	955 Circle Drive	Daniel Lagunas	Accessory Structure (no permit)	3/31/2021	4/7/2021	CLOSED - NOV letter issued - 4/7/21 application submitted 4/7/21
21-039	417 N Dunn St	Shirinee Pensaud	Fence - no permit	3/31/2021	4/7/2021	CLOSED - NOV letter issued - 4/1/21 application submitted 4/7/21
21-040	619 N Dunn St	Kathy O'Brian	Fence - no permit	3/31/2021	4/7/2021	CLOSED - NOV letter issued - 4/1/21 application submitted 4/7/21
21-041	48 S Dunn St	Harry Amette	Discarded Debris/Grass	4/5/2021	4/6/2021	CLOSED - NOV letter issued - 4/1/21 application submitted 4/6/21
21-043	355 E Smithfield St	Henry Amette	High Grass	4/5/2021	4/21/2021	NOV letter issued - 4/5/21, 4/19/21 Re-inspect no work completed, 4/26/21 - abatement pending
21-044	249 Kay Ln	Rodney Smith	Discarded Debris	4/5/2021		CLOSED NOV letter issued - 4/5/21 4/19/21 Re-inspect work completed
21-045	449 E Smithfield St	Chelsea Vieira	Discarded Debris	4/5/2021		NOV letter issued - 4/6/21 Re-inspect no work citation issued 4/21/21 Contact made cleanup in process 4/27/2021
21-046	104 S Broad St	David Fries	Dilapidated Shed	4/6/2021		NOV letter issued - 4/7/21, re inspect no work, 4/27/21 Building demo scheduled for Friday by owner
21-047	104 S Broad St	Antonia Gonzalez	Junk Vehicle	4/6/2021	4/21/2021	CLOSED NOV letter issued - 4/7/21. Vehicle not junk, Registration and operational
21-048	81 Nicholas Ct	Karon Goff	Discarded Debris	4/6/2021	4/21/2021	CLOSED NOV letter issued - 4/7/21. All debris removed to include appliances
21-049	87 Nicholas Ct	Laura Contreras	Fence - no permit	4/7/2021	4/20/2021	CLOSED NOV letter issued - 4/8/21 APPLICATION SUBMITTED
21-050	80 Montazel Ct	Alexander/Natania Reyes	Fence - no permit	4/7/2021	4/20/2021	CLOSED NOV letter issued - 4/8/21 APPLICATION SUBMITTED
21-051	71 Calabar Ct	Justin/Gloria Simmons	Fence - no permit	4/7/2021	4/20/2021	CLOSED NOV letter issued - 4/8/21 APPLICATION SUBMITTED
21-052	176 W Church St	Raymon Houston	Fence - no permit	4/7/2021	4/16/2021	CLOSED NOV letter issued - 4/8/21 APPLICATION SUBMITTED
21-053	110 S Johnson St	Rudolph / Martha Brown	Trash / Debris	4/6/2021	4/28/2021	NOV letter issued - 4/8/21, work in progress
21-054	235 W Depot St	Jesus Perez	Discarded Furniture	4/6/2021	4/28/2021	CLOSED NOV letter issued - 4/12/21 furniture removed 4/28/21
21-055	241 W Williams St	Trent Wilson	Discarded Debris	4/7/2021	4/20/2021	CLOSED NOV letter issued - 4/8/21, Debris cleaned 4/20/21
21-056	264 W Williams St	Fernando Sanchez	Fence/Trash	4/7/2021		NOV letter issued - 4/13/21
21-057	252 E Lillington St	Best Buddies LLC	DEBRIS	4/7/2021	4/14/2021	CLOSED NOV letter issued - 4/14/21 Owner compliance
21-058	157 S Pleasant St	Corwin/Kelly Sharp	Vehicle - Off Street Parking	4/14/2021	4/14/2021	CLOSED NOV letter issued - 4/14/21, 30 day extension, vehicle pending DMV recreational status
21-059	202 W Church St	Lawrence Properties LLC	Grass / Debris	4/14/2021		NOV letter issued - 4/15/21
21-060	202 W Church St	Lawrence Properties LLC	Vehicle	4/14/2021		NOV letter issued - 4/15/21
21-061	521 W Church St	Ted / Sue Properties LLC	Debris - Trash	4/6/2021		NOV letter issued - 4/15/21
21-062	281 W Depot St	Guillermo Mateo Morales	Minimum Housing	4/19/2021		NOV letter issued - 4/15/21
21-063	91 S Johnson St	Omar Arroyo Aparicio (new owner)	Minimum Housing	4/13/2021		Request inspection letter Cert. / 1st class 4/19/21
21-064	201 W Lillington St	Hugo Aranda	Minimum Housing	4/13/2021		Request to inspect, Cert. mail confirmed 4/15/21, pending interior inspection 4/16/21
21-065	219 N Broad St	Gary Ash	Minimum Housing / Debris	4/20/2021		Request to remove Debris and update on Min. Housing progress 4/13/21
21-066	274 Alan Street	Holly Wright	Junk Vehicle	4/15/2021		NOV letter issued 4/20/21
21-067	331 W Lillington	David Knight	Grass / Debris	4/15/2021		NOV letter issued 4/21/21
21-068	341 W Williams St	David Dickstein	Grass / Debris	4/19/2021		NOV letter issued 4/22/21
21-069	256 W Williams St	Armando Uribe	Grass / Debris	4/15/2021	4/22/2021	CLOSED Plants removed
21-070	205 Lester St	Jamie Frost/Tina Zala	Structure no permit	4/23/2021		NOV letter issued 4/22/21 Served work stop in person/mailed NOV contact via phone 4/27/21

POLICE



Angier Police Department

P.O. Box 278, 55 North Broad Street West

Angier, North Carolina 27501

Office (919) 639-2699

Chief of Police

Arthur R. Yarbrough, Jr.

ayarbrough@angier.org

Date April 29, 2021
To Town Manager Gerry Vincent
From Arthur R. Yarbrough, Jr

Subject Matter: 2021 Police Activities
Statistical Data

The Police Department would like to thank the Town Manager, Mayor Smith and all Board Members for their approval of our new positions.

We would also like to thank Mayor Bob Smith and Commissioners Hawley, Coats, Hill and Price for a very productive Budget Retreat, and for their commitment to the Town of Angier, its employees and the fine citizens of Angier.

Officer Meder has returned to service after recovering from his traffic accident, we are glad and fortunate to have him back.

Officer Pollard has returned to service after recovering from his shoulder surgery, we are glad to have him back.

ABC Monthly Report is included in Board Packets

****Police activities for the month of March consisted of 2,578 calls for Service/Officer initiated activities (call logs). Officers investigated 25 (oca) incidents involving 23 offenses. Of the offenses committed 15 individuals were arrested on a total of 23 charges. 4 arrests were made due to outstanding warrants. Officers also directed traffic on 17 occasions at Carolina Charter Academy. Officers conducted 68 traffic stops, 16 citations were issued totaling 22 charges. 52 warnings were given.**

****The police department will vigorously be monitoring speed and subdivision checks this month. Sign radars will be back in service shortly, Waiting on new batteries.**

Thank you,

Call Log Call Type Summary

Angier Police Department

03/30/2021 - 04/28/2021

<No Call Type Specified>	2	911 Hang Up - 911 Hang Up	12
Alarm Activation - Alarm Activation	11	Animal Complaint - Animal Complaint	1
Assist EMS - Assist EMS	1	Assist Motorist - Assist Motorist	11
Assist Other Agency - Assist Other Agency - Law Enforcement	2	Breaking and Entering - Breaking and Entering	4
Business Walk Thru - Business Walk Thru	91	Careless and Reckless Vehicle - Careless and Reckless Vehicle	2
Citizen Complaint - Citizen Complaint	1	Community Policing - Community Policing	1
Crash - Traffic Accident	20	Direct Traffic - Direct Traffic	17
Disturbance - Disturbance	12	Domestic Dispute - Domestic Dispute	12
Escort - Escort	17	Follow Up - Follow Up	3
Found Property - Found Property	2	Fraud - Fraud	5
Harrassing Phone Calls - Harrassing Phone Calls	1	Juvenile Complaint - Juvenile Complaint	1
Larceny - Larceny	5	Larceny By Employee - Larceny By Employee	1
Lost Property - Lost Property	1	Mental Subject - Mental Subject	2
Missing Person - Missing Person	3	Noise Complaint - Noise Complaint	3
OD - Drug/Alcohol Overdose	1	Property Damage - Property Damage	5
Runaway Juvenile - Runaway Juvenile	1	Security Check - Security Check	1,235
Sexual Assault - Sexual Assault	1	Stand-By - Stand-By	3
Subdivision Check - Subdivision Check	969	Suspicious Activity - Suspicious Activity	9
Suspicious Person - Suspicious Person	6	Suspicious Vehicle - Suspicious Vehicle	6
Traffic Checkpoint - Traffic Checkpoint	1	Traffic Stop - Traffic Stop	68
Trespassing - Trespassing	4	TWO - Talk With Officer	6
Warrant Service - Warrant Service	12	Welfare Check - Welfare Check	7

Total Number Of Calls: 2,578

State of North Carolina
Alcoholic Beverage Control Commission
ABC Law Enforcement Monthly Report
GS 18B-501(f1)



Board:

Angier Town

Reporting Month / Year:

Apr-21

Regulatory Activity and Training	
Violations Reports Submitted to ABC Commission	0
Total Number of Offenses Contained in Reports	0
Sell to Underage Campaign Checks	0
Permittee Inspections	0
Compliance Checks	0
Seller / Server Training	0
Alcohol Education	0

ABC Law Violations	At Permitted Establishment	Away From Permitted Establishment
Sell / Give to Underage		0
Attempt to Purchase / Purchase by Underage		0
Underage Possession		0
Unauthorized Possession		0
Sell / Give to Intoxicated		0
All Other Alcohol Related Charges		0
Total:		0

Controlled Substance Violations	At Permitted Establishment	Away From Permitted Establishment
Felony Drug Related Charges		3
Misdemeanor Drug Related Charges		6
Total:		9

Other Offenses	At Permitted Establishment	Away From Permitted Establishment
Driving While Impaired		0
All Other Criminal Charges		36
Total:		36

TOTAL CRIMINAL CHARGES:	45
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Agencies Assisted	
Assistance Provided to Other Agencies	0

Remarks

Reporting Officer / Title:
A.Yarbrough / Chief

Report Date:
4/28/2021