



## Town of Angier

[www.angier.org](http://www.angier.org)

Robert K. Smith  
Mayor

Gerry Vincent  
Town Manager

Veronica Hardaway  
Town Clerk

### BOARD OF COMMISSIONERS WORKSHOP

April 20, 2021

6:30pm

**Pledge of Allegiance**

**Invocation**

**Approval of Agenda**

#### **Business Items:**

1. Budget Work Schedule FY2021-22
2. Summary of House Bills 401 & 456
3. Advisory Board Bylaws and Meeting Date Changes
4. Ordinance to Demolish House at 67. S. Cross Street
5. American Rescue Plan Act-Use of Funds
6. Future Park Site
7. Misc. Information

## BUSINESS ITEM #1



## Town of Angier

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### **BUDGET WORK SCHEDULE FY 2021-22**

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

## BUSINESS ITEM #2

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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

H

D

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Lodging provided by hotels, motels, tourist camps, and other places subject to regulation under Chapter 72 of the General Statutes.
- (2) Rentals to persons temporarily renting a dwelling unit when traveling away from their primary residence for business or employment purposes.
- (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 (e)~~ 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

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

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

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

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

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

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

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

27 **SECTION 2.3.** G.S. 160D-703 reads as rewritten:  
28 **"§ 160D-703. Zoning districts.**

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

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

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

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

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

44 (5) Districts allowed by charter.

45 (b) Conditional Districts. – Property may be placed in a conditional district only in  
46 response to a petition by all owners of the property to be included. Specific conditions may be  
47 proposed by the petitioner or the local government or its agencies, but only those conditions  
48 approved by the local government and consented to by the petitioner in writing may be  
49 incorporated into the zoning regulations. Unless consented to by the petitioner in writing, in the  
50 exercise of the authority granted by this section, a local government may not require, enforce, or  
51 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~~ 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.~~

(ll) 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:

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

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

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

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

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

19  
20 **PART I. EXTRATERRITORIAL PLANNING JURISDICTION PROHIBITED**

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

22 **"§ 160D-201. Planning and development regulation jurisdiction.**

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

26 ...."

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

28 **"§ 160D-202. Municipal extraterritorial Transfer or relinquishment of jurisdiction.**

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



\* D R H 1 0 1 1 2 - L M - 2 6 A \*

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.

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

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

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

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

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

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

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

38       **"§ 160D-602. Notice of hearing on proposed zoning map amendments.**

39       (a) Mailed Notice. – Subject to the limitations of this Chapter, an ordinance shall provide  
40       for the manner in which zoning regulations and the boundaries of zoning districts are to be  
41       determined, established, and enforced, and from time to time amended, supplemented, or  
42       changed, in accordance with the provisions of this Chapter. The owners of affected parcels of  
43       land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of  
44       the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed  
45       for such owners on the county tax abstracts. For the purpose of this section, properties are  
46       "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must  
47       be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. ~~If~~  
48       ~~the zoning map amendment is being proposed in conjunction with an expansion of municipal~~  
49       ~~extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single~~  
50       ~~hearing on the zoning map amendment and the boundary amendment may be held. In this~~  
51       ~~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

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

**SECTION 11.** Upon 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 the General Statutes, or its successor Chapter 160D of the General Statutes:

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

## **PART II. CONFORMING CHANGES**

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

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

...

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

...."

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

**"§ 122C-3. Definitions.**

The following definitions apply in this Chapter:

...

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

...."

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

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

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

## BUSINESS ITEM #3



## Board of Commissioners Agenda Report

55 N Broad Street W.  
PO Box 278  
Angier, NC 27501  
[www.angier.org](http://www.angier.org)

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<b>MEETING DATE:</b>	April 20, 2021
<b>PREPARED BY:</b>	Sean Johnson
<b>ISSUE</b>	Downtown Advisory Board – Redefining Name & Bylaws
<b>CONSIDERED:</b>	
<b>DEPARTMENT:</b>	Planning & Inspections

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### SUMMARY OF ISSUE:

Staff is proposing the renaming of the Downtown Advisory Board to the Community Development Advisory Board.

Attached are the proposed changes to the Advisory Board Bylaws for discussion. These changes are designed to widen the focus of the Board behind the downtown area to support all businesses and economic development initiatives in Angier.

**FINANCIAL IMPACT:** N/A

**RECOMMENDATION:** Staff recommends approval of the proposed Bylaws.

**REQUESTED MOTION:** I move to approve the Community Development Advisory Board Bylaws.

**REVIEWED BY TOWN MANAGER:**

**Attachments:**

Proposed Bylaws

**TOWN OF ANGIER**  
**~~DOWNTOWN~~ COMMUNITY DEVELOPMENT ADVISORY BOARD**

**RULES OF PROCEDURE**

**Article I. Name**

The name of this organization is the Town of Angier ~~Downtown~~ Community Development Advisory Board, hereinafter referred to as the "Board".

**Article II. Purpose and Powers**

The general purpose of the Board is to serve as an advisory board to the Town Board of Commissioners, subject to such limitations as may be imposed by State Law or by the Codes and Ordinances of the Town.

The Board shall be embodied for the following purposes:

Advise, deliberate and make recommendations to the Town Board to help facilitate the implementation of the Comprehensive Plan as it relates to ~~downtown~~ community development activities; Serve to support economic development efforts, and the marketing and promotion of ~~downtown~~ the Town; Identify appropriate uses for the downtown and other areas within Angier's planning jurisdiction, and identify developers and investors for ~~downtown~~ development; Recommend to the Town Board ideas and policies for the continued development and sustainability of the downtown and other commercial areas; Develop financial tools for ~~downtown~~ development; Promote and facilitate the improvement of ~~downtown~~ existing infrastructure, including parks, parking, transportation, utilities, sidewalks, and streetscape; Promote and facilitate a program to assist in business retention in the downtown and other commercial areas; Promote and facilitate a marketing program to increase sales, visitors, and awareness of ~~downtown~~ local businesses; Provide the Town Board with representative community participation in preparing and implementing plans and reports concerning business development of ~~downtown~~; Promote and facilitate, ~~and act as liaison to catalytic developments significantly affecting the downtown area. Promote and support~~ downtown Angier as a special event location.

**Article III. General Rules**

The Board shall be governed by the Ordinances of the Town of Angier, the Laws of the State of North Carolina and these rules of procedure. The Chair may from time to time refer to rules set forth in the current edition of *Robert's Rules of Order Newly Revised* to assist in the running of orderly meetings.

**Article IV. Jurisdiction**

The Board's jurisdiction shall apply to the Town of Angier ~~Central Business District~~ planning jurisdiction. This ~~district~~ jurisdiction is shown on the official Zoning Map of the Town of Angier. ~~and is formed by the boundaries of the intersection of Hwy. 55 and Hwy. 210, the intersection of~~

~~S. Broad and Church St., the intersection of Hwy. 210 and N. Willow, and the intersection of N. Broad and Smithfield. The Committee may also discuss and be consulted on matters outside of the Central Business District, provided the subject is related to the core mission of supporting a healthy and vibrant downtown.~~

## **Article V. Organization**

**Section 1. Membership.** The Board shall consist of nine members. All members shall be entitled to equal rights, privileges and duties with other members of the Board.

**Section 2. Officers.** At its January meeting each year, the Board shall elect a chair and vice-chair for the coming year. The chair and vice chair shall hold office for one calendar year and shall be eligible for reelection. The chair shall preside over all meetings of the Board. The vice-chair shall assist the chair and shall serve as acting chair in the absence of the chair. If the chair is vacated, the vice-chair shall become the chair for the remainder of the vacated term. Removal of a Chairman or Vice Chairman must be done by a majority vote of the remaining board members after board discussion of the reasons for removal. The Town Board of Commissioners also has the ability to remove any Board member at their discretion.

**Section 3. Member Terms.** All members shall serve a two year term beginning January 1st. Each member can serve a maximum of three consecutive terms followed by a one term absence before reapplying for appointment.

**Section 4. Attendance at Meetings.** Any member who misses more than three consecutive meetings or more than one half of the regular meetings actually held in a calendar year shall by that fact cease to be a Board member, unless for reasons beyond their control, as determined by majority vote of the board. A vacancy created under this Section 3 shall be treated as any other vacancy for purposes of filling the vacated seat.

**Section 5. Conflict of Interest.** No Board member shall take part in the hearing, consideration, or deliberation of any case or matter before the Board in which the Board member, or any member of the Board member's family, either directly or indirectly, is a party or has any financial interest.

## **VI. Meetings**

**Section 1. Regular Meetings.** The Board shall hold a regular meeting on the fourth Monday of each month or at such other time as ~~it may find convenient.~~ approved by the Angier Board of Commissioners.

**Section 2. Special Meetings.** The chair may call special meetings. A majority of the Board may in writing demand its members call a meeting. Written notice of a special meeting shall be provided to all members at least one week in advance of the meeting.

**Section 3. Cancellation of Meetings.** Whenever there is no business for the Board the chair may cancel a meeting, by giving notice to all members not less than twenty-four hours before the time



set for the meeting. In the event of severe weather or other sufficient cause the chair may cancel a meeting by giving reasonable notice to all members before the time set for the meeting. In the case of a meeting called by a majority of the Board the chair may cancel the meeting only upon the concurrence of a majority of the Board.

**Section 4. Quorum.** A majority of members (5) shall constitute a quorum for the conduct of business of the Board. For purposes of expedience, some board votes may be done through email and or phone.

**Section 5. Conduct of Meetings.** All meetings shall be noticed and open to the public as provided by law. Any person who may be substantially affected by final action in any matter that comes before the Board may appear in person or by agent or attorney to ask questions, when recognized by the Chair. Any person who comes before the board may, at the discretion of the Chair, provide comments regarding the issue at hand only. These comment sessions will have a time limit of three minutes. The Chair may impose reasonable restraints on presentations. Any person who wishes to present more information may do so, in writing only, to the board or to the Downtown Manager.

**Section 6. Voting** may be carried out during meetings or through votes cast by email or written documents. Except as may be otherwise required by these rules or other prevailing law, any motion to be carried must have the vote of the majority (5) of the members. A written record of the vote count will be kept in the records. The chair shall be eligible to vote as any other member.

**Section 7. Electronic notice.** Notice to a member conforms to a requirement of these rules to be in writing if sent by electronic mail to an electronic address provided by the member and not returned to the sender with an error message.

## **Article VII. Amendments**

These rules may be amended ~~at any meeting at which the amendment is first presented upon an affirmative vote of not fewer than five members of the Committee. All proposed changes will be on the meeting agenda which will be sent to board members in advance.~~ Only by approval of the Town Board of Commissioners.

Adopted as amended by the Angier Board of Commissioners on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor, Town of Angier

\_\_\_\_\_  
Town Clerk, Town of Angier

## BUSINESS ITEM #4



## Board of Commissioners Agenda Report

55 N Broad Street W.  
PO Box 278  
Angier, NC 27501  
[www.angier.org](http://www.angier.org)

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**MEETING DATE:** April 20, 2021  
**PREPARED BY:** Sean Johnson  
**ISSUE** Ordinance to Demolish Deteriorated Dwelling  
**CONSIDERED:**  
**DEPARTMENT:** Planning & Inspections

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### 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

**Town of Angier  
55 N. Broad St.  
Angier, NC 27501  
Versus**

**File No. 19-159**

**Terry Ann McDougald  
67 South Cross Street  
Angier, NC 27501**

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

**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 160-A-443(5) pursuant to an order by the Housing Inspector on December 20, 2019 and the owner has failed to comply with the order;

**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 owner of such building(s), dwelling(s) and premises is hereby ordered to remove or demolish and vacate any occupants and/or personal property therein on or before July 20, 2021.

Section 2. 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 160A-443;

Section 3. 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 4. It shall be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 5. This Ordinance shall become effective upon adoption.

ADOPTED this 20st day of April, 2021.

---

Mayor

---

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

P.O. Box 278  
Angier, NC 27501  
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 \$63,520.00 on the property in question. Based on the violations cited, it appears that the cost of corrective actions would be less than 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 if the owner does not do so within 90 days of Ordinance adoption.

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

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



Robert K. Smith  
Mayor

Gerry Vincent  
Town Manager







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## BUSINESS ITEM #5

## WHAT IT MEANS FOR STATES

# The American Rescue Plan Act Provisions

The latest COVID-19 relief package provides \$1.9 trillion in mandatory funding, program changes and tax policies aimed at mitigating the continuing effects of the pandemic.

The American Rescue Plan builds upon previously enacted aid measures in 2020:

- The year-end spending and aid package.
- The Coronavirus Aid, Relief, and Economic Security (CARES) Act.
- The Families First Coronavirus Response Act (FFCRA).

Please see below for a summary of provisions of interest.

## State and Local Aid

- Provides \$350 billion to help states, counties, cities and tribal governments cover increased expenditures, replenish lost revenue and mitigate economic harm from the COVID-19 pandemic.
- **State and local government recipients could use the funds to cover costs incurred by Dec. 31, 2024. The funds would be distributed in two tranches, with 50% delivered no later than 60 days from the date of enactment, and the remainder delivered no earlier than one year later. States would have to distribute funds to smaller towns within 30 days of receiving a payment from the department. States that miss the deadline would have to pay back any undistributed funds. A town cannot receive more than 75% of its budget as of Jan. 27, 2020. The Treasury Department could also withhold up to half of a state or territory's allocation for as long as 12 months based on its unemployment rate and require an updated certification of its funding needs.**
- **Provides \$195.3 billion to states and the District of Columbia:**
  - \$25.5 billion would be equally divided to provide each state a minimum of \$500 million.
  - \$169 billion would be allocated based on the states' share of unemployed workers over a three-month period, from October-December 2020.
- **Provides \$130.2 billion to Local Governments:**
  - \$65.1 billion for counties.
  - \$45.6 billion for metropolitan cities.
  - \$19.5 billion for towns with fewer than 50,000 people.
- Provides \$4.5 billion to U.S. territories.
- Provides \$20 billion to tribal governments.
- Provides \$10 billion for a Coronavirus Capital Projects Fund to carry out projects to support work, education and health monitoring during COVID-19.



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- **Use of funds:**
  - Respond to the COVID-19 emergency and address its economic effects, including through aid to households, small businesses, nonprofits, and industries such as tourism and hospitality.
  - Provide premium pay to essential employees or grants to their employers. Premium pay couldn't exceed \$13 per hour or \$25,000 per worker.
  - Provide government services affected by a revenue reduction resulting from COVID-19.
  - Make investments in water, sewer and broadband infrastructure.
- State and local governments cannot use the funds towards pensions or to offset revenue resulting from a tax cut enacted since March 3, 2021.
- State and local governments could transfer funds to private nonprofit groups, public benefit corporations involved in passenger or cargo transportation, and special-purpose units of state or local governments.

## Direct Payments to Citizens

- Provides another round of direct payments of \$1,400 for individuals, \$2,800 for joint filers, and \$1,400 for each qualifying dependent.
- Dependents would include full-time students younger than 24 and adult dependents.
- The payments would begin to phase out for individuals with an adjusted gross income (AGI) of \$75,000 (\$150,000 for couples) and would be zero for AGIs of \$80,000 (\$160,000 for couples) or more. Heads of households will receive the full amount if they earned up to \$112,500, and it will phase out completely at \$120,000.
- Payments would be based on 2019 or 2020 tax returns. The Treasury Department could provide payments to individuals who have not filed based on return information available to the department.

## Tax Provisions

- **Earned Income Tax Credit:** Raises the maximum Earned Income Tax Credit (EITC) for adults without children from \$543 to \$1,502. It would also lower the age eligibility for the childless EITC from 25 to 19 and eliminate the upper age limit, which currently bars the credit for childless people age 65 and older. Other changes include eliminating a rule that bars individuals who have children without Social Security numbers from claiming the childless EITC and allowing individuals who are separated from their spouses to claim the EITC on a separate return if they live with their child for more than half of the year.
- **Child Tax Credit:** Increases the Child Tax Credit maximum amount to \$3,000 per child and \$3,600 for children under age 6. It would also extend the credit to 17-year-olds. The increase in the maximum amount would begin to phase out at \$150,000 in income for married couples, \$112,500 for heads of households and \$75,000 for other parents. Other changes to the Child Tax Credit include making it fully refundable, meaning the entire credit could be provided as a refund if it exceeds an individual's income tax liability, instead of partially refundable under current law.
- **Dependent Care:** Temporarily increases the value of the child and dependent care tax credit, which currently covers 35% of care expenses up to \$3,000 for one dependent or \$6,000 for two or more dependents. The measure would make the credit refundable, increases the maximum allowable expenses to \$8,000 for one dependent and \$16,000 for two or more, and allows the credit to cover 50% of expenses.



- **Employee Retention Credit:** Extends the employee retention credit established by the CARES Act through Dec. 31, 2021. The measure also would expand eligibility for the credit to new startups that were established after Feb. 15, 2020, and companies if their revenue declined by 90% compared to the same calendar quarter of the previous year. The credit would be capped at \$50,000 per calendar quarter for startups.
- **Paid Leave Credits:** Extends tax credits for employer-provided paid sick and family leave established under the Families First Coronavirus Response Act through Sept. 30, 2021. The measure would also increase the wages covered by the paid family leave credit to \$12,000 per worker, from \$10,000; cover as many as 60 days of paid family leave for self-employed individuals, instead of 50; and bar employers from receiving credits if their paid leave favors highly compensated employees, full-time workers, or employees based on tenure.
- Makes state and local governments eligible for the FFCRA paid leave reimbursable tax credit.
- Due to budget reconciliation rules the reimbursable tax credit will not be retroactive (for state and local governments) prior to FFCRA becoming law, and the effective date begins after March 31, 2021.

## Expanded Unemployment Benefits

- Extends the Pandemic Unemployment Assistance program through Sep. 6, 2021, while increasing the total number of weeks of benefits available to individuals who are not able to return to work from 50 to 79 weeks and provides guidance to states on coordinating with other unemployment benefits when needed.
- Extends the CARES Act provisions that provided a 75% subsidy for costs incurred by employers who provide unemployment benefits on a reimbursable basis rather than via tax contributions through Sep. 6, 2021.
- Extends the Federal Pandemic Unemployment Compensation (FPUC) through Sep. 6, 2021, while maintaining the FPUC benefit amount of \$300.
- Exempts the first \$10,200 in 2020 unemployment benefits from federal income tax for households with incomes below \$150,000 per year.
- Restores full reimbursement for state costs related to waiving the waiting week beginning Dec. 31, 2020, and continues it through Sep. 6, 2021.
- Extends temporary exceptions to state unemployment insurance staffing restrictions from the CARES Act through Sep. 6, 2021.
- Increases the number of weeks of benefits an individual worker may receive in the Pandemic Emergency Unemployment Compensation (PEUC) program from 24 to 53 and extends the length of time in which workers can receive PEUC benefits if they exhaust regular state unemployment insurance benefits to last until Sep. 6, 2021.
- Extends full federal financing of benefits provided in the Short-Time Compensation program for states that have laws establishing such programs through Sep. 6, 2021.
- Ensures the earliest date on which states would begin accumulating interest of federal loans they have taken out to pay state unemployment benefits would be Sep. 6, 2021.
- Extends the FFCRA provisions that provided temporary full federal financing of extended benefits (EB) through Sep. 6, 2021. States are traditionally required to pay 50% of the cost of the EB.
- Appropriates \$2 billion to the Department of Labor specifically to support program integrity and timely and equitable access to benefits. The secretary of Labor would be authorized to use the funds directly to develop system-wide program integrity solutions and address access barriers or processing backlogs, distribute funds to state and territorial unemployment insurance programs for these purposes, or make transfers to the Office of the Inspector General or the Department of Justice, or other agencies to support unemployment fraud investigations or prosecutions.

## Small Business Provisions

- Provides \$7.25 billion for the Paycheck Protection Program (PPP) forgivable loans.
  - With about half of the \$284 billion in current funding available, the American Rescue Plan Act appropriates just \$7.25 billion in additional funding and does not extend the PPP's current application period, which is scheduled to close March 31.
  - Makes more not-for-profits eligible for the PPP by creating a new category called "additional covered nonprofit entity," which are those not-for-profits listed in Sec. 501(c) of the Internal Revenue Code other than 501(c)(3), 501(c)(4), 501(c)(6), or 501(c)(19) organizations, that can receive an initial PPP loan, provided that:
    - The organization does not receive more than 15% of receipts from lobbying activities.
    - The lobbying activities do not comprise more than 15% of activities.
    - The cost of lobbying activities of the organization did not exceed \$1 million during the most recent tax year that ended prior to Feb. 15, 2020.
    - The organization employs not more than 300 employees.
  - Also made eligible for the PPP are some larger not-for-profits.
    - Larger 501(c)(3) organizations and veterans' organizations that employ not more than 500 employees per physical location.
    - Larger 501(c)(6) organizations, domestic marketing organizations, and additional covered not-for-profit entities that employ not more than 300 employees per physical location.
- \$15 billion for targeted Economic Injury Disaster Loan (EIDL) advance payments.
  - Provides funds to businesses located in low-income communities that have no more than 300 employees and that have suffered an economic loss of more than 30%, as determined by the amount that the entity's gross receipts declined during an eight-week period, between March 2, 2020 and Dec. 31, 2021, relative to a comparable eight-week period immediately preceding March 2, 2020.
  - Funds from Targeted EIDL Advances shall not be included in the gross income of the person who receives the grant and that no tax deductions will be denied, no tax attribute reduced, and no basis increase denied due to the exclusion of the grant funds from gross income.
- \$25 billion for restaurants, bars, and other eligible providers of food and drink.
  - Allows for grants equal to the pandemic-related revenue loss of the eligible entity, up to \$10 million per entity, or \$5 million per physical location. The grants are calculated by subtracting 2020 revenue from 2019 revenue. Entities are limited to 20 locations.
- \$1.25 billion for shuttered venue operators.
- \$175 million to create a "community navigator" pilot program to increase awareness of and participation in COVID-19 relief programs for business owners currently lacking access, with priority for businesses owned by socially and economically disadvantaged individuals, women, and veterans.

# Health and Human Services Provisions

## HEALTH FUNDING

- The bill provides:
- \$8.5 billion to the Centers for Disease Control and Prevention (CDC) for vaccine activities.
- \$47.8 billion for testing and tracing activities for COVID-19.
- \$8.5 billion for vaccine activities at the CDC, including a supplemental funding opportunity for state, locality and territory vaccine distribution grants from the December COVID relief package based on entities receiving the higher of the two distribution formulas as well as clarifies use of standards for data and data sharing.
- \$7.66 billion for state, local and territorial public health departments to establish, expand and sustain their public health workforce.
- \$7.6 billion for community health centers.
- \$3 billion for block grant programs under the Substance Abuse and Mental Health Services Administration.
- \$6.09 billion to the Indian Health Service.
- \$800 million for the health workforce.
- \$200 million to support COVID-19 infection control in skilled nursing facilities and \$250 million for “strike teams” to assist skilled nursing facilities, funding will be provided until one year after the end of the public health emergency. Clarifies that secretary of Health and Human Services (HHS) must require Quality Improvement Organizations to provide support to skilled nursing facilities and add vaccination uptake support as a part of required activities.
- In total, \$92.2 billion allocated for various activities aimed at improving public health and responding to COVID-19.

## HUMAN SERVICES FUNDING

The bill provides:

- \$39 billion for child care through:
  - \$15 billion for the Child Care and Development Block Grant (CCDBG) and
  - \$24 billion for newly created child care stabilization grants.
- \$1 billion for Head Start programs.
- \$150 million in additional funds for the Maternal, Infant, and Early Childhood Home Visiting program.
- \$1 billion for the Pandemic Emergency Fund, which provides one-time benefits such as cash and vouchers to eligible families with low incomes.
- \$1.5 billion for Community Mental Health Services Block grant for 2021.
- \$1.5 billion for Prevention and Treatment of Substance Abuse Block grants for 2021.
- \$420 million for grants to Certified Community Behavioral Health Clinics.
- \$450 million for programs under the Family Violence Prevention and Services Act, including \$198 million for grants to support survivors of sexual assault.
- \$250 million for programs under the Child Abuse Prevention and Treatment Act.



- Permanently increases the total funding for the Child Care Entitlement to States from \$2.9 billion to \$3.05 billion per year (an increase of \$130 million) and temporarily waived state matching funds for 2021 and 2022.

### **ADDITIONAL HHS PROGRAMS FUNDING**

The bill provides:

- \$1.434 billion for programs under the Older Americans Act, including \$750 million for nutrition programs for 2021.
- \$4.5 billion for the Low-Income Home Energy Assistance Program.
- \$50 million for the Title X Family Planning program.

## **Medicaid/Medicare Policy Funding**

- Requires state Medicaid and Children's Health Insurance Program (CHIP) to cover vaccines and COVID treatment without any cost sharing and extends the period of this policy by a year for one year after the end of the Public Health emergency. Would increase federal FMAP to 100 percent for vaccine costs during this period.
- States that extended a Medicaid option to provide testing and treatment to uninsured people must also do so without cost sharing.
- Outpatient drugs used for COVID-19 treatment will be included in the Medicaid Drug Rebate program.
- Provides a five-year state plan option of health coverage for women enrolled in Medicaid for 12 months after the birth of a child, instead of the previous 60 days.
- Establishes a minimum wage index for hospitals in all-urban states for Medicare hospital payments starting Oct. 1, 2021.
- Allows CMS to waive a Medicare requirement that a ground ambulance service include the transportation to a hospital to receive Medicare payments, if they didn't transport the beneficiary due to COVID-19 related protocols.
- Creates an \$8.5 billion fund for rural providers.

### **MEDICAID FMAP FUNDING**

- Provides a temporary (two year) 5 percentage point increase in the Medicaid FMAP to states that enact the Affordable Care Act's (ACA) Medicaid expansion and covers the newly eligible adult population per requirements of the ACA.
- Provides a 100 % FMAP for services to Medicaid enrollees, who access care in the Urban Indian Health Programs or the Native Hawaiian Health Care System for two years.
- Provides an 85% FMAP for the first three years that a state covers mobile crisis intervention services for mental health or substance use disorders, expiring after five years.
- Increases the federal FMAP by 10 percentage points for state expenditures on home and community-based services (HCBS) for four fiscal quarters.
- Eliminates the cap on the rebate amount manufacturers are required to pay Medicaid on covered drugs, starting in 2024. Currently, the cap is limited to 100% of the average manufacture price. Once this cap is reached prescription drug manufacturers can raise their prices without increasing the net rebates that have to be paid.

- Modifies Medicaid allotments for disproportionate share hospitals (DSH) to account for the 6.2 percentage point increase to states' FMAP. The HHS would have to ensure that the total DSH payments that a state may make in a fiscal year is equal to the total payments it could have made without the FMAP increase during the pandemic.

## HEALTH INSURANCE FUNDING AND POLICY PROVISIONS

- Subsidizes 100% of premiums for individuals eligible for the *Consolidated Omnibus Budget Reconciliation Act* continuation coverage if they lose their job through September 30, 2021. The individual won't have to pay any premiums, and the employer or health insurance plan could claim a refundable tax credit against its Medicare payroll tax liability for the cost of the premiums.
- If someone becomes eligible for coverage under another group health plan or Medicare, a \$250 penalty could be imposed if individuals who do not notify the plan when they are no longer eligible or as much as 110% of the premium assistance due after they are no longer eligible for a fraudulent failure to notify.
- Provides \$20 million to the HHS for grants to eligible states to modernize the health insurance marketplaces established under the ACA with funding limited to two years.
- Would expand the ACA's premium tax credits for health insurance purchased through an exchange.
- Provides refundable credits for households with income that is 100% to 400% of the federal poverty level (FPL), capping health insurance premium costs based on a percentage of income and the credit would cover any amount above that cap up to the cost of a "benchmark" insurance plan.
- For 2021 and 2022, eliminates insurance premiums for individuals at 150% of FPL or less and reduces insurance premiums for all other households. Also makes households above 400% of the FPL eligible for a premium cap of 8.5% of income. Premium caps currently range from around 2% to 9.8% and are adjusted annually for inflation.
- Taxpayers receiving unemployment compensation in 2021, to qualify for reduced cost-sharing under the ACA, would require insurers to reduce out-of-pocket costs, for enrollees whose income is between 100% and 400% of the FPL and who enroll in a silver plan through the law's exchanges. Disregards income exceeding 133% of the FPL for purposes of determining the cost-sharing reduction amounts.

## Nutrition Provisions

- Extends a 15% increase to monthly benefits under the Supplemental Nutrition Assistance Program (SNAP) through Sept. 30; currently scheduled to lapse on June 30.
- Provides \$1.15 billion to states for SNAP administration, as well as \$1 billion for grants for nutrition assistance programs in U.S. territories.
- Provides \$490 million to the USDA to increase the amount of the cash-value voucher provided under the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) to up to \$35 during the pandemic.
  - Participating states can apply the increase for as long as four months after opting in, but not after it expires on Sept. 30.
  - Allocates \$390 million to increase participation in WIC through outreach and program modernization.
- Directs the USDA to reimburse emergency shelters under the National School Lunch Program for meals provided to individuals younger than 25 who receive services there.

- Extends the Pandemic Electronic Benefit Transfer program through any school year or summer period following a designated public health emergency. The program, which provides food aid to families during school closures, had initially been limited to fiscal years 2020 and 2021 and to school year 2020-2021, and now includes select American territories.

## Homeland Security Provisions

- Appropriates \$50 billion to the Disaster Relief Fund for COVID-19 and other disaster assistance under FEMA. The assistance is meant to bolster vaccine rollout efforts under FEMA and provide assistance to state and local governments at 100% federal cost share.
- Directs the President to provide disaster-related funeral expenses to individuals and households at 100% federal cost share.
- Provides \$400 million to the Emergency Food and Shelter Program.
- Provides \$300 million for assistance to firefighter grants.
- Provides \$100 million via the Emergency Management Performance Grants to state and local emergency management agencies to help communities address COVID-19 and facilitate vaccine rollout.

## Agriculture Provisions

- Provides \$4 billion to the U.S. Department of Agriculture (USDA), of which:
  - \$3.6 billion is dedicated to supporting the food supply chain, including purchasing food and agricultural commodities; making grants and loans for small to mid-size processors; seafood processing facilities; farmers markets, producers and other organizations responding to COVID; providing assistance to maintain and improve food and agricultural supply chain resiliency; and making payments for expenses related to crop losses pursuant to the Wildfire Hurricane Indemnity Program Plus.
  - \$300 million is dedicated to the surveillance and monitoring of animals susceptible to COVID-19 transmission.
  - \$100 million is dedicated to reducing the amount of overtime meat, poultry and egg inspection costs at small establishments.
- \$1.01 billion is dedicated for grants and loans to improve land access for socially disadvantaged farmers, ranchers, and forest landowners, in addition to scholarships, outreach, financial training, and other technical assistance.
- \$800 million is provided to use the Commodity Credit Corporation to make purchases and distributions under the Food for Peace Program.
- Appropriates funds as may be necessary for loan modifications and payments to farmers and ranchers, who are members of groups that have been socially disadvantaged in the USDA programs. The department could pay as much as 120% of each such farmer's or rancher's debt on loans it made or guaranteed.

## Transportation and Infrastructure Provisions

### TRANSIT FUNDING

- Provides \$30.5 billion for grants to transit agencies for use for operating expenses, including payroll and personal protective equipment costs.
  - \$26.1 billion for Urbanized Area Formula Grants to aid transit service in urbanized areas.

- \$2.21 billion for urban and rural area grantees that require additional assistance due to the pandemic.
- \$1.7 billion for Capital Investment Grants.
- \$281 million in operating assistance formula grants for states to support rural transit agencies in areas with fewer than 50,000 people.
- \$100 million for intercity bus services to support essential connections in rural areas.

#### AVIATION FUNDING

- Provides \$8 billion for airports and airport concessions, with a caveat that those receiving funding must retain a minimum of 90% of personnel employed as of March 27, 2020 thru Sept. 30. However, the *Department of Transportation* can issue a waiver if the airport is experiencing significant economic hardship, or if the requirement has negative impacts on aviation safety or security. Of that amount:
  - \$6.4 billion is distributed for costs related to operations, personnel, and combating the spread of COVID-19 at airport facilities.
  - \$800 million for sponsors of primary airports ad concession relief.
  - \$600 million to ensure all airports receive 100% federal cost share for any airport improvement grant awarded to them in FY 2021.
  - \$100 million to non-primary airports to aid in the costs related to the pandemic.
- Provides \$18 billion for aviation manufacturers and airlines.
  - \$3 billion for airline manufacturers to create a payroll support program.
  - \$14 billion to airlines to extend the payroll support program.
  - \$1 billion for contractors to extend the payment of wages, salaries and benefits.

#### RAILWAY FUNDING

- Provides \$1.7 billion for Amtrak in FY 2021.
  - \$970 million to support the Northeast Corridor.
  - \$730 million to support the National Network, of which:
    - \$175 million is to be used by Amtrak to offset amounts required to be paid by states for state-supported routes.
  - \$166 million out of the amounts allocated for the Northeast Corridor, and the National Network, to support the restoration of long-distance service and employee recalls.

### Education Provisions

- Provides \$122.7 billion for the existing Elementary and Secondary School Emergency Relief Fund to remain available through Sept. 30, 2023.
  - States receive funds based on the same proportion that each state receives under the Elementary and Secondary Education Act (ESEA) Title-IA. State Education Agencies (SEAs) must distribute at least 90% of funds to local education agencies (LEAs) based on their proportional share of ESEA Title I-A funds.

- The LEAs must reserve at least 20% of the funding they receive to address learning loss. Remaining funds are flexible and can address a variety of needs, including repairing ventilation systems, reducing class sizes and implementing social distancing guidelines, purchasing personal protective equipment, and hiring support staff to care for students' health and well-being. School districts will be required to create and share plans publicly for returning to in-person instruction within 30 days.
- The SEAs are also required to reserve their allocations to carry out activities: 5% to address learning loss, 1% for afterschool activities, and 1% for summer learning programs. Funds to the SEAs must be spent within one year of receipt.
- Provides \$3.03 billion in additional FY21 funding for IDEA
  - \$2.58 billion for grants to states under Part B of IDEA
  - \$200 million for preschool grants under IDEA
  - \$250 million for programs for infants and toddlers under Part C of IDEA
- Provides \$2.75 billion to governors through the existing Emergency Assistance to Non-Public Schools Program to provide services or assistance to non-public schools that enroll a significant percentage of low-income students and are most impacted by the qualifying emergency.
- Provides \$800 million to support the identification, enrollment, and school participation of children and youth experiencing homelessness, including through wrap-around services.
- Provides \$850 million for grants to Bureau of Indian Education-operated and funded elementary and secondary schools and Tribal Colleges or Universities.
- Provides \$40 billion through the existing Higher Education Emergency Relief (HEER) Fund.
  - \$36 billion is allocated to public and private non-profit institutions to remain available through Sept. 30, 2023. Institutions must spend at least 50% of their allocation on emergency financial aid grants provided directly to students. Institutions can use remaining funds to replace lost revenue, reimburse for emergency expenses, and more. Funds are allocated as follows:
    - 37.5% based on full-time equivalent (FTE) enrollment of Federal Pell Grant recipients.
    - 37.5% based on headcount enrollment of Pell recipients.
    - 11.5% based on FTE enrollment of non-Pell recipients.
    - 11.5% based on headcount enrollment of non-Pell recipients.
    - 1% based on the relative share of FTE enrollment of students who were Federal Pell Grant recipients and who were exclusively enrolled in distance education courses prior to the qualifying emergency.
    - 1% based on the relative share of the total number of students who were Federal Pell grant recipients and who were exclusively enrolled in distance education courses prior to the qualifying emergency.
  - Provides \$3 billion to historically Black colleges and universities, tribal colleges and minority-serving institutions.
  - Provides \$400 million to for-profit colleges to provide financial aid grants to students.
  - Provides \$200 million for institutions with the greatest unmet need related to the pandemic or those not served by the HEER formula.
- **Maintenance of Effort (MOE):** States must maintain spending on both K-12 and higher education in FY 2022 and FY 2023 at least at the proportional levels relative to a state's overall spending, averaged over FY 2018, FY 2019 and FY 2020. The MOE can be waived by the secretary of Education.

- **Maintenance of Equity:** All provisions apply to FY 2022 and FY 2023.
  - State Maintenance of Equity:
    - States cannot cut per-pupil spending for “high-need” LEAs (group of LEAs that serve the highest percentages of low-income, which collectively serve at least 50% of state’s total student enrollment) at a rate steeper than overall cuts in per-pupil spending across all local education agencies.
    - States cannot fund “highest poverty” LEAs (group of LEAs that serve highest percentages of low-income students which collectively serve at least 20% of state’s total student enrollment) below their FY 2019 funding.
  - LEA Maintenance of Equity:
    - LEAs cannot cut per-pupil spending for any high-poverty school at a rate steeper than overall cuts in per-pupil spending across all schools served by the LEA.
    - LEAs cannot reduce per-pupil staffing for any high-poverty school at a rate steeper than overall cuts in per-pupil staffing across all schools served by the LEA.
    - The provision does not apply if an LEA serves less than 1,000 students or operates a single school or serves all students in single grade span in one school or is granted waiver by secretary of Education.
- Makes changes to the federal 90/10 rule, which prohibits for-profit colleges from receiving more than 90% of their revenue from federal aid programs. Regulations would not take effect until January 2023.
- Treats any student loan forgiven or discharged on a tax-free basis from 2021 through 2025.

## Environmental Provisions

- Provides \$100 million for the Environmental Protection Agency to provide grants to address disproportionate environmental harms to minority and low-income populations, in addition to funding air quality monitoring grants under the Clean Air Act.
- Provides \$95 million to the Fish and Wildlife Service for wildlife inspections, care of captive endangered species, and research related to wildlife disease outbreaks.

## Energy and Utility Provisions

- Provides \$4.5 billion for the Low-Income Home Energy Assistance Program to assist eligible low-income households with heating and cooling energy costs.
- Provides \$500 million for the Low-Income Household Drinking Water and Wastewater Emergency Assistance Program created under the FY 2021 Omnibus to assist with payments for drinking water and wastewater expenses.

## Consumer Protection Provisions

- Provides \$50 million in funding for Consumer Product Safety Fund to protect consumers from potentially dangerous products related to Covid-19.
  - Enhance targeting, surveillance and screening of consumer products entering the United States at ports of entry.

## Housing Provisions

- Appropriates \$27.4 billion in emergency rental assistance including:
  - \$21.55 billion for emergency rental assistance via Corona Relief Fund (remains available through Sept. 30, 2027 if obligated by Oct. 1, 2022).
  - \$5 billion for emergency housing vouchers (funds available through Sept. 30, 2030).
  - \$750 million for tribal housing needs.
  - \$100 million for rural housing.
- Appropriates \$305 million to Puerto Rico, the U.S. Virgin Islands, the Northern Mariana Islands and American Samoa for emergency rental assistance.
- Appropriates \$5 billion to assist people who are homeless with immediate and long-term assistance (emergency housing vouchers). Funds will remain available until September 20, 2030.
- Provides \$9.96 billion for a Homeowner Assistance Fund.
  - \$100 million for housing counseling via NeighborWorks America (funding remains available through Sept. 30, 2022).
- The first 40% of funding for the emergency rental assistance program will be provided within 60 days of enactment.
- Appropriates \$750 million for the Native American Housing Block Grants, Native Hawaiian Housing Block Grant and Indian Community Block Grant programs.
- Not more than 15% of funds paid to state and local governments can be used for administrative costs.
- Appropriates \$39 million to assist rural homeowners through the USDA's Section 502 and Section 504 direct loan programs.

## Veterans

- Provides \$14.4 billion for the Veterans Health Administration (VA) to provide healthcare services and related support to eligible veterans, which includes funding for sustainment of CARES Act-supported staffing and service-level expansions, inclusive of areas such as suicide prevention, women's health, the VA homelessness programs and telehealth.
- Includes \$750 million for the VA to provide construction funds to states, provided they have required matching funds to projects that will upgrade and enhance safety and operation of state veterans' homes.
- Provides \$250 million in one-time emergency federal payments to support these state-operated facilities, to be allocated based on the number of beds at each home that could be occupied by eligible veteran residents. This emergency funding can be used to enhance treatment of veterans during the pandemic, including by enhancing cleaning services, procuring personal protective equipment or other equipment, and temporarily expanding staffing levels to care for veterans.
- Allocates \$386 million for up to 12 months of retraining assistance for veterans who are unemployed due to COVID-19 and do not have other veteran education benefits. This funding covers the cost of the retraining program and provides a housing allowance for veterans while they undergo this training.

## Technology, Broadband and Cyber

- Creates a \$7.2 billion Emergency Connectivity Fund to reimburse schools and libraries for internet access and connected devices.
  - Includes wi-fi hotspots, modems, routers, devices that combine a modem and router, connected devices.
- Provides \$650 million for cybersecurity risk mitigation at the Cybersecurity and Infrastructure Security Agency, which is leading the federal response to the SolarWinds Corp. breach of government networks.
- Provides \$1 billion for the Technology Modernization Fund.
- Provides \$200 million for the U.S. Digital Service.
- Provides \$150 million to the National Institute of Standards and Technology to fund awards for research, development, and testbeds to prevent, prepare for, and respond to coronavirus.
- Provides \$175 million to the Corporation for Public Broadcasting to prevent, prepare for, and respond to coronavirus.
  - Includes fiscal stabilization grants to public telecommunications entities to maintain programming and services and preserve small and rural stations threatened by declines in non-Federal revenues.

## NCSL Contacts

**Molly Ramsdell** | Director, Washington Office

**Erlinda Doherty** | Budgets and Revenue

**Haley Nicholson** | Health

**Margaret Wile** | Human Services

**Abbie Gruwell** | Commerce and Financial Services

**Jon Jukuri** | Labor, Economic Development and International Trade

**Susan Frederick** | Criminal Justice and Public Safety

**Kirsten Hildreth** | Natural Resources and Infrastructure

**Austin Reid** | Education



**Tim Storey, Executive Director**

7700 East First Place, Denver, Colorado 80230, 303-364-7700 | 444 North Capitol Street, N.W., Suite 515, Washington, D.C. 20001, 202-624-5400

[ncsl.org](https://ncsl.org)

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Jacksonville	\$	9,300,000	\$	4,650,000
Kannapolis	\$	9,760,000	\$	4,880,000
Lenoir	\$	3,650,000	\$	1,825,000
Morganton	\$	3,720,000	\$	1,860,000
New Bern	\$	6,450,000	\$	3,225,000
Raleigh	\$	79,580,000	\$	39,790,000
Rocky Mount	\$	13,130,000	\$	6,565,000
Salisbury	\$	7,160,000	\$	3,580,000
Wilmington	\$	25,930,000	\$	12,965,000
Winston-Salem	\$	55,120,000	\$	27,560,000

#### Nonentitlement Allocation Projections, 03.08.21

*Note: Estimates use 2019 Census data to identify populations eligible for assistance, and do not include villages or other sublocal entities that may also qualify for funding. Projected amounts may be distributed to more nonentitlement governments than are listed in the breakdown to the extent that eligible nonentitlement governments have overlapping populations (for example, residents of a village government and town government in New York). What this means is that village AND town governments will be receiving a direct allocation of federal assistance, as intended by the legislation, but village amounts are not included because of the complications of calculating those amounts until a process is put in place to divvy up funds between overlapping governments. Identification of eligible governments and distribution of assistance across units with overlapping populations may reflect decisions made by the Department of Treasury and state governments.*

City	Estimated Total Allocation	Estimated First Allocation (by 06/15/2021)
Aberdeen	\$ 2,340,000	\$ 1,170,000
Ahoskie	\$ 1,390,000	\$ 695,000
Alamance	\$ 300,000	\$ 150,000
Albemarle	\$ 4,750,000	\$ 2,375,000
Alliance	\$ 220,000	\$ 110,000
Andrews	\$ 540,000	\$ 270,000
Angier	\$ 1,580,000	\$ 790,000
Ansonville	\$ 170,000	\$ 85,000
Apex	\$ 17,350,000	\$ 8,675,000
Arapahoe	\$ 160,000	\$ 80,000
Archdale	\$ 3,370,000	\$ 1,685,000
Archer Lodge	\$ 1,510,000	\$ 755,000



**Town of Angier**  
**Small Business Improvement Grant**  
**Funded by the American Rescue Plan Act**



The Purpose Of This Grant Is To Encourage And Incentivize Renovations And/Or Improvements To Small Businesses With 'Brick And Mortar' Locations In The Town Limits Of Angier.

Qualifying Projects Will Complete Permanent Improvements To The Interior Or Exterior Of The Building Or Property. These Improvements Must Stay With The Building If The Current Property Owner And/Or Business Owner Are No Longer Affiliated With The Property. One Application Per Property May Be Approved. Grants Will Be Awarded Until Funds Are Exhausted.

**Grant Award Is Up To \$5,000 Per Application, Based On Verified Project Costs**

Property Owner Name(s)	_____
Property Owner Address	_____
Property Owner Phone #	_____
	AND/OR
Business Owner Name(s)	_____
Business Owner Address	_____
Business Name	_____
Phone #	_____
Property Address	_____
Current use of building	_____
Proposed use of building	_____

**Description of Proposed Renovations.** Attach rendering or sketch of proposed renovations or improvements, specifically identifying changes and materials/colors for each of the proposed changes, along with an existing photo of the building in its current state.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Total Estimated Cost of All Renovations**

\$ \_\_\_\_\_



## **SMALL BUSINESS IMPROVEMENT GRANT – GENERAL GUIDELINES**

### **Purpose Of The Grant:**

The Small Business Improvement Grant is intended to encourage and provide an economic incentive for:

- Improvements To The Exterior Façade Of Buildings In Angier
- Improvements To Parking Lots, Outdoor Seating, Entryways, Landscaping And Other Outdoor Areas
- Interior Renovations And Enhancements Of Buildings In Angier

### **Who Is Eligible?**

- Any property owner or business owner of a commercial building in the Town Limits of Angier – Contact the Planning Department if you are unsure if you are within Town Limits
- Only one application may be submitted for each business or property as applicable
- If application is made by the tenant, written permission must be obtained from the property owner and included with this application

### **Examples Of Improvement Projects Include:**

- Replacement Of Exterior Windows, Doors And Awnings
- Cleaning/Painting Of Building Exteriors
- Paving Of Parking Lots
- Installation/Improvement Of Outdoor Seating Areas
- Installation/Replacement Of Permanent Signage
- Installation/Improvement Of Landscaping
- Installation/Upgrading Of Interior Or Exterior Lighting
- Interior Flooring, Ceiling Or Wall Improvements



### **Improvement Project Criteria:**

- All project proposals must meet applicable zoning and code requirements of the Town of Angier and comply with the Improvement Grant criteria
- **Permanent** interior and exterior improvements are eligible for consideration
- Priority consideration will be given to proposals that make highly visible and significant improvements
- A property does not have to be occupied at the time a grant application is submitted
- When applicable, applicants must obtain building permits and other necessary Town/County approvals before work begins
- Designs, colors, lighting style, etc. will be reviewed and approved by Staff
- All rehabilitations on buildings over 50 years old should follow the Secretary of the Interior's Standards for Rehabilitation of commercial buildings

### **Funding:**

- The Town has allotted a total of \$250,000 from the American Rescue Plan Act for the administration of this grant
- Improvement Grants will provide a "No-Match" award for approved projects up to a ceiling amount of \$5,000.00 to each applicant
- Grants are paid only when the approved project is completed in accordance with the plans and specifications submitted with the proposal. Town Staff will verify that work is completed as approved
- The final award amount is based on documentation of actual material and labor costs.
  - Staff must receive copies of paid invoices for work completed by contractors
  - If work is completed by employees of the applicant, check stubs which describe work done, hours worked and location of that work must be included
  - If work is completed by the applicant, paid receipts for any materials used must be included
- A project that varies from an approved application without prior Staff approval will be disqualified from grant reimbursement.
- Funding is subject to budget appropriation by the Angier Board of Commissioners



**Application Process:**

- Applications should be submitted to the Angier Planning Department via email or hand delivered at Town Hall
- All applicants must contain a detailed description of the improvement project to be completed along with a rendering or sketch of the proposed project
- All applications must include a project cost estimate
- All applications will be reviewed by Staff for criteria compliance
- Applicants receiving approval will be notified by Staff via email or phone call

**Post Project Completion:**

- The project must be completed as described on the approved application and inspected by Staff before grant funds can be awarded
- After inspection, applicants will receive a check for the awarded amount

- ☐ I have read the Town of Angier Small Business Improvement Grant Criteria and understand my obligations as an applicant
- ☐ Building owner's written permission is attached (If applicable)
- ☐ Rendering/Sketch including material description, color scheme and design are attached to this application
- ☐ All receipts for materials, check stubs, and/or itemized contractor invoices will be submitted once work is completed

I understand the Town of Angier Small Business Grant must be used in the manner described in this application and the application must be reviewed and approved by the Angier Planning Department prior to commencement of any project. I understand that failure to comply with the approved application may result in forfeiture of all grant funds.

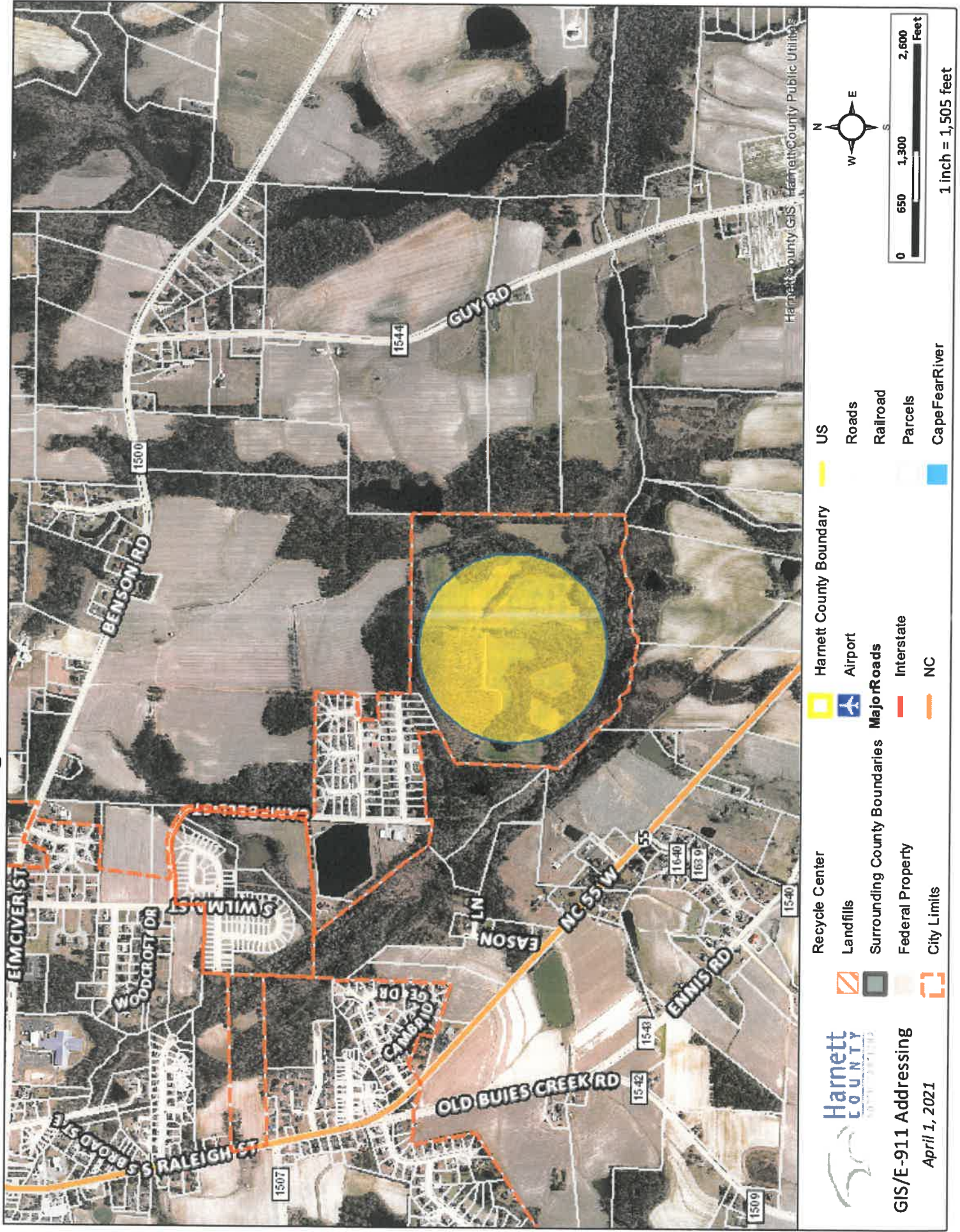
Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## BUSINESS ITEM #6

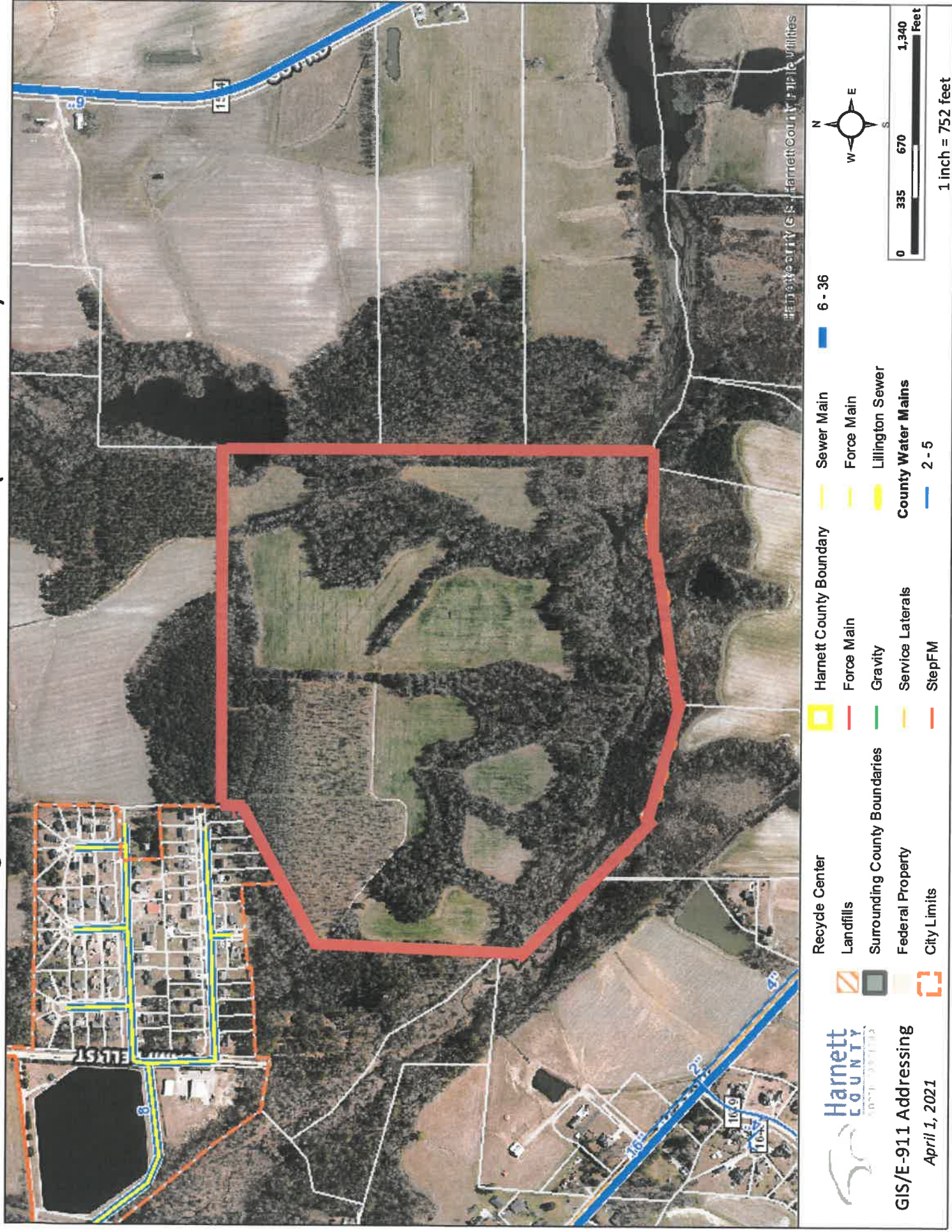


# Angier's Future Park Site





# Angier's Future Park Site (110 Acres)





Google Maps Huntersville



Google Maps R.C. Bradford Park



Image capture: Jan 2007 Images may be subject to copyright.


 Visit Lake Norman

Photo - Nov 2019




# Angier's Future Community Center








**Harnett County**  
North Carolina


GIS/E-911 Addressing  
April 1, 2021


**Recycle Center** 


**Landfills** 


**Surrounding County Boundaries** 


**Federal Property** 


**City Limits** 


**Harnett County Boundary** 


**Address Numbers** 


**Airport** 


**Major Roads** 


**Interstate** 


**NC** 


**US** 

**Roads** 

**Mile Markers** 

**Railroad** 

**Parcels** 



1 inch = 188 feet

## BUSINESS ITEM #7



## Gerry D. Vincent

---

**From:** Sean A. Johnson  
**Sent:** Tuesday, April 13, 2021 3:06 PM  
**To:** Gerry D. Vincent  
**Subject:** FW: Message from WIRELESS CALLER (9194222321)  
**Attachments:** VoiceMessage.wav

Gerry,

Attached is a voicemail from a lady representing the owners of the Angier Meat Market – It sounds like they are interested in buying our lot on W. Lillington Street behind the Depot Square.



Sean



**Sean Johnson, CZO**  
**Director**  
**Planning & Inspections**  
Town of Angier  
55 N. Broad St., PO Box 278  
Angier, NC 27501  
office 919-331-6702  
email [sjohnson@angier.org](mailto:sjohnson@angier.org)  
visit us at <https://www.angier.org/planning-inspections>

## Advertisement for Bids

**- Town of Angier -**

### **SIDEWALK IMPROVEMENTS**

**PROPOSED SIDEWALK ALONG NC 210 (W. DEPOT ST) FROM FISH DR. TO  
NC 55**

**NCDOT TIP # U-5530PA**

**WBS # 44111.3.17**

**F.A. # STPDA-0210(037)**

Sealed bids will be received until 2:00 p.m., EST, May 20, 2021 by Town of Angier for the construction of sidewalk improvements along portions of NC 210 (W. Depot Street) from Fish Drive to NC 55. A public bid opening will be conducted in the Town Hall located at 55 N. Broad Street W., Angier, NC.

**The scope of work includes:**

**Construction of approximately 1100 LF of 5' concrete sidewalk with curb & gutter along portions of NC 210 (W. Depot Street) from Fish Drive to NC 55 in Angier, North Carolina. The project will include grading, drainage, asphalt paving, erosion control, traffic control, and crosswalk pavement markings.**

Questions regarding this bid must be submitted in writing to the attention of Jimmy Cook, Public Works Director, by e-mail to [jcook@angier.org](mailto:jcook@angier.org) no later than 5:00pm, May 17, 2021

**Bidders are expressly prohibited from contacting any Town of Angier official or employee associated with this Request for Proposal, except as noted above. Violation of this prohibition is grounds for the immediate disqualification of the bidder.**

The Town of Angier encourages the participation of small contractors, minority contractors, physically handicapped contractors, women contractors, and historically underutilized businesses in the construction of this project. The contract requires Disadvantaged Business Enterprise participation of seven (7) percent. This also includes pre-qualification of prime contractors and subcontractors and certification of DBE subcontractors through the North Carolina Department of Transportation and inclusion in the Directory of Transportation Firms.

Complete plans, specifications and contract documents will be open for inspection at the Angier Town Hall located at 55 N. Broad Street W., Angier, NC. Copies of the contract, specifications and plans may be obtained by contacting Town of Angier, Mr. Jimmy Cook – Public Works Director (telephone 919-639-2071).

#### ***FEDERAL REQUIREMENTS ARE INCLUDED IN THIS CONTRACT***

The “Standard Specification for Roads and Structures” revised January 2018 by the North Carolina Department of Transportation will govern the work on this project.

## Gerry D. Vincent

---

**From:** Angier Chamber <angiercc@angierchamber.org>  
**Sent:** Wednesday, April 14, 2021 11:02 AM  
**To:** Veronica T. Hardaway  
**Cc:** Gerry D. Vincent  
**Subject:** Christmas Events

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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.

Veronica,

I need to secure the Depot and the grounds for December 2nd, 3rd, and 4th. We will have the following:

December 2nd - 5:30 - 8 pm - Christmas on the Square  
December 4th - 10 am - Angier Christmas Parade  
December 4th - 9 am - 2 pm - 3rd Annual Christmas Vendor Fair

If you have any questions, please let me know. Have a great rest of your week.

--

Thanks,  
Shelby Blackmon, Executive Director  
Angier Chamber of Commerce  
Phone: (919)639-2500  
Fax: (919)639-8826  
Website: [www.angierchamber.org](http://www.angierchamber.org)

**Mission:** The Angier Chamber of Commerce exists to advance Angier by developing business leaders, fostering healthy businesses, and marketing our member businesses.

**Vision:** Our vision is to help you attain yours.

**Shop local first...it matters!**