



Regular Town Council Meeting

Thursday, August 13, 2020 at 7:00 pm

Public Hearing - 6:30 PM

1. Call to Order

Mayor Graves-Henry

2. Invocation

3. CALL FOR PUBLIC HEARING*

Mayor Graves-Henry

(This time is reserved for Public Hearing items only. Please limit comments to a maximum of two (2) minutes.)

A public hearing to consider adoption of a sixty-day moratorium on the building of yard fences and and outdoor burning of wood, leaves, brush, debris and other materials. The purpose of the moratorium is to allow the Town Council time to review and make necessary changes to the Town Ordinances. Published July 26 and 30, 2020 Burlington Times-News.

Regular Meeting - 7:00 PM

4. Agenda Approval

5. Consent Agenda Approval

Informational Items

-Financial Report for the Month Ending April 2020

-Census Collection Report as of August 2, 2020 for Green Level and Alamance County, NC

-Code Enforcement Report for July 2020

6. Approval of Minutes

Mayor Graves-Henry

Town of Green Level Town Council Public Hearing & Regular Meeting June 11, 2020

7. Public Comments

General Comments From Public**

(This time is reserved for general comments from the public. Please limit your comments to a maximum of three (3) minutes.)

8. Town Administrator Updates

a. SEWER REDESIGN PROJECT

Presenter : Donna Davis, Town Administrator Mike Kosher, Withers Ravenel Engineering

b. EXTRATERRITORIAL JURISDICTION (ETJ) ZONING UPGRADE

Presenter: Donna Davis, Town Administrator

c. R8 ZONING UPDATE

Presenter: Donna Davis, Town Administrator

d. 160D COMPLIANCE PROPOSAL CONTRACT AWARD

Presenter: Donna Davis, Town Administrator

e. STREET ROAD REPAIRS

Presenter: Donna Davis, Town Administrator Rodney Gunn, Public Works Director

f. WEST SIMPSON ROAD REPAIR

Presenter: Donna Davis, Town Administrator Rodney Gunn, Public Works Director

9. Town Attorney Updates

10. Town Council Comments

11. Motion to Adjourn

Mayor Graves-Henry

THE NEXT REGULAR MEETING OF THE GREEN LEVEL TOWN COUNCIL IS SCHEDULED FOR THURSDAY SEPTEMBER 10, 2020 AT 7:00 PM.

***Public Hearing Participation Guidelines**

1. The public is allowed to address the Council on general matters related to the Town.
2. Please be sure to sign in and indicate your name and address for the meeting minutes.
3. Please limit your comments to a maximum two (2) minutes per speaker.

****Public Comment Participation Guidelines**

1. The public is allowed to address the Council on general matters related to the Town.
2. Please be sure to sign in and indicate your name and address for the meeting minutes.
3. Please limit your comments to a maximum three (3) minutes per speaker.



GREEN LEVEL TOWN COUNCIL
MEETING DATE: Thursday August 13, 2020

DEPARTMENT: ADMINISTRATION

TOPIC: FENCE & OUTDOOR BURNING
MORATORIUM

PRESENTER: CARISSA GRAVES-HENRY, MAYOR

AGENDA ITEM TO BE CONSIDERED	
SUBJECT SUMMARY	<p>A public hearing to consider adoption of a sixty-day moratorium on the building of yard fences and outdoor burning of wood, leaves, rush, debris, and other materials. The purpose of the moratorium is to allow the Town Council time to review and make necessary changes to Town ordinances related to these activities.</p> <p>The notice to the public regarding the public hearing was published in the Burlington Times-News on July 26 and 30, 2020 and posted on the Green Level website.</p>
REQUESTED ACTION	<ol style="list-style-type: none">1. Conduct a public hearing regarding sixty-day moratorium on the building of yard fences and outdoor burning of wood, leaves, rush, debris, and other materials.2. Conduct a vote public hearing regarding sixty-day moratorium on the building of yard fences and outdoor burning of wood, leaves, rush, debris, and other materials.

ATTACHMENTS: None



GREEN LEVEL TOWN COUNCIL
MEETING DATE: Thursday August 13, 2020

DEPARTMENT: ADMINISTRATION

TOPIC: FINANCIAL REPORT

PRESENTER: DONNA DAVIS, ADMIISTRATOR

AGENDA ITEM TO BE CONSIDERED	
SUBJECT SUMMARY	A summary of the Town of Green Level’s expenditures for FY20 as of April 30, 2020 is submitted for the Council’s review.
REQUESTED ACTION	1. Request the Council accept the FY20 financial report for the period ending April 30, 2020.

ATTACHMENTS:

1. Monthly Financial Report for Ten Months Ended April 30, 2020 (expenditures only)



Town of Green Level, North Carolina
Monthly Financial Report
For Twelve Months Ended June 30, 2020

Presented: August 13, 2020
Prepared by: Donna Davis, Town Administrator



Town of Green Level, NC
Monthly Financial Report
 August 13, 2020

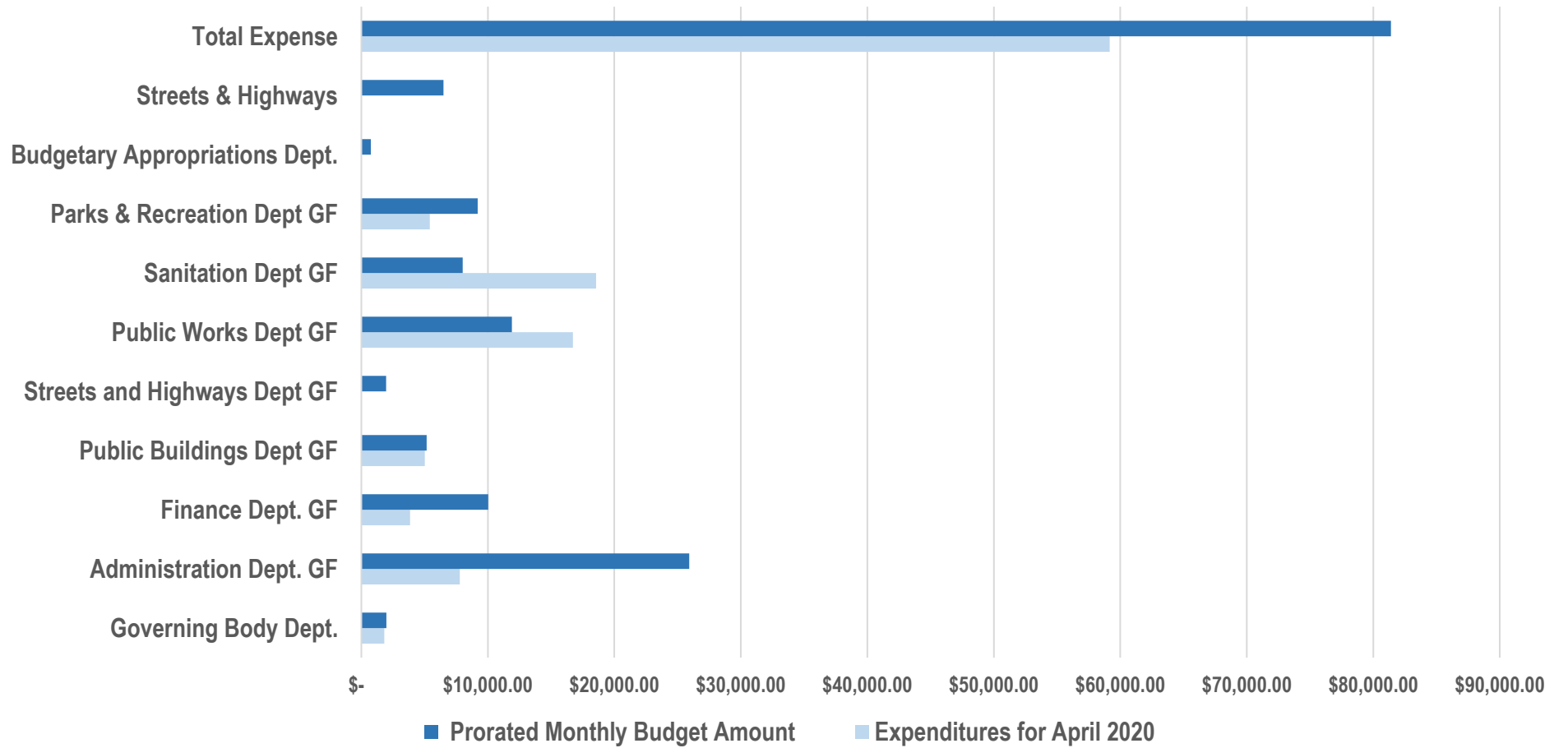
Town of Green Level
General Fund-Actual vs Budget-Expenditures
Fiscal Year 2019-2020 for the Month Ended April 2020

Expense Acct No.	Department	Expenditures for April 2020	Prorated Monthly Budget Amount	\$ Over or (Under) Monthly Budget	Expenditures for Jul '19 - Apr 20	Prorated Annual Budget Amount	\$ Over or (under) Annual Budget	Annual Budget
104110	Governing Body Dept.	\$ 1,815.18	\$ 1,982.50	\$ (167.32)	\$ 18,196.88	\$ 19,825.00	\$ (1,628.12)	\$ 23,800.00
104120	Administration Dept. GF	\$ 7,782.56	\$ 25,918.32	\$ (18,135.76)	\$ 229,025.70	\$ 259,183.20	\$ (30,157.50)	\$ 311,040.00
104130	Finance Dept. GF	\$ 3,855.82	\$ 10,031.83	\$ (6,176.01)	\$ 65,420.12	\$ 100,318.30	\$ (34,898.18)	\$ 120,400.00
104260	Public Buildings Dept GF	\$ 5,007.44	\$ 5,156.99	\$ (149.55)	\$ 84,710.55	\$ 51,569.90	\$ 33,140.65	\$ 61,890.00
104510	Streets and Highways Dept GF	\$ -	\$ 1,950.00	\$ (1,950.00)	\$ 12,231.72	\$ 19,500.00	\$ (7,268.28)	\$ 23,400.00
104530	Public Works Dept GF	\$ 16,736.11	\$ 11,893.98	\$ 4,842.13	\$ 190,960.00	\$ 118,939.80	\$ 72,020.20	\$ 142,740.00
104710	Sanitation Dept GF	\$ 18,566.61	\$ 8,000.00	\$ 10,566.61	\$ 89,710.43	\$ 80,000.00	\$ 9,710.43	\$ 96,000.00
106120	Parks & Recreation Dept GF	\$ 5,407.68	\$ 9,202.16	\$ (3,794.48)	\$ 50,803.46	\$ 92,021.60	\$ (41,218.14)	\$ 110,440.00
109910	Budgetary Appropriations Dept.	\$ -	\$ 759.00	\$ (759.00)	\$ -	\$ 7,590.00	\$ (7,590.00)	\$ 9,110.00
154510	Streets & Highways	\$ -	\$ 6,499.00	\$ (6,499.00)	\$ 3,433.50	\$ 64,990.00	\$ (61,556.50)	\$ 77,990.00
	Total Expense	\$ 59,171.40	\$ 81,393.78	\$ (22,222.38)	\$ 744,492.36	\$ 813,937.80	\$ (69,445.44)	\$ 976,810.00



Town of Green Level, NC Monthly Financial Report August 13, 2020

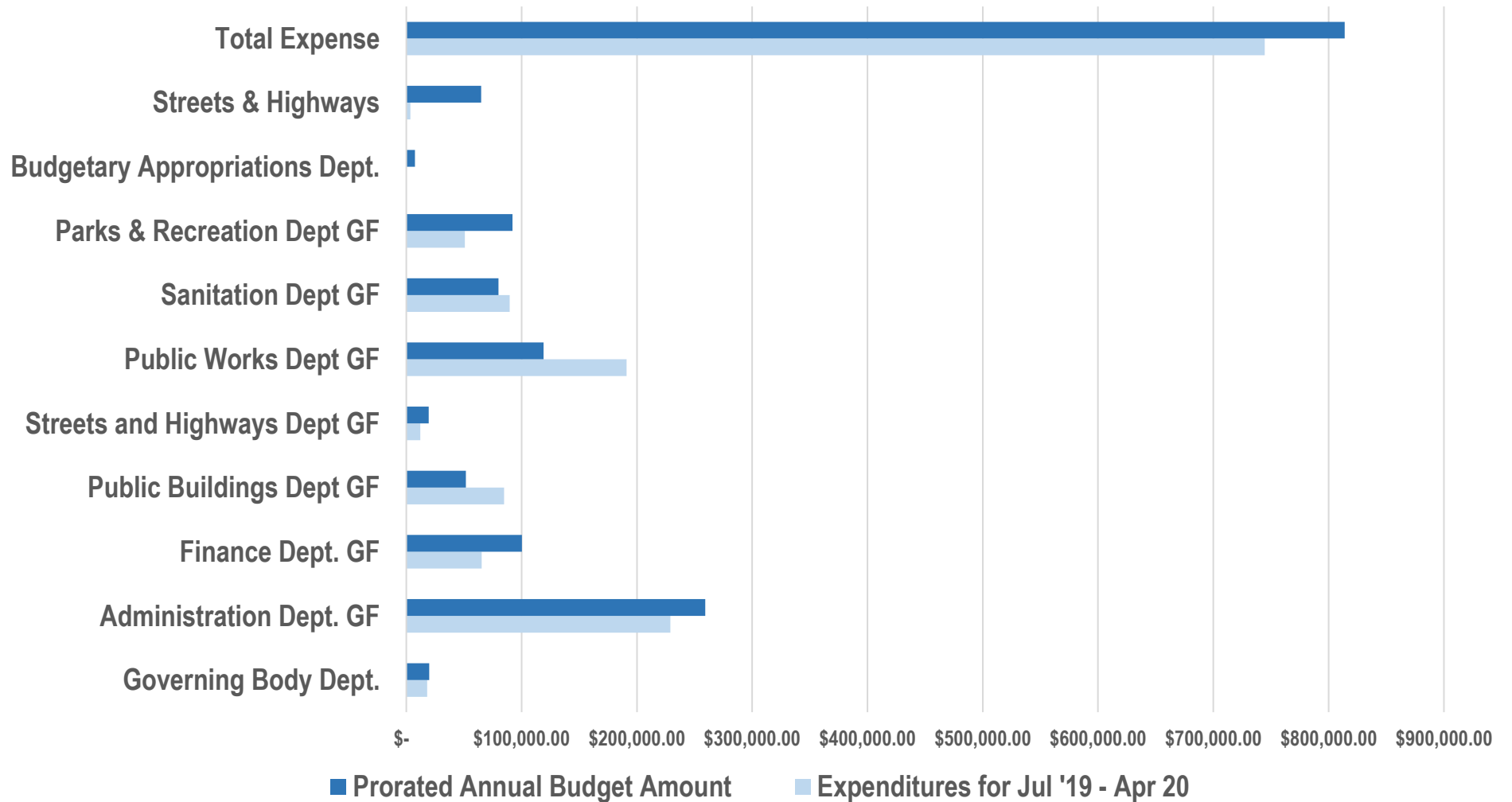
General Fund-Actual vs Budget-Expenditures for the Month Ended April 2020





Town of Green Level, NC
Monthly Financial Report
 August 13, 2020

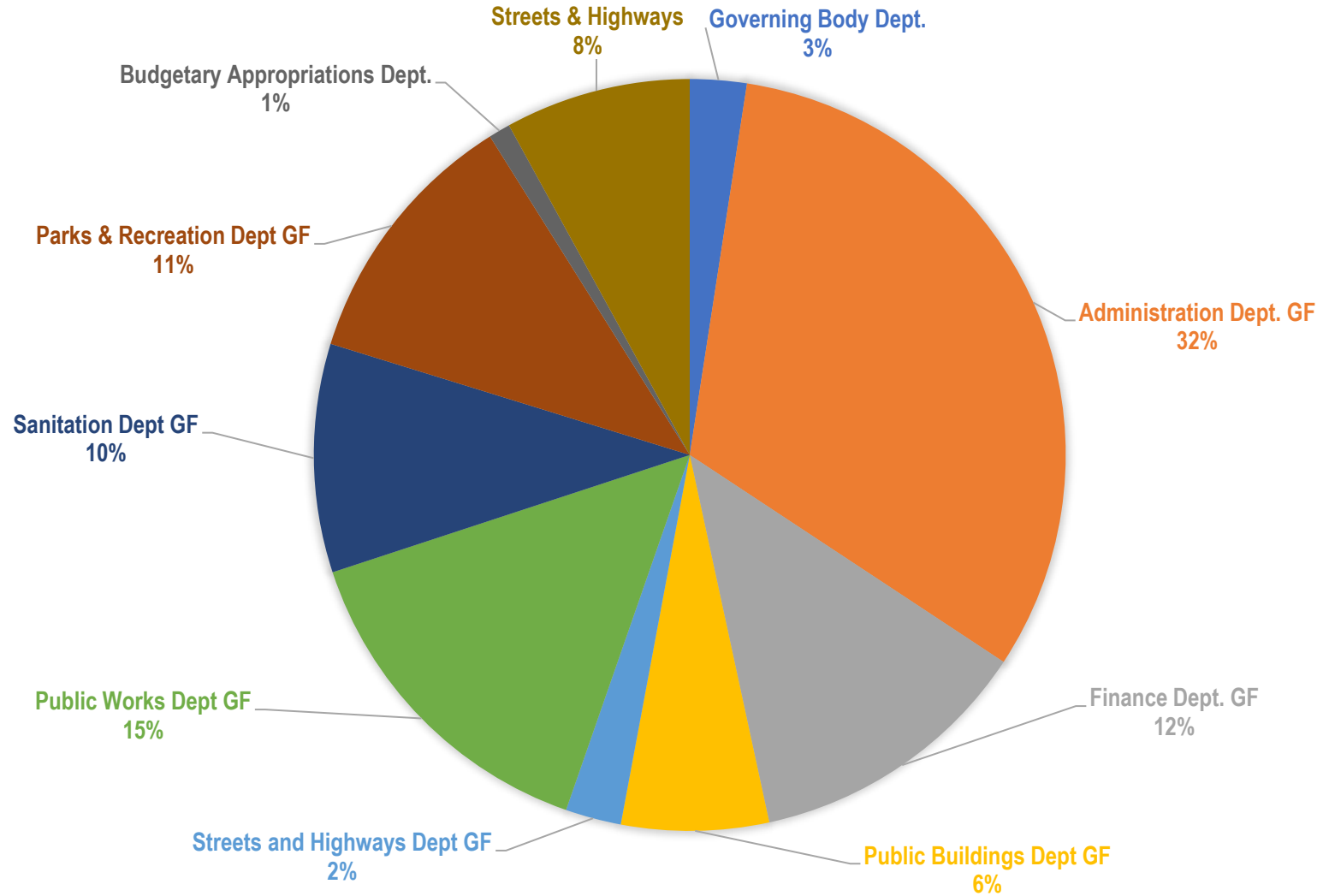
General Fund-Actual vs Budget-Expenditures for the Month Ended April 2020





Town of Green Level, NC Monthly Financial Report August 13, 2020

FY 2019-2020 ANNUAL BUDGET EXPENDITURES





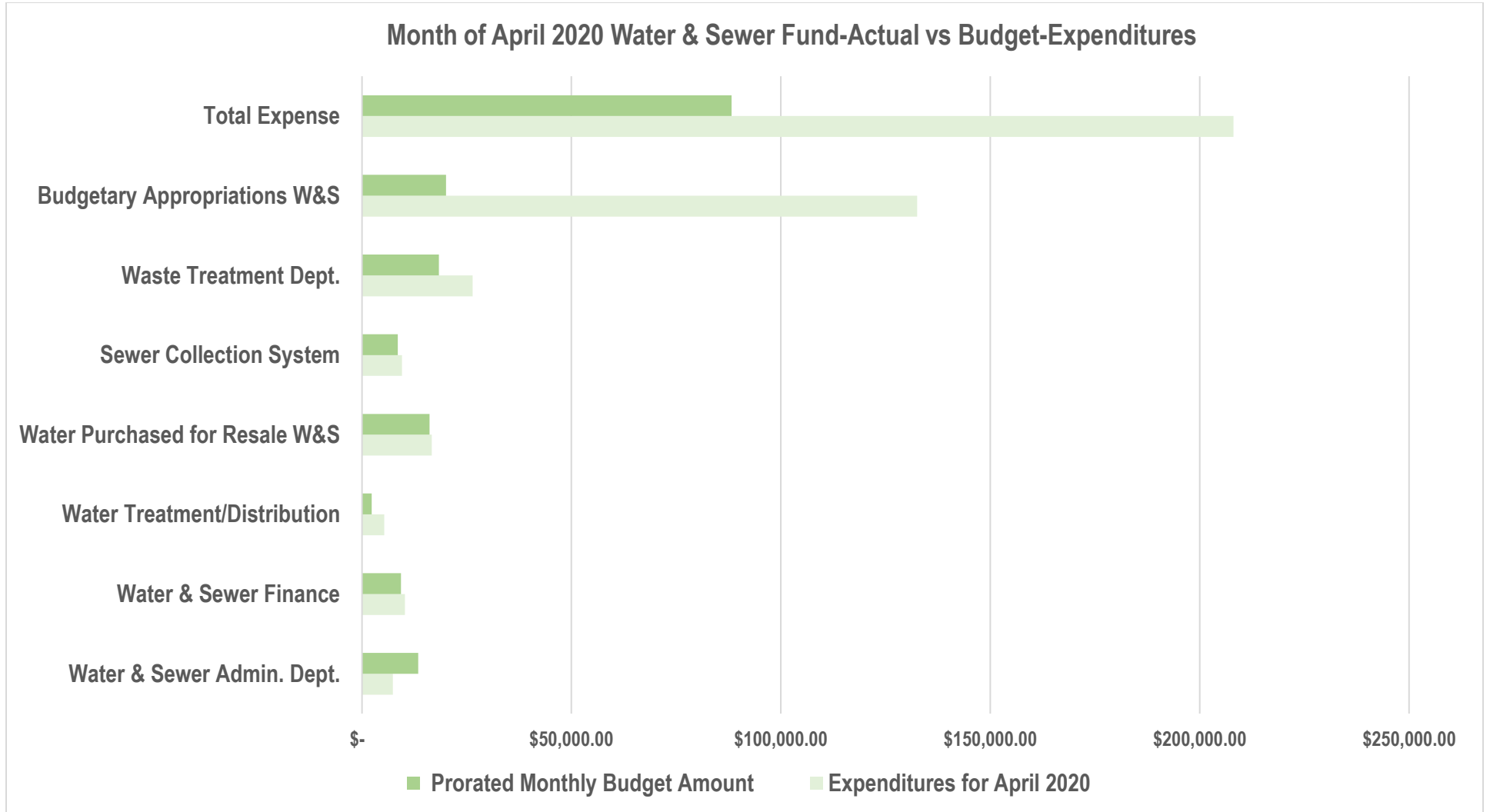
Town of Green Level, NC
Monthly Financial Report
August 13, 2020

Town of Green Level
Water & Sewer-Actual vs Budget-Expenditures
Fiscal Year 2019-2020 for the Month Ended April 2020

Expense Acct No.	Department	Expenditures for April 2020	Prorated Monthly Budget Amount	\$ Over or (Under) Monthly Budget	Expenditures for Jul '19 - Apr 20	Prorated Annual Budget Amount	\$ Over or (under) Annual Budget	Annual Budget
307110	Water & Sewer Admin. Dept.	\$ 7,344.96	\$ 13,443.33	\$ (6,098.37)	\$ 90,787.44	\$ 134,433.30	\$ (43,645.86)	\$ 161,330.00
307111	Water & Sewer Finance	\$ 10,275.54	\$ 9,320.82	\$ 954.72	\$ 115,229.28	\$ 93,208.20	\$ 22,021.08	\$ 111,860.00
307120	Water Treatment/Distribution	\$ 5,337.50	\$ 2,341.50	\$ 2,996.00	\$ 61,869.28	\$ 23,415.00	\$ 38,454.28	\$ 28,100.00
307121	Water Purchased for Resale W&S	\$ 16,624.50	\$ 16,150.00	\$ 474.50	\$ 175,388.81	\$ 161,500.00	\$ 13,888.81	\$ 193,800.00
307130	Sewer Collection System	\$ 9,527.20	\$ 8,549.83	\$ 977.37	\$ 81,330.04	\$ 85,498.30	\$ (4,168.26)	\$ 102,600.00
307140	Waste Treatment Dept.	\$ 26,438.05	\$ 18,360.00	\$ 8,078.05	\$ 247,601.08	\$ 183,600.00	\$ 64,001.08	\$ 220,320.00
309900	Budgetary Appropriations W&S	\$ 132,556.65	\$ 20,050.00	\$ 112,506.65	\$ 240,549.82	\$ 200,500.00	\$ 40,049.82	\$ 240,600.00
	Total Expense	\$ 208,104.40	\$ 88,215.48	\$ 119,888.92	\$ 1,012,755.75	\$ 882,154.80	\$ 130,600.95	\$ 1,058,610.00



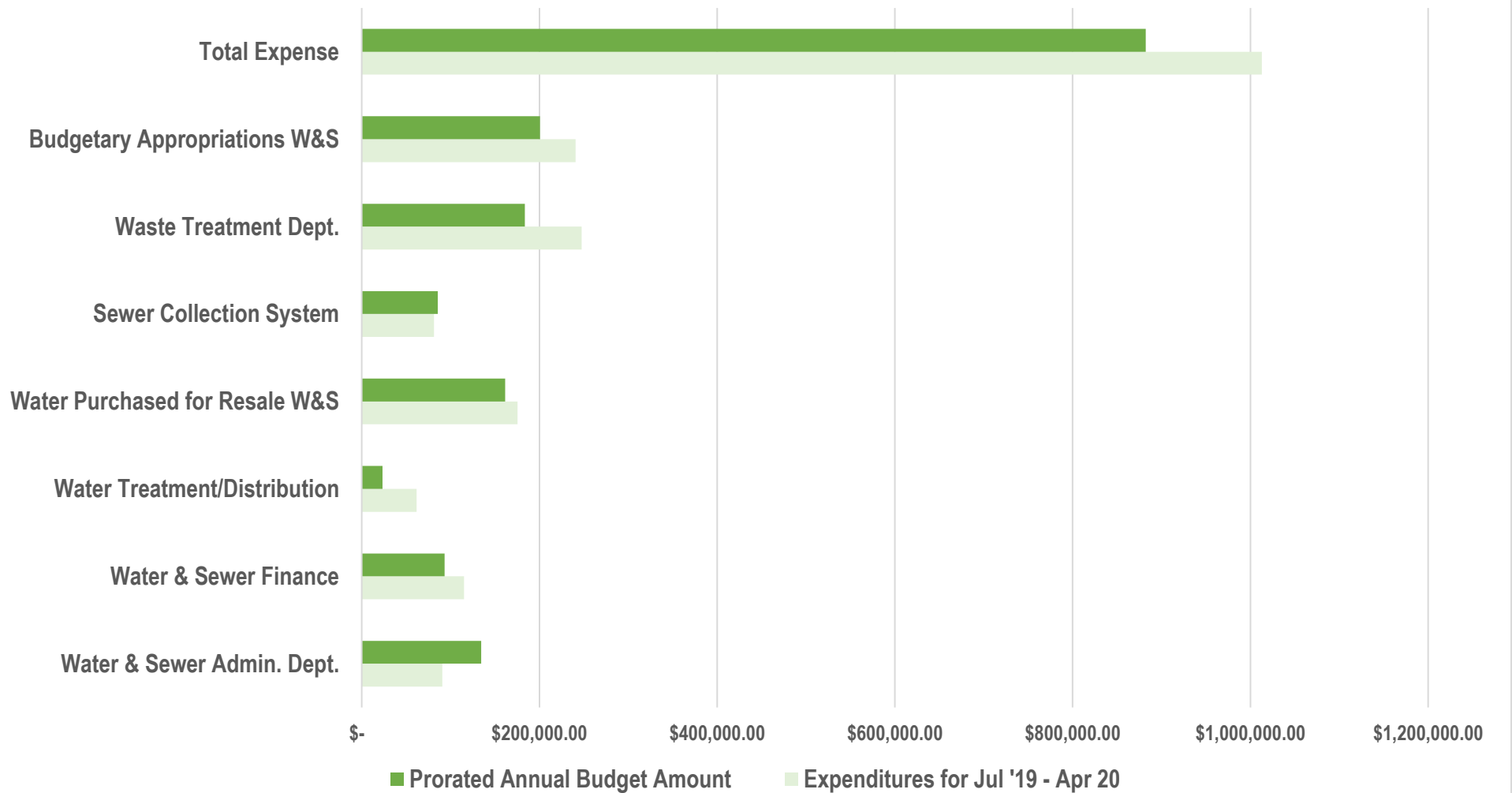
Town of Green Level, NC Monthly Financial Report August 13, 2020





Town of Green Level, NC Monthly Financial Report August 13, 2020

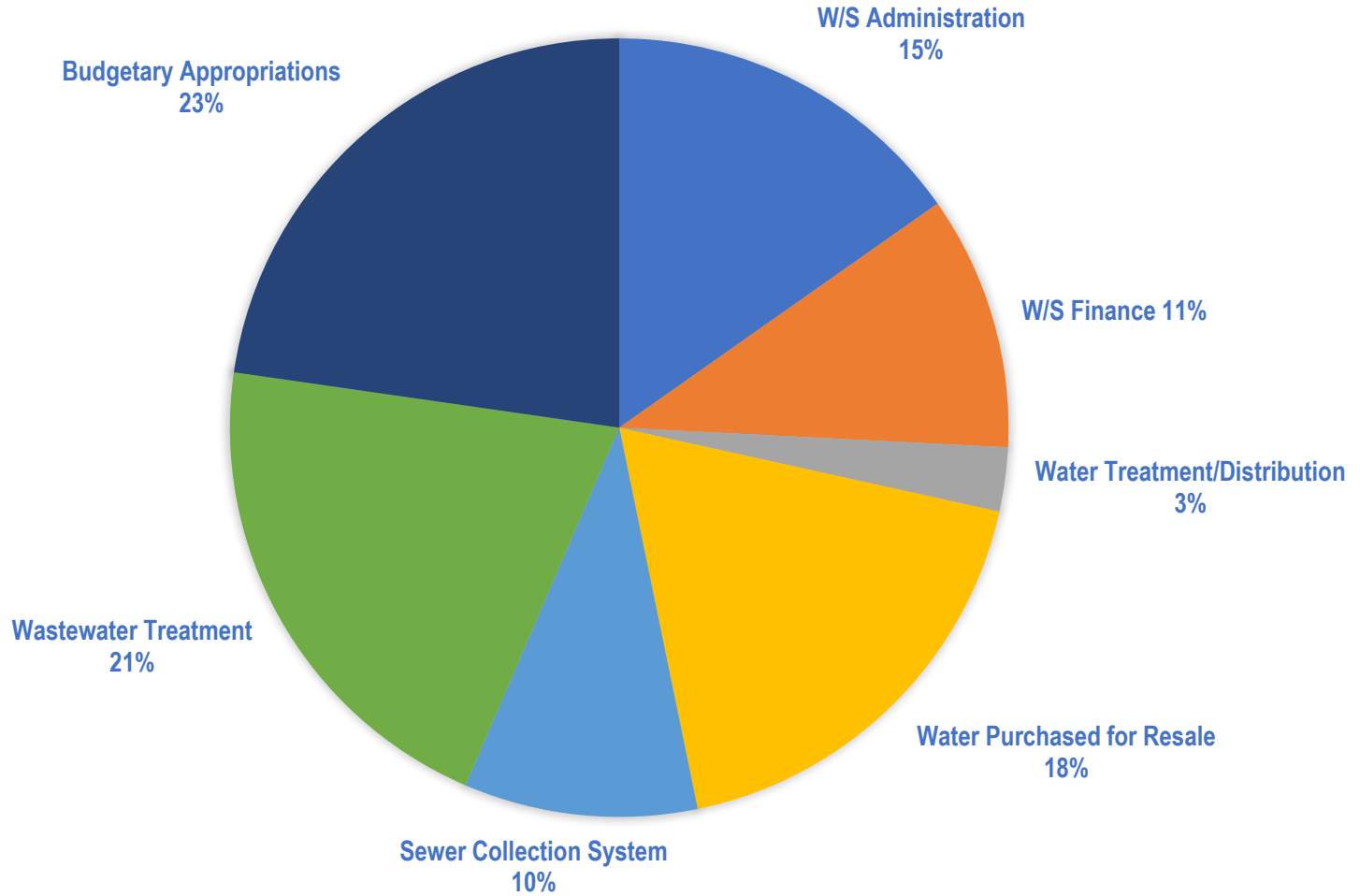
Water & Sewer Fund-Actual vs Budget-Expenditures for the Month Ended April 2020





Town of Green Level, NC
Monthly Financial Report
August 13, 2020

FY 2019-2020 WATER & SEWER FUND ANNUAL BUDGET





GREEN LEVEL TOWN COUNCIL
 MEETING DATE: Thursday August 13, 2020

DEPARTMENT: ADMINISTRATION

TOPIC: GREEN LEVEL CENSUS PARTICIPATION

PRESENTER: DONNA DAVIS

AGENDA ITEM TO BE CONSIDERED	
SUBJECT SUMMARY	<p>A report of Census data collection for Alamance County, North Carolina including Census Tract 212.01 through the week ending August 2, 2020 is submitted for the Council’s review.</p> <p>The Town of Green Level is included in Census Tract 212.01. This section of Alamance County is ranked 36 of 36 reporting areas in the County for Census participation. Only 52.3% of household have responded to the 2020 Census. The section ranked number 1 has an 80.6% participation rate.</p> <p>The Census count is extremely important in communities receiving its fair share of funding and services from the state and federal government that its citizens invest in with tax money. It also determines the representation communities receive in North Carolina General Assembly and the United States Congress. The Census is conducted only once every ten years so an undercounting of residents can be very costly to a community.</p>
REQUESTED ACTION	<ol style="list-style-type: none"> 1. Request the Council accept the Census data collection report of August 2, 2020.

ATTACHMENTS:

1. Census 2020 in NC: Brief for Census Counts Committee Members
2. Alamance County: Census 2020 Real-Time Response Rates - Week Ending Aug 2
3. 2010 Census Tract Reference Map: Alamance County, NC

Census 2020 in NC: Brief for Census Counts Committee Members

Why is a complete and accurate 2020 Census important for North Carolina?



Directly affects the allocation of \$43.8 billion annually in federal funds for critical public services such as hospitals, schools, road repairs and emergency response services for the next 10 years in North Carolina.



Provides key decision-makers with the information they need to ensure that government resources are directed strategically to the state's communities.



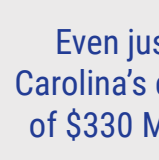
Ensures that communities are appropriately represented in the statehouse and in Congress. With an accurate 2020 Census count, North Carolina is projected to gain a seat in the House of Representatives, increasing its representation from 13 to 14 representatives.



The first storm of the hurricane season has already impacted North Carolina with Tropical Storm Arthur and COVID-19 relief will be needed for years to come. The US Census Bureau has already begun to generate data to understand the needs of Americans from COVID-19.



Knowing how many children live in a community will provide the foundation for important policy and planning decisions over the next 10 years. For example, should a community build a new library? A new school? Should it expand Head Start for pre-K children?



Even just a 3% undercount of North Carolina's children could represent a loss of \$330 Million over the next ten years.



The Census is the backbone of virtually every data product researchers, governments, and businesses use to understand who we are, how we've changed, and what this might mean for the future.



Programs that use Census Bureau statistics to help older people include home weatherization and grants for housing for low-income people over age 65.



The [Supplemental Nutrition Assistance Program](#), formerly known as food stamps, is the second-largest federal program tied to census statistics. Other low-income programs contingent on census statistics include medical assistance under Title XIX; child care, job preparation and other temporary assistance programs and housing assistance.



Several major programs [informed by Census Bureau](#) statistics help [college students](#), including:

- Pell Grants.
- Aid for land grant and historically black colleges and universities.
- Federal grants for vocational training, such as funding provided to states in 2015 to improve vocational training in high schools, community colleges and technical centers.

How COVID-19 is affecting the response rate in NC

Due to COVID-19, the US Census Bureau has adjusted their schedule and requested an extension from Congress for delivering the final census count to the President.

New Schedule

Self Response Phase:

Group Quarters (E-Response & Paper Enumeration):



Response to the 2020 Census lags rates observed in 2010. However, the extended self-response timeframe provides ample opportunity to continue to boost the rates and increase the pace of response rate increases.

Every household that doesn't fill out the census form online, by mail, or by phone—known as “self-response”—enters the Census Bureau's non-response follow-up (NRFU) universe. During NRFU, the Census Bureau sends trained enumerators door-to-door to collect census responses directly. This is an expensive and time-consuming process. **NRFU was supposed to start in May 2020 but has been delayed due to COVID-19.**

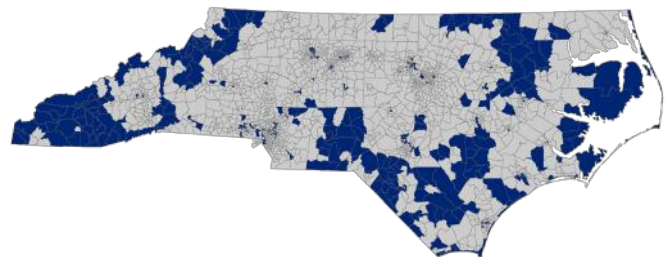
The Census Bureau currently plans to begin [NRFU operations in mid-August](#).

Who is not responding to the 2020 Census?

Internet access

There are also clear geographic patterns emerging: the lowest-responding tracts are heavily concentrated in western North Carolina, the Sandhills, and the northeast. These low-response patterns overlap with areas with low internet access and [where field operations were suspended due to COVID-19](#).

Lowest-responding census tracts, 6/1/2020



People of color

We are now seeing that the individuals living in the lowest-responding tracts are increasingly likely to be minority residents. On March 20th, just over one in four (27%) of residents in the lowest-responding tracts identified as American Indian, Black, or Hispanic/Latinx. [As of May 17th, this proportion had increased to 44%.](#)

College students (this is affecting college towns across the state/country)

For many cities and towns, a Census undercount could mean losing out on millions of dollars in federal funds.

UNC System College town and Current Count:

Municipality Name	2010 Self-Response Rate	2020 Self-Response Rate, as of June 10
Asheville (UNC-Asheville)	68.8%	57.9%
Boone (Appalachian State University)	59.7%	44.1%
Chapel Hill (UNC-Chapel Hill)	74.3%	65.3%
Charlotte (UNC-Charlotte)	67.7%	59.3%
Jackson County (Western Carolina University)	33.7%	27.6%
Durham (North Carolina Central University)	67.5%	56.4%
Elizabeth City (Elizabeth City State University)	64.1%	53.6%
Fayetteville (Fayetteville State University)	65.1%	55.4%
Greensboro (North Carolina A&T State University and UNC-Greensboro)	68.2%	60.9%
Greenville (East Carolina University)	61.9%	51.5%
Pembroke (UNC-Pembroke)	27.0%	32.6%
Raleigh (North Carolina State University)	70.5%	61.3%
Wilmington (UNC-Wilmington)	68.4%	55.6%
Winston-Salem (Winston-Salem State University)	67.7%	56.2%

BARRIERS:

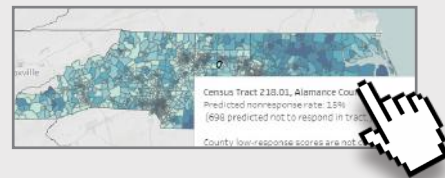
- Growing distrust in government
- Limited media attention for Census
- Months of debate over the now-dropped citizenship question – which the Census Bureau itself called a [major barrier](#) to participation.

View updates for your county:



[Updates on self-response rates](#) for North Carolina at the state, county, and census tract level. If you would like to receive these updates via email, please [subscribe to our newsletter](#).

Locate Hard To Count areas in North Carolina:



The NC Counts Coalition and Carolina Demography have developed an [interactive mapping tool](#) specific to North Carolina to identify the state's hard to count communities.

About Carolina Demography:

Located within the Carolina Population Center at UNC-Chapel Hill, we use population-level data and other available research to provide context and perspective to people working to shape North Carolina's future. Collectively, we have decades of experience making population estimates and forecasts, analyzing population-level and economic trends, and communicating that data back out into the world in a way that's easy to understand and act upon. Our work informs decision-making, evaluation, and policy across North Carolina, where we serve organizations and people in all 100 counties.

Alamance County: Census 2020 Real-Time Response Rates - Week Ending Aug 2

How is Alamance County performing?

62.2% of households in Alamance County have self-responded to the 2020 Census between March 12 and Aug 2, 2020, **above** the state response rate of **59.0%**. Alamance County is currently ranked 18 out of 100 counties in NC.

How are people responding to the 2020 Census in Alamance County?

48.2% of Alamance households responded to the census online versus 46.1% of all NC households.

14.0% of Alamance households responded to the census by phone or mail versus 12.9% of all NC households.

Where are people responding in Alamance County? (Top 5 Tracts)

Rank	Tract Number	Self-Response Rate
1	206.01	80.6%
2	217.01	80.0%
3	206.02	76.7%
4	209.02	74.5%
5	214	67.9%

Where are people not responding in Alamance County? (Bottom 5 Tracts)

Rank	Tract Number	Self-Response Rate
36	212.01	52.3%
35	202	53.5%
34	204	53.7%
33	217.02	54.0%
32	205.02	54.8%

How many households in Alamance County self-responded in past census counts?

Historic census self-response rates for Alamance County were 65.0% in 1990, 67.0% in 2000, and 67.1% in 2010.



CAROLINA
DEMOGRAPHY

How are target groups responding in Alamance County?

Young Children - 5.9% of NC population ages 0-4

% Young Children	# of Tracts	Average Response Rate
Less than 4.1%	6	67.8%
4% to 5.5%	11	62.5%
5.5% to 7.2%	10	64.6%
7.2% or higher	9	58.4%

Immigrant Population - 7.9% of NC population is foreign-born

% Foreign-Born Residents	# of Tracts	Average Response Rate
Less than 2.9%	6	67.0%
2.9% to 5.7%	11	65.3%
5.7% to 9.8%	10	62.3%
9.8% or higher	9	58.0%

Minority Population - 34% of NC population is American Indian, Asian/Pacific Islander, Black, or Hispanic/Latinx

% Minority Residents	# of Tracts	Average Response Rate
Less than 14%	8	70.3%
14% to 28%	11	63.3%
28% to 50%	11	61.4%
50% or higher	6	55.1%

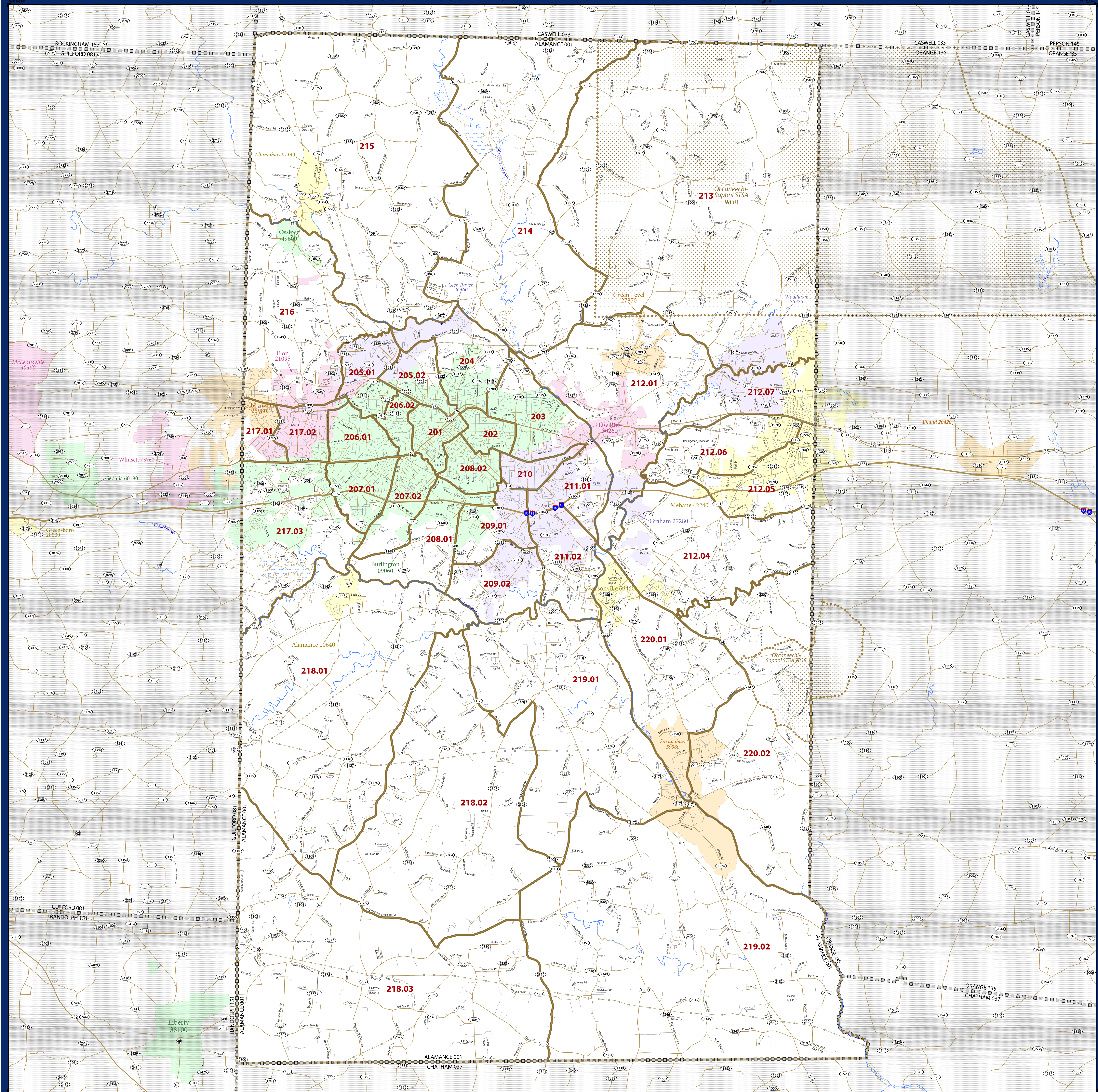
No Internet - 21% of NC households do not have Internet at home

% HH with no Internet	# of Tracts	Average Response Rate
Less than 12%	4	68.8%
12% to 21%	12	64.9%
21% to 31%	13	63.0%
31% or higher	7	56.2%



CAROLINA
DEMOGRAPHY

2010 CENSUS - CENSUS TRACT REFERENCE MAP: Alamance County, NC



LEGEND

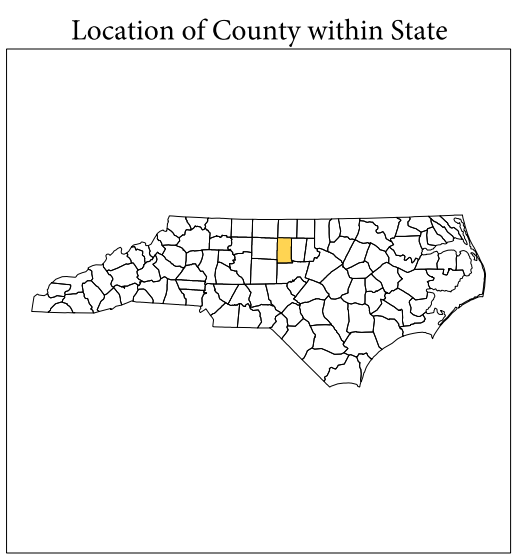
SYMBOL DESCRIPTION	SYMBOL	SYMBOL DESCRIPTION	SYMBOL
Federal American Indian Reservation	[Dotted pattern]	Water Body	[Blue area]
Off Reservation Trust Land, Hawaiian Home Land	[Dotted pattern]	Swamp or Marsh	[Green area]
Oklahoma Tribal Statistical Area, Alaska Native Village Statistical Area, Tribal Designated Statistical Area	[Dotted pattern]	Glacier	[Light blue area]
State American Indian Reservation	[Dotted pattern]	Military	[Blue area]
State Designated Tribal Statistical Area	[Dotted pattern]	National or State Park, Forest, or Recreation Area	[Green area]
Alaska Native Regional Corporation	[Dotted pattern]	Inset Area	[Grey area]
State (or statistically equivalent entity)	[Thick solid line]	Outside Subject Area	[Dotted pattern]
County (or statistically equivalent entity)	[Thin solid line]		
Minor Civil Division (MCD) ^{1,2}	[Dashed line]		
Consolidated City	[Thick dashed line]		
Incorporated Place ³	[Thick solid line]		
Census Designated Place (CDP) ³	[Thick solid line]		
Census Tract	[Thin solid line]		

Where state, county, and/or MCD boundaries coincide, the map shows the boundary symbol for only the highest-ranking of these boundaries.

1 A "*" following an MCD name denotes a false MCD. A "*" following a place name indicates that a false MCD exists with the same name and FIPS code as the place; the false MCD label is not shown.

2 MCD boundaries are shown in the following states in which MCDs have functioning governments: Connecticut, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Wisconsin.

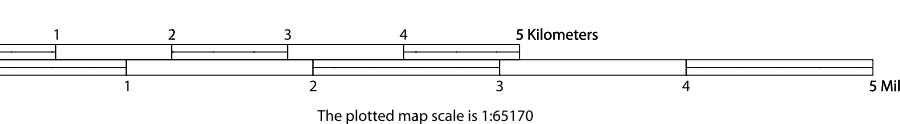
3 Place label color correlates to the place fill color.



All legal boundaries and names are as of January 1, 2010. The boundaries shown on this map are for Census Bureau statistical data collection and tabulation purposes only; their depiction and designation for statistical purposes does not constitute a determination of jurisdictional authority or rights of ownership or entitlement.

Geographic: Vintage: 2010 Census (reference date: January 1, 2010)
 Data Source: U.S. Census Bureau's MAI/TIGER database (TAB100137)
 Map Created by Geography Division: December 10, 2010

Projection: Albers Equal Area Conic
 Datum: NAD 83
 Spheroid: GRS 80
 1st Standard Parallel: 34 13 30
 2nd Standard Parallel: 36 06 55
 Central Meridian: -79 51 40
 Latitude of Projection's Origin: 33 45 09
 False Easting: 0
 False Northing: 0



USCENSUSBUREAU

PARENT SHEET 1
 Total Sheets: 1
 Index Sheets: 0
 Parent Sheets: 1
 Inset Sheets: 0

NAME: Alamance County (001)
 ENTITY TYPE: County or statistically equivalent entity
 ST: North Carolina (37)



GREEN LEVEL TOWN COUNCIL
MEETING DATE: Thursday August 13, 2020

ITEM 5C

DEPARTMENT: CODE ENFORCEMENT

TOPIC: ACTIVITY REPORT JULY 2020

PRESENTER: DONNA DAVIS, ADMINISTRATOR

AGENDA ITEM TO BE CONSIDERED	
SUBJECT SUMMARY	A report of Code Enforcement activity in the Town of Green Level for the month of July 2020 is submitted for the Council's review.
REQUESTED ACTION	1. Request the Council accept the Code Enforcement Report for July 2020

ATTACHMENTS:

1. Code Enforcement Report for July 2020
2. SECI Green Level July Case Report



**Town of Green Level, NC
Council Report
August 13, 2020**

Code Enforcement Report for July 2020

By Activity Status

Activity Status	Number of Activities
New	3
Notices of Violation (NOV) Issued	13
Completed	9
Pending	24
Abated	2
Total	51

By Types of Work Performed

Type of Work Performed	Number of Violations
Certificate of Occupancy (CO)	2
Nuisance other	3
High Grass	11
Vehicles Junked	2
Inspection	3
Permit	28
Junk Pile	2
Total	51



Town of Green Level Town Council Public Hearing and Regular Meeting
Green Level Municipal Building
Thursday, June 11, 2020

The Town Council's public hearing was held at 6:30 pm with the regularly meeting scheduled for 7:00 pm, following immediately after, on Thursday, June 11, 2020 in the Green Level Municipal Building located at 2510 Green Level Church Road. Due to the Coronavirus pandemic and social distancing guidelines, there was limited public attendance but additional public who desired to attend were able to access Zoom by going to the following site on an electronic device for listening and for viewing purposes: for listening only - (301) 715 8592 (no video), using Meeting ID: 814 4553 1316 with Password: 985317. To watch the meeting live on Zoom, citizens were instructed to download zoom.us, enter Meeting ID: 814 4553 1316 and Password: 985317. The citizens were informed that in order to make a public comment, they were to text their name and phone number to (336) 260-0776 by 6:30 pm on June 11th for the public hearing or by 7:00 pm for the council meeting and they would be called at Public Comment Time to give their 3 minute comment via speakerphone. These instructions were given via the front door of Town Hall, the Town of Green Level website, and in the newsletter.

GOVERNING BODY MEMBERS PRESENT: Mayor Carissa Graves-Henry, Mayor Pro Tem Theodore Howard, Councilmember Remonia Enoch, Councilmember Michael Trollinger, and Councilmember Sandra McCollum.

GREEN LEVEL STAFF PRESENT: Town Clerk Suzanne Bigelow, Public Works Director Rodney Gunn, Billing Specialist Regina Johnson, and Office Assistant Maria Estrada

GREEN LEVEL TOWN ATTORNEY PRESENT: Eugene Russell

Invocation

Mayor Graves-Henry called the Public Hearing to order at 6:30 pm and Mayor Pro Tem Howard gave the invocation. Mayor Graves stated the reason for the hearing- to discuss the budget, fence ordinance, grass height, compliance days, and revising ordinance terminology.

Public Comment for Public Hearing

Kim Moser, a Bedford Hills Resident, addressed the extremely high grass in the common areas, unkept retention ponds that could be a hazard to children, and permits for fence construction in the Bedford Hills subdivision. Ms. Moser shared that she paid for a fence permit and asked that everyone who has put up a fence in Bedford Hills be made to pay for a fence permit or that she be given a refund.

Mayor Graves-Henry presented the council with a summary of the budget. There were council comments and questions addressed to the Town's accountant, Will Boney, who was present at

the hearing. Questions were also addressed to the Public Works Director, Rodney Gunn. No overall employee raises are included in the budget, except those put in place by the Town's ordinance, due to the uncertainty of the COVID 19 effects on the Town's revenue. There was council discussion and discussion with Mr. Boney. Employee raises may be considered as the Town's revenue increases.

The Clerk addressed the question asked by Councilmember Trollinger concerning the Town turning information into some entity so that when COVID 19 is over, the Town may be reimbursed for COVID 19 expenses. She informed the council that the county had asked for receipts that were directly related to COVID 19, but not related to revenue loss. The county's response concerning reimbursement of any amount toward these expenses is still pending. There was council discussion concerning the janitorial cleaning person being reimbursed for her decreased hours during COVID 19.

State of Emergency Ordinance

The council was asked to eliminate the renewal of the state of emergency every 5 days under the Town's ordinance 34.35. Attorney Russell supplied clarity of the ordinances requirements and gave his counsel. There was council discussion. Councilmember Trollinger made a motion that we delete that section from our Code of Ordinances, 34.35 as recommended by legal counsel. Mayor Graves-Henry seconded the motion. The motion passed (5-0). Councilmember Enoch abstained (deemed a positive vote by statute 160A-75).

Fence Ordinance

Attorney Russell explained that the proposed change to the fence ordinance was the addition of a permit requirement and a fee being charged according to the fee schedule. There were council questions and comments addressed by Attorney Russell and contracted Code Enforcer Dennis Pinnix. There was council discussion concerning the proposed fence ordinance change, with Attorney Russell and Mr. Dennis Pinnix, to include clarifying the proper placement of fences. Councilmember Trollinger suggested that the council rescind the fence ordinance due to there being a lack of a fence building standard. If this is rescinded, there will not be a fence ordinance to use, per Code Enforcer Dennis Pinnix. Mayor Graves-Henry asked for a motion to change part of the language of this ordinance to include the permit requirement and fee being charged according to the fee schedule until we update the fence ordinance. Councilmember Trollinger made a motion that we update the language in the ordinance until we get a revised ordinance. There was council discussion and clarification with Mr. Pinnix. Councilmember Enoch seconded the motion. All were in favor and the motion passed (5-0).

Grass Height, Compliance Days, and Word Edit

Mayor Graves-Henry presented the following ordinance changes for grass height, compliance days, and a revision of the word *treat* to *threat*:

- 93.15 (A) change 24 inches to 12 inches to be consistent with 93.34 (B)
- 93.16 (B) change 15 days to 10 days
- 93.17 (A) change 15 days to 10 days

93.17 (B) change 30 days to 15 days
93.17 (C) change 30 days to 15 days
93.35 (A) (2) (b) change 15 days to 10 days
93.36 (E) change the word treat to threat
93.36 (G) change 15 days to 10 days
93.38 change 30 days to 15 days

Mayor Graves-Henry asked for a motion to make the proposed ordinance changes to grass height, compliance, and to change the word *treat* to *threat*. Councilmember Trollinger made a motion that we accept the revision suggested by the code enforcer and attorney. There was council comment and discussion, as well as comment by the Public Works Director. Mayor Graves-Henry seconded the motion. The motion passed (3-2), with a majority vote.

Mayor Graves-Henry closed the Public Hearing and went directly into the regularly scheduled Town Council Meeting.

Public Comment (physically at meeting)

Michael White, Bedford Hills teenage resident, addressed the council concerning the \$100,000 jump in revenue from last year to this year and was inquiring as to how the council was planning to use this revenue. Will Boney, from the Town's accountant office, and Mayor Graves-Henry offered explanation for the additional expected revenue attributing some to the property taxes. It was expressed that this anticipated increase was spread across various areas of the budget. Michael White shared research he had done on the Town of Green Level's population, statistics involving youth, as well as a brief article. He asked the council what they were planning to do in regards to helping the disadvantaged population in Green Level and to help provide needed educational resources. There was council discussion. Councilmember McCollum shared the purpose of the Green Level Foundation, which was to gather information of what could be done to improve our neighborhood, but the Foundation never got off the ground. Mayor Graves-Henry shared that the Town will start looking at more options with funding but could make no promises. Councilmember Trollinger applauded Michael's initiative of posing this need to the council. Councilmember Enoch expressed interest getting Michael's contact information in an effort to perhaps connect him with Parks and Recreation and get him plugged into the summer food program, possible community center, and other programs.

Consent Agenda Approval

Mayor Graves Henry asked for approval of the consent agenda. Councilmember Enoch made a motion that we consent to the agenda. Councilmember Trollinger seconded the motion. All were in favor and the motion passed (5-0).

Mayor's Updates

Code Enforcement

Code Enforcer Dennis Pinnix addressed Mayor Pro Tem Howard's complaint concerning burning wood Mr. Pinnix received on 5-16-2020. A notice of violation was mailed to Mary Speight for a burning violation that had taken place at 1277 N NC Hwy 49 on 5-16-2020. Ms.

Speight asked Mr. Pinnix if it is against the ordinance to burn anything in the Town of Green Level. Mr. Pinnix shared that he then went back and reviewed the ordinances, specifically 93.53 and 93.01 and contacted Attorney Russell via email as to his interpretation of these ordinances. Attorney Russell confirmed that Code Enforcer Dennis Pinnix's interpretation of the ordinance was correct. Mr. Pinnix read most of the Town's ordinance 92.53, covering what type of burning is acceptable in the Town of Green Level and what type is not. Mayor Pro Tem Howard mentioned his condition and doctor's letter concerning him inhaling smoke. There was council discussion with Code Enforcer Dennis Pinnix. Attorney Russell encouraged the council to determine what type of burning is reasonable. There was council comment and council discussion about burning, burning options, and clarity.

Dennisse Cortez, who lives at 2309 James Boswell Road, spoke on Zoom and apologized if she has gotten off on the wrong foot with some of the residents. She expressed that burning in a fire pit is cultural and the only thing they burn in it is logs. Ms. Cortez expressed her desire to be heard and that she has felt, at times, as if her constitutional rights are being violated. She also discussed issues she has had with some neighbors and wants to live in peace. Mayor Graves-Henry expressed that she, Mr. Pinnix, and the council will make sure that they speak to her again, clarification is made as to what is and is not allowed, as well as keep her informed of ordinance changes.

Code Enforcer Dennis Pinnix addressed the 160D proposal for the Town's zoning, subdivision, flood prevention, and minimum housing ordinances that have been mandated by the state of North Carolina. In addition to the 160D ordinance state mandated standards, the Town's ordinances need to be brought up to date, in that 2002 is the last time they were updated. The proposal for the 160D update would cost the Town \$30,000.00 and they would take about/over 3 months to make. Consistency of all ordinances within themselves, as well as consistency with Alamance County will be made. There was council discussion. According to Will Boney, there is \$15,000.00 in this year's fiscal budget and \$20,000.00 in next year's fiscal budget for the 160D update. Mayor Graves-Henry asked for a motion as to whether we should enter into a contract with State Code Enforcement, Incorporated. Mayor Graves-Henry made a motion that we enter into a contract with State Code Enforcement, Incorporated for the \$30,000.00 contract price to complete the project. Councilmember Trollinger seconded the motion. The motion failed (1-4), with Mayor Graves-Henry solely approving the motion. The council decided that two more quotes would be obtained. Mayor Graves-Henry made a motion that Michael oversee getting 3 estimates on an ordinance update proposal. Councilmember Enoch seconded the motion. The motion passed (3, 2) by a majority vote.

Public Comment (Cell phone & Zoom)

Yvette yielded her time to Derrick & Michelle Monroe who lives off Telegraph Lane in Bedford Hills. Mr. Monroe stated that since 2019 he and his neighbors have experienced animal complaints, noise ordinance violations, and excessive harassment and have made law enforcement aware on many occasions. They have not had any positive results with their attempts to reach Main Street Rentals (owner of the home at 127 Telegraph Lane) or the Homeowners Association in regards to the tenant at 127 Telegraph Lane. Mayor Graves-Henry

can add an additional report to the property owner, letting him know that the Town has received some complaints. The Mayor informed Mr. & Mrs. Monroe that the real work would need to be done through consistent complaints to the deputy, to animal control complaints, as well as the owner's stance of perhaps not renewing this resident's lease or evicting the resident. Councilmember Trollinger spoke on the ineffectiveness of the Bedford Hill's Homeowners Association.

Ms. White discussed a need to have speed bumps in Bedford Hills due to some resident's excessive speed and for the safety of the subdivision's children. Ms. Moser requested speed humps or bumps to slow the cars down. Mayor Graves-Henry assured Ms. Moser that she would write the need down and the council will consider this request.

Town Administrator and Town Clerk Applications

Mayor Graves-Henry informed the council that the Town has received 8 Town Administrator applications and 2 Town Clerk applications. The Mayor stressed that there is a need to hire a clerk as soon as possible. There was council discussion concerning the hiring of a Town Administrator and a Town Clerk. The Mayor asked for the council's plan of filling the Town Clerk position. There was council discussion.

Budget Amendment

Mayor Graves-Henry asked for a motion for us to accept the amended budget with the money that comes from the grants received. Councilmember Trollinger made a motion that we accept the amendments for the budget based on the grant information. There was council discussion as to if grant money had to be re payed or if it was given to the Town. Mayor Graves-Henry seconded the motion. The motion passed (5-0). Councilmember Enoch abstained (deemed a positive vote by statute 160A-75).

Hiring Delegation

COVID 19

Mayor Graves-Henry mentioned Governor Cooper's stay at home order as well as the State of Emergency. The Town of Green Level still has a State of Emergency in place. The Town Hall is still closed to the public, but residents are able to set up appointments, as needed. Staff is still offering great customer service and are available via phone and is working overtime to reply to citizens needs. There are at least 3 other of municipalities (Haw River, Burlington, and Elon) that are still closed, as well. Green Level Municipal Park is closed on Saturday and some equipment is roped off to prevent the transmission of the coronavirus. COVID numbers have increased in Alamance County. The Town's park shelter rental will be taken for September 1st or after, dependent on COVID 19 progression. Public Works schedule is alternating. Zoom meetings will be provided until November or until we can offer full capacity seating at meetings. Mayor Graves-Henry thanked the Billing Specialist Regina Johnson for staying late for council meetings to take care of Zoom. She also thanked the Town Clerk.

Janitorial Contract

Mayor Graves-Henry asked Mayor Pro Tem Howard for an update on the Town's janitorial vendor and the pending letter. Mayor Pro Tem Howard made the council aware of the emails he had received from staff letting him know that staff did not want Cynthia Milliken to clean their offices. Mayor Graves-Henry asked if we had resolve anything for the staff. Mayor Pro Tem said yes and that Ms. Milliken didn't have any complaints except for a staff member driving too close to her car. There were council comments and discussion. Councilmember McCollum shared that she was upset when she got the email, which she felt was staff telling the council what they were and were not going to do. Mayor Graves-Henry apologized to the staff because she feels as if her hands are tied to solve the staffs' issue. She stated that staff should be in an environment in which they are supported by their council, the same way the vendor is supported by the council. Mayor Graves-Henry apologized to staff, saying it was her opinion that we were not being treated fairly. She also apologized to the residents for them having to witness some of the council's failure to act on behalf of the staff.

Town Clerk Updates

Fee Schedule

Town Clerk Suzanne Bigelow presented the proposed fee schedule, with the following additions: Mobile Home Permit - \$75.00, Fence Permit - \$50.00, Administration Fee for abatement or civil penalty - \$150.00, and Late Fee for abatement or civil penalty - \$25.00. Mayor Graves-Henry asked for a motion for the proposed fees. Councilmember Trollinger made a motion that we accept the fee schedule as submitted with the suggestions of the code enforcer and our legal department. Mayor Graves-Henry seconded the motion. All were in favor and the motion passed (5-0).

Employee Performance Review

The Clerk asked the council to approve the employee performance report, per the Town's ordinance of having a form approved by the council and conducting employee reviews as mandated by the Town's ordinance. There was council discussion. Mayor Graves-Henry asked for a motion to approve the evaluation report sheet that has been presented to us. Mayor Pro Tem Howard made a motion to accept the evaluation as stated. Councilmember Enoch seconded the motion. All were in favor and the motion passed (5-0).

Public Works Update

Public Works Director Rodney Gunn that his department is doing what they can to hold it together right now.

Town Attorney Updates

Attorney Russell had no additional comments.

Town Council Comments

Councilmember McCollum inquired about Willie Golden being on the payroll, as well as for the person responsible for the landscaping duties in the front of the building.

Councilmember McCollum mentioned that it is the duty of the council to accept staff resignations so that it might be recorded in the minutes. Councilmember McCollum made a motion that we accept Mrs. Bigelow's resignation as Town Clerk. Councilmember Enoch seconded the motion. All were in favor and the motion passed (5-0).

Mayor Pro Tem Howard asked if we had seen any leaks inside the building and Public Works Director responded that the leak has been reported and someone will be coming out soon to repair it. There was some discussion with Public Works Director Rodney Gunn.

Councilmember Trollinger made the council aware that there will be an evidentiary hearing concerning the \$25,000.00 that was spent for the property on Green Level Church Road, on Thursday, June 25, 2020. Council would hear the evidence and make a decision based on the evidence presented. Councilmember Trollinger made a motion that we put that investigative hearing date on the 25th at 7pm here at Town Hall. Attorney Russell recommended that the date be moved to July to allow time for Mr. Russell to issue subpoenas. Councilmember Trollinger amended his motion to schedule the investigative hearing during the next regular meeting on July 9th. Mayor Pro Tem Howard seconded the motion. Attorney Russell will present the information to the council at the next council meeting. There was council discussion with the attorney. Councilmember Trollinger withdrew his motion based on council discussion and the recommendation of the attorney.

Mayor Graves-Henry thanked the Town Accountant Representative, Will Boney, for his work on the budget. She also thanked the Town Clerk Suzanne Bigelow, Billing Specialist Regina Johnson, and the Office Assistant Maria Estrada.

Mayor Graves-Henry encouraged citizens to stay safe and assured them that we would get through this season of COVID.

Mayor Graves-Henry asked for a motion to recess the meeting until Monday at 9 am. Mayor Pro Tem Howard made a motion to recess the meeting until 9 am on Monday, June 15, 2020. Mayor Graves-Henry seconded the motion. All were in favor and the motion passed (5-0).

Mayor Carissa Graves-Henry

Attest: Suzanne Bigelow-Town Clerk



GREEN LEVEL TOWN COUNCIL
MEETING DATE: Thursday August 13, 2020

ITEM 8A

DEPARTMENT: PUBLIC WORKS/WATER & SEWER

TOPIC: SEWER REDESIGN PROJECT

PRESENTER: MIKE KOSER, WITHERS RAVENEL
ENGINEERING
DONNA DAVIS, ADMINISTRATOR

AGENDA ITEM TO BE CONSIDERED	
SUBJECT SUMMARY	<p>The Bedford Hills subdivision produces flows that exceed the capacity of existing and relatively new pump stations in the Green Level collections system. A project was conceived, engineered, funded, and bid to address the issues related to the incompatible flows passing through the collections systems. Further review, determined the project to be inadequate and Withers Ravenel was asked to review and propose a workable alternative. The information presented at the Council meeting is intended to revisit the new project proposal and to facilitate moving forward with correcting the issues.</p>
REQUESTED ACTION	<p>1. Request the Council authorize staff to move forward with the Green Level Sewer Redesign project as detailed in the presentation.</p>

ATTACHMENTS:

1. Sewer Redesign Project presentation slides

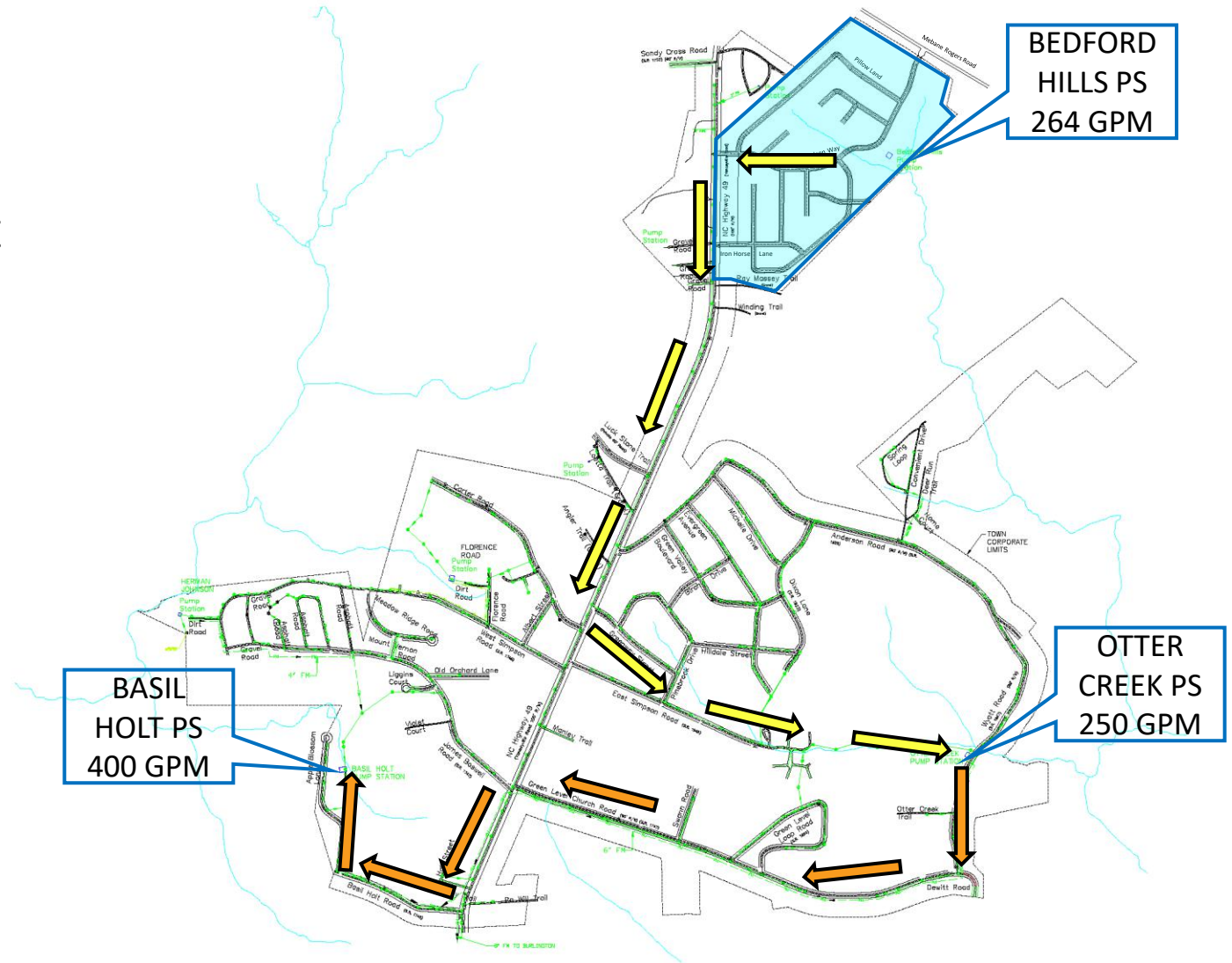


SEWER REDESIGN PROJECT STATUS UPDATE

TOWN OF GREEN LEVEL
AUGUST 2020

BEDFORD HILLS SUBDIVISION IMPACT

- APPROVED WITHOUT ADDRESSING DOWNSTREAM SEWER IMPACTS/LIMITATION
- RESULT - EXTREME OVERLOADING OF OTTER CREEK PS
- BURDEN TO CORRECT OVERLOAD BECAME TOWN RESPONSIBILITY
- DOWNSTREAM SEWER DEFICIENCIES:
 - ❖ BEDFORD HILL PS – 264 GPM VS. OTTER CREEK PS – 250 GPM (MAX.)
 - ❖ 6" OTTER CREEK FM – 440 GPM (MAX.) @ 200 PSI
 - ❖ OTTER CREEK DISCHARGES TO BASIL HOLT – 400 GPM (MAX.)

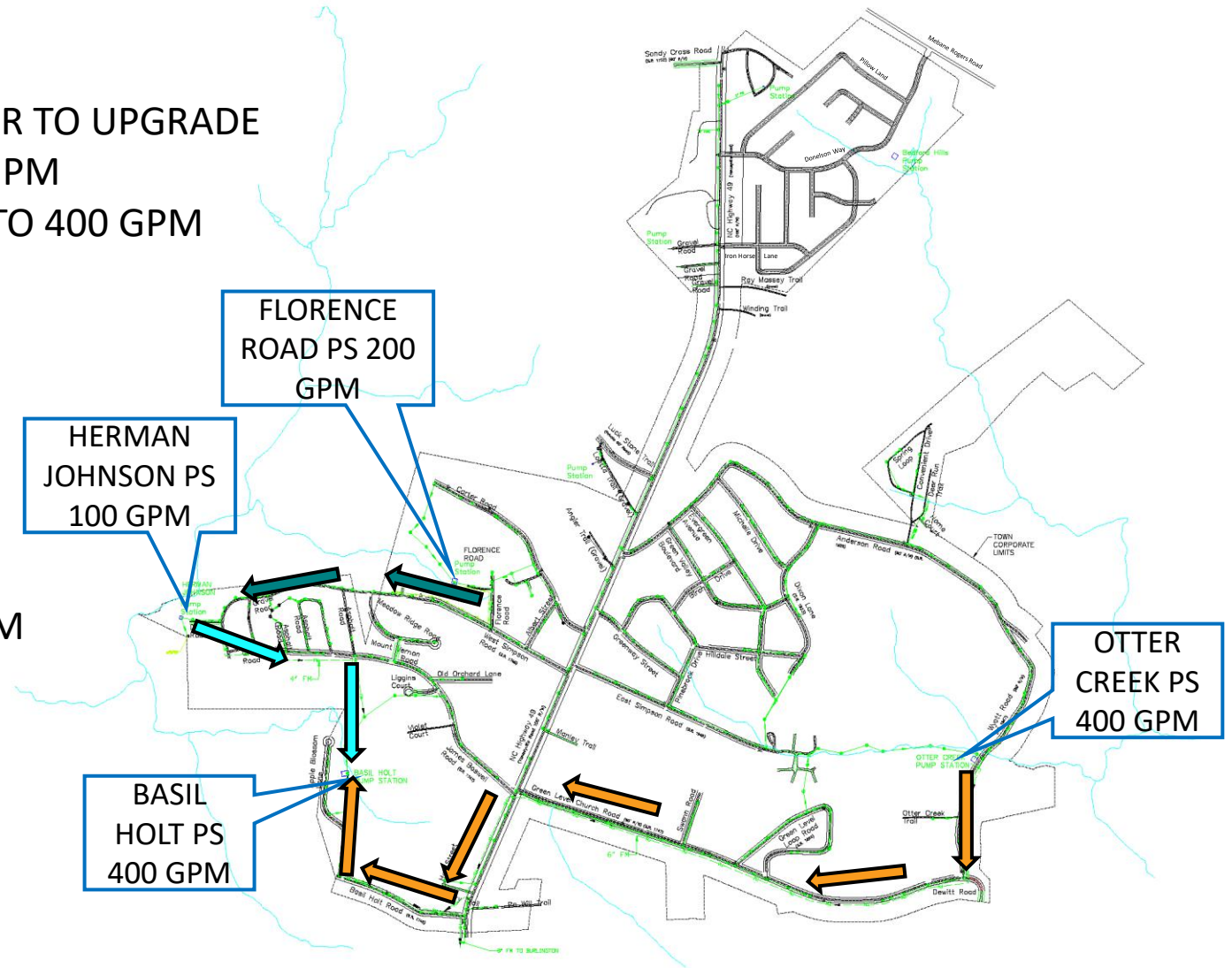


DESIGN CONCEPT

- MOVE OTTER CREEK PUMPS AND GENERATOR TO UPGRADE FLORENCE ROAD PS FROM 80 GPM TO 200 GPM
- UPGRADE OTTER CREEK PS FROM 200 GPM TO 400 GPM

DESIGN LIMITATIONS

- FLORENCE ROAD PS (200 GPM) DISCHARGES THROUGH 4" LINE TO HERMAN JOHNSON PS (100 GPM)
- UPGRADED FLORENCE ROAD PS @ 200 GPM AND UPGRADED OTTER CREEK PS @ 400 GPM DESIGNED TO DISCHARGE THROUGH BASIL HOLT PS @ 400 GPM

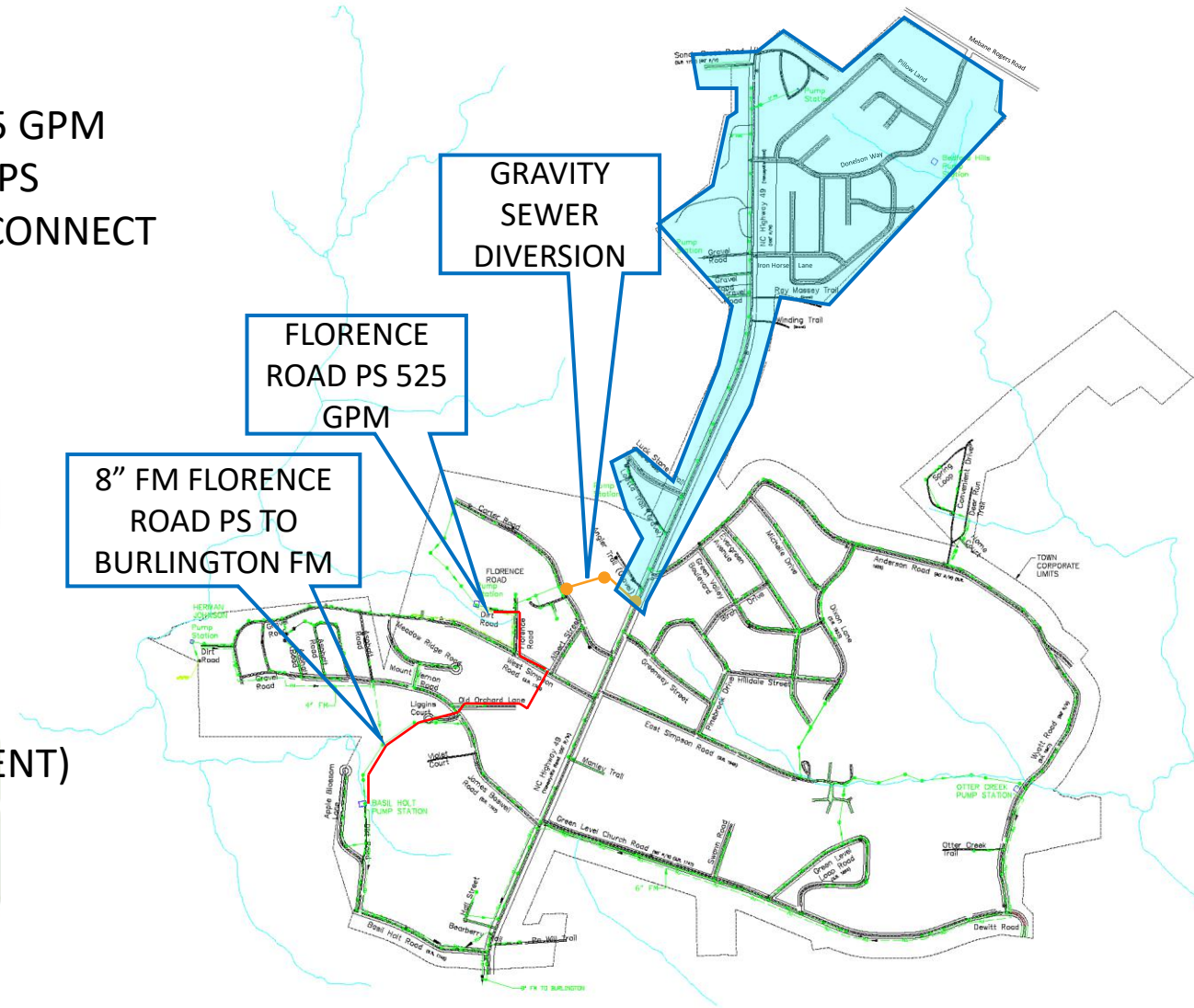


DESIGN CONCEPT

- UPGRADE FLORENCE ROAD PS FROM 80 GPM TO 525 GPM
- DIVERT HWY 49 NORTH SEWER TO FLORENCE ROAD PS
- CONSTRUCT 8" FM FROM FLORENCE ROAD PS AND CONNECT TO 8" FM TO BURLINGTON AT BASIL HOLT

DESIGN STATUS

- PUMP STATION DESIGN COMPLETE
- GRAVITY SEWER DESIGN COMPLETE
- FORCE MAIN DESIGN COMPLETE
- EASEMENTS IDENTIFIED (TEMPORARY AND PERMANENT)



NEXT STEPS

- SUBMIT AND SECURE EROSION & SEDIMENT CONTROL PERMIT
- SUBMIT AND SECURE NCDEQ FAST TRACK PERMIT
- OBTAIN EASEMENTS
- OBTAIN CHANGE ORDER OFFER FROM TA LOVING ON PUMP STATION
- OBTAIN QUOTE FROM TA LOVING ON GRAVITY AND FORCE MAIN
- OBTAIN BIDS FOR GRAVITY AND FORCE MAIN WORK (OPTIONAL)
- REBID PUMP STATION (OPTIONAL)
- ISSUE CHANGE ORDER OR NEW CONTRACTS
- BEGIN CONSTRUCTION

FUNDING OPPORTUNITIES

- ASSET INVENTORY ASSESSMENT - \$150,000 WATER \$150,000 SEWER
 - ❖ MATCH UP TO 25%
- CDBG-I \$2M – ONLY FOR SYSTEMS 40-YEARS OLD AND ABOVE



GREEN LEVEL TOWN COUNCIL
 MEETING DATE: Thursday August 13, 2020

ITEM 8B

DEPARTMENT: PLANNING & ZONING

TOPIC: EXTRATERRITORIAL JURISDICTION ETJ
 ZONING

PRESENTER: DONNA DAVIS, ADMINISTRATOR

AGENDA ITEM TO BE CONSIDERED	
SUBJECT SUMMARY	<p>The Town of Green Level, North Carolina provide zoning xxx for both the incorporated town limits and the extra-territorial jurisdiction (ETJ) outside the corporate limits. Several areas in the ETJ currently do not have zoning designations. Alamance County does not provide zoning for these areas. As a result, these parcels in the Green Level ETJ have no limitations and no guidance with respect to zoning. At the administrators request, Green Level’s Planning and Zoning contractor, State Code Enforcement Incorporated, (SCEI) provided a proposal regarding the zoning of these parcels. The proposal scope of work includes:</p> <ol style="list-style-type: none"> 1. Two field days with two people to collect the initial zoning data. 2. Sixteen hours to process the maps and work with Piedmont Regional Council of Government to update the zoning map. 3. Two public hearings of up to four hours each to get the map adopted. <p>The cost to complete the above activities and bring all parcels in the ETJ under Green Level zoning is \$2,400.</p>
REQUESTED ACTION	<ol style="list-style-type: none"> 1. Request the Council approve the expenditure of \$2,400 to have State Code Enforcement Incorporated complete zoning for parcels in the Green Level ETJ.

ATTACHMENTS:

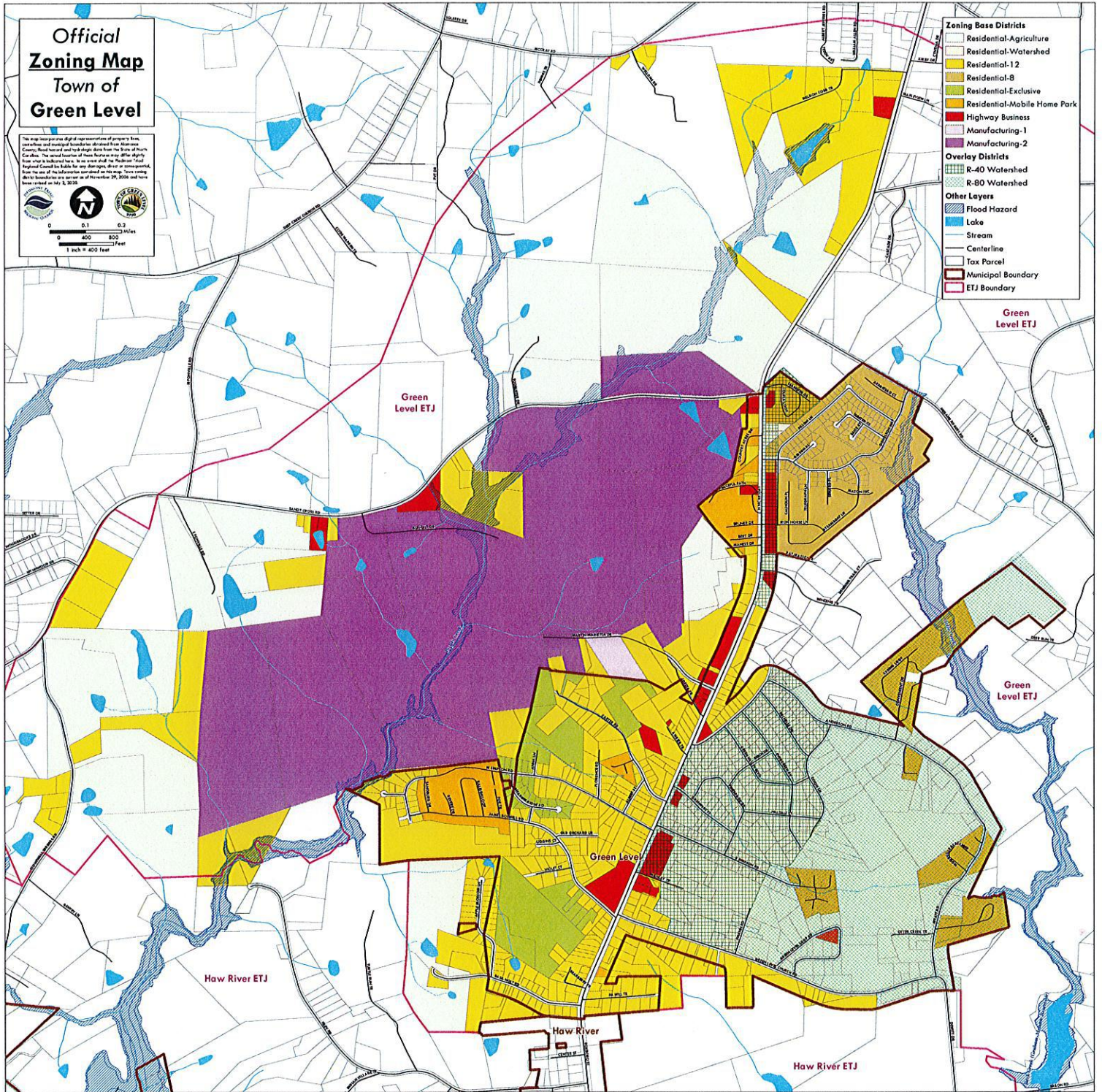
1. Addendum to the rewrite of the Town Zoning Ordinance Proposal from SCEI
2. Official Zoning Map – Town of Green Level

Official Zoning Map Town of Green Level

This map represents a digital representation of property lines, easements, and existing boundaries derived from Alamance County Real Record and topographic data from the State of North Carolina. The actual location of these features may differ slightly from what is indicated here, as an aerial photo. Final Regional Council is liable for any changes, errors or omissions. Some boundaries are shown as of November 29, 2006 and have been revised on July 1, 2008.



- Zoning Base Districts**
 - Residential-Agriculture
 - Residential-Watershed
 - Residential-12
 - Residential-8
 - Residential-Exclusive
 - Residential-Mobile Home Park
 - Highway Business
 - Manufacturing-1
 - Manufacturing-2
- Overlay Districts**
 - R-40 Watershed
 - R-80 Watershed
- Other Layers**
 - Flood Hazard
 - Lake
 - Stream
 - Centerline
 - Tax Parcel
 - Municipal Boundary
 - ETJ Boundary



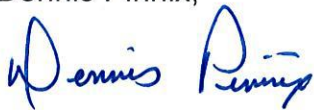
Addendum to the rewrite of the Town Zoning Ordinance Proposal from SCEI

Donna Davis, we have had several requests from realtors, attorneys and citizens on the zoning for several properties that are in the Town's ETJ. When searching the Town's zoning map we have zoning within the town limits and some of the ETJ but not in all areas of the ETJ. This is due to the fact that Alamance county does not have zoning within the county and it is up to Green Level to classify the zoning in the ETJ areas. Roger the Planner that is working with Green Level has the following recommendation to update the map so that the Town will have zoning in all areas of the ETJ.

- * Two field days with two people to collect the initial zoning data.
- * Sixteen hours to process the maps and work with PTRC to update the current map.
- * Two hearings at up to four hours each to get the map adopted.

The cost to complete the process of creating zoning for all of the Town's ETJ will be \$2,400.

Dennis Pinnix,



State Code Enforcement, Inc.
1451 S. Elm-Eugene Street
Greensboro, NC 27406
336-553-9696 Office
336-601-5101 Mobile

July 30, 2020



GREEN LEVEL TOWN COUNCIL
 MEETING DATE: Thursday August 13, 2020

DEPARTMENT: PLANNING & ZONING

TOPIC: R8 ZONING UPDATE

PRESENTER: DONNA DAVIS, ADMINISTRATOR

AGENDA ITEM TO BE CONSIDERED	
SUBJECT SUMMARY	<p>Currently there is no adopted R8 zoning in the Ordinances for the Town of Green Level. The Bedford Hills subdivision was built according to this standard in anticipation of a R8 zoning designation or that community. State Code Enforcement, Inc planning consultant, Roger Bardsley has researched and prepared the text for an amendment to the Green Level Zoning Ordinances to include R8.</p>
REQUESTED ACTION	<ol style="list-style-type: none"> 1. Review R8 proposed zoning amendment in anticipation of a public hearing and adoption of the text at the September regular meeting of the Town Council. 2. Authorize staff to plan and announce public hearing for the September 10, 2020 regularly scheduled Council meeting in in anticipation of a vote to amend the Town’s zoning to accommodate R8.

ATTACHMENTS:

1. Zoning text: 153.089 (a) R-8 Residential – General District
2. Land Use table: 153.096 Table of Permitted Uses

Green Level – Land Usage

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§ 153.096 TABLE OF PERMITTED USES.

<i>Permitted Uses</i>	<i>Zoning Districts</i>											
	R-80 (0)	R-40 (0)	R-WS	R-A	R-12	R-8	R-E	MF	MHP	HB	M-1	M-2
Commercial Uses												
Accessory uses and structures											X	X
Auto rental, leasing, repair, or washing services.												X
Building supply sales with or without storage yard, provided al open storage is surrounded by a fence not less than 6 ft. in height.												X
Contractors’ offices and storage yards, provided all open storage is surrounded by a fence not less than 6 ft. in height.												X
Dry cleaning or laundry plants.												X
Equipment rental, leasing, and repair.												X
Financial services including banks, savings and loans.										X		
Garden center or retail nursery.												X
Industrial supplies and equipment sales and service provided all open storage is surrounded by a fence not less than 6 ft. in height.												X
Landscape or horticultural services.												X
Manufacturing including apparel and finished fabric products, audio, video and communication equipment; bakery products; non-alcoholic beverages; computer and office equipment; dairy products; electrical and electronics equipment; food; furniture and fixtures; heating equipment, plumbing fixtures; leather and leather products; motor vehicle parts and accessories; paper products (not coating or laminating); printing and publishing.											X	X
Mining and quarrying with asphalt-ready mix concrete as accessory uses.												X
Off-street parking and loading, subject to §§ 153.140 and 153.141.										X	X	X

Zoning

<i>Permitted Uses</i>	<i>Zoning Districts</i>											
	R-80 (0)	R-40 (0)	R-WS	R-A	R-12	R-8	R-E	MF	MHP	HB	M-1	M-2
Offices, for permitted uses										X	X	X
Offices, including, but not limited to, doctors, lawyers, real estate and insurance companies										X		
Public recreational facilities, such as putt-putt golf courses, driving ranges and the like										X		
Public safety facilities (police and fire stations)											X	X
Public works (excluding sewer treatment plant) and public utilities, including service and storage yards, provided they are surrounded by a fence not less than 6 ft. in height											X	X
Restaurants, including drive-through X Retailing of goods or services, such as, auto services stations, convenient stores, including sale of gasoline, motels, restaurants, including drive-through facilities												X
Signs, subject to §§ 153.155 through 153.166										X	X	X
Textile products												
Warehouses or mini warehouses												
Residential Uses												
Accessory uses and structures including, but not limited to, private garages, utility buildings or swimming pools	X	X	X	X	X	X	X				X	X
Agriculture or horticulture, including retail sale of products produced on the property				X	X	X	X					
Agriculture, subject to provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 conducted after January 1,1993 (See Note #1 in § 153.098)	X	X	X									
Bed and breakfast inn	X	X	X	X	X	X	X					

Green Level - Land Usage

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<i>Permitted Uses</i>												
	R-80 (0)	R-40 (0)	R-WS	R-A	R-12	R-8	R-E	MF	MHP	HB	M-1	M-2
Bona fide farms, subject to other federal, state and local regulations								X				
Churches and their customary related uses including cemeteries, provided all buildings and graves shall be set back at least 20 ft. from any property line	X	X	X	X	X	X	X	X				
Class A manufactured homes	X	X	X	X	X	X		X	X			
Class B manufactured homes									X			
Day-care facilities, licensed by the state	X	X	X	X	X	X	X					
Dwellings, multi-family units								X				
Dwellings, single-family site-built or modular units	X	X	X	X	X	X	X		X			
Family care homes licensed by the state	X	X	X	X	X	X	X					
Incidental home occupations	X	X	X	X	X	X	X	X	X			
Manufactured home parks, subject to the requirements of § 153.092									X			
Off-street parking subject to §§ 153.140 and 153.141	X	X	X	X	X	X	X	X				
Parks, playgrounds, community centers	X	X	X	X	X	X	X	X	X			
Public safety facilities, such as fire, rescue, police or emergency medical vehicles	X	X	X	X	X	X	X	X	X	X	X	X
Public works and public utility facilities such as transformer stations, pump stations, water towers, telephone exchanges and relay towers	X	X	X	X	X	X	X	X	X			
Schools, public and private	X	X	X	X	X	X	X					
Signs subject to §§ 153.155 through 153.166	X	X	X	X	X	X	X	X				
Silviculture, using BMP required to implement the provisions of <i>Forest Practices Guidelines Related to Water Quality</i>	X	X	X									

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002; Ord. passed 10-7-2004)

§ 153.097 TABLE OF PROHIBITED USES.

<i>Prohibited Uses</i>												
	R-80 (0)	R-40 (0)	R-WS	R-A	R-12	R-8	R-E	MF	MHP	HB	M-1	M-2
Land applications sites for sludge/residuals or petroleum contaminated soils	X	X	X	X	X	X	X	X	X	X	X	
Landfills	X	X	X	X	X	X	X	X	X	X	X	
Metal salvage facilities including junkyards	X	X	X	X	X	X	X	X	X	X	X	
Storage of toxic and hazardous materials unless a spill containment plan is implemented	X	X	X	X	X	X	X	X	X	X	X	X

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed --2002)

§ 153.098 TABLE OF CONDITIONAL USES.

<i>Commercial Uses</i>	<i>Zoning Districts</i>											
	R-80 (0)	R-40 (0)	R-WS	R-A	R-8	R-12	R-E	MF	MHP	HB	M-1	M-2
Industrial parks (See Note #2 below)											X	X
Mixed uses (for example, buildings erected for both dwelling and business purposes), provided such buildings shall be furnished with side yards on each side of the building measuring not less than 8 ft. in width; provided, however, that this regulation shall not apply to the street side of a corner lot										X		
Office and professional centers (See Note #3 below)										X	X	X
Other uses that meet the general intent of the zoning district											X	X
Shopping center (See Note #4 below)										X		

Green Level - Land Usage

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Notes for Preceding Tables:	
#1	Agricultural - Subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 conducted after January 1, 1993 shall maintain a minimum 10-ft. vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of the U.S.G.S. 1:24,000 scale topographic maps as determined by local government studies. Animal operations greater than 100 animal units shall employ BMP by July 1, 1994 recommended by the Soil and Water Conservation Commission.
#2	Subject to § 153.093(F)(3)
#3	Subject to § 153.093(F)(2)
#4	Subject to § 153.093(F)(1)

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.099 TABLE OF DIMENSIONAL REQUIREMENTS.

<i>Table of Dimensional Requirements</i>							
<i>Zoning District</i>	<i>Lot Size</i>	<i>Lot Width</i>	<i>Front Yard Setback</i>	<i>Side Yard Setback</i>	<i>Rear Yard Setback</i>	<i>Height</i>	<i>Accessory Buildings</i>
R-80 (O) Watershed - Critical Area Overlay District	2 acres	100 ft.	30 ft.	15 ft.	20 ft.	35 ft.	Not in front yard; 20 ft. from lot line
R-40 (O) Watershed - Non-Critical Area Overlay	1 acre	See R-80	See R-80	See R-80	See R-80	See R-80	See R-80
R-WS Watershed District	1 acre	See R-80	See R-80	See R-80	See R-80	See R-80	See R-80
R-8 Residential - General	8000 sq. ft.	60 ft.	25 ft.	5 ft.	15 ft.	35 ft.	Not in front yard; 5 ft from lot line
R-A Residential-Agricultural	More than 12,000 sq. ft.	80 ft.	30 ft/	10 ft.	20 ft.	35 ft.	Less than 35 ft.
R-12 Residential - General	12,000 sq. ft.	80 ft.	See R-80	10 ft.	See R-80	See R-80	See R-80
R-E Residential - Exclusive	12,000 sq. ft.	80 ft.	See R-80	10 ft.	See R-80	See R-80	See R-80
R-MF Res. - Multi-Family	6,000 sq. ft. first D.U.; 3,000 sq. ft. for each additional D.U.	See R-12	See R-80	See R-12	See R-80	See R-80	
R-MHP Manufactured Home/Mobile Home Park District	All manufactured home parks shall comply with development standards in § 153.092						

Table of Dimensional Requirements							
<i>Zoning District</i>	<i>Lot Size</i>	<i>Lot Width</i>	<i>Front Yard Setback</i>	<i>Side Yard Setback</i>	<i>Rear Yard Setback</i>	<i>Height</i>	<i>Accessory Buildings</i>
H-B Highway - Business	Not specified	Not specified	See R-80	10 ft.	20 ft.	50 ft.	
M-1 Limited Manufacturing	1 acre	See R-80	50 ft.	15 ft.	20 ft.	See H-B	
M-2 General Manufacturing	1 acre	See R-80	50 ft.	15 ft.	20 ft.	See H-B	
For nonconforming vacant lots, see § 153.196.							
When existing buildings within 100 ft. of either side of the proposed building lot, on the same side of the street, in the same block and in the same zoning district have setbacks less lot apply. In such cases, the front yard on such lots may be less than the existing front yards, or a distance of 10 ft. from the street right-of-way, whichever is greater.							
Height limitations do not apply to church spires, belfries, cupolas and domes not intended for human occupancy; and water towers, observation towers, transmission towers, chimneys, towers, television towers, masts, aerials and similar structures.							
No residential lot shall be less than 2 acres, except in an approved cluster development. See § 153.085(F).							
When the side yard abuts a street the side yard setback shall be 20 ft.							
No residential lot shall be less than 1 acre, except in an approved cluster development. See § 153.086(F).							
When the side yard abuts a street, the side yard setback shall be 15 ft.							

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

EXCEPTIONS AND MODIFICATIONS

§ 153.110 HEIGHT LIMITATION.

The height limitations of this chapter shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; and monuments, water, towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, radio towers, television towers, masts, aerials and similar structures, except as otherwise provided in the vicinity of airports. (Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

153.089 (a) R-8 RESIDENTIAL – GENERAL DISTRICT

(A) *Intent.* A medium density residential district inside the corporate limits where the primary uses are single-family dwelling units and other compatible uses such as churches and schools. New development is required to have both public water and sewer services provided at the developer's expense.

(B) *Permitted uses.*

- (1) Accessory uses and structures including, but not limited to, private garages, utility buildings or swimming pools;
- (2) Agriculture or horticulture, including the retail sale of products produced on the property;
- (3) Churches and their customary related uses including cemeteries, provided that all buildings and graves are set back at least 20 feet from any property line;
- (4) Day-care facilities, licensed by the state;
- (5) Dwellings, single-family, including site-built, modular units and Class A manufactured homes;
- (6) Incidental home occupations;
- (7) Parks, playgrounds and community centers;
- (8) Public safety facilities, such as fire, rescue, police or emergency medical vehicles, provided:
 - (a) All vehicles and equipment shall be stored indoors;
 - (b) All buildings shall be set back at least 20 feet from all property lines;
and
 - (c) The facilities shall be designed and landscaped to blend in with the surrounding area.
- (9) Family care homes licenses by the state;
- (10) Public works and public utility facilities such as transformer stations, pumping stations, water towers, telephone exchanges and relay towers provided:
 - (a) No materials or vehicles shall be stored on the premises; and

(b) All buildings and apparatus shall be set back at least 20 feet from the property lines and shall be designed and landscaped in such a way as to blend into the surrounding area.

- (11) Schools, public and private;
- (12) Off-street parking subject to sections 153.140 and 153.141; and
- (13) Signs subject to sections 153.155 through 153.166.

(C) *Prohibited uses.*

- (1) Landfills;
- (2) Land application sites for sludge/residuals or petroleum contaminated soils;
- (3) Metal salvage facilities including junkyards; and
- (4) The storage of toxic materials unless a spill containment plan is implemented.

(D) *Conditional uses; bed and breakfast inn.*

- (1) The applicant must submit a plot plan showing the location of parking, buildings, adjacent uses, accessibility to thoroughfares and buffering. The plan shall show or state the type of buffering.
- (2) No bed and breakfast inn or other similar use shall locate within 400 feet of a rooming house, boarding house or another bed and breakfast inn.

(E) *Dimensional requirements.*

- (1) *Lot size.* Each single-family dwelling unit or other permitted use shall be located on a lot with at least 8,000 square feet.
- (2) *Lot width.* Each lot shall be at least 60 feet wide at the building line.
- (3) *Front yard setback.* The principal building shall have a minimum front yard setback of 25 feet, measured from the building setback line and the right-of-way.
- (4) *Side yard setback.* The principal building shall have a minimum side yard setback of at least five feet on both sides. When a side yard abuts a street or highway, it shall be at least 15 feet in width. The minimum aggregate building separation shall be 15'
- (5) *Rear yard setback.* The principal building shall have a minimum rear yard setback of 15 feet, measured from the nearest point of the building and the rear lot line.

- (6) *Building height.* Every principal use or accessory use shall not exceed 35 feet in height.
- (7) *Accessory buildings.* Accessory buildings shall not be located in a front yard of a principal building, or within 20 feet of any street right-of-way, or within five feet of any lot line not a street.
- (8) *New residential buildings.* All new residential buildings shall be a minimum of 1,200 square feet in size.



GREEN LEVEL TOWN COUNCIL
 MEETING DATE: Thursday August 13, 2020

ITEM 8D

DEPARTMENT: PLANNING & ZONING

TOPIC: 160D COMPLIANCE

PRESENTER: DONNA DAVIS, ADMINISTRATOR

AGENDA ITEM TO BE CONSIDERED	
SUBJECT SUMMARY	<p>The North Carolina General Assembly enacted legislation — S.L. 2020-25 (S. 720) — making Chapter 160D effective on June 19, 2020. The new Chapter 160D of the North Carolina General Statutes consolidates current city- and county-enabling statutes for development regulations (now in Chapters 153A and 160A) into a single, unified chapter. Chapter 160D places these statutes into a more logical, coherent organization. While the new law does not make major policy changes or shifts in the scope of authority granted to local governments, it does provide many clarifying amendments and consensus reforms that will need to be incorporated into local development regulations. Chapter 160D is effective now, but local governments have until July 1, 2021 for the development, consideration, and adoption of necessary amendments to conform local ordinances to this new law. All city and county zoning, subdivision, and other development regulations, including unified-development ordinances, will need to be updated by that date to conform to the new law.</p> <p>Proposal have been received from three responsive, responsible providers: State Code Enforcement, Inc, Stewart, and Walkable Urban Development, LLC. The proposals have been reviewed and ranked according to the following criteria:</p> <ol style="list-style-type: none"> 1. Compliance with 160D 2. Capacity of Provider 3. Cost <p>Staff recommends Council engage Stewart to revise Green Level’s zoning, subdivision, and other development regulations to be updated to conform to the new law. Stewart is recognized as a preferred provider with the North Carolina League of Municipalities.</p>
REQUESTED ACTION	<ol style="list-style-type: none"> 1. Request the Council award a contract based on the attached proposal to Stewart to revise Green Level’s zoning, subdivision, and other development regulations to be updated to conform to the new law S.L. 2020-25 (S. 720) also known as Chapter 160D. 2. Consider engaging Stewart to create a Unified Development Ordinance (UDO) with the 160D compliance or next fiscal year.

ATTACHMENTS:

1. UNC School of Government: G.S. Chapter 160D Checklist of Changes to Local Ordinances, Policies, and Practices
2. Proposal from State Code Enforcement, Inc
3. Proposal from Stewart
4. Proposal from Walkable Urban Development, LLC

G.S. Chapter 160D Checklist of Changes to Local Ordinances, Policies, and Practices

This checklist outlines provisions in the new Chapter 160D of the North Carolina General Statutes (hereinafter G.S.) as well as related statutory changes that will be incorporated into Chapter 160D. The changes to the statutes affect the language of local ordinances, the options for local decision processes, and the administrative practices related to development regulations.

This checklist is one piece of a larger set of resources and training materials, including an explanatory book, *Chapter 160D: A New Land Use Law for North Carolina*. Each item on this checklist is described more thoroughly in those additional resources. Section headers in this checklist note the corresponding chapter and section of the Chapter 160D book [in brackets]. Check nc160D.sog.unc.edu for additional resources and training.

The checklist has specific notations, which are accompanied by specific icons, as follows:

- Denotes **legislative changes** for which local governments *must* take action (statutory citations are in parentheses)
- Denotes **permissive legislative changes** for which local governments *may* take action
- Denotes **notable legislative changes** that do not require local action but of which local governments must *be aware*

*For items noted with an asterisk, local governments do not have authority for the change until January 1, 2021, unless legislation authorizes earlier effectiveness. Noted changes may be incorporated into ordinances and policies, but they must not be effective until 2021. All other changes may be adopted and effective immediately.

I. Terminology and Citations [Chapter 1, Section III]

- Must** update any references to provisions in G.S. Chapter 160A or 153A to indicate relevant provisions in Chapter 160D. (See appendixes B and C in the Chapter 160D book.)
- Must** align ordinance terminology with Chapter 160D terminology for *conditional zoning* and *special use permits*; must delete use of the terms *conditional use permit*, *special exception*, *conditional use district zoning*, and *special use district zoning*. (See G.S. 160D-102.)
- Must** ensure that ordinance definitions for the following terms are not inconsistent with definitions provided in state law and regulation: *building*, *dwelling*, *dwelling unit*, *bedroom*, and *sleeping unit*. (S.L. 2019-111, § 1.17.)
- May** align ordinance terminology with Chapter 160D terminology, including for the following terms: *administrative decision*, *administrative hearing*, *determination*, *developer*, *development*, *development approval*, *development regulation*, *dwelling*, *evidentiary hearing*, *legislative*

decision, legislative hearing, planning and development regulation jurisdiction, and quasi-judicial decision. (G.S. 160D-102.)

II. Geographic Jurisdiction [Chapter 2, Section I]

- *For extension of extraterritorial jurisdiction (ETJ), a municipality **must** provide mailed notice thirty days prior to ETJ hearing; municipality **may** hold one hearing (with single mailed notice) regarding ETJ and initial zoning amendment. (G.S. 160D-202(d))
- Municipality **may** hold hearings in anticipation of change in jurisdiction. (G.S. 160D-204.)
- *For a parcel in two jurisdictions, the owner and the jurisdictions **may** agree for development regulations from one jurisdiction to apply to the entire parcel. (G.S. 160D-203.)
- *In ETJ, the county **may** elect to exercise development regulations that the municipality is not exercising. (G.S. 160D-202(b).)

III. Boards [Chapter 2, Section II]

A. In General

- Must** adopt broadened conflict-of-interest standards for governing and advisory boards. (G.S. 160D-109.)
- Must** keep minutes of proceedings of each board. (G.S. 160D-308.)
- Must** have each board member take an oath of office before starting his or her duties. (G.S. 160D-309.)
- Must** update ETJ population estimate, at least with each decennial census (also calculation for proportional representation is simplified and process for appointment is clarified). (G.S. 160D-307.)
- Must** provide proportional representation for ETJ on preservation commission if any districts or landmarks are designated in the ETJ. (G.S. 160D-307.)
- May** have detailed rules of procedure for each board; **may** be adopted by governing board; if not, then **may** be adopted by individual board; if adopted, **must** maintain board rules of procedure (by clerk or other officer as set by ordinance) and **must** post board rules of procedure to website, if the jurisdiction has a website. (G.S. 160D-308.)
- May** establish reasonable procedures to solicit, review, and make appointments; governing board typically makes appointments but may delegate that appointment-making authority. (G.S. 160D-310.)
- May** establish additional advisory boards related to development regulations. (G.S. 160D-306.)

B. Planning Board

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

C. Board of Adjustment

- May** assign board of adjustment to hear and decide matters under any development regulation, not just zoning. (G.S. 160D-302.)
- May** assign duties of housing appeals board to board of adjustment. (G.S. 160D-305.)

IV. Land Use Administration [Chapter 2, Section III]

A. In General

- Must** incorporate new staff conflict-of-interest standards into ordinance or policy. (G.S. 160D-109.)
- Must** maintain in paper or digital format current and prior zoning maps for public inspection. (G.S. 160D-105.)
- Must** maintain in paper or digital format any state or federal agency maps incorporated by reference into the zoning map. (G.S. 160D-105.)
- May** enact ordinances, procedures, and fee schedules relating to administration and enforcement of development regulations. (G.S. 160D-402(b).)
- May** charge reasonable fees for support, administration, and implementation of development regulation; **must** use any such fees for that purpose, not for other purposes. (G.S. 160D-402(d).)

B. Enforcement

- Must** issue notices of violation (NOVs) in conformance with statutory procedures (must deliver to permittee and landowner if different; may deliver to occupant or person undertaking the activity; delivery by hand, email, or first-class mail; may be posted onsite; administrator to certify NOV for the file.) (G.S. 160D-404(a).)
- If inspecting, **must** enter the premises during reasonable hours and upon presenting credentials; **must** have consent of premises owner or an administrative search warrant to inspect areas not open to the public. (G.S. 160D-403(e).)
- For revocation of development approval, **must** follow the same process as was used for the approval. (G.S. 160D-403(f).)
- May** perform inspections for other development approvals to ensure compliance with state law, local law, and the terms of the approval; **must** perform (or contract for) inspections for building permits. (G.S. 160D-1113; -403(e).)

- **May** perform inspections for general code compliance and enforcement (inspections unrelated to a development approval). (G.S. 160D-402(b).)
- **May** require a certificate of compliance or occupancy to confirm that permitted work complies with applicable laws and terms of the permit; still **must** require certificate of occupancy for work requiring a building permit. (G.S. 160D-403(g).)
- **May** issue stop-work orders for illegal or dangerous work or activity, whether related to a permit or not. (G.S. 160D-404(b).)
- **May** continue to use general enforcement methods, including civil penalties, fines, court-ordered actions, and criminal prosecution. (G.S. 160D-404(c).)
- △ Be aware that a local government must bring a court action in advance of the applicable five- and seven-year statutes of limitation. (G.S. 1-51 and -49; established prior to Chapter 160D.)

V. Substance of Zoning Ordinance [Chapter 3, Section I]

- **Must** maintain current and prior zoning maps for public inspection (local government clerk or other office may be the responsible office); **may** adopt and maintain in paper or digital format. (G.S. 160D-105.)
- **Must** eliminate conditional-use-district zoning; existing conditional-use-district zoning converts to conditional district on January 1, 2021. (G.S. 160D-703; S.L. 2019-111, § 2.9(b).)
- ***May** incorporate maps officially adopted by state or federal agencies (such as flood-insurance rate maps (FIRMs)) into the zoning map; **may** incorporate *the most recent officially adopted version* of such maps so that there is no need for ordinance amendment for subsequent map updates; **must** maintain current effective map for public inspection; **may** maintain in paper or digital format. (G.S. 160D-105.)
- ***May** require certain dedications and performance guarantees for zoning approvals to the same extent as for subdivision approvals. (G.S. 160D-702.)
- **May** use form-based codes. (G.S. 160D-703(a)(3).)
- **May** allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, **must** define “minor modification” by ordinance, **must** not include modification of use or density, and major modifications **must** follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).)
- **May** apply zoning standards jurisdiction-wide, not just on a zoning-district-by-zoning-district basis. (G.S. 160D-703(d).)
- ***May** regulate development over navigable waters, including floating homes. (G.S. 160D-702(a).)

VI. Substance of Other Development Ordinances [Chapter 3, Section II]

- Must** conform subdivision performance guarantee requirements with statutory standards. (S.L. 2019-79 (S.B. 313), to be incorporated into G.S. Chapter 160D.)
- Must** conform subdivision procedures for expedited review of certain minor subdivisions. (G.S. 160D-802, established prior to G.S. Chapter 160D.)
- Must** exempt farm use on bona fide farm in ETJ from city zoning to the same extent it would be exempt from county zoning; Chapter 160D clarifies that other municipal development regulations may still apply. (G.S. 160D-903(c).)
- Must** not exclude manufactured homes based on the age of the home. (G.S. 160D-910.)
- *Must** follow standardized process for housing-code enforcement to determine owner's abandonment of intent to repair and need for demolition. (G.S. 160D-1203(6).)
- May** adopt moratoria for development regulations (subject to limitation on residential uses); moratoria do not affect rights established by permit choice rule. (G.S. 160D-107.)

A. Historic Preservation

- Must** follow standard quasi-judicial procedures for preservation certificates of appropriateness. (G.S. 160D-947(c).)
- Must** frame preservation district provisions as "standards" rather than "guidelines." (G.S. 160D-947(c).)
- *May** choose for appeals of preservation commission decisions to go directly to superior court rather than to board of adjustment. (G.S. 160D-947(e).)

B. Development Agreements

- Must** process a development agreement as a legislative decision. (G.S. 160D-105.)
- Must** have a local government as a party to a development agreement (a water and sewer authority may enter an agreement as a party, but not independently). (G.S. 160D-1001(b).)
- May** consider a development agreement concurrently with a rezoning, subdivision, or site plan; **may** consider a development agreement in conjunction with a conditional zoning that incorporates the development agreement. (G.S. 160D-1001(d).)
- *May** address fewer topics in development agreement content (list of mandated topics is shortened). (G.S. 160D-1006.)
- May** mutually agree with a developer for the developer to provide public improvements beyond what could have been required, provided such conditions are included in the development agreement. (G.S. 160D-1006(d).)
- May** include penalties for breach of a development agreement in the agreement or in the ordinance setting the procedures for development agreements; either party may bring legal action seeking an injunction to enforce a development agreement. (G.S. 160D-1008.)

VII. Comprehensive Plan [Chapter 4, Section I]

- Must** adopt a comprehensive plan by July 1, 2022, to maintain zoning (no need to re-adopt a reasonably recent plan). (G.S. 160D-501(a).)
- Must** adopt a plan or a plan update following the procedures used for a legislative decision. (G.S. 160D-501(c).)
- Must** reasonably maintain a plan. (G.S. 160D-501(a).)
- May** coordinate a comprehensive plan with other required plans, such as Coastal Area Management Act (CAMA) plans. (G.S. 160D-501(a).)
- May** coordinate with other local governments, state agencies, or regional agencies on planning processes. (G.S. 160D-503(a).)

VIII. Legislative Decisions [Chapter 4, Section II]

A. Notice

- Must** follow applicable procedures for legislative decisions under any development regulation authorized under Chapter 160D, not just zoning; **must** adopt any development regulation by ordinance, not by resolution. (G.S. 160D-601.)
- For zoning-map amendments, **must** provide notice not only to immediate neighbors but also to properties separated from the subject property by street, railroad, or other transportation corridor. (G.S. 160D-602.)
- For zoning-map amendments, **must** provide posted notice during the time period running from twenty-five days prior to the hearing until ten days prior to the hearing. (G.S. 160D-602(c).)
- For extension of ETJ, **may** use single mailed notice for ETJ and zoning-map amendment pursuant to statutory procedures. (G.S. 160D-202.)
- For zoning-map amendments, **may** require applicant to notify neighbors and hold a community meeting and **may** require report on the neighborhood communication as part of the application materials. (G.S. 160D-602(e).)

B. Planning Board Comment

- Must** refer zoning amendments to the planning board for review and comment; **must** not have governing board handle planning board duty to review and comment on zoning amendments. (G.S. 160D-604(c), (e).)
- Must** have planning board consider any plan adopted according to G.S. 160D-501 when making a comment on plan consistency. (G.S. 160D-604(d).)
- May** refer development regulation amendments (other than zoning) to the planning board for review and comment. (G.S. 160D-604(c).)

C. Plan Consistency

- When adopting an amendment to the zoning ordinance, **must** adopt a brief statement describing whether the action is consistent or inconsistent with approved plans. (G.S. 160D-605(a).) (**This eliminates the 2017 requirement that statements take one of three particular forms.*)
- May** adopt plan-consistency statement when acting upon the zoning amendment or as a separate motion. (G.S. 160D-605(a).)
- *May** meet the requirement for plan consistency even without formal adoption of a written statement if the minutes of the governing board meeting reflect that the board was fully aware of and considered the plan. (G.S. 160D-605(a).)
- May** concurrently consider a comprehensive plan amendment and a zoning amendment; must not require a separate application or fee for plan amendment. (G.S. 160D-605(a).)
- Must** note on the applicable future land use map when a zoning-map amendment is approved that is not consistent with the map; the future land use map is deemed amended when an inconsistent rezoning is approved. (G.S. 160D-605(a).) (*This clarifies that a rezoning inconsistent with a plan does not amend the text of the plan, but it does amend the future land use map.*)
- *For** a future land use map that is deemed amended, if it is a CAMA plan, then such amendment is not effective until it goes through the CAMA plan-amendment process. (G.S. 160D-501.)
- Must** adopt a statement of reasonableness for zoning-*map* amendments; for such statements, **may** consider factors noted in the statutes; ***may** adopt a statement of reasonableness for zoning-*text* amendments. (G.S. 160D-605(b).)
- May** consider and approve a statement of reasonableness and a plan-consistency statement as a single, combined statement. (G.S. 160D-605(c).)

D. Voting

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

E. Certain Legislative Decisions

- Must** prohibit third-party down-zonings; **may** process local government–initiated down-zonings (S.L. 2019-111, Pt. I.)
- Must** obtain applicant’s/landowner’s written consent to conditions related to a conditional-zoning approval to ensure enforceability. (S.L. 2019-111, Pt. I.)
- May** use purely legislative conditional zoning and/or quasi-judicial special use permitting; **must** not use combined legislative and quasi-judicial process, such as conditional-use-district zoning. (G.S. 160D-102.)

- With applicant’s written consent, **may** agree to conditional-zoning conditions that go beyond the basic zoning authority to address additional fees, design requirements, and other development considerations. (S.L. 2019-111, Pt. I.)
- **May** allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, **must** define “minor modification” by ordinance, **must** not include modification of use or density, and major modifications **must** follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).)

IX. Quasi-Judicial Decisions [Chapter 4, Section III]

A. Procedures

- **Must** follow statutory procedures for all quasi-judicial development decisions, including variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. (G.S. 160D-102(28).)
- **Must** hold an evidentiary hearing to gather competent, material, and substantial evidence to establish the facts of the case; the evidentiary hearing **must** have testimony under oath; **must** establish written findings of fact and conclusions of law. (G.S. 160D-406.)
- Board chair **must** rule at the evidentiary hearing on objections to inclusion or exclusion of administrative material; such ruling **may** be appealed to the full board. (G.S. 160D-406(d).)
- **Must** allow parties with standing to participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments; **may** allow non-parties to present competent, material, and substantial evidence that is not repetitive. (G.S. 160D-406(d).)
- **May** continue an evidentiary hearing without additional notice if the time, date, and place of the continued hearing is announced at a duly noticed hearing that has been convened; if quorum is not present at a meeting, the evidentiary hearing is automatically continued to the next regular meeting of the board with no notice. (G.S. 160D-406(b).)
- **May** distribute meeting packet to board members in advance of the evidentiary hearing; if this is done, then **must** distribute the same materials to the applicant and landowner at the same time; **must** present such administrative materials at the hearing and make them part of the hearing record. (G.S. 160D-406(c).)
- **May** have the planning board serve as a preliminary forum for review in quasi-judicial decisions; if this is done, the planning board must not conduct a formal evidentiary hearing but must conduct an informal preliminary discussion of the application; the forum and recommendation must not be used as the basis for the decision by the board—the decision must still be based on evidence presented at the evidentiary hearing. (G.S. 160D-301.)
- **May** require recordation of special use permits with the register of deeds. (G.S. 160D-705(c).)
- △ **Be aware** that the definition of *close family relationship* as used for conflicts of interest includes spouse, parent, child, brother, sister, grandparent, or grandchild (including step, half, and in-law relationships). (G.S. 160D-109(f).)

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

B. Certain Quasi-Judicial Decisions

- Must** not impose conditions on special use permits that the local government does not otherwise have statutory authority to impose. (S.L. 2019-111, Pt. I.)
- Must** obtain applicant's/landowner's written consent to conditions related to a special use permit to ensure enforceability. (S.L. 2019-111, Pt. I.)
- Must** set a thirty-day period to file an appeal of any administrative determination under a development regulation; **must** presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).)
- *May** adjust variance standards to provide for reasonable accommodation under the federal Fair Housing Act. (G.S. 160D-705(c).)
- May** use purely legislative conditional zoning and/or quasi-judicial special use permitting; **must** not use combined legislative and quasi-judicial process, such as conditional-use-district zoning. (G.S. 160D-102.)
- May** allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, **must** define "minor modification" by ordinance, **must** not include modification of use or density, and major modifications **must** follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).)

X. Administrative Decisions [Chapter 4, Section IV]

A. Development Approvals

- Must** provide development approvals in writing; **may** provide in print or electronic form; if electronic form is used, then it **must** be protected from further editing. (G.S. 160D-403(a).)
- Must** provide that applications for development approvals must be made by a person with a property interest in the property or a contract to purchase the property. (G.S. 160D-403(a).)
- Must** provide that development approvals run with the land. (G.S. 160D-104.)
- For revocation of development approval, **must** follow the same process as was used for the approval. (G.S. 160D-403(f).)
- May** require community notice or informational meetings as part of the decision-making process for administrative development approvals (quasi-judicial and legislative decisions already had notice and hearing requirements). (G.S. 160D-403(h).)
- May** set expiration of development approvals if work is not substantially commenced; default rule is twelve months, unless altered by state or local rule. (G.S. 160D-403(c).) **Be aware** that legislation will clarify the provisions on duration of development approvals. (G.S. 160D-403(c); S.L. 2019-111, § 1.3.)

- **May** set expiration of development approvals if work is discontinued; default rule is twelve months, unless altered by state or local rule. (G.S. 160D-403(c).)
- **May** authorize administrative staff to approve minor modifications of development approvals and conditional-zoning approvals; if this is done, then **must** define “minor modifications” by ordinance and **must** not include modification of permitted use or density of development; major modifications **must** go through full applicable approval process. (G.S. 160D-403(d); -703(b); -705(c).)

B. Determinations

- **Must** provide written notice of determination by personal delivery, electronic mail, or first-class mail to the property owner and party seeking determination, if different from the owner. (G.S. 160D-403(b).)
- **May** designate an official to make determinations for a particular development regulation. (G.S. 160D-403(b).)
- **May** require owner to post notice of determination on the site for ten days; if such is not required, then owner has option to post on the site to establish constructive notice. (G.S. 160D-403(b).)

C. Appeals of Administrative Decisions

- **Must** allow administrative decisions of any development regulations (not just zoning) to be appealed to the board of adjustment, unless provided otherwise by statute or ordinance. (Appeals relating to erosion and sedimentation control, stormwater control, or building-code and housing-code violations are not made to the board of adjustment unless specified by local ordinance.) (G.S. 160D-405.)
- **Must** set a thirty-day period to file an appeal of any administrative determination under a development regulation; must presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).)
- **Must** require the official who made the decision (or his or her successor if the official is no longer employed) to appear as a witness in the appeal. (G.S. 160D-406.)
- **Must** pause enforcement actions, including fines, during the appeal. (G.S. 160D-405.)
- **May** assign the duty of hearing appeals to another board; if this is done, such board must follow quasi-judicial procedures. (G.S. 160D-405.)
- **May** designate that appeals be filed with the local government clerk *or* another official. (G.S. 160D-405.)

XI. Vested Rights and Permit Choice [Chapter 5, Section I]

A. Vested Rights

- Must** recognize that building permits are valid for six months, as under prior law. (G.S. 160D-108(d)(1).)
- Must** recognize the default rule that development approvals are valid for twelve months, unless adjusted by statute or local rule. (G.S. 160D-108(d)(2).)
- Must** identify site-specific vesting plans (formerly site-specific development plans) with vesting for two to five years, as under prior law, except for specified exceptions. (G.S. 160D-108(d)(3); -108(f).)
- Must** recognize multi-phase developments—long-term projects of at least 25 acres—with vesting up to seven years, except for specified exceptions (160D-108(d)(4); -108(f).) (The previously authorized phased-development plan is obsolete and should be deleted from ordinance.)
- May** provide for administrative determination of vested rights and for appeal to the board of adjustment. (G.S. 160D-108(c), -405.)
- Be aware** that a person claiming vested rights may bring an original civil action in court, skipping administrative determination and board of adjustment consideration. (G.S. 160D-405(c).)
- Be aware** that vested rights run with the land, except for state-permitted outdoor advertising permits that run with the owner of the permit. (G.S. 160D-108(g); S.L. 2019-111, Pt. I.)

B. Permit Choice

- Must** not make an applicant wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules. (G.S. 160D-108(b).)
- Be aware** that if a local development regulation changes after an application is submitted, the applicant may choose the version of the rule that applies; but **may** require the applicant to comply with new rules if the applicant delays the application for six months. (G.S. 160D-108(b); S.L. 2019-111, Pt. I.)
- Be aware** that an application for one development permit triggers permit choice for permits under any development regulation; such permit choice is valid for eighteen months after approval of the initial application. (S.L. 2019-111, Pt. I.)

XII. Judicial Review [Chapter 5, Section II]

A. Declaratory Judgments

- △ **Be aware** that an individual may bring a declaratory judgment action to challenge legislative zoning decisions, vested rights claims, and challenges to land use authority related to administrative decisions, subject to specified procedures. (G.S. 160D-1401.)
- △ **Be aware** that other civil actions may be authorized—Chapter 160D does not limit availability of other actions. (G.S. 160D-1404.)

B. Appeals of Quasi-Judicial Decisions

- ***Must** update ordinance to address appeals of certificates of appropriateness for historic landmarks and historic districts; default rule is that such appeals go straight to court; local government may opt for such appeals to go to the board of adjustment, as under prior statutes. (G.S. 160D-947.)
- **Must** provide that appeals of certificates of appropriateness must be filed within thirty days after the decision is effective or written notice is provided, the same as for appeals of other quasi-judicial decisions. (G.S. 160D-947; -1405.)
- △ **Be aware** that on appeal a party may request a stay of the approval or enforcement action. (G.S. 160D-1402(e).)
- △ **Be aware** that a local government may seek a stay in favor of itself (to prevent development under an approval). (G.S. 160D-1402(e).)
- △ **Be aware** that if, in the absence of a stay, an applicant proceeds with development, the person does so at his or her own risk. (G.S. 160D-1402(l).)
- △ **Be aware** that on appeal, the superior court now must allow for supplementing the record on questions of standing, conflicts of interest, constitutional violations, or actions in excess of statutory authority. (S.L. 2019-111, § 1.9.)
- △ **Be aware** that even if there is no objection before the board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value and traffic impacts. (S.L. 2019-111, § 1.9.)
- △ **Be aware** of specific judicial instructions for decisions of appeals of quasi-judicial decisions. (S.L. 2019-111, § 1.9.)

C. Subdivision Decisions

- **May** establish a rule that administrative subdivision decisions are appealed to the board of adjustment. (G.S. 160D-1405.)
- △ **Be aware** that appeals of administrative subdivision decisions may be appealed directly to superior court. (G.S. 160D-1403.)
- △ **Be aware** that quasi-judicial subdivision decisions are appealed to superior court in the nature of certiorari. (G.S. 160D-1402.)

D. Attorneys' Fees

- △ **Be aware** that a court *shall* award attorneys' fees if the court finds that a city or county violated a statute or case law setting forth unambiguous limits on its authority. (G.S. 6-21.7; S.L. 2019-111, Pt. I.)
- △ **Be aware** that a court *shall* award attorneys' fees if the court finds that a local government took action inconsistent with, or in violation of, the permit choice and vested rights statutes. (G.S. 6-21.7; S.L. 2019-111, Pt. I.)
- △ **Be aware** that a court may award attorneys' fees in other matters of local government litigation. (G.S. 6-21.7; S.L. 2019-111, Pt. I.)

E. Additional Judicial Rules

- △ **Be aware** that a court may join a civil action challenging an ordinance with an appeal in the nature of certiorari. (G.S. 160D-1402(m).)
- △ **Be aware** that a local government **must** not assert the defense of estoppel to enforce conditions to which an applicant did not consent in writing. (S.L. 2019-111, Pt. I.)
- △ **Be aware** that an action is not rendered moot if the party loses the relevant property interest as a result of the local government action being appealed, subject to applicable case law limits. (S.L. 2019-111, Pt. I.)

TOWN OF GREEN LEVEL

160D COMPLIANCE AND UNIFIED DEVELOPMENT ORDINANCE PROPOSALS REVIEW

Scale of 1 to 5 with 1=barely adequate, 2=adequate 3=good, 4=very good, and 5=superior

Company	Criteria	Criterion Points	Total Points
State Code Enforcement, Inc	Compliance with 160D	5	9
	Capacity	4	
	<u>Cost</u> 160D only (not indicated) 160D and UDO (\$41,000)		
Stewart	Compliance	5	10
	Capacity (NCLM preferred partner)	5	
	<u>Cost</u> 160D only (\$14,550) 160D and UDO (not indicated)		
Walkable Urban Development, LLC	Compliance	5	9
	Capacity	4	
	<u>Cost</u> 160D only (\$18,000) 160D and UDO (\$38,000)		



STATE CODE ENFORCEMENT, INC.

The Town of Green Level, NC Ordinance Update Proposal

SCEI is offering the following proposal to the Town of Green Level, N.C.

- 1- Update the Zoning Ordinance to the new NCGS Chapter 160-D Standards that the state of North Carolina has mandated for all Municipalities. *See attached Checklist from the School of Government.*
- 2- Update the Town's Minimum Housing Ordinance to the new NCGS Chapter 160-D Standards that the state of North Carolina has mandated for all Municipalities. *See attached checklist from the School of Government.*
- 3- Update the Subdivision Ordinance to the new NCGS Chapter 160-D Standards that the state of North Carolina has mandated for all Municipalities. *See attached checklist from the School of Government.*
- 4- Update the Flood Damage Prevention Ordinance to the new NCGS Chapter 160-D Standards that the state of North Carolina has mandated for all Municipalities. *See attached checklist from the School of Government.*
- 5- Re-Organize the structure of the above Ordinances as the Green Level Unified Development Ordinances (UDO), in order to be easier to find and understand for citizens, businesses and development interests.
- 6- Other portions of the Town Ordinances not included in the UDO such as Personnel manual, other Town Policies and the Town Code of Ordinances would remain as a separate stand-alone Ordinance or Policy, and any updates or amendments to those would be the Town of Green Level's responsibility.

- 7- In updating and reorganizing the above Development Ordinances described in 1-5 above, make the UDO more consistent with the administrative, procedural, and regulatory features of other municipal development ordinances in Alamance County while still retaining the present Green Level zoning districts.
- 8- Remove the design standards drawings for subdivision streets from the UDO and instead, make reference to them in the Ordinance as the approved design standards for subdivision streets established by the Town of Green Level, which may be amended from time to time.
- 9- Remove the design standards drawings for water and sewer from the Ordinance and instead, make reference to them in the Ordinance as the approved design standards for Public Works Meters and Sanitary Sewer Systems established by the Town of Green Level, which may be amended from time to time.
- 10-Upon completion of the draft UDO, SCEI will have one meeting with the Green Level Planning Board to explain the changes that the state of North Carolina has mandated to take place, and to answer questions that they have about the proposed Ordinance changes prior to them making a recommendation to the Board of Commissioners.
- 11-Upon completion of the draft UDO, SCEI will have one meeting with the Green Level Board of Commissioners in a workshop setting to explain the changes that the state of North Carolina has mandated to take place, and to answer questions that they have about the proposed Ordinance changes.
- 12-SCEI will present the updated Ordinances to the Board of Commissioners at a Public Hearing and be available for questions regarding it, prior to the vote of the Board.

The above work in items 1-9 above can take approximately three plus months to complete. The total cost to the Town of Green level for all the items 1-12 above will be Forty One Thousand and no/100 Dollars (\$41,000). There will be a draw of Twenty Thousand Dollars (\$20,000) after the Minimum Housing, Flood Damage Prevention and

Subdivision Ordinances have been updated to the State's Chapter 160-D standards and submitted by digital copy to the Town Attorney, and to the Town Clerk for distribution to the Planning Board. The second draw of Ten Thousand Five Hundred & no/100 dollars (\$10,500) will be when the remaining Zoning Ordinance portion of the Unified Development Ordinance is completed and presented by a digital copy to the Town Attorney, and to the Town Clerk for distribution to the Planning Board. The final payment of Ten Thousand Five Hundred & no/100 Dollars (\$10,500) will be after the meeting with the Planning Board, the Commissioners workshop, the completed public hearing with the Commissioners, and the delivery of one Unified Development Ordinance book to the Town Clerk. Any additional meetings or additional changes requested to the draft UDO after submission that are not mandated by Chapter 160-D will incur an extra charge to the Town of Green Level.

Date Submitted: June 22, 2020

Carissa Graves-Henry
Town of Green Level Mayor

Dennis Pinnix
President of SCEI

"This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act."

Town of Green Level Finance Officer

Date Accepted



STEWART

STRONGER BY DESIGN

August 11, 2020

Donna Davis
Town Administrator
Town of Green Level
2510 Green Level Church Road
Green Level, NC 27217

Re: Proposal for Professional Planning Consulting Services
Project: NCGS Chapter 160D Compliance
Location: Green Level, North Carolina

Dear Donna:

STEWART is pleased to provide you with this scope and fee proposal for Professional Planning Consulting Services. We are very excited about the opportunity to work with the Town to update to the applicable parts of the Town's Code of Ordinances to assure NCGS 160D compliance.

The proposed scope and fee is inclusive of the services necessary to complete the above referenced project. We have provided a detailed scope of services, timeline, and proposed compensation.

Please do not hesitate to contact me at 919.866.4742 or by email at csary@stewartinc.com if you have any questions or concerns regarding this proposal. Please give us the opportunity to clarify any details of this proposal or to revise it if it appears that we have misunderstood some portion of the scope of services.

Best Regards,

Chad D. Sary, AICP
Practice Leader, Municipal Planning
Associate Vice President

Attachments:

1. Proposed Scope of Services
2. Conditions of Agreement
3. Standard Hourly Rate Schedule
4. Project Information Form (to be returned with signed agreement)



WHY STEWART?

Stewart's Municipal Planning practice works almost exclusively with small-to mid-size communities and understands the complexities of allocating staff and financial resources to major projects. We appreciate the unique challenges and requirements of the communities we serve and provide a carefully crafted approach to each project. We bring together the technical skills of civil engineers and GIS professionals, the keen attention to detail of landscape architects, and the community vision of planners to assist communities across the state.

Stewart has developed a rich culture of servant leadership, summarized by the acronym THREAD (Trust, Humility, Respect, Excellence, Accountability, and Discipline). These core values are at the heart of how we work with each other, our clients, our partners, and our community. THREAD has evolved into curriculum that is taught to employees through our THREAD Institute.

Stewart is a certified Historically Underutilized Business (HUB) with the State of North Carolina. The company was recognized as a 2019 Best Places to Work by Triangle Business Journal. We are also a preferred partner with the North Carolina League of Municipalities (NCLM).

PROPOSED SCOPE OF SERVICES:

This proposed scope of services outlines the process and tasks from Stewart (Consultant) to update the Town's Code of Ordinances to assure NCGS Chapter 160D compliance for the Town of Green Level (Client).

UPDATE THE TOWN'S LAND DEVELOPMENT ORDINANCES FOR COMPLIANCE WITH STATE STATUTES (CHAPTER 160D)

The Stewart Team will work closely with Town staff to update the applicable sections of the Town's existing land development ordinances to assure North Carolina General Statutes Chapter 160D compliance. With issue identification and guidance from Town staff, Stewart will review the ordinances, recommend revisions in-line with best practices for compliance, and prepare the associated text amendments to address all required changes in accordance with the legislature's recently adopted Chapter 160D (Part II of S.L. 2019-111).

Since these modifications are mandated by state law and are primarily administrative in nature, they do not typically require public input beyond that associated with a regular ordinance amendment. Nevertheless, if issues are identified that require additional public scrutiny or guidance from elected officials, the Stewart Team will be available to conduct additional services, to be negotiated at a later date. Most typically, these additional services will involve educating elected and appointed leadership in the best practices for development review and helping to modify use tables and development procedures to adjust to any direction given.



The list below summarizes the changes to which our team will prepare amendments to bring the current code into compliance:

- 1. Update definitions, references, and citations**
 - Replace references to state statutes to the appropriate section in Ch160D.
 - Realign and redirect references for conditional use permits, conditional use district zoning, special exceptions, and special use district zoning, as appropriate.
 - Review and ensure consistency with state statutes for other recently formalized definitions such as building, dwelling, dwelling unit, bedroom, and sleeping unit.

- 2. Elected and appointed boards**
 - Review and ensure consistency with state statutes conflict of interest standards.
 - Review and ensure consistency with state statutes standards for proportional representation of ETJ members on boards, if applicable.
 - Review and ensure consistency with state statutes the delegation of decision-making authority and recommend best practices for legislative and quasi-judicial processes.
 - Ensure proper review procedures and standards for zoning amendments and plan adoptions, including for conditions related to conditional district rezoning, if applicable.
 - Review and ensure consistency with state statutes for plan consistency language for zoning amendments.
 - Review and ensure consistency with state statutes regarding procedures for development regulation adoption.
 - Review and ensure consistency with state statutes for quasi-judicial decision-making procedures and standards and align with state statutes.

- 3. Administration and staffing**
 - Review and ensure consistency with state statutes regarding conflict of interest standards.
 - Ensure standards for maintenance of legally-required regulatory maps (e.g. - zoning maps, regulatory floodplains, etc.) are consistent with state requirements.
 - Review and ensure consistency with state statutes for noticing requirements for zoning map amendments.
 - Ensure ordinance amendment process is legislative.
 - Ensure correct procedures for coordinating zoning map amendments with comprehensive plan amendments.
 - Ensure consistency minimum state standards governing appeals process for administrative decisions.

- 4. Enforcement**
 - Review and ensure consistency with state statutes procedures for notices of violation.
 - Review and ensure consistency with state statutes procedures for revocation of development approvals.



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5. Zoning ordinance and procedures

- Realign zoning procedures to eliminate conditional use district zoning and enable conditional district zoning, as necessary.
- Ensure proper procedures in place for legislative vs. quasi-judicial entitlement processes.
- Review and ensure consistency with state statutes regulations relating to the age of manufactured homes.
- Ensure exemptions exist for bona fide farm uses in the ETJ.
- Review and ensure consistency with state statutes for statement of reasonableness language for zoning map amendments.

6. Land development regulations

- Review and ensure consistency with state statute language relating to permit choice.

7. Housing and minimum housing standards

- Review and ensure consistency with state statute language relating to enforcement process.

8. Historic preservation

- Review and ensure consistency with state statutes regarding regulation of preservation standards and certificates of appropriateness, if applicable.
- Ensure consistency for appeals of certificates of appropriateness with state statutes.

9. Development agreements

- Ensure appropriate guidelines and legislative approval process are present.

10. Quasi-judicial procedures

- Ensure procedures and standards align with state statutes.

11. Development approvals, vesting, and permit choice

- Ensure procedures and standards for development approvals are consistent with minimum state standards.
- Align vesting standards, including for multi-phase developments, with minimum state requirements.
- Align permit choice standards and vesting timeframes with state statutes.

Upon completion of the draft amendments, the Stewart team, in conjunction with Town staff, will present the amendments to the Planning Board (one meeting) and Board of Commissioners (one meeting) during the public hearing process.



SCHEDULE:

Stewart agrees to provide services to the Client in the most expeditious manner as is practical and will adhere to the project schedule as appropriate and realistic. It is anticipated that the project will be completed within five to six months from Notice to Proceed.

COMPENSATION:

Description: Scope of Services		Base Fee
Task	Prepare Update to Town’s Code of Ordinances for 160D Compliance	\$15,000
Discount	NCLM Preferred Partners Discount	(-3% of total project cost)
TOTAL BASIC SERVICES		\$14,550

**The total compensation is inclusive of expenses.*

ADDITIONAL SERVICES:

Any request by the Client to complete items not contained in the scope of services, additional meetings or items outlined as exclusions, will be deemed as Additional Services to this Agreement. Additional Services will be provided if requested by the Client for a negotiated lump sum fee or at our Standard Hourly Billing Rates.

CLIENT RESPONSIBILITIES:

It shall be the responsibility of the Client to provide the following items:

- Provide any available electronic information
- Provide notice of scheduled meetings (with reasonable advance notice).
- Provide decisions on critical issues as necessary in a timely manner.
- Payment of all invoices per Conditions of Agreement.

CONCLUSION:

This document may serve as a Client-Consultant Agreement. Included in the agreement are the standard Hourly Rate Schedule and Conditions of the Agreement. If this proposal is acceptable, please execute and return a copy of the Agreement and the Project Information Form to this office.

Do not hesitate to contact us if you have any questions regarding our proposal. Please give us the opportunity to clarify any details of this proposal or to revise it if it appears that we have misunderstood some portion of the scope of services.



STEWART

STRONGER BY DESIGN

APPROVAL:

STEWART

TOWN OF GREEN LEVEL

Chad D. Sary, AICP


Print Name

Print Name

Practice Leader, Municipal Planning
Associate Vice President

Title

Title



Signature

Signature

August 11, 2020

Date

Date



Stewart Conditions of the Agreement

1.0 Payments on Account

- 1.1 Invoices for Stewart's services shall be submitted, at Stewart's option, either upon completion of any phase of service or on a monthly basis. Invoices shall be payable when rendered and shall be considered PAST DUE if not paid within 45 days after the invoice date.
- 1.2 Any inquiry or questions concerning the substance or content of an invoice shall be made to Stewart in writing within 10 days of receipt of the invoice. A failure to notify Stewart within this period shall constitute an acknowledgment that the service has been provided and is correct.

2.0 Late Payments

- 2.1 A service charge will be charged at the rate of 1.5% (18% annual percentage rate) per month or the maximum allowable by law on the then outstanding balance of PAST DUE accounts. In the event any portion of an account remains unpaid 90 days after billing, the Client shall pay all costs of collection, including reasonable attorney's fees.
- 2.2 In the event that any portion of an account remains unpaid 30 days after billing, Stewart may, without waiving any claim or right against the Client, and without liability whatsoever to the Client, suspend or terminate the performance of all services.

3.0 Insurance

- 3.1 Stewart shall secure and endeavor to maintain professional liability insurance and commercial general liability insurance to protect Stewart from claims for negligence, bodily injury, death or property damage which may arise out of the performance of Stewart's services under this Agreement, and from claims under the Worker's Compensation Acts. Stewart shall within 30 days of execution of contract, issue certificates confirming such insurance to the Client.

4.0 Standard of Care

- 4.1 The standard of care for all professional services performed or furnished by Stewart under this Agreement will be the skill and care used by members of Stewart's profession practicing under similar circumstances at the same time and in the same locality. Stewart makes no warranties, express or implied, under this Agreement or otherwise, in connection with Stewart's services.

5.0 Indemnifications

- 5.1 To the extent permitted by applicable law, the Client shall indemnify and hold harmless Stewart and all of its personnel, from and against any and all claims, damages, losses and expenses (including reasonable attorney's fees) to the extent they are caused by the negligent act, error, or omissions by the Client in performance of its services under this Agreement, subject to the provisions in the paragraph below on Risk Allocation.



5.2 Stewart shall indemnify and hold harmless the Client and its personnel from and against any and all claims, damages, losses, and expenses (including reasonable attorney's fees) to the extent they are caused by the negligent act, error, or omissions by Stewart in performance of its services under this Agreement, subject to the provisions in the paragraph below on Risk Allocation.

5.4 Sub-Consultant(s) shall indemnify & hold harmless Consultant & Client from and against all claims, losses, damages, and expenses (including attorney's fees and defense costs) to the extent such claims, losses, damages, or expenses are caused by any negligent act, error, or omission of Sub-Consultant or any person or organization for whom the Sub-Consultant is legally liable.

6.0 Risk Allocation

6.1 In recognition of the relative risks, rewards and benefits of the Project to both the Client and Stewart, the risks have been allocated such that the Client agrees that, to the fullest extent permitted by law, Stewart's total liability to the Client for any and all injuries, claims, losses, expenses, damages or claim expenses rising out of this Agreement, from any cause or causes, shall not exceed the amount of \$250,000. Such causes include, but are not limited to, Stewart's negligence, errors, omissions, strict liability, breach of contract or breach of warranty.

7.0 Mediation

7.1 Any claim, dispute or other matter in question arising out of or related to this Agreement shall be subject to mediation as a condition precedent to binding dispute resolution. If such matter relates to or is the subject of a lien arising out of the Stewart's services, Stewart may proceed in accordance with applicable law to comply with the lien notice or filing deadlines prior to resolution of the matter by mediation or by binding dispute resolution.

7.2 The Client and Stewart shall endeavor to resolve claims, disputes and other matters in question between them by mediation which, unless the parties mutually agree otherwise, shall be in accordance with the North Carolina Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Civil Actions currently in effect and administered by counsel for the parties. A request for mediation shall be made in writing and delivered to the other party to the Agreement. The request may be made concurrently with the filing of a complaint or other appropriate demand for binding dispute resolution but, in such event, mediation shall proceed in advance of binding dispute resolution proceedings, which shall be stayed pending mediation for a period of 60 days from the date of filing, unless stayed for a longer period by agreement of the parties or court order.

7.3 The parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in Wake County, North Carolina, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.



7.4 If the parties do not resolve a dispute through mediation pursuant to this Section 7.0, the method of binding dispute resolution shall be the following:

(Check the appropriate box. If the Client and Stewart do not select a method of binding dispute resolution below, or do not subsequently agree in writing to a binding dispute resolution method other than litigation, the dispute will be resolved in a court of competent jurisdiction.)

- Arbitration pursuant to Section 7.3 of this Agreement
- Litigation in a court of competent jurisdiction
- Other (Specify)

8.0 Termination of Contract

8.1 Client may terminate this Agreement with thirty days prior written notice to Stewart for convenience or cause. Stewart may terminate this Agreement for cause with thirty days prior written notice to Client. Failure of Client to make payments when due shall be cause for suspension of services or, ultimately, termination, unless and until Stewart has been paid in full all amounts due for services, expenses and other related charges.



MUNICIPAL PLANNING STANDARD HOURLY RATES

CLASSIFICATION	HOURLY RATE
Engineering Intern	\$ 90.00
Planner	\$ 95.00
Project Planner	\$110.00
Project Engineer	\$110.00
Senior Planner	\$125.00
Senior Engineer	\$125.00
Project Manager	\$135.00
Senior Project Manager	\$150.00
Planning Operations Manager	\$160.00
Planning Manager	\$160.00
Mobility Manager	\$160.00
Principal in Charge	\$180.00

Note: This schedule of rates are subject to adjustment in accordance with annual wage and cost of living increases.



Stewart's Project #: _____

PROJECT INFORMATION FORM

Client Name: _____

Client Project #, PO or Contract #: _____
(to be shown on invoice)

Client Project Manager or Key Contact: _____

Email Address _____ Phone # _____

Client Project Name for Invoicing: _____

Invoice Mailing Address:

Client's Accounts Payable Contact:

Name: _____

Phone: _____

Email: _____

Invoices should be sent to the attention of:

Invoices should be sent by: Mail _____ Email _____ Both _____

Date invoices must be received by Client: _____

Special invoice format required: _____ Yes _____ No (If yes, please forward the template)

Billing Percentages:

Does contract stipulate percentages we can bill per month/phase? : ___ Yes ___ No

Construction Phase Billing -

Specify percentage/amount per month to be billed during Construction Admin:

Please complete all information and return to
accountsreceivable@stewartinc.com

**Town of Green Level - Amendments to Code of Ordinances, Land Use
Proposal for Professional Services from Walkable Urban Development LLC
August 11, 2020**

I. WHY MAKE CHANGES?

- A. In July, 2019, NCGS Chapter 160D was approved (Session Law 2019-111).
- B. It included the largest number of changes to NC planning statutes in history.
- C. The NCGA specified that changes to NCGS and local zoning/development ordinances to comply with 160D will become effective on July 1, 2021.

II. WHAT CHANGES? - Options

- A. Mandated 160D changes (140 different parts) throughout existing ordinance.
- B. Additional changes felt to be needed to conform with NCGS.
- C. Added or expanded text to specific areas, to make regulations easier to use and understand.
- D. Rewrite and reorganization of entire ordinance, including many added provisions and standards.

III. GENERAL PROCESS FOR ORDINANCE CHANGES (10-16 months)

- A. **Preliminary:** review & approve a process, scope of services, & funding.
- B. **Contract:** Negotiate and execute consultant contract; Town issues Notice to Proceed; consultant begins submittal of payment invoices, as per contract.
- C. **Diagnostic:** Preliminary info collection, ordinance diagnostic, and receives direction from staff on scope/content of certain proposed changes. Consultant makes one presentation to staff/community, as requested.
- D. **First Draft:** Consultant delivers first full draft of ordinance to Town (CDraft).
- E. **Town Review** of CDraft: review, direction from staff; complete revisions.
- F. **Community Review** (CR) of CRD (30 day review, including presentation(s))
- G. **Public Hearing Draft** (PHD), including feedback received in CR.
- H. **Board Hearing:** Advertise for, make presentation and hold public hearing on PHD at Planning Board meeting; receive recommendation from Planning Board. Draft Revisions Memo with all recommended changes to accompany PHD to TC

I. **Council Hearing:** Advertise for, make presentation and hold public hearing on PHD with Revisions Memo at Town Council meeting; Council to take action on adoption of new ordinance, including ordinance effective date.

J. **Implement Ordinance:** Consultant delivers adopted version of the ordinance, in electronic format; consultant carries out one briefing session for staff, others; provides summary memo on use, interpretation and amendment of ordinance.

K. **Closeout:** Consultant delivers final invoice and receives final payment.

IV. <u>COSTS FOR ORDINANCE CHANGES</u>	160D only	full rewrite
A. Diagnostic phase	\$2,000	\$4,000
B. Consultant Draft preparation	\$10,000	\$20,000
C. Community Review Draft prep & presentation	\$2,000	\$4,000
D. Public Hearing Draft and presentation	\$1,000	\$2,000
E. Revised Public Hearing Draft and presentation	\$1,000	\$2,000
F. Ordinance Implementation - final ordin, plus briefing	\$2,000	\$6,000
TOTAL COSTS:	\$18,000	\$38,000

Notes: cost estimates depend on Town and consultant meeting details of actions and general timeline as specified in Scope of Services in contract. Additional services, delays, drafts and presentations are subject to additional charges, as negotiated. Also, to be negotiated are the inclusion of optional elements in the adopted ordinance, including diagrams, tables, photos, electronic links to cross references and defined terms, etc.

IV. SCHEDULE OPTIONS FOR ORDINANCE CHANGES

A. Complete in One Phase - Full Revised Ordinance & Public Review Process by 7/21*.

Payments: \$18K/\$38K paid in FY 20-21.

B. Two Phases - Full Revised Ordinance by 7/21; Public Review Process by 12/21**.

Payments: \$12K/\$24K paid in FY 20-21; \$6K/\$14K paid in FY 21-22.

Notes: * = assumes best effort from all parties to complete public reviews and adoption of revised ordinance by July 1, 2021.

** = assumes Chap 160D provisions become effective 7/1/21, as per state law, prior to local adoption of changes. Accordingly, notifications to users of local ordinance prior to such adoption shall be made regarding the newly effective state 160D provisions.

III. EXISTING ORDINANCE - Bodies, Subdivision and Zoning

Title III. Chapter 32 - Departments, Boards & Commissions (4 pages)

32.15 - Board of Adjustment

32.45 - Planning Board

Title XV: Chapter 152 - Subdivisions (41 pages)

General Provisions

Review Procedure for Major Subdivision Plats

Review Procedure for Minor Subdivision Plats

Requirements for Prelim and Final Plats

General Requirements and Minimum Standards

Cluster Development

Condos and TH Developments

Dedication of Public Recreation Site

Definitions

Legal Provisions

Appendix A: Design Stds for Subdivision Sheets

Title XV: Chapter 153 - Zoning (82 pages)

General Provisions

Definitions

Application of Regulations

Administrative Mechanism

Establishment of Districts (table of 11 districts)

Uses by Districts (table of permitted uses, 6 pages, pp 147-152)

Exceptions and Modifications

Buffer Requirements

Parking and Loading Requirements

Sign Regulations

Supplemental Development Standards

Nonconforming Uses and Buildings

Legal Provisions

Scope of Services

Options

Cost Estimates



GREEN LEVEL TOWN COUNCIL
 MEETING DATE: Thursday August 13, 2020

ITEM 8E

DEPARTMENT: PUBLIC WORKS/STREET MAINTENANCE

TOPIC: STREET AND ROAD REPAIRS

PRESENTER: DONNA DAVIS, ADMINISTRATOR
 RODNEY GUNN, PUBLIC WORKS
 DIRECTOR

AGENDA ITEM TO BE CONSIDERED	
SUBJECT SUMMARY	<p>Several streets and roads in Green Level are in immediate need of repair. No major repairs were made during FY 20 and the Town received \$57,389.51 in Powell Bill funds during the fiscal year. Attached is a list of streets and roads at the top of the list for repairs that include both paving and patching. Town crews plan to patch areas indicated on the attached list within the next 30 days. Proposals have been received from two companies to provide or supplement the work of the Town's public works department related to repair and paving services on Birch Street and Brice Court. Informal bids were received and are presented as follows:</p> <ol style="list-style-type: none"> 1. John H Wilson and Son Grading and Paving, Inc at a total cost of \$22,400 <p>Staff recommends Council engage John H Wilson and Son Grading and Paving, Inc to provide or supplement the work of the Town's public works department related to repair and paving or other repairs of streets and roads.</p>
REQUESTED ACTION	<ol style="list-style-type: none"> 1. Request the Council award a contract based on the attached proposal to not to exceed \$22,400 to John H Wilson and Son Grading and Paving, Inc for the repair and paving of Birch Street and Brice Court for patching and paving or other repairs of Green Level streets and roads.

ATTACHMENTS:

1. List of areas to be patch by Green Level Public Works Department in the next 30 days
2. Bid from John H Wilson and Son Grading and Paving, Inc for Birch Street and Brice Court paving

JOHN H WILSON AND SON

Grading and Paving, Inc.

3716 Mt. Zion Church Road

Mebane, N. C. 27302-9501

Tel: 336-578-1916 Fax: 336-578-0006

jhwilson@netpath.net

PROPOSAL

8/12/2020

PROPOSAL FOR: Town of Green Level
--

Birch Street...4" Base Asphalt & 2" Surface Asphalt approximately 134 sy.....\$9,800.00

Brice Court...4" Base Asphalt & 2" Surface Asphalt approximately 165 sy.....\$12,600.00

1: No Warranty.

2: The failure on Brice Court is likely coming from either ground water or a water leak.



GREEN LEVEL TOWN COUNCIL
 MEETING DATE: Thursday August 13, 2020

ITEM 8F

DEPARTMENT: PUBLIC WORKS/STREET MAINTENANCE

TOPIC: WEST SIMPSON ROAD REPAIR

PRESENTER: DONNA DAVIS, ADMINISTRATOR
 RODNEY GUNN, PUBLIC WORKS
 DIRECTOR

AGENDA ITEM TO BE CONSIDERED	
SUBJECT SUMMARY	<p>Major issues with the existing West Simpson Road make it difficult for vehicles to access the road and to attract new home builders and buyers to the adjacent development. A plan has been proposed to improve the road in two phases and over multiple fiscal years. Part one of the plan would remove asphalt and gravel the road until heavy construction is completed in the subdivision. This would limit exposure of the finished road to damage caused by large construction vehicles and equipment. Part two of the plan would restore an asphalt overlay to the road. Part one of the plan would incur expenses during the current fiscal year. Part two of the plan would delay expenses until a future fiscal year. The Town received \$57,389.51 in Powell Bill funds during FY20. None of these funds were spent on street and road repairs. Proposals have been received from three companies to provide the two phases of the repair. Informal bids were received and are presented as follows:</p> <ol style="list-style-type: none"> 1. AAA Paving Company at a total cost of \$209,910.00 2. AAA Paving Company at a total cost of \$157,265.00 3. John H Wilson and Son Grading and Paving, Inc at a total cost of \$94,262.50 <p>Staff recommends Council engage John H Wilson and Son Grading and Paving, Inc to provide the phase 1 of the repair to remove asphalt and gravel West Simpson Road until heavy construction is completed in the subdivision.</p>
REQUESTED ACTION	<ol style="list-style-type: none"> 1. Request the Council award a contract not to exceed \$19,862.50 based on the attached proposal to John H Wilson and Son Grading and Paving, Inc phase 1 of the repair project for the removal of asphalt and addition of gravel to West Simpson Road.

ATTACHMENTS:

1. Bid from John H Wilson and Son Grading and Paving, Inc for repair of West Simpson Road
2. Bid from AAA Paving Company for repair of West Simpson Road

AAA PAVING COMPANY

Commercial Division

120 PEDDYCORD PARK DRIVE
Winston-Salem, NC 27284

PROPOSAL AND CONTRACT

Attn: **Town of Green Level**

Date: 3/9/2020
Re: Asphalt Paving
Loc: 2510 Green Level Church Rd
Burlington, NC 27217

AAA Paving Company , proposes to accomplish the following work and to furnish all labor, materials, and equipment required therefore:

DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL
<u>Asphalt Paving</u>				
Demo existing asphalt pavement	49,326	SF		\$ 209,910.00
Stabilize stone base				
Add ABC stone as needed for 6" stone base				
Pave 4" I19.0C				
Pave 2" S9.5C				
			Total	\$ 209,910.00
<u>Option 2</u>	49,326	SF		\$ 157,265.00
Demo existing asphalt pavement				
Stabilize stone base				
Add ABC stone as needed for 6" stone base				
Pave 2.5" I19.0C				
Pave 1.5" S9.5C				
			Total	\$ 157,265.00

Signature

Troy Ball
Project Coordinator

Proposal
James Boswell/W. Simpson

Item/Cost Code	Description	Amount
1991 James Boswell/W. Simpson		
0 - None		
1	Remove Existing BST	11,350.00
2	Condition Stone	8,512.50
3	Pave 2" Asphalt	74,400.00
Phase Total:		94,262.50
Grand Total:		94,262.50

Notes:

- 1: WE PROPOSE TO REMOVE THE EXISTING BST & CONDITION EXISTING STONE.
- 2: PAVE 20' WIDE WITH 2' OF S9.5B.
- 3: BACKFILL EDGE OF ASPHALT AND SEED.
- 4: ADDITIONAL STONE IF NEEDED WILL BE AT \$18.00/TON. A REPRESENTATIVE OF THE TOWN OF GREEN LEVEL WILL BE NOTIFIED BEFORE THE STONE IS PURCHASED.
- 5: ALL TESTING WILL BE BY OTHERS.
- 6: THE ABC STONE THICKNESS AND SUBGRADE IS NOT KNOWN, THEREFOR THERE WILL BE NO WARRANTY.