

Town of Mineral Springs
Mineral Springs Town Hall
3506 S Potter Road ~ Mineral Springs
Town Council
Public Hearing / Regular Meeting
May 13, 2021
7:30 P.M.
AGENDA

1. Opening

The meeting will be called to order, an invocation will be delivered, and the Pledge of Allegiance will be recited.

2. Public Hearing – Proposed Text Amendments (TA-2021-01)

3. Consideration of the Proposed Text Amendment (TA-2021-01) – Action Item

The town council will consider approving TA-2021-01 to bring the Mineral Springs Development Ordinance into compliance with G.S. 160D.

4. Public Comments

The town council will hear comments from members of the public on any matters of interest to them during this ten-minute period.

5. Consent Agenda – Action Item

- A. April 8, 2021 Regular Meeting Minutes
- B. March 2021 Tax Collector's Report
- C. March 2021 Finance Report

6. Presentation by Bjorn Hansen and Allison Drake on the Critical Intersection and Consideration of the Preferred Alternative – Action Item

The council will be presented with the results of the Critical Intersection Study for Highway 75 and Potter Road and the council will consider the preferred alternative.

7. Consideration of a Resolutions Opposing S349/H401 and H496 – Action Item

The council will consider approving a resolution opposing Senate Bill 349 / House Bill 401 increasing housing opportunities with no oversight from counties or municipalities and a resolution opposing House Bill 496 on property owners' rights/tree ordinances.

8. Benchmark Planning Information for Scope of Services Quote – Action Item

The council will discuss information requested from Benchmark Planning for their Scope of Services quote.

9. Consideration of Having the Nonprofits Provide Letters of Request vs In-Person Presentations – Action Item

The council will consider accepting letters of request from the nonprofits this year instead of requiring them to do in-person presentations.

10. Consideration of the 2021-2022 Budget and Calling for a Public Hearing – Action Item

Mayor Becker will present the council with the 2021-2022 proposed budget and the council will consider calling for a Public Hearing on June 10, 2021 for the 2021-2022 budget.

11. Staff Updates

The staff will update the council on any developments that may affect the town.

12. Other Business

13. Adjournment



Town of Mineral Springs
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MEMO

To: Town Council
From: Vicky Brooks
Date: May 3, 2021
Re: Agenda Items 2 & 3 – Public Hearing – Proposed Text Amendments (TA-2021-01)
Consideration of the Proposed Text Amendments (TA-2021-01)

Chapter 160D: A New Land Use Law for North Carolina by Adam Lovelady, David W. Owens, and Ben Hitchings – UNC School of Government

The new Chapter 160D of the North Carolina General Statutes consolidates 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 any 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. Cities and counties that have zoning ordinance must have an up-to-date comprehensive plan or land use plan by July 1, 2022.

Additional Information (from UNC School of Government)

The principal impact of 160D is to:

- 1. Consolidate current city and county enabling statutes now in Article 18, Chapter 153A and Article 19, Chapter 160A into a single, unified new Chapter 160D of the General Statutes.*
- 2. Place these statutes into a more logical, coherent organization, facilitating ease of finding relevant provisions and clarifying how the statutes relate to one another.*
- 3. Provide uniform authority, definitions and procedures for cities and counties, while retaining broad substantive policy discretion for ordinances adopted by individual jurisdictions.*

While not making major policy shifts in existing legislation, the legislation modernizes the language of the statute to remove obsolete terminology and clarify existing provisions without making substantive changes. In addition, a number of consensus reforms that have the broad support of the local government and development community are incorporated.

The 160D proposal was developed by the N.C. Bar Association. The legislation was introduced as H. 548 in 2015 and as S. 419 in 2017. The bill was introduced in the 2019 session of the General Assembly as S. 422 and H. 448. On May 6, 2019 the Senate passed the bill as introduced as Part II of S. 355. The House of Representatives passed the bill with only a few technical tweaks on June 26. The Governor signed the bill on July 11. It is S.L. 2019-111. It initially was to become effective January 1, 2021 in order to allow time in 2020 to incorporate amendments made to affected statutes by other legislation enacted in 2019. That incorporation was made by S.L. 2020-25. Therefore Chapter 160D was made effective upon the adoption of that legislation, June 19, 2020. However, local governments have until July 1, 2021 to adopt conforming amendments to their local development regulations, with Chapter 160D becoming effective for each jurisdiction as those amendments are adopted (or no later than July 1, 2021).

The proposed text amendments required by the new Chapter 160D (Local Planning and Development Regulation) were presented to the Mineral Springs Planning Board in March of 2021 and were unanimously recommended for approval.

Following this memo, you will find a document titled “G.S. Chapter 160D Checklist of Changes” and one titled “Recommended Text Amendments to the Mineral Springs Development Ordinance – 05/13/21 – TA2021-01”.

The document titled “G.S. Chapter 160D Checklist of Changes” is the checklist provided by UNC School of Government that details the changes that are necessary for our ordinance to conform with Chapter 160D. The first page describes what the symbols mean throughout the document. The first column in the chart shows what action staff has taken on each category. The second column are the symbols provided by the School of Government denoting what actions are necessary. Council should pay particular attention to page 17 of this document, because it denotes notable legislative changes that do not require local action, but local governments must be aware of.

The document titled “Recommended Text Amendments to the Mineral Springs Development Ordinance – 05/13/21 – TA2021-01” describes each text amendment to the ordinance with council approval/adoption. As noted on page 19 – the proposed text amendment to Article 3 – Section 3.3.3(D) is not a text amendment related to the new Chapter 160D changes, but that of a correction to the ordinance that was inadvertently overlooked during the process of converting the zoning and subdivision ordinances into the unified development ordinance. As highlighted on page 1 – there are two text amendments that were omitted from the planning board review/recommendation chart; however, they were shown in the digital version of the ordinance that the planning board received for review, which highlighted all the changes.

□ Denotes legislative changes for which local government must take action (statutory citations are in parentheses) (Many changes may already be reflected in the local ordinance. If so, no additional change is necessary for the ordinance.)

○ 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.

✓ : Denotes that the item is addressed in the Mineral Springs Development Ordinance and is incorporated into the standard practice for the Town of Mineral Springs

DNA: Denotes that item does not apply to the Mineral Springs Development Ordinance

I. Terminology and Citations [Chapter 1, Section III]		
✓	<input type="checkbox"/>	Must update any references to provisions in G.S. Chapter 160A to indicate relevant provisions in Chapter 160D.
✓	<input type="checkbox"/>	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.)
✓	<input type="checkbox"/>	Must ensure that ordinance definitions for the following terms are not inconsistent with definitions provided in state law and regulation: building, dwelling, dwelling unit, bedroom, and sleeping unit. (G.S. 160D-706; S.L. 2019-111, §1.17.)
✓	<input type="radio"/>	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]		
DNA	<input type="checkbox"/>	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).)
DNA	<input type="radio"/>	Municipality may hold hearings in anticipation of change in jurisdiction. (G.S. 160D-204.)
To be handled on a case-by-case basis	<input type="radio"/>	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.)
DNA	<input type="radio"/>	In ETJ, the county may elect to exercise development regulations that the municipality is not exercising. (G.S. 160D-202(b).)
DNA	<input type="radio"/>	For counties, the county may apply zoning and subdivision regulations to all or part of the county's planning and development regulation jurisdiction. Cities with zoning must apply zoning jurisdiction-wide. (G.S. 160D-201; S.L. 2020-25.)

III. **Boards [Chapter 2, Section II]**

A. In General

<p><input checked="" type="checkbox"/></p> <p>Added language to 2.2 and 2.6 to comply with 160D-109.</p>	<p><input type="checkbox"/></p>	<p>Must adopt broadened conflict-of-interest standards for governing and advisory boards. (G.S. 160D-109.)</p>
<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>Must keep minutes of proceedings of each board. (G.S. 160D-308.)</p>
<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>Must have each board member take an oath of office before starting his or her duties. (G.S. 160D-309.)</p>
<p>DNA</p>	<p><input type="checkbox"/></p>	<p>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.)</p>
<p>DNA</p>	<p><input type="checkbox"/></p>	<p>Must provide proportional representation for ETJ on preservation commission if any districts or landmarks are designated in the ETJ. (G.S. 160D-307.)</p>
<p><input checked="" type="checkbox"/></p> <p>Need to add to website</p>		<p>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.)</p>
<p><input checked="" type="checkbox"/></p> <p>Town Council appoints</p>		<p>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.)</p>
<p><input checked="" type="checkbox"/></p>		<p>May establish additional advisory boards related to development regulations. (G.S. 160D-306.)</p>

B. Planning Board

<p><input checked="" type="checkbox"/></p>	<p><input type="radio"/></p>	<p>May assign to planning board the coordination of citizen engagement for planning. (G.S. 160D-301.)</p>
<p><input checked="" type="checkbox"/></p> <p>This was removed upon ordinance adoption</p>	<p><input type="radio"/></p>	<p>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.)</p>

C. Board of Adjustment		
✓	<input type="radio"/>	May assign board of adjustment to hear and decide matters under any development regulation, not just zoning. (G.S. 160D-302.)
DNA	<input type="radio"/>	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		
✓ Added language to 2.2	<input type="checkbox"/>	Must incorporate new staff conflict-of-interest standards into ordinance or policy. (G.S. 160D-109.)
✓ Does not affect the UDO	<input type="checkbox"/>	Must maintain in paper or digital format current and prior zoning maps for public inspection. (G.S. 160D-105.)
✓ Does not affect the UDO	<input type="checkbox"/>	Must maintain in paper or digital format any state or federal agency maps incorporated by reference into the zoning map. (G.S. 160D-105.)
✓ Does not affect the UDO	<input type="radio"/>	May enact ordinances, procedures, and fee schedules relating to administration and enforcement of development regulations. (G.S. 160D-402(b).)
✓ Does not affect the UDO	<input type="radio"/>	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		
✓ Referenced in Section 2.7.2.2 (B)	<input type="checkbox"/>	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).)
✓ See changes to 2.7.2.1 (B)	<input type="checkbox"/>	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).)

G.S. CHAPTER 160D CHECKLIST OF CHANGES

✓ Language added to 3.1 (C)	<input type="checkbox"/>	For revocation of development approval, must follow the same process as was used for the approval. (G.S. 160D-403(f).)
✓ DNA	<input type="radio"/>	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).)
✓	<input type="radio"/>	May perform inspections for general code compliance and enforcement (inspections unrelated to a development approval). (G.S. 160D-402(b).)
✓	<input type="radio"/>	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).)
✓ Language added to 2.7.3 (D)	<input type="radio"/>	May issue stop-work orders for illegal or dangerous work or activity, whether related to a permit or not. (G.S. 160D-404(b).)
✓	<input type="radio"/>	May continue to use general enforcement methods, including civil penalties, fines, court ordered actions, and criminal prosecution. (G.S. 160D-404(c).)
✓	<input type="triangle"/>	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.)
✓	<input type="triangle"/>	Be aware that a local government must comply with existing rules for uses that were previously nonconforming situations. If a use loses its nonconforming status, by amortization or change of use or otherwise, the local government must bring an enforcement action within ten years of the loss of nonconforming status. (160D-1405(c1); established prior to Chapter 160D.)

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

✓	<input type="checkbox"/>	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.)
✓	<input type="checkbox"/>	Must eliminate conditional use district zoning; existing conditional use district zoning converts to conditional district on <u>January 1, 2021 upon adoption of updated local ordinances or July 1, 2021.</u> (G.S. 160D-703; S.L. 2020-25; S.L. 2019-111, § 2.9(b).)

G.S. CHAPTER 160D CHECKLIST OF CHANGES

✓	<input type="checkbox"/>	Must not set a minimum square footage for structures subject to the One- and Two-Family Residential Building Code. (G.S. 160D-703; S.L. 2019-174.)
✓	<input type="radio"/>	May incorporate maps officially adopted by state or federal agencies (such as flood-insurance rate maps (FIRMs)) into the zoning map; may incorporate <i>the most recent officially adopted version</i> 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.)
✓	<input type="radio"/>	May require certain dedications and performance guarantees for zoning approvals to the same extent as for subdivision approvals. (G.S. 160D-702.)
DNA	<input type="radio"/>	May use form-based codes. (G.S. 160D-703(a)(3).)
✓	<input type="radio"/>	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).)
✓	<input type="radio"/>	May apply zoning standards jurisdiction-wide, not just on a zoning district by zoning district basis. (G.S. 160D-703(d).)
DNA	<input type="radio"/>	May regulate development over navigable waters, including floating homes. (G.S. 160D-702(a).)

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

✓	<input type="checkbox"/>	Must conform subdivision performance guarantee requirements with statutory standards. (<u>G.S. 160D-804.1; S.L. 2020-25; S.L. 2019-79 (S.B. 313), to be incorporated into G.S. Chapter 160D.</u>)
✓	<input type="checkbox"/>	Must conform subdivision procedures for expedited review of certain minor subdivisions. (G.S. 160D-802, established prior to G.S. Chapter 160D.)
✓	<input type="checkbox"/>	Must not require a developer, as a condition to subdivision approval, to bury a power line existing above ground and outside of property to be subdivided. (<u>G.S. 160D-804; S.L. 2019-174.</u>)
DNA	<input type="checkbox"/>	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).)

<p>✓ Date based on HUD wind ratings</p>	<input type="checkbox"/>	<p>Must not exclude manufactured homes based on the age of the home. (G.S. 160D-910.)</p>
<p>DNA</p>	<input type="checkbox"/>	<p>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).)</p>
<p>✓ Does not affect the UDO</p>	<input type="radio"/>	<p>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.)</p>
<p>✓ Does not affect the UDO</p>	<input type="radio"/>	<p>Municipalities may petition court to appoint a receiver for vacant structures. (160D-1130.)</p>
<p>A. Historic Preservation</p>		
<p>DNA</p>	<input type="checkbox"/>	<p>Must follow standard quasi-judicial procedures for preservation certificates of appropriateness. (G.S. 160D-947(c).)</p>
<p>DNA</p>	<input type="checkbox"/>	<p>Must frame preservation district provisions as "standards" rather than "guidelines." (G.S. 160D-947(c).)</p>
<p>DNA</p>	<input type="radio"/>	<p>May choose for appeals of preservation commission decisions to go to board of adjustment. Default rule is that preservation appeals go directly to superior court rather than to board of adjustment. (G.S. 160D-947(e).)</p>
<p>B. Development Agreements</p>		
<p>✓ Referenced in Section 1.8.4</p>	<input type="checkbox"/>	<p>Must process a development agreement as a legislative decision. (G.S. 160D-1005.)</p>
<p>✓</p>	<input type="checkbox"/>	<p>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).)</p>
<p>DNA</p>	<input type="radio"/>	<p>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).)</p>
<p>DNA</p>	<input type="radio"/>	<p>May address fewer topics in development agreement content (list of mandated topics is shortened). (G.S. 160D-1006.)</p>
<p>DNA</p>	<input type="radio"/>	<p>May mutually agree with a developer for the developer to provide public improvements beyond what could have been</p>

		required, provided such conditions are included in the development agreement. (G.S. 160D-1006(d).)
DNA	<input type="radio"/>	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]

Plan needs to be updated to be reasonably maintained.	<input type="checkbox"/>	Must adopt a comprehensive plan or land-use plan by July 1, 2022, to maintain zoning (no need to readopt a reasonably recent plan). (G.S. 160D-501(a).)
✓	<input type="checkbox"/>	Must adopt a plan or a plan update following the procedures used for a legislative decision. (G.S. 160D-501(c).)
Plan needs to be updated to be reasonably maintained.	<input type="checkbox"/>	Must reasonably maintain a plan. (G.S. 160D-501(a).)
✓	<input type="radio"/>	May coordinate a comprehensive plan with other required plans, such as Coastal Area Management Act (CAMA) plans. (G.S. 160D-501(a).)
✓	<input type="radio"/>	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

✓	<input type="checkbox"/>	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.)
✓	<input type="checkbox"/>	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.)
✓	<input type="checkbox"/>	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).)

G.S. CHAPTER 160D CHECKLIST OF CHANGES

DNA	<input type="radio"/>	For extension of ETJ, may use single mailed notice for ETJ and zoning-map amendment pursuant to statutory procedures. (G.S. 160D-202.)
DNA	<input type="radio"/>	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		
✓	<input type="checkbox"/>	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).)
✓	<input type="checkbox"/>	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		
✓	<input type="checkbox"/>	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).) <i>(This eliminates the 2017 requirement that statements take one of three particular forms.)</i>
DNA	<input type="radio"/>	May adopt plan consistency statement when acting upon the zoning amendment or as a separate motion. (G.S. 160D-605(a).)
✓	<input type="radio"/>	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).)
✓	<input type="radio"/>	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).)
✓	<input type="checkbox"/>	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).) <i>(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.)</i>

G.S. CHAPTER 160D CHECKLIST OF CHANGES

DNA		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.)
✓	<input type="checkbox"/>	Must adopt a statement of reasonableness for zoning <i>map</i> amendments; for such statements, may consider factors noted in the statutes; may adopt a statement of reasonableness for zoning <i>text</i> amendments. (G.S. 160D-605(b).)
✓	<input type="radio"/>	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		
✓ Does not need to be in UDO	<input type="checkbox"/>	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		
✓ Added language to 3.9.1 Step 2	<input type="checkbox"/>	Must prohibit third-party down-zonings; may process down-zonings initiated by the local government or landowner (G.S. 160D-601; S.L. 2019-111, Pt. I.)
✓	<input type="checkbox"/>	Must obtain applicant's/landowner's written consent to conditions related to a conditional zoning approval to ensure enforceability. (G.S. 160D-703(b); S.L. 2019-111, Pt. I.)
✓	<input type="radio"/>	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.)
✓ Added language to 3.9.2 (D)	<input type="radio"/>	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. (G.S. 160D-703(b); S.L. 2019-111, Pt. I.)
✓	<input type="radio"/>	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

✓	<input type="checkbox"/>	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).)
✓	<input type="checkbox"/>	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.)
Add to BOA Rules of Procedure	<input type="checkbox"/>	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).)
✓	<input type="checkbox"/>	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).)
✓	<input type="radio"/>	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).)
✓	<input type="radio"/>	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).)
DNA Opted out with adoption of ordinance	<input type="radio"/>	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.)
DNA Opted out with	<input type="radio"/>	May require recordation of special use permits with the register of deeds. (G.S. 160D-705(c).)

adoption of ordinance		
	△	Be aware that the definition of <i>close family relationship</i> 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

✓	<input type="checkbox"/>	Must not impose conditions on special use permits that the local government does not otherwise have statutory authority to impose. (G.S. 160D-705(c); S.L. 2019-111, Pt. I.)
✓	<input type="checkbox"/>	Must obtain applicant's/landowner's written consent to conditions related to a special use permit to ensure enforceability. (G.S. 160D-1402(k); G.S. 160D-1403.2; S.L. 2019-111, Pt. I.)
✓	<input type="checkbox"/>	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).)
✓	<input type="radio"/>	May adjust variance standards to provide for reasonable accommodation under the federal Fair Housing Act. (G.S. 160D-705(c).)
✓	<input type="radio"/>	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.)
✓	<input type="radio"/>	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

✓ Need to protect electronic forms.	<input type="checkbox"/>	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).)
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G.S. CHAPTER 160D CHECKLIST OF CHANGES

<p>✓ Added language to 3.1 (B)</p>	<p><input type="checkbox"/></p>	<p>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).)</p>
<p>✓ Added language to 3.1 (C)</p>	<p><input type="checkbox"/></p>	<p>Must provide that development approvals run with the land. (G.S. 160D-104.)</p>
<p>✓ Added language to 3.1 (C)</p>	<p><input type="checkbox"/></p>	<p>For revocation of development approval, must follow the same process as was used for the approval. (G.S. 160D-403(f).)</p>
<p>DNA</p>	<p><input type="radio"/></p>	<p>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).)</p>
<p>✓ Added language to 1.8</p>	<p><input type="radio"/></p>	<p>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).) Building permits expire after six months, as under prior law (no change to building permits). (G.S. 160D-1111.)</p>
<p>✓ Added language to 1.8</p>	<p><input type="radio"/></p>	<p>May extend expiration for development approvals for which construction is commenced and then is discontinued; default rule is that such approvals are valid for 24 months after discontinuation. (G.S. 160D-108(d).) Building permits for which work has been discontinued expire after twelve months, as under prior law (no change to building permits). (G.S. 160D-1111.) May 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).) Be aware that legislation will clarify the provisions on duration of development approvals. (G.S. 160D-403(c); S.L. 2019-111, § 1.3.)</p>
<p>✓</p>	<p><input type="radio"/></p>	<p>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).)</p>

B. Determinations		
✓	<input type="checkbox"/>	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).)
✓	<input type="radio"/>	May designate an official to make determinations for a particular development regulation. (G.S. 160D-403(b).)
DNA	<input type="radio"/>	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		
✓	<input type="checkbox"/>	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.)
✓	<input type="checkbox"/>	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).)
✓	<input type="checkbox"/>	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.)
✓	<input type="checkbox"/>	Must pause enforcement actions, including fines, during the appeal. (G.S. 160D-405.)
		May assign the duty of hearing appeals to another board (other than the board of adjustment); if this is done, such board must follow quasi-judicial procedures. (G.S. 160D-405.)
		May designate that appeals be filed with the local government clerk <i>or</i> another official. (G.S. 160D-405.)
XI. Vested Rights and Permit Choice [Chapter 5, Section I]		
A. Vested Rights		
✓ Amended Section 1.8	<input type="checkbox"/>	Must recognize that building permits are valid for six months, as under prior law. (G.S. 160D-1111 G.S. 160D-108(d)(1).)
✓	<input type="checkbox"/>	Must recognize the default rule that development approvals/permits are valid for twelve months, <u>unless altered</u>

Amended Section 1.8		by statute or extended by local rule adjusted by statute or local rule. (G.S. 160D-108(d)(2).)
✓ Amended Section 1.8 and 3.11	<input type="checkbox"/>	Must identify site-specific vesting plans (formerly site-specific development plans) with vesting for two to five years, as under prior law, except for specified exceptions. (G.S. 160D-108.1 G.S. 160D-108(d)(3); -108(f).)
✓ Amended Section 1.8	<input type="checkbox"/>	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(c)(d)(4); -108(f).) (The previously authorized phased-development plan is obsolete and should be deleted from ordinance.)
DNA		May provide for administrative determination of vested rights and for appeal to the board of adjustment. (G.S. 160D-108(h)(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-108(h); 160D-405(c).)
	△	Be aware that vested rights run with the land, except for state-permitted outdoor advertising permits that run with the owner of the permit. (G.S. 160D-108(i)(g); S.L. 2019-111, Pt. I.)

B. Permit Choice

✓ Amended Section 1.8	<input type="checkbox"/>	Must not make an applicant wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules. (G.S. 143-755; G.S. 160D-108(b).)
	△	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. 143-755; G.S. 160D-108(b); S.L. 2019-111, Pt. I.)
	△	Be aware that an application for one development permit triggers permit choice for permits under any development regulation; such permit choice is valid for eighteen months after approval of the initial application. (G.S. 143-755; G.S. 160D-108(b); S.L. 2019-111, Pt. I.)

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
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		administrative decisions, subject to specified procedures. (G.S. 160D-1401; G.S. 160D-1403.1)
	△	Be aware that other civil actions may be authorized—G.S. Chapter 160D does not limit availability of other actions. (G.S. 160D-1404.)
B. Appeals of Quasi-Judicial Decisions		
DNA	□	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.)
DNA	□	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(f).)
	△	Be aware that on appeal, the superior court now must allow for supplementing the record on questions of standing, conflicts of interest, constitutional violations, or actions in excess of statutory authority. (G.S. 160D-1402; S.L. 2019-111, § 1.9.)
	△	Be aware that even if there is no objection before the board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value and traffic impacts. (G.S. 160D-1402; S.L. 2019-111, § 1.9.)
	△	Be aware of specific judicial instructions for decisions of appeals of quasi-judicial decisions. (G.S. 160D-1402(k); S.L. 2019-111, § 1.9.)
C. Subdivision Decisions		
DNA	○	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 <i>shall</i> 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 <i>shall</i> 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 <i>may</i> 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. (G.S. 160D-1403.2; S.L. 2020-25; S.L. 2019-111, Pt. I.)
	△	Be aware that an action is not rendered moot if the party loses the relevant property interest as a result of the local government action being appealed, subject to applicable case law limits. (G.S. 160D-1402(j1); S.L. 2019-111, Pt. I.)

RECOMMENDED TEXT AMENDMENTS TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE – 05/13/21
TA2021-01

Article	Section #	Subsection #	Page #	Current Language	Amendment
1	1.3	A	1-2	(formerly 160A, Article 19)	Delete
1	1.3	B	1-2	160D-7-3	160D-703
1	1.3	B	1-2	(formerly 160A-382)	Delete
1	1.7	A	1-5	160D-7-1	160D-701
1	1.7	A	1-5	(formerly 160A-383)	Delete
1	1.8	1.8.1	1-5	New language	Too long to include in chart: Development approvals and vested rights (NCGS 160D-108.1) See pages 18 and 19 for details
1	1.8	1.8.2 renumbered Title	1-7	Establishment of Development Vested Rights	Establishment of Extended Development Vested Rights
1	1.8	1.8.2	1-7	site-specific plan	site-specific vesting plan
1	1.8	1.8.2	1-7	160D-1-8	160D-108
1	1.8	1.8.2	1-7	(formerly 160A-385.1)	Delete
1	1.8	1.8.2	1-7	160D-1-8	160D-108
1	1.8	1.8.2	1-7	(formerly 160A-385.1 or 153A-344.1	Delete
1	1.8	1.8.3	1-7	(formerly 160A-400.2.32)	Delete
1	1.8	1.8.3	1-7	160D-1-8	160D-108
1	1.8	1.8.4	1-7	(formerly 160A-400.2.32)	Delete
2	2.2	2.2 (G) (new)	2-1	New language	G. In accordance with NCGS 160D-109 (c), the Administrator shall not make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the administrator or if the applicant or other person subject to that decision is a person with whom the administrator has close family, business, or associational relationship.
2	2.4	2.4.1 A	2-3	160-361	160D-301

RECOMMENDED TEXT AMENDMENTS TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE – 05/13/21
TA2021-01

Article	Section #	Subsection #	Page #	Current Language	Amendment
2	2.4	2.4.2 F	2-4	may not participate in or vote on any matter on which they have a fixed opinion prior to the hearing, have undisclosed ex parte (without equal representation) communications or close family, business or associational ties with an affected person, or have a financial interest in the outcome of the case.	In accordance with NCGS 160D-109 (b), members of the Planning Board shall not vote on an advisory or legislative decision where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member. Members of the Planning Board shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with who the member has a close familial, business or associational relationship.
2	2.4	2.4.3 B	2-4	160D-3-1	160D-301
2	2.4	2.4.3 B	2-4	(formerly 160A-361)	Delete
2	2.4	2.4.3 B (1)	2-4	To make studies of the Town and surrounding areas;	To prepare, review, maintain, monitor, and periodically update and recommend to the Town Council a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis;

RECOMMENDED TEXT AMENDMENTS TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE – 05/13/21
TA2021-01

Article	Section #	Subsection #	Page #	Current Language	Amendment
2	2.4	2.4.3 B (2)	2-4	To determine objectives to be sought in the development of the Town and propose and recommend plans for achieving these objectives;	To facilitate and coordinate citizen engagement and participation in the planning process;
2	2.4	2.4.3 B (3)	2-4	To develop and recommend to the Town Council policies, ordinances, administrative...	To develop and recommend to the Town Council policies, development regulations, administrative...
2	2.4	2.4.3 B (4)	2-4	To designate redevelopment areas.	To advise the Town Council concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by NCGS 160D-604;
2	2.4	2.4.3 B (5)	2-4	New language	To exercise any functions in the administration and enforcement of various means for carrying out plans that the Town Council may direct;
2	2.4	2.4.3 B (6)	2-4	New language	To perform any other related duties that the Town Council may direct.
2	2.5	2.5.1 A	2-5	160D-3-2	160D-302
2	2.5	2.5.1 A	2-5	(formerly 160A-388)	Delete
2	2.5	2.5.2 E	2-7	conditional uses	special uses

RECOMMENDED TEXT AMENDMENTS TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE – 05/13/21
TA2021-01

Article	Section #	Subsection #	Page #	Current Language	Amendment
2	2.5	2.5.2 G	2-7	may not participate in or vote on any matter on which they have a fixed opinion prior to the hearing, have undisclosed ex parte (without equal representation) communications or close family, business or associational ties with an affected person, or have a financial interest in the outcome of the case.	Members of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.
2	2.5	2.5.3	2-8	160A-388	160D-302
2	2.5	2.5.3 A	2-8	160D-4-6	160D-406
2	2.5	2.5.3 A	2-8	(formerly 160A-388)	Delete
2	2.5	2.5.3 F	2-8	160D-14-2 (c)	160D-1402 (c)
2	2.5	2.5.3 F	2-8	(formerly 160A-393(d))	Delete
2	2.6	2.6 A (4)	2-9	160D-4-6	160D-406
2	2.6	2.6 A (4)	2-9	(formerly 160A-388)	Delete
2	2.6	2.6 A (5)	2-9	(formerly 160A-400.2-32)	Delete

RECOMMENDED TEXT AMENDMENTS TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE – 05/13/21
TA2021-01

Article	Section #	Subsection #	Page #	Current Language	Amendment
2	2.6	2.6	2-9	New language	C. In accordance with NCGS 160D-109 (a), a Town Council member shall not vote on any legislative decision regarding a development regulation adopted where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Town Council member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
2	2.7	2.7.1	2-9	NCGS 160D-4-4 (formerly 160A-175, 160A-365, 160A-389) and NCGS 14-4:	NCGS 160A-175, 160D-106, 160D-404, and NCGS 14-4:
2	2.7	2.7.1 Title	2-9	Development or Use Inconsistent with Permit	Development or Use Inconsistent with Development Approval

RECOMMENDED TEXT AMENDMENTS TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE – 05/13/21
TA2021-01

Article	Section #	Subsection #	Page #	Current Language	Amendment
2	2.7	2.7.2	2-11	The Administrator or designee shall have the right upon presentation of proper credentials and inspection warrant, if necessary, to enter on any premises within the jurisdiction at any reasonable hour for the purposes of inspection, determination of plan compliance, or other enforcement action.	The Administrator or designee shall be authorized upon presentation of proper credentials and the consent of the property owner or an inspection warrant, if necessary, to enter any premises (not open to the public) within the jurisdiction at any reasonable hour for the purposes of inspection, determination of plan compliance, or other enforcement action.
2	2.7	2.7.2.2 (B)	2-11	The Administrator or designee shall...	Subject to NCGS 160D-404 (a), the Administrator or designee shall...
2	2.7	2.7.2.3	2-12	160D-4-5	160D-405
2	2.7	2.7.2.3	2-12	(formerly 160A-388)	Delete
2	2.7	2.7.3 (A)	2-13	NCGS 160D-4-4 (formerly 160A-175, 160A-365, 160A-389) and NCGS 14-4	Subject to NCGS 160A-175, 160D-404, and NCGS 14-4,
2	2.7	2.7.3 (D)	2-13	New language	Such action may include the issuance of a stop-work order, subject to NCGS 160D-404 (b).
2	2.7	2.7.3 (F)	2-13	New language	For development or use of a property inconsistent with the development approval, the Town may revoke the development approval in the same manner in which the approval was given, subject to NCGS 160D-403 (f).

RECOMMENDED TEXT AMENDMENTS TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE – 05/13/21
TA2021-01

Article	Section #	Subsection #	Page #	Current Language	Amendment
3	3.1	3.1 (B) & (C)	3-1	New Language	<p>(B) Pursuant to NCGS 160D-403(a), all applications for development approval shall be made by a person with a property interest in the property or a contract to purchase the property, except for government-initiated map or text amendments.</p> <p>(C) In accordance with NCGS 160D-104, all development approvals run with the land unless otherwise provided for in this ordinance. In order for a development approval to be revoked, the same process that used for the approval must be followed, in accordance with NCGS 160D-403 (f).</p>
3	3.1	Table 3.1 – Note	3-2	160D-4-6	160D-406
3	3.1	Table 3.1 – Note	3-2	(formerly 16A-388)	Delete
3	3.2	3.2.1 (H)	3-4	160D-4-5	160D-405
3	3.2	3.2.1.(H)	3-4	(formerly 160A-388)	Delete
3	3.3	3.3.1 (B)	3-19	160D-8-2	160D-802
3	3.3	3.3.1.(B)	3-19	(formerly 160A-376)	Delete
3	3.3	3.3.2	3-20	(formerly 160A-376)	Delete
3	3.3	3.3.2	3-20	160D-8-2	160D-802
3	3.3	3.3.2 Under Certificate of Subdivision ...	3-20	(formerly 160A-376)	Delete

RECOMMENDED TEXT AMENDMENTS TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE – 05/13/21
TA2021-01

Article	Section #	Subsection #	Page #	Current Language	Amendment
3	3.3	3.3.2 Under Certificate of Subdivision ...	3-20	160D-8-2	160D-802
3	3.3	3.3.2	3-21	(formerly 160A-376)	Delete
3	3.3	3.3.2	3-21	160D-8-2	160D-802
3	3.3	3.3.3 (D)	3-21	New language	Prior to Final Plat approval, the applicant shall provide documentation of satisfactory approval by the Union County Health Department for onsite septic suitability for each new lot created.
3	3.3	3.3.6 Step 9 (C)	3-33	(formerly 160A-372 (f))	Delete
3	3.3	3.3.6 Step 9 (C)	3-33	160D-8-4(g)	160D-804(g)
3	3.3	3.3.7 (A)	3-42	(formerly 160A-373)	Delete
3	3.3	3.3.7 (A)	3-42	160D-8-3	160D-803
3	3.3	3.3.9 (D)	3-44	changes change	modifications modification
3	3.3	3.3.10	3-45	(formerly 160A-374)	Delete
3	3.3	3.3.10	3-45	160D-8-6	160D-806
3	3.4	3.4.1	3-46	(formerly 160A-374)	Delete
3	3.4	3.4.1	3-46	160D-7-5(c))	160D-705(c)
3	3.4	3.4.1 Flow Chart- Step 4	3-46	Notice of Public Hearing	Notice of Evidentiary Hearing
3	3.4	3.4.1 Flow Chart- Step 5	3-46	Board of Adjustment Public Hearing & Decision	Board of Adjustment Hearing & Decision
3	3.4	3.4.1 Step 4 Title	3-47	Notice of Public Hearing	Notice of Evidentiary Hearing
3	3.4	3.4.1 Step 4 -first line	3-47	...provide notice of the public hearing...	...provide notice of the evidentiary hearing...
3	3.4	3.4.1 Step 4	3-47	(formerly 160A-388)	Delete
3	3.4	3.4.1 Step 4	3-47	160D-4-6	160D-406

RECOMMENDED TEXT AMENDMENTS TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE – 05/13/21
TA2021-01

Article	Section #	Subsection #	Page #	Current Language	Amendment
3	3.4	3.4.1 Step 5 Title	3-48	Notice of Public Hearing	Notice of Evidentiary Hearing
3	3.4	3.4.1 Step 5 (A)	3-48	...conduct a quasi-judicial public hearing...	...conduct a quasi-judicial evidentiary hearing...
3	3.4	3.4.1 Step 5 (F)	3-49	...at the discretion of the Town Council...	...at the discretion of the Board...
3	3.4	3.4.1 Step 5 (H)	3-49	(formerly 160A-393)	Delete
3	3.4	3.4.1 Step 5 (H)	3-49	160D-4-6	160D-1402
3	3.4	3.4.2 (C) 3 places	3-50	minor changes	minor modifications
3	3.5	3.5.1	3-52	(formerly 160A-388)	Delete
3	3.5	3.5.1	3-52	160D-7-5	160D-705
3	3.5	3.5.1 Flow Chart- Step 4	3-52	Notice of Public Hearing	Notice of Evidentiary Hearing
3	3.5	3.5.1 Flow Chart- Step 5	3-52	Board of Adjustment Public Hearing & Decision	Board of Adjustment Hearing & Decision
3	3.5	3.5.1 Step 4 Title	3-53	Notice of Public Hearing	Notice of Evidentiary Hearing
3	3.5	3.5.1 Step 4 -first line	3-53	...provide notice of the public hearing...	...provide notice of the evidentiary hearing...
3	3.5	3.5.1 Step 4	3-53	(formerly 160A-388)	Delete
3	3.5	3-5-1 Step 4	3-53	160D-4-6	160D-406
3	3.5	3.5.1 Step 5 (A)	3-54	...conduct a quasi-judicial public hearing...	...conduct a quasi-judicial evidentiary hearing...
3	3.5	3.5.1 Step 5 (A) (2)	3-54	New language	...except as necessary to make reasonable accommodation under the Federal Fair Housing Act for disabled residents.
3	3.5	3.5.1 Step 5 (G)	3-55	(formerly 160A-393)	Delete
3	3.5	3.5.1 Step 5 (G)	3-55	160D-4-6	160D-1402
3	3.6	3.6.1(A)	3-57	(formerly 160A-393(d))	Delete

RECOMMENDED TEXT AMENDMENTS TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE – 05/13/21
TA2021-01

Article	Section #	Subsection #	Page #	Current Language	Amendment
3	3.6	3.6.1(A)	3-57	160D-14-2(c)	160D-1402(c)
3	3.6	3.6.2	3-59	(formerly 160A-388)	Delete
3	3.6	3.6.2	3-59	160D-4-5	160D-405
3	3.6	3.6.2 Flow Chart- Step 4	3-59	Notice of Public Hearing	Notice of Evidentiary Hearing
3	3.6	3.6.2 Flow Chart- Step 5	3-59	Board of Adjustment Public Hearing & Decision	Board of Adjustment Hearing & Decision
3	3.6	3.6.2 Step 3 Title	3-60	Notice of Public Hearing	Notice of Evidentiary Hearing
3	3.6	3.6.2 first line	3-60	... provide notice of the public hearing...	...provide notice of the evidentiary hearing...
3	3.6	3.6.2 Step 3	3-60	(formerly 160A-388)	Delete
3	3.6	3.6.2 Step 3	3-60	160D-4-6	160D-406
3	3.6	3.6.2 Step 4 Title	3-60	Board of Adjustment Public Hearing and Decision	Board of Adjustment Evidentiary Hearing
3	3.6	3.6.2 Step 4 (B)	3-60	...quasi-judicial public hearing...	...quasi-judicial evidentiary hearing...
3	3.6	3.6.2 Step 4 (D) First line	3-61	(formerly 160A-400.9(e))	Delete
3	3.6	3.6.2 Step 4 (D) First line	3-61	160D-9-47(e)	160D-947(e)
3	3.6	3.6.2 Step 4 (D) Last line	3-61	(formerly 160A-393(k))	Delete
3	3.6	3.6.2 Step 4 (D) Last line	3-61	160D-14-2(k)	160D-1402(k)
3	3.6	3.6.2 Step 4 (H)	3-62	(formerly 160A-393)	Delete
3	3.6	3.6.2 (H)	3-62	160D-4-6	160D-1402
3	3.7	3.7.1	3-63	(formerly 160A-388)	Delete
3	3.7	3.7.1	3-63	160D-4-6	160D-406
3	3.7	3.7.1 Flow Chart- Step 4	3-63	Notice of Public Hearing	Notice of Evidentiary Hearing
3	3.7	3.7.1 Flow Chart- Step 5	3-63	Board of Adjustment Public Hearing & Decision	Board of Adjustment Hearing & Decision

RECOMMENDED TEXT AMENDMENTS TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE – 05/13/21
TA2021-01

Article	Section #	Subsection #	Page #	Current Language	Amendment
3	3.7	3.7.1 Step 3 Title	3-64	Notice of Public Hearing	Notice of Evidentiary Hearing
3	3.7	3.7.1 Step 3 first line	3-64	... provide notice of the public hearing...	...provide notice of the evidentiary hearing...
3	3.7	3.7.1 Step 3	3-64	(formerly 160A-388)	Delete
3	3.7	3.7.1 Step 3	3-64	160D-4-6	160D-406
3	3.7	3.7.1 Step 4 (A)	3-65	...quasi-judicial public hearing...	...quasi-judicial evidentiary hearing...
3	3.7	3.7.1 Step 4 (E)	3-66	(formerly 160A-393)	Delete
3	3.7	3.7.1 Step 4 (E)	3-66	160D-4-6	160D-1402
3	3.8	3.8.1	3-67	(formerly 160A-388)	Delete
3	3.8	3.8.1	3-67	160D-4-6	160D-406
3	3.8	3.8.1 Flow Chart- Step 4	3-67	Notice of Public Hearing	Notice of Evidentiary Hearing
3	3.8	3.8.1 Flow Chart- Step 5	3-67	Board of Adjustment Public Hearing & Decision	Board of Adjustment Hearing & Decision
3	3.8	3.8.1 Step 4 Title	3-68	Notice of Public Hearing	Notice of Evidentiary Hearing
3	3.8	3.8.1 Step 4 first line	3-68	... provide notice of the public hearing...	...provide notice of the evidentiary hearing...
3	3.8	3.8.1 Step 4	3-68	(formerly 160A-388)	Delete
3	3.8	3.8.1 Step 4	3-68	160D-4-6	160D-406
3	3.8	3.8.1 Step 5 (A)	3-69	...quasi-judicial public hearing...	...quasi-judicial evidentiary hearing...
3	3.8	3.8.1 Step 5 (H)	3-70	(formerly 160A-393)	Delete
3	3.8	3.8.1 Step 5 (H)	3-70	160D-4-6	160D-1402
3	3.9	3.9.1	3-72	(formerly 160A-384)	Delete
3	3.9	3.9.1 Flow Chart- Step 5	3-72	Notice of Public Hearing	Notice of Legislative Public Hearing

RECOMMENDED TEXT AMENDMENTS TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE – 05/13/21
TA2021-01

Article	Section #	Subsection #	Page #	Current Language	Amendment
3	3.9	3.9.1 Flow Chart- Step	3-72	Town Council Public Hearing & Decision	Town Council Legislative Public Hearing Decision
3	3.9	3.9.1 Step 2 (A)	3-73	Applications to amend the Zoning Map may be initiated by Town Council, the Planning Board, Town Staff, or anyone who owns a property or resides in the area of jurisdiction of this Ordinance or the agent of such person, except that Conditional Zoning district requests may only be initiated by the property owner or agent of legal or equitable interest in the subject property.	Applications to amend the Zoning Map may be initiated by Town Council, the Planning Board, or Town Staff. Except for a government-initiated zoning map amendment, when an application is filed by a property or resides in the area of jurisdiction of this Ordinance or the agent of such person and not filed by the landowner or authorized agent, then actual notice shall be provided to the landowner subject to NCGS 160D-602 (d). No reduction in zoning district intensity shall be initiated by any person other than the landowner or authorized agent, except for government-initiated amendments. Conditional Zoning district requests may only be initiated by the property owner or agent of legal or equitable interest in the subject property.

RECOMMENDED TEXT AMENDMENTS TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE – 05/13/21
TA2021-01

Article	Section #	Subsection #	Page #	Current Language	Amendment
3	3.9	3.9.1 Step 4 (B)	3-74	The Planning Board may make one of the following recommendations...	Subject to NCGS 160D-604(d), the Planning Board shall advise the Town Council by making one of the following recommendations...
3	3.9	3.9.1 Step 5 Title	3-76	Notice of Public Hearing	Notice of Legislative Public Hearing
3	3.9	3.9.1 Step 5	3-76	(formerly 160A-384)	Delete
3	3.9	3.9.1 Step 5	3-76	160D-6-2	160D-602
3	3.9	3.9.1 Step 5 Second line	3-76	...prior to the public hearing...	...prior to the hearing...
3	3.9	3.9.1 Step 5 (C) Second line	3-76	...prior to the public hearing...	...prior to the hearing...
3	3.9	3.9.1 Step 5 (D) First line	3-76	...prior to the public hearing...	...prior to the hearing...
3	3.9	3.9.1 Step 5 (E) Fifth Line	3-77	...location of the public hearing...	...location of the hearing...
3	3.9	3.9.1 Step 5 (E) Second to last line	3-77	...prior to the public hearing...	...prior to the hearing...
3	3.9	3.9.1 Step 6 Title	3-77	Town Council Public Hearing and Decision	Town Council Legislative Public Hearing and Decision
3	3.9	3.9.1 Step 6 (A) First line	3-77	...after a public hearing...	...after a hearing...
3	3.9	3.9.1 Step 6 (A) Second Line	3-77	By a simple majority vote...	Subject to NCGS 160D-605, by a simple majority vote...
3	3.9	3.9.1 Step 7 (B) Fourth Line	3-78	...after having held a public hearing...	...after having held a hearing...

RECOMMENDED TEXT AMENDMENTS TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE – 05/13/21
TA2021-01

Article	Section #	Subsection #	Page #	Current Language	Amendment
3	3.9	3.9.2 (D)	3-79	New Language	In accordance with NCGS 160D-703 (b), specific conditions may be proposed by the petitioner or the Town, but only those conditions mutually approved and agreed upon in writing may be incorporated into the zoning regulations.
3	3.9	3.9.2 (E) 2 places	3-79	minor deviations	minor modifications
3	3.9	3.9.2 (E)	3-79	New language	; and (4) would not modify the permitted uses, land use intensities, or residential densities.
3	3.10	3.10.1	3-80	(formerly 160A-384)	Delete
3	3.10	3.10.1 Flow Chart- Step 5	3-80	Notice of Public Hearing	Notice of Legislative Public Hearing
3	3.10	3.10.1 Flow Chart- Step 6	3-80	Town Council Public Hearing & Decision	Town Council Legislative Public Hearing & Decision
3	3.10	3.10.1 Step 4 (A)	3-80	The Planning Board may make one of the following recommendations...	Subject to NCGS 160D-604(d), the Planning Board shall advise the Town Council by making one of the following recommendations...
3	3.10	3.10.1 Step 5 Title	3-82	Notice of Public Hearing	Notice of Legislative Public Hearing
3	3.10	3.10.1 Step 5 (A) Last line	3-82	...established for the public hearing...	...established for the hearing...
3	3.10	3.10.1 Step 5 (B) Last line	3-83	...established for the public hearing...	...established for the hearing...
3	3.10	3.10.1 Step 6 Title	3-83	Town Board Public Hearing and Decision	Town Board Legislative Public Hearing

RECOMMENDED TEXT AMENDMENTS TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE – 05/13/21
TA2021-01

Article	Section #	Subsection #	Page #	Current Language	Amendment
3	3.10	3.10.1 Step 6 (A) First line	3-83	Following a public hearing	Following a hearing
3	3.10	3.10.1 Step 6 (A) Second line	3-83	...public hearing...	...hearing...
3	3.11	3.11.1	3-85	Formerly 160A-385.1	Delete
3	3.11	3.11.1	3-85	160D-1-8	160D-108.1
3	3.11	3.11 Throughout	3-85 to 3-88	<ul style="list-style-type: none"> • Vested rights • Site-specific development plan 	<ul style="list-style-type: none"> • Extended vested rights • Site-specific vesting plan
4	4.4.2	4.4.2.3	4-18	(formerly 160A-383.5)	Delete
4	4.4.2	4.4.2.3	4-18	160D-9-14	160D-915
4	4.4.2	4.4.2.5	4-20	(formerly 122C, 131D and 168)	Delete
4	4.4.2	4.4.2.5	4-20	160D-9-6	160D-907
4	4.4.7	4.4.7.6	4-50	(formerly 160A-400.54-57)	Delete
4	4.4.7	4.4.7.6	4-50	160D-9-35	160D-935
5	5.3.3	5.3.3.1	5-22	(formerly 160A, Art. 19, Part 3, 5 and 8)	Delete
5	5.3.3	5.3.3.1	5-22	160D-9-23	160D-923
8	8.7	8.7 (B) Second line	8-11	...conduct a public hearing...	...conduct an evidentiary hearing...
8	8.7	8.7 (B)	8-11	(formerly 160A-388)	Delete
8	8.7	8.7 (B) First line	8-11	160D-4-6	160D-406
9	9.4	APPEAL	9-7	(formerly 160A-388)	Delete
9	9.4	APPEAL	9-7	160D-4-5	160D-405
9	9.4	BEDROOM		New language	A fully enclosed interior room with a closet, door, and window for egress.
9	9.4	BOARD, PLANNING	9-11	(formerly 160A-361)	Delete
9	9.4	BOARD, PLANNING	9-11	160D-3-1	160D-301
9	9.4	BOARD OF ADJUSTMENT	9-11	(formerly 160A-388)	Delete
9	9.4	BOARD OF ADJUSTMENT	9-11	160D-3-2	160D-302

RECOMMENDED TEXT AMENDMENTS TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE – 05/13/21
TA2021-01

Article	Section #	Subsection #	Page #	Current Language	Amendment
9	9.4	DWELLING		New language	Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.
9	9.4	DWELLING UNIT	9-22	A room or combination of rooms containing a bathroom and kitchen facilities, and designed for or used as a permanent residence or secondary residences by one (1) family.	A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
9	9.4	FAMILY CARE HOME	9-25	(formerly 168-22)	Delete
9	9.4	FAMILY CARE HOME	9-25	160D-9-6	160D-907
9	9.4	SLEEPING UNIT		New language	A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are part of a dwelling unit are not sleeping units.
9	9.4	TEMPORARY HEALTH CARE STRUCTURE	9-72	(formerly 160A-383.5)	Delete
9	9.4	TEMPORARY HEALTH CARE STRUCTURE	9-72	160D-9-14	160D-915

Article	Section #	Subsection #	Page #	Current Language	Amendment
3	3.3.3(D)	Minor Subdivision Defined	3-20	New language	<p>Prior to Final Plat approval, the applicant shall provide documentation of satisfactory approval by the Union County Health Department for onsite septic suitability for each new lot created.</p> <p>Note: This one text amendment is not required by G.S. 160D – it is a text amendment outside of that scope. It is to specify septic suitability is required for a minor subdivision, which was omitted during the July 2019 conversion to the Mineral Springs Development Ordinance.</p>

~~1.8 VESTED RIGHTS AND DEVELOPMENT AGREEMENTS~~

~~1.8.1 ESTABLISHMENT OF DEVELOPMENT VESTED RIGHTS~~

~~Pursuant to NCGS 160D-1-8 (formerly 160A-385.1) and notwithstanding any other provision of this Ordinance or amendment thereto, a landowner may apply for a site specific development plan approval which shall entitle said landowner to develop property in accordance with said site specific development. The procedure for establishing a vested right is set forth in Section [3.11](#).~~

1.8 Development Approvals and Vested Rights Development Agreements

1.8.1 DEVELOPMENT APPROVAL DURATION

- A. Pursuant to NCGS 160D-1109, building permits expire six months after issuance unless work under the permit has commenced and work has not been discontinued for a period of more than 12 months after the work has commenced.
- B. Unless otherwise specified, local development permits expire one (1) year after issuance unless work authorized by the permit has substantially commenced. A local land development regulation may provide for a longer permit expiration period. For the purposes of this section, a permit is issued either in the ordinary course of business of the applicable governmental agency or by the applicable governmental agency as a court directive. Except where a longer vesting period is provided by statute or land development regulation, the statutory vesting granted by this section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, and the statutory vesting period granted by this section for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months. The 24-month discontinuance period is automatically tolled during the pendency of any board of adjustment proceeding or civil action in a State or federal trial or appellate court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this section. The 24-month discontinuance period is also tolled during the pendency of any litigation involving the development project or property that is the subject of the vesting.
- C. Where multiple local development permits are required to complete a development project, the development permit applicant may choose the version of each of the local land development regulations applicable to the project upon submittal of the application for the initial development permit. This provision is

applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit. For purposes of the vesting protections of this subsection, an erosion and sedimentation control permit or a sign permit is not an initial development permit.

- D. A multi-phased development is vested for the entire development with the land development regulations then in place at the time a site plan approval is granted for the initial phase of the multi-phased development. A right which has been vested as provided for in this subsection remains vested for a period of seven (7) years from the time a site plan approval is granted for the initial phase of the multi-phased development.
- E. Following issuance of a development permit, a local government may make subsequent inspections and reviews to ensure compliance with the applicable land development regulations in effect at the time of the original application.
- F. If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, then NCGS 143-755 applies.

TOWN OF MINERAL SPRINGS TOWN COUNCIL

STATEMENT OF REASONABLENESS AND CONSISTENCY

Mineral Springs Development Ordinance

Articles 1, 2, 3, 4, 5, 8, and 9

TA-2021-01

In reference to the proposed text amendments to Articles 1, 2, 3, 4, 5, 8, and 9 of the Mineral Springs Development Ordinance.

The Mineral Springs Town Council hereby declares the proposed text amendments to be “**reasonable**” as they bring the Mineral Springs Development Ordinance into compliance with General Statute 160D, and one specifically clears up the procedures for minor subdivisions.

The Mineral Springs Town Council hereby declares the proposed text amendments to be “**consistent**” with the Mineral Springs Land Use Plan adopted October 12, 2006 and the Vision Plan contained therein, which specifically calls for periodic review to make sure that the Ordinance is as up to date as possible.

ADOPTED by the Mineral Springs Town Council this the 13th day of May 2021.

Frederick Becker III, Mayor

Attest:

Vicky A. Brooks, CMC, NCCMC, CZO

**Draft Minutes of the
Mineral Springs Town Council
Regular Meeting / Public Hearing
April 8, 2021 – 7:30 p.m.**

The Town Council of the Town of Mineral Springs, North Carolina, met in Regular Session and Public Hearing at the Mineral Springs Town Hall located at 3506 Potter Road South, Mineral Springs, North Carolina, at 7:30 p.m. on Thursday, April 8, 2021.

Present: Mayor Frederick Becker III, Councilman Jerry Countryman, Councilwoman Janet Critz, Councilwoman Lundeen Cureton (arrived at 7:33 p.m.), Councilwoman Bettylyn Krafft, and Councilwoman Peggy Neill.

Absent: Mayor Pro Tem Valerie Coffey.

Staff Present: Town Clerk/Zoning Administrator Vicky Brooks, Attorney Bobby Griffin, and Deputy Town Clerk Janet Ridings.

Visitors: Donald Gaddy and Charles Nolan.

1. Opening

With a quorum present at 7:32 p.m. on April 8, 2021, Mayor Frederick Becker called the Regular Town Council Meeting to order.

Councilwoman Neill delivered the invocation.

Pledge of Allegiance.

2. Public Hearing – Proposed Text Amendment (TA-2021-02)

Mayor Becker called the Proposed Text Amendment (TA-2021-02) Public Hearing to order at 7:33 p.m.

There were no public hearing comments.

Applicant Charles Nolan stated he was the advocate for a text amendment to allow “Gunsmithing” by special permit in the RA20 zoning district. Gunsmithing is currently allowed in the RA40 and RR zoning districts and the only distinction between these districts is the density of housing, unrelated to gunsmithing. Mr. Nolan commented it was consistent with diversification; the Mineral Springs guide says, “you encourage diverse businesses”. The town does not have a place for gunsmithing or sales of guns/rifles, etc. Shooting is very popular in Mineral Springs, as well as the adjoining areas. Mr. Nolan explained recently the one in Monroe (Gander Mountain) closed and moved to Concord or someplace inconvenient to travel to. Mr. Nolan stated he would just like to serve the people in Mineral Springs, he lives right down the street and people can come right up to his house where he is going to do it initially until he can save up enough money to open a commercial shop in town.

Councilwoman Critz asked Mr. Nolan how long he had been doing gunsmithing.

Mr. Nolan responded he was a federal firearms license owner. What happens when there is a change of address, the Department of Alcohol, Tobacco, and Firearms wants to know that it is

permitted where you live. Currently it is not, so getting the text amendment is the first step toward the special permit process; right now, Mr. Nolan is on hold.

Councilwoman Critz asked Mr. Nolan where he was previously working out of.

Mr. Nolan responded he lived in Virginia and moved here with his wife in 2009. Where Mr. Nolan lived in Virginia it was a permitted use, but when they moved here, they got the grandkids. Now that they are gone, he asked his son to get a safe deposit box. Mr. Nolan has a renewed interest in doing gunsmithing here.

Councilman Countryman asked if Mr. Nolan was a gunsmith or if his primary interest was selling firearms.

Mr. Nolan responded one of the requirements, as Councilman Countryman knows, if a person wants to buy a gun off the internet (for example), they have to have a FFL and holder to transfer the gun to them, so his primary business would probably be, "hey Chuck, I want this gun, will you order it, or I can order it, you give me a deposit", but his primary purpose is to sell guns.

Mayor Becker noted the application was extremely thorough and the planning board recommended approval of the amendment.

Ms. Brooks concurred the planning board unanimously recommended approval. Ms. Brooks clarified the text amendment would affect not only Mr. Nolan, but anybody in the RA20 zoning district.

Mr. Nolan added there was one other thing he wanted to say, because it could be a point of concern. It is not easy to get an FFL, the FBI is all up your "wazoo", so it would not be like anybody in the RA20 zoning district is eligible.

Mayor Becker commented the FBI has its own licensing process that goes beyond the town, the town is just the vessel, being qualified is still going to be a separate process the applicant goes through on the federal level.

Councilwoman Critz commented it was important to note the planning board did comment on the fact that it was consistent with Mineral Springs and our purpose/goals of being more rural; there are a lot of avid hunters/gun enthusiasts.

Mayor Becker closed the Proposed Text Amendment (TA-2021-02) Public Hearing at 7:39 p.m.

3. Consideration of the Proposed Text Amendment (TA-2021-02) – Action Item

Councilwoman Neill motioned that the Statement of Reasonableness and Consistency applies, and Councilwoman Critz seconded. The motion passed unanimously. Ayes: Countryman, Critz, Cureton, Krafft, and Neill. Nays: none.

Councilwoman Neill motioned to approve the Statement of Reasonableness and Consistency and approve TA-2021-02 to allow Gunsmith by Special Use Permit in the RA20 zoning district and Councilwoman Critz seconded. The motion passed unanimously. Ayes: Countryman, Critz, Cureton, Krafft, and Neill. Nays: none.

The Statement of Reasonableness and Consistency is as follows:

Statement of Reasonableness and Consistency
Mineral Springs Unified Development Ordinance
Article 4 – Table 4.1 Permitted Uses

In reference to the proposed text amendment to Article 4 – Table 4.1 Permitted Uses of the Mineral Springs Development Ordinance inserting an “S” (Special Use Permit) to “Gunsmith (including gun and ammunition sales)”, which is under Office & Service Uses in the RA20 zoning district.

The Mineral Springs Town Council hereby declares the proposed text amendment to be **“reasonable”** as it *allows property owners/occupants the ability to apply for a special use permit to establish a gunsmith business in the RA20 zoning districts. The Mineral Springs Town Council recognizes a Gunsmith must follow strict rules established by the Federal Government and this is a means for property owners/occupants to add to their income.*

The Mineral Springs Town Council hereby declares the proposed text amendment to be **“consistent”** with the Mineral Springs Land Use Plan adopted October 12, 2006 and the Vision Plan contained therein. *The Future Land Use Plan calls for the areas now zoned RA20 to be Downtown Mixed Use, Highway Corridor, or Rural Residential (RR). Properties currently zoned RR already allows “Gunsmith” as a Special Use Permit, the Downtown Mixed-Use district is intended to become a unique retain, service and cultural, governmental, and mixed-use residential hub to serve the citizens of the town.*

ADOPTED by the Mineral Springs Town Council on this the 8th day of April 2021.

Frederick Becker III, Mayor

Attest:

Vicky A. Brooks, CMC, NCCMC, CZO

4. Public Comments

Chief Donald Gaddy – Mineral Springs Volunteer Fire and Rescue Department.

5. Consent Agenda – Action Item

Councilwoman Critz motioned to approve the consent agenda containing the March 11, 2021 Regular Meeting Minutes, the February 2021 Tax Collector’s Report, and the February 2021 Finance Report and Councilwoman Cureton seconded. The motion passed unanimously. Ayes: Countryman, Critz, Cureton, Krafft, and Neill. Nays: None.

6. Consideration of the Lowe’s “100 Hometowns” Grant for Downtown Revitalization – Action Item

MEMO

To: Mineral Springs Town Council
From: Rick Becker
Date: March 30, 2021
Subject: Lowe’s “100 Hometowns” Grant for Downtown Revitalization

Lifelong Mineral Springs resident John Howie brought to my attention the Lowe’s Hometown Grant Program, which seeks to provide funding for 100 “Hometown Projects” designed to improve community resources and enable area revitalization. John believes that a project to revitalize the old Todd’s Grocery property in downtown Mineral Springs by removing hazardous asbestos siding from the dilapidated buildings on the property, demolishing the buildings, fully clearing the site and regrading to remove debris, and replanting with grass would be a good candidate for one of these grants, and he would like to nominate the project for a Lowe’s grant.

The nomination process for a grant is spelled out on the attached “terms and conditions” writeup, which is lengthy and contains a lot of “legalese”. I have highlighted a few key provisions that would apply to Mineral Springs. In general, anybody can nominate a project for a grant, but a grant recipient must be a 501(c)(3) Non-Profit or a government entity that is capable and willing to use the grant funding to undertake the project. Projects must be able to be completed by October 31, 2021. Nominations must be submitted by April 19, 2021.

One specific suggestion under “Possible Grant Uses” is “Area Revitalization (e.g. a new playground at a community park, small business renovation/repairs, renovations to downtown areas, etc.)”. That would seem to describe the proposed downtown Mineral Springs site revitalization to a “T”! And while the grant cannot be used for, say, “an individual that needs his/her home repaired” and a grant-funded project must “benefit the community as a whole”, there is no prohibition on using grant funding for a project on private property. The

Mineral Springs town council has understandably been unwilling to utilize taxpayer dollars to improve private property, but serving as a “pass through” for a private grant to improve a piece of property that would produce a demonstrable community benefit should be an appropriate municipal function.

I am working with John on his nomination. He has secured permission from the property owner to undertake the project, so I am requesting that the town council indicate by motion that the town approves of this project and would be willing to assist in coordinating the completion of the work if the nomination were selected for a grant.

There is no local match required, and no specific cost specified by Lowe’s for a given project. The closest thing I could find to a monetary guideline is in one of the FAQ’s, where Lowe’s states that it is committing \$10 million to 100 projects – an average of \$100,000 per project. An early estimate of the cost of the downtown Mineral Springs project is \$75,000, so that certainly seems to be in line with the size project that Lowe’s would be willing to fund.

Mayor Becker explained John Howie (Bill Howie’s son) had contacted him about the Lowe’s Hometowns Grant. It is a long shot, but since it is a private grant, it seems flexible. The way it works, if you read the fine print, they want a citizen to nominate a charity or government entity they think could undertake the project if they got the money. John Howie is the applicant (Mayor Becker has worked with him on the application a little bit) who is a motivated guy and is friends with Hal Rape; this would be a benefit to Mr. Rape. The application is strictly to pay to have the buildings and asbestos removed, to grade it flat, reseed it, and create a less dilapidated downtown to help promote the business district and improve the town.

Lowe’s “100 Hometowns” grant says they are committing \$10,000,000 for 100 projects nationwide, which would be an average of \$100,000. Realtor John Maida has been interested in buying the property and has been talking to Mr. Howie to give him some information on what some of the site remediation costs would be and Mr. Maida has come up with an estimate of \$75,000 to put on the Lowe’s application. Mayor Becker stated it was a long shot, but it was also a fast-track thing; the applications close next week, a decision is made within a month or two, and the project has to be done by October 31st.

The obligation of the town would be to say, “we’re willing to do it and we are willing to oversee, if the money is available.” The landowner has already told Mr. Howie he is happy with it. Mayor Becker explained the town would be the facilitator because that is the way the grants appear to be written, it could be a nonprofit, 501C3, or municipality, but the person who applies is supposed to be an ordinary citizen.

Attorney Griffin asked what “facilitator” means and what were the obligations.

Mayor Becker responded the Lowe’s application says in their nine pages of legalese and their rules and regulations for the process there has to be “willingness of a nonprofit or government entity to facilitate and oversee the community project.” The money from Lowe’s pays the price of the project, but Mayor Becker (on his salary) would call the contractors and make sure it is done.

Attorney Griffin asked what the town’s involvement, liability, and exposure would be if they got involved. Will the town be the one who advertises for bids?

Mayor Becker responded he would hope not.

Attorney Griffin suggested the town should understand what their role would be. “Facilitator” is a big broad word, a good word, but nevertheless how does that play out to be in practice.

Mayor Becker responded he thought if the town were going to sign a contract to receive the grant, the town would make sure Attorney Griffin read it over.

Attorney Griffin commented he was thinking what the town might want to do is to make an inquiry in advance, so there is some notion of what the council is going to commit to be done.

Councilwoman Critz commented Mayor Becker should follow through with whatever is necessary and proceed to get it done.

Mayor Becker responded the council could say “go forward”, but Mr. Howie has to apply by April 19th. If it looks like the project gets approved, Mayor Becker thought he would continue to keep an eye on it. Mayor Becker did not know what Lowe’s was going to do or how they were going to notify people; Mr. Howie is the contact.

Mayor Becker agreed with Attorney Griffin, the town needs to know what they are doing, because the town would probably be subject to the usual municipal bidding process.

Councilwoman Critz stated she read through it and her thought was (on page 5 item 6) that “Judging and selection of grant recipients that the application is really the only thing that’s going before them in what they call the first round.” Councilwoman Critz guessed they would take however many they get and narrow it down. The second round says, “those judges will score and rate the submissions at the Lowe’s sole and absolute discretion based on the following criteria”, and then it says, “a balanced number of community projects in urban/rural communities”, “disperse geographical reach across the United States”, “cultural and socioeconomical diversity of the communities served”, and then it ends with “willingness of a nonprofit or government entity to facilitate and oversee the community project.”

Attorney Griffin referred to the top of page 7 and 9 where it says, “shall not be held responsible for any delays in awarding or fulfilling a grant or completing a project for any reason” and said he liked what it said, but he has not really read through it until now. Attorney Griffin commented he assumed that would be the town. On page 9 it says, “release and agree to indemnify and hold harmless”, which are good things to have.

Mayor Becker commented if it came to the second round, he thought they would ask for more input from the town and if the town were willing to handle it, that would be when the town attorney would have to really read over anything the town was going to sign. Mayor Becker suggested, at this early stage, the council just needed to be able to basically say they would be willing to go to the next step if Mr. Howie makes the application and gets selected for the next step. “The council just has to express their willingness to accept Mr. Howie’s interest in doing this”, Mayor Becker said.

Councilwoman Critz motioned that we move forward with this grant and that if we get to phase two, we will be sure that all those “i’s” are dotted, and “t’s” are crossed, and Councilwoman Neill seconded. The motion passed unanimously. Ayes: Countryman, Critz, Cureton, Krafft, and Neill. Nays: None.

7. Consideration of Returning to Town Hall for Monthly Meetings and Reopening Town Hall During Normal Business Hours – Action Item

MEMO

To: Town Council
From: Vicky Brooks
Date: April 1, 2021
Re: Agenda Item # 7 – Consideration of Returning to Town Hall for Monthly Meetings and Reopening Town Hall During Normal Business Hours

In April of 2020, the town council passed a resolution allowing electronic meetings. It is my belief that the town council should not pass a resolution suspending that resolution at this time, because there may be a need to have electronic meetings in the future depending on COVID-19 surges. There are reports that a surge is taking place now, so we do need to proceed with caution and follow any Executive Order issued by Governor Cooper under the State of Emergency.

There will be a public hearing at the next two monthly meetings (May and June). In July of 2020, the council decided by unanimous vote to have town hall open by appointment only with anyone coming having their temperature checked, filling out a questionnaire, and wearing a mask. This procedure has been working well during this period; however, it is up to the council whether you want to keep that procedure in place or to open town hall up to the public, so people can just come in when they want during normal business hours. Of course, we would want to keep the COVID-19 safety features in place (temperature, questionnaire, mask) if we open back up to the public.

Mayor Becker explained the council would discuss regular monthly meetings and day-to-day office hours.

Councilman Countryman asked if there was any objection to coming back into town hall and working with an open door.

Ms. Brooks responded that Ms. Ridings and herself have been at town hall every Monday, Tuesday, and Thursday anyway, but the door is locked.

Councilman Countryman asked if all business transactions were by appointment only.

Ms. Brooks responded they are, but she is still doing a lot digitally, because people have gotten into that kind of routine. Ms. Brooks explained when she had to sign a plat, people would call her and say they were coming sometimes, but sometimes they would just show up and she would work with them. Ms. Brooks commented it was up to the council whether they wanted the door to be unlocked when staff is at town hall.

Councilman Countryman responded it had a lot to do with how staff felt about it too.

Ms. Brooks noted if only one staff member is at town hall the door remains locked. Ms. Brooks explained prior to the pandemic when Ms. Ridings and she were at town hall the door was open and people could just walk in. Since Ms. Ridings is the first person to see somebody that comes in the door, the council may want to ask her how she feels about it.

Ms. Ridings responded she was fine, whatever Ms. Brooks would like is okay with her.

Councilman Countryman stated he thought the door should be open, because “we’re at a stage where we need to open it back”.

Ms. Ridings explained there is not a lot of traffic anyway, Ms. Brooks is doing a lot more things over email, the phone, and digitally; business has not stopped because of that. Ms. Ridings stated she was okay with it.

Councilman Countryman asked Ms. Brooks if she was okay with it.

Ms. Brooks responded sure.

Councilman Countryman motioned that we open it back up, open the town hall for routine business and Councilwoman Cureton seconded. The motion passed unanimously. Ayes: Countryman, Critz, Cureton, Krafft, and Neill. Nays: None.

Councilwoman Critz motioned to continue to meet at the town hall for our monthly meetings and Councilwoman Neill seconded. The motion passed unanimously. Ayes: Countryman, Critz, Cureton, Krafft, and Neill. Nays: None.

Councilwoman Krafft suggested the council leave it open, so that if there is a surge that the council can go back, because surges are coming.

Mayor Becker responded he was concerned, but he wanted to ask Attorney Griffin if there was something that changed, was there some legislation about a local State of Emergency where the town could make a decision.

Attorney Griffin responded he was not sure, the headlines/reports were that they are considering various bills to take emergency powers away from the governor and locals too. Attorney Griffin was not sure what had passed and what had not.

Mayor Becker commented there was still the county State of Emergency, which the town has kept in effect, so he thought the town had latitude in the State of Emergency to close town hall again.

Councilwoman Krafft mentioned the number of COVID instances in Union County are up.

Mayor Becker agreed the town needed to be careful and we do have the option to immediately say “no, we are going to do the meetings by ZOOM again”, the option is there during a State of Emergency. The town did adopt a resolution authorizing the council to do remote meetings, so that is kind of an ongoing authority.

Ms. Brooks agreed that would be correct until the council rescinds the resolution. Ms. Brooks asked if next month the surge goes way up and staff thinks that it may not be in the best interest of the public, staff, council to come to town hall for the meeting, would that call be up to the council or staff based on what is being read on the surge.

Mayor Becker explained the town has been doing what the county does and they are having in person meetings.

There was further discussion on what to do if a surge occurred and the town needed to go back to meeting via ZOOM.

Councilwoman Critz motioned that we continue to meet in person and that it can be rescinded if the protocol from the emergency services in Union County change, we can rescind meeting in person and go back to ZOOM if necessary and Councilman Countryman seconded. The motion passed unanimously. Ayes: Countryman, Critz, Cureton, Krafft, and Neill. Nays: None.

8. Consideration of Requesting Benchmark Planning to Begin Working with the Town to Rewrite the Land Use Plan – Action Item

Ms. Brooks explained the current Land Use Plan (LUP) was adopted in May of 2006 and there are many actions in that plan that have already been accomplished. In addition, the current LUP specifically refers to the Zoning and Subdivision Ordinances, which the town no longer has; it is now a Unified Development Ordinance. The new 160D-501(A) says that the town must adopt a comprehensive plan or LUP by July 2022 and that plan must be reasonably maintained. Ms. Brooks stated since the last plan was [adopted] in 2006, it had a few issues in itself, and it was time for the town to work with someone to update the LUP. Ms. Brooks recommended Benchmark Planning, who are the same people who did all the zoning changes; however, if the council thinks she should ask other planning companies she could do that. Ms. Brooks does feel comfortable working with Benchmark, believes they will do a good job, and feels they will listen as long as she knows what to tell them.

For clarification, Ms. Brooks explained this was just a very early stage of getting Benchmark Planning to give the town a quote for their service. The actual process of updating the LUP will go through the planning board [and town council].

Councilwoman Krafft noted the heart of the LUP has not changed, it just needs to be updated. The last thing the town did with Benchmark Planning there were some things Councilwoman Krafft did not feel like they necessarily listened to the town about; they kind of went their own way.

Ms. Brooks added the town will probably want to come up with more goals and actions in the new plan, which will be in the scope.

Councilwoman Critz asked staff to make the council copies of the current LUP, so they could do a cursory view of it.

Councilwoman Krafft suggested getting a quote from Benchmark and someone else, so the council will have at least two to compare.

Ms. Brooks suggested N-Focus was a good planning company, as well as Centralina Council of Governments (COG).

Councilwoman Krafft asked if COG was who Nadine worked with.

Ms. Brooks responded yes.

Mayor Becker added Nadine is now working with N-Focus.

Councilwoman Krafft stated Nadine had the “heart of us”, she did not try to change the town, she tried to accept the town, and work with the town. Councilwoman Krafft did not get that impression with the last person.

Councilman Countryman suggested getting bids from both companies.

Councilwoman Critz added to specifically ask for Nadine at N-Focus.

Councilwoman Krafft motioned that Ms. Brooks get two quotes from the two different companies, Benchmark and N-Focus and specifically ask for Nadine Bennett at N-Focus to revise our Land Use Plan, so it fits the new criteria and Councilman Countryman seconded. The motion passed unanimously. Ayes: Countryman, Critz, Cureton, Krafft, and Neill. Nays: None.

9. Consideration of Appointing a Delegate for the NCLM 2021-2022 League Board of Directors
– Action Item

Mayor Becker asked Councilwoman Neill if she would be the delegate for voting for the League Board of Directors.

Councilwoman Neil responded, “of course, I’ll do it.”

Councilman Countryman motioned to appoint Councilwoman Neill to take the vote for the North Carolina League Board of Directors and Councilwoman Cureton seconded. The motion passed unanimously. Ayes: Countryman, Critz, Cureton, Krafft, and Neill. Nays: None.

10. FY2021-2022 Budget: Preliminary Departmental Appropriations – Action Item

MEMO

To: Mineral Springs Town Council
From: Rick Becker
Date: March 29, 2021
Subject: FY2021-2022 Budget: Preliminary Departmental Appropriations

The accompanying spreadsheet shows the FY2019-20 final budget and actual expenditures, the FY2020-21 current budget and estimated final actual expenditures, and suggested appropriation levels for the FY2021-22 budget.

I am recommending keeping most proposed expenditures the same as last year's except for the usual salary and hourly wage increases and other items that change based on established formulas or trends. This "first draft" suggests an increase of \$4,091 over the current year's operating expenditure budget, or 1.24%. This figure again reflects the 3% increase in staff salaries that council has consistently approved over the past several years. This presents a more accurate estimate of what the budget officer anticipates happening with these salaries, but council must still decide whether or not to apply any increases. Note that the "Assistant/Deputy" position has increased from a \$11,500 budget amount to \$12,300; this is not a salaried position, and the \$12,300 is a maximum suggested allocation for the position. Currently, this position requires 12 hours per week, corresponding to the time the town hall is open for regular business hours. The hourly rate for this position is currently \$18.45.

Reading the Chart

In the right-hand column, headed "2021-22 proposed", bold-faced numbers are the totals within each budgetary department. These numbers add up to the total of \$333,166. These are the categories that ultimately end up in the adopted budget ordinance and within which the town must operate; numbers within these departments are "flexible," and may be changed during the fiscal year as needed without budget amendments as long as the departmental totals in the ordinance are not increased. Salaries are shown in white, reflecting amounts 3% above last fiscal year. "Employee Overhead" is also shown in white and is proposed to increase by \$2,500 next year. The three sets of figures in the "dotted" cells are simply sub-subcategories within subcategories.

Increases and Decreases

Most other line items are very close to last year's. Although we are still operating under some limitations as a result of COVID-19 I am recommending that we establish the budget as if things were *almost* "back to normal" starting on July 1, 2021 – with the exception of the September 2021 Festival which has been canceled. An amount in the budget does NOT have to result in an expenditure but budgeting all items as usual provides taxpayers with the most realistic idea of the maximum amount the town is likely to spend in the next fiscal year. Major changes in proposed expenditures are:

1. **"Charities"**: Based on 3% of previous fiscal year budget, per town policy. **Decreased** from \$10,825 to \$10,545.
2. **"Community – Special Events: Festival"**: The 2021 Festival has already been canceled, but as the fiscal year progresses and more certainty emerges on the COVID front there may be opportunities to operate some "scaled-back" festive events. Keeping an appropriation in place would allow such events to be funded without amending the budget. **Decreased** from \$10,000 to \$5,000.
3. **"Elections"**: There will be a municipal election in 2021, so this appropriation is **Increased** from \$0 to \$3,300.
4. **"Employee Overhead"**: The NC Local Government Employees' Retirement System contribution rate has increased, and any salary increases will also result in additional increases in LGERS, FICA, and Workers Compensation contributions. There have been small increases in the NCLM benefits as well. **Increased** from \$30,200 to \$35,000.
5. **"Planning – Zoning Ordinance"**: Some changes to the UDO that will bring it into compliance with new NC G.S. Chapter 160D requirements are currently being undertaken. There may be some additional changes to be made as the UDO is reviewed by planning staff and the planning board. **No Change** from \$5,000.
6. **"Planning – Land Use Plans"**: The planning director is recommending updating and revising the Comprehensive plan, currently called the Land Use Plan. Funds have been allocated each year for this effort but a new plan has not yet been developed. This appropriation has been unused in prior years, but in light of the more pressing need for the Comprehensive Plan we will likely need these funds in FY2021-22. **No Change** from \$5,000.

Other Items of Note:

Most other line items and departmental appropriations remain very close to FY2020-21 levels. The budget amounts approved by council in recent years appear to be representing the town's overall spending priorities quite well, and as such there is no need to modify those budget amounts.

At the April 8, 2021 meeting, council should consider three items related to the budget:

1. **determine** salary and hourly figures for next year
2. **decide** on whether or not to include any of the proposed changes in the FY2021-22 budget
3. **advise** the budget officer of any changes council might wish to make to other appropriations so that the formal proposed budget may be presented to council in May.

Mayor Becker explained he tried to keep the budget the same as last year; revenues are not being budgeted yet, because he has not gone through the new tax evaluation process. Mayor Becker noted the town was not having the festival this September, which would be on the upcoming budget, but he did leave funding for something (maybe a Christmas Tree Lighting, ice cream social in the spring) in that category, so there is funding appropriated if the council thinks the town should pursue something on a smaller scale. Everything else is very much the same. Next month, the council will get the proposed budget with a revenue neutral tax rate, which will probably be about two cents; it is up to the council if they want to accept that, and the budget would be the same dollar amount as it has been with an increase based on growth and inflation. This is done every time there is a

reevaluation. Mayor Becker asked the council if they saw any glaring things that were wrong with the preliminary departmental appropriations or if they wanted to change anything. Mayor Becker pointed out the council had three things to do: determine the salary and hourly figures, and decide if they wanted to change anything.

Councilwoman Critz asked if the council always based their decision on salary increases on cost of living.

Mayor Becker responded they have always been a little above because it is a combination of merit/cost of living; everyone has been getting 3% for the past few years and cost of living might be 1.5%.

Councilwoman Cureton asked if Councilwoman Critz meant in other words she thought the council could get a raise.

Councilwoman Critz responded she was referring to the staff and getting a cost of living raise on their salaries, she was not referring to the council, but she was very open to what Councilwoman Cureton might add.

Councilwoman Cureton stated, "I deserve a raise, I don't know about you all, you may not need it or want it, but I think a raise would be fine".

Mayor Becker explained council salaries are different from staff salaries in terms of how they are set, but that was a council decision; they are basically an honorarium, no one is living on \$150 a month. It is a stipend.

Councilwoman Critz stated she would call other similar municipalities to get a comparison on the salaries of their council members and then the council could decide if they wanted to take a percentage of that or not change it at all.

Councilwoman Cureton noted Councilwoman Critz would be shocked and the council would not get the same thing as other towns, because they would never approve it.

Mayor Becker responded unless he heard otherwise, he would keep it in the recommended budget, because the council will be discussing it next month. If the council comes up with some suggestions to change the council salaries that could go into the final adopted budget in June. Mayor Becker asked that Councilwoman Critz take the initiative to look into council salaries since Councilwoman Cureton wanted her to. Mayor Becker noted he knew the council salaries have been on the low side and pointed out the council has one meeting a month and some towns have two. Mayor Becker stated the council members have been easy on the taxpayers in terms of what they have asked for in a stipend.

Councilwoman Krafft asked if we knew what the tax rates in Union County were going to be.

Mayor Becker responded no, because the county is doing exactly what Mineral Springs is doing, they are not going to set a tax rate, there will probably be a recommended tax rate from the manager coming out in May, just like Mineral Springs will. It will be lower obviously because the evaluations are high. The county may not even have a firm presentation of the recommended tax rate when Mineral Springs presents the budget in May, because of the size of the county budget they are going to be fighting it out for quite a while. The county commissioners meet twice a month, plus they will have separate budget workshops and those mostly are all available online (they are streamed) and that can be helpful. Sometimes it is better just to see the document, so you can read it, because while they are deliberating it gets confusing because their budget is so big.

Councilwoman Critz stated she thought it was worth looking into for the sake of our community, the evaluations were needed, but we are in a position right now of not having enough houses. There is a shortage of houses because we have more people wanting houses. "You see all the building around you and think how in the world could that possibly be, but I heard recently from, I think it was Dean Arp, I'm not going to say it was for sure, but from one of the legislators, North Carolina Legislators, that they've literally proven that we are in a housing shortage", Councilwoman Critz said. Houses are selling way above normal prices because there is a shortage, so there are bidding wars. "There was a house in our community that sold for like \$60,000 above the asking price because they got in a bidding war and so we have an unusual situation I believe, of having maybe not a realistic housing market right now, so I think for the sake of our community we might need to watch what the commissioners are doing with the rate", Councilwoman Critz said.

Mayor Becker commented the tax values had already been set based on sales six months to a year ago and it has been accelerating since then, so it would not surprise him if the revaluation rates right now were going to be low, because prices are sometimes surpassing the new values, because the new values have come out, but there is nothing that can be done about it.

Mayor Becker explained there were two separate things: actual retail and the tax value and those are different. The tax values have gone up a lot for most everybody. Mineral Springs tax rate is 2.5 cents. Mayor Becker noted he got an estimate from the county last week for Mineral Springs alone and thought if the town dropped the tax rate to 2 cents that would be close to revenue neutral and that would be close to the same income for the town. Mayor Becker stated he would have to do a much more careful calculation when he presented the budget; the county will be required to do the same thing. The county will be using those revaluation numbers, they are not going on sales taking place now, plus there will be appeals, so some of them are being lowered.

Councilwoman Krafft commented when the guy did the presentation, he said the revaluations were going to be an average of 30 to 35%.

Mayor Becker responded that was what they did in Mineral Springs based on what our total is, it was something like \$270,000,000 and for the total real property valuation it is now close to \$400,000,000. Mineral Springs has gone up over \$100,000,000, which is about 30%. If Mineral Springs does not roll the rate back, keeping it at 2.5 cents, Mayor Becker did a calculation based on the number he got from the county and it would be approximately \$94,000 in property tax a year, which is up from \$66,000 for the current year on real property, so it is has gone up 30%. Vehicle taxes are separate and are taxed at the same rate, but their values have not gone up, so that will have to be built into the tax rate, because the town could undercut itself on vehicles. In Mineral Springs, vehicles are approximately \$30,000,000 in total value. In summary, if the rate is kept at 2.5 cents the town would bring in approximately \$94,000 and that would be a \$30,000 a year increase. Mayor Becker explained he would be presenting the council with a budget that keeps it the same and be able to pay for the appropriations the council is looking at.

Councilwoman Krafft thought it would be a better idea if the rate is 2.5 cents to just cut it a little and not go straight to 2 cents, so that there is a little increase in the revenue, but not too much. This would give the town extra income for the projects the town wants to do for the community as it develops.

Mayor Becker responded the town has always cut the tax rate whenever there was a revaluation. It went from 4 cents in 1999 to 3 cents with the first revaluation and then it went to 2.5 cents. Mayor Becker stated Councilwoman Krafft made a good point, because it is not a big dollar amount for the taxpayers. As an example, Mayor Becker explained a house worth \$200,000 would be paying \$50 annually to Mineral Springs, if the revaluation increased the house to \$300,000, that would be a

50% increase making their Mineral Springs tax \$75 annually “if we didn’t lower it, so we are beating up our taxpayers with it”, Mayor Becker said.

Councilwoman Critz asked Mayor Becker to provide the council with the current rate so they could look at it and either stay with it and use it as a savings towards a future project the town wants to do (community center) or they could cut it back.

Mayor Becker responded he was required to do revenue neutral calculations by law, but he would look at what Councilwoman Krafft was saying and recommend a rate that is above revenue neutral, but he will look to see what the council has done in the past.

Councilwoman Krafft stated, “we’re not asking to raise it all”.

Mayor Becker responded no. The council just wants to make sure they are respecting the concerns of the taxpayers. A lot of taxpayers forgot this was done five years ago by the county, but people just got that whooping big revaluation number, and they think their taxes are going to go up. If the county taxes are 80 cents and Mineral Springs is 2.5 cents, that is a big dollar amount to the taxpayer. The town does have to be careful to be respectful of those concerns and make sure they are aware of what people are worried about in terms of tax increases. Mayor Becker concurred with Councilwoman Krafft, that the town did not have to go to zero.

Councilwoman Krafft stated she was all for saving money, but the council could come to a compromise and be able to put some money back for the big projects that the town really wants to do for the community.

Mayor Becker explained that would be on the capital side, which is what is left over after all the bills are paid. That amount has been going down every year for the past two or three years, because the town has not raised the rate and there has not been much increase in other taxes. The town is picking up the slack by cutting the capital each time; that amount is down to \$25,000 and maybe it should go back up to \$40,000.

Mayor Becker asked for a motion on the 3% recommendation on the staff salaries.

Councilwoman Critz stated she would do the research on the council salaries.

Councilwoman Critz motioned to keep the staff salary increases at 3% and Councilwoman Krafft seconded. The motion passed unanimously. Ayes: Countryman, Critz, Cureton, Krafft, and Neill. Nays: None.

11. Staff Updates

There were no staff reports.

12. Other Business

Councilwoman Critz mentioned a house on McNeely Road that she had been talking to Ms. Brooks and Councilwoman Neill about. Councilwoman Critz also submitted some photographs to Ms. Brooks. Councilwoman Critz explained there were a lot of violations: boats, jet skis, a million trucks with trailers hooked to them like they are construction; and then they have a building. All of this is in front of the house. Some of these things would be fine in the side or rear, but this is “like really way out of and very overwhelming.” Councilwoman Critz stated she did not know how many people were living in the house (it is not necessarily the town’s concern), but there are multiple violations of stuff in the front and side yards. Councilwoman Critz noted she brought this to the attention of the council, because she thought “it is something we should action upon.”

Councilwoman Cureton suggested checking out the house right beside her. Councilwoman Cureton explained she had to call Chief Gaddy after the people that own the house came out and made a fire and left it burning; the firemen put it out. Councilwoman Cureton stated she had eleven mice in her house, so she had to do all her vents and seal up everything, so they do not come in; everybody out there has been having a problem. "It's worse as anything you could see, but I'd like to buy it, but he won't sell it", Councilwoman Cureton stated.

Councilwoman Cureton thanked everybody who donated money to the Mr. Brown dedication that was done on the 27th; it was really nice and the mayor was there. Councilwoman Cureton has some DVD's if anyone would like to buy one for \$10.

Councilwoman Critz mentioned a bogus email from Mr. Krafft concerning Zooming this meeting, and stated the town needed to see what was going on.

Councilwoman Krafft responded the funny part was that Mr. Krafft was not even awake yet when it the email went through.

Councilwoman Critz stated her point was "all of us" individually get bogus things, but this seems to be sponsored by the town.

Mayor Becker responded, "we have to be aware of those kinds of spoofs, because they are getting group email addresses, some of that is visible to somebody who's had an email." Mayor Becker suggested everyone just has to be careful what they click on.

Councilwoman Neill commented it was so legitimate that she had to call Councilwoman Critz to ask if something was going on that she didn't know about.

Councilwoman Neill asked Ms. Brooks when was the last time they had a newsletter.

Ms. Brooks responded, "last festival."

Councilwoman Neill asked the council if they thought it might be time for a newsletter; there are a lot of things to highlight (new businesses, expansions). Councilwoman Neill stated she did not want to add to Ms. Brooks workload, but it has been a while.

Councilwoman Critz suggested the newsletter could let people know what the council is doing; trying to meet in person as long as they can safely.

Mayor Becker asked Ms. Brooks if she had any thoughts on it, he knew she wanted to do a newsletter since she had mentioned it to him a couple of times.

Attorney Griffin commented in some other towns the mayor does it [newsletter].

Ms. Brooks explained it had been a trying and busy year for her and the newsletter was always at the bottom of her list.

Councilwoman Critz asked if it was the putting it together, getting enough, or the actual function of doing it. The council could volunteer to write articles if that would be helpful.

Ms. Brooks responded sometimes having volunteers do something makes the work harder for her.

Councilwoman Critz suggested Ms. Brooks talk about it and get back to the council, because they could help with articles possibly.

13. Adjournment – Action Item

At 8:47 p.m. Councilwoman Critz motioned to adjourn the meeting and Councilwoman Neill seconded. The motion passed unanimously. Ayes: Countryman, Critz, Cureton, Krafft, and Neill. Nays: None.

The next regular meeting will be on Thursday, May 13, 2021 at 7:30 p.m. at the Mineral Springs Town Hall.

Respectfully submitted by:

Vicky A. Brooks, CMC, NCCMC, Town Clerk

Frederick Becker III, Mayor

MARCH 2021
TOWN OF MINERAL SPRINGS
PERCENTAGE REPORT

MARCH 31, 2021 REGULAR TAX	2021	2020	2019	2018	2017	2016
BEGINNING CHARGE	161.07	69,621.89	67,917.93	67,335.09	65,402.91	61,553.74
TAX CHARGE						
PUBLIC UTILITIES CHARGES						
DISCOVERIES						
NON-DISCOVERIES						
RELEASES						
TOTAL CHARGE	161.07	69,621.89	67,917.93	67,335.09	65,402.91	61,553.74
BEGINNING COLLECTIONS	53.73	68,484.27	67,656.91	67,254.69	65,331.09	61,487.70
COLLECTIONS - TAX	0.29	449.47	17.92	0.84		
COLLECTIONS - INTEREST		12.88	3.64	0.17		
TOTAL COLLECTIONS	54.02	68,933.74	67,674.83	67,255.53	65,331.09	61,487.70
BALANCE OUTSTANDING	107.05	688.15	243.10	79.56	71.82	66.04
PERCENTAGE OF REGULAR	0.34	0.99	1.00	1.00	1.00	1.00
COLLECTION FEE 1.5 %	0.00	6.94	0.32	0.02	-	-

Mineral Springs Prior Years Property Tax Report

March 2021

March 31, 2021	2011				
BEGINNING CHARGE	\$64,878.42				
PUBLIC UTILITIES	\$1,319.20				
MINIMAL RELEASES	(\$145.21)				
DISCOVERIES	\$61.82				
ABATEMENTS (RELEASES)	(\$301.25)				
TOTAL CHARGE	\$65,812.98				
PREVIOUS COLLECTIONS	\$65,767.98				
PREVIOUS BALANCE DUE	\$19.54				\$19.54
COLLECTIONS - TAX					\$0.00
COLLECTIONS - INTEREST/FEES					\$0.00
GROSS MONTHLY COLLECTIONS					
MISC. ADJUSTMENTS					
TOTAL TAX COLLECTED TO DATE	\$65,767.98				
BALANCE OUTSTANDING	\$17.32				\$17.32
PERCENTAGE COLLECTED	99.93%				

Mineral Springs Unpaid Property Taxes - Real and Personal as of March 31, 2021

Name	Tax Map Number	2011	Total
CAROLINA STREET SUPPLY, SHEPPARD JONATHAN	848391	\$6.88	
COOMBER CUSTOM MASONRY LLC	1812652	\$10.44	
Total		\$17.32	\$17.32

Town of Mineral Springs

FINANCE REPORT

March 2021

Prepared for:

The Mineral Springs Town Council

By:

Frederick Becker III
Finance Officer

May 13, 2021

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Cash Flow Report FY2020 YTD

7/1/2020 through 3/31/2021

5/1/2021

Page 1

Category	7/1/2020- 3/31/2021
INCOME	
Interest Income	3,137.29
Other Inc	
Festival 2020	
Vendor	-75.00
TOTAL Festival 2020	-75.00
Zoning	2,890.00
TOTAL Other Inc	2,815.00
Prop Tax 2020	
Receipts 2020	
Int	79.32
Tax	68,484.27
TOTAL Receipts 2020	68,563.59
TOTAL Prop Tax 2020	68,563.59
Prop Tax 2021	
Receipts 2021	
Prepayments	53.73
TOTAL Receipts 2021	53.73
TOTAL Prop Tax 2021	53.73
Prop Tax Prior Years	
Prop Tax 2010	
Receipts 2010	
Int	2.30
Tax	2.22
TOTAL Receipts 2010	4.52
TOTAL Prop Tax 2010	4.52
Prop Tax 2011	
Receipts 2011	
Int	2.10
Tax	2.22
TOTAL Receipts 2011	4.32
TOTAL Prop Tax 2011	4.32
Prop Tax 2014	
Receipts 2014	
Int	0.25
Tax	7.20
TOTAL Receipts 2014	7.45
TOTAL Prop Tax 2014	7.45
Prop Tax 2015	
Receipts 2015	
Int	4.36
Tax	0.00
TOTAL Receipts 2015	4.36
TOTAL Prop Tax 2015	4.36
Prop Tax 2016	
Receipts2016	
Int	5.97
Tax	16.35
TOTAL Receipts2016	22.32
TOTAL Prop Tax 2016	22.32

Cash Flow Report FY2020 YTD

7/1/2020 through 3/31/2021

5/1/2021

Page 2

Category	7/1/2020- 3/31/2021
Prop Tax 2017	
Receipts2017	
Int	4.73
Tax	19.88
TOTAL Receipts2017	24.61
TOTAL Prop Tax 2017	24.61
Prop Tax 2018	
Receipts	
Int	13.07
Tax	57.06
TOTAL Receipts	70.13
TOTAL Prop Tax 2018	70.13
Prop Tax 2019	
Receipts 2019	
Int	19.67
Tax	213.99
TOTAL Receipts 2019	233.66
TOTAL Prop Tax 2019	233.66
TOTAL Prop Tax Prior Years	371.37
Sales Tax	
Cable TV	9,678.84
Electricity	109,289.54
Natural Gas Excise	223.78
Sales & Use Dist	17,167.49
telecommunications	1,770.17
TOTAL Sales Tax	138,129.82
Veh Tax	
Int 2020	35.17
Tax 2020	5,608.44
TOTAL Veh Tax	5,643.61
TOTAL INCOME	218,714.41
EXPENSES	
Ads	69.65
Attorney	2,700.00
Audit	4,730.00
Capital Outlay	
Equipment	2,454.00
TOTAL Capital Outlay	2,454.00
Charities & Agencies	2,375.00
Community	
Greenway	1,245.28
Maint	3,050.35
Parks & Rec	
Park	1,798.70
TOTAL Parks & Rec	1,798.70
Special Events	
Services	4,000.00
TOTAL Special Events	4,000.00
TOTAL Community	10,094.33
Emp	

Cash Flow Report FY2020 YTD

7/1/2020 through 3/31/2021

5/1/2021

Page 3

Category	7/1/2020- 3/31/2021
Benefits	
Dental	820.00
Life	520.80
NCLGERS	11,953.71
Vision	140.00
TOTAL Benefits	13,434.51
Bond	550.00
FICA	
Med	1,391.85
Soc Sec	5,950.02
TOTAL FICA	7,341.87
Payroll	1,498.05
Work Comp	2,056.00
TOTAL Emp	24,880.43
Office	
Clerk	28,872.00
Council	8,100.00
Deputy Clerk	8,377.62
Dues	5,990.26
Equip	1,425.63
Finance Officer	26,667.00
Ins	3,267.67
Maint	
Materials	175.35
Service	5,441.40
TOTAL Maint	5,616.75
Mayor	3,600.00
Post	510.20
Records	5,092.32
Supplies	1,439.70
Tel	5,508.89
Util	4,688.46
TOTAL Office	109,156.50
Planning	
Administration	
Contract	1,294.92
Salaries	24,957.00
TOTAL Administration	26,251.92
Misc	831.38
Ordinance Changes	280.00
TOTAL Planning	27,363.30
Street Lighting	694.38
Tax Coll	
Contract	1,202.81
Sal	225.00
TOTAL Tax Coll	1,427.81
Training	
Staff	275.76
TOTAL Training	275.76
Travel	368.78
TOTAL EXPENSES	186,589.94

Cash Flow Report FY2020 YTD

7/1/2020 through 3/31/2021

5/1/2021

Page 4

Category	7/1/2020- 3/31/2021
TRANSFERS	
FROM Check Min Spgs	110,000.00
FROM MM Sav ParkSterling	100,000.00
TO MM Sav ParkSterling	-110,000.00
TO South State CD	-100,000.00
TOTAL TRANSFERS	0.00
OVERALL TOTAL	32,124.47

Account Balances History Report - As of 3/31/2021

(Includes unrealized gains)

5/2/2021

Page 1

Account	6/29/2020 Balance	6/30/2020 Balance	7/31/2020 Balance	8/31/2020 Balance	9/30/2020 Balance	10/31/2020 Balance	11/30/2020 Balance
ASSETS							
Cash and Bank Accounts							
Check Min Spgs	84,738.71	84,441.45	51,105.04	35,026.47	31,724.67	20,959.01	8,805.82
MM Sav ParkSterling	619,614.94	619,750.75	619,882.34	620,013.96	570,140.68	570,257.83	570,330.48
NCCMT_Cash	2,357.24	2,357.40	2,357.54	2,357.63	2,357.67	2,357.69	2,357.71
South State CD	206,460.52	206,460.52	206,460.52	207,313.97	307,618.66	307,618.66	307,618.66
TOTAL Cash and Bank Accounts	913,171.41	913,010.12	879,805.44	864,712.03	911,841.68	901,193.19	889,112.67
Other Assets							
State Revenues Receivable	0.00	60,342.45	57,639.53	55,462.21	0.00	0.00	0.00
TOTAL Other Assets	0.00	60,342.45	57,639.53	55,462.21	0.00	0.00	0.00
TOTAL ASSETS	913,171.41	973,352.57	937,444.97	920,174.24	911,841.68	901,193.19	889,112.67
LIABILITIES							
Other Liabilities							
Accounts Payable	692.76	2,247.05	692.76	692.76	692.76	692.76	692.76
TOTAL Other Liabilities	692.76	2,247.05	692.76	692.76	692.76	692.76	692.76
TOTAL LIABILITIES	692.76	2,247.05	692.76	692.76	692.76	692.76	692.76
OVERALL TOTAL	912,478.65	971,105.52	936,752.21	919,481.48	911,148.92	900,500.43	888,419.91

Account Balances History Report - As of 3/31/2021

(Includes unrealized gains)

5/2/2021

Page 2

Account	12/31/2020 Balance	1/31/2021 Balance	2/28/2021 Balance	3/31/2021 Balance
ASSETS				
Cash and Bank Accounts				
Check Min Spgs	32,057.47	33,878.40	24,480.25	62,216.79
MM Sav ParkSterling	630,403.88	630,479.01	630,527.38	630,584.39
NCCMT_Cash	2,357.73	2,357.75	2,357.77	2,357.79
South State CD	308,193.83	308,193.83	308,193.83	308,763.78
TOTAL Cash and Bank Accounts	973,012.91	974,908.99	965,559.23	1,003,922.75
Other Assets				
State Revenues Receivable	0.00	0.00	0.00	0.00
TOTAL Other Assets	0.00	0.00	0.00	0.00
TOTAL ASSETS	973,012.91	974,908.99	965,559.23	1,003,922.75
LIABILITIES				
Other Liabilities				
Accounts Payable	692.76	692.76	692.76	692.76
TOTAL Other Liabilities	692.76	692.76	692.76	692.76
TOTAL LIABILITIES	692.76	692.76	692.76	692.76
OVERALL TOTAL	972,320.15	974,216.23	964,866.47	1,003,229.99

Mineral Springs Monthly Revenue Summary 2020-21

TOWN OF MINERAL SPRINGS									
REVENUE SUMMARY 2020-21									
Source	Budget	Receivable	Rec'd YTD	% of Budget	July	August	September	October	November
Property Tax - prior	\$ 600.00	\$ 228.63	\$ 371.37	61.9%	\$ 4.52	\$ 57.10	\$ 18.47	\$ 39.40	\$ (5.99)
Property Tax - 2020	\$ 67,210.00	\$ (1,353.59)	\$ 68,563.59	102.0%	\$ -	\$ 333.44	\$ 5,713.94	\$ 3,188.44	\$ 3,676.50
Fund Balance Approp.	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -
Interest	\$ 5,825.00	\$ 2,687.71	\$ 3,137.29	53.9%	\$ 131.73	\$ 985.16	\$ 431.45	\$ 117.17	\$ 72.67
Sales Tax - Electric	\$ 207,000.00	\$ 97,710.46	\$ 109,289.54	52.8%	\$ -	\$ -	\$ -	\$ -	\$ -
Sales Tax - Sales & Use	\$ 21,400.00	\$ 4,232.51	\$ 17,167.49	80.2%	\$ -	\$ -	\$ 2,572.44	\$ 2,406.60	\$ 2,182.40
Sales Tax - Other Util.	\$ 22,995.00	\$ 11,322.21	\$ 11,672.79	50.8%	\$ -	\$ -	\$ -	\$ -	\$ -
Sales Tax - Alc. Bev.	\$ 13,015.00	\$ 13,015.00	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -
Vehicle Taxes	\$ 7,935.00	\$ 2,291.39	\$ 5,643.61	71.1%	\$ -	\$ 822.14	\$ -	\$ 1,522.09	\$ 730.49
Zoning Fees	\$ 2,500.00	\$ (390.00)	\$ 2,890.00	115.6%	\$ 100.00	\$ 500.00	\$ 360.00	\$ 100.00	\$ 205.00
Other	\$ 3,000.00	\$ 3,021.27	\$ (21.27)	-0.7%	\$ -	\$ (75.00)	\$ -	\$ -	\$ -
Totals	\$ 351,480.00	\$ 132,765.59	\$ 218,714.41	62.2%	\$ 236.25	\$ 2,622.84	\$ 9,096.30	\$ 7,373.70	\$ 6,861.07
	December	January	February	March	April	May	June	June a/r	
Property Tax - prior	\$ 6.19	\$ 99.39	\$ 128.31	\$ 23.98					
Property Tax - 2020	\$ 31,196.45	\$ 17,246.74	\$ 5,376.86	\$ 1,831.22					
Fund Balance Approp.	\$ -	\$ -	\$ -	\$ -					
Interest	\$ 648.59	\$ 75.15	\$ 48.39	\$ 626.98					
Sales Tax - Electric	\$ 60,943.13	\$ -	\$ -	\$ 48,346.41					
Sales Tax - Sales & Use	\$ 2,420.57	\$ 2,396.90	\$ 2,454.87	\$ 2,733.71					
Sales Tax - Other Util.	\$ 6,304.41	\$ -	\$ -	\$ 5,368.38					
Sales Tax - Alc. Bev.	\$ -	\$ -	\$ -	\$ -					
Vehicle Taxes	\$ -	\$ 608.54	\$ 1,224.25	\$ 736.10					
Zoning Fees	\$ 75.00	\$ 660.00	\$ 485.00	\$ 405.00					
Other	\$ -	\$ -	\$ 22.50	\$ 31.23					
Totals	\$ 101,594.34	\$ 21,086.72	\$ 9,740.18	\$ 60,103.01	\$ -	\$ -	\$ -	\$ -	

Mineral Springs Budget Comparison 2020-21

TOWN OF MINERAL SPRINGS									
BUDGET COMPARISON 2020-2021									
Appropriation dept	Budget	Unspent	Spent YTD	% of Budget	July	August	September	October	November
Advertising	\$ 1,800.00	\$ 1,730.35	\$ 69.65	3.9%	\$ -	\$ -	\$ -	\$ -	\$ -
Attorney	\$ 9,600.00	\$ 6,900.00	\$ 2,700.00	28.1%	\$ 300.00	\$ -	\$ 300.00	\$ 300.00	\$ 300.00
Audit	\$ 4,730.00	\$ -	\$ 4,730.00	100.0%	\$ -	\$ -	\$ -	\$ -	\$ 3,311.00
Charities & Agencies	\$ 10,825.00	\$ 8,450.00	\$ 2,375.00	21.9%	\$ -	\$ -	\$ -	\$ -	\$ -
Community Projects	\$ 30,800.00	\$ 20,705.67	\$ 10,094.33	32.8%	\$ 13.56	\$ 4,361.49	\$ 417.66	\$ 888.07	\$ 212.65
Contingency	\$ 3,000.00	\$ 3,000.00	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -
Employee Overhead	\$ 32,500.00	\$ 7,619.57	\$ 24,880.43	76.6%	\$ 5,046.45	\$ 2,573.95	\$ 2,451.51	\$ 2,448.85	\$ 2,441.03
Elections	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -
Fire Protection	\$ 12,000.00	\$ 12,000.00	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -
Intergovernmental	\$ 15,000.00	\$ 15,000.00	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -
Office & Administrative	\$ 149,844.00	\$ 40,687.50	\$ 109,156.50	72.8%	\$ 24,631.68	\$ 9,990.84	\$ 10,875.37	\$ 11,156.92	\$ 9,722.33
Planning & Zoning	\$ 48,276.00	\$ 20,912.70	\$ 27,363.30	56.7%	\$ 4,497.87	\$ 2,912.46	\$ 3,055.95	\$ 3,032.02	\$ 2,773.00
Street Lighting	\$ 1,600.00	\$ 905.62	\$ 694.38	43.4%	\$ -	\$ -	\$ 217.38	\$ 79.50	\$ 79.50
Tax Collection	\$ 1,900.00	\$ 472.19	\$ 1,427.81	75.1%	\$ 25.00	\$ 54.83	\$ 110.99	\$ 116.83	\$ 102.08
Training	\$ 3,000.00	\$ 2,724.24	\$ 275.76	9.2%	\$ 75.00	\$ -	\$ -	\$ -	\$ -
Travel	\$ 4,200.00	\$ 3,831.22	\$ 368.78	8.8%	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Outlay	\$ 22,405.00	\$ 19,951.00	\$ 2,454.00	11.0%	\$ -	\$ -	\$ -	\$ -	\$ -
Totals	\$ 351,480.00	\$ 164,890.06	\$ 186,589.94	53.1%	\$ 34,589.56	\$ 19,893.57	\$ 17,428.86	\$ 18,022.19	\$ 18,941.59
Off Budget:									
Tax Refunds					\$ -	\$ -	\$ -	\$ -	\$ -
Interfund Transfers					\$ -	\$ -	\$ -	\$ -	\$ -
Total Off Budget:			\$ -		\$ -	\$ -	\$ -	\$ -	\$ -

Mineral Springs Budget Comparison 2020-21

Appropriation dept	December	January	February	March	April	May	June	June a/p
Advertising	\$ 69.65	\$ -	\$ -	\$ -				
Attorney	\$ 300.00	\$ 300.00	\$ 600.00	\$ 300.00				
Audit	\$ -	\$ -	\$ -	\$ 1,419.00				
Charities & Agencies	\$ -	\$ -	\$ -	\$ 2,375.00				
Community Projects	\$ 1,732.90	\$ 1,834.90	\$ 212.65	\$ 420.45				
Contingency	\$ -	\$ -	\$ -	\$ -				
Employee Overhead	\$ 2,434.99	\$ 2,600.39	\$ 2,429.28	\$ 2,453.98				
Elections	\$ -	\$ -	\$ -	\$ -				
Fire Protection	\$ -	\$ -	\$ -	\$ -				
Intergovernmental	\$ -	\$ -	\$ -	\$ -				
Office & Administrative	\$ 9,637.74	\$ 11,177.25	\$ 10,396.92	\$ 11,567.45				
Planning & Zoning	\$ 2,773.00	\$ 2,773.00	\$ 2,773.00	\$ 2,773.00				
Street Lighting	\$ 79.50	\$ -	\$ 79.50	\$ 159.00				
Tax Collection	\$ 493.04	\$ 304.34	\$ 144.59	\$ 76.11				
Training	\$ -	\$ 200.76	\$ -	\$ -				
Travel	\$ 173.28	\$ -	\$ -	\$ 195.50				
Capital Outlay	\$ -	\$ -	\$ 2,454.00	\$ -				
Totals	\$ 17,694.10	\$ 19,190.64	\$ 19,089.94	\$ 21,739.49	\$ -	\$ -	\$ -	\$ -
Off Budget:								
Tax Refunds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Interfund Transfers	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Total Off Budget:	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

March Cash Flow Report - Mar 2021

3/1/2021 through 3/31/2021

4/28/2021

Page 1

Category	3/1/2021- 3/31/2021
INCOME	
Interest Income	626.98
Other Inc	
Zoning	405.00
TOTAL Other Inc	405.00
Prop Tax 2020	
Receipts 2020	
Int	47.13
Tax	1,784.09
TOTAL Receipts 2020	1,831.22
TOTAL Prop Tax 2020	1,831.22
Prop Tax 2021	
Receipts 2021	
Prepayments	31.23
TOTAL Receipts 2021	31.23
TOTAL Prop Tax 2021	31.23
Prop Tax Prior Years	
Prop Tax 2015	
Receipts 2015	
Int	1.73
Tax	0.00
TOTAL Receipts 2015	1.73
TOTAL Prop Tax 2015	1.73
Prop Tax 2018	
Receipts	
Int	0.97
Tax	0.00
TOTAL Receipts	0.97
TOTAL Prop Tax 2018	0.97
Prop Tax 2019	
Receipts 2019	
Int	2.21
Tax	19.07
TOTAL Receipts 2019	21.28
TOTAL Prop Tax 2019	21.28
TOTAL Prop Tax Prior Years	23.98
Sales Tax	
Cable TV	4,544.51
Electricity	48,346.41
Natural Gas Excise	189.50
Sales & Use Dist	2,733.71
telecommunications	634.37
TOTAL Sales Tax	56,448.50
Veh Tax	
Int 2020	8.44
Tax 2020	727.66
TOTAL Veh Tax	736.10
TOTAL INCOME	60,103.01

EXPENSES

March Cash Flow Report - Mar 2021

3/1/2021 through 3/31/2021

4/28/2021

Page 2

Category	3/1/2021- 3/31/2021
Attorney	300.00
Audit	1,419.00
Charities & Agencies	2,375.00
Community	
Maint	205.85
Parks & Rec	
Park	214.60
TOTAL Parks & Rec	214.60
TOTAL Community	420.45
Emp	
Benefits	
Dental	82.00
Life	52.08
NCLGERS	1,328.19
Vision	14.00
TOTAL Benefits	1,476.27
FICA	
Med	157.58
Soc Sec	673.63
TOTAL FICA	831.21
Payroll	146.50
TOTAL Emp	2,453.98
Office	
Clerk	3,208.00
Council	900.00
Deputy Clerk	1,132.74
Equip	213.45
Finance Officer	2,963.00
Maint	
Service	553.00
TOTAL Maint	553.00
Mayor	400.00
Supplies	334.33
Tel	770.75
Util	1,092.18
TOTAL Office	11,567.45
Planning	
Administration	
Salaries	2,773.00
TOTAL Administration	2,773.00
TOTAL Planning	2,773.00
Street Lighting	159.00
Tax Coll	
Contract	51.11
Sal	25.00
TOTAL Tax Coll	76.11
Travel	195.50
TOTAL EXPENSES	21,739.49
OVERALL TOTAL	38,363.52

Register Report - Mar 2021

3/1/2021 through 3/31/2021

5/2/2021

Page 1

Date	Num	Description	Memo	Category	Clr	Amount
3/4/2021	6055	Windstream	061348611 (FY2020)	Office:Tel	R	-337.88
3/4/2021	6056	Verizon Wireless	221474588-00001 (...)	Office:Tel	R	-69.14
3/4/2021	6057	Amerigas	I/N 3118160512 121...	Office:Util	R	-423.31
3/4/2021	6058	Taylor & Sons Mowi...	I/N 015 03/21 (FY20...	Office:Maint:Service	R	-365.00
3/8/2021	EFT...	Union County	FY2020	Prop Tax 2021:Receipts 2021:Prepaym...	R	31.23
			FY2020	Prop Tax 2020:Receipts 2020:Tax	R	1,784.09
			FY2020	Prop Tax 2020:Receipts 2020:Int	R	47.13
			FY2020	Prop Tax Prior Years:Prop Tax 2019:R...	R	19.07
			FY2020	Prop Tax Prior Years:Prop Tax 2019:R...	R	2.21
			FY2020	Prop Tax Prior Years:Prop Tax 2018:R...	R	0.00
			FY2020	Prop Tax Prior Years:Prop Tax 2018:R...	R	0.97
			FY2020	Prop Tax Prior Years:Prop Tax 2015:R...	R	0.00
			FY2020	Prop Tax Prior Years:Prop Tax 2015:R...	R	1.73
			FY2020	Tax Coll:Contract	R	-28.30
3/11/2021	EFT	Debit Card (AOL)	AOL Troubleshootin...	Office:Tel	R	-7.99
3/12/2021	EFT	Debit Card (McAfee)	Clerk AV software (...)	Office:Supplies	R	-85.39
3/12/2021	EFT	Debit Card (B&H Ph...	Microphone Stands ...	Office:Equip	R	-213.45
3/15/2021	EFT...	NC Department of R...	FY2020	Sales Tax:Natural Gas Excise	R	189.50
			FY2020	Sales Tax:Electricity	R	48,346.41
			FY2020	Sales Tax:telecommunications	R	634.37
			FY2020	Sales Tax:Cable TV	R	4,544.51
3/15/2021	EFT	NC Department of R...	Sales & Use Distribu...	Sales Tax:Sales & Use Dist	R	2,733.71
3/15/2021	6059	Duke Power	2035221941 (FY2020)	Street Lighting	R	-79.50
3/15/2021	6060	Bucket, Mop, And Br...	I/N CTBCom-1432 j...	Office:Maint:Service		-188.00
3/15/2021	6061	R.C.S., Inc.	I/N 121838 Park Re...	Community:Parks & Rec:Park	R	-200.00
3/15/2021	6062	Clark, Griffin & McC...	I/N 7542 3/2021 (FY...	Attorney	R	-300.00
3/15/2021	6063	Xerox Corporation	I/N 012719881 (FY2...	Office:Supplies	R	-102.69
3/15/2021	6064	Amerigas	I/N 3118984940 123...	Office:Util	R	-470.35
3/15/2021	6065	Union County Public...	84361*00 (FY2020)	Office:Util	R	-38.21
3/15/2021	6066	Union County Public...	91052*00 (FY2020)	Community:Parks & Rec:Park	R	-14.60
3/15/2021	6067	Frederick Becker III	11/20 - 12/20 reimb...	Travel	R	-195.50
3/15/2021	6068	Quadient Finance U...	7900 0440 3484 247...	Office:Supplies	R	-146.25
3/15/2021	6069	Kendra Gangal CPA...	I/N 1481 Audit Pmt ...	Audit	R	-1,419.00
3/15/2021	6070	Charlotte Steeplech...	Charitable Contributi...	Charities & Agencies	R	-2,375.00
3/15/2021	EFT	Point And Pay	05033053 (FY2020)	Other Inc:Zoning	R	25.00
3/22/2021	EFT...	Union County (NCV...	NCVTS 2102 (FY20...	Veh Tax:Tax 2020	R	727.66
			NCVTS Refunds (F...	Veh Tax:Tax 2020	R	0.00
			NCVTS 2102 (FY20...	Veh Tax:Int 2020	R	8.44
			FY2020	Tax Coll:Contract	R	-22.81
3/23/2021	EFT	Point And Pay	06060073 (FY2020)	Other Inc:Zoning	R	50.00
3/23/2021	6071	Duke Power	1819573779 (Old Sc...	Office:Util	R	-25.07
3/23/2021	6072	Duke Power	1803784140 (FY2020)	Office:Util	R	-135.24
3/23/2021	6073	Duke Power	2035221941 (FY2020)	Street Lighting	R	-79.50
3/23/2021	6074	Duke Power	1618851260 (Christ...	Community:Maint	R	-205.85
3/23/2021	6075	Windstream	061348611 (FY2020)	Office:Tel	R	-355.74
3/23/2021	607...	Municipal Insurance ...	3/21 (FY2020)	Emp:Benefits:Life	R	-52.08
			3/21 (FY2020)	Emp:Benefits:Dental	R	-82.00
			3/21 (FY2020)	Emp:Benefits:Vision	R	-14.00
3/29/2021	EFT...	NC State Treasurer	03/21 LGERS contri...	Office:Clerk	R	-192.48
			03/21 LGERS contri...	Office:Finance Officer	R	-177.78
			03/21 LGERS contri...	Planning:Administration:Salaries	R	-166.38

Register Report - Mar 2021

3/1/2021 through 3/31/2021

5/2/2021

Page 2

Date	Num	Description	Memo	Category	Clr	Amount
			03/21 employer cont...	Emp:Benefits:NCLGERS	R	-1,328.19
3/29/2021	DEP	Deposit #20015	#20015 Zoning (FY2...	Other Inc:Zoning	R	330.00
3/30/2021	EFT...	Paychex	Salary 03/21 (FY202...	Office:Clerk	R	-3,015.52
			Supplement 03/21 (...	Office:Clerk	R	0.00
			03/21 (FY2020)	Office:Deputy Clerk	R	-1,132.74
			Salary 03/21 (FY202...	Office:Finance Officer	R	-2,785.22
			Salary 03/21 (FY202...	Office:Mayor	R	-400.00
			Salary 03/21 (FY202...	Office:Council	R	-900.00
			Salary 03/21 (FY202...	Planning:Administration:Salaries	R	-2,606.62
			Salary 03/21 (FY202...	Tax Coll:Sal	R	-25.00
			FY2020	Emp:FICA:Soc Sec	R	-673.63
			FY2020	Emp:FICA:Med	R	-157.58
3/31/2021	EFT	Paychex Fees	Fees 03/21 (FY2020)	Emp:Payroll	R	-146.50
3/1/2021 - 3/31/2021						37,736.54

TOTAL INFLOWS 59,476.03

TOTAL OUTFLOWS -21,739.49

NET TOTAL 37,736.54

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March 2021
Revenue Details

**Jurisdiction Collection by Year
 Union County
 Date Distributed: 2/1/2021 to 2/26/2021**

990 - TOWN OF MINERAL SPRINGS

Year	Taxes, Assessments and Misc. Charges	Late List	Interest	Total Collected	Commission	Net of Commission
2015	0.00	0.00	1.73	1.73	0.03	1.70
2018	0.00	0.00	0.97	0.97	0.01	0.96
2019	19.07	0.00	2.21	21.28	0.32	20.96
2020	1,777.26	6.83	47.13	1,831.22	27.47	1,803.75
2021	31.23	0.00	0.00	31.23	0.47	30.76
Total:	1,827.56	6.83	52.04	1,886.43	28.30	1,858.13
Grand Total:	1,827.56	6.83	52.04	1,886.43	28.30	1,858.13

County of Union, Monroe, NC 28112

Check Number: 00069381

Invoice Date	Invoice Number	Description	Invoice Amount
03/01/2021	2108 TAXES	TAX/FEE/INT-FEBRUARY 2021	\$1,858.13

Vendor No.	Vendor Name	Check No.	Check Date	Check Amount
10870	TOWN OF MINERAL SPRINGS	00069381	03/08/2021	1,858.13



County of Union

500 North Main Street
Monroe, North Carolina 28112

Vendor Number Check Date Check Number
10870 03/08/2021 00069381

"This disbursement has been approved as required by the Local Government Budget and Fiscal Control Act."

\$1,858.13

Pay One Thousand Eight Hundred Fifty Eight Dollars and 13 cents *****

To The TOWN OF MINERAL SPRINGS
Order Of PO BOX 600
MINERAL SPRINGS NC 28108

**EFT COPY
NON-NEGOTIABLE**

AP



County of Union

500 North Main Street
Monroe, North Carolina 28112

10870
00069381

ADDRESS SERVICE REQUESTED

TOWN OF MINERAL SPRINGS
PO BOX 600
MINERAL SPRINGS NC 28108

NC Sales & Use Distribution

January 2021 Collections

Summary

MUNICIPALITY	ARTICLE 39	ARTICLE 40	ARTICLE 42	ARTICLE 43	ARTICLE 44	ART 44 *524	ARTICLE 45	ARTICLE 46	CITY HH	TOTAL
UNION (AD VALOREM)	2,453,253.10	1,631,801.14	1,301,881.71	-	(47.13)	309,221.75	-	-	(391,868.46)	5,304,242.11
FAIRVIEW	1,079.00	717.70	572.60	-	(0.02)	136.00	-	-	726.64	3,231.92
HEMBY BRIDGE	-	-	-	-	-	-	-	-	-	-
INDIAN TRAIL	90,917.34	60,474.41	48,247.62	-	(1.75)	11,459.73	-	-	61,226.61	272,323.96
LAKE PARK	8,275.04	5,504.21	4,391.36	-	(0.16)	1,043.03	-	-	5,572.67	24,786.15
MARSHVILLE	12,281.74	8,169.30	6,517.62	-	(0.24)	1,548.06	-	-	8,270.91	36,787.39
MARVIN	7,426.41	4,939.74	3,941.01	-	(0.14)	936.07	-	-	5,001.18	22,244.27
MINERAL SPRINGS	912.67	607.07	484.33	-	(0.02)	115.04	-	-	614.62	2,733.71
MINT HILL *	51.60	34.32	27.38	-	-	6.50	-	-	34.75	154.55
MONROE	289,134.86	192,320.39	153,436.83	-	(5.55)	36,444.17	-	-	194,712.53	866,043.23
STALLINGS *	48,244.94	32,090.51	25,602.42	-	(0.93)	6,081.06	-	-	32,489.67	144,507.67
UNIONVILLE	1,468.71	976.92	779.41	-	(0.03)	185.12	-	-	989.08	4,399.21
WAXHAW	96,970.04	64,500.41	51,459.64	-	(1.86)	12,222.65	-	-	65,302.69	290,453.57
WEDDINGTON *	15,084.70	10,033.71	8,005.08	-	(0.29)	1,901.36	-	-	10,158.51	45,183.07
WESLEY CHAPEL	2,158.60	1,435.81	1,145.52	-	(0.04)	272.08	-	-	1,453.67	6,465.64
WINGATE	7,892.30	5,249.63	4,188.25	-	(0.15)	994.79	-	-	5,314.93	23,639.75
TOTAL	3,035,151.05	2,018,855.27	1,610,680.78	-	(58.31)	382,567.41	-	-	-	7,047,196.20

Utilities Sales Distribution
Gas, Power, Telecommunications, and Video Programming

Distribution Report for
Qtr 10/01/2020 - 12/31/2020

Distribution Date
March 15, 2021

Prefix	City/County	Sales Tax on Piped Natural Gas	Sales Tax on Electricity	Sales Tax on Telecommunication Services	Sales Tax on Video Programming	Total Distribution
County of	Union	\$ -	\$ -	\$ -	\$ 110,459.10	\$ 110,459.10
Town of	Fairview	\$ 348.01	\$ 24,415.50	\$ 4,554.57	\$ 1,773.35	\$ 31,091.43
Town of	Hemby Bridge	\$ 268.50	\$ 9,174.27	\$ 1,926.43	\$ 3,148.30	\$ 14,517.50
Town of	Indian Trail	\$ 18,915.27	\$ 255,256.73	\$ 11,001.44	\$ 66,235.76	\$ 351,409.20
Town of	Lake Park	\$ 2,595.04	\$ 20,141.95	\$ 369.11	\$ 4,327.07	\$ 27,433.17
Town of	Marshville	\$ -	\$ 39,826.33	\$ 4,974.10	\$ 2,448.88	\$ 47,249.31
Town of	Marvin	\$ 3,148.05	\$ 35,752.78	\$ 8,679.06	\$ 15,514.21	\$ 63,094.10
Town of	Mineral Springs	\$ 189.50	\$ 48,346.41	\$ 634.37	\$ 4,544.51	\$ 53,714.79
City of	Monroe	\$ 32,064.46	\$ 631,533.85	\$ 51,755.33	\$ 46,311.14	\$ 761,664.78
Town of	Stallings	\$ 7,979.61	\$ 135,390.29	\$ 1,214.21	\$ 38,338.43	\$ 182,922.54
Town of	Unionville	\$ 291.50	\$ 35,061.86	\$ 8,421.72	\$ 6,167.16	\$ 49,942.24
Town of	Waxhaw	\$ 5,848.08	\$ 132,544.10	\$ 10,203.94	\$ 43,533.54	\$ 192,129.66
Town of	Weddington	\$ 4,611.57	\$ 75,665.10	\$ 1,097.37	\$ 21,142.51	\$ 102,516.55
Village of	Wesley Chapel	\$ 3,569.55	\$ 40,704.41	\$ 1,216.37	\$ 21,686.95	\$ 67,177.28
Town of	Wingate	\$ -	\$ 25,218.14	\$ 4,106.93	\$ 4,811.70	\$ 34,136.77

NCVTS A/P Receipt Distribution
For the month Ending: 01/31/2021

Jurisdiction	Entity	Vendor #	Inv #	Tax & Fee Amt	Int Only Amt	Com Cst	Pending Refunds	Net Amt	Status/Check#
001	Union County	0		\$ 526,067.64	\$ 4,755.76	\$ (16,024.50)	(\$152.93)	\$ 514,645.97	No Check
003	Voter Approved Debt Tax	0		80,259.92	723.72	(2,444.85)	(\$23.33)	\$ 78,515.46	No Check
011	Countywide Fire Tax	0		37,732.04	325.62	(1,148.90)	(\$11.02)	\$ 36,897.74	No Check
012	Countywide EMS Tax	0		51,274.84	477.76	(1,562.34)	(\$14.85)	\$ 50,175.41	No Check
013	Griffith Rd	0		801.80	7.16	(22.20)	\$0.00	\$ 786.76	No Check
014	Stack Rd	0		1,240.82	7.96	(31.61)	\$0.00	\$ 1,217.17	No Check
015	Springs Fire Tax	0		5,573.03	59.83	(172.22)	\$6.48	\$ 5,467.12	No Check
016	Fairview	0		2,617.56	19.14	(78.64)	\$0.00	\$ 2,558.06	No Check
017	New Salem	0		3,640.32	23.67	(102.70)	\$0.00	\$ 3,561.29	No Check
018	Beaver Lane	0		3,148.39	26.69	(87.15)	\$57.47	\$ 3,145.40	No Check
019	Bakers	0		6,626.58	59.08	(199.96)	\$31.59	\$ 6,517.29	No Check
020	Stallings Fire Tax	0		11,516.10	116.98	(360.68)	\$38.11	\$ 11,310.51	No Check
021	Unionville	0		4,916.83	30.67	(138.31)	\$14.58	\$ 4,823.77	No Check
022	Wingate	0		3,296.33	22.15	(82.75)	\$0.00	\$ 3,235.73	No Check
023	Hemby Bridge Fire Tax	0		14,437.97	141.21	(448.45)	\$178.54	\$ 14,309.27	No Check
024	Allens Crossroads	0		317.82	0.93	(9.46)	\$0.00	\$ 309.29	No Check
025	Jackson	0		1,235.58	6.83	(36.92)	\$0.00	\$ 1,205.49	No Check
026	Wesley Chapel Fire Tax	0		17,516.28	126.58	(570.59)	\$32.23	\$ 17,104.50	No Check
027	Lanes Creek	0		1,429.91	9.63	(37.98)	\$0.00	\$ 1,401.56	No Check
028	Waxhaw Fire Tax	0		12,801.01	110.10	(415.50)	\$7.22	\$ 12,502.83	No Check
029	Sandy Ridge	0		1,681.16	4.73	(43.13)	\$0.00	\$ 1,642.76	No Check
030	Providence	0		130.77	1.49	(4.72)	\$0.00	\$ 127.54	No Check
101	Village of Marvin	1832	VTFNAP2101-1	5,169.62	29.76	(169.04)	\$0.00	\$ 5,030.34	
200	City of Monroe	103-7	VTFNAP2101-1	235,606.31	1,710.21	(6,268.52)	(\$5,690.33)	\$ 225,357.67	
222	Monroe Downtown Service	103-7	VTFNAP2101-2	75.91	-	(2.33)	-	\$ 73.58	
300	Town of Wingate	4064	VTFNAP2101-1	11,494.50	65.45	(284.20)	\$0.00	\$ 11,275.75	
400	Town of Marshville	5861	VTFNAP2101-1	8,691.03	97.90	(201.63)	\$0.00	\$ 8,587.30	
500	Town of Waxhaw	8268	VTFNAP2101-1	103,869.29	653.76	(3,393.79)	\$0.00	\$ 101,129.26	
600	Town of Indian Trail	2924	VTFNAP2101-1	71,185.73	777.23	(2,201.02)	\$916.95	\$ 70,678.89	
700	Town of Stallings	4860-2	VTFNAP2101-1	34,447.79	319.22	(1,091.97)	\$0.00	\$ 33,675.04	
800	Town of Weddington	7518	VTFNAP2101-1	10,397.16	80.18	(339.80)	(\$7.89)	\$ 10,129.65	
900	Village of Lake Park	1833	VTFNAP2101-1	6,871.11	64.12	(216.67)	\$0.00	\$ 6,718.56	
930	Town of Fairview	19458	VTFNAP2101-1	929.41	10.20	(28.35)	\$0.00	\$ 911.26	
970	Village of Wesley Chapel	9262	VTFNAP2101-1	1,717.88	10.77	(55.87)	\$13.57	\$ 1,686.35	
980	Town of Unionville	11530	VTFNAP2101-1	1,607.44	11.79	(46.24)	\$13.07	\$ 1,586.06	
990	Town of Mineral Springs	10870	VTFNAP2101-1	727.66	8.44	(22.81)	\$0.00	\$ 713.29	
999	Schools	0		1,082,463.65	9,770.67	(32,975.53)	(\$314.60)	\$ 1,058,944.19	No Check
Total				\$ 2,363,517.19	\$ 20,667.39	\$ (71,321.33)	(\$4,905.14)	\$ 2,307,958.11	
						AP Total		\$ 477,553.00	

Invoice Date	Invoice Number	Description	Invoice Amount
02/28/2021	VTFNAP2102-1	CASH RECEIVED FEB 2021 & REFUN	\$713.29

Vendor No.	Vendor Name	Check No.	Check Date	Check Amount
10870	TOWN OF MINERAL SPRINGS	00069597	03/22/2021	713.29



County of Union
 500 North Main Street
 Monroe, North Carolina 28112

Vendor Number Check Date Check Number
 10870 03/22/2021 00069597

"This disbursement has been approved as required by the Local Government Budget and Fiscal Control Act."

\$713.29

Pay Seven Hundred Thirteen Dollars and 29 cents *****

To The TOWN OF MINERAL SPRINGS
 Order Of PO BOX 600
 MINERAL SPRINGS NC 28108

**EFT COPY
 NON-NEGOTIABLE**

AP



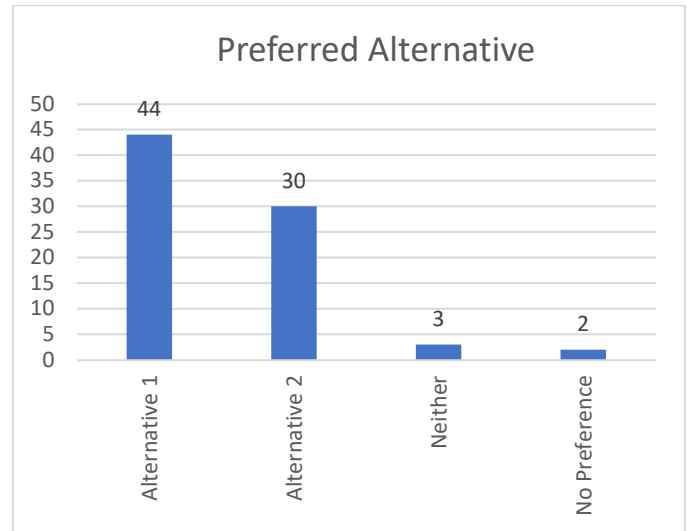
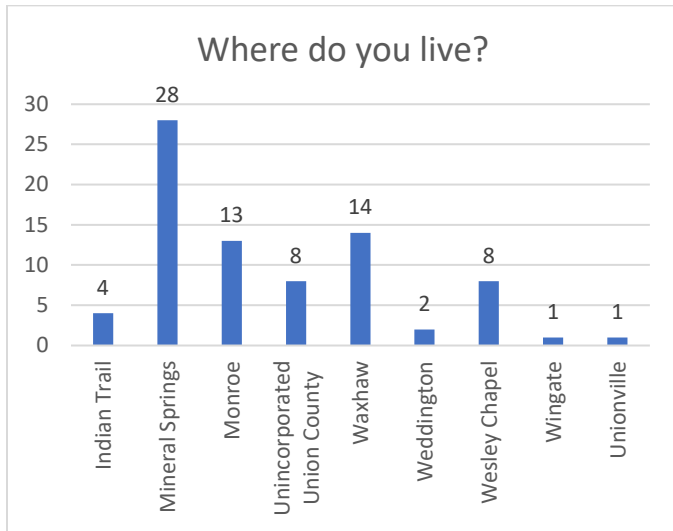
County of Union
 500 North Main Street
 Monroe, North Carolina 28112

10870
 00069597

ADDRESS SERVICE REQUESTED

TOWN OF MINERAL SPRINGS
 PO BOX 600
 MINERAL SPRINGS NC 28108

NC 75 (Waxhaw Hwy) and Potter Road, Mineral Springs. 79 total responses



	ALTERNATIVE 1 (TURN LANE IMPROVEMENTS)	ALTERNATIVE 2 (ROUNDBOUT)
Likes	<ul style="list-style-type: none"> - Lower cost - Fewer impacts to businesses 	<ul style="list-style-type: none"> - Improves safety - Better traffic flow
Dislikes	<ul style="list-style-type: none"> - Will cause traffic backups, particularly on railroad tracks - Less effective at reducing accidents 	<ul style="list-style-type: none"> - Incompatible with downtown (overdesign for the area) - Confusing to drivers - Impacts to businesses - Challenging for pedestrians and cyclists - Too expensive
General Comments	<ul style="list-style-type: none"> - Only issues at peak periods - Concerns regarding the cost, impacts, and time to construct roundabout 	

Union County Critical Intersection Analysis Phase II Public Comment Summary, March 8 - April 2, 2021
NC 75 and Potter Rd, Mineral Springs

Comment Date	Where do you live?	How long have you lived in Union County?	Please select your age group.	Please select your preferred alternative.	Please explain why you prefer this alternative.	Please provide any additional comments or concerns at this intersection.
3/6/2021	Mineral Springs	11_to_20_years	50_to_59	Alternative 2	Traffic light is unnecessary a most of the day (6PM to 7AM). You won't have to wait at a red light if there is no traffic if you have a roundabout. The recently build roundabout at 75 and rocky river is working quite well.	
3/8/2021	Mineral Springs	5_to_10_years	30_to_39	Alternative 1	I would prefer neither alternatives as both I feel will negatively impact businesses that already exist in that area but I understand that is not feasible due to the uncontrolled growth and therefore increase in traffic that has been allowed in Waxhaw and Union county overall. However, given the 2 choices, the only feasible option is #1. With option 2 you would have backups onto 75 during train crossings which would impact all 4 directions of travel. Also it would take a huge chunk of real estate, already hemmed in by the railroad, destroy existing businesses, remove the feel of our downtown area, and take much longer time to complete given past experience with the install at rocky river rd. The only option is #1, unless something is done to reign in this insane pace of expansion, in which case neither needs to be done.	A roundabout would be a grave mistake in this area, as it would destroy our downtown and massively impact commuters during construction, nevermind coating taxpayers twice the amount
3/9/2021	Mineral Springs	more_than_20_years	60+	Alternative 2	It would be safer, look better and take down two eye soars. The other tree buildings should go at the same time. I know it will cost twice as much. But the turn lane project will only prolong the problem and it will have to be addressed in the future at a much higher price.	
3/9/2021	Monroe	more_than_20_years	40_to_49	Alternative 2	Improves access to the gas station	
3/10/2021	Wesley Chapel	5_to_10_years	40_to_49	Alternative 1	I don't see how a roundabout would work with the railroad tracks so close by. Traffic would back up into the round about when a train comes through, which is somewhat frequently. Also, there is a church/preschool right behind Old Waxhaw-Monroe Rd and this could significantly impact the ability to turn in/out of the church. Lastly, there are too many roundabouts in this county!!	
3/10/2021	Waxhaw	less_than_5_years	30_to_39	Alternative 2	Improved safety with near continuous traffic flow	
3/10/2021	Waxhaw	less_than_5_years	40_to_49	Alternative 2	Safer, better traffic flow	
3/10/2021	Monroe	more_than_20_years	40_to_49	Alternative 1	Turn lanes are well past due being needed for this intersection. Traffic is only heavy @ certain times and the turn lanes would be more helpful. This is a very small and compact area and a roundabout isn't necessary right now and would take up too much room.	Also, the lights don't need to be on timers as it seems like they are. You can sit @ the red light on Potter for a while and there are 0 cars coming down 75. It needs to be changed to sensors to adjust patterns so cars aren't sitting @ the intersection for an extended length of time for nothing.
3/10/2021	Monroe	11_to_20_years	60+	Alternative 1	I live less about 4 miles from this intersection. I don't see that a round about is needed. Seems like overkill. I go through that intersection all the time and to be honest, I don't think anything new is needed but if you have to do something, less is best. Go with the turn lane.	I don't have any concerns about this intersection and was surprised to see that any change is being considered. Waste of money.
3/10/2021	Monroe	more_than_20_years	60+	Alternative 1	I'm not a fan of a roundabout in a business district of a town, although Mineral Springs is a very small town. I travel through this intersection often and there is significant delay when turning left off Potter from either direction onto Hwy. 75 due to oncoming traffic.	I'm assuming there will be left turn signals (green arrows) provided on the traffic light.
3/11/2021	Unincorporated Union County	11_to_20_years	50_to_59	Alternative 1	Cost and solution reduces the biggest issues and has least impact on already struggling businesses.	
3/11/2021	Weddington	11_to_20_years	50_to_59	Alternative 1	I think a roundabout would be dangerous here. With growth and development the light and increasing turning lanes would work better.	
3/11/2021	Mineral Springs	more_than_20_years	60+	Alternative 2	This will keep the traffic moving.	
3/12/2021	Monroe	11_to_20_years	60+	Alternative 1	Because of cost and because the roundabout alternative is too complex, many people do not know how to proceed in a roundabout	Right now this intersection is slow only at certain times: morning s

Union County Critical Intersection Analysis Phase II Public Comment Summary, March 8 - April 2, 2021
NC 75 and Potter Rd, Mineral Springs

Comment Date	Where do you live?	How long have you lived in Union County?	Please select your age group.	Please select your preferred alternative.	Please explain why you prefer this alternative.	Please provide any additional comments or concerns at this intersection.
3/12/2021	Unincorporated Union County	11_to_20_years	60+	Alternative 1	Roundabouts don't seem to work as well in practice since many drivers are not familiar with the idea and hesitate when entering. It also seems that the traffic pattern for the roundabout option is more complex. For example, a person can't turn left from Old Waxhaw-Monroe Rd, so they would instead need to go through the roundabout. I don't think it would be easy for people to realize this the first time they come to the intersection. So the turn lane option seems easier to understand and it is less expensive.	Single lane roundabouts in the area seem to work reasonably well, but multiple lane roundabouts cause confusion as drivers decide how to go through it. I've seen drivers make mistakes at the new roundabout at Weddington Rd and Chestnut, but the traffic is light enough during the times I've been through it that it wasn't a problem. I think 75 and Potter will be higher traffic and confusion more of a problem.
3/12/2021	Mineral Springs	5_to_10_years	40_to_49	Alternative 1	I really don't like either in the sense of losing our barber shop. Dusty is a staple to our town. I also realize what this will do for construction time to create. I live north of the tracks and drive over them daily. With no close alternative it adds a lot of time to my commute to get to work. Before you do anything there. You need to create some alternative to get through town. That intersection is extremely busy so to force us all to drive through to most waxhaw cause a lot of problems elsewhere. That is how you plan best. You can't do surgery on a main artery without an alternative option for the blood to flow. Or you lose the patient in the process.	
3/12/2021	Mineral Springs	more_than_20_years	60+	Alternative 1	I think that traffic signals are actually safer than roundabouts, and my reason for this is that no one seems to know how to correctly use one. Also if the building with the Barber Shop is going to be destroyed for either one of these projects, the state should provide for the business owner to move his business, to another site, preferably into the existing strip mall across the street from where he is now.	
3/12/2021	Wingate	5_to_10_years	40_to_49	Alternative 1	As roundabouts continue to be built many people in the community don't yield or don't understand (even with given direction from DMV) how to drive in the roundabout. A turn signal would provide the intersection with a safer and more understandable traffic pattern.	
3/12/2021	Wesley Chapel	less_than_5_years	60+	No Preference	Safest and long term solution.	
3/12/2021	Mineral Springs	more_than_20_years	60+	Alternative 2	In the long run it would cost less and move traffic better. It would eliminate the cost of electricity for the lights, work when the power is out and have less need for maintenance.	It needs to be done as soon as possible. Do not wait like you have done with Johns Street in Matthews. That road has been obsolete for more than 30 years and should have been widened in the 1990's
3/12/2021	Mineral Springs	11_to_20_years	60+	Alternative 1	Turn lanes are understood by most drivers. Roundabouts are not.	
3/13/2021	Unincorporated Union County	more_than_20_years	60+	Alternative 2	Smoothen faster traffic.	
3/13/2021	Waxhaw	more_than_20_years	40_to_49	Alternative 2	It keeps traffic flowing and reduces red light/crossing traffic accidents	
3/13/2021	Wesley Chapel	11_to_20_years	40_to_49	Alternative 2	I find that traffic circles improve traffic flow much more so than a traffic signal.	
3/13/2021	Wesley Chapel	5_to_10_years	40_to_49	Alternative 2	Roundabouts are far more efficient. While they have a higher initial cost, the maintenance should be much lower over time.	
3/13/2021	Mineral Springs	more_than_20_years	40_to_49	Alternative 1	We prefer the turn lane options on both 75 and Potters rd (all sides of the intersection). This project cost less, the entire road would not have to be shut down and detours all over the place, this situation would be a nightmare with that heavy traffic volume. The project would require less time to install thus a much less impact on the local residents. Less private and commercial land would need to be acquired for turning lanes. Union County have some regard for the local people in this community and don't have someone that lives just down from the tracks to go to Waxhaw, and then come back to mineral springs to go to church or get gas at the corner. Thank you!!	Union County, the building of subdivisions/Townhome/Apartments communities have ruined Waxhaw do not allow this to happen to Mineral Springs and Houston! Remember the whole appeal to our area was the countryside close to multiple larger towns, not turning Waxhaw into NODA. At some point hear the opinions of folks that are true natives and who have been adversely affected by the growth. Thank you!
3/13/2021	Mineral Springs	more_than_20_years	40_to_49	Alternative 1		
3/13/2021	Waxhaw	more_than_20_years	less_than_29	Alternative 2	I feel as if this option would be a better fit for school bus drivers who take a right turn onto potter. I feel as if round-a-bouts are safer and more effective than lights.	
3/14/2021	Mineral Springs	5_to_10_years	50_to_59	Alternative 1	I think this would be best cause I hate roundabouts	I really don't think anything needs to be done with the intersection I don't think it's that busy
3/14/2021	Monroe	more_than_20_years	40_to_49	Alternative 1		

**Union County Critical Intersection Analysis Phase II Public Comment Summary, March 8 - April 2, 2021
NC 75 and Potter Rd, Mineral Springs**

Comment Date	Where do you live?	How long have you lived in Union County?	Please select your age group.	Please select your preferred alternative.	Please explain why you prefer this alternative.	Please provide any additional comments or concerns at this intersection.
3/15/2021	Mineral Springs	more_than_20_years	60+	Alternative 1	It appears to me that the Rab would create more challenges for pedestrians and cycling while trying to cross in either directions during heavy traffic, most Rab have continuous traffic flow and less likely to yield to pedestrians causing a safety issue.2. While the eng specs for Rab should be adequate, most of them do not offer adequate room for larger trucks/trailers and HWY 75 gets a lot of trailers...too cumbersome and safety will be an issue. 3.Small town effect will be lost, wherein, a traffic light brings traffic into some form of control...a stop and go effect. 3. The Rab will require a major landscape affect of the area, more costly and less effective. 4. Many drivers do not always follow the flow of the Rab potentially causing accidents/near misses (safety) for drivers. 5. All in all, for the long term potential and growth, a traffic light will better serve us in this area rather than the effects of a Rab.	All comments well stated above.
3/15/2021	Monroe	less_than_5_years	40_to_49	Alternative 2	As growth continues in the county the roads in the county are becoming busier and more heavily traveled. I believe this is the best long term solution.	
3/15/2021	Monroe	5_to_10_years	less_than_29	Alternative 1	As much as I like roundabouts, I think turn lines will work best with the businesses. I also think the roundabout would over complicate the feeling of the town.	
3/15/2021	Unincorporated Union County	11_to_20_years	60+	Alternative 2	More traffic control near the intersection and when the traffic is low, would still allow movement where you need to go. I like the limited access to the gas station as I have had numerous people pulling out in front of me from that location.	I travel through this intersection several times each week.
3/16/2021	Indian Trail	11_to_20_years	40_to_49	Alternative 1	We prefer keeping the traffic lights which are more manageable to traffic. Run about leads to a preferred traffic pattern. It is also a lower cost option.	
3/16/2021	Unincorporated Union County	11_to_20_years	60+	Alternative 2	Nice design for this roundabout! It will so greatly improve traffic movement through Mineral Springs. We frequently pass through Mineral Springs on Potter Rd. The current traffic light simply stops traffic even when there is no cross traffic. Adding turn lanes will only INCREASE the time it takes the light to cycle through. Stoplights are ugly and a time and gas waster, and they back up waiting traffic such that they block exits from other local establishments and roads. The roundabout elegantly solves these problems. It will allow traffic to move smoothly and also improves the overall look of the intersection.	There will be a small learning curve for some users, as mentioned in the description, but these are not too hard to figure out. Proper signage will help. Especially: * south bound Potter traffic coming out of Old Waxhaw-Monroe Hwy/Doster Rd. * north bound Potter traffic coming out of the gas station. * east bound Old Waxhaw-Monroe/Doster Rd traffic coming out of the gas station. But this will become 2nd nature soon enough.
3/17/2021	Monroe	more_than_20_years	30_to_39	Alternative 2	roundabouts are great	reduces accidents
3/17/2021	Weddington	less_than_5_years	60+	Alternative 1	I ride my bicycle here frequently. in my opinion there is too much traffic for a roundabout.	
3/17/2021	Wesley Chapel	11_to_20_years	50_to_59	Alternative 1	In my experience people don't know how to navigate when there's more than one lane or specific turn lanes. People end up changing lanes late or don't realize there could be two lanes going right for example.	Like other intersections, when there's low traffic volume it's ok but it's a pain when there's traffic.
3/17/2021	Monroe	more_than_20_years	50_to_59	Alternative 1	i hate round a bouts.	
3/17/2021	Monroe	more_than_20_years	50_to_59	Alternative 1	A turning lane would be sufficient given the traffic.	You really need to do a roundabout at NC84 and Potter Rd with a left turning lane onto Potter Rd. just north of this intersection (where Potter Rd continues). With the elementary school right on the corner, buses and commuting traffic backs up a mile down Potter Rd almost to our subdivision entrance (Potter's Trace). This is a much busier intersection than NC 75 at Potter Rd.
3/17/2021	Waxhaw	5_to_10_years	40_to_49	Alternative 2	While I do understand the cost is significantly higher I feel that the savings and the reduction of crashes and the reduction in the loss of life for potentially deadly car crashes is worth the increased cost.	

1) NC 75 and Potter Rd - Alternative 1 - Turn Lane Improvements

Activity	Cost
Preliminary Engineering/Design (25% of Construction Cost)	\$ 497,000.00
PE Contingency (40%)	\$ 199,000.00
Total PE Phase	\$ 700,000.00
Gas Relocation @ \$125/LF (1030 LF)	\$ 128,750.00
Power Relocation	\$ 520,000.00
Right-of-Way Cost	\$ 395,000.00
ROW & Utilities Contingency (40%)	\$ 418,000.00
Total ROW Phase	\$ 1,470,000.00
260' Right Turn Lane @ \$475/LF	\$ 123,500.00
300' Left Turn Lane @ \$475/LF	\$ 142,500.00
400' Left Turn Lane @ \$475/LF	\$ 190,000.00
500' Left Turn Lane @ \$475/LF	\$ 237,500.00
100' Left Turn Lane @ \$475/LF	\$ 47,500.00
100' Right Turn Lane @ \$475/LF	\$ 47,500.00
2090 SY New sidewalk @ \$50/SY	\$ 104,500.00
260 SY Concrete Island @ \$65/SY	\$ 16,900.00
Upgrade Traffic Signal	\$ 100,000.00
2430' Curb and Gutter @ \$35/LF	\$ 85,050.00
0.45 Mi. Closed Drainage System @ \$750,000/mile	\$ 337,500.00
Railroad Signal	\$ 450,000.00
Water Relocation @ \$100/LF (530LF)	\$ 53,000.00
Sewer Relocation @ \$120/LF (430 LF)	\$ 51,600.00
Construction Cost	\$ 1,988,000.00
Construction Inspection (20% of Construction Cost)	\$ 398,000.00
Construction + CEI Contingency (40%)	\$ 955,000.00
Total Construction Phase	\$ 3,350,000.00
Project Total	\$ 5,520,000.00

Right-of-Way Cost						
Parcel #	GIS Land Value	Total Parcel Area (Acres)	Cost/Acre	ROW Impact (Acres)	ROW Impact Value	2.0 * ROW Impact Value + \$5,000 Appraisal
1-1	\$ 95,200.00	1.360	\$ 70,000.00	0.0148	\$ 1,036.00	\$ 10,000.00
1-2	\$ 120,300.00	1.718	\$ 70,023.28	0.0575	\$ 4,026.34	\$ 10,000.00
1-3	\$ 216,400.00	1.731	\$ 125,014.44	0.0935	\$ 11,688.85	\$ 28,377.70
1-4	\$ 5,200.00	0.069	\$ 75,362.32	0.008	\$ 602.90	\$ 10,000.00
1-5	\$ 11,800.00	0.270	\$ 43,703.70	0.0173	\$ 756.07	\$ 10,000.00
1-6	\$ 1,600.00	0.242	\$ 6,611.57	0.0393	\$ 259.83	\$ 10,000.00
1-7	\$ 142,000.00	1.420	\$ 100,000.00	0.062	\$ 6,200.00	\$ 10,000.00
* 1-8	\$ 53,400.00	0.140	\$ 381,428.57	0.071	\$ 27,081.43	\$ 59,162.86
1-9	\$ 52,500.00	0.75	\$ 70,000.00			
1-10	\$ 112,100.00	17.320	\$ 6,472.29	0.1112	\$ 719.72	\$ 10,000.00
1-11	\$ 71,400.00	1.020	\$ 70,000.00	0.1063	\$ 7,441.00	\$ 10,000.00
1-12	\$ 118,300.00	0.910	\$ 130,000.00	0.2481	\$ 32,253.00	\$ 69,506.00
1-13	\$ 94,000.00	8.763	\$ 10,726.92	0.1689	\$ 1,811.78	\$ 10,000.00
1-14	\$ 21,500.00	1.720	\$ 12,500.00	0.0003	\$ 3.75	\$ 10,000.00
1-15	\$ 13,900.00	0.579	\$ 24,006.91			
1-16	\$ 14,000.00	0.591	\$ 23,688.66	0.017	\$ 402.71	\$ 10,000.00
1-17	\$ 13,100.00	0.463	\$ 28,293.74	0.0174	\$ 492.31	\$ 10,000.00
1-18	\$ 303,800.00	2.025	\$ 150,024.69	0.1404	\$ 21,063.47	\$ 47,126.93
1-19	\$ 32,200.00	0.460	\$ 70,000.00	0.0395	\$ 2,765.00	\$ 10,000.00
1-20	\$ 32,100.00	0.459	\$ 69,934.64	0.0401	\$ 2,804.38	\$ 10,000.00
1-21	\$ 33,600.00	0.480	\$ 70,000.00	0.0371	\$ 2,597.00	\$ 10,000.00
1-22	\$ 744,300.00	26.714	\$ 27,861.80	0.03	\$ 835.85	\$ 10,000.00
1-23	\$ 13,200.00	0.480	\$ 27,500.00	0.0098	\$ 269.50	\$ 10,000.00
1-24	\$ 60,000.00	1.000	\$ 60,000.00			
1-25	\$ 48,000.00	1.000	\$ 48,000.00	0.0043	\$ 206.40	\$ 10,000.00
1-26	\$ 151,300.00	2.521	\$ 60,015.87	0.0045	\$ 270.07	\$ 10,000.00
Total				1.3383	\$ 125,587.36	\$ 394,173.49

Notes

Turn Lane Cost (per LF) based on 2/1/21 Cost Per Mile spreadsheet provided by NCDOT. Cost to add turn lane to existing four lane divided roadway, assume same cost for two lane non-divided roadway.

Total values rounded using 4 significant figures.

A minimum of \$10,000 used per impacted parcel.

Costs were calculated based on FY 2020 dollars.

* - Full Parcel Take

2) NC 75 and Potter Rd - Alternative 2 - Roundabout

Activity	Cost
Preliminary Engineering/Design (25% of Construction Cost)	\$ 1,014,000.00
PE Contingency (40%)	\$ 406,000.00
Total PE Phase	\$ 1,420,000.00
Gas Relocation @ \$125/LF (1060 LF)	\$ 132,500.00
Power Relocation	\$ 465,000.00
Right-of-Way Cost	\$ 496,000.00
ROW & Utilities Contingency (40%)	\$ 438,000.00
Total ROW Phase	\$ 1,540,000.00
375' Left Turn Lane @ \$475/LF	\$ 178,125.00
225' Right Turn Lane @ \$475/LF	\$ 106,875.00
75' Left Turn Lane @ \$475/LF	\$ 35,625.00
50' Right Turn Lane @ \$475/LF	\$ 23,750.00
325' Right Turn Lane @ \$475/LF	\$ 154,375.00
75' Right Turn Lane @ \$475/LF	\$ 35,625.00
100' Left Turn Lane @ \$475/LF	\$ 47,500.00
2260 SY New sidewalk @ \$50/SY	\$ 113,000.00
365' New Location Roadway @ \$795.45/LF	\$ 290,339.25
Roundabout Cost @ 150' Diameter w/ 2 Lanes	\$ 2,025,000.00
4350' Curb and Gutter @ \$35/LF	\$ 152,250.00
0.46 Mi. Closed Drainage System @ \$750,000/mile	\$ 345,000.00
Railroad Signal	\$ 450,000.00
Water Relocation @ \$100/LF (660 LF)	\$ 66,000.00
Sewer Relocation @ \$120/LF (270 LF)	\$ 32,400.00
Construction Cost	\$ 4,056,000.00
Construction Inspection (20% of Construction Cost)	\$ 812,000.00
Construction + CEI Contingency (40%)	\$ 1,948,000.00
Total Construction Phase	\$ 6,820,000.00
Project Total	\$ 9,780,000.00

Right-of-Way Cost						
Parcel #	GIS Land Value	Total Parcel Area (Acres)	Cost/Acre	ROW Impact (Acres)	ROW Impact Value	2.0 * ROW Impact Value + \$5,000 Appraisal
2-1	\$ 95,200.00	1.360	\$ 70,000.00	0.0148	\$ 1,036.00	\$ 10,000.00
2-2	\$ 120,300.00	1.718	\$ 70,023.28	0.0300	\$ 2,100.70	\$ 10,000.00
2-3	\$ 216,400.00	1.731	\$ 125,014.44	0.0889	\$ 11,113.78	\$ 27,227.57
2-4	\$ 5,200.00	0.069	\$ 75,362.32	0.0032	\$ 241.16	\$ 10,000.00
2-5	\$ 11,800.00	0.270	\$ 43,703.70			
2-6	\$ 1,600.00	0.242	\$ 6,611.57	0.0150	\$ 99.17	\$ 10,000.00
* 2-7	\$ 188,700.00	1.420	\$ 132,887.32	0.1029	\$ 13,674.11	\$ 32,348.21
* 2-8	\$ 53,400.00	0.140	\$ 381,428.57	0.0901	\$ 34,366.71	\$ 73,733.43
2-9	\$ 52,500.00	0.75	\$ 70,000.00	0.0007	\$ 49.00	\$ 10,000.00
2-10	\$ 112,100.00	17.320	\$ 6,472.29	0.0008	\$ 5.18	\$ 10,000.00
2-11	\$ 71,400.00	1.020	\$ 70,000.00	0.1177	\$ 8,239.00	\$ 10,000.00
2-12	\$ 118,300.00	0.910	\$ 130,000.00	0.2593	\$ 33,709.00	\$ 72,418.00
2-13	\$ 94,000.00	8.763	\$ 10,726.92	0.2939	\$ 3,152.64	\$ 10,000.00
2-14	\$ 21,500.00	1.720	\$ 12,500.00	0.0383	\$ 478.75	\$ 10,000.00
2-15	\$ 13,900.00	0.579	\$ 24,006.91	0.0197	\$ 472.94	\$ 10,000.00
2-16	\$ 14,000.00	0.591	\$ 23,688.66	0.0326	\$ 772.25	\$ 10,000.00
2-17	\$ 13,100.00	0.463	\$ 28,293.74	0.0239	\$ 676.22	\$ 10,000.00
2-18	\$ 303,800.00	2.025	\$ 150,024.69	0.3496	\$ 52,448.63	\$ 109,897.26
2-19	\$ 32,200.00	0.460	\$ 70,000.00	0.0598	\$ 4,186.00	\$ 10,000.00
2-20	\$ 32,100.00	0.459	\$ 69,934.64	0.0554	\$ 3,874.38	\$ 10,000.00
2-21	\$ 33,600.00	0.480	\$ 70,000.00	0.0451	\$ 3,157.00	\$ 10,000.00
2-22	\$ 744,300.00	26.714	\$ 27,861.80	0.0352	\$ 980.74	\$ 10,000.00
2-23	\$ 13,200.00	0.480	\$ 27,500.00	0.027	\$ 742.50	\$ 10,000.00
2-24	\$ 60,000.00	1.000	\$ 60,000.00	0.0027	\$ 162.00	\$ 10,000.00
2-25	\$ 48,000.00	1.000	\$ 48,000.00			
2-26	\$ 151,300.00	2.521	\$ 60,015.87			
Total				1.7066	\$ 175,737.86	\$ 495,624.47

Notes

Turn Lane Cost (per LF) based on 2/1/21 Cost Per Mile spreadsheet provided by NCDOT. Cost to add turn lane to existing four lane divided roadway, assume same cost for two lane non-divided roadway.

Roundabout Cost - Interpolated based on 2/1/21 Roundabout Cost Estimate spreadsheet provided by NCDOT.

Total values rounded using 4 significant figures.

A minimum of \$10,000 used per impacted parcel.

Cost for new location roadway based on 2/1/21 Cost Per Mile spreadsheet provided by NCDOT. Cost for new location roadway assumed 2-lane shoulder section with 2' paved shoulder.

Costs were calculated based on FY 2020 dollars.

* - Full Parcel Take

MEMO

To: Mineral Springs Town Council
From: Rick Becker
Date: May 5, 2021
Subject: Resolutions Opposing Two General Assembly Bills

There are two bills that have been introduced in the state legislature that will have a profound negative effect on all local governments' – including Mineral Springs's – ability to regulate land use, development, and tree preservation.

House Bill 401 (and the identical Senate Bill 349) would force ALL local governments statewide to allow so-called “middle housing” types in all residential zoning districts. “Middle housing” includes duplexes, triplexes, quadruplexes, and townhouses, which would all be reclassified as “single family” if this bill becomes law. Areas without water and sewer service might not be required to allow all of these housing types, but the bill would force local governments to allow them if they “through extension MAY be served” (emphasis mine) or there is “a wastewater collection or treatment works, the operation of which is primarily to collect municipal or domestic wastewater and for which a permit is issued under Part 1 of Article 21 of Chapter 143 of the General Statutes”. Such “treatment works” would include private sewer treatment facilities such as package plants according to the definition in Chapter 143. The bill would also force the local governments to allow “accessory dwellings” on any lot in any residential zoning district.

Mineral Springs, as is the case with most local jurisdictions, already allows such housing types either by right or by special use permits in several zoning districts, so this bill which purports to “increase housing opportunities” really all but eliminates local residential zoning authority and replaces it with a “one size fits all” state mandate.

House Bill 496 would eliminate all tree-protection and preservation ordinances that apply to private property unless a local government has sought and received its own legislative approval for such regulation through a local act. Currently, most jurisdictions (including Mineral Springs) have very limited tree-preservation authority granted as part of the general police and land development regulation powers in the general statutes. This bill would repeal such authority and would repeal any related local ordinances, including tree preservation as part of the development approval process.

Both of these bills are an attack on the very foundation of local government regulatory authority. Current land-use regulation is already strictly governed by state law and local governments are already allowed only limited authority within strictly-enforced and narrowly-written enabling statutes. Contrary to the implication of these bills, local governments do NOT have unlimited or capricious authority over land development and tree preservation, and the bills seem to represent

“a solution in search of a problem”.

I have attached drafts of two resolutions, one opposing each of these bills. Council may have some suggestions on wording. I would suggest that Council consider each resolution in a separate motion. If adopted, we will send copies of the resolutions to the Union County delegation, members of the committees that are scheduled to report on the bills, and house and senate leaders. Council members might also wish to contact our senator and representatives individually. Representative David Willis represents most of Mineral Springs, and Representative Mark Brody represents a small southeastern sliver of the town. Senator Todd Johnson represents all of Mineral Springs.

Representative Brody is a primary sponsor of both of these bills.

TOWN OF MINERAL SPRINGS

RESOLUTION OPPOSING H401/S349 “INCREASE HOUSING OPPORTUNITIES” IN THE NORTH CAROLINA GENERAL ASSEMBLY

R-2021-03

WHEREAS, one of every local governing board’s primary purposes is to represent the desires of its citizens and to serve as a voice for the greater good of the community; and

WHEREAS, local regulation of land use and development is of paramount importance to protecting the well-being and quality of life for Mineral Springs residents; and

WHEREAS, House Bill 401 and Senate Bill 349 explicitly deny local governments the ability to effectively regulate land use and development in their jurisdictions; and

WHEREAS, North Carolina law, especially newly-enacted Chapter 160D, already imposes strict guidelines and limits on how local governments may regulate land use and development; and

WHEREAS, Mineral Springs has invested hundreds of hours and tens of thousands of tax dollars into adopting a development ordinance that reflects the input of citizens, planning professionals, and other stakeholders while diligently following all statutory requirements; and

WHEREAS, the Mineral Springs development ordinance already allows so-called “middle housing” types and accessory dwellings in multiple residential zoning districts; and

WHEREAS, forcing higher-density housing situations into every residential zoning district in every local jurisdiction as a matter of state law represents an inappropriate “one size fits all” mandate that bypasses the sound judgment and careful study undertaken by those local jurisdictions to be responsive to the individual needs of their residents; and

WHEREAS, local governments, closely guided as they are by their residents, are in the best position to determine which housing types are most suited to various locations throughout their jurisdictions.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Mineral Springs hereby opposes H401/S349 in its current form and requests that the North Carolina General Assembly drop this bill from consideration.

ADOPTED this 13th day of May, 2021.

Frederick Becker III, Mayor

ATTEST:

Vicky Brooks, CMC, NCCMC

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

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HOUSE BILL 401

Short Title: Increase Housing Opportunities. (Public)

Sponsors: Representatives D. Hall, Moffitt, Brody, and Richardson (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State Government, if favorable, Local Government - Land Use, Planning and
Development, if favorable, Rules, Calendar, and Operations of the House

March 25, 2021

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

PART I. AFFORDABLE HOUSING OPTIONS

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

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

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

(1) A duplex.

(2) A triplex.

(3) A quadplex.

(4) A townhouse.

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

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

(1) A local government water system.

(2) A local government sewer system.

(3) A public water system.



1 (4) A wastewater collection or treatment works, the operation of which is
2 primarily to collect or treat municipal or domestic wastewater and for which
3 a permit is issued under Part 1 of Article 21 of Chapter 143 of the General
4 Statutes."

5 **SECTION 1.1.(b)** G.S. 160D-102 is amended by adding a new subdivision to read:
6 "(28a) Single-family dwelling. – The term shall include all of the types of middle
7 housing as defined in G.S. 160D-707(a)."

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

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

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

19 "**§ 160D-917. Accessory dwelling units.**

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

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

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

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

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

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

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

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

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

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

- 49 (1) Lodging provided by hotels, motels, tourist camps, and other places subject to
50 regulation under Chapter 72 of the General Statutes.

- 1 (2) Rentals to persons temporarily renting a dwelling unit when traveling away
2 from their primary residence for business or employment purposes.
3 (3) Rentals to persons having no other place of primary residence.
4 (4) Rentals for which no more than nominal consideration is given.
5 (5) Accessory dwelling units permitted pursuant to G.S. 160D-917."

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

7 **SECTION 1.5.** Local governments shall adopt land use ordinances and regulations
8 or amend their comprehensive plans to implement the provisions in this Part no later than October
9 1, 2021.

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

12 **PART II. VARIOUS CHANGES AND CLARIFICATIONS TO THE ZONING** 13 **STATUTES FOR MORE HOUSING OPPORTUNITIES**

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

15 **"§ 160D-108. Permit choice and vested rights.**

16 (a) Findings. – The General Assembly recognizes that local government approval of
17 development typically follows significant investment in site evaluation, planning, development
18 costs, consultant fees, and related expenses. The General Assembly finds that it is necessary and
19 desirable to provide for the establishment of certain vested rights in order to ensure reasonable
20 certainty, stability, and fairness in the development regulation process, to secure the reasonable
21 expectations of landowners, and to foster cooperation between the public and private sectors in
22 land-use planning and development regulation. The provisions of this section and
23 G.S. 160D-108.1 strike an appropriate balance between private expectations and the public
24 interest.
25

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

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

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

- 40 (1) Buildings or uses of buildings or land for which a development permit
41 application has been submitted and subsequently issued in accordance with
42 G.S. 143-755.
43 (2) Subdivisions of land for which a development permit application authorizing
44 the subdivision has been submitted and subsequently issued in accordance
45 with G.S. 143-755.
46 (3) A site-specific vesting plan pursuant to G.S. 160D-108.1.
47 (4) A multi-phased development pursuant to subsection (f) of this section.
48 (5) A vested right established by the terms of a development agreement
49 authorized by Article 10 of this Chapter.

50 The establishment of a vested right under any subdivision of this subsection does not preclude
51 vesting under one or more other subdivisions of this subsection or vesting by application of

1 common law principles. A vested right, once established as provided for in this section or by
2 common law, precludes any action by a local government that would change, alter, impair,
3 prevent, diminish, or otherwise delay the development or use of the property allowed by the
4 applicable land development regulation or regulations, except where a change in State or federal
5 law mandating local government enforcement occurs after the development application is
6 submitted that has a fundamental and retroactive effect on the development or use.

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

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

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

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

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

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

1 person claiming a vested right may bring an original civil action as provided by
2 G.S. 160D-1403.1.

3 (i) Miscellaneous Provisions. – The vested rights granted by this section run with the
4 land except for the use of land for outdoor advertising governed by G.S. 136-131.1 and
5 G.S. 136-131.2 in which case the rights granted by this section run with the owner of a permit
6 issued by the North Carolina Department of Transportation. Nothing in this section precludes
7 judicial determination, based on common law principles or other statutory provisions, that a
8 vested right exists in a particular case or that a compensable taking has occurred. Except as
9 expressly provided in this section, nothing in this section shall be construed to alter the existing
10 common law.

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

12 (1) Development. – As defined in G.S. 143-755(e)(1).

13 (2) Development permit. – As defined in G.S. 143-755(e)(2).

14 (3) Land development regulation. – As defined in G.S. 143-755(e)(3).

15 (4) Multi-phased development. – A development containing 25 acres or more that
16 is both of the following:

17 a. Submitted for development permit approval to occur in more than one
18 phase.

19 b. Subject to a master development plan with committed elements
20 showing the type and intensity of use of each phase."

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

22 **"§ 160D-702. Grant of power.**

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

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

38 (1) The structures are located in an area designated as a local historic district
39 pursuant to Part 4 of Article 9 of this Chapter.

40 (2) The structures are located in an area designated as a historic district on the
41 National Register of Historic Places.

42 (3) The structures are individually designated as local, State, or national historic
43 landmarks.

44 (4) The regulations are directly and substantially related to the requirements of
45 applicable safety codes adopted under G.S. 143-138.

46 (5) Where the regulations are applied to manufactured housing in a manner
47 consistent with G.S. 160D-908 and federal law.

48 (6) Where the regulations are adopted as a condition of participation in the
49 National Flood Insurance Program.

50 Regulations prohibited by this subsection may not be applied, directly or indirectly, in any
51 zoning district or conditional district unless voluntarily consented to by the owners of all the

1 property to which those regulations may be applied as part of and in the course of the process of
2 seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval,
3 nor may any such regulations be applied indirectly as part of a review pursuant to G.S. 160D-604
4 or G.S. 160D-605 of any proposed zoning amendment for consistency with an adopted
5 comprehensive plan or other applicable officially adopted plan.

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

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

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

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

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

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

30 **SECTION 2.3.** G.S. 160D-703 reads as rewritten:

31 **"§ 160D-703. Zoning districts.**

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

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

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

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

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

47 (5) Districts allowed by charter.

48 (b) Conditional Districts. – Property may be placed in a conditional district only in
49 response to a petition by all owners of the property to be included. Specific conditions may be
50 proposed by the petitioner or the local government or its agencies, but only those conditions
51 approved by the local government and consented to by the petitioner in writing may be

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

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

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

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

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

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

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

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

34 **"§ 160D-703.1. Remedies for violations.**

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

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

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

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

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

48 (1) Commercial.

49 (2) Governmental.

50 (3) Industrial.

51 (4) Institutional.

1 (5) Residential."

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

3 **"§ 160D-706. Zoning conflicts with other development standards.**

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

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

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

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

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

26 **"§ 160D-1402. Appeals in the nature of certiorari.**

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

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

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

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

- 42 (1) Any person possessing any of the following criteria:
 - 43 a. An ownership interest in the property that is the subject of the decision
44 being appealed, a leasehold interest in the property that is the subject
45 of the decision being appealed, or an interest created by easement,
46 restriction, or covenant in the property that is the subject of the
47 decision being appealed.
 - 48 b. An option or contract to purchase the property that is the subject of the
49 decision being appealed.
 - 50 c. An applicant before the decision-making board whose decision is
51 being appealed.

- 1 (2) Any other person who will suffer special damages as the result of the decision
2 being appealed.
- 3 (3) An incorporated or unincorporated association to which owners or lessees of
4 property in a designated area belong by virtue of their owning or leasing
5 property in that area, or an association otherwise organized to protect and
6 foster the interest of the particular neighborhood or local area, so long as at
7 least one of the members of the association would have standing as an
8 individual to challenge the decision being appealed, and the association was
9 not created in response to the particular development or issue that is the
10 subject of the appeal.
- 11 (4) A local government whose decision-making board has made a decision that
12 the governing board believes improperly grants a variance from or is
13 otherwise inconsistent with the proper interpretation of a development
14 regulation adopted by the governing board.

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

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

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

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

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

- 50 (1) Any person described in subdivision (1) of subsection (c) of this section has
51 standing to intervene and shall be allowed to intervene as a matter of right.

1 (2) Any person, other than one described in subdivision (1) of subsection (c) of
2 this section, who seeks to intervene as a petitioner must demonstrate that the
3 person would have had standing to challenge the decision being appealed in
4 accordance with subdivisions (2) through (4) of subsection (c) of this section.

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

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

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

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

32 (1) Whether ~~a petitioner or an~~ intervenor has standing.

33 (2) Whether, as a result of impermissible conflict as described in G.S. 160D-109
34 or locally adopted conflict rules, the decision-making body was not
35 sufficiently impartial to comply with due process principles. A failure to
36 object at a hearing by a person with standing under subsection (c) of this
37 section shall not constitute a waiver of a right to assert impermissible conflict
38 involving any member of the quasi-judicial decision-making body.

39 (3) Whether the decision-making body erred for the reasons set forth in
40 sub-subdivisions a. and b. of subdivision (1) of subsection (j) of this section.

41 (j) Scope of Review. –

42 (1) When reviewing the decision under the provisions of this section, the court
43 shall ensure that the rights of petitioners have not been prejudiced because the
44 decision-making body's findings, inferences, conclusions, or decisions were:

45 a. In violation of constitutional provisions, including those protecting
46 procedural due process rights.

47 b. In excess of the statutory authority conferred upon the local
48 government, including preemption, or the authority conferred upon the
49 decision-making board by ordinance.

50 c. Inconsistent with applicable procedures specified by statute or
51 ordinance.

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

1 decision below with appropriate findings of fact. However, findings of fact
 2 are not necessary when the record sufficiently reveals the basis for the
 3 decision below or when the material facts are undisputed and the case presents
 4 only an issue of law.

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

11 a. If the court concludes that a permit was wrongfully denied because the
 12 denial was not based on competent, material, and substantial evidence
 13 or was otherwise based on an error of law, the court shall remand with
 14 instructions that the permit be issued, subject to any conditions
 15 expressly consented to by the permit applicant as part of the
 16 application or during the board of adjustment appeal or writ of
 17 certiorari appeal.

18 b. If the court concludes that a permit was wrongfully issued because the
 19 issuance was not based on competent, material, and substantial
 20 evidence or was otherwise based on an error of law, the court may
 21 remand with instructions that the permit be revoked.

22 c. If the court concludes that a zoning board decision upholding a zoning
 23 enforcement action was not supported by substantial competent
 24 evidence or was otherwise based on an error of law, the court shall
 25 reverse the decision.

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

28 ~~(4) If a development approval is appealed, appealed on the basis of a use not being
 29 permitted by a development regulation, the applicant shall have the right to
 30 commence work while the appeal is pending. However, if ~~the development~~
 31 ~~approval is reversed by a final decision of any court of competent jurisdiction,
 32 jurisdiction determines that the use is not allowed, the applicant shall not be
 33 deemed to have gained any vested rights on the basis of actions taken prior to
 34 or during the pendency of the appeal and must proceed as if no development
 35 approval had been granted.~~~~

36 ~~(2) Upon motion of a party to a proceeding under this section, and under~~
 37 ~~appropriate circumstances, the court may issue an injunctive order requiring~~
 38 ~~any other party to that proceeding to take certain action or refrain from taking~~
 39 ~~action that is consistent with the court's decision on the merits of the appeal.~~

40 (1) Effect of Appeal of Quasi-Judicial Relief. —

41 (1) An appeal by a party with standing under subsection (c) of this section from
 42 the granting of a special use permit by a local board or other development
 43 permit issued pursuant to quasi-judicial proceedings shall be rendered moot if
 44 development authorized by the approved permit substantially commences
 45 prior to the issuance of an injunction by a court under subsection (o) of this
 46 section or under Rule 65 of the Rules of Civil Procedure with appropriate
 47 security.

48 (2) If a special use permit is issued by the applicable local board after remand
 49 from a decision of a court of competent jurisdiction and no injunction is
 50 otherwise in place to prevent the issuance of a permit, any appeal related to
 51 the subject matter of the permit is rendered moot.

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

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

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

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

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

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

22 23 **PART IV. EFFECTIVE DATE**

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

TOWN OF MINERAL SPRINGS

RESOLUTION OPPOSING H496 “PROPERTY OWNERS’ RIGHTS/TREE ORDINANCES” IN THE NORTH CAROLINA GENERAL ASSEMBLY

R-2021-04

WHEREAS, one of every local government’s primary purposes is to protect the health, safety, and well-being of its citizens while serving as a voice for the greater good of the community; and

WHEREAS, trees, especially mature specimens that make up a region’s existing canopy, are a large contributor to that health, safety, and well-being as they generate atmospheric oxygen, sequester carbon, and reduce stormwater runoff and flooding; and

WHEREAS, tree preservation and retention requirements as part of a development plan are permissible under general authority granted by existing statutes; and

WHEREAS, the right of private landowners to remove trees on their property is already secured and protected by statute outside of the development approval process; and

WHEREAS, allowing developers to receive credit toward landscaping and buffer requirements for protecting existing trees during the development approval process facilitates efficient, cost-effective, and desirable outcomes; and

WHEREAS, arbitrarily eliminating the ability of local governments to regulate tree removal during the development process wreaks havoc with and creates conflict with already-approved landscaping plans and tree-preservation agreements; and

WHEREAS, demanding that local governments seek individual state authorization through local acts for tree preservation and protection introduces further inconsistency and confusion into the process of development approval; and

WHEREAS, H496 creates multiple conflicts with existing law including laws governing tree preservation in riparian buffers and laws delaying development approval following clear cutting, and hampers the application of sound urban forestry principles to tree management in developing areas.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Mineral Springs hereby opposes H496 and requests that the North Carolina General Assembly drop this bill from consideration.

ADOPTED this 13th day of May, 2021.

Frederick Becker III, Mayor

ATTEST:

Vicky Brooks, CMC, NCCMC

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

1

HOUSE BILL 496

Short Title: Property Owners' Rights/Tree Ordinances. (Public)

Sponsors: Representatives Boles, Hunter, Brody, and Moffitt (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Local Government - Land Use, Planning and Development, if favorable, Rules, Calendar, and Operations of the House

April 12, 2021

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT COUNTIES AND CITIES SHALL NOT ADOPT ORDINANCES REGULATING THE REMOVAL OF TREES FROM PRIVATE PROPERTY WITHOUT THE EXPRESS AUTHORIZATION OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read as follows:

"§ 153A-145.9. Limitations on regulating trees.

No county may adopt ordinances regulating the removal of trees from private property within the county's jurisdiction without the express authorization of the General Assembly. Neither the general police powers authorized in this Article nor any other powers authorized in this Chapter or in any other general or local law, except a general or local law expressly authorizing a county to adopt ordinances regulating the removal of trees from private property, shall be used by a county's governing body as the basis for adopting ordinances regulating the removal of trees from private property."

SECTION 2. Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read as follows:

"§ 160A-205.4. Limitations on regulating trees.

No city may adopt ordinances regulating the removal of trees from private property within the city's corporate limits or extraterritorial jurisdiction without the express authorization of the General Assembly. Neither the general police powers authorized in this Article nor any other powers authorized in this Chapter or in any other general or local law, except a general or local law expressly authorizing a city to adopt ordinances regulating the removal of trees from private property, shall be used by a city's governing body as the basis for adopting ordinances regulating the removal of trees from private property."

SECTION 3. Any local acts authorizing ordinances regulating the removal of trees from private property and any ordinances that were adopted under that authority before the date this act becomes law shall remain in effect after this act becomes law.

SECTION 4. Any ordinances regulating the removal of trees from private property that were adopted before the date this act becomes law without the express authorization of the General Assembly are hereby repealed.

SECTION 5. This act is effective when it becomes law.





Town of Mineral Springs
Town Clerk / Zoning Administrator
Vicky Brooks
P O Box 600
Mineral Springs, NC 28108
704-289-5331
704-243-1705 FAX
msvickybrooks@aol.com
www.mineralspringsnc.com

MEMO

To: Town Council
From: Vicky Brooks
Date: May 6, 2021
Re: Agenda Item # 8 – Benchmark Planning Information for Scope of Services Quote

Ms. Erin Burris from Benchmark Planning has requested more information from the town on the services they want to have included in the Scope of Services quote for revising the Land Use Plan.

Does the council want Benchmark Planning to do a new survey?

How many workshops does the council feel will be appropriate?

Does the council want a public drop-in public workshop? If so, how many?

Town of Mineral Springs

PROPOSED BUDGET 2021-2022

Prepared for:

The Mineral Springs Town Council

By:

Frederick Becker III
Budget Officer

May 13, 2021

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FY2021-22 PROPOSED BUDGET

TABLE OF CONTENTS

Item	Page
Message from the Budget Officer	2
Budget Introduction	3
Budget Ordinance 2021-2022	6
Budget: details by department 2021-2022	8
Budget Analysis 2021-2022	10
Revenue-Neutral Calculations & Analysis	16
Revenue Graph 2021-2022	18
Expenditure Graph 2021-2022	19
2020-2021 Budget Details (Prior Year)	20
2020-2021 Projected Budget Comparison (Prior Year)	22

**TOWN OF MINERAL SPRINGS
2021-2022 BUDGET**

MESSAGE FROM THE BUDGET OFFICER

I hereby present this recommended budget for the 2021-2022 fiscal year to the Mineral Springs town council.

The FY2021-22 budget reflects anticipated revenues and expenditures of \$364,215.00 including capital expenditures, which represents a \$12,735.00 increase over last year's final budget. General government expenditures total \$333,166.00, an increase of \$4,091.00, while the capital budget has increased by \$8,644.00 to \$31,049.00.

In the "Community" department, we are proposing a \$4,800.00 decrease, due mostly to the cancellation of the Fall Festival originally scheduled for September 11, 2021. There is a proposed 3% increase for employees, both salaried and hourly, but there is no change to the salaries of the town council and mayor, which will remain at \$150/month and \$400/month respectively. "Employee Overhead" will increase by \$2,500.00 over the FY2020-21 appropriation. There will be a municipal election on November 2, 2021, so an appropriation of \$3,300.00 for "Elections" has been included. Most other proposed operating expenditures are very close to their previous year's level.

The revenue side of the budget reflects a property tax base of approximately \$372.8 million, an increase of approximately \$97.2 million over the FY2020-20 tax base. Most of this increase is due to the countywide real property revaluation conducted by Union County. As a result, we have calculated a theoretical revenue-neutral tax rate as required by NC G.S. §159-11(e) and have lowered the proposed property tax rate accordingly. These calculations are presented on pages 16 – 17. Vehicle property taxes are expected to decrease slightly due to the reduced tax rate even though the vehicle tax base has increased slightly. General sales and use tax revenues increased unexpectedly last year, and we expect them to remain close to last year's. Other sales taxes should remain close to last year's. The estimate of the town's overall state-shared sales-tax revenue stream has been increased from \$264,410.00 to \$271,925.00.

As always, Council is cautioned to view all sales taxes as being somewhat unstable, as demonstrated by the effect the COVID-19 slowdown had on some of these revenues. Even though the electricity sales tax has become more stable due to 2013 changes in state tax laws, it is a large revenue stream that is not under direct control of the town and is sensitive to overall economic conditions.

I am pleased to recommend a 0.4-cent reduction in the property tax rate. The proposed *ad valorem* tax rate for the 2021-22 fiscal year is 2.1 cents per \$100, down from 2.5 cents.



Frederick Becker III, Budget Officer

MAK 6, 2021

Date

TOWN OF MINERAL SPRINGS 2021-2022 BUDGET

BUDGET INTRODUCTION

FUND ACCOUNTING

The accounts of the Town of Mineral Springs are organized and operated on the basis of *funds*. A fund is a grouping of related accounts that have been segregated for specific activities or objectives.

Funds used by local governments can be grouped into two types: *governmental funds* and *proprietary funds*. Governmental funds are simply used to account for most governmental-type activities and are primarily financed by tax revenues. Proprietary funds are used for activities that operate more like businesses, such as water or sewer operations, where expenses are primarily financed by revenues derived from user charges rather than tax dollars. Mineral Springs currently uses only governmental funds, primarily a single *General Fund* and, when needed, *Capital Project Funds*.

General Fund

The General Fund encompasses most of the town's day-to-day operations. Property taxes are one component of General Fund revenue. Other important General Fund revenue sources are various sales taxes and excise taxes that are distributed to the town by the North Carolina Department of Revenue. Finally, specific user charges such as permit fees are accounted for as General Fund revenues.

All general operating expenditures are budgeted and accounted for in the General Fund. In addition, capital expenditures (purchases of real and personal property assets that have multi-year service lives) are likewise budgeted and accounted for in the General Fund. Mineral Springs considers expenditures for fixed assets with a value greater than five hundred

dollars (\$500.00) to be capital expenditures.

Capital Project Funds

Capital Project Funds are used to budget and account for larger capital expenditures that may take place over more than one fiscal year. A large or multi-year capital project is authorized by a *Capital Project Ordinance* adopted by the town council, and the project is financed through a related Capital Project Fund. The Capital Project Fund may receive transfers from the General Fund, or it may receive funds from other revenue sources such as grants or bond proceeds.

In recent years, the Town of Mineral Springs has established Capital Project Funds to construct the town hall, to purchase real property for conservation and recreation utilizing a North Carolina Clean Water Management Trust Fund grant, to purchase and undertake initial repairs on the historic Mineral Springs School agriculture building, to construct a parking area and trailhead for the Mineral Springs Greenway, and to construct a small park adjacent to the town hall.

Capital Project Fund expenditures are not included in the General Fund budget, but NC G.S. §159-13.2(f) states that “[e]ach year the budget officer shall include in the budget information in such detail as he or the governing board may require concerning each grant project or capital project (i) expected to be authorized by project ordinance during the budget year and (ii) authorized by previously adopted project ordinances which will have appropriations available for expenditure during the budget year.” The Town of Mineral Springs currently has no open Capital Project Ordinances.

BUDGET PREPARATION

The town of Mineral Springs operates on a *fiscal year* that runs from July 1 through June 30. The annual budget process begins with the budget officer working with departmental staff to estimate operating expenditures for the next fiscal year. These estimates usually begin in March. The following schedule has been established for the Mineral Springs fiscal year 2021-2022 budget preparation and enactment process:

April 8, 2021: Suggested departmental appropriations are presented to the town council at its regular meeting. No revenue estimates are presented at this time. Council is asked to review the budget officer's draft appropriations worksheet and advise him of any changes.

May 13, 2021: Prior to the town council's regular May meeting, the budget officer completes his estimates of anticipated revenues for the upcoming fiscal year and incorporates these estimates plus Council's recommended departmental expenditures into the *Recommended (or Proposed) Budget*. The Recommended Budget contains information on prior-year budgets, a detailed departmental revenue and expenditure breakdown, an analysis of those figures, a *draft FY2021-22 budget ordinance*, and a *budget message* that provides a brief overview of the proposed budget. The draft budget ordinance also includes a recommended property tax rate. The budget officer must file a copy of the recommended budget with the town clerk on the day it is submitted to Council.

Council may make additional changes to the recommended budget, and then by motion will call for a public hearing on the budget. The town clerk will then advertise the time and place of that hearing, as well as stating in that advertisement that the budget is available for public inspection at the clerk's office. In Mineral Springs, the public hearing is generally conducted at the regular June town council meeting, and

the budget ordinance (subject to any additional changes) is then adopted by vote of the town council.

June 10, 2021: Council conducts the budget hearing and adopts a budget ordinance. North Carolina general statute also requires that copies of the adopted budget ordinance be filed in the offices of the town clerk, the budget officer, and the finance officer.

ADDITIONAL REQUIREMENT IN REAL PROPERTY REVALUATION YEARS

Counties in North Carolina are required by statute to conduct real-property revaluations on a regular basis in order to ensure that the assessed values of properties in the county reflect their actual value as closely as possible. Union County last conducted such a revaluation in 2015, and large changes in the values of real property since then necessitated another real-property revaluation in 2021.

In revaluation years, NC G. S. §159-11(e) requires budget officers to calculate a *revenue-neutral* tax rate and present those calculations in the Recommended Budget. The "revenue-neutral" property tax rate is the rate that would yield the same total tax revenue for the jurisdiction as was collected in the fiscal year prior to the revaluation, adjusted for year-over-year growth due to new development. Real property assessments in Union County increased substantially as a result of the revaluation, so the revenue-neutral tax rate would be lower than the previous year's tax rate. The Town of Mineral Springs is not required to adopt that revenue-neutral tax rate in the FY2021-22 budget, but that number serves as an additional piece of information that helps put the proposed property tax rate in perspective.

THE ROLE OF THE ANNUAL BUDGET ORDINANCE

Under the North Carolina Local Government Budget and Fiscal Control

Act, no expenditure may be made by the finance officer or any departmental personnel if that expenditure is not authorized in the adopted budget ordinance. It should be noted that the governing document is the *ordinance*, and not the more detailed departmental expenditure breakdown. For example, if the “Office” appropriation in the budget ordinance is \$149,844, and the detailed breakdown lists expenditures of \$2,400 for “equipment” and \$5,000 for “utilities”, it would be perfectly legal for the finance officer to make “equipment” expenditures of \$3,000 and “utility” expenditures of \$5,800 during the fiscal year, *provided the total of all expenditures in the “Office” category does not exceed \$149,844.*

Some local governments allow the finance officer to make transfers between departmental appropriations in the budget ordinance as necessary. The Mineral Springs town council does not grant the finance officer this authority. If the finance officer finds that upcoming expenditures would exceed an appropriation in the budget ordinance, he *must* prepare a *budget amendment* and present it to Council for approval. This process serves as another layer of internal control, ensuring that the ultimate responsibility for compliance with the adopted budget ordinance rests solely with the town council.

STATE OF NORTH CAROLINA
TOWN OF MINERAL SPRINGS

**AN ORDINANCE TO ESTABLISH A BUDGET
FOR FISCAL YEAR 2021-2022
O-2020-02**

BE IT ORDAINED by the Council of the Town of Mineral Springs, North Carolina, the following:

Section I. Appropriations. The following amounts are hereby approved in the General Fund for the operation of the Town government and its activities for the fiscal year beginning 7/1/2021 and ending 6/30/2022, in accordance with a Chart of Accounts to be established for the Town:

ADMINISTRATIVE & GENERAL GOVERNMENT:	\$333,166.00
Advertising	\$1,800.00
Attorney	\$9,600.00
Audit	\$4,730.00
Charities and Agencies	\$10,545.00
Community Projects	\$26,000.00
Contingency	\$3,000.00
Elections	\$3,300.00
Employee Overhead	\$35,000.00
Fire Protection	\$12,000.00
Intergovernmental	\$15,000.00
Office and Administrative	\$152,919.00
Planning and Zoning	\$49,272.00
Street Lighting	\$1,200.00
Tax Collection	\$1,600.00
Training	\$3,000.00
Travel	\$4,200.00
CAPITAL:	\$31,049.00
Capital outlay	\$31,049.00
TOTAL APPROPRIATIONS:	\$364,215.00

Section II. Estimated Revenues. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning 7/1/2021 and ending 6/30/2022:

Property taxes	\$78,365.00
Interest	\$2,500.00
Other income	\$1,200.00
Sales taxes	\$271,925.00
Vehicle taxes	\$6,725.00
Zoning fees	\$3,500.00
TOTAL ESTIMATED REVENUES:	\$364,215.00

Section III. Property Tax Levy. A tax in the amount of \$0.021 per \$100.00 of assessed valuation is hereby levied on property within the Town of Mineral Springs which was listed for property taxes in Union County, North Carolina as of January 1, 2021.

ADOPTED this 10th day of June 2021. Witness my hand and official seal:

Frederick Becker III, Mayor

Attest:

Vicky A. Brooks, Clerk

REVENUES				\$ 364,215
<i>TOTAL INCOME</i>				<i>\$ 364,215</i>
Property Taxes			\$ 78,365	
Current Year	\$ 77,765			
Prior Years	\$ 600			
Interest			\$ 2,500	
Other Income			\$ 1,200	
Festival	\$ -			
Miscellaneous	\$ 1,200			
Sales Tax			\$ 271,925	
Alcoholic Beverage	\$ 13,145			
Electricity	\$ 208,000			
General Sales & Use	\$ 29,430			
Natural Gas Excise	\$ 950			
Telecommunications	\$ 2,400			
Video Programming	\$ 18,000			
Vehicle Taxes			\$ 6,725	
Zoning Fees			\$ 3,500	

EXPENDITURES				\$ 364,215
<i>ADMINISTRATIVE & GENERAL GOVERNMENT</i>				<i>\$ 333,166</i>
Advertising			\$ 1,800	
Attorney			\$ 9,600	
Audit			\$ 4,730	
Charities & Agencies			\$ 10,545	
Community			\$ 26,000	
Beautification, Maintenance	\$ 6,300			
Newsletter	\$ 2,700			
Special events	\$ 10,000			
Festival	\$ 5,000			
AMG	\$ 4,000			
Misc	\$ 1,000			
Park & Greenway Maint	\$ 7,000			
Contingency			\$ 3,000	
Elections			\$ 3,300	
Employee Overhead (FICA, work comp, bonds)			\$ 35,000	
Fire Protection			\$ 12,000	
Intergovernmental			\$ 15,000	
Intersection Study	\$ 5,000			
Construction Match	\$ 10,000			

Office				\$	152,919
Salary: Clerk	\$	39,648			
Salary: Deputy Clerk/Assistant	\$	12,300			
Salary: Finance Officer	\$	36,624			
Salary: Mayor	\$	4,800			
Salary: Council	\$	10,800			
Dues	\$	7,300			
Insurance	\$	4,000			
Records Management	\$	5,347			
Equipment & durable items	\$	2,400			
Supplies	\$	4,000			
Postage (General)	\$	1,000			
Telephone, Internet	\$	7,200			
Reserve/Misc	\$	1,000			
Town Hall Maintenance	\$	12,000			
Supplies	\$	2,000			
Services	\$	10,000			
Utilities	\$	4,500			
Planning				\$	49,272
Zoning Ord. & Planning	\$	5,000			
Zoning Administration	\$	36,272			
Salary	\$	34,272			
Contract	\$	2,000			
Land Use Planning	\$	5,000			
Reserve/Misc	\$	3,000			
Street Lighting				\$	1,200
Tax Collection				\$	1,600
Salary	\$	-			
Contract (Union County)	\$	1,600			
Postage	\$	-			
Billing	\$	-			
Training				\$	3,000
Boards	\$	1,000			
Officials	\$	1,000			
Staff (Clerk, TC, FO)	\$	1,000			
Travel Expenses				\$	4,200
<i>CAPITAL</i>				\$	<i>31,049</i>
Capital Outlay				\$	31,049

Town of Mineral Springs
2021-2022 BUDGET ANALYSIS

I. Appropriations

Administrative & General Government

Advertising **\$1,800.00**
Included are required notifications of public hearings and special meetings involving the town council, planning board, and board of adjustment, and advertising in the 2022 Queen’s Cup Race Program. This appropriation is unchanged from last year.

Attorney **\$9,600.00**
This appropriation includes \$3,600.00 for retainer and general expense, and remains the same as last year’s appropriation.

Audit **\$4,730.00**
Kendra Gangal, CPA last year proposed an annual charge for audit services of \$4,730 over the following three years.

Charities & Agencies **\$10,545.00**
Council has approved this separate appropriation in the budget ordinance in order to bring more control and greater transparency to the town’s contribution to various local non-profits. The amount is calculated as 3% of the previous year’s total budget: $0.03 \times \$351,480.00 = \$10,544.40$, rounded to \$10,545.00.

Community **\$26,000.00**
This appropriation is to be used for projects and services intended to benefit the quality of life in Mineral Springs, including maintenance and beautification. Downtown pole banners and Christmas lights are included in this appropriation. The Community appropriation has been decreased by \$4,800.00 over last year’s appropriation, most of which is a result of the 2021 Fall Festival being canceled. An appropriation of \$5,000 has been included in the event that the town elects to conduct one or more “festival-like” activities later in the fiscal year. The service partnership with Artists Music Guild for music licensing, festival entertainment, and other event programming remains \$4,000.00.

Contingency **\$3,000.00**
This appropriation is intended to cover small unforeseen expenses in miscellaneous categories which might arise during the fiscal year. Access to Contingency funds is generally accomplished through the budget amendment process. The contingency appropriation will not necessarily be expended.

Elections **\$3,300.00**
There will be a municipal election on November 2, 2021 for which the town will be billed by Union County, and the estimated cost of \$3,300 is based on past experience.

Employee Overhead**\$35,000.00**

Includes Scheduled bonds for Tax Collector at \$100.00, Clerk/Zoning Administrator at \$100.00, Finance Officer at \$450.00, workers compensation at \$2,500.00, FICA at \$10,600, NCLM benefits at \$1,800, and payroll processing at \$1,650. In addition, our required contribution to the NC Local Governmental Employees' Retirement System (NCLGERS) is estimated at \$17,800. This is a \$2,500 increase over last year, reflecting the increased FICA expenditures resulting from the 3% salary increases, an NCLGERS increase from 14.85% to 16.05%, and small increases in rates for the NCLM insurance and workers compensation.

Fire Protection**\$12,000.00**

Our regular annual payment to the Mineral Springs Volunteer Fire and Rescue Department remains \$10,000, and our Fire Suppression Agreement with the Waxhaw Volunteer Fire Department includes an annual payment of \$2,000.00.

Intergovernmental**\$15,000.00**

The town has been working on a cooperative transportation program with Union County. The second phase of the Union County Critical Intersection Study has been completed, and \$2,500 of the \$5,000 planning portion of the appropriation was contributed by Mineral Springs for that study (which includes a Mineral Springs intersection) in FY2020-21. Another \$10,000 was proposed as an appropriation that could be used as a local match to NCDOT to expedite construction of one or more projects in the town. We are proposing the same levels for next year. These expenditures may not necessarily all be made during the upcoming fiscal year.

Office & Administration**\$152,919.00**

We are proposing increasing the clerk's base salary to \$39,648.00 and the finance officer's base salary to \$36,624.00, representing a 3% cost-of-living and longevity increase. Council has re-authorized the part-time position of deputy clerk/office assistant for at least 12 hours per week, and Council has authorized increasing the hourly rate for that position to \$19.00/hr. This position has been budgeted at \$12,300 allowing for flexibility in the number of hours worked. Council salaries will remain \$150.00 per month for FY2021-22, and the mayor's salary will remain \$400.00 per month. Proposed expenditures for most routine office expenses and town hall overhead remain similar to last year's.

Planning**\$49,272.00**

Council has recommended increasing the planning director/zoning administrator's salary by 3% to \$34,272.00. The proposed \$2,000.00 appropriation for contract services associated with providing assistance with administration from third parties remains the same as last year's. Included in that appropriation is an amount of \$1,254.40 to cover an interlocal agreement with Union County for joint funding of the Urban Forester position and the cost of contract enforcement by N-Focus of the town's abandoned swimming pool ordinance. The new Unified Development Ordinance has been completed but additional revisions are required for bringing the document into compliance with the state's new Chapter 160D legislation. \$5,000 is proposed to cover the costs of those

revisions. The \$5,000.00 allowance for land use plan updates and the \$3,000.00 allowance for miscellaneous expenditures, including clerical and mapping services, are the same as last year's. The planning director is currently seeking proposals for updating the land use plan.

Street Lighting **\$1,200.00**

This appropriation covers the cost of providing roadway lighting in the downtown area. This amount has been reduced by \$400 from last year's due to a rate reduction by Duke Energy.

Tax Collection **\$1,600.00**

Mineral Springs will continue operating under contract with Union County for property tax collection at a cost of 1.5% of the gross collections, which has worked very well for the town. Total commissions to Union County for FY2021-22 are estimated at \$1,600 which includes both current year and prior year collections. The current deputy clerk position will no longer include delinquent tax collection since the last of the prior-year taxes not subject to collection by Union County have either been collected or written off.

Training **\$3,000.00**

Ongoing training sessions for the governing board, citizen boards, and staff are offered throughout the year by the Institute of Government, the NC League of Municipalities, and other professional organizations.

Travel Expenses **\$4,200.00**

Included are expenses for travel to off-site training sessions, and any necessary meals and overnight accommodations. Also included are reimbursements for expenses incurred by council and staff in the course of ordinary business. This appropriation is the same as last year's; it is expected that there will be attendance at several clerk, planner, and elected official classes and conventions this fiscal year that will incur travel and lodging expenditures.

Capital

Capital Outlay **\$31,049.00**

These funds are designated for capital needs such as major equipment purchases, furniture and fixtures, and improvements to or purchases of real property.

II. Estimated Revenues

Interest Earned **\$2,500.00**

Short-term interest rates have continued to drop in response to Federal Reserve policy. Our Money Market account is currently earning only 0.10%; this has fallen from 0.69% a year ago. We have rolled over our 13-month CD and added another \$100,000 to it for a total deposit of \$300,000, but the new CD rate is 0.75% (down from 1.65%) and may fall further if we roll it over again this year. Although fund balance has continued to increase,

we anticipate total interest earned during FY2020-21 will fall short of budget by nearly \$2,000 and interest income for FY2021-22 will be even less.

Other **\$1,200.00**

This category covers various small-scale sources of revenue not accounted for in the other major categories. We anticipate refunds of North Carolina sales and use taxes paid by the town on purchases, and a few miscellaneous payments and fees such as copy charges. Zoning fees continue to be budgeted as a separate line item.

2021 Property Tax Receipts **\$77,765.00**

The estimated tax base has increased substantially due to Union County's property revaluation. Union County's estimate for real property is \$361,387,580 which we are reducing by 2.5% (\$9,034,690) to account for likely reductions as more appeals make it through the county's process. We estimate that our Public Service Property tax base will be \$5,596,953 based on last year's figure.

We are proposing an *ad valorem* tax rate of \$0.021/\$100, a reduction of 0.4¢ from last year's rate but 0.15¢ above the estimated revenue neutral rate.

Gross estimated tax levy must be reduced based on the collection rate for FY2019-20 as of June 30, 2020, which was 99.34% according to the Union County tax administrator.

The revenue estimate was arrived at as follows:

Real Property	\$361,387,580
Potential Appeals	-\$9,034,690
Personal Property	\$14,812,874
Public Service Property (est.)	\$5,596,953
Est. Real and Personal Tax Base	\$372,762,717

Tax rate: \$0.021/\$100 assessed valuation

Total levy: \$78,280.17

Estimated collection rate: 99.34% → \$77,763.52

Property Taxes, prior years **\$600.00**

We will receive some 2012 through 2020 delinquent tax payments from Union County. The total outstanding property taxes for that period will be approximately \$1,000, and we should expect Union County to collect over half of that. There will be no more collections of delinquent taxes from 2011 or earlier.

Sales Taxes **\$271,925.00**

Based on current fiscal year performance and accounting for anticipated economic conditions, the estimated breakdown is as follows:

Alcoholic Beverage tax	\$13,145.00
Electricity sales tax	\$208,000.00
General sales and use tax	\$29,430.00
Natural Gas excise tax	\$950.00

Telecommunications sales tax	\$2,400.00
Video Programming sales tax	\$18,000.00
Total	\$271,925.00

The amount of Alcoholic Beverage tax distributed to municipalities is *not* based on actual sales within the municipalities but instead is based solely on population. For 2019-20, municipalities where beer and wine sales were allowed received approximately \$4.29 per capita. The estimate of \$13,145.00 is arrived at by using the FY2019-20 Alcoholic Beverage Tax revenue with no increase since that is the most recent data available. Monthly General Sales and Use Tax revenues have actually increased during the current fiscal year in spite of COVID-19-related closures, and these revenues are now averaging approximately \$2,450/month. We believe that these collections will remain steady next fiscal year. The budget reflects an estimated \$8,030.00 increase from this fiscal year. As for the Electricity Sales Tax, the town’s largest revenue source, the amount has leveled off or even decreased slightly over the past few years. When North Carolina changed this tax from a franchise tax to a sales tax beginning in FY2014-15, the general assembly established FY2013-14 as the “baseline year” for this distribution. Sales tax on additional electricity consumption above this “baseline” amount is calculated by the same formula that General Sales and Use tax distributions are calculated: a formula that allocates the distribution based on the town’s percentage of the total property tax levy in the county. Because Mineral Springs has such a low tax base and tax rate, our levy is a very small percentage of the countywide levy and as a result incremental increases in Electricity Sales Tax distributions are very small. This year we are budgeting a \$1,000 increase in the anticipated Electricity Sales Tax distribution based on the average amount over the past few years. Telecommunications and Video Programming sales tax distributions have been treated this way for many years and have remained very flat over time, but we expect these revenue streams – particularly telecommunications – to decrease from last year. Overall, we are anticipating an increase of \$7,515.00 in sales tax revenue for FY2021-22.

Vehicle Taxes

\$6,725.00

Current-year vehicle taxes will all be collected by Union County via the state Vehicle Tax System in which property taxes are collected directly at the time of registration renewal. This amount reflects a collection rate of 98%, based on Union County’s estimate of the Mineral Springs vehicle tax base of \$32,675,834. In reality, the state-collected system yields a theoretical 100% collection rate for accounting purposes, since the way the system works the tax levy doesn’t exist until it is collected. Even so, some vehicles don’t get renewed, and some collections end up being refunded. Using a 98% collection rate is just an estimate reflecting these vehicles leaving the tax rolls.

Note that this revenue stream is down \$1,210 from last year’s vehicle tax levy even though the vehicle tax value estimate is the same as last year’s. This is due to the reduction in the property tax rate as a result of the county revaluation. Vehicle values are unaffected by property tax values, but the tax rate for vehicles must by state law be the same as the tax rate for other property.

Zoning fees

\$3,500.00

This estimate is based on the current rate of new construction both individually and in subdivisions (with only the Harrington Hall and McNeely Farms subdivisions actively building), plus additional zoning permits for accessory structures, garages, signs, and fences as well as miscellaneous applications for amendments, special use permits, and variances. Overall, zoning activity is expected to be similar to that of FY2020-21, which exceeded the \$2,500 budgeted amount.

**ANALYSIS OF PROPOSED FY2015-16 *AD VALOREM* TAX RATE
Compliance With NC G.S. § 159-11 (e)**

North Carolina General Statutes section § 159-11 (e) requires the following:

In each year in which a general reappraisal of real property has been conducted, the budget officer shall include in the budget, for comparison purposes, a statement of the revenue-neutral property tax rate for the budget. The revenue-neutral property tax rate is the rate that is estimated to produce revenue for the next fiscal year equal to the revenue that would have been produced for the next fiscal year by the current tax rate if no reappraisal had occurred. To calculate the revenue-neutral tax rate, the budget officer shall first determine a rate that would produce revenues equal to those produced for the current fiscal year and then increase the rate by a growth factor equal to the average annual percentage increase in the tax base due to improvements since the last general reappraisal. This growth factor represents the expected percentage increase in the value of the tax base due to improvements during the next fiscal year. The budget officer shall further adjust the rate to account for any annexation, deannexation, merger, or similar event.

I. Tax base for FY2020-21 and estimated tax base for FY2021-22

FY2020-21		FY2021-22	
Real	\$251,400,480	Real (county est.)	\$361,387,580
Personal	\$18,691,214	Personal (county est.)	\$14,812,874
Public Service	\$5,596,953	Public Service (est. unchanged)	\$5,596,953
Subtotal	\$275,688,647		\$381,797,407
Vehicles (est.)	\$32,675,834	Vehicles (county est.)	\$32,675,834
Total	\$308,364,481		\$414,473,241
Potential Reduction Due to Appeals (2.5% of Real Property, est.)			-\$9,034,690
Grand Total	\$308,364,481		\$405,438,551

II. Tax levy for FY2020-21 @ rate = \$0.025/\$100

Real, Personal, & Public Service	\$68,960
Vehicles (est.)	\$8,216
Total Levy	\$77,176

III. Rate for FY2021-22 to yield same levy as FY2020-21

\$77,176 ÷ \$405,438,551 x 100	0.01904 (1.904¢)
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IV. Calculation of average annual increase in tax base due to improvements since last general reappraisal

Period	Prior → Subsequent	Increase	% Increase
2015→2016	\$275,272,000→\$275,692,920	\$420,920	0.15%
2016→2017	\$275,692,920→\$289,232,000	\$13,539,080	4.91%
2017→2018	\$289,232,000→\$300,008,000	\$10,776,000	3.73%
2018→2019	\$300,008,000→\$303,924,000	\$3,916,000	1.31%
2019→2020	\$303,924,000→\$308,364,481	\$4,440,481	1.46%
Average Increase		\$6,618,496	2.31%

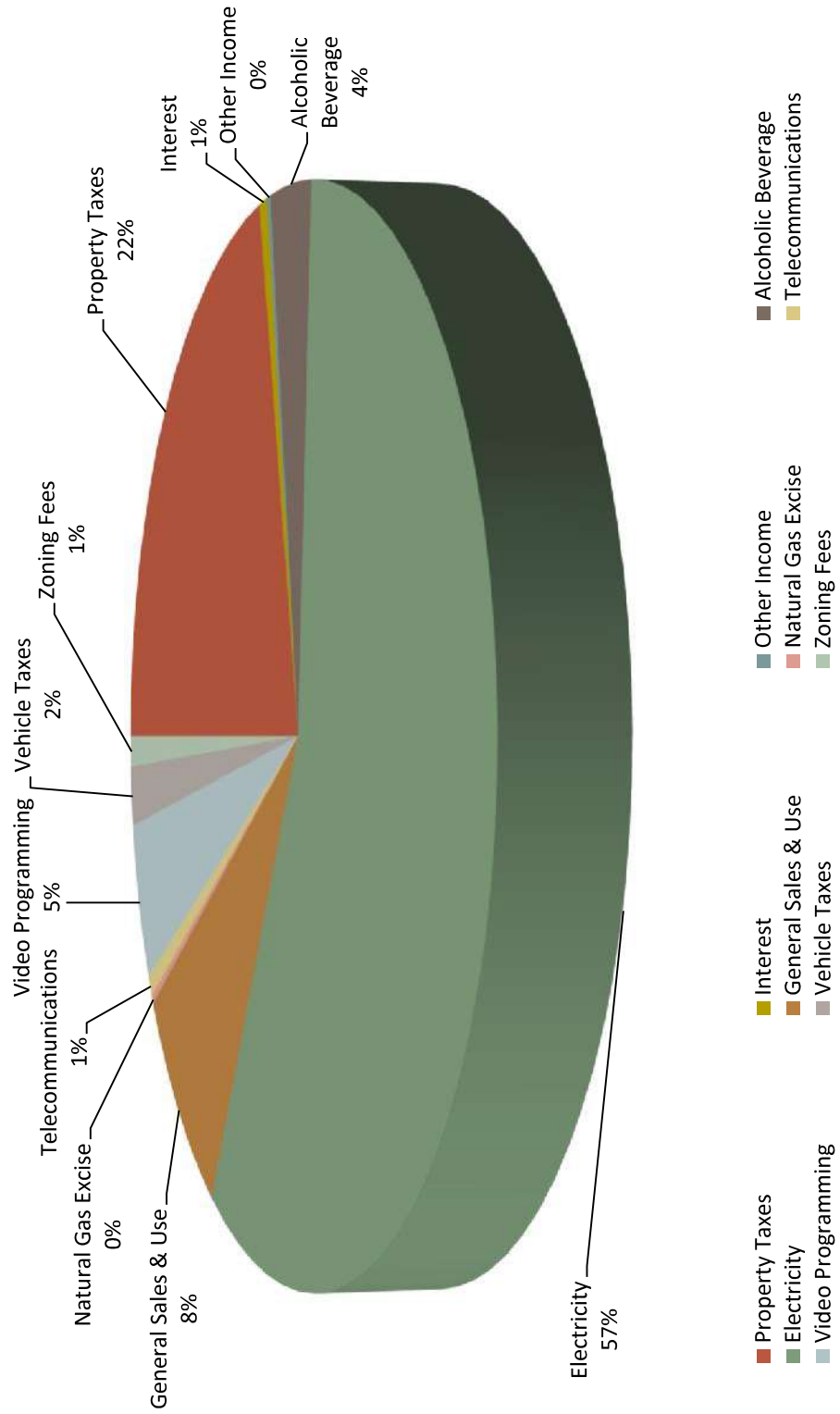
V. Rate increased by calculated growth factor

0.01904 x 1.0231	0.1948 (1.95¢)
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The revenue neutral tax rate for FY2021-22 accounting for the 5-year-average growth factor would be **\$0.0195/\$100.**

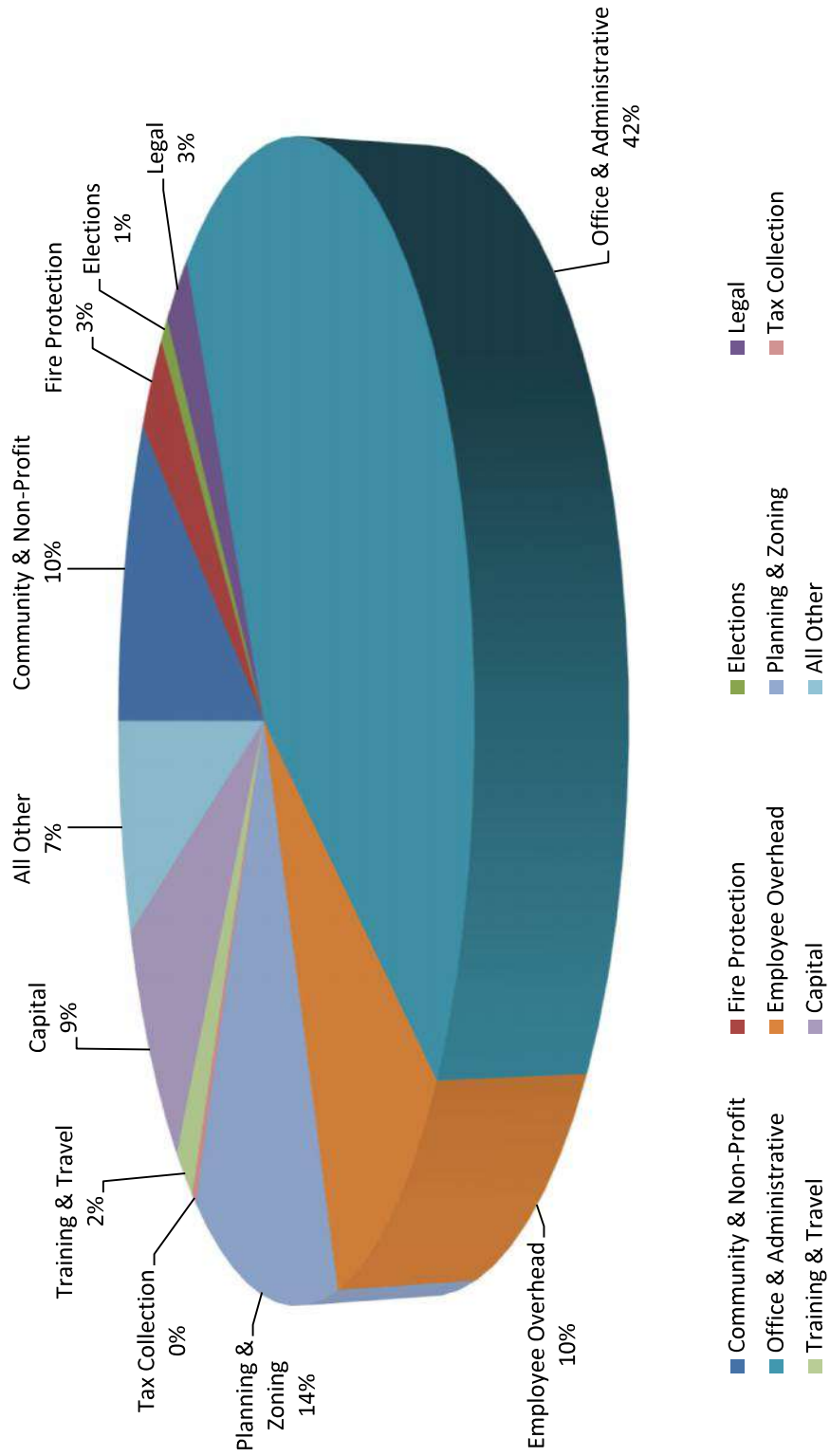
Mineral Springs Proposed Revenues 2021-2022

\$364,215



Mineral Springs Proposed Expenditures 2021-22

\$364,215



PRIOR YEAR (AS ADOPTED)

REVENUES			\$ 351,480
<i>TOTAL INCOME</i>			<i>\$ 351,480</i>
Property Taxes		\$ 67,810	
Current Year	\$ 67,210		
Prior Years	\$ 600		
Interest		\$ 5,825	
Other Income		\$ 3,000	
Festival	\$ 1,800		
Miscellaneous	\$ 1,200		
Sales Tax		\$ 264,410	
Alcoholic Beverage	\$ 13,015		
Electricity	\$ 207,000		
General Sales & Use	\$ 21,400		
Natural Gas Excise	\$ 1,095		
Telecommunications	\$ 3,200		
Video Programming	\$ 18,700		
Vehicle Taxes		\$ 7,935	
Zoning Fees		\$ 2,500	

EXPENDITURES			\$ 351,480
<i>ADMINISTRATIVE & GENERAL GOVERNMENT</i>			<i>\$ 329,075</i>
Advertising		\$ 1,800	
Attorney		\$ 9,600	
Audit		\$ 4,730	
Charities & Agencies		\$ 10,825	
Community		\$ 30,800	
Beautification, Maintenance	\$ 6,300		
Newsletter	\$ 2,500		
Special events	\$ 15,000		
Festival	\$ 10,000		
AMG	\$ 4,000		
Misc	\$ 1,000		
Park & Greenway Maint	\$ 7,000		
Contingency		\$ 3,000	
Elections		\$ -	
Employee Overhead (FICA, work comp, bonds)		\$ 32,500	
Fire Protection		\$ 12,000	
Intergovernmental		\$ 15,000	
Intersection Study	\$ 5,000		
Construction Match	\$ 10,000		

Office				\$	149,844
Salary: Clerk	\$	38,496			
Salary: Deputy Clerk/Assistant	\$	11,500			
Salary: Finance Officer	\$	35,556			
Salary: Mayor	\$	4,800			
Salary: Council	\$	10,800			
Dues	\$	7,000			
Insurance	\$	4,000			
Records Management	\$	5,092			
Equipment & durable items	\$	2,400			
Supplies	\$	4,000			
Postage (General)	\$	1,000			
Telephone, Internet	\$	7,200			
Reserve/Misc	\$	1,000			
Town Hall Maintenance	\$	12,000			
Supplies	\$	2,000			
Services	\$	10,000			
Utilities	\$	5,000			
Planning				\$	48,276
Zoning Ord. & Planning	\$	5,000			
Zoning Administration	\$	35,276			
Salary	\$	33,276			
Contract	\$	2,000			
Land Use Planning	\$	5,000			
Reserve/Misc	\$	3,000			
Street Lighting				\$	1,600
Tax Collection				\$	1,900
Salary	\$	300			
Contract (Union County)	\$	1,600			
Postage	\$	-			
Billing	\$	-			
Training				\$	3,000
Boards	\$	1,000			
Officials	\$	1,000			
Staff (Clerk, TC, FO)	\$	1,000			
Travel Expenses				\$	4,200
<i>CAPITAL</i>				\$	<i>22,405</i>
Capital Outlay				\$	22,405

PRIOR YEAR

2020 FINAL BUDGET AMOUNTS				ACTUAL (5/21 & 6/21 PROJECTED)		VARIANCE	
REVENUES				\$ 351,480		\$ 358,409.00	\$ 6,929
	Interest		\$ 5,825			\$ 3,863.00	\$ (1,962)
	Property Taxes		\$ 67,810			\$ 69,626.00	\$ 1,816
	Sales Tax		\$ 264,410			\$ 271,927.00	\$ 7,517
	Vehicle Taxes		\$ 7,935			\$ 8,728.00	\$ 793
	Zoning Fees		\$ 2,500			\$ 4,215.00	\$ 1,715
	Other		\$ 3,000			\$ 50.00	\$ (2,950)
EXPENDITURES				\$ 351,480		\$ 288,689.00	\$ (62,791)
<i>ADMINISTRATIVE & GENERAL GOVERNMENT</i>				<i>\$ 329,075</i>		<i>\$ 273,088.00</i>	<i>\$ (55,987)</i>
	Advertising		\$ 1,800			\$ 369.00	\$ (1,431)
	Attorney		\$ 9,600			\$ 3,600.00	\$ (6,000)
	Audit		\$ 4,730			\$ 4,730.00	\$ -
	Charities		\$ 10,825			\$ 10,825.00	\$ -
	Community Projects		\$ 30,800			\$ 15,244.00	\$ (15,556)
	Beaut., Maint.	\$ 6,300		\$ 4,800			
	Special Events	\$ 15,000		\$ 4,500			
	Newsletter	\$ 2,500		\$ 1,400			
	Park & Greenway	\$ 7,000		\$ 4,544			
	Contingency		\$ 3,000			\$ -	\$ (3,000)
	Elections		\$ -			\$ -	\$ -
	Employee overhead		\$ 32,500			\$ 32,400.00	\$ (100)
	Fire Department grant		\$ 12,000			\$ 12,000.00	\$ -
	Intergovernmental		\$ 15,000			\$ 4,000.00	\$ (11,000)
	Office		\$ 149,844			\$ 143,989.00	\$ (5,855)
	Sal.: Clerk	\$ 38,496		\$ 38,496			
	Sal: Deputy	\$ 11,500		\$ 11,078			
	Sal.: Fin. Officer	\$ 35,556		\$ 35,556			
	Sal: Mayor	\$ 4,800		\$ 4,800			
	Sal: Council	\$ 10,800		\$ 10,800			
	Dues	\$ 7,000		\$ 7,081			
	Insurance	\$ 4,000		\$ 3,268			
	Records Management	\$ 5,092		\$ 5,092			
	Equip. & dur.	\$ 2,400		\$ 1,812			
	Supplies	\$ 4,000		\$ 2,354			
	Postage	\$ 1,000		\$ 600			
	Tel., Internet	\$ 7,200		\$ 6,872			
	Reserve	\$ 1,000		\$ 821			
	Town Hall Maint	\$ 12,000		\$ 9,335			
	Supplies	\$ 2,000		\$ 675			
	Services	\$ 10,000		\$ 8,660			
	Utilities	\$ 5,000		\$ 6,024			
	Planning		\$ 48,276			\$ 41,551.00	\$ (6,725)
	Zoning Ord.	\$ 5,000		\$ 3,480			
	Zoning Admin	\$ 35,276		\$ 34,571			
	Salary	\$ 33,276		\$ 33,276			
	Contract	\$ 2,000		\$ 1,295			
	Land Use Plan	\$ 5,000		\$ 2,000			
	Reserve/Misc	\$ 3,000		\$ 1,500			
	Street Lighting		\$ 1,600			\$ 933.00	\$ (667)
	Tax Collection		\$ 1,900			\$ 1,703.00	\$ (197)
	Salary	\$ 300		\$ 300			
	Contract (Union County)	\$ 1,600		\$ 1,403			
	Postage	\$ -		\$ -			
	Billing	\$ -		\$ -			
	Training		\$ 3,000			\$ 876.00	\$ (2,124)
	Officials	\$ 1,000		\$ -			
	Planning Org.	\$ 1,000		\$ -			
	Staff	\$ 1,000		\$ 876			
	Travel Expenses		\$ 4,200			\$ 868.00	\$ (3,332)
CAPITAL				\$ 22,405		\$ 15,601.00	\$ (6,804)
	Capital Outlay		\$ 22,405			\$ 15,601.00	\$ (6,804)
EXCESS (SHORTAGE) OF INCOME OVER EXPENDITURES - Applied to Fund Balance						\$ 69,720.00	