



Walter M. Gardner, Jr. – Mayor
Robert Davie - Town Administrator

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PUBLIC HEARING – ZONING ORDINANCE CHANGE
6:45 PM April 12, 2021
BOARD OF COMMISSIONERS REGULAR MEETING
7:00 PM April 12, 2021
AGENDA

Regular Meeting

1. Call to Order, Pledge of Allegiance and Moment of Silence
2. Conflict of Interest Statement, Proposed Agenda
3. Public Comments
4. Minutes of Board Meeting on March 8, 2021
5. Swearing in of Edna Scott
6. Consent Agenda
 - a. Year-to-Date Revenue and Expenditure Reports (Budget vs. Actual)
 - b. Monthly Checks Report
 - c. Public Works Monthly Report
 - d. WWTP Monthly Report
 - e. Police Activity Reports
7. Committee Reports
 - a. Finance and Administration (Ms. Hunter)
 - b. Public Works (Ms. Harding)
 - c. Public Safety
 - d. Human Resources/Information Technology (Mr. Blalock)
 - e. Revitalization/Historic District Commission (Mr. Coffman)
 - f. Beautification/Facilities (Ms. Britt)
 - g. Planning/Zoning/Annexation (Mr. Wethington)
8. Old Business
 - a. Status of Grants
 - b. Water Sewer Revenue Analysis – for informational purposes only
 - c. Volkswagen Settlement Grant agreement for Board approval
 - d. Resolution for Sale of Real Property – BOC approval required by state law
9. New Business
 - a. Resolution for Sale of Personal Property – BOC approval required by state law
 - b. Resolution Opposing NC Senate Bill 349 and House Bill 401 – for BOC consideration
10. Announcements
11. Adjournment

Notice is hereby served that the Warrenton Board of Commissioners will hold a public hearing on Monday, April 12, 2021 in the Town Hall meeting room located on the second floor at 113 S. Bragg St., Warrenton, NC. At 6:45 PM comments will be received on proposed changes to the minimum size requirements for parcels located in the C-1 commercial district.

A regularly-scheduled meeting of the Warrenton Board of Commissioners will be held at 7:00 pm or immediately following the public hearing. The public hearing will also be held via Zoom due to continued COVID-19 restrictions. All interested citizens are urged to attend.

Walter M. Gardner, Jr., Mayor
Warrenton Board of Commissioners

Join Zoom Meeting

<https://us02web.zoom.us/j/84905391933?pwd=ekRQa0RIUk1tazg4bFRTWlR3TGgvZz09>

Meeting ID: 849 0539 1933

Passcode: 610601

Dial in: +1 301 715 8592 US

Conflict of Interest Disclaimer

"Members of the Town of Warrenton Board of Commissioners are advised, hereby, of their duty under the State Government Ethics Act to avoid conflicts of interest and the appearance of such conflict; and, further, are instructed to refrain from participating in any matter coming before this Town Board of Commissioners with respect to which there is a conflict of interest or appearance of such conflict".

- **In accordance with the State Government Ethics Act, it is the duty of every Board member to avoid both conflicts of interest and appearances of conflict.**
- **Does any Board member have any known conflict of interest or appearance of conflict with respect to any matter coming before this Board tonight? If so, please identify the conflict and refrain from any undue participation in the particular matter involved.**

Citizen Comments

Rules for Citizen Comments

- Please sign up to speak.
- The maximum time allotted to each speaker will be five (5) minutes; The Town Administrator will keep time.
- Any group of people who support or oppose the same position should designate a spokesperson.
 - Please address only those items which might not have been addressed by a previous speaker.
- This is not a question and answer session. If response from the Administrator, Mayor, and/or Board is desired, please leave a copy of your comment(s) with the Town Administrator.
- After the Citizen Comments period, comments from the audience are not appropriate unless recognized by the Mayor or placed as an agenda item.
- Order and decorum will be maintained.

**Town of Warrenton
Board of Commissioners**

Walter M. Gardner, Jr.
Mayor

Robert F. Davie
Town Administrator

Town of Warrenton

"Historically Great - Progressively Strong"

Post Office Box 281

113 S. Bragg Street

Warrenton, NC 27589-0281

PHONE (252) 257-1122 FAX (252)257-9219

BOARD OF COMMISSIONERS MONTHLY MEETING

MARCH 8, 2021

Attending were Mayor Walter Gardner
Commissioner Mary Hunter
Commissioner Michael Coffman
Commissioner Mark Wethington
Commissioner John Blalock
Commissioner Margaret Britt
Commissioner Kimberly Harding (by phone)

Robert Davie, Town Administrator
Goble Lane, Police Chief
William "Bill" Perkinson, Public Works
Annette Silver, Minute Taker

There were several citizens attending by Zoom and 4 citizens at meeting.

Call to Order – Pledge of Allegiance – Moment of Silence

The meeting was called to order by Mayor Gardner on Monday, March 8, 2021 at 7:00pm. The Pledge of Allegiance was led by Commissioner Blalock. A Moment of Silence was held for those in need and for Cathy Gardner at the loss of her uncle.

Conflict of Interest Statement and Proposed Agenda

Conflict of Interest Statement was presented. The Proposed Agenda was presented. A motion was made by Commissioner Coffman with second by Commissioner Hunter to approve the Proposed Agenda. A roll call vote was held with the motion being approved unanimously.

Public Comments

Robert Davie read a statement prepared by Woody King, respectfully asking the Board to consider him for the upcoming appointed commissioner's seat. No other comments were voiced.

Minutes of Board Meeting on February 8, 2021

The Minutes of Board meeting of February 8, 2021 were presented. A motion was made by Commissioner Hunter with second by Commissioner Britt to approve the Minutes of Board meeting of February 8, 2021. A roll call vote was held and the motion was approved by unanimous vote.

Consent Agenda

- (a) Year-to-Date Revenue and Expenditure Reports (Budget vs. Actual)
- (b) Monthly Checks Report
- (c) Public Works Monthly Report
- (d) WWTP Monthly Report
- (e) Police Activity Report

The Consent Agenda was presented. A motion was made by Commissioner Coffman with second by Commissioner Blaylock to approve the Consent Agenda. A roll call vote was held and the motion was approved by unanimous vote.

COMMITTEE REPORTS

Finance and Administration – Commissioner Hunter and Mr. Davie introduced Ms. April Adams of Cherry Bekaert CPA's and Advisors of Raleigh who zoomed in to present the FY2019-2020 audit report. The audit included all clean opinions, with the Town meeting or exceeding expectations of auditors. There was an increase in fund balance which demonstrated good stewardship during a difficult pandemic year. Ms. Adams thanked employees for assistance in doing audit via a remote work environment. The Mayor and Board were pleased with report and thanked Ms. Adams as well as town employees for work done. A motion was made by Commissioner Hunter with second by Commissioner Blalock to approve the audit report. A roll call vote was held and the motion was approved by unanimous vote.

Public Works – Commissioner Harding had nothing in addition to written reports. Commissioner Blalock asked about DOT road construction signs left in town long after work has been completed. The Public Works Director has spoken with DOT and was told signs stay up a certain length of time in case corrections need to be done. But he will call again and attempt to get them removed sooner rather than later.

Public Safety – There was no report. Mayor Gardner reported the fire department had been busy but no specific report.

Human Resources/Information Technology – Commissioner Blalock reports that Will Short has begun in a temporary capacity filling in for an employee out on sick leave, and Willie Davis has been hired as full time to replace Nick Tyson who left. Commissioner Wethington inquired about the salary study spoken about in a prior meeting. Mr. Davie stated it would cost approximately \$2500 for the salary study, since no job positions had changed from the previous study. He plans to include the costs in the upcoming budget proposal.

Revitalization/Historic District Commission – Commissioner Coffman had no report from Revitalization. The Historic District Commission approved 2 requests (428 S Main Street a fence and 534 Eaton Avenue a utility building).

Beautification/Facilities – Commissioner Britt stated that the new planters look great and that making W Market Street one-way has generated both praise and concern.

Planning/Zoning/Annexation – Commissioner Wethington informed the Board of discussions he has had with the property owners in the 200 block of S Main Street in reference to a new public parking lot to accommodate the apartment developer's request for the Dameron Building. The discussions propose to ideally establish 58 parking spaces in a lot behind Nationwide Insurance and the Community Center. The surrounding property owners are in support of the project and some have submitted letters of support.

Depending on the willingness of property owners, the parking lot could be established in a phased approach. Commissioner Harding asked how this project would be paid for. Town Administrator advised utilizing unrestricted fund balance for this one-time capital project.

Mayor Gardner stated that in reviewing the zoning for the parking area there is an error in the zoning code and that certain specifics did not transfer from previous ordinance updates. A motion was made by Commissioner Blalock with second by Commissioner Hunter to set public hearing. A roll call vote was held and the motion was approved by unanimous vote. To consider corrections to the zoning ordinances, a Public Hearing is scheduled for 6:45pm on Monday, April 12, 2021.

OLD BUSINESS

Grant Status

TAP GRANT - DOT indicated funds have been allocated but construction has been delayed until January 2022

NC Neighborhood Revitalization Program – Grant Administrator, Mike Scott, is re-verifying income qualifications of recipients

Volkswagen Settlement Grant – Town was previously awarded \$218,000 for new garbage and dump trucks. Expecting contract agreement from NC Commerce in next two weeks.

Other updates include: brewery activity is moving forward regarding Main Street grant; expecting to hear from Commerce Department concerning Milano's grant project.

The Goals Set in Work Session proved informative and staff will be working with the Board in moving forward. A summary was presented for reference.

Water/Sewer Revenue Update shows February billings lower than the average, but that is typical for this time of year according to the Town Administrator.

Selection of legal services for Neighborhood Revitalization Grant was presented. There were four responses. Choice was narrowed to Banzet, Thompson, Styers & May or Marvin P. Rooker. A motion was made by Commissioner Wethington with second by Commissioner Britt to appoint Banzet, Thompson, Styers and May as legal attorneys for Neighborhood Revitalization Grant. A roll call vote was held and the motion was approved by unanimous vote.

The selection process to fill the vacancy on the Board of Commissioners commenced and all three candidates were considered; Woody King, Edna Scott and Deborah Speer. A vote was held with Woody King receiving 1 vote and Edna Scott receiving 5 votes resulting in Mrs. Scott being selected as the new commissioner. Her swearing in will be held at the April 12, 2021 Board meeting.

NEW BUSINESS

Donated property, located on Hazelwood Drive (tax value \$6,683) and given to Town by Ms. Jane Connell Wilson, will be surplus. Mr. Davie has investigated several methods for disposition of real property that is in compliance with state law. One alternative is utilizing Govdeals.com and its auction process which is currently used by other municipalities in North Carolina. A second alternative is a sealed bid process, which would be handled totally by the Town. Commissioner Wethington made a motion to advertise locally rather than through Govdeals.com. However, after further discussion it was agreed to list the lot at a \$7,000 minimum bid with Govdeals.com. Commissioner Wethington's motion died for lack of a second. Commissioner Wethington made a motion to advertise with Govdeals.com for 30 days with an upset bid process, which would include 10% minimum increase and extension for 4 working days. Commissioner Coffman seconded the motion. A roll call vote was held and the motion was approved by unanimous vote.

A Plummer Hook & Ladder Museum proposed timeline was presented. It was agreed by Board to transfer the previously approved \$10,000 to Plummer Hook & Ladder account for planned expenses, so a crossover of fiscal years would not hinder payments (pick up bucket wagon from Salisbury and building displays).

ANNOUNCEMENT

The Mayor read aloud an acknowledgment of the life and contributions of Dr. L. Julian Haywood who passed away on December 24, 2020. Dr. Haywood donated land for the Town's first park – Hayley-Haywood Park. Mayor Gardner wished to read the acknowledgement into the record.

The Town wishes to honor Dr. Julian Haywood, born April 13, 1927, who recently died in December 2020.

Dr. Lemuel Julian Haywood, MD, was Professor Emeritus of Medicine at the University of Southern California and authored or coauthored over 600 scientific publications. Notable among his many accomplishments, he established one of the first coronary care units on the west coast and led a team that developed the first computerized system for real-time heart arrhythmia detection, in 1969.

Raised in Warrenton, North Carolina, where his father was the first and, for many years, only African American physician, he attended John R. Hawkins High School before entering the Army Specialized Training Reserve Program at Howard University (1944-45). With the conclusion of World War II, he returned to Howard for medical school, receiving his M.D. degree with honors in 1952.

He arrived at Los Angeles County General Hospital in 1956 as a second-year internal medicine resident. He helped establish and led the Sickle Cell Disease Research Foundation and was a founding member of the Association of Black Cardiologists. The Coronary Care Unit at the Los Angeles County Hospital-USC Medical Center, which he established in 1966, was renamed "The L. Julian Haywood Coronary Care Unit" in 2016.

Ever mindful of his roots, Dr. Haywood donated family property to the Town of Warrenton for the establishment of the town's first park. The Hayley-Haywood Park, named to honor his father and his mother's family's contributions as prominent citizens, was dedicated in May 2018.

Today, we honor the life and contributions of Dr. Julian Haywood.

With no further business, meeting adjourned.

Budget vs Actual

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Period Ending 3/31/2021

34 FRONTIER WARREN						
Description	Budget	MTD	QTD	YTD	Variance	Percent
Revenues						
34-351-422 Rent Paid to Town Frontier Warren	22,000	2,360.00	6,900.00	19,520.00	(2,480.00)	89%
34-352-363 Donations	34,500	0.00	205.50	423.00	(34,077.00)	1%
Revenues Totals:	56,500	2,360.00	7,105.50	19,943.00	(36,557.00)	35%
Expenses						
34-405-203 Supplies	2,000	(14.20)	(14.20)	167.36	1,832.64	8%
34-405-250 Lights/Heat/Security	4,985	457.48	1,263.83	2,698.91	2,286.09	54%
34-405-251 Telephone/Internet	3,000	193.94	581.82	2,410.86	589.14	80%
34-405-255 Bldg Maint/Clean Svcs	7,500	110.00	967.99	1,527.95	5,972.05	20%
34-405-309 Advertising	1,500	0.00	0.00	1,020.00	480.00	68%
34-405-332 Signs below \$5,000	500	156.25	156.25	312.50	187.50	63%
34-405-400 Liability Insurance	15	7.50	15.00	15.00	0.00	100%
34-405-422 Rent Paid by Town	36,000	3,000.00	9,000.00	30,000.00	6,000.00	83%
34-405-499 Miscellaneous	1,000	99.75	639.75	789.75	210.25	79%
Non-Departmental Totals:	56,500	4,010.72	12,610.44	38,942.33	17,557.67	69%
Expenses Totals:	56,500	4,010.72	12,610.44	38,942.33	17,557.67	69%
34 FRONTIER WARREN Revenues Over/(Under) Expenses:		(1,650.72)	(5,504.94)	(18,999.33)		

Budget vs Actual

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Period Ending 3/31/2021

37 GENERAL FUND						
Description	Budget	MTD	QTD	YTD	Variance	Percent
Revenues						
37-302-301 Ad Valorem Taxes - Current	454,562	0.00	230,692.69	405,257.95	(49,304.05)	89%
37-302-302 Ad Valorem Taxes - Prior Year	5,000	3,133.39	5,240.55	6,578.59	1,578.59	132%
37-302-303 Ad Valorem Taxes - all other prior years	2,000	1,110.47	2,313.50	5,585.12	3,585.12	279%
37-302-304 Ad Valorem Taxes - Penalties & Interest	1,900	261.73	1,118.42	1,622.80	(277.20)	85%
37-307-310 Motor Vehicles - Current	33,024	3,049.65	9,136.88	24,349.65	(8,674.35)	74%
37-320-320 Local Option Sales Tax Monthly	240,000	24,172.11	68,401.85	159,417.34	(80,582.66)	66%
37-325-325 Utility Franchise Tax Quarterly	86,000	19,726.16	19,726.16	60,864.75	(25,135.25)	71%
37-325-326 Beer & Wine Tax Annual	3,600	0.00	0.00	0.00	(3,600.00)	
37-325-328 Refund of Gas Tax paid monthly	1,000	89.53	388.08	839.52	(160.48)	84%
37-325-329 PD Narcotics Tax	142	0.00	0.00	86.25	(55.75)	61%
37-335-335 Powell Bill	25,583	0.00	0.00	24,127.79	(1,455.21)	94%
37-345-345 Zone Board of Adj	1,000	225.00	275.00	375.00	(625.00)	38%
37-345-346 Code Enforcement	2,750	100.00	850.00	2,325.00	(425.00)	85%
37-351-353 Landfill Fees Residential	178,176	15,548.91	45,672.51	131,067.70	(47,108.30)	74%
37-351-355 Cemetery Fees	1,800	0.00	0.00	0.00	(1,800.00)	
37-351-356 Police Rpt Fees	50	15.00	20.00	30.00	(20.00)	60%
37-351-357 Court Fees	300	13.50	56.70	164.70	(135.30)	55%
37-351-360 Cell Tower Rent	29,400	0.00	5,390.00	21,560.00	(7,840.00)	73%
37-351-361 Parking/Ordinance Collections PD	300	70.00	70.00	125.00	(175.00)	42%
37-365-001 Interest Income	50	2.63	7.76	16.81	(33.19)	34%
37-365-033 Mary Hehl Beautification Donations	2,265	0.00	0.00	2,365.00	100.00	104%
37-365-351 Revitalization Comm	9,500	0.00	0.00	0.00	(9,500.00)	
37-365-358 Branded Merchandise for Sales	500	0.00	35.00	65.00	(435.00)	13%
37-365-370 WWTP 25% of GF Exp	42,674	0.00	8,140.11	29,531.40	(13,142.60)	69%

Budget vs Actual

Town of Warrenton
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Period Ending 3/31/2021

37 GENERAL FUND							
Description	Budget	MTD	QTD	YTD	Variance	Percent	
37-365-371 WS 25% of GF Exp	93,167	0.00	13,646.60	52,985.81	(40,181.19)	57%	
37-365-410 Interest Investment NCCMT	6,000	0.00	11.02	79.54	(5,920.46)	1%	
37-381-039 Transfer In from WWTP	32,497	0.00	0.00	0.00	(32,497.00)		
37-395-395 Powell Bill Apropiated Fund Balance (Budget Only)	29,622	0.00	0.00	0.00	(29,621.90)		
37-395-396 Apropiated Fund Balance (Budget Only)	13,255	0.00	0.00	0.00	(13,255.00)		
Revenues Totals:	1,296,117	67,518.08	411,192.83	929,420.72	(366,696.18)	72%	
Expenses							
37-401-010 Salary - Full Time	134,928	9,992.20	29,976.60	90,438.64	44,489.36	67%	
37-401-012 Salary - Adm Assistant	46,450	3,529.60	10,588.80	32,694.57	13,755.43	70%	
37-401-014 Salary - Part Time	175	0.00	0.00	175.04	0.00	100%	
37-401-020 ER-FICA Taxes	9,557	763.84	2,291.52	6,797.46	2,759.54	71%	
37-401-021 ER-FICA Taxes - Adm Assistant	4,306	269.46	808.38	2,616.18	1,689.82	61%	
37-401-030 ER-Retirement - Orbit	29,135	2,298.72	6,896.16	20,932.77	8,202.23	72%	
37-401-040 ER-Health Insurance	21,596	1,805.73	5,310.08	17,644.07	3,951.93	82%	
37-401-050 ER-Life Insurance	504	42.00	126.00	420.00	84.00	83%	
37-401-060 ER-Workman's Comp	383	0.00	0.00	317.43	65.57	83%	
37-401-099 Salary Reimbursement COVID	1	0.00	419.14	0.00	1.00		
37-401-200 Travel Expense	485	0.00	20.70	237.01	247.99	49%	
37-401-203 Supplies	5,000	402.48	1,077.33	2,189.84	2,810.16	44%	
37-401-250 Light, Heat & Security	12,000	817.92	1,696.19	4,823.84	7,176.16	40%	
37-401-251 Telephone & Postage	3,000	166.11	642.83	1,941.07	1,058.93	65%	
37-401-255 Bldg. Maint/ Clean SVS	5,000	404.49	485.70	4,947.07	52.93	99%	
37-401-256 Bank Fees/ Petty Cash	1,500	200.00	400.00	1,225.00	275.00	82%	
37-401-295 Training	1,275	0.00	0.00	115.00	1,160.00	9%	
37-401-301 Computer Maint	3,500	223.91	677.86	2,426.00	1,074.00	69%	
37-401-302 Software Support	1,885	29.98	89.94	1,782.15	102.85	95%	
37-401-303 Software Purchase less than	500	0.00	0.00	0.00	500.00		

Budget vs Actual

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Period Ending 3/31/2021

37 GENERAL FUND						
Description	Budget	MTD	QTD	YTD	Variance	Percent
\$5,000						
37-401-304 Website	1,575	0.00	0.00	1,575.00	0.00	100%
37-401-306 Awning 25% Fund	500	0.00	0.00	0.00	500.00	
37-401-307 Special Events	715	0.00	0.00	715.00	0.00	100%
37-401-309 Advertising	1,300	270.00	270.00	725.48	574.52	56%
37-401-310 Dues & Subscriptions	3,000	0.00	548.00	2,643.62	356.38	88%
37-401-325 NC Sales/Use Tax Paid (No Tax)	700	0.00	175.05	486.30	213.70	69%
37-401-400 Liability Insurance	5,500	1,694.83	3,468.06	5,343.39	156.61	97%
37-401-401 County Tax Collection Svs	8,000	210.59	4,103.89	7,474.96	525.04	93%
37-401-405 Audit Expense	8,992	260.42	3,143.75	8,693.75	297.89	97%
37-401-415 Economic Development Consultant	11,000	1,000.00	4,000.00	9,000.00	2,000.00	82%
37-401-420 Attorney Fees	3,500	0.00	600.00	2,337.50	1,162.50	67%
37-401-499 Miscellaneous Expense	1,765	75.00	322.68	1,657.46	107.50	94%
37-401-700 WDRI Grant Expense	264	0.00	263.62	263.62	0.38	100%
37-401-801 Town Hall Roof Loan-Principal	5,280	0.00	428.95	3,002.65	2,277.35	57%
37-401-803 USDA Town Hall/WS Loan Principal	11,485	0.00	0.00	0.00	11,485.00	
37-401-831 Town Hall Roof Loan - Interest Admin	388	0.00	43.30	303.10	84.90	78%
37-401-889 Reserve for USDA Loans	2,304	0.00	0.00	0.00	2,304.00	
37-401-998 Contingency	500	0.00	0.00	0.00	500.00	
General Government Totals:	347,948	24,457.28	78,874.53	235,944.97	112,002.67	68%
37-402-014 Mayor Part Time Salary	1,500	125.00	375.00	1,026.79	473.21	68%
37-402-020 ER - FICA TAXES	115	9.56	28.68	78.53	36.47	68%
37-402-200 Travel Expense	500	0.00	0.00	0.00	500.00	
37-402-402 Commission offsite meetings	50	0.00	0.00	0.00	50.00	
Governing Body Totals:	2,165	134.56	403.68	1,105.32	1,059.68	51%
37-405-407 Branded Clothing Sales	500	0.00	0.00	0.00	500.00	

Budget vs Actual

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Period Ending 3/31/2021

37 GENERAL FUND						
Description	Budget	MTD	QTD	YTD	Variance	Percent
37-405-430 Historic District Comm	220	0.00	0.00	218.82	1.18	99%
37-405-440 Runn Warrenton 5K	2,500	0.00	0.00	0.00	2,500.00	
37-405-450 Revitalization Comm	9,500	0.00	0.00	1,747.32	7,752.68	18%
37-405-470 Small Town Maint St	2,200	360.00	360.00	735.00	1,465.00	33%
Non-Departmental Totals:	14,920	360.00	360.00	2,701.14	12,218.86	18%
37-501-010 SALARY FULL TIME	195,355	13,700.08	42,949.48	124,127.35	71,227.65	64%
37-501-014 Salary - Part Time	21,500	557.16	3,672.12	18,288.57	3,211.43	85%
37-501-016 Police Clerical Salary	34,112	2,624.00	7,872.00	24,447.14	9,664.86	72%
37-501-019 Salary - Over-Time	5,000	361.53	790.01	2,999.36	2,000.64	60%
37-501-020 ER-FICA Taxes	19,552	1,512.07	4,398.58	13,109.19	6,442.81	67%
37-501-030 ER - Retirement Orbit	44,393	2,893.24	8,992.95	24,281.38	20,111.62	55%
37-501-031 ER - 401K 5%	10,573	838.08	2,321.97	6,613.67	3,959.33	63%
37-501-040 ER - Health Insurance	37,370	3,016.54	7,706.50	21,692.88	15,677.12	58%
37-501-050 ER - Life Insurance	1,010	84.00	238.00	686.00	324.00	68%
37-501-060 ER - Workman's Comp	6,420	0.00	0.00	4,026.80	2,393.20	63%
37-501-099 Salary Reimbursement COVID	1	5,700.00	5,700.00	0.00	1.00	
37-501-200 Travel Expense	701	0.00	0.00	0.00	701.00	
37-501-203 Supplies	3,000	265.34	669.89	1,985.79	1,014.21	66%
37-501-204 Uniforms	2,000	283.02	674.33	1,999.43	0.57	100%
37-501-205 Equipment & Material	3,000	(2,804.05)	(2,079.53)	(552.45)	3,552.45	-18%
37-501-250 Light, Heat & Security	10,908	779.12	1,541.03	4,445.48	6,462.52	41%
37-501-251 Telephone & Postage	7,494	851.09	2,307.74	6,139.57	1,354.43	82%
37-501-252 Fuel	14,000	1,309.68	3,661.52	9,480.85	4,519.15	68%
37-501-255 Bldg Maint/Clean Svs	4,774	404.49	931.85	4,717.31	56.69	99%
37-501-295 Training	2,000	0.00	0.00	0.00	2,000.00	
37-501-301 Computer Maint	5,848	320.00	1,319.00	3,628.87	2,219.13	62%
37-501-302 Software Support	6,165	0.00	0.00	6,030.37	134.63	98%
37-501-309 Advertising	500	0.00	75.00	200.00	300.00	40%
37-501-351 Maint & Repair Equip	6,000	0.00	3,617.43	5,529.57	470.43	92%

Budget vs Actual

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37 GENERAL FUND							
Description	Budget	MTD	QTD	YTD	Variance	Percent	
37-501-370 2019 Dodge Car 100	1,000	0.00	66.70	66.70	933.30	7%	
37-501-371 2017 Dodge Car 200	1,000	289.58	545.64	916.07	83.93	92%	
37-501-372 2016 Dodge Car 300	5,300	0.00	3,284.49	4,694.74	605.26	89%	
37-501-373 2017 Dodge Car 400	1,000	46.71	325.81	983.62	16.38	98%	
37-501-374 2010 Ford Car 500	1,511	0.00	446.82	659.42	851.58	44%	
37-501-375 2008 Ford Car 600	700	0.00	361.88	361.88	338.12	52%	
37-501-376 2019 Dodge Car 700	1,000	268.89	335.59	483.56	516.44	48%	
37-501-400 Liability Insurance	12,400	3,307.02	6,603.84	9,108.02	3,291.98	73%	
37-501-415 Police Shots Medical	500	0.00	235.00	235.00	265.00	47%	
37-501-433 COP Program	540	0.00	265.81	505.41	34.59	94%	
37-501-436 PD Narcotics Tax/Proceeds	142	0.00	0.00	0.00	142.00		
37-501-499 Miscellaneous	4,160	105.00	413.96	3,431.27	728.73	82%	
37-501-801 Town Hall Roof Loan Principal	5,280	0.00	428.96	3,002.72	2,277.28	57%	
37-501-802 Police 2017 Cars Loan Principal (USDA)	4,072	0.00	0.00	4,071.73	0.00	100%	
37-501-803 Police Security Camera Loan Principal (USDA)	1,213	0.00	0.00	1,213.32	0.00	100%	
37-501-804 Police 2019 Cars Loan Principal (USDA)	4,428	0.00	0.00	4,409.22	18.63	100%	
37-501-831 Town Hall Roof Loan - Interest PD	388	0.00	43.31	303.17	84.83	78%	
37-501-832 Police 2017 Cars Loan Interest (USDA)	708	0.00	0.00	708.27	0.00	100%	
37-501-833 Police Security Camera Loan Interest (USDA)	120	0.00	0.00	119.68	0.00	100%	
37-501-834 Police 2019 Cars Loan Interest (USDA)	1,256	0.00	0.00	1,016.78	239.37	81%	
Police Department Totals:	488,394	36,712.59	110,717.68	320,167.71	168,226.29	66%	
37-601-014 Salary - Part Time Code Enforcement	3,500	214.20	581.40	2,418.71	1,081.29	69%	
37-601-252 Fuel/Truck Expense/Insurance	435	0.00	0.00	0.00	435.00		

Budget vs Actual

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37 GENERAL FUND						
Description	Budget	MTD	QTD	YTD	Variance	Percent
37-601-352 Vehicle Maintenance	200	0.00	0.00	0.00	200.00	
37-601-437 Contract Srvs Fire Protection	70,000	5,833.33	17,499.99	52,499.97	17,500.03	75%
37-601-475 Donation to Town Fire	1,000	0.00	0.00	90.00	910.00	9%
37-601-476 Code Enforcement Exp	150	111.00	111.00	111.00	39.00	74%
37-601-710 Fire Museum Expense	15,000	10,000.00	10,000.00	10,000.00	5,000.00	67%
Fire Totals:	90,285	16,158.53	28,192.39	65,119.68	25,165.32	72%
37-651-330 Christmas Lights/Santa House	600	0.00	300.00	600.00	0.00	100%
37-651-331 Haley Haywood Park	1,650	107.86	107.86	226.86	1,423.14	14%
37-651-332 Signs below \$5,000	2,500	0.00	133.75	2,282.48	217.52	91%
37-651-333 Street Beautification - Below \$5,000	4,765	0.00	449.70	1,184.90	3,580.10	25%
37-651-335 Street Lighting Electric Bill	23,000	1,790.10	7,197.36	16,497.43	6,502.57	72%
Signs and Lights Totals:	32,515	1,897.96	8,188.67	20,791.67	11,723.33	64%
37-701-010 Salary - Full Time	52,709	3,987.56	11,834.47	36,790.01	15,918.99	70%
37-701-014 Salary - Part Time	15,993	1,143.16	3,559.07	10,854.01	5,138.99	68%
37-701-019 Over-Time	1,748	0.00	6.83	47.81	1,700.19	3%
37-701-020 ER-FICA Taxes	5,389	391.27	1,174.62	3,637.82	1,751.18	68%
37-701-030 ER - Retirement - Orbit	11,976	779.48	2,351.99	7,191.84	4,784.16	60%
37-701-040 ER-Health Insurance	11,800	1,018.86	2,991.18	9,532.21	2,267.79	81%
37-701-050 ER-Life Insurance	269	25.48	69.44	223.30	45.70	83%
37-701-060 ER-Workman's Comp	4,801	0.00	0.00	1,745.83	3,055.17	36%
37-701-099 Salary Reimbursement COVID	1	1,571.43	1,571.43	0.00	1.00	
37-701-203 Supplies	13,624	6,152.98	10,001.56	13,382.61	241.39	98%
37-701-204 Uniforms	3,624	227.27	749.07	2,123.48	1,500.52	59%
37-701-251 Telephone & Postage	864	76.38	230.73	692.99	171.01	80%
37-701-252 Fuel	7,750	1,005.50	2,146.46	4,449.57	3,300.43	57%
37-701-312 Tree Removal	1,200	0.00	0.00	0.00	1,200.00	
37-701-351 Maint & Repair Equip	11,229	168.64	277.78	9,418.02	1,810.98	84%
37-701-352 Vehicle Maintenance	4,912	(1,601.25)	(1,489.71)	3,310.04	1,601.96	67%

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37 GENERAL FUND						
Description	Budget	MTD	QTD	YTD	Variance	Percent
37-701-400 Liability Insurance	6,589	1,581.51	3,249.42	4,896.62	1,692.38	74%
37-701-431 Street Debris Disposal	2,500	0.00	0.00	1,000.00	1,500.00	40%
37-701-803 LGFCU Street Truck & Trailer Loan Principal	13,294	0.00	0.00	12,339.12	954.88	93%
37-701-832 LGFCU Street Truck & Trailer Loan Interest	299	0.00	0.00	253.77	45.23	85%
Streets Totals:	170,571	16,528.27	38,724.34	121,889.05	48,681.95	71%
37-710-361 Maint & Repair POWELL BILL	49,244	0.00	16,493.09	48,949.54	294.36	99%
37-710-405 Audit Expense POWELL BILL	100	0.00	0.00	0.00	100.00	
37-710-810 BB&T Battle Ave Sewer Loan POWELL - Prin	5,422	5,421.29	5,421.29	5,421.29	0.71	100%
37-710-830 BB&T Battle Ave Sewer Loan POWELL - Int	439	438.99	438.99	438.99	0.01	100%
Powell Bill Totals:	55,205	5,860.28	22,353.37	54,809.82	395.08	99%
37-801-010 Salary - Full Time Sanitation	50,696	3,418.36	10,767.60	33,973.43	16,722.57	67%
37-801-019 Salary - Over Time Sanitation	608	0.00	0.00	0.00	608.00	
37-801-020 ER - FICA Sanitation	3,984	255.57	805.92	2,544.92	1,439.08	64%
37-801-030 ER - Retirement - Orbit Sanitation	8,853	529.88	1,589.64	4,889.56	3,963.44	55%
37-801-040 ER - Health Insurance	9,999	850.47	2,503.21	8,116.24	1,882.76	81%
37-801-050 ER - Life Insurance	227	18.90	56.70	189.00	38.00	83%
37-801-060 Workman's Compensation	3,388	0.00	0.00	2,675.03	712.97	79%
37-801-099 Salary Reimbursement COVID	1	0.00	0.00	(1,935.96)	1,936.96	-
						193596 %
37-801-203 Supplies	750	11.76	50.96	438.18	311.82	58%
37-801-204 Uniforms	1,944	111.33	386.93	1,065.74	878.26	55%
37-801-251 Telephone & Postage	504	41.04	123.83	371.59	132.41	74%
37-801-252 Fuel	2,824	372.09	675.31	1,516.32	1,307.68	54%
37-801-350 Landfull Fees	17,500	1,388.91	4,460.86	14,475.35	3,024.65	83%
37-801-352 Vehicle Maintenance	6,134	0.00	54.94	5,761.34	372.66	94%

Budget vs Actual

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37 GENERAL FUND						
Description	Budget	MTD	QTD	YTD	Variance	Percent
37-801-400 Liability Insurance	2,844	888.62	1,863.64	2,574.53	269.47	91%
Sanitation Totals:	110,256	7,886.93	23,339.54	76,655.27	33,600.73	70%
Expenses Totals:	1,312,259	109,996.40	311,154.20	899,184.63	413,073.91	69%
37 GENERAL FUND Revenues Over/(Under) Expenses:		(43,315.66)	98,255.92	77,987.12		

Budget vs Actual

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38 WATER / SEWER						
Description	Budget	MTD	QTD	YTD	Variance	Percent
Revenues						
38-351-401 Water Sales	804,541	63,592.06	187,812.84	538,710.57	(265,830.43)	67%
38-351-402 Debt Setoff WATER	302	159.70	159.70	159.70	(142.30)	53%
38-351-404 Sewer Services	585,218	46,176.68	143,014.42	439,945.08	(145,272.92)	75%
38-351-407 Debt Setoff SEWER	501	518.89	518.89	518.89	17.89	104%
38-351-408 Town Taps	2,350	1,566.77	1,566.77	4,615.92	2,265.92	196%
38-351-416 Dis/Reconnection Fee	5,168	945.06	2,180.46	4,485.06	(682.94)	87%
38-351-417 Fire Sprinkler	2,253	187.74	567.42	1,689.66	(563.34)	75%
38-351-418 Late Fees/Penalty/Cut Off	12,741	30.00	166.46	1,360.93	(11,380.07)	11%
38-351-419 Returned Check Fee	545	0.00	125.00	430.04	(114.96)	79%
38-351-420 Debt Setoff Late Fees/Penalty/Cut Off	173	26.41	26.41	26.41	(146.59)	15%
38-365-001 Interest Income	58	2.80	6.39	17.11	(40.89)	30%
38-365-366 Sale of Fixed Assets/Surplus Property	2,000	0.00	0.00	0.00	(2,000.00)	
38-365-421 Account Activation Fee	2,875	175.00	675.00	2,050.00	(825.00)	71%
38-365-851 Misc Revenue WATER	63	0.00	0.00	89.56	26.56	142%
38-395-396 Apropriated Fund Balance (Budget Only)	32,497	0.00	0.00	0.00	(32,497.00)	
Revenues Totals:	1,451,285	113,381.11	336,819.76	994,098.93	(457,186.07)	68%
Expenses						
38-851-010 Salary Full Time	84,922	6,589.12	19,405.05	59,252.12	25,669.88	70%
38-851-014 Salary - Part Time	15,943	1,249.75	3,800.22	11,957.92	3,985.08	75%
38-851-019 Salary Over-Time	6,351	276.55	689.85	2,081.32	4,269.68	33%
38-851-020 ER-FICA Taxes	8,202	599.02	1,752.95	5,406.86	2,795.14	66%
38-851-030 ER - Retirement Orbit	13,801	1,008.14	3,019.84	9,217.27	4,583.73	67%
38-851-040 ER - Health Insurance WATER	13,474	1,118.08	3,285.72	10,807.95	2,666.05	80%
38-851-050 ER - Life Insurance	310	26.81	78.33	258.65	51.35	83%
38-851-060 ER - Workman's Comp	1,643	0.00	0.00	1,194.66	448.34	73%

Budget vs Actual

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38 WATER / SEWER						
Description	Budget	MTD	QTD	YTD	Variance	Percent
38-851-099 Salary Reimbursement COVID	1	0.00	0.00	(792.79)	793.79	-79279%
38-851-200 Travel Expense	250	0.00	0.00	0.00	250.00	
38-851-203 Supplies	2,827	208.54	622.67	1,685.11	1,141.89	60%
38-851-204 Uniforms	2,160	160.31	544.15	1,462.65	697.35	68%
38-851-205 Materials & Supplies	34,950	777.61	5,937.01	29,206.34	5,743.66	84%
38-851-250 Light & Heat & Security	5,981	579.95	1,618.91	3,619.46	2,361.54	61%
38-851-251 Telephone & Postage	8,658	633.65	2,190.85	6,341.43	2,316.57	73%
38-851-252 Fuel	6,000	767.90	1,201.97	2,981.33	3,018.67	50%
38-851-255 Bldg. Maint/Clean Svs	2,528	202.25	452.09	2,381.96	146.04	94%
38-851-260 Electric Tank/Pumps	3,165	210.18	787.89	2,206.67	958.33	70%
38-851-296 Continuing Education	625	0.00	0.00	0.00	625.00	
38-851-301 Computer Maintenance	2,364	111.96	338.94	1,256.11	1,107.89	53%
38-851-302 Software Support	2,041	2,129.10	2,199.07	3,092.77	(1,051.77)	152%
38-851-305 Technology Upgrades	2,250	0.00	264.50	264.50	1,985.50	12%
38-851-309 Advertising	250	0.00	0.00	0.00	250.00	
38-851-310 Dues & Subscriptions	389	12.50	50.00	314.25	74.75	81%
38-851-313 State Permits	1,250	0.00	0.00	960.00	290.00	77%
38-851-345 Water Tank Contract	16,620	0.00	4,208.88	12,572.63	4,047.37	76%
38-851-347 Lab Analysis	1,340	70.00	285.00	1,250.00	90.00	93%
38-851-351 Maint. & Repair Equip	4,500	0.00	174.19	388.45	4,111.55	9%
38-851-352 Vehicle Maintenance	3,056	512.48	940.60	3,055.53	0.47	100%
38-851-400 Town Liability Insurance	7,643	1,789.58	3,574.06	5,484.66	2,158.34	72%
38-851-405 Audit Expense	4,347	130.21	1,571.87	4,346.86	0.14	100%
38-851-448 External Contract	23,156	5,129.00	6,485.00	18,027.91	5,128.09	78%
38-851-451 Water Purchase	256,182	16,254.00	50,021.52	151,067.05	105,114.95	59%
38-851-801 Town Hall Roof Loan - Principal	2,640	0.00	214.47	1,501.29	1,138.71	57%
38-851-802 USDA Public Works Trucks - Princ Water	2,485	0.00	0.00	2,484.86	0.14	100%

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38 WATER / SEWER						
Description	Budget	MTD	QTD	YTD	Variance	Percent
38-851-803 USDA Town Hall/WS Loan Principal	41,150	0.00	0.00	0.00	41,150.00	
38-851-831 Town Hall Roof Loan - Interest Water	194	0.00	21.65	151.55	42.45	78%
38-851-836 USDA Public Works Trucks - Int Water	433	0.00	0.00	432.14	0.86	100%
38-851-889 Reserve for USDA Loans	4,407	0.00	0.00	0.00	4,407.00	
38-851-895 Grass Cutting Expense	16,000	1,125.00	3,375.00	10,125.00	5,875.00	63%
38-851-896 WS 25% of GF Expense	46,584	0.00	6,823.30	26,492.89	20,091.11	57%
38-851-998 Contingency	21,105	0.00	0.00	0.00	21,105.00	
Water Totals:	672,177	41,671.69	125,935.55	392,537.36	279,639.64	58%
38-852-010 Salary - Full Time	84,922	6,588.66	19,401.46	58,993.83	25,928.17	69%
38-852-014 Salary - Part Time	15,943	1,249.60	3,799.92	11,957.64	3,985.36	75%
38-852-019 Salary - Over Time Sewer	6,351	406.64	1,520.78	3,345.89	3,005.11	53%
38-852-020 ER - FICA Sewer	8,202	628.08	1,883.32	5,671.66	2,530.34	69%
38-852-030 ER-Retirement Orbit	13,801	1,035.63	3,120.68	9,252.61	4,548.39	67%
38-852-040 ER-Health Insurance SEWER	13,474	1,118.07	3,285.68	10,807.84	2,666.16	80%
38-852-050 ER-Life Insurance	310	26.81	78.33	258.65	51.35	83%
38-852-060 ER-Workman's Comp	1,642	0.00	0.00	1,194.66	447.34	73%
38-852-099 Salary Reimbursement COVID	1	0.00	0.00	(792.78)	793.78	- 79278%
38-852-200 Travel Expense	225	0.00	0.00	0.00	225.00	
38-852-203 Supplies	2,827	208.52	622.63	1,708.40	1,118.60	60%
38-852-204 Uniforms	2,160	160.29	544.05	1,462.43	697.57	68%
38-852-205 Materials & Supplies	24,950	1,625.73	4,241.77	17,238.67	7,711.33	69%
38-852-250 Light & Heat & Security	5,981	579.92	1,618.83	3,514.37	2,466.63	59%
38-852-251 Telephone & Postage	8,658	633.65	2,187.11	6,337.49	2,320.51	73%
38-852-252 Fuel	6,000	767.89	1,201.95	2,981.25	3,018.75	50%
38-852-255 Bldg. Maint/Clean Svs	2,528	202.27	452.11	2,381.96	146.04	94%

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38 WATER / SEWER						
Description	Budget	MTD	QTD	YTD	Variance	Percent
38-852-260 Electric Tank/Pumps	13,120	1,412.42	3,933.01	9,519.30	3,600.70	73%
38-852-296 Continuing Education	625	0.00	0.00	375.00	250.00	60%
38-852-301 Computer Maint.	2,364	111.96	338.93	1,295.61	1,068.39	55%
38-852-302 Software Support	2,041	24.99	94.95	988.62	1,052.38	48%
38-852-305 Technology Upgrades	2,250	0.00	264.50	264.50	1,985.50	12%
38-852-309 Advertising	500	0.00	0.00	418.50	81.50	84%
38-852-310 Dues & Subscriptions	400	12.50	50.00	314.25	85.75	79%
38-852-313 State Permits	1,250	0.00	0.00	100.00	1,150.00	8%
38-852-351 Maint & Repair Equip	4,500	0.00	174.19	529.75	3,970.25	12%
38-852-352 Vehicle Maintenance	3,056	512.48	940.60	3,055.52	0.48	100%
38-852-400 Liability Insurance	7,264	1,789.59	3,574.08	5,484.68	1,779.79	76%
38-852-405 Audit Expense	4,347	130.21	1,571.88	4,346.89	0.11	100%
38-852-435 Purchase of Sewer Services	300,500	0.00	15,681.35	149,405.00	151,095.00	50%
38-852-448 External Contract	30,643	8,973.37	14,221.38	29,395.78	1,247.22	96%
38-852-473 WWTP Rehab Annual Payment	24,032	0.00	0.00	0.00	24,032.00	
38-852-801 Town Hall Roof Loan - Principal	2,640	0.00	214.48	1,501.36	1,138.64	57%
38-852-802 USDA Public Works Trucks - Princ Sewer	2,485	0.00	0.00	2,484.86	0.14	100%
38-852-803 USDA Town Hall/WS Loan Principal	41,150	0.00	0.00	0.00	41,150.00	
38-852-804 NCDEQ Unity, Bute & Battle Sewer Rehab Princ Only	14,977	0.00	0.00	0.00	14,977.00	
38-852-809 John Riggans Easement Pmt	1,000	0.00	1,000.00	1,000.00	0.00	100%
38-852-810 BB&T Battle Avenue Sewer Loan - Principal	6,452	6,451.88	6,451.88	6,451.88	0.12	100%
38-852-811 NCDEQ Sewer Rehab Annual Loan- Principal	13,750	0.00	0.00	0.00	13,750.00	
38-852-830 BB&T Battle Ave Sewer Loan - Int	523	522.45	522.45	522.45	0.55	100%
38-852-831 Town Hall Roof Loan - Interest Sewer	194	0.00	21.66	151.62	42.38	78%

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38 WATER / SEWER							
Description	Budget	MTD	QTD	YTD	Variance	Percent	
38-852-836 USDA Public Works Trucks - Int Sewer	433	0.00	0.00	432.14	0.86	100%	
38-852-837 NCDEQ Sewer Rehab Annual Loan- Interest	3,575	0.00	0.00	1,787.50	1,787.50	50%	
38-852-889 Reserve for USDA Loans	4,407	0.00	0.00	0.00	4,407.00		
38-852-896 WS 25% of GF Expense	46,584	0.00	6,823.30	26,492.92	20,091.08	57%	
38-852-998 Contingency	13,574	0.00	0.00	0.00	13,573.53		
Sewer Expenses Totals:	746,611	35,173.61	99,837.26	382,632.70	363,978.30	51%	
38-901-902 Transfer Out to Water Treatment Plant	32,497	0.00	0.00	0.00	32,497.00		
Transfers Out Totals:	32,497	0.00	0.00	0.00	32,497.00		
Expenses Totals:	1,451,285	76,845.30	225,772.81	775,170.06	676,114.94	53%	
38 WATER / SEWER Revenues Over/(Under) Expenses:		36,535.81	110,947.15	232,245.33			

Budget vs Actual

Town of Warrenton
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Period Ending 3/31/2021

39 WWTP						
Description	Budget	MTD	QTD	YTD	Variance	Percent
Revenues						
39-351-470 Town Sewer Revenues	300,500	0.00	15,681.35	149,405.00	(151,095.00)	50%
39-351-471 Sewer Revenues - County	229,005	0.00	11,950.46	113,858.70	(115,146.30)	50%
39-351-472 Sewer Rev Norlina	165,292	0.00	8,625.65	82,181.40	(83,110.60)	50%
39-365-861 Misc Revenue WWTP	19,832	3,705.00	6,250.00	8,184.99	(11,647.01)	41%
39-381-038 Transfer In from Water/Sewer	32,497	0.00	0.00	0.00	(32,497.00)	
Revenues Totals:	747,126	3,705.00	42,507.46	353,630.09	(393,495.91)	47%
Expenses						
39-861-010 Salary - Full Time	163,202	13,936.14	39,917.46	119,186.56	44,015.44	73%
39-861-014 Salary - Part Time	15,668	1,209.74	3,774.31	11,805.68	3,862.32	75%
39-861-019 Over-Time	13,791	1,400.44	3,278.36	7,728.34	6,062.66	56%
39-861-020 ER-FICA Taxes	14,739	1,057.27	2,961.43	8,866.86	5,872.14	60%
39-861-030 ER - Retirement Orbit	30,015	2,206.17	6,416.32	19,095.30	10,919.70	64%
39-861-040 ER- Health Insurance	24,545	2,085.34	6,112.24	19,963.51	4,581.49	81%
39-861-050 ER-Life Insurance	572	56.00	151.20	484.40	87.60	85%
39-861-060 ER-Workman's Comp	3,221	0.00	0.00	2,323.36	897.64	72%
39-861-099 Salary Reimbursement COVID	1	0.00	0.00	(1,823.92)	1,824.92	-
						182392 %
39-861-200 Travel Expense	500	0.00	0.00	0.00	500.00	
39-861-203 Supplies	2,549	215.88	540.00	1,131.72	1,417.28	44%
39-861-204 Uniforms	2,916	219.94	748.31	2,039.91	876.09	70%
39-861-205 OP Material & supplies	38,700	4,508.53	7,971.12	28,822.89	9,877.11	74%
39-861-250 Light, Heat & Security	95,000	7,144.88	22,813.70	66,014.85	28,985.15	69%
39-861-251 Telephone & Postage	7,722	573.29	1,858.91	6,078.21	1,643.79	79%
39-861-252 Fuel	9,000	783.28	1,237.99	3,815.23	5,184.77	42%
39-861-296 Continuing Education	1,225	0.00	0.00	525.00	700.00	43%
39-861-301 Computer Maint.	4,607	223.91	677.86	2,262.31	2,344.69	49%
39-861-302 Software Support	2,741	50.00	189.94	2,522.25	218.75	92%

Budget vs Actual

Town of Warrenton
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Period Ending 3/31/2021

39 WWTP						
Description	Budget	MTD	QTD	YTD	Variance	Percent
39-861-305 Technology Upgrades	2,000	0.00	0.00	0.00	2,000.00	
39-861-309 Advertising	1,050	0.00	0.00	1,049.27	0.73	100%
39-861-318 Freight Charges	1,879	250.03	512.03	1,488.63	390.37	79%
39-861-342 Maint & Repair Plant	82,670	21,822.16	35,459.07	80,692.94	1,977.06	98%
39-861-344 Sludge Removal	46,511	500.00	8,615.00	22,835.00	23,676.00	49%
39-861-345 Beaver Control	329	0.00	0.00	0.00	329.00	
39-861-346 Lab Material & Supplies	9,122	784.75	1,002.05	9,121.66	0.34	100%
39-861-347 Lab Analysis	17,948	2,489.95	5,079.45	10,759.95	7,188.05	60%
39-861-348 Tar - Pamlico Dues	3,000	0.00	0.00	0.00	3,000.00	
39-861-349 OSHAComp/Safety M&S	1,000	0.00	116.00	888.50	111.50	89%
39-861-352 Vehicle Maintenance	3,619	168.46	487.51	3,606.09	12.91	100%
39-861-400 Liability Insurance	18,185	5,130.15	10,346.70	14,892.90	3,292.10	82%
39-861-405 Audit Expense	8,694	260.41	3,143.75	8,693.75	0.25	100%
39-861-441 Certify Lab Services	1,000	0.00	0.00	95.00	905.00	10%
39-861-444 Permits & Fees	6,253	100.00	400.00	6,193.50	59.50	99%
39-861-446 Influent Debris removal	3,856	345.76	1,024.52	2,985.82	870.18	77%
39-861-447 WWTP Grant Expense	34,125	0.00	0.00	0.00	34,125.00	
39-861-897 WWTP 25% of GF Exp	42,674	0.00	8,140.11	29,531.40	13,142.60	69%
WWTP - Expenses Totals:	714,629	67,522.48	172,975.34	493,676.87	220,952.13	69%
39-901-901 Transfer Out to General Fund	32,497	0.00	0.00	0.00	32,497.00	
Transfers Out Totals:	32,497	0.00	0.00	0.00	32,497.00	
Expenses Totals:	747,126	67,522.48	172,975.34	493,676.87	253,449.13	66%
39 WWTP Revenues Over/(Under) Expenses:		(63,817.39)	(130,467.75)	(130,467.73)		

Check Listing

Date From: 3/1/2021 Date To: 3/31/2021

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Check Number	Bank	Vendor	Date	Amount
63366	30	ALANNA FLYNNE MEARES	03/02/2021	<u>\$1,000.00</u>
63367	30	CNA SURETY DIRECT BILL	03/02/2021	<u>\$289.80</u>
63368	30	COLUMBIAN MUTUAL LIFE INS CO	03/02/2021	<u>\$37.88</u>
63369	30	EMMA M DAVIS	03/02/2021	<u>\$113.55</u>
63370	30	FRONTIER NATURAL GAS	03/02/2021	<u>\$116.08</u>
63371	30	HARRIS ENTERPRISES	03/02/2021	<u>\$3,971.10</u>
63372	30	JAMES T KEARNEY	03/02/2021	<u>\$150.00</u>
63373	30	LAURA S BUTTRAM	03/02/2021	<u>\$65.20</u>
63374	30	Lee Roy West Plumbing & Heating	03/02/2021	<u>\$77.35</u>
63375	30	MARTHA JOSEPH	03/02/2021	<u>\$23.73</u>
63376	30	MULTIMEDIA SALES & MARKETING	03/02/2021	<u>\$270.00</u>
63377	30	NORTH CAROLINA DEPARTMENT OF LABOR	03/02/2021	<u>\$200.00</u>
63378	30	PEGGIE E. POWELL	03/02/2021	<u>\$150.00</u>
63379	30	SENIOR RESPITE ASSTISTANCE	03/02/2021	<u>\$73.73</u>
63380	30	VELVANIQUE SEWARD	03/02/2021	<u>\$70.44</u>
63381	30	WRIGHT EXPRESS FSC	03/02/2021	<u>\$1,309.68</u>
63382	30	BOWERS & BURROWS INC	03/04/2021	<u>\$548.60</u>
63383	30	CAROLINA DIGITAL PHONE INC	03/04/2021	<u>\$316.00</u>
63384	30	DOCUMENT SYSTEMS, INC	03/04/2021	<u>\$11.52</u>
63385	30	ELECTRO-CHEMICAL DEVICES	03/04/2021	<u>\$199.96</u>
63386	30	FRONTIER NATURAL GAS	03/04/2021	<u>\$123.23</u>
63387	30	HUMANA SPECIALTY BENEFITS	03/04/2021	<u>\$29.38</u>
63388	30	PETE SMITH TIRE & QUICK LUBE, INC	03/04/2021	<u>\$2,066.16</u>
63389	30	SONITROL INTEGRATED SECURITY	03/04/2021	<u>\$1,302.00</u>
63390	30	SOUTHERN CORROSION, INC.	03/04/2021	<u>\$4,829.00</u>
63391	30	WRIGHT EXPRESS FSC	03/04/2021	<u>\$1,331.32</u>
63392	30	NC DEPT. OF ENVIRONMENTAL QUALITY	03/05/2021	<u>\$100.00</u>
63393	30	AAA GAS AND APPLIANCE CO.	03/05/2021	<u>\$315.19</u>
63394	30	DOCUMENT SYSTEMS, INC	03/05/2021	<u>\$1,232.25</u>
63395	30	HACH COMPANY	03/05/2021	<u>\$837.72</u>
63396	30	UNIFIRST CORPORATION	03/05/2021	<u>\$563.04</u>
63397	30	WALKER AUTO STORES	03/05/2021	<u>\$12.77</u>

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Check Number	Bank	Vendor	Date	Amount
63398	30	BRYANT INDUSTRIAL CONTRACTORS, INC.	03/09/2021	\$13,300.00
63399	30	Community Eye Care	03/09/2021	\$92.84
63400	30	DUKE ENERGY PROGRESS	03/09/2021	\$194.12
63401	30	HARRIS ENTERPRISES	03/09/2021	\$5,952.04
63402	30	Melinda Andrews	03/09/2021	\$781.25
63403	30	NORTH CAROLINA 811, INC	03/09/2021	\$25.00
63404	30	Spectrum Business	03/09/2021	\$124.98
63405	30	PLUMMER HOOK & LADDER MUSEUM	03/09/2021	\$10,000.00
63406	30	Cash	03/09/2021	\$100.00
63407	30	AMAZON CAPTIAL SERVICES, INC.	03/11/2021	\$377.36
63408	30	BLUE RIDGE SPRINGS, INC	03/11/2021	\$115.90
63409	30	CITIZENS INSURANCE & BONDING,	03/11/2021	\$15,899.00
63410	30	DOCUMENT SYSTEMS, INC	03/11/2021	\$144.00
63411	30	DUKE ENERGY PROGRESS	03/11/2021	\$9,445.00
63412	30	Fastenal Co.	03/11/2021	\$375.44
63413	30	GFL ENVIRONMENTAL	03/11/2021	\$345.76
63414	30	MERITECH INC	03/11/2021	\$1,078.00
63415	30	MIRANDA E. MEDLIN	03/11/2021	\$110.00
63416	30	PETE SMITH TIRE & QUICK LUBE, INC	03/11/2021	\$645.69
63417	30	QUILL CORPORATION	03/11/2021	\$68.31
63418	30	RJA FIRE EXTINGUISHERS SALES & SERVICE, INC.	03/11/2021	\$43.00
63419	30	WARREN COUNTY PUBLIC UTILITIES	03/11/2021	\$16,254.00
63420	30	WARREN COUNTY PUBLIC WORKS	03/11/2021	\$1,388.91
63421	30	AMAZON CAPTIAL SERVICES, INC.	03/16/2021	\$162.20
63422	30	DRAWINGBOARD PRINTING	03/16/2021	\$175.29
63423	30	FIRST CITIZENS BANK	03/16/2021	\$1,216.98
63424	30	FRONTIER NATURAL GAS	03/16/2021	\$79.45
63425	30	KING'S FITNESS & NUTRITION CENTER	03/16/2021	\$375.00
63426	30	QUILL CORPORATION	03/16/2021	\$1,153.00
63427	30	TIME WARNER CABLE	03/16/2021	\$116.97
63428	30	UNITED PARCEL SERVICE	03/16/2021	\$230.07

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Check Number	Bank	Vendor	Date	Amount
63429	30	USA Bluebook	03/16/2021	<u>\$286.50</u>
63430	30	ALWAYS CARE BENEFITS, INC.	03/18/2021	<u>\$414.80</u>
63431	30	AMAZON CAPTIAL SERVICES, INC.	03/18/2021	<u>\$53.14</u>
63432	30	CENTURY LINK COMMUNICATIONS	03/18/2021	<u>\$193.84</u>
63433	30	DOCUMENT SYSTEMS, INC	03/18/2021	<u>\$127.93</u>
63434	30	FRONTIER NATURAL GAS	03/18/2021	<u>\$149.68</u>
63435	30	LAKE GASTON SIGNS & GRAPHIC CO.	03/18/2021	<u>\$156.25</u>
63436	30	PROFESSIONAL MAIL SERVICES, INC	03/18/2021	<u>\$10.17</u>
63437	30	QUILL CORPORATION	03/18/2021	<u>\$71.67</u>
63438	30	TIME WARNER CABLE	03/18/2021	<u>\$76.97</u>
63439	30	UNIFIRST CORPORATION	03/18/2021	<u>\$334.99</u>
63440	30	US CELLULAR	03/18/2021	<u>\$1,503.34</u>
63441	30	A & S PEST CONTROL, INC.	03/22/2021	<u>\$100.00</u>
63442	30	AMAZON CAPTIAL SERVICES, INC.	03/22/2021	<u>\$267.92</u>
63443	30	DOCUMENT SYSTEMS, INC	03/22/2021	<u>\$23.43</u>
63444	30	DUKE ENERGY PROGRESS	03/22/2021	<u>\$1,858.83</u>
63445	30	H.B. Poythress & Assoc.LLC	03/22/2021	<u>\$684.79</u>
63446	30	HARRIS ENTERPRISES	03/22/2021	<u>\$320.25</u>
63447	30	MIRANDA E. MEDLIN	03/22/2021	<u>\$220.00</u>
63448	30	PETE SMITH TIRE & QUICK LUBE, INC	03/22/2021	<u>\$564.50</u>
63449	30	PROFESSIONAL MAIL SERVICES, INC	03/22/2021	<u>\$509.86</u>
63450	30	UNIFIRST CORPORATION	03/22/2021	<u>\$321.31</u>
63451	30	United Healthcare	03/22/2021	<u>\$13,395.20</u>
63452	30	CAST STONE SYSTEMS, INC.	03/25/2021	<u>\$7,700.00</u>
63453	30	DUKE ENERGY PROGRESS	03/25/2021	<u>\$30.27</u>
63454	30	GALLS QUARTERMASTER	03/25/2021	<u>\$78.96</u>
63455	30	HUMANA SPECIALTY BENEFITS	03/25/2021	<u>\$29.38</u>
63456	30	ALANNA FLYNNE MEARES	03/26/2021	<u>\$1,000.00</u>
63457	30	AMAZON CAPTIAL SERVICES, INC.	03/26/2021	<u>\$374.60</u>
63458	30	Core & Main	03/26/2021	<u>\$462.54</u>
63459	30	DUKE ENERGY PROGRESS	03/26/2021	<u>\$109.81</u>
63460	30	FLEMING INVESTMENT COMPANY	03/26/2021	<u>\$3,000.00</u>

Check Listing

Date From: 3/1/2021 Date To: 3/31/2021

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Check Number	Bank	Vendor	Date	Amount
63461	30	GRANVILLE FARMS, INC.	03/26/2021	\$500.00
63462	30	HARRIS ENTERPRISES	03/26/2021	\$1,635.67
63463	30	INFORMATION TECHNOLOGY SERVICE	03/26/2021	\$174.03
63464	30	MUNICIPAL INSURANCE TRUST	03/26/2021	\$747.48
63465	30	PRUDENTIAL RETIREMENT	03/26/2021	\$1,314.92
63466	30	WATER GUARD, INC.	03/26/2021	\$2,910.95
63467	30	WAYPOINT ANALYTICAL	03/26/2021	\$1,481.95
63468	30	H.G. REYNOLDS COMPANY, INC	03/29/2021	\$139,863.47
63469	30	MUNICIPAL ENGINEERING	03/29/2021	\$9,230.00
63470	30	COLUMBIAN MUTUAL LIFE INS CO	03/30/2021	\$37.88
63471	30	FRONTIER NATURAL GAS	03/30/2021	\$67.83
63472	30	H.G. REYNOLDS COMPANY, INC	03/30/2021	\$4,802.21
63473	30	HARRIS ENTERPRISES	03/30/2021	\$2,006.45
63474	30	Meredith Valentine	03/30/2021	\$10.00
63475	30	RALPH HODGE CONSTRUCTION COMPANY	03/30/2021	\$16,564.40
63476	30	SOUTHERN SOFTWARE, INC.	03/30/2021	\$249.04
63477	30	VERIZON WIRELESS	03/30/2021	\$280.07
63478	30	WARRENTON SUPPLY CO., INC.	03/30/2021	\$26.35
63479	30	WRIGHT EXPRESS FSC	03/30/2021	\$1,187.24
63482	30	BB&T	03/31/2021	\$12,834.61
63483	30	Core & Main	03/31/2021	\$2,246.12
116	Checks Totaling -			\$334,707.84

Totals By Fund

	Checks	Voids	Total
34	\$4,057.66		\$4,057.66
36	\$1,972.45		\$1,972.45
37	\$55,312.39		\$55,312.39
38	\$57,088.65		\$57,088.65
39	\$50,618.82		\$50,618.82
51	\$16,564.40		\$16,564.40
55	\$149,093.47		\$149,093.47
Totals:	\$334,707.84		\$334,707.84

Memo

To: Town Commissioners
From: Bill Perkinson
CC: Mayor, Town Administrator
Date: April 7, 2021
Re: March 2021 Monthly Activity Report for Public Works

Water and Sewer

- **Water and Sewer System Needs – Unfunded:** (1) West Ridgeway St. sewer main (general location is in area between Ridgeway Street and Fairlane Drive) – Determine exact location of sewer main and right of way. (2) Install magnetic flow meter in 14 inch sewer force main where Town of Norlina's and Warren County's Sewer enters Town of Warrenton's sewer system (meter would give us precise measurement of volume of sewer in route to the wastewater treatment plant from our partners thus helping to ensure accurate portioning of monthly wastewater treatment expense between the three partners). (3) Purchase water and sewer line locating equipment. (4) Purchase water main valve exercising equipment.
- **Water and Sewer System Needs – Funded:** (1) Sewer main located between Bragg St. and Macon St. (serves all businesses located on the east side of South Main Street between Odom's Motor Service and Macon Street and Quilt Lizzy) – Line is failing and will need to be repaired or relocated. Repair will be exceedingly difficult due to location of line – Replacement of line will be funded by USDA Rural Development grant. (2) Purchase and install public works 2-way radio repeater. Funded by USDA Rural Development grant. (3) Purchase and install SCADA systems on Town's 3 sewer lift stations - Funded by USDA Rural Development grant.
- **Completed Water and Sewer System Maintenance/Repair Related Information:** (1) Repair – King Street Elevated Tank – Replaced section of leaking pipe in control vault. Contractor: Southern Corrosion (Labor and Materials - \$4,829.00) (2) Repair – King Street Elevated Tank – Troubleshooted and corrected issue with altitude valve. Contractor: Harris Enterprises (Labor - \$300.00) (3) Emergency Repair – Red Hill Loop Road Sewer Lift Station. Connected mobile generator to unit during power outage to pump down wet well. Contractor: Harris Enterprises (Labor - \$120.00) (4) Emergency Repair – F & M Sewer Lift Station. Repaired emergency generator, pump vacuum leak, and serviced auto-dialer. Contractor: Harris Enterprises (Labor - \$900.00, Materials - \$65.30) (5) Emergency Repair - Riggans Sewer Lift Station – Pump 2. Pulled pump unit and replaced with spare overhauled pump unit. Contractor: Harris Enterprises (Labor \$3,600.00, Parts – provided from spare parts inventory) (6) Emergency Repair – Sewer Force Main located at Fresenius Dialysis Center – Repaired leak on Town side of force main. Contractor: H. G. Reynolds (Labor and Materials - \$4,788.03)

Total cost for Maintenance and Repair Equipment (Account No. 38-851-351 & 38-852-351) - \$00.00

Total cost for External Contract Maintenance and Repair (Account No. 38-851-448 & 38-852-448) - \$14,102.37

- **Water and Sewer Adjustment Request:** For consideration at the April 12, 2021 meeting of the Board of Commissioners. **Warren Food, Inc. (Subway)** – 305 E. Macon St., Account #003-0000570-1. (Billing Period January 15, 2021 thru February 15, 2021) Leak occurred underneath building. Normal usage 4,000. Request is for sewer adjustment of 40,000 gallons at \$9.01/1000. Total \$360.40. Adjustment recommended by staff.

Streets and Sanitation

- **Current Tasks:** Tree pruning. Street curb and gutter cleaning. Signs repair/replacement. Brick sidewalk repairs. Loose leaves/debris pick-up. Grass Cutting.

Memo

To: Town Commissioners
From: Bill Perkinson
CC: Mayor, Town Administrator, Warren County Director of Public Works, Norlina Director of Public Works
Date: April 7, 2021
Re: March 2021 Monthly Activity Report for WWTP

- **Pending Equipment Repairs:** **(1)** Effluent filter controls – Safety issue - Replace cylinders and control mechanism for valves located in pit area of filter building. **(2)** Sand blast and refinish site metal structures. **(Estimated Cost – Refinishing remaining structures - \$58,000)** **(3)** Replace Influent pump No. 2 and 3 motor base stands. **(Estimated Cost - \$4,000 per pump)**
- **Completed Plant Maintenance/Repair Related Information:** **(1)** Emergency Repair – Rotor 2A – Unit collapsed. Switched out damaged rotor unit with donor unit from 1D position. Demolition and installation. Contractor: Harris Enterprises (Labor - \$4,320.00, Parts - \$238.38, additional parts provided from plant spare parts inventory), Crane service: Bryant Industrial Contractors (\$13,300.00). **(2)** Emergency Repair – Rotor 2A – Replaced 50-amp, 600-volt circuit breaker. Contractor: Harris Enterprises (Labor - \$180.00, Parts - \$377.00). **(3)** Emergency Repair – Sludge Recirculation System – Eliminated air lock condition. Contractor: Harris Enterprises (Labor - \$120.00). **(4)** Repair/Fabrication – Influent by-pass channel gate. Fabricated aluminum replacement unit. Contractor: Harris Enterprises (Labor - \$360.00, Materials - \$422.20). **(5)** Emergency Repair – Influent Works – Influent Pumps and Grit Pump Electrical Controls. Troubleshooted electrical issues and made repairs. Replaced relay and float switch. Contractor: Harris Enterprises (Labor - \$600.00, Parts - \$25.00). **(6)** Preventative Maintenance – Plant Emergency Generator – Performed Level 1 and 2 Maintenance Schedule including changing all fluids and filters and changing batteries. Full test on Transfer Switch. Contractor: Harris Enterprises (Labor - \$720.00, Parts - \$1,159.58)

Total cost for Repairs (Account No. 39-861-342) - \$21,822.16

- **Plant Discharge Quality:** Our discharge quality remained good throughout the entire month; 22.03 million gallons were treated.

Activity Detail Summary (by Category)

Warrenton Police Department

(03/01/2021 - 03/31/2021)

Incident\Investigations

13B - Simple Assault	1
290 - Destruction/Damage/Vandalism of Property	4
90C - Disorderly Conduct	2
90Z - All Other Offenses	4
Total Offenses	11
Total Incidents	9

Arrests

90C - Disorderly Conduct	1
90Z - All Other Offenses	2
Total Charges	3
Total Arrests	2

Accidents

Total Accidents	0
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Citations

Driving While License Revoked	2
Failure To Stop (Stop Sign/Flashing Red Light)	1
Inspection	1
No Insurance	1
No Operator License	3
Other (Infraction)	7
Other (Misdemeanor)	1
Speeding (Infraction)	1
Secondary Charge	7
Total Charges	24
Total Citations	17

Activity Detail Summary (by Category)

Warrenton Police Department

(03/01/2021 - 03/31/2021)

Warning Tickets

1

Total Charges 1

Total Warning Tickets 1

Ordinance Tickets

Fire Lane Violation 1

Noise Ordinance 2

Total Ordinance Tickets 6

Criminal Papers

Total Criminal Papers Served 0

Total Criminal Papers 0

Civil Papers

Total Civil Papers Served 0

Total Civil Papers 0

Activity Log Event Summary (Cumulative Totals)

Warrenton Police Department

(03/01/2021 - 03/31/2021)

911 Hang-up	4	Accident	8
Alarm Activation	6	Animal Complaint	2
Assault-Physical	1	Assist Motorist	3
Assist NPD	3	Assist Other Department	2
Assist WC EMS	11	Assist WCSO	3
B & E	1	C.O.P.S	6
C.O.P.S. - Main St	7	C.O.P.S.- Neighborhood Patrol	1
Careless and Reckless Driving	1	Complaint	3
Dispute	1	Disturbance	3
Domestic	1	Fight	1
Follow up Investigation	1	Foot Patrol	5
Funeral Escort	3	Information by Phone	1
Injury to Personal Property	3	Investigation and/or Interview	1
Loitering	1	Medical / Person Hurt or Sick	1
Missing Person – Attempt to Locate	1	Open Door (Business)	2
Ordinance Violation	6	Parking Violation	17
Patrol	14	Property Check – Business	25
Property Check – Residential	7	Prowler	1
Suspicious Person / Vehicle	5	Talk with Officer	3
Traffic Stop	31	Training	4
Vandalism	1	Wash Patrol Vehicle	2
Welfare Check	2		

Total Number Of Events: 205



Walter M. Gardner, Jr. – Mayor
Robert F. Davie, Jr. – Town Administrator

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STATUS OF GRANTS

(Fund 51 & 61) USDA Rural Development --

- Project being closed out.

(Fund 53) NC Commerce Main Street Downtown Redevelopment -- \$500,000 to redevelop 107 N. Main Street.

- Received bids for Phase 2. Received some lower bids for electrical, concrete and plumbing. Phase 2 plans may be revised and rebid, else project could continue as Phase 1 cost estimates are similar to prior estimates.
- Received updated estimates to continue on as Phase 1. Town placed building under its insurance policy.
- Town working with COG seeking additional grant funding option.

(Fund 55) NC DEQ Water Infrastructure WWTP -- \$2,100,000 to rehab most severe areas of WWTP

- Town \$1,600,000 with 100% grant and Town to pay 1.5% processing fee. Town borrowing additional \$500,000 to pay for cost increases in marketplace.
- Grit screen installed. Mixers and lime system ordered, delivery March and May
- End date of project is August 2021

TAP Grant – ADA (Americans with Disabilities Act) or handicapped sidewalk access

- DOT roads = 100% grant
- DOT indicated that funds have been allocated but construction has been delayed until January of 2022.

(Fund 64 & 65) NC DEQ – Sewer Rehab – Battle Ave/Unity & Bute

- Project being closed out.

NC Main Street Solutions Warrenton Brewery Grant - \$100,000 grant with 2 to 1 match. This grant is to help renovate 120 S. Main Street for a Brewery and Meadery.

- Final drawings received from architect
- Received approval from NCSHPO. Updated drawings submitted to Main Street.
- Waiting on financing closing. Work must be completed by September 2021 per grant agreement

NC Neighborhood Revitalization Program

- Application underway for CDGB funds to assist in repairing houses owned by citizens of low or moderate incomes.
- Received release of funds letter from NC Department of Commerce.
- Re-verifying income qualifications of recipients

Volkswagen Settlement Grant

- Application submitted on September 30 seeking replacement of garbage truck, dump truck, tractor and back hoe. No Town match was included in the application.
- Town awarded \$218,000 for new garbage and dump trucks. One of 70 awards given. Contract process may be two to six months to complete. Town must purchase equipment and be reimbursed approximately two weeks later.
- Contract agreement from NC Commerce before Board for approval.

Building Reuse Grant

- Town awarded \$50,000 from NC Commerce for Warrenton Veterinary Clinic.
- Closing on building complete.
- Executed grant agreement with Commerce and Dr. O'Malley.

Brownfield Grant

- This grant will analyze the environmental issues with multiple properties in Warrenton.
- Grant application submitted by Cardno engineers. Award notification in May/June of 2021

EDA SPRINT Grant

- Application submitted to US Economic Development Administration for Frontier Warren.
- 20% match from Town is utilizing in-kind match which is already budgeted.
- The Town was not awarded a grant. Stiff competition and the only awardee in North Carolina was the University of North Carolina at Chapel Hill.



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WATER / SEWER REVENUES (POST RATE INCREASE)

Monthly Run Rate to Meet Budget Projections:

Water Revenues: \$67,000

Sewer Revenues: \$49,000

March 2021 Pre-billing Report

Water Revenues: \$57,000

Sewer Revenues: \$44,000

February 2021 Pre-billing Report

Water Revenues: \$61,000

Sewer Revenues: \$46,000

January 2021 Pre-billing Report

Water Revenues: \$59,000

Sewer Revenues: \$47,000

December 2020 Pre-billing Report

Water Revenues: \$58,000

Sewer Revenues: \$45,000

November Pre-billing Report

Water Revenues: \$65,000

Sewer Revenues: \$51,000

October Pre-billing Report

Water Revenues: \$63,000

Sewer Revenues: \$49,000

September Pre-billing Report

Water Revenues: \$67,000

Sewer Revenues: \$54,000

August Pre-billing Report

Water Revenues: \$69,000

Sewer Revenues: \$55,000

* Note the Pre-billing does not reflect monies collected, only monies billed, so actual revenues collected may be lower. Billing is in arrears so there is a 30-day lag between usage and billing.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

APPLICANT'S FEDERAL
IDENTIFICATION
NUMBER: **_***1362

**North Carolina Department of Environmental Quality
Financial Assistance Agreement**

This financial assistance agreement is hereby made and entered into this **March 16, 2021** by and between the **NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY** (the "Department") and **TOWN OF WARRENTON** (the "Applicant"¹).

- 1. Audit and Other Reporting Requirements of the Local Government Commission.** If subject to the audit and other reporting requirements of the Local Government Commission pursuant to Article 3 of Chapter 159 of the North Carolina General Statutes (Local Government Budget and Fiscal Control Act), the Applicant understands and agrees that the terms, conditions, restrictions and requirements hereinafter set forth shall only apply to the extent not inconsistent with, or superseded by, the audit and other reporting requirements of the Local Government Commission.
- 2. Contract Documents.** The agreement between the parties consists of this document (the "Contract Cover") and its attachments, which are identified by name as follows:
 - a. State's General Terms and Conditions (Attachment A)
 - b. Department's Request for Proposal ("RFP") (Attachment B)
 - c. Applicant's Response to RFP, including scope of work, line item budget, budget narrative and, *if applicable*, indirect cost documentation (hereinafter referred to generally as the "Award Proposal") (Attachment C)
 - d. Notice of Certain Reporting and Audit Requirements (Attachment D)
 - e. APPLICANT'S Conflict of Interest Policy (Attachment E)

Together, these documents (the "Contract Documents") constitute the entire agreement between the parties (the "Agreement"), superseding all prior oral or written statements or agreements. Modifications to this Contract Cover or to any other Contract Document may only be made through written amendments processed by the Department's Financial Services Division. Any such written amendment must be duly executed by an authorized representative of each party.

- 3. Precedence Among Contract Documents.** In the event of a conflict or inconsistency between or among the Contract Documents, the document with the highest relative precedence shall prevail. This Contract Cover shall have the highest precedence. The order of precedence thereafter shall be determined by the order of documents listed in § 2 above, with the first-listed document having the second-highest precedence and the last-listed document having the lowest precedence. If there are multiple contract amendments, the most recent amendment has the highest precedence and the oldest amendment has the lowest precedence.
- 4. Contract Period.** This Agreement shall be effective from **March 16, 2021** to **March 16, 2023**, inclusive of those dates.
- 5. Applicant's Duties.** As a condition of the grant award, the Applicant agrees to:
 - a. Undertake and deliver the grant award project, plan or services as described in the Award Proposal (Attachment C), adhering to all budgetary provisions set out therein throughout the course of performance.
 - b. Ensure that all award funds are expended in a manner consistent with the purposes for which they were awarded, as described more fully in the attached Contract Documents.

¹ The contract documents attached hereto may at times use alternative terms to describe the Applicant. Such terms might include, but are not necessarily limited to, the following (in common or proper form): "recipient," "applicant," or "participant."

- c. Comply with the requirements of 09 NCAC 03M .0101, *et seq.* (Uniform Administration of State Awards of Financial Assistance), including, but not limited to, those provisions relating to audit oversight, access to records, and availability of audit work papers in the possession of any auditor of any recipient of State funding.
 - d. Comply with the applicable provisions of Attachment D, Notice of Certain Reporting and Audit Requirements.
 - e. Maintain all records related to this Agreement (i) for a period of five (5) years following the date on which this Agreement expires or terminates, or (ii) until all audit exceptions have been resolved, whichever is longer.
 - f. Comply with all laws, ordinances, codes, rules, regulations, and licensing requirements applicable to its performance hereunder and/or the conduct of its business generally, including those of Federal, State, and local agencies having jurisdiction and/or authority.
 - g. Obtain written approval from the Department's Contract Administrator (see § 14 below) prior to making any subaward or subgrant not already described in the Award Proposal.
 - h. Ensure that the terms, conditions, restrictions and requirements of this Contract Cover, including those incorporated by reference to other Contract Documents and/or applicable law, are made applicable to, and binding upon, any subApplicant who receives as a subaward or subgrant any portion of the award funds made available to the Applicant hereunder.
 - i. Take reasonable measures to ensure that any subApplicant (i) complies with the terms, conditions, restrictions and requirements set forth in this Contract Cover, including those incorporated by reference to other Contract Documents and/or applicable law, and (ii) provides such information in its possession as may be necessary for the Applicant to comply with such terms, conditions, restrictions and requirements.
6. **Historically Underutilized Businesses.** Historically Underutilized Businesses (HUBs) consist of minority, women and disabled business firms that are at least fifty-one percent owned and operated by an individual(s) of the categories. Also included in this category are disabled business enterprises and non-profit work centers for the blind and severely disabled.
- Pursuant to G.S. 143B-1361(a), 143-48 and 143-128.4, the Department invites and encourages participation in this procurement process by businesses owned by minorities, women, disabled, disabled business enterprises and non-profit work centers for the blind and severely disabled. This includes utilizing subcontractors to perform the required functions in this contract. Any questions concerning NC HUB certification, contact the [North Carolina Office of Historically Underutilized Businesses](#) at (919) 807-2330.
7. **Department's Duties.** The Department shall pay the Applicant in the manner and amounts specified below and in accordance with the approved budget set forth in the Award Proposal.
8. **Total Award Amount.** The total amount of award funds paid by the Department to the Applicant under this Agreement shall not exceed **TWO HUNDRED EIGHTEEN THOUSAND SEVEN HUNDRED EIGHTY DOLLARS AND ELEVEN CENTS (\$218,780.11)** (the "Total Award Amount"). This amount consists of:

Funding:

Type of Funds	Funding Source	CFDA No.
Receipts	VW-ON ROAD PROGRAM-CLASS 4-7	N/A

Account Coding Information:

Dollars	GL Company	GL Account	GL Center
\$218,780.11	1602	536989	2350-3508

Applicant Matching Information:

- ☐ a. There are no matching requirements from the Applicant.
- ☐ b. There are no matching requirements from the Applicant; however, the Applicant has committed the following match to this project:

	In-Kind	\$
	Cash	\$
	Cash and In-Kind	\$
	Other / Specify:	\$

- ☐ c. The Applicant's matching requirement is \$, which shall consist of:

	In-Kind	\$
	Cash	\$
	Cash and In-Kind	\$
	Other / Specify:	\$

- ☐ d. The Applicant is committing to an additional \$to complete the project or services described in the Award Proposal.

Based on the figures above, the total contract amount is **\$218,780.11**.

- 9. Invoice and Payment.** The award funds shall be disbursed to the Applicant in accordance with the following provisions:
- a. The Department shall reimburse the Applicant for actual allowable expenditures, with the Department retaining a minimum of ten percent (10%) of the Total Award Amount until all grant-related activities are completed and all reports/deliverables are received and accepted by the Department. As used herein, "allowable expenditures" are expenditures associated with work conducted to meet performance obligations under this Agreement, provided such work is carried out in a manner consistent with the Award Proposal. The Department may withhold payment on invoices when performance goals and expectations have not been met or when the manner of performance is inconsistent with Attachment C.
- 10. Applicant's Fiscal Year.** The Applicant represents that its fiscal year is from July 1 to June 30.
- 11. Availability of Funds.** The Applicant understands and agrees that payment of the sums specified herein shall be subject to, and contingent upon, the allocation and appropriation of funds to the Department for the purposes described in this Agreement.
- 12. Reversion of Unexpended Funds.** The Applicant understands and agrees that any unexpended grant funds shall revert to the Department upon termination of this Agreement.
- 13. Supplantation of Expenditure of Public Funds.** The Applicant understands and agrees that funds received pursuant to this Agreement shall be used only to supplement, not to supplant, the total amount of Federal, State and local public funding that the Applicant would otherwise expend to carry out the project or services described in the Award Proposal.
- 14. Contract Administrators.** Each party shall submit notices, questions and correspondence related to this Agreement to the other party's Contract Administrator. The contact information for each party's Contract Administrator is set out below. Either party may change its Contract Administrator and/or the associated contact information by giving timely written notice to the other party.

Applicant Contract Administrator	Department's Contract Administrator
Robert Davie Town of Warrenton PO Box 281 Warrenton, NC 27589 Telephone: (252) 257-1122 Email: townadministrator@warrenton.nc.gov	Jill Vitas Department of Environmental and Natural Air Quality 217 West Jones St. Raleigh, NC 27603 Telephone: (919) 707-8424 Email: jill.vitas@ncdenr.gov

15. **Assignment.** The Applicant may not assign its obligations or its rights to receive payment hereunder.
16. **Procurement.** The Applicant understands and agrees that all procurement activities undertaken in connection with this Agreement shall be subject to the following provisions:
- None of the work or services to be performed under this Agreement involving the specialized skill or expertise of the Applicant shall be contracted without prior written approval from the Department.
 - In the event the Applicant or any subrecipient of the Applicant contracts for any of the work to be performed hereunder, the Applicant shall not be relieved of any duties or responsibilities herein set forth.
 - The Applicant shall not contract with any vendor who is restricted from contracting with the State of North Carolina pursuant to N.C.G.S. §§ 143-133.3, 143-59.1, 143-59.2 or 147.86.60.
17. **Subawards.** The Applicant understands and agrees that any subaward or subgrant of any portion of the financial assistance provided hereunder shall not relieve the Applicant of any duties or responsibilities herein set forth.
18. **Title VI and Other Nondiscrimination Requirements.** Throughout the course of its performance hereunder, the Applicant shall comply with all applicable State and Federal laws, regulations, executive orders and policies relating to nondiscrimination, including, but not limited to:

Title VI of the Civil Rights Act of 1964, as amended;

Civil Rights Restoration Act of 1987, as amended;

Section 504 of the Rehabilitation Act of 1973, as amended;

Age Discrimination Act of 1975, as amended;

Titles II and III of the Americans with Disabilities Act of 1990, as amended;

Title IX of the Education Amendments of 1972, as amended;

Part III of Executive Order No. 11246 (September 24, 1965), as amended; and

Section 13 of the Federal Water Pollution Control Act Amendments of 1972.

In accordance with the above laws and their implementing regulations, the Applicant agrees to ensure that no person in the United States is, on the basis of race, color, national origin, sex, age or disability, excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity for which the Applicant receives Federal assistance. For purposes of this provision, "program or activity" shall have the meaning ascribed to that term under Federal law (see 42 U.S.C.S. § 2000d-4a).

The Applicant understands and acknowledges that, in addition to itself, any lower-tier recipient of the financial assistance provided hereunder must also comply with the requirements of this section. Accordingly, the Applicant

agrees to include a similar provision in any financial assistance agreement made with any lower-tier recipient of such assistance.

19. **E-Verify.** To the extent applicable, the Applicant represents that it and each of its subApplicants, contractors and/or subcontractors performing work pursuant to, or in association with, this Agreement are in compliance with Article 2 of Chapter 64 of the North Carolina General Statutes, including, in particular, the requirement that certain employers verify the work authorization of newly hired employees using the Federal E-Verify system.
20. **Termination by Mutual Consent.** This Agreement may be terminated by mutual consent of the parties, provided the consent is documented in writing and duly executed by an authorized representative of each party.
21. **Survival.** Any provision contained in this or any other Contract Document that contemplates performance or observance subsequent to the termination or expiration of this Agreement shall survive the termination or expiration hereof and continue in full force and effect.
22. **Signature Warranty.** The undersigned represent and warrant that they are authorized to bind their principals to the terms and conditions of this Contract Cover and the Agreement generally, including those incorporated by reference to applicable law.

IN WITNESS WHEREOF, each party has caused this Agreement to be executed by the duly authorized representative in duplicate originals, one of which is retained by each of the Parties.

TOWN OF WARRENTON

By _____
Applicant's Signature

Printed Name and Title

Organization

**NORTH CAROLINA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

By _____
Signature of Department Head or Authorized Agent

Tommy Kirby, Purchasing Director
Printed Name and Title

Financial Services Division, Purchasing and Contracts
Division/Section

ORIGINAL



Walter M. Gardner, Jr. – Mayor
Robert F. Davie, Jr. – Town Administrator

P.O. Box 281
Warrenton, NC 27589-0281
(252) 257-1122 Fax (252) 257-9219
www.warrenton.nc.gov

TOWN OF WARRENTON RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY AT PUBLIC AUCTION

WHEREAS, the Town Board of Commissioners of the Town of Warrenton desires to dispose of certain surplus real property of the Town in accordance with NC GS 160A-270; and

WHEREAS, the Town Board of Commissioners of the Town of Warrenton desires to utilize the auction services of a public electronic auction service.

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

1. The following described real property is hereby declared to be surplus to the needs of the Town: Lot of land situated on Hazelwood Street in Warrenton, NC, identified as tax Parcel E5D125.
2. The Town Manager or his designee is authorized to receive, on behalf of the Town Council, bids via public electronic auction for the purchase of the described property.
3. The public electronic auction will be held beginning no earlier than May 12, 2021.
4. The Town Board further authorizes the disposal of Town surplus property by use of a public electronic auction system provided by GovDeals Inc. The property for sale can be viewed at www.govdeals.com. Citizens wanting to bid on property may do so at www.govdeals.com. The auction shall be open to all bidders who reside in the United States who are 18 years or older. After bids have been received, the highest bid shall be reported to the Town Board of Commissioners, the Board shall accept or reject it within 30 days thereafter. If the bid is rejected, the Board may re-advertise the property for sale.
5. The Town Clerk shall cause a notice of the public auction for surplus property to be noticed by electronic means in accordance with G.S. 160A-270(c), available on the Town of Warrenton website www.warrenton.nc.gov.

Adopted this the 12th day of April 2021

Walter M. Gardner, Jr. - Mayor



Walter M. Gardner, Jr. – Mayor
Robert F. Davie, Jr. – Town Administrator

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SURPLUS OF PERSONAL PROPERTY

The Streets department is currently stand-behind lawn mowers to cut right of ways and strips between sidewalks and curbing. These mowers are much more efficient than previous mowers.

- Propose the following personal property for surplus: Quantity four (4) Husqvarna Riding Mowers, purchased during 2014-2016 and having a 48" cut and 23 horse power.
- Propose a public bid will be held beginning no earlier than May 12, 2021. A minimum bid of \$300 per item will be established. The Town Administrator will receive written bids. After bids have been received, the highest bid shall be reported to the Town Board of Commissioners, the Board shall accept or reject it within 30 days thereafter.



Walter M. Gardner, Jr. – Mayor
Robert F. Davie, Jr. – Town Administrator

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TOWN OF WARRENTON RESOLUTION AUTHORIZING THE SALE OF PERSONAL PROPERTY AT PUBLIC AUCTION

WHEREAS, the Town Board of Commissioners of the Town of Warrenton desires to dispose of certain surplus personal property of the Town in accordance with NC GS 160A-270; and

WHEREAS, the Town Board of Commissioners of the Town of Warrenton desires to receive written bids, directed to the Town Administrator.

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

1. The following described personal property is hereby declared to be surplus to the needs of the Town: Quantity four (4) Husqvarna Riding Mowers, purchased during 2014-2016 and having a 48" cut and 23 horse power.
2. The Town Manager or his designee is authorized to receive, on behalf of the Town Council, bids via written notice on one or all items of described property.
3. The public bid will be held beginning no earlier than May 12, 2021. A minimum bid of \$300 per item will be established.
4. After bids have been received, the highest bid shall be reported to the Town Board of Commissioners, the Board shall accept or reject it within 30 days thereafter. If the bid is rejected, the Board may re-advertise the property for sale.
5. The Town Clerk shall cause a notice of the public auction for surplus property to be noticed by electronic means in accordance with G.S. 160A-270(c), available on the Town of Warrenton website www.warrenton.nc.gov.

Adopted this the 12th day of April 2021

Walter M. Gardner, Jr. - Mayor

Oppose SB 349/HB 401 Increase Housing Opportunities

LOCAL ZONING AND LAND USE CONTROLS PROTECT EXISTING HOME VALUES

SB 349/HB 401 Increase Housing Opportunities represents a radical, one-size-fits-all approach to zoning and land use, in the guise of increasing affordable housing. It would usurp local control, undermine the rights of existing property owners and damage existing home values. The legislation would do so by eliminating single-family zoning statewide and wipe out other aspects of local zoning, further eroding the rights of local property owners and the decisions of their locally elected officials to determine how development should occur in their communities and neighborhoods.

BY OPPOSING SB 349, KNOW THAT:

- ❑ While Oregon has adopted similar radical measures, even its state legislature did not go so far as to eliminate single-family zoning and other forms of zoning to the degree that this legislation proposes.
- ❑ From start to finish, SB 349 represents a broad and comprehensive attack on local land-use decision-making and the ability of local property owners to weigh in on what is and is not appropriate development in their neighborhoods and communities.
- ❑ SB 349 would obstruct the ability of locally elected officials to consider all interests when making land-use decisions, including those of existing homeowners and property owners, who stand to lose the most when incompatible uses are allowed adjacent to their property.
- ❑ Many North Carolina cities have led the way when it comes to making investments and policy changes designed to encourage affordable housing options, but have done so with community involvement and neighborhood-appropriate measures. This bill is a blunt instrument that does neither.



SB 349/HB 401 Increase Housing Opportunities is the latest effort by development interests – now cloaked in the language of affordable housing – to extinguish local authority when it comes to determining how growth and development proceed. **Please oppose SB 349/HB 401, and work with cities and towns and their representatives to find real ways that advance affordable and workforce housing opportunities.**



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Robert F. Davie, Jr. – Town Administrator

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RESOLUTION IN OPPOSITION OF NC SB 349 AND HB 401

WHEREAS, the Town Board of Commissioners of the Town of Warrenton proactively seeks housing solutions for its low income residents; and

WHEREAS, the Town Board of Commissioners of the Town of Warrenton have applied for and received a CDBG Neighborhood Revitalization grant in the amount of \$750,000 for low income residents; and

WHEREAS, SB 349 represents a broad and comprehensive attack on local land-use decision-making and the ability of local property owners to weigh in on what is and is not appropriate development in their neighborhoods and communities; and

WHEREAS, SB 349 would obstruct the ability of locally elected officials to consider all interests when making land-use decisions, including those of existing homeowners and property owners, who stand to lose the most when incompatible uses are allowed adjacent to their property;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of Commissioners that this body is opposed to NC Senate Bill 349 and House Bill 401.

Adopted this the 12th day of April 2021

Walter M. Gardner, Jr. - Mayor

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

FILED SENATE
Mar 24, 2021
S.B. 349
PRINCIPAL CLERK

S

D

SENATE BILL DRS15162-MQ-32A

Short Title: Increase Housing Opportunities. (Public)

Sponsors: Senators Edwards, Newton, and Fitch (Primary Sponsors).

Referred to:

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

5 The General Assembly of North Carolina enacts:

6
7 **PART I. AFFORDABLE HOUSING OPTIONS**

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

10 **"§ 160D-707. Middle housing use in residential zones.**

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

13 (1) A duplex.

14 (2) A triplex.

15 (3) A quadplex.

16 (4) A townhouse.

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

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

31 (1) A local government water system.

32 (2) A local government sewer system.

33 (3) A public water system.

34 (4) A wastewater collection or treatment works, the operation of which is
35 primarily to collect or treat municipal or domestic wastewater and for which



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

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

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

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

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

"§ 160D-917. Accessory dwelling units.

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

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

(1) Owner-occupancy of any dwelling unit, including an accessory unit.

(2) Minimum parking requirements or other parking restrictions.

(3) Conditional use zoning.

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

(1) Prohibit the connection of the accessory dwelling unit to existing utilities serving the primary dwelling unit.

(2) Charge any fee other than a building permit that does not exceed the amount charged for any single-family dwelling unit similar in nature.

(3) Establish development setbacks that differ from the development setbacks applicable for a similarly situated lot in the same zoning classification."

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

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

"§ 42A-3. Application; exemptions.

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

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

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

(2) Rentals to persons temporarily renting a dwelling unit when traveling away from their primary residence for business or employment purposes.

(3) Rentals to persons having no other place of primary residence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"§ 160D-702. Grant of power.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"§ 160D-703. Zoning districts.

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

- (1) Conventional districts, in which a variety of uses are allowed as permitted uses or uses by right and that may also include uses permitted only with a special use permit.
- (2) Conditional districts, in which site plans or individualized development conditions are imposed.
- (3) Form-based districts, or development form controls, that address the physical form, mass, and density of structures, public spaces, and streetscapes.
- (4) Overlay districts, in which different requirements are imposed on certain properties within one or more underlying conventional, conditional, or form-based districts.
- (5) Districts allowed by charter.

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

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

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

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

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

- (1) The adoption or enforcement of an ordinance that downzones property in order to evade voluntary consent of landowners or petitioners or any other requirements contained in subsection (b) of this section.
- (2) Allow a particular land use only through conditional zoning.
- (3) Establishing a threshold on square footage or the number of dwelling units, where to exceed the threshold would require conditional zoning."

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

"§ 160D-703.1. Remedies for violations.

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

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

- (1) The zoning development regulation that existed most recently prior to the invalidated regulation.
- (2) The least restrictive development standards contained within the zoning designation for the jurisdiction that is the most similar zoning designation to the class of property use identified in the permit application.

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

- (1) Commercial.
- (2) Governmental.
- (3) Industrial.
- (4) Institutional.
- (5) Residential."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Any person, other than one described in subdivision (1) of subsection (c) of this section, who seeks to intervene as a petitioner must demonstrate that the

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

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

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

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

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

39 (j) Scope of Review. –

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

e. Unsupported by competent, material, and substantial evidence in view of the entire record.

f. Arbitrary or capricious.

(2) When the issue before the court is one set forth in sub-subdivisions a. through d. of subdivision (1) of this subsection, including whether the decision-making board erred in interpreting an ordinance, the court shall review that issue de novo. The court shall consider the interpretation of the decision-making board, but is not bound by that interpretation, and may freely substitute its judgment as appropriate. Whether the record contains competent, material, and substantial evidence is a conclusion of law, reviewable de novo.

(3) The term "competent evidence," as used in this subsection, does not preclude reliance by the decision-making board on evidence that would not be admissible under the rules of evidence as applied in the trial division of the General Court of Justice if (i) except for the items noted in sub-subdivisions a., b., and c. of this subdivision that are conclusively incompetent, the evidence was admitted without objection or (ii) the evidence appears to be sufficiently trustworthy and was admitted under such circumstances that it was reasonable for the decision-making board to rely upon it. The term "competent evidence," as used in this subsection, shall, regardless of the lack of a timely objection, not be deemed to include the opinion testimony of lay witnesses as to any of the following:

a. The use of property in a particular way affects the value of other property.

b. The increase in vehicular traffic resulting from a proposed development poses a danger to the public safety. An approval by the North Carolina Department of Transportation of a traffic impact analysis for a development project shall be conclusive evidence that the traffic related to the project will not pose a danger to the public safety and will otherwise preclude using traffic as a basis for denying a development permit.

c. Matters about which only expert testimony would generally be admissible under the rules of evidence.

(j1) Action Not Rendered Moot by Loss of Property. – Subject to the limitations in the State and federal constitutions and State and federal case law, an action filed under this section is not rendered moot, if during the pendency of the action, the aggrieved person loses the applicable property interest as a result of the local government action being challenged and exhaustion of an appeal described herein is required for purposes of preserving a claim for damages under G.S. 160D-1403.1.

(k) Decision of the Court. – Following its review of the decision-making board in accordance with subsection (j) of this section, the court may affirm the decision, reverse the decision and remand the case with appropriate instructions, or remand the case for further proceedings. If the court does not affirm the decision below in its entirety, then the court shall determine what relief should be granted to the petitioners:

(1) If the court concludes that the error committed by the decision-making board is procedural only, the court may remand the case for further proceedings to correct the procedural error.

(2) If the court concludes that the decision-making board has erred by failing to make findings of fact such that the court cannot properly perform its function, then the court may remand the case with appropriate instructions so long as the record contains substantial competent evidence that could support the decision below with appropriate findings of fact. However, findings of fact

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

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

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

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

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

(l1) Effect of Appeal of Quasi-Judicial Relief. —

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

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

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

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

PART III. LOCAL GOVERNMENT REPORTING ON GROWTH HAMPERING DENIALS

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

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

PART IV. EFFECTIVE DATE

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