

BURNSVILLE TOWN COUNCIL
AGENDA
Regular Meeting - Thursday, February 1, 2024, 6pm
Burnsville Town Hall

1. Adoption of Agenda
2. Public Comment
3. Consideration of Minutes
 - a. Regular meeting held on January 4, 2024
4. Public Hearings
 - a. SDF Fees - Dale Schepers
 - i. Consider resolution to approve SDF Study & set new rates
 - ii. Consider Budget Ordinance amendment
5. Presentations
 - a. Farmer's Market - Christina Gordon
6. Manager's Update - Heather Hockaday
 - a. Project updates
 - b. CDBG-I contracts
 - c. Lead service line loan update
 - d. Board of Adjustment membership
 - e. Tax Report
 - i. Consider a resolution to advertise delinquent taxes
7. Clerk's Update
 - a. Consider Town sponsored events on the Square
8. Department Updates
 - a. Public Works - Shane Dale
 - b. Finance - Leslie Crowder
 - i. Budget vs. Actual, previously provided to Council
 - ii. Project ordinance amendments
 - iii. Budget amendment
 - c. Fire Department - Niles Howell
 - d. Police Department - Brian Buchanan
 - i. Road closure request - Fit Families 5k
 - e. Zoning/Code Enforcement - Brian Buchanan
 - f. Burnsville Town Center - Corbin Cooper
9. Council Members' Reports
10. Updates from Advisory Boards and Non-Profits
 - a. Yancey/Burnsville Chamber of Commerce
 - b. High Country Council of Governments

11. Closed Session

- a. Enter closed session pursuant to NCGS 143-318.11(a)(3) to consult with attorney.

12. Next Town Council Meeting - March 7, 2024

13. Adjourn

BURNSVILLE TOWN COUNCIL
Regular Meeting - Thursday, January 4, 2024, 6pm
Burnsville Town Hall

On Thursday, January 4, 2024, 6pm, the Burnsville Town Council with Mayor Russell Fox and members Judy Buchanan, Bill Wheeler, and Randy Ollis present, held a regular meeting at the Burnsville Town Hall. Member Denise Collier was absent. Also in attendance were town staff members Heather Hockaday, Shane Dale, Brian Buchanan, Niles Howell, Leslie Crowder, Chad Fox, and several visitors. Mayor Fox who presided, called the meeting to order at 6pm and stated that the purpose of the meeting was to conduct regular business for the month of January 2024.

Adoption of the agenda - Bill Wheeler moved to adopt the agenda as presented. Judy Buchanan seconded the motion, which carried. All were in agreement.

Public Comment

- Lucy Doll spoke about the benefits of trees and the importance of protecting them.
- Grace Collins said that there is a new vape shop on East Main Street with excessively bright lights. She was concerned about the message to children that having these types of businesses at each end of town could have.
- Danny McIntosh, on behalf of several mayors, thanked Ricky Crout for his service to the Town's water treatment plant.

His thoughts and prayers were with Town Manager Heather Hockaday with the passing of her mother. He fondly recalled a few stories about her family, saying they were about giving back and you can not measure what they have meant to the community.

Consideration of Minutes - Minutes from a special meeting held on December 11, 2023 were considered. Randy Ollis made a motion to approve the minutes as read. Bill Wheeler seconded the motion, which carried. All were in agreement.

Public Hearings - There were none.

Presentations

- Ricky Crout's retirement - Mayor Fox talked about the many accomplishments that Ricky achieved while leading the Water Treatment Plant for the Town. He Presented Mr. Crout with a plaque that read "In sincere appreciation for your dedicated and loyal years of service to the Town of Burnsville, NC. We hope that you enjoy your well deserved retirement! 31 Years of Service." Mr. Crout said that he wanted the Town to continue to recognize how important water is. He is retiring but still cares and asked that the Council support the water plant staff.
- Recognition of Phil Trew - Town Manager Heather Hockaday presented a resolution for Phil Trew of the High Country Council of Governments, noting his guidance, grant writing assistance, and many planning efforts he has led over the years. Mayor Fox moved to approve the *Resolution of Appreciation To Phil Trew*. Judy Buchanan seconded the motion which carried. All were in agreement.
- Water System GIS - Tatiana Magee was unavailable.

- **Auditors Report, Sharon Gillespie**

Mrs. Gillespie presented the audit and made copies available. She said 2023 was an incredible year in the financial department, highlighting exhibits in the D-section and the numerous capital projects that are included. She reviewed the Audit Opinion and financial highlights, mentioning a land donation and several grants.

Mrs. Gillespie reviewed the Statement of Activities, saying it was a really good year. She said that the Current Flow Method, on page 23, shows the dollars coming in that can be spent for the citizens. The 2023 revenues were consistent with 2022, but the expenses were lower due to the completion of the new fire department in 2022.

Mrs. Gillespie said that the Water and Sewer funds on page 27 were being well managed, with positive operating income. She said that there are many towns that have operating income in the red. The bottom lines look even better because of the capital grants.

Mrs. Gillespie complimented the towns tax collection efforts while discussing the Current Tax Levy as the collection rate increased from 98.51 to 98.78. She said that the size of the audit increases because of the eight capital projects and the inclusion of a single audit. Findings on the single audit were the same, with no finding on either audit. She reminded the Council to stay involved in the finances of the Town.

Manager's Update

Christmas decorations - Heather Hockaday thanked Jason Chandler for his work decorating Town Hall for Christmas, saying that the Town had received great feedback.

Meadow Road update - A few days prior, Mrs. Hockaday received a revised plan from engineers to fix the culvert. She is still waiting on a cost estimate and civil site plan.

Wheeler property update - Mrs. Hockaday said that the property went up for auction in August because of the large sewer judgment and after the sale of the property, the Town's water and sewer fund has received \$201,308.00.

Tax Report - Mrs. Hockaday presented a tax report and said that the delinquent date was coming up so staff has been busy. She thanked the staff for the great collection rate.

Clerk's Update

CDBG-I Semi-Annual Self Report - For compliance on the CDBG-I West Main Sewer Interceptor Improvements project grants #20-I-3604 & #16-I-3154, Town Clerk Chad Fox reported the following to the Town Council:

- There have been no Section 504/Americans With Disabilities Act complaints to the Town during the last 6 months.
- There have been no Fair Housing complaints to the Town during the last 6 months.
- There have been no Limited English Proficiency translation requests in the last 6 months.

Consideration of Planning Board alternate - Bill Wheeler moved to appoint Cherie Turner as an alternate to the Planning Board. Randy Ollis seconded the motion, which carried. All were in agreement.

Department Updates

1. **Public Works** - Public Works Director Shane Dale reported that the generator at the River Pump Station is operational and that work to camera the sewer lines for the East interceptor project is nearly complete. He also thanked Ricky Crout for his service, saying that he never

had to worry about the quality of his work at the water plant.

2. Finance - Finance Officer Leslie Crowder previously provided a budget vs actual and overtime report.

SDF program update - Mrs. Crowder said that there will be a presentation at the February Council meeting.

Randy Ollis, on behalf of everyone, said that Mrs. Crowder is to be commended for the outstanding audit.

3. Fire Department - Fire Chief Niles Howell presented a call summary for the month of December with 427 calls for the year and 15 calls for the month. He mentioned an issue with the building's air compressor and said that they have added three new members.
4. Police Department - Police Chief Brian Buchanan presented an activity log and mentioned that, with the addition of Officer Caelan Holmes, the department is fully staffed.
5. Zoning/Code Enforcement - Zoning Administrator Brian Buchanan mentioned an upcoming Planning Board meeting.
6. Burnsville Town Center - Town Center Manager Corbin Cooper was unavailable.

Council Members Report

- Randy Ollis mentioned that the elevator at Mountain Village was back operational.

He also mentioned an incident where new Police Officer Holmes helped save a local man's life. He said that he would like to see the Burnsville Police officers more involved on calls and requested that Manager Hockaday discuss the matter further with Chief Buchanan to develop a protocol to be more involved in, at least, the major events.

- Bill Wheeler said that the recent High Country Council of Governments meeting was canceled due to weather.

Updates from Advisory Boards and Non-Profits

- Yancey/Burnsville Chamber of Commerce - Interim Director Pete Krulder was unavailable.

Closed Session - There was none.

Next Town Council Meeting - February 1, 2024, 6pm.

Adjourn - With there being no further business, Judy Buchanan moved to adjourn the meeting at 6:57pm. Bill Wheeler seconded the motion, meeting adjourned.

J. Chad Fox, Town Clerk

T. Russell Fox, Mayor

DRAFT REPORT

COST- JUSTIFIED WATER AND SEWER SYSTEM DEVELOPMENT FEES

5-YEAR UPDATE REPORT

TOWN OF BURNSVILLE NORTH CAROLINA

Mike Dowd PE, Practice Area Leader
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DECEMBER 2023
PROJECT NO. 22.00314

TABLE OF CONTENTS

EXECUTIVE SUMMARY and PURPOSE STATEMENT	1 & 2
1.0 APPROACH	3
2.0 METHODOLOGY	5
3.0 CALCULATION of SYSTEM DEVELOPMENT FEES	6
4.0 SERVICE UNIT CALCULATIONS: EQUIVALENT RESIDENTIAL UNITS	9
5.0 APPLICATION of SYSTEM DEVELOPMENT FEES and SERVICE UNIT EQUIVALENCY	10
6.0 CONCLUSION	11

TABLES

Table 0.0.1 – Fee Calculation: Cost per Unit Volume and Cost per Unit of Development	1
Table 1.0.1 – Burnsville System Capacity Availability Projection (MGD)	4
Table 3.1.1 – Burnsville System Available Capacity	6
Table 3.2.1 – Water System Cost per GPD of Existing Utility Assets Providing Available Capacity	7
Table 3.2.2 – Sewer System Cost per GPD of Existing Utility Assets Providing Available Capacity	8
Table 4.0.1– System Development Fees: Equivalent Residential Unit, Water and Sewer	9

Appendix

House Bill 436 Session Law 2017-138
NC Administrative Code 15A NCAC 02T .0114
NC Administrative Code 15A NCAC 18C .0409
Handy-Whitman Index of Construction Costs

EXECUTIVE SUMMARY and PURPOSE STATEMENT

Executive Summary:

The North Carolina General Assembly passed Session Law 2017-138 House Bill 436 (HB 436) in July 2017 amending Chapter 162A of the General Statutes by adding "Article 8, System Development Fees." This amendment was enacted as "An Act to Provide for Uniform Authority to Implement System Development Fees for Public Water and Sewer Systems in North Carolina and to Clarify the Applicable Statute of Limitations", which requires compliance with designated calculation methodology. Article 8 requires an update to the System Development Fee (SDF) analysis to be performed at least every 5 years. The Town of Burnsville (Town) adopted its previous analysis in February of 2019 and therefore must address the requirement to update the analysis by February of 2024.

The Town of Burnsville retained McGill Associates to complete the system development fee update analysis for the Town's water and sewer utilities. The SDF analysis is based on the calculated cost per unit volume of utility assets providing capacity that is available for use by new development, both now and in the future. Fees are required to be calculated per Service Unit, which is the defined level of demand associated with the typical residential customer. A three-bedroom single family residence fits this definition and is referred to as an Equivalent Residential Unit (ERU). The associated level of demand for this customer type is based on standard design flow rates for water and wastewater specified in 15A NCAC 02T.0114 and 15A NCAC 18C .0409. Using the cost per unit volume, the cost per unit of development (ERU) can then be determined accordingly.

The fee for other types of development can be calculated by applying the calculated cost of capacity per gallon of flow per day for various uses as defined by NC Administrative Code 15A NCAC 02T.0114 and 15A NCAC 18C .0409 using the following cost per unit volume values for the water and sewer systems.

Table 0.0.1 – Fee Calculation: Cost of Capacity and Cost per Unit of Development

Town of Burnsville: Cost per Unit Volume and per Unit of Development				
Item	Cost-Justified System Development Fee Calculation	Cost of Capacity		Cost per Dev. Unit
		\$ / GPD		\$ / ERU
1	Water System	\$	4.70	\$ 1,880
2	Sewer System	\$	3.84	\$ 1,382

Purpose Statement:

This report documents the results of the approach, method and calculations for updating the system development fee analysis. In accordance with North Carolina General Statute 162A, Article 8, system development fees must be determined by a qualified engineer or financial professional using industry standard practices. McGill is qualified in engineering disciplines and financial analysis and has the expertise and experience to determine system development fees. For more than 39 years, the firm has provided professional services and advice to hundreds of local government units, water authorities and special districts on developing and implementing utility master plans, capital improvement programs, user rates, charges and fees including capacity charges. The approach, methodology and calculations are based on American Water Works Association (AWWA) Manual of Water Supply Practices – M1, Principles of Water Rates, Fees, and Charges, Seventh Edition.

Burnsville is making significant investments in water and sewer system assets that will continue to provide available capacity for new connections and future development. Burnsville desires to use System Development Fees to recover a portion of the costs associated with providing capacity.

The overall result of this effort will establish the maximum cost-justified System Development Fee. The Town may elect to implement fees of lesser value; however, any adjustment must be calculated on a cost per unit volume basis.

This report does not constitute a recommendation of an SDF amount. Burnsville has full authority to charge any fee amount, up to the maximum calculated herein, provided it is applied to the relative demands of new development proportionally. Evaluation of local factors, preferences, etc., that may influence the Town's decision on setting a final SDF amount is beyond the scope of this analysis.

System Development Fees are defined as a charge imposed on each new customer or development that generally offsets the incremental cost of replacing existing and/or constructing new capital assets to provide capacity that will continue to meet the demands placed on the system by each new customer or development. Since system capacity must, without exception, exceed customer demands, the major infrastructure components providing this capacity must be planned and constructed well in advance and in large enough increments to keep pace with anticipated demand on the available system capacity.

By definition, SDFs are based on the costs for capacity-related infrastructure that provide a general benefit to all customers, typically referred to as major backbone infrastructure components. Eligible asset types include source-of-supply, treatment, pumping, storage transmission and major collection mains, solids processing and disposal. McGill engineers reviewed the asset registries, GIS mapping and attribute records to identify assets that function as backbone components of the water and sewer systems.

AWWA methodology cites legal consideration for determining SDF. A Rational Nexus, or reasonable relationship, must be established between the fee charged and the cost associated with providing capacity to new customers. The Rational Nexus Test consists of three elements: 1) a review of historical development patterns and available planning documents to verify general alignment between capacity demands driven by development and capital improvements that are, and will be needed to provide the required capacity; 2) a determination of the proportionate share of costs to be borne by new development through appropriate methodology and calculation and 3) establishing a reasonable apportionment of the cost to new development in relation to the benefits the new development will reasonably receive through appropriate methodology and calculations.

The first element of the Rational Nexus Test was determined to be favorable based on current system capacities and demands, followed by projected demands based on the Town's anticipated growth rate. Using water demand data the Town reported to the NC Department of Environmental Quality, Division of Water Resources annually for Local Water Supply Planning (LWSP), Burnsville's water and sewer systems have adequate capacity for new development well into the future. Water demand forecasts indicate available capacity exceeds projected demands by 13 to 20% through 2030. Sewer flows indicate excess capacity of 29 to 34%

Table 1.01 demonstrates the availability capacity.

Table 1.0.1 – Burnsville’s Water and Sewer System Projected Capacity Availability

Town of Burnsville Capacity Availability Projection (MGD)				
Item	Existing Water System Infrastructure	2022	2030	2040
WC1	Water Capacity	1.000	1.000	1.140
WC2	Water Average Day Demand	0.812	0.872	0.896
	Available Water Capacity	0.188	0.128	0.244
SC1	Sewer Capacity	0.800	0.800	0.800
SC2	Sewer Average Day Flow	0.527	0.565	0.581
	Available Sewer Capacity	0.274	0.235	0.219

Therefore, existing infrastructure appears to be adequate to meet projected demands without the need for constructing additional capacity-related assets during the next five-year SDF update cycle.

The Town’s draft CIP includes 2 groundwater wells that would increase water system capacity by approximately 0.144 MGD, demonstrating adequate system capacity through the 10-year planning period and beyond. Since these assets are grant funded, they are excluded from the SDF calculation. In addition, the draft CIP includes several system extension and looping projects which would result in slight increases in capacity. These assets are also excluded from the calculation given the nominal amounts of incremental capacity increases.

The remaining elements of the Rational Nexus Test are 2) determining proportionate share of costs to be borne by new development and 3) establishing a reasonable cost to new development in relation to the benefits received by the new development. These elements will be demonstrated through appropriate methodology and calculations in the following sections.

Three methods for calculating system development charges are recognized in the industry as cost justified (AWWA, M1 Manual, 7th Edition, Chapter VII.2). Each of these methods meet the requirement of the Rational Nexus standard, and as set forth in North Carolina General Statute 162A Article 8 "System Development Fees". An explanation of each method and its general application to calculating system development fees are presented as follows:

Buy-In Method

The Buy-In Method is used where existing system capacity is available to provide service to new development. This includes capacity-related assets that are classified as construction work in process. New customers essentially "buy" their proportionate share of system capacity from the current customer base ("system owners") at the current cost or value of the existing facilities. HB 436 requires appropriate adjustments to replacement costs such as "debt credits, grants, and other generally accepted valuation adjustments."

Incremental Cost Method

The Incremental Cost Method is used to assign new development the incremental cost of capital assets required for providing additional system capacity. Generally, this method is considered most appropriate when the existing system does not have sufficient available capacity, and a significant portion of the capacity required to serve new customers must be provided by the construction of new facilities." This method should include supporting details that identify construction costs, scheduling, financing, funding source(s), etc., tied to a capital improvements plan (CIP), utilities master plan, and/or other approved planning document(s) that cover a planning horizon of 10 to 20 years.

Combined Method

The Combined Approach is a combination of the Buy-In and Incremental Cost Methods. It is used where existing assets provide some system capacity to accommodate new development and applicable capital plan(s) also identify significant capital investment proposed to add infrastructure required to address future growth and capacity needs.

4.0

SERVICE UNIT CALCULATIONS: EQUIVALENT RESIDENTIAL UNITS

HB 436 requires SDF calculations to be applied to various categories of customer demands based on service units or ERU's. An ERU is defined as the water and sewer capacities required to serve the most typical user type which is a three-bedroom single-family dwelling. North Carolina Division of Water Resources (DWR) design standards for constructing water and sewer systems, NC Administrative Code 15A NCAC 18C .0409 and 15A NCAC 02T .0114 respectively, establish daily flow requirements based this type of service connection. An ERU can therefore be defined as 400 gallons per day for water and 360 gallons per day for sewer.

Table 4.0.1– System Development Fees: Equivalent Residential Unit, Water and Sewer

Town of Burnsville: Equivalent Residential Unit Calculation				
Item	Cost-Justified System Development Fee Calculation	Cost of Capacity \$/GPD	Customer Demand GPD	Cost per Unit Capacity
1	Water System	\$ 4.70	400	\$ 1,880
2	Sewer System	\$ 3.84	360	\$ 1,382
Total ERU				\$ 3,262

5.0 APPLICATION of SYSTEM DEVELOPMENT FEES and SERVICE UNIT EQUIVALENCY

NC Administrative Code 15A NCAC 18C .0409 and 15A NCAC 02T .0114, included in the Appendix, further define other service connection types and the associated water system demands sewer system flows on a per gallon per day basis. Therefore, these tables serve as an equivalency or conversion for use in determining applicable SDF for various categories of demand.

3.0

CALCULATION of SYSTEM DEVELOPMENT FEES

The *Buy-In Method* is the appropriate approach to calculate the Town's system development fees. System capacity provided by existing assets is available to provide service to new customers and is anticipated to accommodate projected new development through the 10-year planning period.

3.1 Existing System Capacity Availability

Case law contributing to HB 436 legislation requires contemporaneous delivery of system capacity upon receipt of applied and collected system development fees. Therefore, availability of adequate system capacity must be demonstrated and maintained.

The water and sewer systems have current available capacities as follows:

Table 3.1.1– Burnsville's Available Capacity

Town of Burnsville Water and Sewer System Available Capacity				
Item	System Capacity - Million Gallons Per Day (MGD)	System Capacity	System Demand	Available Capacity
1	Water System	1.00	0.812	0.188
2	Sewer System	0.80	0.527	0.274

Source: Records provided by the Town.

Burnsville's water system has 19% of its capacity available to provide service to new development. Burnsville's sewer system has 34% of its capacity available to provide service to new development.

3.2 Buy-In Calculation

After demonstrating that capacity is available, the overall value of existing assets providing that capacity can be calculated on a cost per gallon per day (\$/gpd) basis. This value can then be uniformly applied to system demands (gpd) created by each new connection. A fee can then be applied to recover reasonable and eligible costs associated with existing customers constructing and maintaining available capacity in advance of new development.

The preferred AWWA valuation approach is "replacement cost new less depreciation" (RCNLD). This approach is based on the premise that System Development Fees reflect the value of providing any given amount of new capacity at the cost of constructing the assets at the time the new customer is connected. This fairly compensates existing customers for carrying the costs of constructing capacity built into the system in advance of when the new customers connect.

The RCNLD value of assets providing capacity is determined using fixed asset records and other information received February 2023, adjusted for escalating construction costs using The Handy-Whitman Index of Construction Costs for the South Atlantic Region. Depreciation assigned by the Town's fixed asset inventory uses the straight-line method, typically based on 10 to 50-year assignments of useful life for major capital assets, to represent the general decline in value over time.

Replacement Cost New (RCN) is therefore determined by applying the Handy-Whitman index to the original cost, then accumulated depreciation is calculated and deducted to reach RCNLD.

Assets included in the buy-in valuation provide the available capacity of the system and are "owned" by the ratepayers and therefore provide a general benefit to all customers. Assets contributed by or paid for by others, including grants, loan principal forgiveness and capital assets contributed by developers are deducted since these costs were not "paid" by the existing customers. Non-capacity related assets such as vehicles, computers and software are excluded from the calculation.

Table 3.2.1– Water System Cost per GPD of Existing Utility Assets Providing Available Capacity

Town of Burnsville: Water System Development Fee Buy-In Valuation				
Item	System Asset Description	RCNLD	Excluded	Amount Eligible
Water System Assets				
W1	Land	\$ 80,948	\$ -	\$ 80,948
W2	Plant and Infrastructure	\$ 14,355,784	\$ 3,510,855	\$ 10,844,929
W3	Vehicles and Equipment	\$ 24,953	\$ 24,953	\$ -
	Subtotal - Water System Assets	\$ 14,461,684	\$ 3,535,808	\$ 10,925,877
	Less Grants and Donated Assets			\$ (6,224,139)
	Less Outstanding Debt Principal			\$ -
	Equals: Net Water System Value			\$ 4,701,738
	Divide by: Water System Capacity (MGD)			1.000
	Equals: Unit Valuation of Water System (\$/MGD)			\$ 4,701,738
	Divide by: 1,000,000 gallons (\$/GPD)			\$ 4.70

Table 3.2.2– Sewer System Cost per GPD of Existing Utility Assets Providing Available Capacity

Town of Burnsville Sewer System Development Fee Buy-In Valuation				
Item	System Asset Description	RCNLD	Excluded	Amount Eligible
	Sewer System Assets			
S1	Land	\$ 274,238	\$ -	\$ 274,238
S2	Plant and Infrastructure	\$ 7,953,605	\$ 1,829,920	\$ 6,123,685
S3	Vehicles and Equipment	\$ 70,553	\$ 70,553	\$ -
	Subtotal - Sewer System Assets	\$ 8,298,395	\$ 1,900,473	\$ 6,397,922
	Less Grants and Donated Assets			\$ (2,300,438)
	Less Outstanding Debt Principal			\$ (1,028,475)
	Equals: Net Sewer System Value			\$ 3,069,009
	Divide by: Sewer System Capacity (MGD)			0.800
	Equals: Unit Valuation of Sewer System (\$/MGD)			\$ 3,836,262
	Divide by: 1,000,000 gallons (\$/GPD)			\$ 3.84

3.5 Valuation Adjustments

The above system valuations include applicable credit adjustments for revenues anticipated from user charges, donated infrastructure, grants, funding from other (non-rate payer) sources and outstanding principal on existing debt obligation(s).

HB 436 requires revenue credits to be applied to the SDF calculation to deduct grants and other contributions that offset capital investments in capacity. Excluding outstanding debt principal from the SDF calculation prevents a double charge for this amount, once as part of the fee and again in user charges applied to retire the debt.

3.6 Cost per Unit Volume

Dollar value that can be applied uniformly to all potential customers.

Following determination of net water and sewer system values, system capacity is divided into the net system value to produce the cost per unit volume, expressed as dollars-per-gallons-per-day (\$/GPD).

This measure becomes the starting point by establishing the cost of each gallon of capacity that is available for use. Using the NC Administrative Code 15A NCAC 02T .0114 Wastewater Design Flow Rate, the cost can be calculated for 3-bedroom dwelling unit, which is the unit of measure required by HB 436, typically referred to as an equivalent residential unit (ERU).

McGill has calculated costs for water system capacity on a per gallon per day basis for the Town of Burnsville's water and sewer utilities. This calculation was performed using the Buy-in Method to account for the Town's existing available capacity. This calculation resulted in a development fee ceiling of \$3,262 per ERU. An ERU is defined as the system capacity required to serve the most typical user type which is a three-bedroom single-family dwelling. The fee for other types of development can be determined by applying the calculated cost of capacity per gallon of flow per day to the demands for various uses as defined by NC Administrative Code 15A NCAC 02T .0114.

Using NC Administrative Code 15A NCAC 02T .0114 ensures that the same standard used to plan, design, construct and finance capital assets is applied as the same basis for cost recovery to be applied to new development.

Appendix

House Bill 436 Session Law 2017-138

NC Administrative Code 15A NCAC 02T .0114

NC Administrative Code 15A NCAC 18C .0409

Handy-Whitman Index of Construction Costs

Appendix

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2017-138
HOUSE BILL 436

AN ACT TO PROVIDE FOR UNIFORM AUTHORITY TO IMPLEMENT SYSTEM DEVELOPMENT FEES FOR PUBLIC WATER AND SEWER SYSTEMS IN NORTH CAROLINA AND TO CLARIFY THE APPLICABLE STATUTE OF LIMITATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 162A of the General Statutes is amended by adding a new Article to read:

"Article 8.

"System Development Fees.

"§ 162A-200. Short title.

This Article shall be known and may be cited as the "Public Water and Sewer System Development Fee Act."

"§ 162A-201. Definitions.

The following definitions apply in this Article:

- (1) Capital improvement. – A planned facility or expansion of capacity of an existing facility other than a capital rehabilitation project necessitated by and attributable to new development.
- (2) Capital rehabilitation project. – Any repair, maintenance, modernization, upgrade, update, replacement, or correction of deficiencies of a facility, including any expansion or other undertaking to increase the preexisting level of service for existing development.
- (3) Existing development. – Land subdivisions, structures, and land uses in existence at the start of the written analysis process required by G.S. 162A-205, no more than one year prior to the adoption of a system development fee.
- (4) Facility. – A water supply, treatment, storage, or distribution facility, or a wastewater collection, treatment, or disposal facility, including for reuse or reclamation of water, owned or operated, or to be owned or operated, by a local governmental unit and land associated with such facility.
- (5) Local governmental unit. – Any political subdivision of the State that owns or operates a facility, including those owned or operated pursuant to local act of the General Assembly or pursuant to Part 2 of Article 2 of Chapter 130A, Article 15 of Chapter 153A, Article 16 of Chapter 160A, or Articles 1, 4, 5, 5A, or 6 of Chapter 162A of the General Statutes.
- (6) New development. – Any of the following occurring after the date a local government begins the written analysis process required by G.S. 162A-205, no more than one year prior to the adoption of a system development fee, which increases the capacity necessary to serve that development:
 - a. The subdivision of land.



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- b. The construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure which increases the number of service units.
 - c. Any use or extension of the use of land which increases the number of service units.
- (7) Service. – Water or sewer service, or water and sewer service, provided by a local governmental unit.
- (8) Service unit. – A unit of measure, typically an equivalent residential unit, calculated in accordance with generally accepted engineering or planning standards.
- (9) System development fee. – A charge or assessment for service imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to such new development, to recoup costs of existing facilities which serve such new development, or a combination of those costs, as provided in this Article. The term includes amortized charges, lump-sum charges, and any other fee that functions as described by this definition regardless of terminology. The term does not include any of the following:
- a. A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development.
 - b. Tap or hookup charges for the purpose of reimbursing the local governmental unit for the actual cost of connecting the service unit to the system.
 - c. Availability charges.
 - d. Dedication of capital improvements on-site, adjacent, or ancillary to a development absent a written agreement providing for credit or reimbursement to the developer pursuant to G.S. 153A-280, 153A-451, 160A-320, 160A-499 or Part 3A of Article 18, Chapter 153A or Part 3D of Article 19, Chapter 160A of the General Statutes.
 - e. Reimbursement to the local governmental unit for its expenses in constructing or providing for water or sewer utility capital improvements adjacent or ancillary to the development if the owner or developer has agreed to be financially responsible for such expenses; however, such reimbursement shall be credited to any system development fee charged as set forth in G.S. 162A-207(c).
- (10) System development fee analysis. – An analysis meeting the requirements of G.S. 162A-205.

"§ 162A-202. Reserved.

"§ 162A-203. Authorization of system development fee.

(a) A local governmental unit may adopt a system development fee for water or sewer service only in accordance with the conditions and limitations of this Article.

(b) A system development fee adopted by a local governmental unit under any lawful authority other than this Article and in effect on October 1, 2017, shall be conformed to the requirements of this Article not later than July 1, 2018.

"§ 162A-204. Reserved.

"§ 162A-205. Supporting analysis.

A system development fee shall be calculated based on a written analysis, which may constitute or be included in a capital improvements plan, that:

- (1) Is prepared by a financial professional or a licensed professional engineer qualified by experience and training or education to employ generally accepted accounting, engineering, and planning methodologies to calculate system development fees for public water and sewer systems.
- (2) Documents in reasonable detail the facts and data used in the analysis and their sufficiency and reliability.
- (3) Employs generally accepted accounting, engineering, and planning methodologies, including the buy-in, incremental cost or marginal cost, and combined cost methods for each service, setting forth appropriate analysis as to the consideration and selection of a method appropriate to the circumstances and adapted as necessary to satisfy all requirements of this Article.
- (4) Documents and demonstrates the reliable application of the methodologies to the facts and data, including all reasoning, analysis, and interim calculations underlying each identifiable component of the system development fee and the aggregate thereof.
- (5) Identifies all assumptions and limiting conditions affecting the analysis and demonstrates that they do not materially undermine the reliability of conclusions reached.
- (6) Calculates a final system development fee per service unit of new development and includes an equivalency or conversion table for use in determining the fees applicable for various categories of demand.
- (7) Covers a planning horizon of not less than 10 years nor more than 20 years.
- (8) Is adopted by resolution or ordinance of the local governmental unit in accordance with G.S. 162A-209.

"§ 162A-206. Reserved.

"§ 162A-207. Minimum requirements.

(a) Maximum. – A system development fee shall not exceed that calculated based on the system development fee analysis.

(b) Revenue Credit. – In applying the incremental cost or marginal cost, or the combined cost, method to calculate a system development fee with respect to water or sewer capital improvements, the system development fee analysis must include as part of that methodology a credit against the projected aggregate cost of water or sewer capital improvements. That credit shall be determined based upon generally accepted calculations and shall reflect a deduction of either the outstanding debt principal or the present value of projected water and sewer revenues received by the local governmental unit for the capital improvements necessitated by and attributable to such new development, anticipated over the course of the planning horizon. In no case shall the credit be less than twenty-five percent (25%) of the aggregate cost of capital improvements.

(c) Construction or Contributions Credit. – In calculating the system development fee with respect to new development, the local governmental unit shall credit the value of costs in excess of the development's proportionate share of connecting facilities required to be oversized for use of others outside of the development. No credit shall be applied, however, for water or sewer capital improvements on-site or to connect new development to water or sewer facilities.

"§ 162A-208. Reserved.

"§ 162A-209. Adoption and periodic review.

(a) For not less than 45 days prior to considering the adoption of a system development fee analysis, the local governmental unit shall post the analysis on its Web site and solicit and furnish a means to submit written comments, which shall be considered by the preparer of the analysis for possible modifications or revisions.

(b) After expiration of the period for posting, the governing body of the local governmental unit shall conduct a public hearing prior to considering adoption of the analysis with any modifications or revisions.

(c) The local governmental unit shall publish the system development fee in its annual budget or rate plan or ordinance. The local governmental unit shall update the system development fee analysis at least every five years.

"§ 162A-210. Reserved.

"§ 162A-211. Use and administration of revenue.

(a) Revenue from system development fees calculated using the incremental cost method or marginal cost method, exclusively or as part of the combined cost method, shall be expended only to pay:

- (1) Costs of constructing capital improvements including, and limited to, any of the following:
 - a. Construction contract prices.
 - b. Surveying and engineering fees.
 - c. Land acquisition cost.
 - d. Principal and interest on bonds, notes, or other obligations issued by or on behalf of the local governmental unit to finance any costs for an item listed in sub-subdivisions a. through c. of this subdivision.
- (2) Professional fees incurred by the local governmental unit for preparation of the system development fee analysis.
- (3) If no capital improvements are planned for construction within five years or the foregoing costs are otherwise paid or provided for, then principal and interest on bonds, notes, or other obligations issued by or on behalf of a local governmental unit to finance the construction or acquisition of existing capital improvements.

(b) Revenue from system development fees calculated using the buy-in method may be expended for previously completed capital improvements for which capacity exists and for capital rehabilitation projects. The basis for the buy-in calculation for previously completed capital improvements shall be determined by using a generally accepted method of valuing the actual or replacement costs of the capital improvement for which the buy-in fee is being collected less depreciation, debt credits, grants, and other generally accepted valuation adjustments.

(c) A local governmental unit may pledge a system development fee as security for the payment of debt service on a bond, note, or other obligation subject to compliance with the foregoing limitations.

(d) System development fee revenues shall be accounted for by means of a capital reserve fund established pursuant to Part 2 of Article 3 of Chapter 159 of the General Statutes and limited as to expenditure of funds in accordance with this section.

"§ 162A-212. Reserved.

"§ 162A-213. Time for collection of system development fees.

For new development involving the subdivision of land, the system development fee shall be collected by a local governmental unit either at the time of plat recordation or when water or sewer service for the subdivision or other development is committed by the local governmental unit. For all other new development, the local governmental unit shall collect the system development fee at the time of application for connection of the individual unit of development to the service or facilities.

"§ 162A-214. Reserved.

"§ 162A-215. Narrow construction.

Notwithstanding G.S. 153A-4 and G.S. 160A-4, in any judicial action interpreting this Article, all powers conferred by this Article shall be narrowly construed to ensure that system development fees do not unduly burden new development."

SECTION 2. G.S. 130A-64 reads as rewritten:

"§ 130A-64. Service charges and rates.

(a) A sanitary district board shall apply service charges and rates based upon the exact benefits derived. These service charges and rates shall be sufficient to provide funds for the maintenance, adequate depreciation and operation of the work of the district. If reasonable, the service charges and rates may include an amount sufficient to pay the principal and interest maturing on the outstanding bonds and, to the extent not otherwise provided for, bond anticipation notes of the district. Any surplus from operating revenues shall be set aside as a separate fund to be applied to the payment of interest on or to the retirement of bonds or bond anticipation notes. The sanitary district board may modify and adjust these service charges and rates.

(b) The district board may require system development fees only in accordance with Article 8 of Chapter 162A of the General Statutes."

SECTION 3. G.S. 153A-277 reads as rewritten:

"§ 153A-277. Authority to fix and enforce rates.

(a) A county may establish and revise from time to time schedules of rents, rates, fees, charges, and penalties for the use of or the services furnished or to be furnished by a public enterprise. Schedules of rents, rates, fees, charges, and penalties may vary for the same class of service in different areas of the county and may vary according to classes of service, and different schedules may be adopted for services provided outside of the county. A county may include a fee relating to subsurface discharge wastewater management systems and services on the property tax bill for the real property where the system for which the fee is imposed is located.

...
(a2) A county may require system development fees only in accordance with Article 8 of Chapter 162A of the General Statutes.

...."

SECTION 4.(a) G.S. 160A-314 reads as rewritten:

"§ 160A-314. Authority to fix and enforce rates.

(a) A city may establish and revise from time to time schedules of rents, rates, fees, charges, and penalties for the use of or the services furnished or to be furnished by any public enterprise. Schedules of rents, rates, fees, charges, and penalties may vary according to classes of service, and different schedules may be adopted for services provided outside the corporate limits of the city.

...
(e) A city may require system development fees only in accordance with Article 8 of Chapter 162A of the General Statutes."

SECTION 4.(b) G.S. 160A-317 is amended by adding a new subsection to read:

"(a4) System Development Fees. – A city may require system development fees only in accordance with Article 8 of Chapter 162A of the General Statutes."

SECTION 5.(a) G.S. 162A-6(a) is amended by adding a new subdivision to read:

"(9a) To impose and require system development fees only in accordance with Article 8 of this Chapter."

SECTION 5.(b) G.S. 162A-9 is amended by adding a new subsection to read:

"(a5) An authority may require system development fees only in accordance with Article 8 of this Chapter."

SECTION 6.(a) G.S. 162A-36(a) is amended by adding a new subdivision to read:

"(8a) To impose and require system development fees only in accordance with Article 8 of this Chapter."

SECTION 6.(b) G.S. 162A-49 reads as rewritten:

"§ 162A-49. Rates and charges for services.

(a) The district board may fix, and may revise from time to time, rents, rates, fees and other charges for the use of land for the services furnished or to be furnished by any water system or sewerage system or both. Such rents, rates, fees and charges shall not be subject to supervision or regulation by any bureau, board, commission, or other agency of the State or of any political subdivision. Any such rents, rates, fees and charges pledged to the payment of revenue bonds of the district shall be fixed and revised so that the revenues of the water system or sewerage system or both, together with any other available funds, shall be sufficient at all times to pay the cost of maintaining, repairing and operating the water system or the sewerage system or both, the revenues of which are pledged to the payment of such revenue bonds, including reserves for such purposes, and to pay the interest on and the principal of such revenue bonds as the same shall become due and payable and to provide reserves therefor. If any such rents, rates, fees and charges are pledged to the payment of any general obligation bonds issued under this Article, such rents, rates, fees and charges shall be fixed and revised so as to comply with the requirements of such pledge. The district board may provide methods for collection of such rents, rates, fees and charges and measures for enforcement of collection thereof, including penalties and the denial or discontinuance of service.

(b) The district board may require system development fees only in accordance with Article 8 of this Chapter."

SECTION 7.(a) G.S. 162A-69 is amended by adding a new subdivision to read:

"(8a) To impose and require system development fees only in accordance with Article 8 of this Chapter."

SECTION 7.(b) G.S. 162A-72 reads as rewritten:

"§ 162A-72. Rates and charges for services.

(a) The district board may fix, and may revise from time to time, rents, rates, fees and other charges for the use of and for the services furnished or to be furnished by any sewerage system. Such rents, rates, fees and charges shall not be subject to supervision or regulation by any bureau, board, commission, or other agency of the State or of any political subdivision. Any such rents, rates, fees and charges pledged to the payment of revenue bonds of the district shall be fixed and revised so that the revenues of the sewerage system, together with any other available funds, shall be sufficient at all times to pay the cost of maintaining, repairing and operating the sewerage system the revenues of which are pledged to the payment of such revenue bonds, including reserves for such purposes, and to pay the interest on and the principal of such revenue bonds as the same shall become due and payable and to provide reserves therefor. If any such rents, rates, fees and charges are pledged to the payment of any general obligation bonds issued under this Article, such rents, rates, fees and charges shall be fixed and revised so as to comply with the requirements of such pledge. The district board may provide methods for collection of such rents, rates, fees and charges and measures for enforcement of collection thereof, including penalties and the denial or discontinuance of service.

(b) The district board may require system development fees only in accordance with Article 8 of this Chapter."

SECTION 8. G.S. 162A-85.13 is amended by adding a new subsection to read:

"(a1) The district board may require system development fees only in accordance with Article 8 of this Chapter."

SECTION 9. G.S. 162A-88 reads as rewritten:

"§ 162A-88. District is a municipal corporation.

(a) The inhabitants of a county water and sewer district created pursuant to this Article are a body corporate and politic by the name specified by the board of commissioners. Under that name they are vested with all the property and rights of property belonging to the corporation; have perpetual succession; may sue and be sued; may contract and be contracted with; may acquire and hold any property, real and personal, devised, sold, or in any manner conveyed, dedicated to, or otherwise acquired by them, and from time to time may hold, invest, sell, or dispose of the same; may have a common seal and alter and renew it at will; may establish, revise and collect rates, fees or other charges and penalties for the use of or the services furnished or to be furnished by any sanitary sewer system, water system or sanitary sewer and water system of the district; and may exercise those powers conferred on them by this Article.

(b) The district board may require system development fees only in accordance with Article 8 of this Chapter."

SECTION 10.(a) G.S. 1-52(15) reads as rewritten:

"(15) For the recovery of taxes paid as provided in ~~G.S. 105-381~~ G.S. 105-381 or for the recovery of an unlawful fee, charge, or exaction collected by a county, municipality, or other unit of local government for water or sewer service or water and sewer service."

SECTION 10.(b) This section is to clarify and not alter G.S. 1-52.

SECTION 11. Sections 1 through 9 of this act become effective October 1, 2017, and apply to system development fees imposed on or after that date. Section 10 of this act, being a clarifying amendment, has retroactive effect and applies to claims accrued or pending prior to and after the date that section becomes law. Nothing in this act provides retroactive authority for any system development fee, or any similar fee for water or sewer services to be furnished, collected by a local governmental unit prior to October 1, 2017. The remainder of this act is effective when it becomes law and applies to claims accrued or pending prior to and after that date.

In the General Assembly read three times and ratified this the 29th day of June, 2017.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 4:13 p.m. this 20th day of July, 2017

15A NCAC 02T .0114 WASTEWATER DESIGN FLOW RATES

(a) This Rule shall be used to determine wastewater flow rates for all systems governed by this Subchapter unless alternate criteria are provided by a program-specific rule or for flow used for the purposes of 15A NCAC 02H .0105. Higher flow rates shall be required where usage and occupancy are atypical, including those in Paragraph (e) of this Rule. Wastewater flow calculations shall take hours of operation and anticipated maximum occupancies and usage into account when calculating peak flows for design.

(b) In determining the volume of sewage from dwelling units, the flow rate shall be 120 gallons per day per bedroom. The minimum volume of sewage from each dwelling unit shall be 240 gallons per day and each additional bedroom above two bedrooms shall increase the volume by 120 gallons per day. Each bedroom or any other room or addition that can function as a bedroom shall be considered a bedroom for design purposes. When the occupancy of a dwelling unit exceeds two persons per bedroom, the volume of sewage shall be determined by the maximum occupancy at a rate of 60 gallons per person per day.

(c) The following table shall be used to determine the minimum allowable design daily flow of wastewater facilities. Design flow rates for establishments not identified below shall be determined using available flow data, water-using fixtures, occupancy or operation patterns, and other measured data.

Type of Establishments	Daily Flow For Design
Barber and beauty shops	
Barber Shops	50 gal/chair
Beauty Shops	125 gal/booth or bowl
Businesses, offices and factories	
General business and office facilities	25 gal/employee/shift
Factories, excluding industrial waste	25 gal/employee/shift
Factories or businesses with showers or food preparation	35 gal/employee/shift
Warehouse	100 gal/loading bay
Warehouse – self storage (not including caretaker residence)	1 gal/unit
Churches	
Churches without kitchens, day care or camps	3 gal/seat
Churches with kitchen	5 gal/seat
Churches providing day care or camps	25 gal/person (child & employee)
Fire, rescue and emergency response facilities	
Fire or rescue stations without on site staff	25 gal/person
Fire or rescue stations with on-site staff	50 gal/person/shift
Food and drink facilities	
Banquet, dining hall	30 gal/seat
Bars, cocktail lounges	20 gal/seat
Caterers	50 gal/100 sq ft floor space
Restaurant, full Service	40 gal/seat
Restaurant, single service articles	20 gal/seat
Restaurant, drive-in	50 gal/car space
Restaurant, carry out only	50 gal/100 sq ft floor space
Institutions, dining halls	5 gal/meal
Deli	40 gal/100 sq ft floor space
Bakery	10 gal/100 sq ft floor space
Meat department, butcher shop or fish market	75 gal/100 sq ft floor space
Specialty food stand or kiosk	50 gal/100 sq ft floor space
Hotels and Motels	
Hotels, motels and bed & breakfast facilities, without in-room cooking facilities	120 gal/room
Hotels and motels, with in-room cooking facilities	175 gal/room
Resort hotels	200 gal/room
Cottages, cabins	200 gal/unit
Self service laundry facilities	500 gal/machine
Medical, dental, veterinary facilities	
Medical or dental offices	250 gal/practitioner/shift
Veterinary offices (not including boarding)	250 gal/practitioner/shift

Veterinary hospitals, kennels, animal boarding facilities	20 gal/pen, cage, kennel or stall
Hospitals, medical	300 gal/bed
Hospitals, mental	150 gal/bed
Convalescent, nursing, rest homes without laundry facilities	60 gal/bed
Convalescent, nursing, rest homes with laundry facilities	120 gal/bed
Residential care facilities	60 gal/person
Parks, recreation, camp grounds, R-V parks and other outdoor activity facilities	
Campgrounds with comfort station, without water or sewer hookups	75 gal/campsite
Campgrounds with water and sewer hookups	100 gal/campsite
Campground dump station facility	50 gal/space
Construction, hunting or work camps with flush toilets	60 gal/person
Construction, hunting or work camps with chemical or portable toilets	40 gal/person
Parks with restroom facilities	250 gal/plumbing fixture
Summer camps without food preparation or laundry facilities	30 gal/person
Summer camps with food preparation and laundry facilities	60 gal/person
Swimming pools, bathhouses and spas	10 gal/person
Public access restrooms	325 gal/plumbing fixture
Schools, preschools and day care	
Day care and preschool facilities	25 gal/person (child & employee)
Schools with cafeteria, gym and showers	15 gal/student
Schools with cafeteria	12 gal/student
Schools without cafeteria, gym or showers	10 gal/student
Boarding schools	60 gal/person (student & employee)
Service stations, car wash facilities	
Service stations, gas stations	250 gal/plumbing fixture
Car wash facilities	1200 gal/bay
Sports centers	
Bowling center	50 gal/lane
Fitness, exercise, karate or dance center	50 gal/100 sq ft
Tennis, racquet ball	50 gal/court
Gymnasium	50 gal/100 sq ft
Golf course with only minimal food service	250 gal/plumbing fixture
Country clubs	60 gal/member or patron
Mini golf, putt-putt	250 gal/plumbing fixture
Go-kart, motocross	250 gal/plumbing fixture
Batting cages, driving ranges	250 gal/plumbing fixture
Marinas without bathhouse	10 gal/slip
Marinas with bathhouse	30 gal/slip
Video game arcades, pool halls	250 gal/plumbing fixture
Stadiums, auditoriums, theaters, community centers	5 gal/seat
Stores, shopping centers, malls and flea markets	
Auto, boat, recreational vehicle dealerships/showrooms with restrooms	125 gal/plumbing fixture
Convenience stores, with food preparation	60 gal/100 sq ft
Convenience stores, without food preparation	250 gal/plumbing fixture
Flea markets	30 gal/stall
Shopping centers and malls with food service	130 gal/1000 sq ft
Stores and shopping centers without food service	100 gal/1000 sq ft
Transportation terminals – air, bus, train, ferry, port and dock	5 gal/passenger

(d) Design daily flow rates for proposed non-residential developments where the types of use and occupancy are not known shall be designed for a minimum of 880 gallons per acre, or the applicant shall specify an anticipated flow based upon anticipated or potential uses.

(e) Design daily flow rates for residential property on barrier islands and similar communities located south or east of the Atlantic Intracoastal Waterway and used as vacation rental as defined in G.S. 42A-4 shall be 120 gallons per day per habitable room. Habitable room shall mean a room or enclosed floor space used or intended to be used for living or sleeping, excluding kitchens and dining areas, bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets, and storage spaces.

(f) An adjusted daily sewage flow design rate shall be granted for permitted but not yet tributary connections and future connections tributary to the system upon showing that the capacity of a sewage system is adequate to meet actual daily wastewater flows from a facility included in Paragraph (b) or (c) of this Rule without causing flow violations at the receiving wastewater treatment plant or capacity-related sanitary sewer overflows within the collection system as follows:

- (1) Documented, representative data from that facility or a comparable facility shall be submitted by an authorized signing official in accordance with Rule .0106 of this Section to the Division for all flow reduction requests, as follows:
 - (A) dates of flow meter calibrations during the time frame evaluated and indication if any adjustments were necessary;
 - (B) a breakdown of the type of connections (e.g. two bedroom units, three bedroom units) and number of customers for each month of submitted data as applicable. Identification of any non-residential connections including subdivision clubhouses and pools, restaurants, schools, churches and businesses. For each non-residential connection, information identified in Paragraph (c) of this Rule (e.g. 200 seat church, 40 seat restaurant, 35 person pool bathhouse);
 - (C) a letter of agreement from the owner or an official, meeting the criteria of Rule .0106 of this Section, of the receiving collection system or treatment works accepting the wastewater and agreeing with the adjusted design rate;
 - (D) age of the collection system;
 - (E) analysis of inflow and infiltration within the collection system or receiving treatment plant, as applicable;
 - (F) if a dedicated wastewater treatment plant serves the specific area and is representative of the residential wastewater usage, at least the 12 most recent consecutive monthly average wastewater flow readings and the daily total wastewater flow readings for the highest average wastewater flow month per customers, as reported to the Division;
 - (G) if daily data from a wastewater treatment plant cannot be used or is not representative of the project area: 12 months worth of monthly average wastewater flows from the receiving treatment plant shall be evaluated to determine the peak sewage month. Daily wastewater flows shall then be taken from a flow meter installed at the most downstream point of the collection area for the peak month selected that is representative of the project area. Justification for the selected placement of the flow meter shall also be provided; and
 - (H) an estimated design daily sewage flow rate shall be determined by calculating the numerical average of the top three daily readings for the highest average flow month. The calculations shall also account for seasonal variations, excessive inflow and infiltration, age and suspected meter reading and recording errors.
- (2) The Division shall evaluate all data submitted but shall also consider other factors in granting, with or without adjustment, or denying a flow reduction request including: applicable weather conditions during the data period (i.e. rainy or drought), other historical monitoring data for the particular facility or other similar facilities available to the Division, the general accuracy of monitoring reports and flow meter readings, and facility usage, such as whether the facility is in a resort area.
- (3) Flow increases shall be required if the calculations required by Subparagraph (f)(1) of this Rule yield design flows higher than that specified in Paragraphs (b) or (c) of this Rule.
- (4) The permittee shall retain the letter of any approved adjusted daily design flow rate for the life of the facility and shall transfer such letter to a future permittee.

*History Note: Authority G.S. 143-215.1; 143-215.3(a)(1);
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.*

15A NCAC 18C .0409 SERVICE CONNECTIONS

(a) Local Water Supply Plan. Units of local government that are operating under a local water supply plan in accordance with G.S. 143-355(l) shall not be limited in the number of service connections.

(b) No local water supply plan. A public water system that does not have a local water supply plan as stated in Paragraph (a) shall limit its number of service connections as follows:

- (1) A public water system shall meet the daily flow requirements specified in Table 1:

Table 1: Daily Flow Requirements

Type of Service Connection	Daily Flow for Design
Residential	400 gallon/connection
Mobile Home Parks	250 gallon/connection
Campgrounds and Travel Trailer Parks	100 gallon/space
Marina	10 gallon/boat slip
Marina with bathhouse	30 gallon/boat slip
Rest Homes and Nursing Homes	
with laundry	120 gallon/bed
without laundry	60 gallon/bed
Schools	15 gallon/student
Day Care Facilities	15 gallon/student
Construction, work, or summer camps	60 gallon/person
Business, office, factory (exclusive of industrial use)	
without showers	25 gallon/person/shift
with showers	35 gallon/person/shift
Hospitals	300 gallon/bed

or;

- (2) A public water system shall meet the daily flow requirements calculated as follows:

- (A) If records of the previous year are available that reflect daily usage, the average of the two highest consecutive days of record of the water treated shall be the value used to determine if there is capacity to serve additional service connections. Unusual events, such as massive line breaks or line flushings, shall not be considered.
- (B) If complete daily records of water treated are not available, the public water system shall multiply the daily average use based on the amount of water treated during the previous year of record by the appropriate factor to determine maximum daily demand, as follows:
- (i) A system serving a population of 10,000 or less shall multiply the daily average use by 2.5; or
- (ii) A system serving a population greater than 10,000 shall multiply the daily average use by 2.0.

(c) A supplier of water shall include the impact that demands from anticipated in-ground irrigation systems, multi-family units, or vacation rental homes will have on the daily flow needs determined in Paragraph (b) of this Rule.

(d) If two years of metered usage data exists, a supplier of water may recalculate the daily flow requirements based on the actual usage. If actual demands are lower than the projected demand, recovered supply may be used to support additional connections in accordance with Paragraph (b) of this Rule.

(e) A supplier of water shall be exempt from using Table 1 in Subparagraph (b)(1) of this Rule and any other design flow standards established by the Department or the Commission to determine the daily flow requirements, provided that a professional engineer licensed pursuant to G.S. 89C prepares, seals, and signs documentation supporting alternative daily flow requirements that are sufficient to sustain the water usage required in the engineering design by using low-flow fixtures or flow reduction technologies.

History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;
Eff. July 1, 1994;
Readopted Eff. July 1, 2019.

Handy-Whitman Index - South Atlantic Region							
Original Date	Mains-Average All Types	Electric Pumping Equipment	Small Treatment Plant Equipment	Collecting and Impounding Res.	Elevated Steel Tanks	Steel Reservoirs	Structures and Improvements
1950	43	49	42	33	26	28	34
1951	46	55	43	35	28	30	36
1952	47	55	45	37	29	31	37
1953	49	55	46	39	31	32	39
1954	52	55	49	40	31	32	41
1955	54	56	51	42	33	33	42
1956	58	63	52	45	35	38	46
1957	60	69	54	48	38	42	48
1958	63	73	56	49	38	37	50
1959	66	74	58	52	38	36	51
1960	68	74	60	53	38	35	52
1961	70	71	61	54	37	35	53
1962	72	71	62	56	36	35	54
1963	74	71	64	58	37	41	55
1964	75	73	66	59	38	44	56
1965	75	74	69	60	38	45	57
1966	76	78	66	63	41	46	59
1967	76	81	69	65	44	47	60
1968	78	81	71	68	48	49	64
1969	81	84	75	72	55	53	70
1970	85	89	80	76	71	75	73
1971	94	93	89	83	80	82	81
1972	98	96	95	92	86	85	93
1973	100	100	100	100	100	100	100
1974	132	122	121	116	152	140	115
1975	150	155	142	129	183	159	127
1976	157	174	154	132	182	171	131
1977	164	184	164	141	183	172	139
1978	177	192	177	152	195	173	152
1979	189	205	191	167	206	178	164
1980	206	222	211	182	228	191	179
1981	223	245	232	198	250	208	191
1982	230	260	248	205	244	210	195
1983	236	271	261	208	197	182	201
1984	236	277	265	213	200	184	208
1985	241	282	273	220	198	181	214
1986	237	284	276	222	207	184	217
1987	244	299	281	222	219	196	219
1988	260	311	290	233	260	220	226
1989	272	330	302	236	268	216	235
1990	273	349	305	239	278	229	235
1991	273	355	305	229	285	253	232
1992	272	368	311	231	277	261	236
1993	279	386	317	240	249	248	248
1994	284	428	320	254	242	246	259
1995	284	442	324	258	253	249	266
1996	289	450	331	267	268	251	271
1997	296	473	344	274	273	255	278
1998	303	489	356	277	283	268	283
1999	307	505	367	282	288	268	290
2000	317	530	377	289	299	270	307
2001	323	531	385	291	305	274	313
2002	331	516	392	296	429	275	319
2003	340	534	399	295	429	276	326
2004	350	547	417	316	438	308	339
2005	393	604	440	330	524	338	370
2006	418	620	460	345	524	398	382
2007	461	639	478	368	657	526	407
2008	475	640	531	385	680	676	427
2009	554	679	596	394	866	722	460
2010	547	707	612	396	866	734	452
2011	552	708	626	407	1079	771	466
2012	593	780	664	413	1059	798	492
2013	630	800	689	425	1089	763	514
2014	658	856	728	432	1131	735	512
2015	664	928	755	439	1131	742	531
2016	669	990	782	438	1131	774	541
2017	705	1052	805	448	1161	784	557
2018	732	1216	857	475	1200	820	587
2019	762	1346	904	486	1244	832	599
2020	801	1454	976	497	1244	836	616
2021	870	1465	1051	565	1473	990	199
2022	992	1787	1200	623	1813	1218	792

South Atlantic Regions Includes Nine (9) States: VA, NC, SC, GA, FL, AL, MS, TN, KY

Resolution to Approve and Accept Water and Sewer System Development Fee Analysis Study Update and to adopt Fee Updates to the Water and Sewer Rate and Fee Schedule for the Town of Burnsville, North Carolina

WHEREAS, the North Carolina General Assembly enacted House Bill 436 in July, 2017 amending Chapter 162A of the North Carolina General Statutes by adding "Article 8 System Development Fees. Article 8 requires an update to the System Development Fee (SDF) analysis to be performed at least every five (5) years. The Town of Burnsville (Town) adopted its previous analysis on February 7, 2019 and, therefore must address the requirement to update the analysis in February 2024; and

WHEREAS, the statute authorizes the procedures and methods for the calculation and authorization of System Development Fees to be charged by local governments; and

WHEREAS, System Development Fees are defined as a charge imposed on each new customer or development that generally offsets the incremental cost of replacing existing and/or constructing new capital assets to provide capacity that will continue to meet the demands placed on the system by each new customer or development; and

WHEREAS, for new development involving the subdivision of land, the system development fee shall be collected by a local governmental unit at the later of either of the following: (1) the time of application for a building permit; (2) when water or sewer service is committed by the local governmental unit. For all other new development, the local governmental unit shall collect the system development fee at the earlier of either of the following: (1) the time of application for connection of the individual unit of development to the service or facilities; (2) When water or sewer service is committed by the local governmental unit. (N.C.G.S. § 162A-213).

WHEREAS, the statute authorizes a local government to adopt a System Development Fee calculated upon a written analysis prepared by a financial professional or licensed professional engineer. Yancey County, through an infrastructure study grant, contracted with McGill Associates, a licensed

engineering firm, to prepare this updated System Development Fee calculation on behalf of the Town of Burnsville; and

WHEREAS, McGill Associates prepared a computerized calculator which will determine System Development Fee for water and sewer by utilizing a cost per gallon per day calculation of water and sewer demand for varying types of residential and business properties as defined by NC Administrative Code 15A NCAC 02T.0114; and

WHEREAS, the Town has taken all required steps pursuant to Article 8 of N.C.G.S. §162A, including posting of the fee analysis study update on the Town's website for forty-five (45) days and solicited public comments regarding the same; conducting a public hearing on February 1, 2024 to receive further public comment, which was properly noticed; and adoption of this resolution will include the determination of the system development fees;

WHEREAS, N.C.G.S. §162A-209(c) requires local governments update their system development fee analysis at least every five (5) years;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF BURNSVILLE, NORTH CAROLINA THAT:

1. The System Development Fee analysis study and updated report, prepared by McGill Associates is hereby adopted to establish the Town of Burnsville's water and sewer System Development Fee rate;
2. The calculated cost per gallon per day, as shown in the study update report is as follows:
 - a. WATER: \$ 4.70/gallon
 - b. SEWER: \$ 3.84/gallon
3. The percentage of the above values to be charged in calculating the total System Development Fee per unit shall be ____% of the costs per gallon per day of the demand for those residential and business properties defined in North Carolina Administrative Code 15A NCAC 02T.0114. These fees shall apply equally to applicants for property development both inside and outside the Burnsville Town limits.
4. System Development Fee amounts are based, for residential applicants, on the number of bedrooms, and for business applicants on type and/or

occupancy. All applicants must inquire with the Public Works Department for fee determination.

5. The Town Council shall review and/or update the System Development Fee rate schedule at least five (5) years from the date of this Resolution, unless otherwise required by North Carolina law.
6. These fees shall be effective as of the date of this Resolution and all water and sewer rate and fee schedules shall be included and published in the annual budget for the Town of Burnsville, North Carolina as the same may be amended from time to time to update rates and fees.

Adopted and approved by the Burnsville Town Council on ____ February, 2024

T. Russell Fox, Mayor

ATTEST:

Chad Fox, Town Clerk

Approved as to form:

Heather Hockaday, Attorney

**Amendment to the Town of Burnsville's Fiscal Year 2023-24 Budget Ordinance
to update the Town's Water and Sewer System Development Fees as required
by N.C.G.S. 162-A**

WHEREAS, the Burnsville Town Council Adopted on ____ June, 2023 the annual Budget Ordinance for FY 2023-24; and

WHEREAS, said budget ordinance included the adoption of the Water/Sewer Rate and Fee Schedule for the Town of Burnsville for FY 2023-2024; and

WHEREAS, the North Carolina General Assembly enacted Article 8 of Chapter 162A of the North Carolina General Statutes for the purposes of authorizing local government units to establish System Development Fees for new or expanding water and sewer connections to the unit's public water system; and

WHEREAS, chapter 162A-209(c) requires that those fees be shown in the Town's Rate and Fee Schedule and an analysis of said fees be updated at least every five (5) years; and

WHEREAS, the Town last adopted an System Development Fee study and set the rate of the fee on February 7, 2019; and

WHEREAS, after following all statutory requirements for public input and hearing, the Town Council adopted, by Resolution dated February 1, 2024, the System Development Fee study to reflect the current cost analysis of providing water and sewer service to new or expanded development and a new System Development Fee based on a percentage of the cost per gallon per day of providing water and sewer to meet the demand of both residential and commercial customers. The cost per gallon per day is \$4.70 for water service and \$3.84 for sewer service. The percentage of those amounts which determines the fee is set at ____%. The number of gallons per day demand is calculated by using the tables in 15A NCAC 02T.011415 for residential and commercial properties; and

WHEREAS, the Town Council desires to amend the rate and fee schedule adopted within the FY 2023-34 Annual Budget Ordinance for the Town of Burnsville to reflect the changes stated above.

NOW, THEREFORE, BE IT ORDAINED, the following:

1. That the Fiscal Year 2023-24 Budget Ordinance shall be amended to include the System Development Fee schedule as updated by Resolution on February 1, 2024 of the Burnsville Town Council.
2. That this Ordinance is effective upon adoption and Town staff is directed to update the System Development Fee schedule as it appears on the current water and sewer Rate and Fee Schedule and the computation of the System Development Fees by the Public Works Department be adjusted to reflect the new percentile of cost as established in the Resolution of the Council setting the rate on February 1, 2024.
3. That all other provisions of the Rate and Fee Schedule remain in full force and effect. And should any of these provisions be declared invalid under State or Federal law said invalidation shall have no effect on the other lawful provisions.

APPROVED AND ADOPTED by a vote of ____ to ____ this the ____ day of February, 20204.

T. Russell Fox, Mayor

ATTEST:

J. Chad Fox, Town Clerk

Approved as to form:

Heather Hockaday, Town Attorney

ROY COOPER*Governor***ELIZABETH S. BISER***Secretary***SHADI ESKAF***Director***NORTH CAROLINA**
Environmental Quality

January 23, 2024

Ms. Heather Hockaday, Town Manager/Attorney
 Town of Burnsville
 PO Box 97
 Burnsville, NC 28714
hhockaday@townofburnsville.org

SUBJECT: Letter of Intent to Fund – Supplemental Funds for November 2020 Application
 Main Sewer Interceptor (West) Improvements
CDBG-I Number: 19-I-3649
 HUD Federal CDBG Grant - Assistance Listing Number (ALN) 14.228

Dear Ms. Hockaday:

The Division of Water Infrastructure has reviewed your documentation to the Community Development Block Grant Program and has approved your project as eligible to receive a **supplemental grant in the amount of \$500,000.**

The above referenced grant will include the rehabilitation of 4,533 LF of the sewer main and associated traffic controls.

Please note that this intent to fund is contingent on meeting **all** the following milestones. Failure to meet any milestone may result in the forfeiture of CDBG funding for the proposed project.

Grant Milestones	Date
Attendance at a Mandatory Procurement Workshop	05/05/21-completed w/2020 funds
Attendance at a Mandatory Compliance Workshop	06/10/21- completed w/2020 funds
Attendance at a Mandatory ERR/EID Workshop	06/11/21- completed w/2020 funds
Grant Contract with DWI Executed by all Parties	02/29/24
Engineering Report Submitted & Received	12/29/23
Environmental Information Document/Environment Review Record (EID/ERR) and Request for Release of Funds Submitted	12/29/23



North Carolina Department of Environmental Quality | Division of Water Infrastructure
 512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
 919.707.9160

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Ms. Heather Hockaday, Town Manager/Attorney
 Town of Burnsville
 January 23, 2024
 Page 2 of 3

Funding Approval Conditions Submitted & Received	01/22/24
Engineering Report Approved by Division	01/22/24*
Environmental Information Document/Environment Review Record (EID/ERR) and Request for Release of Funds Approved by Division	01/22/24
Bid and Design Package Submitted & Received	10/20/22- completed w/2020 funds
Bid and Design Package Approved by Division	6/10/23- completed w/2020 funds
Bid Information Submitted (<i>Final Bid Notice, Itemized Bid Tabulation, etc.</i>)	9/7/23 - completed w/2020 funds
Execute Construction Contracts (<i>Submit e-copies of Construction Agreement, Notice of Award, Notice of Proceed, Project Schedule, Start of Construction Card with required documentation</i>)	3/29/24
Grant Contract Expiration (All construction needs to be complete)	9/20/24
Final Report and Final Reimbursement Submitted & Received	11/4/24
Grant Closeout Submitted & Received (<i>Closeout package and required documentation</i>)	12/31/24
Milestones for Compliance Plans	Date
Adopted Equal Opportunity and Procurement Plan and Policy Submitted & Received	02/29/24
Adopted Section 3 Plan (Local Economic Benefit for Low and Very Low-Income Persons) Submitted & Received	02/29/24
Adopted Language Access Plan Submitted & Received	02/29/24
Completed Section 504 Self-Evaluation Survey and Adopted Grievance Procedures Submitted & Received	02/29/24
Adopted Residential Anti-Displacement and Relocation Assistance Plan Submitted & Received	02/29/24
Adopted Code of Conduct / Conflict of Interest Policy Submitted & Received	02/29/24
Adopted Citizen Participation Plan Submitted & Received	02/29/24
Adopted Excessive Force Provision Submitted & Received	02/29/24
Adopted Code of Conduct / Conflict of Interest Policy Submitted & Received	02/29/24
Adopted Equal Housing Opportunity & Affirmatively Furthering Fair Housing Plan & Policy Submitted & Received	02/29/24
*Responses to Requests for Additional Information must be received at least 15 days prior to these milestones.	

Ms. Heather Hockaday, Town Manager/Attorney
Town of Burnsville
January 23, 2024
Page 3 of 3


In addition, please find enclosed two copies of each Grant Contract. **No funds may be obligated or expended in any project activity until the Grantee and Grantor (Division) signs and dates the Grant Contract. It is highly recommended to have the Town's Attorney review the Grant Contracts prior to signature.**

Please sign both grant contracts and return both to the Division of Water Infrastructure at: 1633 Mail Service Center, Raleigh, NC 27699-1633, Attention: Colleen Simmons.

Once the Division signs the contracts, one will be mailed back to the Town for your file, in addition, a scanned copy will be sent via email. No third-party contracts can be executed until the Division has signed the grant contract.

We look forward to collaborating with you on this important project. Please call Colleen Simmons at 919-441-9378 or via email at colleen.simmons@deq.nc.gov if you have any questions.

Sincerely,

DocuSigned by:

6300A872077B4C5...

Shadi Eskaf, Director
Division of Water Infrastructure

Attachments – Grant Contract

cc: Chad Fox, Town Clerk (clerk@townofburnsville.org)
Michelle Ball, High Country, COG (mball@hccog.org)
Dana Bolden, PE, WithersRavenel (dbolden@withersravenel.com)
Nikita Moye, CDBG-I (via email)
Stacey Y. Starkey, CDBG-I (via email)
John Tucker, CDBG-I (via email)
Emily Bacon, CDBG-I (via email)
CDBG-I Laserfiche & Fileroom: General / Funding Commitment file

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

SHADI ESKAF

Director



NORTH CAROLINA
Environmental Quality

January 22, 2024

Ms. Heather Hockaday, Town Manager/Attorney
Town of Burnsville
PO Box 97
Burnsville, NC 28714
hhockaday@townofburnsville.org

SUBJECT: Release of Conditions - Environmental Review Record/Release of Funds
Main Sewer Interceptor (West) Improvements
CDBG-I Number: 19-I-3649

Dear Ms. Hockaday:

The above referenced conditions in the Town of Burnsville's Infrastructure Community Development Block Grant **19-I-3649** Grant Contract are removed **effective the date of this letter**.

The Unit is satisfied with the environmental document, and the environmental review record. All funding conditions have now been satisfied for the above referenced grant.

Per your CDBG-I grant contract, your **19-I-3649** funds are now released **effective the date of this letter**. You may now spend all categories of funding in your project and move forward toward construction and completion of your project.

Please be reminded of the upcoming milestone dates stated in **Exhibit A** of the Grant Contract:

- Execute Construction Contracts due date is **March 29, 2024**.
- Contract expiration due date is **September 20, 2024**.
- Final report and final request for reimbursement due date is **November 4, 2024**.
- Final grant closeout submitted due date is **December 31, 2024**.



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Ms. Heather Hockaday, Town Manager/Attorney
Town of Burnsville, NC
January 22, 2024
Page 2 of 2

Please call Nikita Moye at (919) 707-9058 or nikita.moye@deq.nc.gov if you have any questions.

Sincerely,

DocuSigned by:

Colleen M Simmons

FBD59BFF12BA480...

Colleen M. Simmons, AICP, CPM
Program Manager
CDBG-Infrastructure Unit
Division of Water Infrastructure

cc: Chad Fox, Town Clerk (clerk@townofburnsville.org)
Michelle Ball, High Country, COG (mball@hccog.org)
Dana Bolden, PE, WithersRavenel (dbolden@withersravenel.com)
Nikita Moye, CDBG-I (via email)
Stacey Y. Starkey, CDBG-I (via email)
John Tucker, CDBG-I (via email)
Emily Bacon, CDBG-I (via email)
CDBG-I Laserfiche & Fileroom: General / Funding Commitment file



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Secretary

SHADI ESKAF

Director



NORTH CAROLINA
Environmental Quality

January 9, 2024

Heather Hockaday, Town Manager
Town of Burnsville
PO Box 97
Burnsville, NC 28714

Subject: Letter of Intent to Fund for LSL Projects
Town of Burnsville
Burnsville Lead Service Line Inventory
December 2023 SWIA Award
Project No.: SRF-D-LSL-0052

Dear: Heather Hockaday

The Division of Water Infrastructure (Division) has reviewed your application, and the State Water Infrastructure Authority (SWIA) has approved your Lead Service Line Replacement project as eligible to receive a total funding amount of \$360,000 from DWSRF BIL Lead Service Line Replacement Funds. Thirty-five percent (35%) of the loan up to a maximum of \$126,000 will be forgiven and the remainder will be repayable at 0.00% interest. BIL DWSRF LSLR Funds are contingent on the Division's receipt of the LSLR Funds from US EPA. A loan fee of 2% will be invoiced after bids have been received.

Please note that this intent to fund is contingent meeting **all** the following milestones:

Inventory Only Projects

Milestone	Deadline date
Scope of Work Submittal	March 1, 2024
Scope of Work Approval	April 1, 2024
Completion of LSLR inventory Scope of Work	October 1, 2024

The Division will consider milestone timeline modification including extensions provided that good cause for granting extension is provided. Failure to meet any milestone may result in the forfeiture of funding for the proposed project.

The Engineering Report for projects that include replacement must be developed using the guidance found on our website (<https://deq.nc.gov/about/divisions/water-infrastructure/i-have-funding/engineering-reportenvironmental-information>).



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919.707.9160

Town of Burnsville
January 9, 2024
Page 2 of 4

Further guidance for engineering services, ER submissions, Categorical Exclusion guidelines, Federal DBE/MBE and State requirements, procurement/bidding and reimbursements for all LSL projects is being developed and will be posted on our LSL website as soon as possible. Please visit our LSL page intermittently for updates.

Electronic Document Submittal:

Recipients should now submit all project documents, including milestone extension, via the new supporting documentation submittal form located at <https://edocs.deq.nc.gov/Forms/DW-Documents-Upload-Form>. The use of this form provides more seamless document tracking, processing, filing, accessibility, and security via our electronic document repository, Laserfiche. The link and a list of frequently asked questions can also be accessed from the Division's *I Have Funding* page, <https://www.deq.nc.gov/about/divisions/water-infrastructure/i-have-funding>.

Upon detailed review of the project during the funding process, it may be determined that portions of your project are not eligible for funding and the total funding amount may be reduced. Additionally, changes in the scope or priority points awarded – based on additional information that becomes apparent during project review – may also result in changes to the total funding amount and loan terms.

Davis-Bacon Requirements and American Iron and Steel Provisions

Projects funded through the State Revolving Fund (SRF) programs must comply with Davis-Bacon wage requirements and American Iron and Steel provisions. You can find standard specifications covering these requirements on our website.

Build America, Buy America Act (BABA)

Projects funded through the State Revolving Fund (SRF) BIL LSLR funds are required to comply with the Federal Build America, Buy America Act (BABA). The Build America, Buy America Act (BABA) requires that iron, steel, manufactured products, and construction materials used in infrastructure projects are produced in the United States. You can find additional information at the following link: <https://www.epa.gov/cwsrf/build-america-buy-america-baba>

Approval of Debt by Local Government Commission

Projects funded with a Division of Water Infrastructure (Division) loan component must receive approval from the Local Government Commission (LGC). Final approval of debt must be coordinated directly with the LGC after construction bids are received. Materials must be emailed to srf@nctreasurer.com

Joint Legislative Committee on Local Government Notification Requirements

In accordance with G.S. 120-157.2, local government units with projects that require debt to be issued greater than \$1,000,000 **must submit a letter** to Committee Chairs, Committee Assistant, and the Fiscal Research Division of the General Assembly at least 45 days prior to presentation before the Local Government Commission. You are responsible for submitting that letter and providing a copy to the Division.


Town of Burnsville
January 9, 2024
Page 3 of 4

Extended Term Loan

Projects that qualify for a targeted interest rate and demonstrate in the Engineering Report a weighted average design life for the major components of the project greater than 20 years are eligible for an extended loan term up to the calculated weighted average design life, but not to exceed 30 years. Request an extended term by contacting your project manager and provide the necessary calculation (see design life workbook here <https://deq.nc.gov/about/divisions/water-infrastructure/i-have-funding/engineering-reportenvironmental-information>).

Upon receipt of your letter of intent to fund, please fill out the attached Federal ID & Unique Entity ID (UEI) form and email it to **Pam Whitley** at pam.whitley@deq.nc.gov. If you choose to decline this funding, the Authorized Representative as declared in the application must directly contact the Division project manager via email or letter on the applicant's letterhead.

If you have any questions, please contact Jeff Menzel at jeff.menzel@deq.nc.gov

Sincerely,
DocuSigned by:

6300A872077B4C5...
Shadi Eskaf, Director
Division of Water Infrastructure, NCDEQ

EC: Cory Osborne, High Country Council of Governments (cosborne@hccog.org) (via email)
jeff.menzel@deq.nc.gov (Via email)
SRF (COM_LOIF) (Agreement ID 2000073200)

RESOLUTION: _____

RESOLUTION ORDERING THE ADVERTISING OF DELINQUENT REAL ESTATE PROPERTY TAX LIEN

WHEREAS, N.C. Gen. Stat. § 105-369(a) requires that a municipal tax collector report to the governing body the total amount of unpaid taxes for the current fiscal year (2023) that are liens on real property; and

WHEREAS, upon receipt of said report, pursuant to that same statute, the governing body must order the tax collector to advertise the tax liens; and

WHEREAS, the Town of Burnsville Tax Collector has reported to this Council the total amount of unpaid taxes for the current fiscal year that are liens on real property.

NOW THEREFORE BE IT RESOLVED by the Burnsville Town Council as follows:

1. That the Town Tax Collector, Heather Hockaday, is hereby ordered to advertise the tax liens by posting a notice of the liens at the Town Hall and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit, in conformity with N.C. Gen. Stat. § 105-369.
2. That this resolution be effective upon adoption.

Adopted this 1st day of February 2024.

ATTEST:

BURNSVILLE TOWN COUNCIL

J. Chad Fox, Clerk

BY: _____

T. Russell Fox, Mayor

2024 Events on the Square for Council Approval

(Community Promotions Funding Guidelines: The Town of Burnsville recognizes and supports programs and organizations that promote history, art, education, agriculture and economic development in the Town as areas of interest.)

Traditionally Sponsored Events on the Square

- Fit Families 5k, PATH - 4/20/24
 - Road closure
- PATH's Sizzlin' Summer Series, 11 dates throughout summer
 - Stage & two road closures
- First Friday Markets – 5/3, 6/7, 7/5, 9/6, 10/4, 11/1
 - Stage
- Independence Day Celebration
 - Entertainment
- Mt. Mitchell Crafts Fair, Chamber – 8/2 & 8/3
 - Road closure, stage
- Mt. Mitchell Toy Run, Dennis Wilson
 - Stage
- Trick or Treat Main Street, Chamber -
 - Road closure

Ordinance No. _____

AN ORDINANCE DECLARING A ROAD CLOSURE FOR AN EVENT: "FIT FAMILIES 5K"

WHEREAS, the Town Council of the Town of Burnsville is a sponsor of the annual event known as "Fit Families 5K";

WHEREAS, the Town Council of the Town of Burnsville acknowledges "Fit Families 5k" encourages family centered community health and fitness in the Town and in Yancey County;

WHEREAS, the Town Council of the Town of Burnsville acknowledges the event requires approximately one (1) hour to install and remove signs, traffic control and litter;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Burnsville pursuant to the authority granted by NCGS 20-169 that they do hereby declare a temporary road closure during the day and times set forth below on the following described portion of a State Highway System route:

Date: Saturday, April 20, 2024.

Time: 8:00 a.m.-11:00 a.m.

Route Description: 2023 Burnsville Fit Families 5K Description of Closure: 0.5mi. SR 1428 (Main St) from Court Street to Summit St. including Burnsville Town Square, SR 1369 North Main Street from Azalea Lane to Town Square on Saturday, April 22, 2023 from 8:00 AM to 11:00 AM

This ordinance to become effective when signs are erected giving notice of the limits and times of the event, and implementation of adequate traffic control to guide through vehicles around the closures.

Adopted this _____ day of _____, 2024.

MAYOR

Attest:

TOWN CLERK