

Lewisville Town Council
Briefing and Action Meeting Agenda
May 4, 2023 – 6:30 PM
Lewisville Town Hall 2nd Floor Conference Room
6510 Shallowford Road

- 1. Call to Order:**
 - A. Roll Call
 - B. Adoption of Agenda

- 2. Items Requiring Council Direction**
 - A. Lewisville-Clemmons Chamber of Commerce special events
 - B. Resolution on pending legislation

- 3. Items Requiring Action at Briefing**

- 4. Old Business**

- 5. Administrative Reports**
 - A. Manager
 - i. Cybersecurity update
 - B. Clerk
 - i. Boards & Committees Ice Cream Social – May 19, 4:30-6:30 PM, MAWCC
 - C. Assistant Town Manager/Planning Director
 - i. Great Wagon Road – playground relocation
 - ii. Gateway project – schedule update
 - D. Public Works Director
 - i. Jack Warren Park gate relocation

- 6. Tentative Agenda Items for Regular Meeting on May 11, 2023**
 - A. Consent Agenda
 - i. Resolution 2023-021– Financial statements for the nine months ended March 31, 2023 – [\(Attachment #1\)](#)
 - ii. Approval of Agenda Briefing Minutes –April 6, 2023 [\(Attachment #2\)](#)
 - iii. Approval of Closed Session Minutes –April 6, 2023
 - iv. Approval of Regular Meeting Minutes – April 13, 2023 [\(Attachment #3\)](#)
 - B. Introductions, Recognitions, Presentations and/or Proclamations
 - i. Presentations
 - a. Historic Preservation
 - b. Sheriff’s Office
 - C. Public Hearing
 - i. 2023-2024 Budget
 - D. Old Business
 - E. New Business
 - i. Ordinance 2023-016 – Order to collect 2023 taxes [\(Attachment #4\)](#)
 - ii. Ordinance 2023-017– Order to collect 2022 and prior years’ taxes [\(Attachment #5\)](#)
 - iii. Voluntary Agricultural District (VAD) [\(Attachment #6\)](#)

- 7. For the Good of the Order**
 - A. Board of elections update – Mayor Horn

- 8. Adjournment**



**RESOLUTION 2023-021 OF THE LEWISVILLE TOWN COUNCIL
ACCEPTANCE AND APPROVAL OF MONTHLY DISBURSEMENTS**

WHEREAS, the Finance Officer has presented the Town Council with the Revenue Statement Summary and the Encumbrances and Expenditure State Summary of figures for the nine months ended March 31, 2023; and

WHEREAS, the Finance Officer did not report any unusual expenditures.

NOW, THEREFORE BE IT RESOLVED THAT the Lewisville Town Council accepts the Revenue Statement Summary and the Encumbrances and Expenditure Statement Summary for the nine months ended March 31, 2023 and incorporated herein.

Adopted this the 11th day of May 2023 by the Lewisville Town Council.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk

**Town of Lewisville
Financial Budget to Actual Report - General Fund
Nine Months Ended March 31, 2023**

General Fund

Revenues	Budget	Revenue Year to Date	Uncollected	Percentage Collected
Property Tax Collections	\$ 2,883,926.00	\$ 2,870,559.20	\$ 13,366.80	99.54%
Sales Tax Revenue	1,057,280.00	732,994.80	324,285.20	69.33%
Other Revenues	1,399,596.00	1,042,960.39	356,635.61	74.52%
Transfer from ARPA Special Revenue Fund	-	812,388.82	(812,388.82)	0.00%
Total	5,340,802.00	\$ 5,458,903.21	\$ (118,101.21)	102.21%
Appropriation from Fund Balance	6,909,702.98			
	<u>\$ 12,250,504.98</u>			

Departments	Budget	Expenditures Year to Date	Encumbrances Year to Date	Unencumbered and Unspent Balance	Percentage of Budget Spent or Encumbered
Governing Body	\$ 2,291,547.00	\$ 2,169,053.71	\$ 6,435.75	\$ 116,057.54	94.94%
Administration	916,853.18	526,254.04	18,650.44	371,948.70	59.43%
Finance	266,245.00	196,589.74	239.78	69,415.48	73.93%
Debt Service	232,400.00	232,400.00	-	-	100.00%
Planning & Zoning	465,975.00	162,033.67	7,337.50	296,603.83	36.35%
Beautification	119,302.00	92,617.33	18,701.76	7,982.91	93.31%
Community Policing	847,146.00	381,924.45	-	465,221.55	45.08%
Public Safety	16,450.00	280.00	-	16,170.00	1.70%
Public Works	508,896.00	310,523.63	39,159.66	159,212.71	68.71%
Streets	250,585.00	27,148.77	3,377.71	220,058.52	12.18%
Powell Bill	405,357.00	43,442.60	-	361,914.40	10.72%
Storm Water	183,176.00	73,872.88	64,814.94	44,488.18	75.71%
Solid Waste	917,000.00	588,707.76	-	328,292.24	64.20%
Recycling	8,595.00	2,688.11	150.00	5,756.89	33.02%
Parks and Recreation	600,977.80	384,748.15	29,428.79	186,800.86	68.92%
Transfers to Capital Projects Funds	3,300,000.00	676,617.00	-	2,623,383.00	20.50%
Transfers to Capital Reserves	920,000.00	920,000.00	-	-	100.00%
Total	<u>\$ 12,250,504.98</u>	<u>\$ 6,788,901.84</u>	<u>\$ 188,296.33</u>	<u>\$ 5,273,306.81</u>	56.95%

General Fund Balance 7/1/2022	\$ 7,943,133.05
Year-to-Date Increase (Decrease) FY 6/30/2023	<u>(1,329,998.63)</u>
General Fund Balance 3/31/2023	<u>\$ 6,613,134.42</u>

Town of Lewisville
Financial Budget to Actual Report - Willow Run Municipal Service District
Nine Months Ended March 31, 2023

Willow Run Municipal Service District

Revenues	Budget	Revenue Year to Date	Uncollected	Percentage Collected
Revenues	\$ 36,610.00	\$ 40,004.09	\$ (3,394.09)	109.27%
Total	<u>\$ 36,610.00</u>	<u>\$ 40,004.09</u>	<u>\$ (3,394.09)</u>	109.27%
Appropriation from Fund Balance	\$ -			
	<u>\$ 36,610.00</u>			

	Budget	Expenditures Year to Date	Encumbrances Year to Date	Unencumbered and Unspent Balance	Percentage of Budget Spent or Encumbered
Expenditures	\$ 36,610.00	\$ 1,397.19	\$ -	\$ 35,212.81	3.82%
Total	<u>\$ 36,610.00</u>	<u>\$ 1,397.19</u>	<u>\$ -</u>	<u>\$ 35,212.81</u>	3.82%

MSD Fund Balance 7/1/2022	\$ 192,445.34
Year-to-Date Increase (Decrease) FY 6/30/2023	38,606.90
MSD Fund Balance 3/31/2023	<u>\$ 231,052.24</u>

**Town of Lewisville
Other Funds
March 31, 2023**

Capital Reserve Funds					
	Balance 7/1/2022	Transfers In	Transfers Out	Investment Earnings	Balance 3/31/2023
GWR ROW/Construction Capital Reserve	\$ 1,051,083.99	\$ -	\$ -	\$ 26,247.29	\$ 1,077,331.28
Sidewalks, Bike Paths, and Greenways Capital Reserve	132,269.89	25,000.00	-	3,920.75	161,190.64
Municipal Buildings/Land Capital Reserve	130,369.89	-	-	3,255.54	133,625.43
Public Works Facility Capital Reserve	330,120.65	495,000.00	-	20,475.10	845,595.75
Parks & Recreation Capital Reserve	-	400,000.00	-	9,821.91	409,821.91
Total	\$ 1,643,844.42	\$ 920,000.00	\$ -	\$ 63,720.59	\$ 2,627,565.01

Capital Projects Funds							
	Balance 7/1/2022	Revenue	Expenditures	Transfers In	Transfers Out	Investment Earnings	Balance 3/31/2023
GWR ROW/Construction Capital Project	\$ 735,968.24	\$ -	\$ -	\$ -	\$ -	\$ 18,378.34	\$ 754,346.58
JWP Maintenance Facility/Playground Expansion Capital Project	20,661.31	-	-	-	-	515.94	21,177.25
Gateway Project Capital Project	191,785.19	18,438.21	(27,538.58)	676,617.00	-	6,863.71	866,165.53
Community Center Capital Project	274,674.25	-	(8,132.13)	-	-	3,989.17	270,531.29
Roundabout at Lewisville-Vienna Road and Robinhood Road Capital Project	217,065.93	14,308.96	(17,886.20)	-	-	6,443.00	219,931.69
Total	\$ 1,440,154.92	\$ 32,747.17	\$ (53,556.91)	\$ 676,617.00	\$ -	\$ 36,190.16	\$ 2,132,152.34

American Rescue Plan Act Special Revenue Fund	
American Rescue Plan Act funding received	\$ 4,024,471.50
Transferred to General Fund to reimburse for general government services - revenue replacement - Fiscal Year 2021-2022	(1,208,168.14)
Transferred to General Fund to reimburse for general government services - revenue replacement - First Nine Months of Fiscal Year 2022-2023	(812,388.82)
Investment earnings	<u>69,338.14</u>
American Rescue Plan Act Special Revenue Fund - Cash Balance 3/31/2023	<u>\$ 2,073,252.68</u>

Lewisville Town Council
Briefing and Action Meeting Minutes
April 6, 2023 – 6:30 PM
Lewisville Town Hall 2nd Floor Conference Room
6510 Shallowford Road

1. Call to Order:

- A. Mayor Horn opened the meeting at 6:30 PM. In attendance were Mayor Mike Horn, Mayor Pro Tem Jeanne Marie Foster and Council Members Fred Franklin, Melisa Hunt, Ken Sadler, David Smitherman, and Jane Welch. Also attending were Town Manager James Ayers, Assistant Town Manager/Planning Director Stacy Tolbert, Town Clerk Dora Moore, Public Works Director Jon Hanna, Facilities Manager Brian Moore, and Attorney Elliot Fus.
- B. Adoption of Agenda – Council Member Hunt moved to approve the agenda. The motion was seconded by Mayor Pro Tem Foster and approved unanimously.

2. Items Requiring Council Direction

- A. Discussion of invocation alternatives – After some discussion on how to proceed with invocations at regular Council meetings, Council consensus was Council members would volunteer to lead the invocation and examples would be provided to Council.
- B. Forsyth County Board of Elections deposit waiver – Mayor Horn shared that Lewisville Elementary School and Winston-Salem/Forsyth County Schools Board of Education have inquired if primary day and election day voting could be held at Mary Alice Warren Community Center (MAWCC) versus the school. Council consensus was that primary day and election day voting could be held at MAWCC only with no early voting.

3. Administrative Reports

- A. Manager
 - i. BAC update – Manager Ayers shared an update related to the review of board and committee structures and ways to improve community involvement.
 - ii. PARTF grant update – Request for qualifications related to the PARTF project at Jack Warren Park is expected to be issued next week. Once the requests are received and reviewed, staff will present a proposed contract for Council consideration.
 - iii. Solar panel project update – The solar panels atop Mary Alice Warren Community Center are live. Electricity production began March 28.
 - iv. Recruitment update – The Town is advertising for both a maintenance worker and a full-time communications specialist.
- B. Clerk
 - i. CityVision – April 25-27 – Concord
 - ii. Budget work sessions – April 20, 6 PM; May 1, 6 PM; May 4, 6:30 PM (if needed)
 - iii. Boards & Committees Ice Cream Social – May 19, 4:30-6:30 PM, MAWCC
 - iv. Holiday Open House – November 30 or December 8
 - Council consensus was to forego a holiday open house noting one was held in 2022 due to it being the first year of the Mary Alice Warren Community Center being open.
- C. Assistant Town Manager/Planner
 - i. UDO consultant procurement update – Request for proposals to procure a UDO (Unified Development Ordinance) consultant were issued on March 29 with proposals being due by April 24.

- ii. Lewisville-Vienna and Yadkinville Roads Roundabout – The Metropolitan Planning Organization (MPO) was requested to bring back to the forefront funding consideration of the Lewisville-Vienna and Yadkinville Roads roundabout. New estimated numbers of \$3,490,000 for this project were submitted to the MPO. Mrs. Tolbert noted this is a SPOT Safety Program project and does not require a 20% funding match. SPOT addresses smaller improvement projects related to safety, potential safety and operational issues.
- iii. Great Wagon Road project
 - Shallowford Square playground – The Great Wagon Road project will impact the playground at Shallowford Square. Since the playground was funded by PARTF, the new location of the playground will need to be submitted to PARTF for their approval. NCDOT will cover relocation costs. Any upgrades to the playground would be at the Town’s expense.
 - Building leased – The property where the Town is leasing a building to store play equipment will be acquired by NCDOT and both the house and garage will be demolished. NCDOT will dispose of the buildings and their contents at NCDOT costs. The costs of a play production as well as the fact that Shallowford Square is tied up for eight weeks was discussed. Staff noted the new, smaller amphitheater to be constructed at Jack Warren Park might be a better option for outdoor productions. Council consensus was to permit NCDOT to discard unusable items on behalf of the Town.
- iv. Gateway project update – The gateway project was delayed five weeks due to Windstream’s schedule. Council discussed in detail options to keep the project moving efficiently with as little inconvenience to the community as possible. Council consensus was to permit 25 nights of work whereby there would be full lane closures with access only to the gas station and homes. Traffic would be detoured.
- D. Community Center Facilities Manager
 - i. MAWCC quarterly report – The past quarter’s revenues for MAWCC were discussed noting the Town is on track to exceed projected revenues. Mr. Moore shared upcoming new programs at the center.

A break was taken from 8:42 PM until 8:49 PM.

4. **Agenda Items for Regular Meeting on April 13, 2023**

- A. Tentative Agenda
 - i. Consent Agenda
 - a. Resolution 2023-018 – Financial statements for the eight months ended February 28, 2023
 - ii. Approval of Regular Meeting Minutes – February 9, 2023
 - iii. Approval of Agenda Briefing Minutes – March 2, 2023
 - iv. Approval of Regular Meeting Minutes – March 9, 2023
 - ii. Introductions, Recognitions, Presentations and/or Proclamations
 - a. Recognitions
 - 1. Meghan Flow, Planning Board
 - 2. Jessica Higgins, Planning Board
 - 3. Ryan Walker, Parks & Recreation Board
 - b. Presentations
 - 1. Great Wagon Road – Connie James, NCDOT
 - 2. Sheriff’s office

- iii. Proclamations
 - a. Proclamation 2023-001 – Volunteer Appreciation Week – April 16-22, 2023
 - b. Proclamation 2023-002 – Historic Preservation Month – May 2023
- B. Appointment(s)
 - i. Appointment Order 2023-004 – Alex Branower – Lewisville Beautification
 - ii. Appointment Order 2023-005 – Alex Branower – Environmental Conservation & Sustainability
- C. Old Business
- D. New Business
 - i. Ordinance 2023-014 – Amending the Lewisville-Vienna Road and Robinhood Road Roundabout Capital Project Ordinance - \$1,531,485
 - ii. Ordinance 2023-015 – Amending Budget Ordinance 2022-001 – Transfer \$306,297 from General Fund to Lewisville-Vienna Road and Robinhood Road Roundabout Capital Projects Fund
 - iii. Resolution 2023-019 – Authorizing auditing services for fiscal year 2022-2023 with Gibson & Company
 - a. Request for proposals was sent to thirty-nine firms and two proposals were received. Gibson & Company was low bid.
 - iv. Resolution 2023-020 - Paving contract
 - a. Bids for the paving contract will be received April 11.
 - v. Ordinance 2023-016 – Voluntary Agricultural District (VAD)
 - a. Mr. Fus is working with Forsyth County to develop the agreement.
- 5. **For the Good of the Order**
 - A. City-County Planning Board representation – Council consensus was to join Clemmons and Kernersville in requesting representation on the City-County Planning Board.
 - B. West Central Community Center – Council consensus was given for Mayor Horn to continue discussions with West Central Community Center related to a potential dog park.
- 6. **Closed Session – NCGS 143-318.11(a)(6) – Personnel related** – Mayor Horn moved to enter into closed session pursuant to NCGS 143-318.11(a)(6) at 9:12 PM. The motion was seconded by Council Member Welch and approved unanimously.

Council returned to regular session at 9:46 PM.
- 7. **Adjournment** – Council Member Sadler moved to adjourn the meeting at 9:48 PM. The motion was seconded by Mayor Pro Tem Foster and approved unanimously.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk

C. Proclamations

- i. Proclamation 2023-001 - Volunteer Appreciation Week – April 16-22, 2023 – Council Member Franklin moved to approve Proclamation 2023-001. The motion was seconded by Council Member Hunt and approved unanimously. *(Proclamation 2023-001 is herein incorporated by reference into the minutes.)*
- ii. Proclamation 2023-002 – Historic Preservation Month – May 2023 – Council Member Franklin moved to approve Proclamation 2023-002. The motion was seconded by Council Member Smitherman and approved unanimously. *(Proclamation 2023-002 is herein incorporated by reference into the minutes.)*

4. **Public Forum** – No comments.

5. **Appointment(s)**

- A. Appointment Order 2023-004 – Alex Branower – Lewisville Beautification – Council Member Franklin moved to approve Appointment Order 2023-004. The motion was seconded by Council Member Sadler and approved unanimously. *(Appointment Order 2023-004 is herein incorporated by reference into the minutes.)*
- B. Appointment Order 2023-005 – Alex Branower – Environmental Conservation & Sustainability – Council Member Hunt moved to approve Appointment Order 2023-005. The motion was seconded by Council Member Welch and approved unanimously. *(Appointment Order 2023-005 is herein incorporated by reference into the minutes.)*

6. **New Business**

- A. Ordinance 2023-014 – Amending the Lewisville-Vienna Road and Robinhood Road Roundabout Capital Project Ordinance - \$1,531,485 – Council Member Hunt moved to approve Ordinance 2023-014. The motion was seconded by Council Member Franklin and approved unanimously. *(Ordinance 2023-014 is herein incorporated by reference into the minutes.)*
- B. Ordinance 2023-015 – Amending Budget Ordinance 2022-001 – Transfer \$306,297 from General Fund to Lewisville-Vienna Road and Robinhood Road Roundabout Capital Projects Fund – Council Member Welch moved to approve Ordinance 2023-015. The motion was seconded by Council Member Hunt and approved unanimously. *(Ordinance 2023-015 is herein incorporated by reference into the minutes.)*
- C. Resolution 2023-019 – Authorizing auditing services for fiscal year 2022-2023 with Gibson & Company – Council Member Franklin moved to approve Resolution 2023-019. The motion was seconded by Council Member Hunt and approved unanimously. *(Resolution 2023-019 is herein incorporated by reference into the minutes.)*
- D. Resolution 2023-020 – Awarding paving contract for street paving – Yadkin Valley Paving Inc. - \$425,064.51 – Council Member Welch moved to approve Resolution 2023-020. The motion was seconded by Council Member Hunt and passed unanimously. *(Resolution 2023-020 is herein incorporated by reference into the minutes.)*

7. **Administrative Reports**

- A. Upcoming events and closings
 - i. Lewisville Earth Day (LED) – April 29 at Shallowford Square, 9 AM-2 PM
- B. Clerk’s Report
 - i. CityVision – April 25-27 – Concord
 - a. Council consensus was given for Mayor Horn to be the voting delegate at CityVision.
 - ii. Budget work sessions – April 20, 6 PM; May 1, 6 PM; May 4, 6:30 PM (if needed)
 - iii. Budget public hearing – May 11, 2023, 7 PM

iv. Boards & Committees Ice Cream Social – May 19, 4:30-6:30 PM, MAWCC

8. **For the Good of the Order**

A. Public comments – None

B. Council comments

- i. Council Member Franklin inquired why the budget hearing was being held in May versus June. Mr. Ayers stated this would provide Council opportunity to consider comments that may be received during the hearing and prior to voting on the budget.
- ii. Budget workshops will be held in the Council Chambers.
- iii. Mayor Horn reflected on the public service of Mary Gaines who recently passed and extended condolences to her family.

9. **Adjournment** – Council Member Franklin moved to adjourn the meeting at 7:48 PM. The motion was seconded by Council Member Hunt and approved unanimously.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk



**ORDINANCE 2023-016 OF THE LEWISVILLE TOWN COUNCIL
ORDER TO COLLECT 2023 TAXES BY THE FORSYTH COUNTY TAX COLLECTOR**

NORTH CAROLINA
FORSYTH COUNTY

ORDER OF THE COUNCIL OF THE TOWN OF LEWISVILLE
IN ACCORDANCE WITH G.S.105-321 AND G.S. 153A-156
FOR THE COLLECTION OF 2023 TAXES

TO: JOHN T. BURGESS, RES
TAX COLLECTOR OF FORSYTH COUNTY, CITY OF WINSTON-SALEM,
VILLAGE OF CLEMMONS, VILLAGE OF TOBACCOVILLE, TOWN OF LEWISVILLE,
TOWN OF RURAL HALL, TOWN OF WALKERTOWN, CITY OF KING,
TOWN OF KERNERSVILLE, TOWN OF BETHANIA, CITY OF HIGH POINT

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the 2023 tax records filed in the Office of the Forsyth County Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2023 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Forsyth County, City of Winston-Salem, Town of Rural Hall, Town of Walkertown, Village of Clemmons, Village of Tobacoville, Town of Bethania, Town of Lewisville, City of King, Town of Kernersville, City of High Point, Beeson's Cross Roads Fire Protection District, Beeson's Cross Roads Service District, Belews Creek Fire and Rescue Protection District, City View Fire Protection District, Clemmons Fire and Rescue Protection District, Forest Hill Fire and Rescue Protection District, Griffith Fire Protection District, Gumtree Fire and Rescue Protection District, Horneytown Fire and Rescue Protection District, King of Forsyth County Fire and Rescue Protection District, Lewisville Fire and Rescue Protection District, Mineral Springs Fire Protection District, Mineral Springs Service District, Mount Tabor Fire and Rescue Protection District, Northeast Fire and Rescue Protection District, Old Richmond Fire and Rescue Protection District, Piney Grove Fire Protection District, Suburban Fire and Rescue Protection District, Salem Chapel Fire and Rescue Protection District, South Fork Fire Protection District, Talley's Crossing Fire and Rescue Protection District, Triangle Fire Protection District, Union Cross Fire and Rescue Protection District, Vienna Fire Protection District, West Bend Service District, Downtown Winston-Salem Business Improvement District, Willow Run Municipal Service District, and Countywide Service District, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

You are also hereby authorized, empowered and commanded to administer and to collect taxes on gross receipts derived from retail short-term leases or rentals of motor vehicles as set forth under G.S. 153A-156. You are hereby authorized to promulgate such rules and procedures necessary to administer these taxes which are not inconsistent or contrary to applicable law.

Within available funds in the budget ordinance and personnel positions established, the Tax Collector may appoint employees and authorize them to perform those functions authorized by the Machinery Act of Chapter 105 of the North Carolina General Statutes and other applicable laws for current and previous years' taxes. County personnel presently in the Tax Collector's office continue to serve in their respective positions at the discretion of the Tax Collector.

WITNESS my hand and official seal, this the _____ day of _____, 2023.

Mike Horn, Mayor, Town of Lewisville

ATTEST:



**ORDINANCE 2023-016 OF THE LEWISVILLE TOWN COUNCIL
ORDER TO COLLECT 2023 TAXES BY THE FORSYTH COUNTY TAX COLLECTOR**

Dora K. Moore, Town Clerk

DRAFT



**ORDINANCE 2023-017 OF THE LEWISVILLE TOWN COUNCIL
ORDER TO COLLECT 2022 AND PRIOR YEARS' TAXES BY THE FORSYTH COUNTY TAX COLLECTOR**

NORTH CAROLINA
FORSYTH COUNTY

ORDER OF THE COUNCIL OF THE TOWN OF LEWISVILLE
IN ACCORDANCE WITH G.S.105-373, G.S.105-321, AND G.S.105-330.3
FOR THE COLLECTION OF 2022 AND PRIOR YEARS' TAXES

TO: JOHN T. BURGESS, RES
TAX COLLECTOR OF FORSYTH COUNTY, CITY OF WINSTON-SALEM,
VILLAGE OF CLEMMONS, VILLAGE OF TOBACCOVILLE, TOWN OF
LEWISVILLE, TOWN OF RURAL HALL, TOWN OF WALKERTOWN, CITY OF
KING, TOWN OF KERNERSVILLE, TOWN OF BETHANIA, CITY OF HIGH POINT

You are hereby authorized, empowered, and commanded to collect the taxes remaining unpaid as set forth in the 2014 through 2022 tax records filed in the Office of the Forsyth County Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2014 through 2022 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Forsyth County, City of Winston-Salem, Town of Rural Hall, Town of Walkertown, Village of Clemmons, Village of Tobacoville, Town of Bethania, Town of Lewisville, City of King, Town of Kernersville, City of High Point, Beeson's Cross Roads Fire Protection District, Beeson's Cross Roads Service District, Belews Creek Fire and Rescue Protection District, City View Fire Protection District, Clemmons Fire and Rescue Protection District, Forest Hill Fire and Rescue Protection District, Griffith Fire Protection District, Gumtree Fire and Rescue Protection District, Horneytown Fire and Rescue Protection District, King of Forsyth County Fire and Rescue Protection District, Lewisville Fire and Rescue Protection District, Mineral Springs Fire Protection District, Mineral Springs Service District, Mount Tabor Fire and Rescue Protection District, Northeast Fire and Rescue Protection District, Old Richmond Fire and Rescue Protection District, Piney Grove Fire Protection District, Suburban Fire and Rescue Protection District, Salem Chapel Fire and Rescue Protection District, South Fork Fire Protection District, Talley's Crossing Fire and Rescue Protection District, Triangle Fire Protection District, Union Cross Fire and Rescue Protection District, Vienna Fire Protection District and West Bend Service District, Downtown Winston-Salem Business Improvement District, Willow Run Municipal Service District, and Countywide Service District, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

Within available funds in the budget ordinance and personnel positions established, the Tax Collector may appoint employees and authorize them to perform those functions authorized by the Machinery Act of Chapter 105 of the North Carolina General Statutes and other applicable laws for current and previous years' taxes. County personnel presently in the Tax Collector's office continue to serve in their respective positions in the discretion of the Tax Collector.

Taxes on registered classified Motor Vehicles for 2019 and prior years are deemed uncollectible; therefore, the Forsyth County Commissioners, pursuant to G.S. 105-373(h) do hereby relieve the tax collector of the charge of collecting taxes on registered classified motor vehicles listed pursuant to G.S. 105-330.3(a)(1) for 2019 and prior years.

WITNESS my hand and official seal, this the 11th day of May, 2023.

Mike Horn, Mayor, Town of Lewisville

ATTEST:



**ORDINANCE 2023-017 OF THE LEWISVILLE TOWN COUNCIL
ORDER TO COLLECT 2022 AND PRIOR YEARS' TAXES BY THE FORSYTH COUNTY TAX COLLECTOR**

Dora K. Moore, Town Clerk

DRAFT

**INTERLOCAL AGREEMENT BETWEEN TOWN OF LEWISVILLE AND FORSYTH
COUNTY FOR IMPLEMENTATION OF THE VOLUNTARY AGRICULTURAL
DISTRICT PROGRAM WITHIN THE JURISDICTION OF
THE TOWN OF LEWISVILLE**

This agreement made and entered into this ____ day of _____, 2023 by and between the County of Forsyth, hereinafter referred to as the County, and the Town of Lewisville, hereinafter referred to as the Town.

A. PURPOSE:

The purpose of this agreement is to develop and expand a framework of cooperation between the County and the Town, as authorized by N.C.G.S. 160A-460 through 160A-466, to allow for the development and implementation of the mutually beneficial Voluntary Agricultural District Program within the jurisdiction of the Town of Lewisville.

B. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

The inhabitants of both the County and the Town have recognized the need to promote agricultural values and the general welfare of their communities; increase identity and pride in the agricultural community and its way of life; encourage the economic and financial health of agriculture, horticulture and forestry; increase protection from non-farm development and other negative impacts on properly managed farms; and have therefore agreed that the County shall authorize the Forsyth County Agricultural Advisory Board to implement the provisions of a voluntary agricultural district program within the boundaries of the Town, according to the terms set forth in the Forsyth County Ordinance Establishing Voluntary Agricultural Districts and the Lewisville Ordinance Establishing Voluntary Agricultural Districts.

C. TERMS AND PROVISIONS OF AGREEMENT:

1. Benefits: Ensure that farmland, horticultural land and forestland within jurisdictional limits of the Town shall enjoy the full benefits of participation in the Voluntary Agricultural District Program.
2. Non Fund Obligation Document: This instrument is neither a fiscal nor a funds obligation document. Any endeavor or transfer of anything of value involving reimbursement or contribution of funds between the parties to this instrument will be handled in accordance with applicable laws, regulations, and procedures including those for government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority.
3. Amendments: No amendments may be made to this Agreement except with the prior written consent of both parties.

4. Execution of the Undertaking: The Voluntary Agricultural District Program will be extended to the jurisdiction of the Town of Lewisville by authorizing the Forsyth County Agricultural Advisory Board to expand its implementation of said Program to include Lewisville, and costs and expenses associated with the Voluntary Agricultural District Program shall be borne by the Agricultural Advisory Board. The Town of Lewisville hereby grants the Forsyth County Agricultural Advisory Board and Forsyth County Cooperative Extension staff all necessary authority to administer the Voluntary Agricultural District Program within the jurisdiction of the Town of Lewisville.
5. Termination: Either the Town or the County may withdraw from this Agreement upon sixty (60) days' notice in writing.

D. CONTACTS:

1. PRINCIPAL CONTACTS. The principal contacts for this instrument are:

Forsyth County Contact:

Name _____

Phone _____

Fax _____

E-mail _____

Town of Lewisville Contact:

Name Stacy Y. Tolbert

Phone 336-945-1023

Fax _____

E-mail planner@lewisvillenc.net

2. DURATION OF AGREEMENT: Upon full execution, this Agreement shall remain effective indefinitely, until terminated in accordance with the above termination provision.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last written date below.

Forsyth County:

By: _____ Date: _____

Title: _____

Town of Lewisville:

By: _____ Date: _____

Title: _____

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Chapter 22

VOLUNTARY AGRICULTURAL DISTRICTS

Sec. 22-1. Authority

The articles and sections of this ordinance are adopted pursuant to authority conferred by Article 61 of Chapter 106 (Sections 106-735 through 106-744) and Chapter 153A of the North Carolina General Statutes.

Sec. 22-2. Purpose.

Voluntary agricultural districts promote agricultural values and the general welfare of the county and more specifically, increase identity and pride in the agricultural community and its way of life; decrease the likelihood of legal disputes, such as nuisance actions between farm owners and their neighbors; encourage the economic and financial health of agriculture; and increase protection from non-farm development and other negative impacts on properly managed farms within the unincorporated areas of the county, the Village of Tobacoville, and the Town of Lewisville.

(Ord. No. 15-2018, 8-2-18)

Sec. 22-3. Forsyth County Agricultural Advisory Board.

- (a) *Creation.* The Forsyth County Board of Commissioners hereby establishes the Forsyth County Agricultural Advisory Board (hereinafter "advisory board") to implement the provisions of this chapter.
- (b) Organization of the Advisory Board is referenced in the Forsyth County Code, Chapter 22 Voluntary Agricultural Districts, Section 22-3.

(Ord. No. 15-2018, 8-2-18)

Sec. 22-4. Establishment of voluntary agricultural districts.

- (a) *Implementation.* In order to implement the purposes stated in this chapter, the advisory board may establish voluntary agricultural districts (hereinafter "districts") which meet the following standards:
 - (1) Each district, when initially established, shall contain a minimum of five (5) acres of land in agricultural production.

- (2) In order to form each district, the property owner of the property defined herein shall execute a conservation agreement as provided in G.S. 106-737(4) to sustain agriculture in the district in such form as approved by the advisory board.
 - (3) Each district shall be represented by the current advisory board.
- (b) *Education.* The Forsyth County Board of Commissioners may take such action as it deems appropriate through the advisory board or other entities or individuals to encourage the formation of the districts and to further their purposes and objectives, including the implementation of a public information program to reasonably inform landowners of the voluntary agricultural district program.
- (c) *Addition and withdrawal.* In the event that one (1) or more participants in the district withdraws and the acreage in the district becomes less than the minimum acreage required or results in the remaining land being noncontiguous, the district will be dissolved.

(Ord. No. 15-2018, 8-2-18)

Sec. 22-5. Certification and qualification of farmland.

- (a) *Requirements.* In order for farmland to qualify for inclusion in a voluntary agricultural district, it must be real property that:
- (1) Is used for bona fide farm purposes, as that term is defined in G.S. 106-743.4(a) and G.S. 160D-903;
 - (2) Is managed in accordance with the Natural Resources Conservation Service defined erosion control practices that are addressed to highly erodible land; and
 - (3) Is the subject of a conservation agreement, as defined in G.S. 121-35, between Forsyth County and the owner of such land that prohibits nonfarm use or development of such land for a period of at least ten (10) years, except for the creation of not more than three lots that meet applicable county and municipal zoning and subdivision regulations. The form of the conservation agreement shall be approved by the Forsyth County Agricultural Advisory Board.

(Ord. No. 15-2018, 8-2-18)

Sec. 22-6. Application and approval procedure.

- (a) *Application procedure.*
- (1) A landowner may apply for qualification as a voluntary agricultural district by making application to the chairperson of the advisory board or a designated staff person. The application shall be on forms provided by the advisory board. The application shall clearly identify the tax parcel or parcels or any portion thereof that is proposed for the district.
 - (2) A conservation agreement to sustain, encourage, and promote agriculture must be executed by the landowner and submitted for review as part of the application to the advisory board. Permitted uses include agriculture, horticulture, and forestry.

(b) *Approval process.*

- (1) Upon submission of the application to the advisory board, the advisory board shall consider the application at the next regularly scheduled meeting. The chairperson shall notify the applicant of approval or disapproval of qualification as a district.
- (2) Upon receipt of an application, the chairperson will forward copies immediately to the following offices which shall be asked to provide comments regarding the qualifying status of the property, if any, to the advisory board prior to the date set for the advisory board vote on the application:
 - a. The Forsyth Soil and Water Conservation District staff;
 - b. The Natural Resources Conservation Service; and
 - c. The Town of Lewisville planning staff.

(Ord. No. 15-2018, 8-2-18)

Sec. 22-7. Revocation and renewal of conservation agreement.

- (a) *Revocation.* By providing written notice to the advisory board, a landowner of qualifying farmland may revoke the conservation agreement or the advisory board may revoke the same conservation agreement based on noncompliance by the landowner. Such revocation shall result in loss of qualifying farm status. Absent noncompliance by the landowner, the advisory board shall not revoke any conservation agreement prior to its expiration.
- (b) *Renewal.* Conservation agreements shall be deemed automatically renewed unless either the advisory board or the landowner gives written notice to the contrary no later than thirty (30) days prior to the termination date.

(Ord. No. 15-2018, 8-2-18)

Sec. 22-8. Public hearings on condemnation of farmland.

- (a) *Condemnation proceedings.* No state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a district until such agency or unit has requested the advisory board to hold a public hearing on the proposed condemnation.
- (b) *Procedure.*
 - (1) The advisory board shall have thirty (30) days after receiving a request to hold the public hearing and submit its findings and recommendations to the agency requesting the condemnation.
 - (2) During the public hearing provided herein on condemnation, the advisory board shall consider the following:
 - a. Whether the need for the property has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved; and

- b. Whether there are alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.
- (3) The advisory board shall consult with the county cooperative extension director, the natural resources conservation service district conservationist, and any other individuals, agencies, or organizations deemed by the advisory board to be necessary for its review of the proposed action.
- (4) No condemnation action may be formally initiated while the proposed condemnation is properly before the advisory board within the legal time limitations.

(Ord. No. 15-2018, 8-2-18)

Sec. 22-9. Notification.

- (a) *Record notice of proximity to voluntary agricultural district.*
 - (1) *Procedure.* In that Forsyth County has a computerized land records system, the county shall require that such records show the location of all voluntary agricultural districts and all properties within one-half mile of the property line of any tract of land enrolled in a voluntary agricultural district.
 - (2) *Limit of liability.* In no event shall Forsyth County or any of its officers, employees, members of the advisory board, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by this chapter under the procedures of subsection (a)(1) of this section.
 - (3) *No cause of action.* In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or voluntary agricultural district as defined in this chapter.
- (b) *Signage.* Signs identifying approved Voluntary Agricultural Districts shall be placed along the rights-of-way of major roads that pass through or next to those Districts. There shall be at least one (1) sign posted for every two (2) miles of such roads or as many as may be deemed appropriate by the advisory board, or its administrative agent for the voluntary agricultural district program. Placement of signage shall be coordinated with the N.C. Department of Transportation and comply with any local ordinances regarding signs.

(Ord. No. 15-2018, 8-2-18)

Sec. 22-10. Deferment of water and sewer assessments.

In that the deferment of water and/or sewer assessments is not within the purview of the Forsyth County Board of Commissioners, the authority for said deferments will be at the discretion of the city-county utilities commission.

- (a) *No required connection.* A landowner belonging to a voluntary agricultural district may not be required to connect to the city-county utility system.

- (b) *Deferment.* Water and sewer assessments may be held in deferment, for farms in a voluntary agricultural district that are also participating in the Present Use Value Assessment Program of the Forsyth County Tax Office, until improvements on such property are connected to the water or sewer system for which the assessment was made. Such deferments will follow the existing policies of the city-county utilities commission.
- (c) *Termination of deferment.* When the period of deferment ends, the assessment is payable in accordance with the terms set out in the assessment resolution.
- (d) *Other statutory abeyance procedures.* Nothing in this section is intended to diminish the authority of the county to hold assessments in abeyance under the provisions of G.S. 153A-201, or other applicable law.
- (e) *Conflict with water and/or sewer system construction and improvements grants.* To the extent that this section conflicts with the terms of federal, state, or other grants under which county water and/or sewer systems are constructed this section shall not apply.

(Ord. No. 15-2018, 8-2-18)

Sec. 22-11. County land-use planning.

It shall be the duty of the advisory board to inform the board of commissioners through the city-county planning board of the status, progress, and activities of the county's voluntary agricultural district program and to also coordinate the formation and maintenance of voluntary agricultural districts with the county's land use planning activities and the county's adopted land use plans.

(Ord. No. 15-2018, 8-2-18)

Sec. 22-12. Consultation authority.

The advisory board may consult with the North Carolina Commissioner of Agriculture, the North Carolina Cooperative Extension Service, the Natural Resources Conservation Service, the North Carolina Department of Agriculture and Consumer Services, and with any other individual, agency, or organization the advisory board deems necessary to properly conduct its business.

(Ord. No. 15-2018, 8-2-18)

Sec. 22-13. North Carolina Agency Notification.

Report to the North Carolina Department of Agriculture and Consumer Services. A copy of the ordinance from which this chapter was derived establishing voluntary agricultural districts shall be sent to the Office of the North Carolina Commissioner of Agriculture after its adoption. At least annually the advisory board shall submit a written report to the commissioner of agriculture and consumer services on the county's voluntary agricultural district program, including the following information:

- (1) Number of landowners enrolled;
- (2) Number of acres enrolled;

- (3) Number of acres certified during the reporting period;
- (4) Number of acres denied during the reporting period;
- (5) Number of acres for which applications are pending;
- (6) Copies of any amendments to the ordinance from which this chapter was derived; and
- (7) Any other information the advisory board deems useful.

(Ord. No. 15-2018, 8-2-18)

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