Town of Weddington REGULAR TOWN COUNCIL MEETING MONDAY, NOVEMBER 13, 2017 – 7:00 P.M. WEDDINGTON TOWN HALL 1924 WEDDINGTON ROAD WEDDINGTON, NC 28104

AGENDA

Prayer – Mayor Bill Deter

- 1. Open the Meeting
- 2. Pledge of Allegiance
- 3. Determination of Quorum
- 4. Public Comments
- 5. Additions, Deletions and/or Adoption of the Agenda
- 6. Consent Agenda
 - A. Call for Public Hearing to be held December 11, 2017 at 7:00 p.m. at the Weddington Town Hall for Weddington Swim and Racquet Club Amendment to the Conditional Use Permit for Additional Tennis Courts
 - B. Adopt Ordinance 2017-14 for Speed Reduction on Amanda Drive, Cari Lane, and Bonner Drive in Mandys Plantation Subdivision from 35 mph to 25 mph
 - C. Adopt Resolution 2017-07 Supporting North Carolina Department of Transportation's Application for an Infrastructure for Rebuilding America (INFRA) Grant
 - D. Approval of Ordinance 2017-15, Text Amendment to correct reference to State Statute from NCGS 154A-123 to NCGS 160A-175 in Noise Ordinance
 - E. Consent to Insurance Company's Selection of Insurance Counsel, Clawson and Staubes, representation of the Town of Weddington in the case captioned Providence Volunteer Fire Department v. Town of Weddington
 - F. Approval of Temporary Lighting Request from The Independence Fund for Decade of Independence Celebration Event at Hunter Farm and acceptance of the findings provided
 - G. Proclamation 2017-07 in recognition of the Spirit of Joy Lutheran Church for outreach to the community
- 7. Approval of Minutes
 - A. October 9, 2017 Town Council Regular Meeting Minutes
- 8. Public Hearings and Consideration of Public Hearings
 - A. Discussion and Consideration of Rezoning from R-40 to R-CD for property located at Weddington Matthews Road and Hemby Road, Parcel Number 06120002B

- 9. Old Business
 - A. Discussion of R-CD Minimum Lot Size
 - B. Review and Consideration of Final Plat, Phase 1 Map 1 for Harlow's Crossing Subdivision.
 - C. Review and Consideration of Entry Monument and Landscaping for Harlow's Crossing Subdivision
 - D. Discussion of Ambassador Court
- 10. New Business
 - A. Discussion of Amanda Drive Extension
 - B. Discussion and Consideration of Text Amendment to Lighting Ordinance to allow Planning Board to approve Temporary Lighting when approving a Temporary Use Permit
- 11. Update from Planner
- 12. Code Enforcement Report
- 13. Update from Finance Officer and Tax Collector
- 14. Transportation Report
- 15. Council Comments
- 16. Closed Session pursuant to NCGS 143-318.11 (A)(3) to consult with attorney on matters protected by the attorney-client privilege relating to Providence Volunteer Fire Department versus Town of Weddington AND Town of Weddington versus Cox Motorsports
- 17. Adjournment

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Mayor Bill Deter offered an invocation prior to the opening of the meeting.

1. OPEN THE MEETING

Mayor Deter opened the November 13, 2017 Regular Town Council Meeting at 7:01 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Deter led the Pledge of Allegiance.

3. DETERMINATION OF QUORUM

Quorum was determined with Mayor Bill Deter, Mayor Pro Tem Titherington, Councilmembers Scott Buzzard and Janice Propst in attendance. Councilmember Mike Smith was absent.

Staff Present: Town Attorney Nick Tosco, Town Administrator/Planner Lisa Thompson, Town Clerk Karen Dewey

Visitors: Bill Price, Anne Marie Smith, Walt Hogan, Jim Vivian, Rob Dow, Bruce Klink, Dan Barry, Jeff Perryman, Kenny Schott, Liz Callis, Barbara Harrison, Pat Harrison

4. PUBLIC COMMENTS

There was no public comment.

5. ADDITIONS, DELETIONS AND/OR ADOPTION OF THE AGENDA

Mayor Pro Tem Titherington asked if item 6A on the consent agenda, Call for Public Hearing, should be tabled until next month as there will be newly elected officials. Councilmembers Buzzard and Propst stated they were fine with calling for the public hearing to be held at the next council meeting.

Staff requested removal of item 10A from the Agenda.

Motion: Mayor Pro Tem Titherington made a motion to adopt the agenda

with the change requested by Staff.

Vote: The motion passed with a unanimous vote.

6. CONSENT AGENDA

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- A. Call for Public Hearing to be held December 11, 2017 at 7:00 p.m. at the Weddington Town Hall for Weddington Swim and Racquet Club Amendment to the Conditional Use Permit for Additional Tennis Courts
- B. Adopt Ordinance 2017-14 for Speed Reduction on Amanda Drive, Cari Lane, and Bonner Drive in Mandy's Plantation Subdivision from 35 mph to 25 mph
- C. Adopt Resolution 2017-07 Supporting North Carolina Department of Transportation's Application for an Infrastructure for Rebuilding America (INFRA) Grant
- D. Approval of Ordinance 2017-15, Text Amendment to correct reference to State Statute from NCGS 154A-123 to NCGS 160A-175 in Noise Ordinance
- E. Consent to Insurance Company's Selection of Insurance Counsel, Clawson and Staubes, representation of the Town of Weddington in the case captioned Providence Volunteer Fire Department v. Town of Weddington
- F. Approval of Temporary Lighting Request from The Independence Fund for Decade of Independence Celebration Event at Hunter Farm and acceptance of the findings provided
- G. Proclamation 2017-07 in recognition of the Spirit of Joy Lutheran Church for outreach to the community

Motion: Mayor Pro Tem Titherington made a motion to adopt the consent

agenda as presented.

Vote: The motion passed with a unanimous vote.

7. APPROVAL OF MINUTES

A. October 9, 2017 Town Council Regular Meeting Minutes

Mayor Pro Tem Titherington proposed some clarification of the impervious surface numbers for the All Saints Anglican Church discussion, specifically that the approved stormwater management plans show the total impervious area at 98,313 sq ft. The total proposed impervious surface to date is 85,555 sq ft, that includes the proposed improvements, leaving 12,758 sq. ft. impervious surface for phase 2 parking and additional buildings. Ms. Thompson suggested deleting the following line for clarity. Mayor Pro Tem Titherington also asked for added detail regarding the 100% staggered screening, specifically that the screening is to run the entire length of the property to provide a 100% staggered visual and physical buffer for the residents. He also asked to add to the note stating specifically what attachments would be submitted with the minutes.

Motion: Mayor Pro Tem Titherington made a motion to adopt the October

9, 2017 Town Council Regular Meeting minutes as amended.

Vote: The motion passed with a unanimous vote.

8. Public Hearings and Consideration of Public Hearings

A. Discussion and Consideration of Rezoning from R-40 to R-CD for property located at Weddington Matthews Road and Hemby Road, Parcel Number 06120002B

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> Mayor Deter opened the public hearing. No one signed up to speak. Mayor Deter closed the public hearing.

Ms. Thompson presented the application: The Town Council is requested to consider a rezoning application from Hopper Communities, Inc. for property located at 5532 Weddington Matthews Road from R-40 to R-CD. The parcel is approximately 1.910 acres. The applicant is seeking rezoning in order to develop the land for residential conservation purposes.

The Planning Board reviewed the rezoning application on September 25, 2017 and unanimously recommended approval. Given the purpose of the R-CD and consistency with the Land Use Plan, staff recommends approval of the rezoning and to adopt the Land Use Plan consistency statement:

The subject parcel is designated for Traditional Residential on the Weddington Land Use Plan. However, the rezoning meets the goals of the land use plan in that it ensures the conservation of open space and scenic views; protects areas that are within wetlands and streams; minimizes the visual effect of development from surrounding properties and roadways; and maintains the town's strong single-family residential character.

Mayor Pro Tem Titherington asked if this is part of the larger development. Ms. Thompson confirmed that it is.

Motion: Mayor Pro Tem Titherington made a motion to approve the

rezoning from R-40 to R-CD for property located at 5532 Weddington Matthews Road-parcel number 06120002B and to

adopt the land use plan consistency statement.

Vote: The motion passed with a unanimous vote.

9. OLD BUSINESS

A. Discussion of R-CD Minimum Lot Size (Maps are hereby incorporated as part of the minutes)

Ms. Thompson presented her report from the October Council meeting. She provided an example yield plan for the Falls subdivision and explained how the density is calculated. Ms. Thompson then presented the conservation district plan for with 50% conservation space and the different lot sizes. The majority of the lots are 14-15,000 square feet or greater with 90-120 foot lot widths. The subdivision has around 279,292 square feet of extra conservation land. That divided among the 185 lots would allow an extra 1500 square feet to be added to each of the lots, which would meet the 15,000 square foot minimum lot size recommendation given by the Planning Board.

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Mayor Pro Tem Titherington asked if that extra conservation land was interior to the subdivision or exterior. He stated that the town is starting to see more interior conservation land instead of exterior to maintain the viewshed buffers. Ms. Thompson confirmed that the majority of the open space is internal to the subdivision.

Ms. Thompson presented the Vintage Creek plat: It shows 90 ft wide lots. There are 1.91 acres of extra conservation land in Vintage Creek. That extra 83,199 square feet can add 924 square feet to each lot. Or take lots that are less than 15,000 square feet (56 total) and add 1485 square feet to each lot. That would put Vintage Cree at the 15,000 square foot minimum.

Mayor Pro Tem Titherington stated that the majority of this subdivision lots are under 15,000 square feet. Ms. Thompson confirmed that almost 2/3 are under 15,000 square feet.

Ms Thompson showed the Carringdon (Harlow's Crossing) plat. This subdivision has larger lots. The majority are over 15,000 square feet. There is only one that is between 12,000 and 13,000 square feet. This subdivision also has extra conservation land. Divided among the 71 lots, 6,865 square feet would be added to each.

The Enclave Subdivision has the smallest lot sizes. There are an extra 1.81 acres of conservation land. The developer can add 1800-2400 square feet to each lot. Ms. Thompson wanted to point out that the developer could add 26 feet to the rear of each lot to meet the minimum lot size. The lot width would remain the same, keeping the feel of the houses being too close. If only the minimum lot size is amended, that would potentially only add extra space to the rear of the lots. She believes there would need to be additional consideration of amending the minimum lot width requirements. These examples presented can have extra space added to the lots to meet a 15,000 square foot minimum lot size; however it wouldn't change the look and feel of the subdivision.

Mayor Pro Tem Titherington asked Ms. Thompson to share comments made to her by the developer of the Enclave. Ms. Thompson stated that the developer needs a 93 foot wide lot to fit the product. The same amount of money can be made with 1/3 acre lots that can be made by 1 acre lots.

Mayor Pro Tem Titherington stated that the lot yield is based on R-40 regulations. No developer is losing yield. The developers are using our regulations to do the bare minimum to get the revenue needed. In all the instances shown, all the lots can go up to a 15,000 square foot minimum without effecting lot yield.

Councilmember Buzzard stated that he isn't sure that changing the minimum lot size would affect the look of the subdivisions. All that's being done is making lots deeper. It isn't effecting at all what people are concerned with: that's how tight the houses are. He suggested taking a look at adjusting the minimum lot widths. He stated that his personal preference would be to not make the lots bigger by making them deeper, but to continue to provide more open space. This subdivision (The Enclave) has three ponds and wetlands. The developer is staying out of those areas. In most cases, the developers are not trying to rake the town over

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the coals, but working within the guidelines to put fairly good products on the market. Vintage Creek, regardless of what the lot size is, the only people that will see that development are those in Mandy's Plantation.

Mayor Deter stated that the key is where the open space goes. Ideally, open space would be along the road for the viewshed buffer or connecting to another neighborhood.

Mayor Pro Tem Titherington stated that the Town can do the 15,000 square foot minimum lot size, but also take a look at increasing minimum width. He stated while Council can take a look at making changes, it's easier if the developer knows the requirements up front. If the developer cannot meet the requirements, the R-CD requirements provided a hardship clause.

Councilmember Buzzard stated that one of the benefits of the R-CD is that there is give and take between the Town and the developer. He stated that if Council is involved earlier in the project, the developer would better understand earlier in the process what is required. With the majority of the R-CD subdivisions, if they had come forward with a hardship clause, it would have been granted. Councilmember Buzzard stated that he is not sold on the point of changing the minimum lot size unless Council makes sure that the changes made are truly beneficial to the Town.

B. Review and Consideration of Final Plat, Phase 1 Map 1 for Harlow's Crossing Subdivision.

Ms. Thompson presented staff report: M/I homes is seeking re-approval of their final plat application for 20 of their 71 lots on 117.64 acres located at the northeast and northwest corners of Weddington-Matthews Road and Beulah Church Road/Hemby Road intersection. Council first approved the plat in June 2017, the applicant wasn't able to record the final plat within the timeframe required and is therefore seeking re-approval of the attached maps. At this time, they are only platting lots on the northwest side and utility easements on the northeast side. The Planning Board reviewed the final plat in October and requested that the vicinity map be updated to reflect the mapped areas. This was completed by the applicant. Staff recommends approval of the final plat with the conditions outlined.

Mayor Pro Tem Titherington asked if there were any changes from the initial application. Ms. Thompson confirmed the application is the same.

Mayor Deter asked about the 100 ft perimeter buffer line. It shows on one page, but not the next page. Does the line need to be on the map. Ms. Thompson confirmed that the applicant is only recording for the utility easements. The buffer line will be shown when the applicant files the final plat with parcels.

Motion: Mayor Pro Tem Titherington made a motion to approve the Final

Plat, Phase 1 Map 1 for Harlow's Crossing Subdivision with the

following conditions:

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- The emergency access road, gate, and fencing shall be constructed and maintained by the Carringdon HOA consistent with the CCRs.
- Bond Estimates shall be approved by USI.
- Performance and Maintenance Agreements shall be reviewed by the Town Attorney.
- CCR's shall be reviewed by the town attorney.
- 15 evergreen trees, 8-10' tall shall be planted in the tree save area that was disturbed along the Waybridge Subdivision border. The plants shall be installed by January 2018 and approved by the Town Planner.
- The 500' line of site line shall be depicted on the final plat at both entrances

Vote:

The motion passed with a unanimous vote.

C. Review and Consideration of Entry Monument and Landscaping for Harlow's Crossing Subdivision

Ms. Thompson presented the staff report: The Town Council is asked to review and consider an entry monument sign application and plans for the Harlow's Crossing Subdivision. The signs will be facing Weddington-Matthews Road. The columns are 6'9" tall with a stone cap for a maximum height of 7'. The proposed plans include ornamental aluminum fence and lanterns. The site plan shows the monument signs and plantings located outside of the sight triangles and 500' line of sight area. The landscape plan meets the new proposed text which considers distance from the power lines. The lanterns meet the lighting ordinance requirement.

The Planning Board reviewed the application and unanimously recommended approval of the entry monument and sign with the condition that Staff confirms that the monument is placed in common open space and not the required conservation area.

Mayor Deter asked if the condition that the monuments were in common open space and not in conservation land was met. Ms. Thompson confirmed that the monuments are shown in common open space.

Motion: Mayor Pro Tem Titherington made a motion to approve the Entry

Monument and Landscaping for Harlow's Crossing Subdivision.

Vote: The motion passed with a unanimous vote.

D. Discussion of Ambassador Court

Ms. Thompson presented the background: The subdivision roads were repaved by NCDOT. Ambassador Court is not in the NCDOT road system because they will not accept a road with less than 4 lots. NCDOT has agreed that they will accept Ambassador Court if the road is brought up to NCDOT standard. Ms. Thompson received a quote of \$20,000 and a checklist

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of requirements to bring Ambassador Court up to standard. Ms. Thompson stated that a resident is asking what options they have.

Councilmember Propst suggested reaching out to the HOA and ask if they will consider taking care of it.

Mayor Deter pointed out that there are similar situations throughout Weddington and HOAs have stepped in and covered the cost to bring those roads up to standard.

Mayor Pro Tem Titherington recommended that the residents talk to their HOA.

The Council agreed to advise the Ambassador Court residents to reach out HOA to see if they will consider covering the cost of bringing the road up to NCDOT standard

10. NEW BUSINESS

A. Discussion of Amanda Drive Extension

** B. Discussion and Consideration of Text Amendment to Lighting Ordinance to allow Planning Board to approve Temporary Lighting when approving a Temporary Use Permit

Ms. Thompson gave the background on this issue. The Planning Board was reviewing a Temporary Use Permit for an event being held at Hunter Farm requesting temporary lighting. When looking at the lighting ordinance, it was discovered that Council approves temporary lighting. Since Planning Board approves Temporary Use Permits, it makes sense to have Planning Board approve temporary lighting proposed in a Temporary Use Permit.

Section 14-87 requires the town council to review temporary outdoor lighting. Planning Board reviews and approves Temporary Use Permits and a lighting plan is required as a part of the application; therefore staff has made the following changes in **bold** to allow proposed temporary lights as part of a TUP to be approved by the Planning Board.

Sec. 14-87. - Temporary outdoor lighting.

- (a) Any temporary outdoor lighting that conforms to the requirements of this article shall be allowed. Any temporary lighting as proposed through a Temporary Use Permit shall be reviewed and approved by the Planning Board when considering said permit. Any other nonconforming temporary outdoor lighting may be permitted by the town council after considering:
 - (1) The public and/or private benefits that will result from the temporary lighting;
 - (2) Any annoyance or safety problems that may result from the use of the temporary lighting; and

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(3) The duration of the temporary nonconforming lighting.

(b) The applicant shall submit a detailed description of the proposed temporary nonconforming lighting request to the town council in accordance with all applicable submittal procedures, who shall consider the request at the next regularly scheduled meeting. Prior notice of the meeting shall be provided to the applicant. The town council shall render its decision on the temporary lighting request and notify the applicant in writing within two weeks from the date of its decision. A failure of the town council to act on a request shall constitute a denial of the request.

Staff recommends adopting Ordinance Number 2017-16 to amend Section 14-87 – Temporary Outdoor Lighting.

Councilmember Propst asked if this amendment was from Staff or the Planning Board. Ms. Thompson answered that she and the Planning Board caught this discrepancy at the last Planning Board meeting and the language came from her, but the idea was proposed by Staff and Planning Board together.

Mayor Deter stated that the Town changed the process on temporary use permits, but didn't make this adjustment to the text. This will keep the process streamlined.

Motion: Councilmember Buzzard made a motion to approve the text

amendment to Section 14-87 Temporary Outdoor Lighting, to allow the Planning Board to approve temporary lighting when

approving a Temporary Use Permit.

Vote: The motion passed with a unanimous vote.

11. UPDATE FROM PLANNER

Ms. Thompson presented the update:

- Staff has received the preliminary plat application for the Gibson property off NC84. The applicant is proposing 9 lots with one lot facing Lester Davis Road.
- Graham Allen submitted a PRD application. The applicant would like private roads and possibly a gate. The final plat application will go to the Planning Board this month.
- The Planning Board is participating in training with the Planning Boards from Wesley Chapel, Waxhaw, and Marvin on December 13 at 6:30 in Waxhaw.
 Possibly the newly elected officials and current council members may attend as well.

12. CODE ENFORCEMENT REPORT

Ms. Thompson reviewed the report: Highway 84 and 12 Mile Creek Road – the stump issue has

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been cleaned up. The Town Code Enforcement Officer is looking at two properties on Ancestry Court in Heritage Acres for possible Home Occupation violations. There were no new violations.

Mayor Pro Tem Titherington asked about hiring an engineer to perform site inspections on construction that has been approved by the Town. He requested an update on when that would be executed. Ms. Thompson responded that she has a meeting scheduled with USI and plans to start that process as soon as possible.

13. UPDATE FROM FINANCE OFFICER AND TAX COLLECTOR

Mayor Deter asked about the delay of the upgrade on the financial software. Ms. Thompson answered that there are issues with the company with regard to delays in responses, numerous errors and high costs. Town may put out RFP to look for better options.

Mayor Deter asked about the fire department line item acct. 4110127-a \$65 charge that may be mis-classed-that is budgeted with fire department. (Town Clerk confirmed with Ms. Gaylord after the meeting that the \$65 charge is for the elevator inspection. Since the Town owns the building, NC Department of Labor billed it to the Town).

Mayor Deter also asked if the litigation amount includes the fees for the Cox Motorsports case. Mr. Tosco answered that he believes it is only the litigation costs for the fire department case. There was no litigation involved with the Cox Motorsports case.

14. TRANSPORTATION REPORT

Councilmember Buzzard stated that he is speaking with a representative from the HOA and one of their residents in regards to Amanda Drive. He plans to forward additional information on the matter at a later date.

15. COUNCIL COMMENTS

Councilmember Propst: Thank you everybody for coming out. Go watch the ball game.

Councilmember Buzzard: I appreciate everybody for coming out and seeing what we do up here and taking an interest in your town.

Mayor Pro Tem Titherington: Mr. Price, great to see you again. Hope you're doing better. Jeff and Liz, congratulations. You'll be sitting at this table next month. Have fun and well done.

Mayor Deter: Thank you everyone for coming out, on game night. Congratulations to Jeff and Liz. I remember 4 years ago when we first sat at this table, our hands were so full we were coughing and sputtering. Don't let it get you down.

16. CLOSED SESSION PURSUANT TO NCGS 143-318.11 (A)(3) TO CONSULT WITH ATTORNEY ON MATTERS PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE RELATING TO PROVIDENCE

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VOLUNTEER FIRE DEPARTMENT VERSUS TOWN OF WEDDINGTON AND TOWN OF WEDDINGTON VERSUS COX MOTORSPORTS

Motion: Councilmember Buzzard made a motion to go into Closed Session

pursuant to NCGS 143-318.11 (A)(3) to consult with attorney on matters protected by the attorney-client privilege relating to

Providence Volunteer Fire Department versus Town of Weddington

and Town of Weddington versus Cox Motorsports.

Vote: The motion passed with a unanimous vote.

The Council entered into closed session at 7:43 p.m. Mayor Deter called the Council back to order at 8:29 p.m.

18. ADJOURNMENT

Motion: Councilmember Buzzard made a motion to adjourn at 8:30 p.m.

Vote: The motion passed with a unanimous vote.

Bill Deter, Mayor

Adopted: 11 Kiccomber 2017

Karen Dewey, Člerk

TOWN OF WEDDINGTON MUNICIPAL DECLARATION TO ENACT SPEED LIMITS 0-2017-14

BE IT ORDAINED by the Town of Weddington Town Council that the speed limit modification on the following described portion of the State Highway System Street be adopted:

| SPEED LIMIT | ROUTE | DESCRIPTION |
|-------------|---------|--|
| 25 | SR 1492 | Subdivisionwide – (Cari Lane) Between a point SR 1493 (Amanda Drive) and SR 1344 (Weddington Matthews Road). Mandys Plantation Subdivision |
| 25 | SR 1493 | Subdivisionwide – (Amanda Drive) Between SR 1344 (Weddington Matthews Road) and a point .332 miles east of SR 1344 (Weddington Matthews Road). Mandys Plantation Subdivision |
| 25 | SR 3899 | Subdivisionwide – (Bonner Drive) Between a point .137 miles southeast of SR 1493 (Amanda Drive), end of State maintenance, and SR 1493 (Amanda Drive). Mandys Plantation Subdivision |

Adopted this 13th day of November, 2017

Bill Deter, Mayor

Attest:

Karen Dewey, Town Cler

AN ORDINANCE TO AMEND SECTION 22-4 OF THE CODE OF ORDINANCES OF THE TOWN OF WEDDINGTON

O-2017-15

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 22-4 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 22-4. -Enforcement and penalties.

(a) Civil penalty. Violation of this section shall subject the offender(s) to a civil penalty in the amount of \$100.00. In the event there is more than one violation within any 30-day period, then the civil penalty shall be increased for each additional violation over-one during such period, as follows. The date of the first violation shall establish the beginning date for the initial 30-day period.

The penalty shall be: Second offense within same 30-day period; \$250.00

Third offense within same 30-day period: \$500.00 Fourth offense within same 30-day period: \$750.00

Fifth and any subsequent offense within same 30-day period: \$1,000.00

- (1) Once the 30-day period has expired from the "first violation," the next violation shall be considered to be a first violation for the purposes of establishing a new 30-day period. In the event there are more than six violations within any 12-month period, then each violation after six shall subject the violator(s) to a civil penalty of \$1,000.00 per event.
- (2) Under circumstances where a citation is issued, the fine must be paid within 5 business days of the issue date and time. The town attorney, or designee, is authorized to file suit on behalf of the town to collect any unpaid citations, and the town administrator, or designee, is authorized to verify and sign complaints on behalf of the town in such suits. A sheriff's deputy, animal control officer enforcing subject matter jurisdiction, or other person duly authorized to enforce the noise control ordinances may issue a citation for violations of this article.
- (b) Remedies. This article may also be enforced through equitable remedies issued by a court of competent jurisdiction pursuant to **G.S. 160A-175**.

(c) Criminal penalty. In addition to, or in lieu of, such civil penalties or other remedies, violation of this article shall constitute a misdemeanor pursuant to G.S. 14-4.

Adopted this 13th day of November, 2017.

Bill Deter, Mayor

Attest:

Karen Dewey, Town Clerk

AN ORDINANCE TO AMEND SECTION 14-87 OF THE CODE OF ORDINANCES OF THE TOWN OF WEDDINGTON

O-2017-16

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 14-87 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 14-87. - Temporary outdoor lighting.

- (a) Any temporary outdoor lighting that conforms to the requirements of this article shall be allowed. Any temporary lighting as proposed through a Temporary Use Permit shall be reviewed and approved by the Planning Board when considering said permit. Any other nonconforming temporary outdoor lighting may be permitted by the town council after considering:
 - (1)The public and/or private benefits that will result from the temporary lighting;
 - (2) Any annoyance or safety problems that may result from the use of the temporary lighting; and
 - (3) The duration of the temporary nonconforming lighting.

(b)The applicant shall submit a detailed description of the proposed temporary nonconforming lighting request to the town council in accordance with all applicable submittal procedures, who shall consider the request at the next regularly scheduled meeting. Prior notice of the meeting shall be provided to the applicant. The town council shall render its decision on the temporary lighting request and notify the applicant in writing within two weeks from the date of its decision. A failure of the town council to act on a request shall constitute a denial of the request.

Adopted the 13th day of November, 2017

Bill Deter, Mayor

Attest:

Karen Dewey, Town Clerk



RS-2017-07

A RESOLUTION SUPPORTING NORTH CAROLINA DEPARTMENT OF TRANSPORTATION'S APPLICATION FOR AN INFRASTRUCTURE FOR REBUILDING AMERICA (INFRA) GRANT

WHEREAS, Union County is home to the intersection of two Class I railroad lines owned and operated by the CSX railroad; and

WHEREAS, Union County has the fifth highest vehicular crash rate in North Carolina; and

WHEREAS, Union County is one of the fastest growing counties in North Carolina; and

WHEREAS, Weddington wishes to reduce freight train and vehicular conflicts while supporting freight-related movement within and through the county; and

WHEREAS, Multiple towns in the county are affected by this active railroad that passes through the center of their heavily populated historic downtown areas with significant safety concerns due to the lack of grade separated crossings; and

WHEREAS, the Town of Weddington wishes to support Union County, statewide and southeastern United States' rail network efficiency and reliability; and

WHEREAS, through this grant, Union County municipalities surrounding the Town of Weddington will be made more livable and safe through the construction of grade separations, direct connections, and sidings that otherwise would not be funded or constructed for many years.

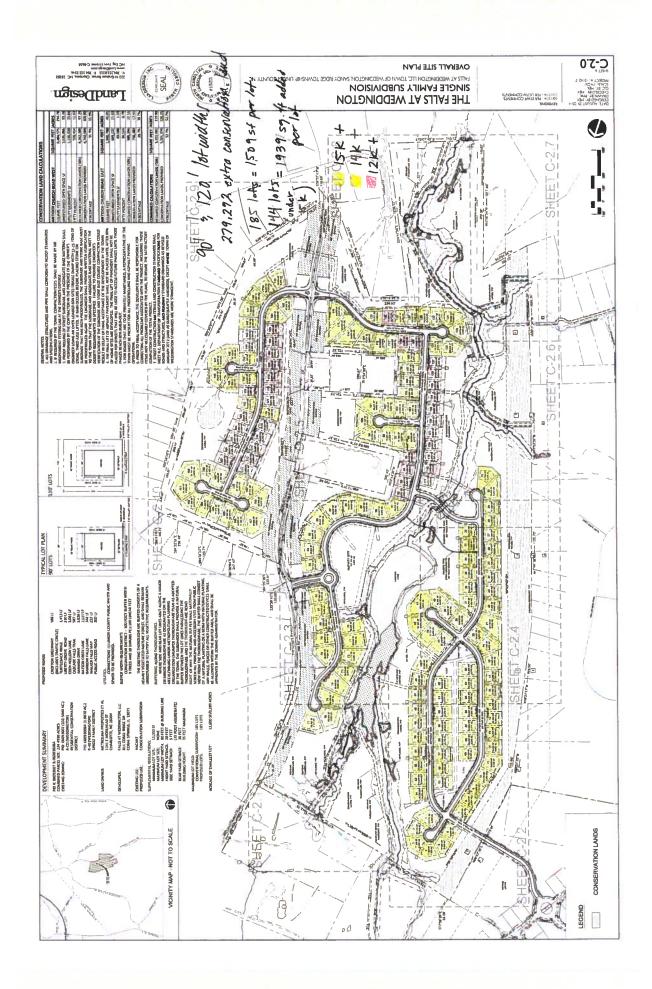
Now, THEREFORE, BE IT RESOLVED that the Town of Weddington Council does hereby adopt this resolution in support of the North Carolina Department of Transportation's INFRA grant application.

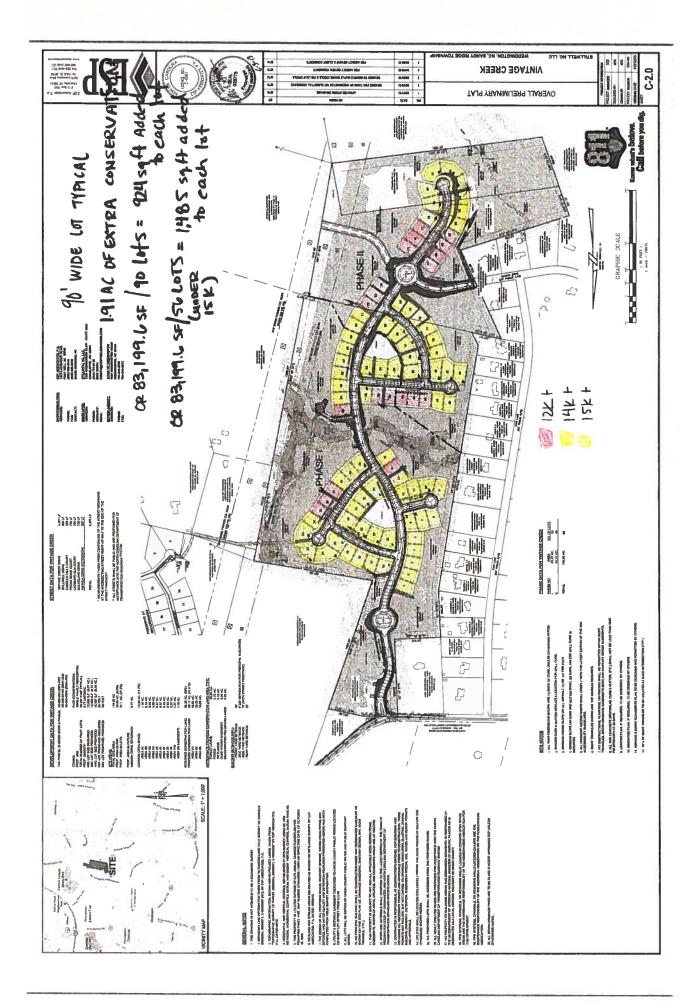
Adopted this 13th day of November 2017.

Bill Deter, Mayor

Attest.

Karen Dewey, Town Clerk





STAKING AND MATERIALS NOTES

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ZONING CODE BUMMARY

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- ALL ABHALT PANNE SHALL CORTING TO THE AMPLICANT PROPERTIES OF THE WIDO STRUCKUS SYCIENCESTED FOR Roads AND STRUCKUSTS, LAWS IT TRIPLY CONTROCTOR SHALL RESIDENCE AND HESTALL ALL PANTABLY SARBHERS AS SHOWN ON TO ALL SOUR, PAN MENT MARKENER, AND DIMEN TRAFFIC CONTROL DE METS SAME. CONCINE IN DIE LATEST (TRIBDA IS' THE MANAMELIN LIMITEDIA TRAFFIC CONTROL DEMICES (MATER).

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- ALL DIMENATE STRUCTURES AND PPT SHALL CONTORN TO HIGGES STANDARDS AND SPECIFICATIONS.

AREA REQUIRED: SALEZ ACRES (SOX)
AREA PROVIDED: 70.04 ACRES (GOX)

CONSERVATION AREA. SOL YAPD SETBACK.

FRONT YARD SCTBACK.

MAX. BUEDING HEIGHT!

MAK. LOF COUNT. PROPOSED USE EXISTING USE MAK DENSTIT

SITTE DEVELOPMENT SUMMARY

30.884 ACRES 6.844 ACRES 14.994 ACRES 15.134 ACRES 10.084 ACRES 117.644 ACRES

- F RECURSO BY NO TORRY, CORPACTION TESTS SHALL OF MADE BY AM MEDPHY RESIDED LAB AT CAMERYS EXPORT.
- - BIC TOME, LET OF ASPINALT PANILLESS TOWAL NOT BE PLACED UNIT, ATTHE BIRE OF WINE STEEL AND EXPLACED THE PLACED TOWN STREETS WAS THE WINE TO ACCESS FURING PANILLESS UNIT, BACK THE PLACED TOWN BIRE THE PANILLESS UNIT, BACK THE PANILLESS UNIT, BACK THE PANILL UNIT, B

FAST 110 x 130 FAST 86' x 150' 110' x 175' 110' x 120'

LOT SUMMARY

PROPERTY OF THE ACTIVITY OF TH FOR ROADS BAIL ARE TO BE PROVIDED BAILFARD, A REPRESENTATIVE OF THE TORN BAST RE PRESENT FOR ALL PROSTRICIAGE AND ASPINAL FRANCE SYDAKKING.

PROPOSED STUBWISH ALE FCBD H j +

71 LDTS (40,000 59 YELD) SHOLE FAMILY DETACHED

AGRICUL TURAL /VACANT

844 ACRES





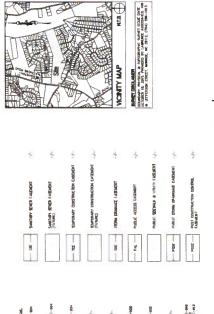
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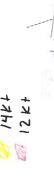
CHARLOTTE, LLC 5209 SEVENTY, SEVEN CENTER DIRNE, SLITE 100 CHARLOTTE, NC 20217

CARRINGDON

M/I HOMES OF

Supers the Consumer Sentency the Postability

95' minimum lot width 1/2 are 110' betwindth 487,43659,44 / 71 Lots = 6,8655944 added to each lot 11.19 ACRES OF EXTRA CONSERVATION LAND



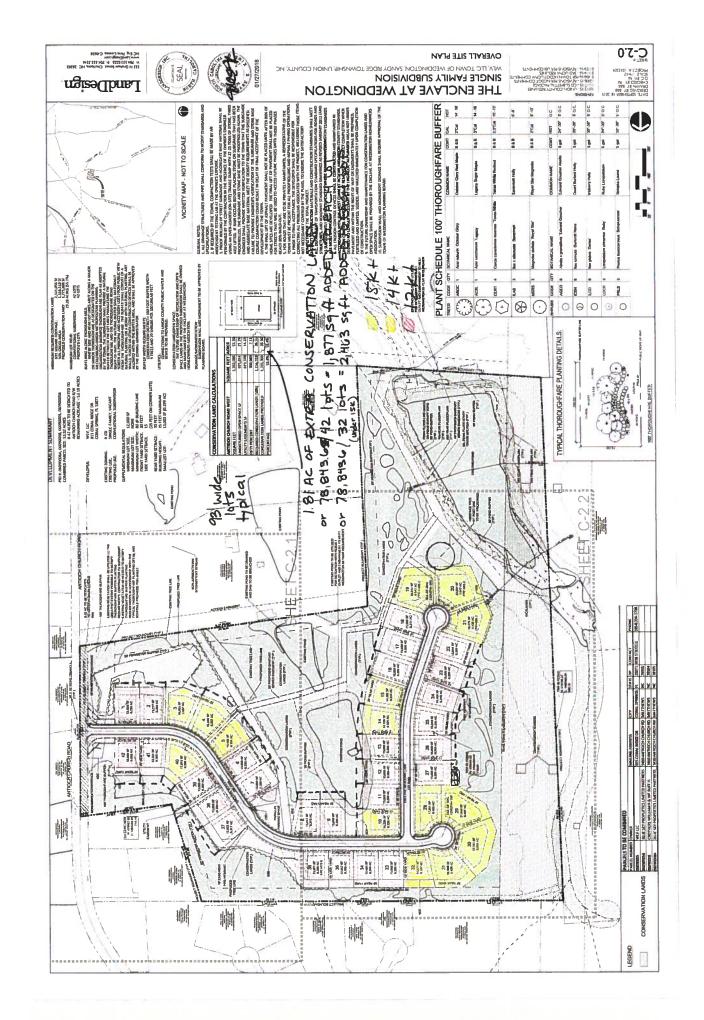


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C-204

C-203





WEDDINGTON CODE ENFORCEMENT REPORT

October, 2017

- 1. 404 Cottonfield Cir., James & Shannon Cox
 - 9/13/17—Attempt to inspect property; could not get inside or on to property.
 - 10/31/17—No Change.
- 2. 4005 Ambassador Ct., Inez B. McRae Trust
 - "In Rem" repairs to secure and close this building were performed in 2015. Lien for cost of these repairs recorded with Union County Register of Deeds in amount of \$7000.00.
 - 10/31/17—Deterioration continues.
- 3. Highway 84 & Twelve Mile Creek Rd.
 - 10/31/17—Property has been cleaned up, stumps and demo debris removed. <u>Case</u> resolved.
- 4. 4716 Weddinton Matthews Rd.
 - Existing residence under remodel/expansion. New owner has permit, but needs to acquire permit for 2nd story expansion for Union County
 - 6/30/17---Per owner, he will use this as his residence only. Will continue to monitor.
 - 7/31/17—Dumpsters (5) on property. Owner instructed to remove them.
 - 8/31/17—All dumpsters except 1 removed. Additional permit issued for 2nd living unit and meter attached at rear of house.
 - 9/30/17 to date 10/31/17—Monitoring.
- 5. 9/6/17---102 Antioch Plantation Dr.
 - Utility building moved on to lot without permit. No principal use established on lot. Building too close to front and side property line.
 - Utility building moved back behind setback lines.
 - Principal structure has not been started.
 - 10/31/17—Notice of violation and citation issued ordering removal of utility building.
- 6. 3064 Ancestry Cr.
 - 10/31/17--Possible use violation—still investigating.
- 7. 1011 Heritage Acres
 - 10/31/17--Possible use violation—still investigating.

TOWN OF WEDDINGTON

MEMORANDUM

TO: Bill Deter, Mayor; Town Council

FROM: Leslie Gaylord, Town Finance Officer

DATE: November 13, 2017

SUBJECT: Update from the Finance Officer

AUDIT

• Staff has received and reviewed draft financial statements for FY2017 from the auditors and final audited financial statements should be completed and submitted to the LGC within the next week or two.

Once the audited financial statements are submitted, staff will make necessary
journal entries to update the fund balance accounts on the current year financial
statements to reflect accurate assigned and unassigned fund balance amounts.

TAX

- Property taxes were due on September 1 but payable without penalty until January
 5.
- Property taxes escrowed by mortgage companies should be received by the Town over the course of the next month.

FY2018 BUDGET

 Staff will make a departmental line item reclass between Capital Expenditures and Consulting for the costs associated with the Town survey. Staff has decided not to move forward in the current year with the financial software upgrade therefore freeing up the budget money associated with this purchase for other uses.

TOWN OF WEDDINGTON BALANCE SHEET

FY 2017-2018 PERIOD ENDING: 10/31/2017

10

ASSETS

| ACCETC | <u> </u> | |
|-----------------------|--|--------------|
| ASSETS 10-1120-000 | TRINITY CHECKING ACCOUNT | 712,863.67 |
| 10-1120-001 | TRINITY MONEY MARKET | 1,115,096.66 |
| | NC CASH MGMT TRUST | 533,623.46 |
| | A/R OTHER | -4.95 |
| 10-1211-001 | A/R PROPERTY TAX | 865,675.54 |
| 10-1212-001 | A/R PROPERTY TAX - 1ST YEAR PRIOR | 8,885.45 |
| 10-1212-002 | A/R PROPERTY TAX - NEXT 8 PRIOR YRS | 10,193.16 |
| 10-1232-000 | SALES TAX RECEIVABLE | 2,349.54 |
| 10-1610-001 | FIXED ASSETS - LAND & BUILDINGS | 2,346,268.11 |
| 10-1610-002 | FIXED ASSETS - FURNITURE & FIXTURES | 20,583.08 |
| 10-1610-003 | FIXED ASSETS - EQUIPMENT | 118,306.60 |
| 10-1610-004 | FIXED ASSETS - INFRASTRUCTURE | 26,851.01 |
| | TOTAL ASSETS | 5,760,691.33 |
| | <u>LIABILITIES & EQUITY</u> | |
| LIABILITIES | | |
| 10-2120-000 | BOND DEPOSIT PAYABLE | 75,002.25 |
| 10-2605-000 | DEFERRED REVENUES-CONV CHARGE | -4.95 |
| 10-2620-000 | DEFERRED REVENUE - DELQ TAXES | 8,885.45 |
| 10-2625-000 | DEFERRED REVENUE - CURR YR TAX | 865,675.54 |
| 10-2630-000 | DEFERRED REVENUE-NEXT 8 | 10,193.16 |
| | TOTAL LIABILITIES | 959,751.45 |
| | | |
| EQUITY | PINID DALANCE, INVACCIONED | 2 551 500 54 |
| | FUND BALANCE - UNASSIGNED | 2,551,598.54 |
| | | 54,000.00 |
| | FUND BALANCE-INVEST IN FIXED ASSETS | 2,512,011.00 |
| | CURRENT YEAR EQUITY YTD | -156,445.40 |
| CURRENT | FUND BALANCE - YTD NET REV TOTAL EQUITY | -160,224.26 |
| | ` | 4,800,939.88 |
| | TOTAL LIABILITIES & FUND EQUITY | 5,760,691.33 |
| | | |

TOWN OF WEDDINGTON REVENUE & EXPENDITURE STATEMENT BY DEPARTMENT

FY 2017-2018

fl141r07

10/01/2017 TO 10/31/2017

| | CURRENT PERIOD | YEAR-TO-DATE | BUDGETED | % BUDGET REM |
|--|----------------------------|--------------|-------------------------|--------------|
| | | | | |
| REVENUE: | 26.017.00 | 10/ 75/ 21 | 1 025 000 00 | 0.1 |
| 10-3101-110 AD VALOREM TAX - CURRENT | 36,017.89 | | 1,025,000.00 | 81 |
| 10-3102-110 AD VALOREM TAX - 1ST PRIOR | 0.00 | 1,011.72 | · | 66 |
| 10-3103-110 AD VALOREM TAX - NEXT 8 | -4.95 | | 1,000.00 | 103 |
| 10-3110-121 AD VALOREM TAX - MOTOR | 7,810.24 | 26,235.51 | | 71 |
| 10-3115-180 TAX INTEREST | 0.00 | | 2,250.00 | 97 |
| 10-3231-220 LOCAL OPTION SALES TAX REV | , | • | 320,000.00 | 82 |
| 10-3322-220 BEER & WINE TAX | 0.00 | | 45,000.00 | 100 |
| 10-3324-220 UTILITY FRANCHISE TAX | 0.00 | | 460,000.00 | 78 |
| 10-3340-400 ZONING & PERMIT FEES | 3,957.50 | 18,157.50 | • | 48 |
| 10-3350-400 SUBDIVISION FEES | 0.00 | | 40,000.00 | 76 |
| 10-3830-891 MISCELLANEOUS REVENUES | 100.00 | | 1,000.00 | 53 |
| 10-3831-491 INVESTMENT INCOME | 0.00 | 0.00 | 5,000.00 | 100 |
| TOTAL REVENUE | 75,110.63 | 412,981.44 | 2,026,250.00 | 80 |
| AFTER TRANSFERS | 75,110.63 | 412,981.44 | 2,026,250.00 | |
| 4110 GENERAL GOVERNMENT | | | | |
| EXPENDITURE: | | | | |
| | (1,000,00 | 244 252 00 | 727 560 00 | 47 |
| 10-4110-126 FIRE DEPT SUBSIDIES | 61,0 88. 00 0.00 | | 737,560.00 10,000.00 | 67 99 |
| 10-4110-127 FIRE DEPARTMENT | | | | 50 |
| 10-4110-128 POLICE PROTECTION | 132,087.00 | | 264,175.00 | |
| 10-4110-192 ATTORNEY FEES - GENERAL | 0.00 | | 90,000.00 | 96 |
| 10-4110-193 ATTORNEY FEES - LITIGATION | 6,436.46 | | 100,000.00 | 75 |
| 10-4110-195 ELECTION EXPENSE | 0.00 | | 10,000.00 | 100 |
| 10-4110-340 PUBLICATIONS | 0.00 | | 12,000.00 | 100 |
| 10-4110-341 WEDDINGTON FESTIVAL | 0.00 | | 7,000.00 | 100 |
| 10-4110-342 HOLIDAY/TREE LIGHTING | 138.71 | | 6,500.00 | 98 |
| 10-4110-343 SPRING EVENT | 0.00 | | 3,750.00 | 100 |
| 10-4110-344 OTHER COMMUNITY EVENTS | 61.20 | | 1,000.00 | 94 |
| 10-4110-495 COMMITTEE & OUTSIDE | 0.00 | 0.00 | 1,500.00 | 100 |
| TOTAL EXPENDITURE | 199,811.37 | 404,476.96 | 1,243,485.00 | 67 |
| BEFORE TRANSFERS | -199,811.37 | -404,476.96 | -1,243,485.00 | |
| | | | | |
| AFTER TRANSFERS | -199,811.37 | -404,476.96 | -1,243,485.00 | |
| 4120 ADMINISTRATIVE | | | | |
| EXPENDITURE: | | | | |
| 10-4120-121 SALARIES - CLERK | 1,869.00 | 6,562.50 | 22,000.00 | 70 |
| 10-4120-123 SALARIES - TAX COLLECTOR | 3,585.30 | | 47,250.00 | 70 |
| 10-4120-124 SALARIES - FINANCE OFFICER | 962.85 | | 14,500.00 | 76 |
| 10-4120-125 SALARIES - MAYOR & TOWN | 2,100.00 | | 25,200.00 | 67 |
| 10-4120-181 FICA EXPENSE | 651.51 | | 8,500.00 | 71 |
| 10-4120-182 EMPLOYEE RETIREMENT | 759.04 | | 10,930.00 | 76 |
| LESLIE | 11/09/2017 8:09:34 | AM | | Page 1 |
| | | | | |

TOWN OF WEDDINGTON REVENUE & EXPENDITURE STATEMENT BY DEPARTMENT

FY 2017-2018

10/01/2017 TO 10/31/2017

| | CURRENT PERIOD | YEAR-TO-DATE | BUDGETED | % BUDGET REM |
|--|----------------|--------------|-------------|--------------|
| 10-4120-183 EMPLOYEE INSURANCE | 1,014.50 | 4,059.50 | 12,780.00 | 68 |
| 10-4120-184 EMPLOYEE LIFE INSURANCE | 12.60 | 50.40 | 175.00 | 71 |
| 10-4120-185 EMPLOYEE S-T DISABILITY | 12.00 | 48.00 | 175.00 | 73 |
| 10-4120-191 AUDIT FEES | 0.00 | 0.00 | 8,750.00 | 100 |
| 10-4120-193 CONTRACT LABOR | 0.00 | 400.00 | | 0 |
| 10-4120-200 OFFICE SUPPLIES - ADMIN | 202.41 | 1,204.48 | 10,000.00 | 88 |
| 10-4120-210 PLANNING CONFERENCE | 0.00 | | 1,500.00 | 100 |
| 10-4120-321 TELEPHONE - ADMIN | 95.02 | | 3,500.00 | 88 |
| 10-4120-325 POSTAGE - ADMIN | 0.00 | | 2,000.00 | 55 |
| 10-4120-331 UTILITIES - ADMIN | 26.08 | 1,275.16 | | 73 |
| 10-4120-351 REPAIRS & MAINTENANCE - | 0.00 | * | 37,500.00 | 100 |
| 10-4120-352 REPAIRS & MAINTENANCE - | 2,841.98 | 32,904.33 | | 45 |
| 10-4120-354 REPAIRS & MAINTENANCE - | 2,790.50 | | 58,250.00 | 83 |
| 10-4120-355 REPAIRS & MAINTENANCE - | 116.00 | | 1,000.00 | 77 |
| 10-4120-356 REPAIRS & MAINTENANCE - | 440.00 | 1,420.00 | | 76 |
| 10-4120-370 ADVERTISING - ADMIN | 0.00 | | 1,000.00 | 89 |
| 10-4120-397 TAX LISTING & TAX | -4.45 | -112.35 | | 145 |
| 10-4120-400 ADMINISTRATIVE:TRAINING | 150.00 | | 4,000.00 | 58 |
| 10-4120-410 ADMINISTRATIVE:TRAVEL | 354.17 | | 5,000.00 | 85 |
| 10-4120-450 INSURANCE | 0.00 | | 15,750.00 | 14 |
| 10-4120-491 DUES & SUBSCRIPTIONS | 175.00 | | 16,000.00 | 12 |
| 10-4120-498 GIFTS & AWARDS | 0.00 | | 3,000.00 | 100 |
| 10-4120-499 MISCELLANEOUS | 1,281.56 | | 5,000.00 | 39 |
| 10-4120-500 CAPITAL EXPENDITURES | 0.00 | | 35,000.00 | 100 |
| TOTAL EXPENDITURE | | | | |
| TOTAL EXPENDITORE | 19,435.07 | 123,622.29 | 419,735.00 | 71 |
| BEFORE TRANSFERS | 10 425 07 | 122 622 20 | 410 725 00 | |
| BEI ORE TRANSLERS | -19,435.07 | -123,622.29 | -419,735.00 | |
| AFTER TRANSFERS | -19.435.07 | -123,622.29 | -419,735.00 | |
| 4130 PLANNING & ZONING | | | | |
| EXPENDITURE: | | | | |
| 10-4130-121 SALARIES - ZONING | 5,833.34 | 23,333.36 | 71,500.00 | 67 |
| 10-4130-122 SALARIES - ASST ZONING | 99.45 | 232.05 | 2,950.00 | 92 |
| 10-4130-123 SALARIES - ADMINISTRATIVE | 1,307.63 | 4,793.27 | 17,000.00 | 72 |
| 10-4130-124 SALARIES - PLANNING BOARD | 375.00 | 1,500.00 | 5,200.00 | 71 |
| 10-4130-125 SALARIES - SIGN REMOVAL | 222.74 | 1,069.96 | 3,500.00 | 69 |
| 10-4130-181 FICA EXPENSE - P&Z | 597.39 | 2,357.13 | 7,750.00 | 70 |
| 10-4130-182 EMPLOYEE RETIREMENT - P&Z | 911.76 | 3,638.58 | 11,200.00 | 68 |
| 10-4130-183 EMPLOYEE INSURANCE | 1,014.50 | 4,056.50 | 12,780.00 | 68 |
| 10-4130-184 EMPLOYEE LIFE INSURANCE | 19.60 | | 250.00 | 69 |
| 10-4130-185 EMPLOYEE S-T DISABILITY | 12.00 | | 175.00 | 73 |
| 10-4130-193 CONSULTING | -1,524.00 | | 41,000.00 | 109 |
| 10-4130-194 CONSULTING - COG | 0.00 | | 10,000.00 | 60 |
| 10-4130-200 OFFICE SUPPLIES - PLANNING | 202.41 | | 5,000.00 | 85 |
| 10-4130-201 ZONING SPECIFIC OFFICE | 0.00 | | 2,500.00 | 100 |
| | | | | |

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TOWN OF WEDDINGTON REVENUE & EXPENDITURE STATEMENT BY DEPARTMENT

FY 2017-2018

10/01/2017 TO 10/31/2017

| | CURRENT PERIOD | YEAR-TO-DATE | BUDGETED | % BUDGET REM |
|--|----------------|--------------|-----------------|--------------|
| 10-4130-215 HISTORIC PRESERVATION | 0.00 | 0.00 | 1,000.00 | 100 |
| 10-4130-220 INFRASTRUCTURE | 0.00 | 0.00 | 160,000.00 | 100 |
| 10-4130-321 TELEPHONE - PLANNING & | 95.03 | 594.05 | 3,500.00 | 83 |
| 10-4130-325 POSTAGE - PLANNING & ZONING | G 0.00 | 900.00 | 2,000.00 | 55 |
| 10-4130-331 UTILITIES - PLANNING & ZONIN | IG 26.08 | 1,384.02 | 4,725.00 | 71 |
| 10-4130-370 ADVERTISING - PLANNING & | 0.00 | 113.14 | 1,000.00 | 89 |
| TOTAL EXPENDITURE | 9,192.93 | 45,106.45 | 363,030.00 | 88 |
| BEFORE TRANSFERS | -9,192.93 | -45,106.45 | -363,030.00 | |
| AFTER TRANSFERS | -9,192.93 | -45,106.45 | -363,030.00 | |
| GRAND TOTAL | -153,328.74 | -160,224.26 | 0.00 | |

3

TOWN OF WEDDINGTON

MEMORANDUM

TO:

Mayor and Town Council

FROM:

Kim Woods, Tax Collector

DATE:

November 13, 2017

SUBJECT:

Monthly Report –October 2017

| Transactions: | | | | |
|--|--------------|--|--|--|
| Utilities Tax Charge | \$12514.41 | | | |
| | | | | |
| Releases | \$(113.93) | | | |
| Refunds | \$212.11 | | | |
| Penalty and Interest Payments | \$(5.12) | | | |
| Interest Charges | \$119.33 | | | |
| Overpayment | \$(4.95) | | | |
| Taxes Collected: | | | | |
| 2017 | \$(36002.87) | | | |
| | | | | |
| As of October 31, 2017; the following taxes remain | | | | |
| Outstanding: | | | | |
| 2007 | \$83.43 | | | |
| 2008 | \$808.16 | | | |
| 2009 | \$598.83 | | | |
| 2010 | \$575.29 | | | |
| 2011 | \$100.56 | | | |
| 2012 | \$921.46 | | | |
| 2013 | \$1738.41 | | | |
| 2014 | \$2369.78 | | | |
| 2015 | \$2997.24 | | | |
| 2016 | \$8885.45 | | | |
| 2017 | \$865675.54 | | | |
| Total Outstanding: | \$884754.15 | | | |