

**TOWN OF WEDDINGTON  
REGULAR TOWN COUNCIL MEETING  
MONDAY, JANUARY 14, 2019 – 7:00 P.M.  
WEDDINGTON TOWN HALL  
1924 WEDDINGTON ROAD WEDDINGTON, NC 28104  
AGENDA**

Prayer – Reverend Filmore Strunk-All Saints Anglican Church

1. Open the Meeting
2. Pledge of Allegiance
3. Determination of Quorum
4. Additions, Deletions and/or Adoption of the Agenda
5. Recognition of Deputy Ryan Hedlund
6. Union County Sheriff's Office Presentation of Contract Services and Council Discussion of Next Steps
7. Public Comments
8. Consent Agenda
  - A. Call for Public Hearing to be held Monday, February 11, 2019 at 7:00 p.m. at Weddington Town Hall to Consider Erosion and Sediment Control Ordinance
  - B. Call for Public Hearing to be held Monday, February 11, 2019 at 7:00 p.m. at Weddington Town Hall to Consider Text Amendment to Define Community Recreation Center.
  - C. Approve the Reduction of funds for Bond number 60125412 and SUR0035949 for Harlow's Crossing Subdivision
9. Approval of Minutes
  - A. December 10, 2018 Regular Town Council Meeting Minutes
10. Old Business
  - A. Review of Land Use Plan Revisions through Section 2
11. New Business
  - A. Discussion and Consideration of Solicitation Ordinance
  - B. Discussion and Consideration of Amending 2019 Meeting Schedule for Council Retreat
  - C. Discussion of Roadside Litter Control
12. Update from Town Planner
13. Code Enforcement Report
14. Update from Finance Officer and Tax Collector
15. Transportation Report
16. Move into Closed Session Pursuant to NCGS 143-318-11(a)(4) Industry and Business Location and Expansion and to Consult with Attorney on Matters Protected by the Attorney Client Privilege Relating to Providence Volunteer Fire Department versus Town of Weddington Pursuant to NCGS 143-318.11(a)(3)
17. Council Comments
18. Adjournment

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**TOWN OF  
W E D D I N G T O N**

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**MEMORANDUM**

**TO:** Mayor and Town Council

**FROM:** Lisa Thompson, Town Administrator/Planner

**DATE:** January 14, 2019

**SUBJECT:** Erosion Control Ordinance

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Staff has been working with the State and town engineer to develop an erosion control ordinance. The attached draft includes questions from the Planning Board and Staff responses. A clean copy will be presented at the public hearing. In addition to the ordinance, a fee schedule was developed, and the following forms were prepared: financial responsibility/ownership, plan check list, plan review chart, and a self-inspection and self-monitoring form.

After adoption, the Town will submit the ordinance to the Sediment Control Commission (SCC) for delegation. The SCC has 90 days to review and approve the delegation request.

The Planning Board has reviewed the ordinance over the last few months. They unanimously recommended approval of the draft with the notes and discussion points/questions that are still open.

**Recommendation:**

Staff recommends calling for a public hearing to be held February 11, 2019 at 7:00 PM at Weddington Town Hall to consider Chapter 65 Erosion and Sedimentation Control Ordinance.



**EROSION AND  
SEDIMENTATION CONTROL  
ORDINANCE**

**January  
2019**

**AN ORDINANCE TO ADD  
CHAPTER 65 TO THE  
TOWN OF WEDDINGTON  
CODE OF ORDINANCES**

**BE IT ORDAINED** by the Town Council of the Town of Weddington that the Town of Weddington Code of Ordinances be amended to add Chapter 65, Erosion and Sedimentation Control, as follows:

## **CHAPTER 65: EROSION AND SEDIMENTATION CONTROL**

### **PREAMBLE**

- 65.01 PURPOSE**
- 65.02 JURISDICTION**
- 65.03 DEFINITIONS**
- 65.04 EXCLUSIONS**
- 65.05 GENERAL REQUIREMENTS AND OBJECTIVES**
- 65.06 MANDATORY STANDARDS FOR LAND DISTURBING ACTIVITIES**
- 65.07 DESIGN AND PERFORMANCE STANDARDS**
- 65.08 STORMWATER OUTLET PROTECTION**
- 65.09 BORROW AND WASTE AREAS**
- 65.10 ACCESS AND HAUL ROADS**
- 65.11 OPERATIONS IN LAKES OR NATURAL WATERCOURSES**
- 65.12 RESPONSIBILITY FOR MAINTENANCE**
- 65.13 ADDITIONAL MEASURES**
- 65.14 EXISTING UNCOVERED AREAS**
- 65.15 PERMITS**
- 65.16 EROSION AND SEDIMENTATION CONTROL PLANS**
- 65.17 TRANSFERS OF PLANS**
- 65.18 INSPECTIONS AND INVESTIGATIONS**
- 65.19 PENALTIES**
- 65.20 INJUNCTIVE RELIEF**
- 65.21 RESTORATION OF AREAS AFFECTED BY FAILURE TO COMPLY**
- 65.22 APPEALS**
- 65.23 SEVERABILITY**
- 65.24 EFFECTIVE DATE**

## **PREAMBLE**

The sedimentation of streams, lakes and other waters of this State constitute a major pollution problem. Sedimentation occurs from the erosion or depositing of soil and other materials into the waters, principally from construction sites and road maintenance. The continued development of this Town will result in an intensification of pollution through sedimentation unless timely and appropriate action is taken. Control of erosion and sedimentation is deemed vital to the public interest and necessary to the public health and welfare, and expenditures of funds for erosion and sedimentation control programs shall be deemed for a public purpose. It is the purpose of this Ordinance to provide for the creation, administration, and enforcement of a program and for the adoption of minimal mandatory standards which will permit development of this Town to continue with the least detrimental effects from pollution by sedimentation.

**65.01 PURPOSE.** This Ordinance is adopted for the purpose of:

- (1) Regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; and
- (2) Establishing procedures through which these purposes can be fulfilled.

## **65.02 JURISDICTION.**

This Ordinance is hereby adopted by the Town Council to apply to all areas within the corporate limits of the Town of Weddington.

The Town shall not have jurisdiction, to the exclusion of local governments, to adopt rules concerning land-disturbing activities that are:

- a. Conducted by the State.
- b. Conducted by the United States.
- c. Conducted by persons having the power of eminent domain other than a local government.
- d. Conducted by a local government.
- e. Funded in whole or in part by the State or the United States.
- f. Related to oil and gas exploration and development on the well pad site.

In addition, certain exclusions are set forth in Section 65.04.

Where a conflict exists between any limitation or requirement contained in this Ordinance and those in any other ordinance, regulation, or plan, the more restrictive limitation or requirement shall apply. Except as otherwise provided herein, this ordinance shall not repeal, abrogate, or revoke any other ordinance, regulation, or plan.

## **65.03 DEFINITIONS.**

The words and phrases used in this Ordinance shall have the meaning assigned in this Section provided, unless the context clearly indicates otherwise. These definitions are derived from the North Carolina Sedimentation Control regulations, 15A NCAC § 4A.0105 and the Sedimentation Pollution Control Act of 1973, NCGS § 113A-52.

**Accelerated Erosion** – means any increase over the rate of natural erosion as a result of land disturbing activity.

**Act** – means the North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it, as amended from time to time.

**Adequate Erosion Control Measure, Structure, or Device** – means one which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity, as such controls are specified in the Ordinance.

**Affiliate** – a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control of another person.

**Being Conducted** – means a land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.

**Borrow** – means fill material which is required for on-site construction and is obtained from other locations.

**Buffer Zone** – means the strip of land adjacent to a lake or natural watercourse.

**Completion of Construction or Development** – means that no further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

**Commission/NCSCC** – means the North Carolina Sedimentation Control Commission.

**DEQ Planning & Design Manual** – means the North Carolina Department of Environmental Quality Erosion and Sediment Control Planning and Design Manual, latest edition.

**Department** - means the North Carolina Department of Environmental Quality.

**Discharge Point** – means that point at which runoff leaves a tract.

**District/SWCD** – means the Union Soil and Water Conservation District (also referred to as the “SWCD”) created pursuant to Chapter 139 of the North Carolina Statutes.

**Energy Dissipater** – means a structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

**Erosion** – means the wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

**Ground Cover** – means any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

**Lake or Natural Watercourse** – means any stream, river, brook, swamp, creek, run, branch, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

**Land-Disturbing Activity** – means any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highways and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

**Local Government** – means any county, village, town, or city, or any combination of counties, villages, towns and cities, acting through a joint program with the Town pursuant to the provisions of the Act.

**Commented [LT1]:** GH – Referenced on Page 7 but there are a lot of manuals – needs defined.

LT - Changed

**NCSCC** – means the North Carolina Sedimentation Control Commission.

**Natural Erosion** – means the wearing away of the earth's surface by water, wind or other natural agents under natural environmental conditions undisturbed by man.

**Parent** – means an affiliate that directly or indirectly, through one or more intermediaries, controls another person.

**Person** – means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

**Person Conducting Land-Disturbing Activity** – means any person who may be held responsible for a violation unless expressly provided otherwise by this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.

**Person Responsible for the Violation** – as used in this Ordinance and G.S. 113A-64 means:

- (1) The developer or other person who has or holds themselves out as having financial or operational control over the land-disturbing activity; and/or
- (2) The landowner or person in possession or control of the land who has directly or indirectly allowed the land-disturbing activity or has benefited from it or has failed to comply with any provision of this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.

**Phase of Grading** – means one of two types of grading, rough or fine.

**Plan** – means a complete Erosion and Sedimentation Control Plan, prepared in accordance with the NC Erosion and Sediment Control Planning and Design Manual, latest edition.

**Sediment** – means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

**Sedimentation** – means the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

**Siltation** – means sediment resulting from accelerated erosion which is removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited in or is in suspension in water.

**Storm Drainage Facilities** – means the system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey storm water through and from a given drainage area.

**Storm Water Runoff** – means the direct runoff of water resulting from precipitation in any form.

**Subsidiary** – an Affiliate that is directly or indirectly, through one or more intermediaries, controlled by another person.

**SWCD/ Union SWCD** – means the Union Soil and Water Conservation District.

**Ten-Year Storm** – means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

**Town** – means Town of Weddington.

**Town Council** – means the Town of Weddington Town Council.

**Town of Weddington Erosion Control Inspector/ Erosion Control Inspector/ Inspector** – includes the Town of Weddington Zoning Administrator, who is principally responsible for the administration of this Section, or his duly authorized designee. This term shall also include any persons, agents or other representatives of the town as authorized by the Zoning Administrator.

**Tract** – means all contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

**Twenty-five Year Storm** – means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

**Two-Year Storm** – means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 2 years, and of a duration which will produce the maximum peak rate of runoff, from the Watershed of interest under average antecedent wetness conditions.

**Uncover(s)(ed)(ing)** – means the removal of ground cover from, on, or above the soil surface.

**Undertaken** – means the initiating of an activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.

**Velocity** – means the average speed of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

**Waste** – means surplus materials resulting from on-site construction and being disposed of at locations either on or off site other than the initial source of the materials.

**Watershed** – means the region drained by or contributing water to a stream, lake or other body of water.

**Working Days** – means days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.



## 65.04 EXCLUSIONS.

This Section shall not apply to the following land-disturbing activities:

- (1) Activities including the production and relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:
  - a. Forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts.
  - b. Dairy animals and dairy products.
  - c. Poultry and poultry products.
  - d. Livestock, including beef cattle, llamas, sheep, swine, horses, ponies, mules, and goats.
  - e. Bees and apiary products.
  - f. Fur producing animals.
  - g. Mulch, ornamental plants, and other horticultural products. For purposes of this section, "mulch" means substances composed primarily of plant remains or mixtures of such substances.
- (2) Activities undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with best management practices set out in Forest Practice Guidelines Related to Water Quality, as adopted by the Department. If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines Related to Water Quality, the provisions of this ordinance shall apply to such activity and any related land-disturbing activity on the tract.
- (3) Activities for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the General Statutes.
- (4) For the duration of an emergency, activities essential to protect human life, including activities specified in an executive order issued under G.S. 166A-19.30(a)(5).
- (5) Activities undertaken to restore the wetland functions of converted wetlands to provide compensatory mitigation to offset impacts permitted under Section 404 of the Clean Water Act.
- (6) Activities undertaken pursuant to Natural Resources Conservation Service standards to restore the wetlands functions of converted wetlands as defined in Title 7 Code of Federal Regulations § 12.2

## 65.05 GENERAL REQUIREMENTS AND OBJECTIVES.

- (A) **Plan Approval Required.** No Person shall initiate any land-disturbing activity which disturbs one (1) acre or more of land subject to this ordinance without first having plan approval from the Erosion Control Inspector.
- (B) **Plan Approval Exceptions.** Land-disturbing activities which disturb less than one (1) acre of land are excluded from plan submittal and approval, provided that erosion control devices are installed as needed in accordance with the specifications and details found in the DEQ Planning & Design Manual. If the person performing the land-disturbing activity fails to provide and maintain proper erosion control measures, the Erosion Control Inspector may require a plan be submitted for review and approval within 30 days of notification.
- (C) **Protection of Property.** Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.

**Commented [LT2]:** GH: on the less than one acre disturbed areas, no plan is required but I would like to see added that if complaints are received about erosion based pollution, then the inspector upon investigation would be permitted to require a plan within 30 days.

LT - 65.05 (B) covers this. Everyone has to obey sediment laws of the state no matter what size is being disturbed. Suggest adding that a plan be required within 30 days of notification.

Other towns have grading permits for individual lots, so programs require silt fence – you just don't have to go through plan review process.

**Commented [LT3]:** BP – Who defines reasonable

LT – reasonable would typically mean that they shall provide measures according to their plan – however sometimes you'll have a property that is a single lot and needs a fence but no plan or you'll have a development with continuing issues that is required to add additional measures– it needs to stay generic since each property is unique. This is just an objective.

(D) **Basic Control Objectives.** A plan may be disapproved pursuant to Section 65.16 of this Ordinance if the plan fails to address the following control objectives:

- (1) Identify Critical Areas – On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.
- (2) Limit Time of Exposure – All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time.
- (3) Limit Exposed Areas – All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.
- (4) Control Surface Water – Surface water runoff originating upgrate of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.
- (5) Control Sedimentation – All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage.
- (6) Manage Storm Water Runoff – When the increase in the velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity to the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

#### **65.06 MANDATORY STANDARDS FOR LAND DISTURBING ACTIVITIES.**

No land-disturbing activity subject to the control of this Ordinance shall be undertaken except in accordance with the following mandatory standards:

**(A) Buffer Zone.**

- (1) No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity.
- (2) Unless otherwise provided, the width of the buffer zone begins and is measured landward from the normal pool elevation of impounded structures (lakes) to the nearest edge of the disturbed area and/ or five feet from the edge of the top of the bank of streams or rivers to the nearest edge of the disturbed area. Natural or artificial means of confining visible siltation must be placed, constructed or installed outside the undisturbed buffer zone.
- (3) For any watercourse, where more than one stream buffer width is imposed by Town of Weddington Code of Ordinance or other local, state or federal law(s), rule(s), or regulation(s), the greater buffer width stipulated shall apply.

**(B) Graded Slopes and Fills.** The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 14 calendar days of completion of any phase of grading, be planted or otherwise be provided with ground cover, devices, or structures sufficient to restrain erosion.

**(C) Fill Material.** Unless a permit from the Department's Division of Waste Management to operate a landfill is on file for the official site, acceptable fill material shall be free of organic or other degradable materials, masonry, concrete and brick in sizes exceeding twelve (12) inches, and any materials which would cause the site to be regulated as a landfill by the State of North Carolina.

(D) **Ground Cover.** Whenever more than one (1) acre of land is uncovered, the person conducting the land-disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, ~~and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development.~~ Provisions for a ground cover sufficient to restrain erosion must be accomplished within 15 working days or 60 calendar days, whichever is shorter following ~~completion of construction or development~~ the land-disturbing activity.

(E) **Prior Plan Approval.** No person shall initiate any land-disturbing activity that will disturb more than one acre on a tract unless a Plan for the activity is filed with and approved by the Town of Weddington. The land-disturbing activity may be initiated and conducted in accordance with the plan once the plan has been approved. The (Town shall forward to the Director of the Division of Water Resources a copy of each Plan for a land-disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of the tract.

#### 65.07 DESIGN AND PERFORMANCE STANDARDS.

Erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed as to provide protection from the calculated maximum peak rate of storm water runoff from the ten-year storm. Storm water runoff rates shall be calculated using the procedures in the USDA, Natural Resources Conservation Service's "National Engineering Field Manual for Conservation Practices," or other acceptable calculation procedures.

#### 65.08 STORMWATER OUTLET PROTECTION.

- (A) Persons shall conduct land-disturbing activity so that the post-construction velocity of the ten-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:
- (1) The velocity established in Table 65.08-1 of this Section; or
  - (2) The velocity of the ten-year storm runoff in the receiving watercourse prior to the land-disturbing activity.
- (B) If the conditions of Section 65.08 (A) cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the "prior to land-disturbing activity" velocity by ten percent (10%).
- (C) **Acceptable Management Measures.** Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences. The Town recognizes that the management of storm water runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives are to:
- (1) Avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious.
  - (2) Avoid increases in storm water runoff discharge velocities by using vegetated or roughened swales and waterways in lieu of closed drains and high velocity paved sections.
  - (3) Provide energy dissipaters at outlets of storm drainage facilities to reduce flow velocities to the point of discharge. These may range from simple rip-rapped sections to complex structures.

**Commented [LT4]:** GH – How long can it stay uncovered while under development?

LT - The state stormwater permit requires ground cover 7 days for slopes and 14 days for all others. We can go less

GH - thoughts on length of time it can remain undisturbed without cover? What about 1 acre disturbed max it can be left uncovered is 6 months, ½ acre for 12 months max?

LT - As long as devices are in place and it's not eroding – no issues?

(4) Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining.

(D) **Exceptions.** This rule shall not apply where it can be demonstrated that storm water discharge velocities will not create an erosion problem in the receiving watercourse.

(E) Maximum permissible velocity for storm water discharges shall be regulated in accordance with Table 65.08-1.

*Table 65.08-1 Maximum Permissible Velocities*

Material	Feet/Second	Meters/Second
Fine sand (noncolloidal)	2.5	0.8
Sandy loam (noncolloidal)	2.5	0.8
Silt loam (noncolloidal)	3.0	0.9
Ordinary firm loam	3.5	1.1
Fine gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded, loam to cobbles (noncolloidal)	5.0	1.5
Graded, silt to cobbles (colloidal)	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse gravel (noncolloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shales and hard pans	6.0	1.8

#### **65.09 BORROW AND WASTE AREAS.**

When the Person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971, and waste areas for surplus materials other than landfills regulated by the North Carolina Department of Environment and Natural Resources' Division of Solid Waste Management, shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.

#### **65.10 ACCESS AND HAUL ROADS.**

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

#### **65.11 OPERATIONS IN LAKES OR NATURAL WATERCOURSES.**

Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a lake, stream or other watercourse where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the lake, stream or other watercourse flow characteristics, except when justification acceptable to the Town for significant alteration to flow characteristic is provided.

#### **65.12 RESPONSIBILITY FOR MAINTENANCE.**

During the development of a site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provision of this Ordinance or the Act, or any order adopted pursuant to this Ordinance or the Act. After site development, the landowner or person in possession of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

#### **65.13 ADDITIONAL MEASURES.**

Whenever the Erosion Control Inspector determines that significant sedimentation is occurring as a result of land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity will be required to and shall take additional protective action.

#### **65.14 EXISTING UNCOVERED AREAS.**

- (A) All uncovered areas existing on the effective date of this Ordinance which resulted from land-disturbing activity which exceed one (1) acre of land, that are subject to continued accelerated erosion and are causing off-site damage from sedimentation, shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.
- (B) The Erosion Control Inspector will serve upon the landowner or other person in possession or control of that land a written notice of violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice. The notice will set forth the measures needed to comply, and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the Erosion Control Inspector shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits of compliance.
- (C) The Erosion Control Inspector reserves the right to require preparation and approval of a plan in any instance where ~~extensive~~ control measures are required.

#### **65.15 PERMITS.**

- (A) No person shall undertake any land-disturbing activity subject to this Ordinance without having first obtained a Plan Certificate and Letter of Approval or ESC Installation and Maintenance Agreement Approval from the Erosion Control Inspector, except that no Plan Certificate and Letter of Approval or ESC Installation and Maintenance Agreement Approval shall be required for any Land-Disturbing Activity:
  - (1) For the purpose of fighting fires; or
  - (2) For the stock piling of raw or processed sand, stone, or gravel in material processing plants and storage yards, provided that sediment control measures have been utilized to protect against off-site damage; or
  - (3) That does not disturb more than one (1) acre in surface area. In determining the area, lands under one or ~~diverse-multiple~~ ownership being developed as a unit will be aggregated.
- (B) Although a Plan Certificate and Letter of Approval is not required for land-disturbing activity comprising less than one (1) acre for residential projects, such activity shall be subject to all other requirements of this Ordinance and any other applicable standards or ordinances adopted by the Town of Weddington.

- (C) Submittals for erosion and sediment control plan approval and erosion control inspections shall be subject to any and all relevant fees as adopted by the Town Council and prescribed in the Town of Weddington Code of Ordinances. Fees shall accompany plan submittals, otherwise the submittal shall be determined incomplete and shall be returned to the applicant.

#### 65.16 EROSION AND SEDIMENTATION CONTROL PLANS.

- (A) Persons conducting land-disturbing activity shall be responsible for preparing a plan for all land-disturbing activities subject to this Ordinance whenever the proposed activity is to be undertaken on a tract disturbing more than one (1) acre of land, excluding single-family residential development addressed in Section 65.05 (B).
- (B) Three complete copies of the plan shall be filed with the ~~Control Inspector in the office of the~~ Town of Weddington Zoning Administrator at least 30 days prior to the commencement of the proposed activity. A fee, made payable to the Town of Weddington, shall be charged for each plan review. Such fee shall be in accordance with a fee schedule adopted by the Town of Weddington Town Council. No plan shall be considered complete unless accompanied by such fee and a performance bond in the form of a certified check, cash or irrevocable letter of credit, in an amount deemed sufficient by the Town Engineer to cover all costs of protection or other improvements required to establish protective cover on the site in conformity with this ordinance. The performance bond shall remain effective until work has been completed, inspected and approved by the Town.
- (C) The Erosion Control Inspector shall transmit a copy of the complete plan to the Union Soil and Water Conservation District (SWCD) for their review. The SWCD shall be given up to twenty (20) days to make comment on the plan. Failure of the SWCD to submit its comments to the Erosion Control Inspector within such time period shall not delay final action on the proposed plan by the Erosion Control Inspector.
- (D) The Erosion Control Inspector shall render a decision on a plan within thirty (30) days of submittal. The Erosion Control Inspector shall condition approval of a draft plan upon the applicants' compliance with local, state and federal water quality laws, regulations, ordinances and rules. Such decision shall be approval, approval with modifications, approval with performance reservations, or disapproval. Failure to approve, approve with modifications or performance reservations, or disapprove a complete plan within thirty (30) days of receipt shall be deemed approval.
- (E) Any final decision made pertaining to the proposed plan shall be filed ~~in~~ with the Town of Weddington Zoning Administrator (or as otherwise designated by the Town) and sent to the applicant by first class mail.
- (F) Denial of a plan or a revised plan must specifically state in writing the reasons for disapproval. The Erosion Control Inspector must approve, approve with modifications, or disapprove a revised plan within fifteen (15) days of receipt, or it is deemed to be approved.
- (G) Plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, or if no land-disturbing activity has occurred with three (3) years. If, following commencement of a land-disturbing activity pursuant to an approved plan, the Erosion Control Inspector determines that the plan is inadequate to meet the requirements of this ordinance, the Erosion Control Inspector may require any revision of the plan that is necessary to comply with this ordinance.

Commented [LT5]: GH: how is this amount determined.

LT: Typically their engineer gives us a cost estimate break down that is stamped and we review quantities and cost. How do we know this is correct before the review?

GH: Bond release process and use towards fines?

Commented [LT6]: BP – is this enough time to turn around and resubmit if they have comments? Given our review is due in 30 days.

LT - This is a Soil and Water conservation group –that can help with monitoring erosion and water conditions and education. This is more of an FYI to the group. Benefit is it's another set of eyes with a scientific point of view. They don't have rules but can help with recommendations.

However this is an old law and the state hasn't been following this requirement. They are typically under-staffed and won't want to look at it.

we can take this out if we speak with them and they don't want a copy of the plan. To take it out we need to get a letter from them stating this.

LT – spoke to SW person – they typically get a copy from the County. They hardly ever comment but would like to see the plan. Recommend keeping.

Commented [LT7]: BP – enough time?

LT - Keep the 30 days per the State – this is just the initial review.

Commented [LT8]: BP – enough time?

LT - Keep 15 days per the State

- (H) Persons conducting land-disturbing activities which are addressed by Section 65.16 shall have secured a Plan Certificate and Letter of Approval (in accordance with procedures described herein) before any land-disturbing activities commence. A copy of the approved plan and the Certificate of Plan Approval shall be maintained at the job site by the persons conducting the land-disturbing activity. After approving the plan, if the Erosion Control Inspector, either upon review of such plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the Inspector may require that a revised plan be submitted. Pending the preparation and approval of the revised plan, work shall cease or shall continue under conditions outlined by the Erosion Control Inspector.
- (I) A plan may be disapproved unless accompanied by an authorized statement of financial responsibility and ownership. This statement shall be signed by the person financially responsible for the land-disturbing activity or their attorney-in-fact. The statement shall include the mailing and street addresses of the principal place of business of the person financially responsible and of the owner of the land or their registered agents. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance with the plan, the Act, this ordinance, or rules or orders adopted or issued pursuant to this ordinance. If the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land disturbing activity.
- (J) The person submitting a plan to the Erosion Control Inspector is, prior to submission of the plan, solely and exclusively responsible for determining whether the proposed land-disturbing activities require any form of state or federal environmental certification or documentation. Any plan submitted for a land-disturbing activity for which an environmental document is required by the North Carolina Environmental Policy Act (G.S. 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for Town review. The Erosion Control Inspector, upon discovery that an environmental certification or documentation is required but was not obtained, shall promptly notify the person submitting the plan that the thirty (30) day time limit for review of the plan pursuant to Section 65.16 (D) of this Ordinance shall not begin until a complete environmental document or certificate is available for review by the Erosion Control Inspector. However, no term or condition in the Ordinance shall be interpreted to place the burden for determining the necessity for an environmental certificate or documentation upon the Erosion Control Inspector, and the person submitting the plan, as well as any other persons specified by law, rule or regulation, shall remain solely and exclusively responsible for such determination.
- (K) The plan required by this section shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this Ordinance. Any erosion and sediment control measures and/or devices must be drawn to scale and contour when deemed applicable by the Erosion Control Inspector. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation shall be found in the DEQ Erosion Control and Sedimentation Planning and Design Manual. The Erosion Control Inspector shall automatically disapprove a plan if it is determined that implementation of the plan would result in a violation of rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters.

Commented [LT9]: GH – content of plan isn't delineated

LT - everything is case sensitive. One property may not need calculations. The state has a section called 'preparing the plan' (chapter 4). Also suggest refining definition of 'the plan'.

(L) A plan may be disapproved upon a finding that an applicant, or a parent, subsidiary, or other affiliate of the applicant:

- (1) Is conducting or has conducted land-disturbing activity without an approved ~~plan, or plan or~~ has received notice of violation of a plan previously approved by the NCSCC or the Town pursuant to the Act and has not complied with the notice within the time specified in the notice.
- (2) Has failed to pay a civil penalty assessed pursuant to the Act or a local ordinance adopted pursuant to the Act by the time the payment is due.
- (3) Has been ~~convicted of a misdemeanor~~ pursuant to G.S. 113A-64(b) or any criminal provision of a local ordinance adopted pursuant to the Act; or
- (4) Has failed to substantially comply with applicable local, State or Federal laws, regulations, rules or ordinances adopted pursuant to the Act. For purposes of this subsection 65.16 (L), an applicant's record may be considered for only the two (2) years prior to the application date.

Commented [LT10]: PB: This is a misdemeanor for criminal penalties for prior land disturbing violations.

(M) Applications for amendment of a plan in written and/or graphic form may be made at any time under the same format as the original application. Until such time as said amendment is approved by Erosion Control Inspector, land-disturbing activity shall not proceed except in accordance with the plan as originally approved.

(N) Any person engaged in land-disturbing activity who fails to file a plan in accordance with this Ordinance, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan shall be deemed in violation of this Ordinance.

#### 65.17 TRANSFER OF PLANS.

(A) The Town of Weddington may transfer a plan if all of the following conditions are met:

- (1) The successor-owner of the property submits to the local government a written request for the transfer of the plan and an authorized statement of financial responsibility and ownership. ~~b. The successor-owner holds title to the property on which the permitted activity is occurring or will occur.~~  
~~c. The occur, the successor-owner is the sole claimant of the right to engage in the permitted activity, and~~  
~~d. There will be no substantial change in the permitted activity.~~
- (2) ~~The local government finds all of the following:~~ In addition to (1) above, the plan holder must also be one of the following:
  - a. ~~The plan holder is one of the following:~~  
~~(i) A natural person who is deceased.~~  
~~b.~~  
~~(ii) A partnership, Limited Liability Corporation, corporation, or any other business association that has been dissolved.~~
  - c.  
~~(iii) A person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur.~~
  - d.  
~~(iv) A person who has sold the property on which the permitted activity is occurring or will occur.~~
  - b. ~~The successor owner holds title to the property on which the permitted activity is occurring or will occur.~~



- ~~e. The successor owner is the sole claimant of the right to engage in the permitted activity.~~
- ~~d. There will be no substantial change in the permitted activity.~~

- (B) The plan holder shall comply with all terms and conditions of the plan until such time as the plan is transferred.
- (C) The successor-owner shall comply with all terms and conditions of the plan once the plan has been transferred.
- (D) Notwithstanding changes to law made after the original issuance of the plan, the local government may not impose new or different terms and conditions in the plan without the prior express consent of the successor-owner. Nothing in this subsection shall prevent the local government from requiring a revised plan pursuant to Section 65.16(G).
- (E) Denials of transfer requests may be appealed pursuant to Section 65.22(A)

#### 65.18 INSPECTIONS AND INVESTIGATIONS.

- (A) The Erosion Control Inspector will periodically inspect land-disturbing activities to ensure compliance with the Act, this ordinance, or rules or orders adopted or issued pursuant to this ordinance, and to determine whether the measures required in the plan are effective in controlling erosion and sediment resulting from land-disturbing activity. Notice of the right to inspect shall be included in the certificate of approval of each plan. The landowner, the financially responsible party, or the landowner's or the financially responsible party's agent shall perform an inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with 65.06 (C). The person who performs the inspection shall maintain and make available a record of the deviation from the approved erosion control plan, identify any measures that may be required to correct the deviation, and document the completion of those measures. The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan.
- (B) No person shall willfully resist, delay, or obstruct the Erosion Control Inspector, while inspecting or attempting to inspect a land-disturbing activity under this section.
- (C) If it is determined that a person engaged in the land-disturbing activity has failed to comply with the Act, this Ordinance, or rules, or orders adopted or issued pursuant to this Ordinance, or has failed to comply with an approved plan, a notice of violation shall be served upon that person. The notice shall be served by registered or certified mail or by any means authorized under GS 1A-1, Rule 4. The Notice of Violation shall specify a date by which, or a cure period within which, the person must comply with this Ordinance, and inform the person of the actions that need to be taken to comply with this Ordinance. The Notice shall set forth the measures necessary to achieve compliance with the plan, specify a reasonable time period within which such measures shall be completed, and warn that failure to correct the violation within the time period stated is subject to a civil penalty and other enforcement actions. However, no time period for compliance need be given for failure to submit a plan for approval, for obstructing, hampering or interfering with an authorized representative while in the process of carrying out his official duties, or for the penalty that may be assessed pursuant to this Ordinance for the day the violation is assessed by the Erosion Control Inspector. Any person who fails to comply within the time specified in the Notice is subject to additional civil and criminal penalties for a continuing violation as provided in this Ordinance.

Commented [LT11]: BP: is self-inspection appropriate?

Contractor should do inspections for each phase. LT checking with town attorney if we can require a 3<sup>rd</sup> party inspection group.

If the person engaged in the land-disturbing activity has not received a previous notice of violation under this section, the Erosion Control Inspector shall deliver the notice of violation in person, ~~and shall offer assistance in developing corrective measures. Assistance may be provided by referral to a technical assistance program in the Department (DEQ), referral to a cooperative extension program, or by the provision of written materials such as Department (DEQ) guidance documents.~~ If the Erosion Control Inspector is unable to deliver the notice of violation in person within 15 days following discovery of the violation, the notice of violation may be served in the manner prescribed for service of process by G.S. 1A-1, Rule 4., ~~and The notice~~ shall include information on how to obtain assistance in developing corrective measures. Assistance may be provided by referral to a technical assistance program in the Department (DEQ), referral to a cooperative extension program, or by the provision of written materials such as Department (DEQ) guidance documents.

**Commented [LT12]:** If it's a first-time offender, we have to hand it to them in person. However, if they had a violation on another project within the past we can proceed with mailing. (we can do it as a violation in the past state-wide).

- (D) The Erosion Control Inspector shall have the power to conduct such investigation as may be reasonably deemed necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land-disturbing activity. No person shall refuse entry or access to the Erosion Control Inspector who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out their official duties as provided in this Ordinance.
- (E) The Erosion Control Inspector shall also have the power to require written statements, or the filing of reports under oath, with respect to pertinent questions relating to land-disturbing activity.
- (F) On any tract on which five (5) or more acres are disturbed, the person conducting land-disturbing activity will be responsible for self-inspection of erosion and sedimentation control facilities at least once every seven (7) days or within 24 hours of a storm event of greater than 0.5 inches of rain per 24-hour period.

**Commented [LT13]:** GH: what about long term rainstorms, or .25" per day for a week?

we can require it for less – but worried about man power. State is going from ½" to 1".

## 65.19 PENALTIES; STOP WORK ORDERS.

### (A) Civil Penalties.

- (1) Any person who violates any of the provisions of the applicable State, Federal or local laws, rules, regulations or ordinances, including this Ordinance, or rules or orders adopted or issued pursuant to applicable State, Federal or local laws, rules, regulations or ordinances, including this Ordinance, or who initiates or continues a land-disturbing activity for which an erosion and sedimentation control plan is required except in accordance with the terms, conditions, and provisions of an approved plan, is subject to a civil penalty. The maximum civil penalty for a violation is five thousand dollars (\$5,000). A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. When the person has not been assessed any civil penalty under this subsection for any previous violation and that person abated continuing environmental damage resulting from the violation within 180 days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this subsection for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required is twenty-five thousand dollars (\$25,000).
- (2) The Erosion Control Inspector shall determine the amount of the civil penalty and shall notify the person who is assessed the civil penalty of the amount of the penalty, the reason

**Commented [LT14]:** GH: can we use performance bond money to settle finds?

Checking with Attorney

**Commented [LT15]:** Can this be a higher amount?

**Commented [LT16R15]:** Max per single day and max if first ever penalty. If it's a second time, we can go beyond that amount below..

for assessing the penalty, the option available to that person to request a remission of the civil penalty under G.S. 113A-64.2, the date of the deadline for that person to make the remission request regarding this particular penalty, and, when that person has not been assessed any civil penalty under this section for any previous violation, the date of the deadline for that person to abate continuing environmental damage resulting from the violation in order to be subject to the maximum cumulative total civil penalty under subdivision (1) of this subsection. The notice of assessment shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to either pay the assessment or contest the assessment within 30 days by filing a petition for a contested case under Article 3 of Chapter 150B of the General Statutes. If a violator does not pay a civil penalty assessed by the Town of Weddington within 30 days after it is due, the Erosion Control Inspector may institute a civil action to recover the amount of the assessment. The civil action may be brought in the superior court of any county where the violation occurred or the violator's residence or principal place of business is located. A civil action must be filed within three years of the date the assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.

- (3) In determining the amount of the penalty, items which may be considered are the degree and extent of harm caused by the violation, the cost of rectifying the damage, the amount of money the violator saved by non-compliance, whether the violation was committed willfully and the prior record of the violator in complying with or failing to comply with this Ordinance.
- (4) The clear proceeds of civil penalties collected by the Town must be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

**Commented [LT17]:** State recommends writing down thought process behind the determination of daily penalties and amounts over 25k and send them to the DOJ. They should get a copy of the case file in case it gets to them. Or in case where it goes to collections.

- (B) Criminal Penalties.** Any Person who knowingly or willfully violates any provision of this Ordinance, or rule, regulation or order adopted or issued pursuant to this Ordinance, or who knowingly or willfully initiates or continues a land-disturbing activity for which a plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed \$5,000.00.

**Commented [LT18]:** Any person, are they personally liable, not corporate?

A person is defined in 65.03

**Commented [LT19]:** Can this be a larger amount? No.

### **(C) Stop Work Orders.**

- (1) The Erosion Control Inspector may issue a stop-work order if he finds that a land-disturbing activity is being conducted in violation of this Section or of any rule adopted or order issued pursuant to this Section, that the violation is knowing and willful, and that either:
  - (a) Off-site sedimentation has eliminated or severely degraded a use in a lake or natural watercourse or that such degradation is imminent.
  - (b) Off-site sedimentation has caused severe damage to adjacent land or that such damage is imminent.
  - (c) The land-disturbing activity is being conducted without an approved plan.
- (2) The stop-work order shall be in writing and shall state what work is to be stopped and what measures are required to abate the violation. The order shall include a statement of the findings made by the Town of Weddington pursuant to subsection (a) of this section, and shall list the conditions under which work that has been stopped by the order may be resumed. The delivery of equipment and materials which does not contribute to the violation may continue while the stop-work order is in effect. A copy of this section shall be attached to the order.
- (3) The stop-work order shall be served by the sheriff of Union County or by some other person duly authorized by law to serve process as provided by G.S. 1A-1, Rule 4, and shall be served on the person at the site of the land-disturbing activity who is in operational control of the land-disturbing activity. The sheriff or other person duly authorized by law to serve process shall post a copy of the stop-work order in a conspicuous place at the site of

the land-disturbing activity. The Town of Weddington shall also deliver a copy of the stop-work order to any person that the Town of Weddington has reason to believe may be responsible for the violation.

- (4) The directives of a stop-work order become effective upon service of the order. Thereafter, any person notified of the stop-work order who violates any of the directives set out in the order may be assessed a civil penalty as provided in Section 65.18(A). A stop-work order issued pursuant to this section may be issued for a period not to exceed five days.
- (5) The Erosion Control Inspector shall designate an employee (which may be the Erosion Control Inspector) to monitor compliance with the stop-work order. The name of the employee so designated shall be included in the stop-work order. The employee so designated, or the Erosion Control Inspector, shall rescind the stop-work order if all the violations for which the stop-work order are issued are corrected, no other violations have occurred, and all measures necessary to abate the violations have been taken. The Erosion Control Inspector shall rescind a stop-work order that is issued in error.
- (6) The issuance of a stop-work order shall be a final agency decision subject to judicial review in the same manner as an order in a contested case pursuant to Article 4 of Chapter 150B of the General Statutes. The petition for judicial review shall be filed in the superior court of the county in which the land-disturbing activity is being conducted.
- (7) As used in this section, days are computed as provided in G.S. 1A-1, Rule 6.
- (8) The Attorney for the Town of Weddington shall file a cause of action to abate the violations which resulted in the issuance of a stop-work order within two business days of the service of the stop-work order. The cause of action shall include a motion for an ex parte temporary restraining order to abate the violation and to effect necessary remedial measures. The resident superior court judge or any judge assigned to hear the motion for the temporary restraining order shall hear and determine the motion within two days of the filing of the complaint. The clerk of superior court shall accept complaints filed pursuant to this section without the payment of filing fees. Filing fees shall be paid to the clerk of superior court within 30 days of the filing of the complaint.

**Commented [LT20]:** What happens if issues aren't addressed?  
Fines will continue, and we'll need to collect or bring it to the judge for injunctive relief.

**Commented [LT21]:** Can we be reimbursed for attorney costs? If they lose their case?

#### **65.20 INJUNCTIVE RELIEF.**

- (A) Whenever the Erosion Control Inspector has reasonable cause to believe that any person is violating or threatening to violate this Ordinance or any term, condition, or provision of an approved plan, he/she may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the superior court in Union County.
- (B) Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order of judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

#### **65.21 RESTORATION OF AREAS AFFECTED BY FAILURE TO COMPLY.**

The Erosion Control Inspector may require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity as required by subsection 65.06 (C) to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this Ordinance.

#### **65.22 APPEALS.**

Procedures which constitute the appeals process, related to the following actions:

**(A) Plan Approval with Modifications or Plan Disapproval.** The appeal of an approval, approval with modifications or disapproval of a plan made by the Erosion Control Inspector with regard to this Ordinance shall be governed by the following provisions:

- (1) The order of approval, disapproval, or modification of any proposed Plan made by the Erosion Control Inspector shall entitle the Person challenging such decision to a public hearing before the Town of Weddington Board of Adjustment if such Person submits written demand for a hearing and completes the necessary forms and pays the required appeals fee within fifteen (15) days following the date the decision was filed in The Town's Zoning Administrator office or mailed to the applicant, whichever date is later. Such written request and completed forms shall be submitted to the Clerk of the Board of Adjustment or his designee. Forms shall be available at the Town of Weddington Town Hall, or as directed by the Erosion Control Inspector. A fee for such public hearing shall be in accordance with a fee schedule adopted by the Town of Weddington Town Council. No request shall be considered complete unless accompanied by such fee.
- (2) Notice of the Board of Adjustment public hearing shall be sent by first class mail to the applicant at least ten (10) days prior to the public hearing and to any person who has submitted written request to receive such notice at least ten (10) days prior to the date of the public hearing. The hearing shall be held no later than thirty (30) days after the date of receipt of said written request.
- (3) A hearing shall be conducted by the Board of Adjustment. A concurring vote per the Board of Adjustment's officially adopted by-laws will be necessary to reverse any order, requirement, decision, or determination of any official charged with the enforcement of this Ordinance, or to decide in favor of an appellant any matter upon which is required to pass or to grant variance from the provisions of this Ordinance. The Town shall keep minutes of the proceedings, showing the votes of each member upon each question and the attendance of each member at such hearings. The final disposition of the Town shall be based on findings of fact.
- (4) A party dissatisfied with the decision of the Board of Adjustment following the public hearing shall appeal such decision to the NCSCC pursuant to Title 15, Chapter 4B, Section .0018(d) of the North Carolina Administrative Code and as provided by NC GS 113A-61(c).

Commented [LT22]: Is this consistent with State Law and do we need to give more time to get the board together?

It's consistent and enough time to get public hearing notices out.

**(B) Plan Disapproval Due To Prior Violation, Unpaid Penalties, or Non-compliance.** In the event that a plan is disapproved pursuant to Subsection 65.16 (L) of this Ordinance, the Town of Weddington Inspector shall notify the Director of the Division of Land Resources of such disapproval, along with the reasons therefore, within ten (10) days after the date of the decision. The Erosion Control Inspector shall advise the applicant and the Director of the Division of Land Resources in writing as to the specific reasons that the plan was disapproved. The applicant may appeal the Erosion Control Inspector's disapproval of the plan pursuant to Subsection 65.16 (L) of this Ordinance directly to the NCSCC.

Commented [LT23]: Is this reasonable for our schedule?

Commented [LT24R23]: yes

**(C) Issuance of Notice of Violation, Penalties, or Order of Restoration.** The appeal of Issuance of Notice of Violation, Assessment of Civil Penalty, or Order of Restoration made by the Town of Weddington with regard to this Ordinance shall be governed by the following provisions:

- (1) The issuance of a notice of violation, assessment of a civil penalty, or an order of restoration by the Erosion Control Inspector shall entitle the person alleged to be in violation of the Ordinance (petitioner) to appeal within thirty days by filing a petition for a contested case with the State Office of Administrative Hearings under Article 3 of Chapter 150B.

**65.23 SEVERABILITY.** If any section or specific provision or standard of this ordinance is found by a court to be unconstitutional or invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, or standard of these regulations, except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

**65.24 EFFECTIVE DATE.** This ordinance shall become effective upon approval of the North Carolina Sedimentation Control Commission.

Adopted the \_\_\_\_ day of \_\_\_\_\_, 201\_\_

Attest:

\_\_\_\_\_  
Elizabeth Callis, Mayor

\_\_\_\_\_  
Karen Dewey, Town Clerk

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# TOWN OF WEDDINGTON

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## MEMORANDUM

**TO:** Mayor and Town Council

**FROM:** Lisa Thompson, Town Administrator/Planner

**DATE:** January 14, 2019

**SUBJECT:** Text amendment for community recreation center

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The Town Council is requested to consider a text amendment to Section 58-4 Definitions; 58-52 (2)(c.); 58-53 (2)(c.) ; 58-54 (2)(c.); and 58-58 (2)(c.) within the Weddington Zoning Ordinance regarding community recreational centers.

Every zoning district has a list of permitted and conditional uses. If it is a permitted use, the applicant submits a zoning permit and town staff reviews setbacks and use; and upon determining that it meets code, proceeds to approve the permit.

If it's a conditional use, it must go through the conditional rezoning process where the town has control to set reasonable conditions for that specific use on a specific site.

After reviewing a recent rezoning project, Planning Board and Staff suggested correcting the conflict between the listed use and the definition. For example, the definition section defines a 'community center' versus the listed use is 'community recreational center'. Also, the definition says typically non-profit, while the use is listed as both public and private.

The term community center is not used in the ordinance; therefore, Staff suggests changing the definition to read community recreational center. Also, recreation centers are typically government run or as the definition says usually owned/operated by a non-profit or public group. Staff recommends removing the word usually. Last of all, since HOA community centers are private, Staff suggests exempting them within the definition. The new definition is below (additions are in **bold** and corrections are ~~struck~~).

### *58-4 Definitions.*

*Community **recreational** center* means a building used for recreational, social, educational and cultural activities, ~~usually~~ owned and operated by a public or nonprofit group or agency, **except for this use when operated by homeowners' associations within subdivisions.**

Next staff suggests striking 'both public and private' from the conditional use list within the R-80, R-60, R-40 and RCD zoning districts. The term needs to match the definition.

Sec. 58-52. – R-80; Sec. 58-53 - R-60, Sec. 58-54 - R40 and Sec. 58-58 – RCD shall read as follows:

(2) *Conditional uses.*

- c. Golf courses, parks, playgrounds and community recreational centers.  
~~(both public and private).~~

The Planning Board reviewed the text amendment on December 17, 2018. They questioned if the Town could require a non-profit be a 501(c)3. They recommended approval and recommended requiring the non-profit be a 501(c)3 after review by the town attorney.

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Staff recommends calling for a public hearing to be held February 11, 2019 at 7:00 Pm at Weddington Town Hall to consider a text amendment to Section 58-4 Definitions; 58-52 (2)(c.); 58-53 (2)(c.) ; 58-54 (2)(c.); and 58-58 (2)(c.) regarding community recreational centers.



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**TOWN OF  
W E D D I N G T O N**

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**MEMORANDUM**

**TO:** Mayor and Town Council

**FROM:** Lisa Thompson, Town Administrator/Planner

**DATE:** January 14, 2019

**SUBJECT:** Bond Reductions – Harlow’s Crossing

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MI Homes is requesting a performance bond reduction for Harlow’s Crossing Phase 1, Map 1 from \$1,672,530.81 to \$210,400.63 and Phase 1, Map 2 from \$1,403,830.19 to \$333,837.50. The stamped cost estimates of items remaining, an inspection letter verifying the satisfactory completion of construction items from LaBella, along with a NCDOT built-to-suit letter and UCPW letter of acceptance is attached.

Staff recommends approval of bond reductions for bond numbers SUR0035949 and 60125412 for Phase 1 Maps 1 and 2 of the Harlow’s Crossing Subdivision.

December 20, 2018

Ms. Lisa Thompson, Zoning Administrator/Town Planner  
Town of Weddington  
1924 Weddington Road  
Weddington, NC 28104

SUBJECT: Harlows Crossing Phase 1, Map 1  
Roadway and Utilities Performance Bond Reduction  
USI Project No. 170203-11

Dear Lisa:

LaBella conducted a field inspection to verify the satisfactory completion of construction activities as shown in the performance bond estimate dated November 21, 2018 (see Attachment 1). Our inspection confirmed installation of roadway base, storm drainage, and first layer of asphalt. An as-built survey drawing of the storm drainage system has been submitted to the Town. NCDOT has inspected these streets and approved of the construction to date (Attachment 2). The utilities have been accepted by Union County Public Works (Attachment 3).

Items that remain to be completed are final layer of asphalt, some sidewalk, and conversion of the sediment pond to permanent detention pond. The quantities shown on the Engineer's estimate for these items are satisfactory to complete the remaining work. Therefore, the current performance bond may be reduced to the amount of \$210,400.63 as shown on the estimate.

If you have any questions, please contact us at 704-342-3007.

Sincerely,

**LaBella Associates, P.C.**



Bonnie A. Fisher, P.E.  
Project Manager

Attachments

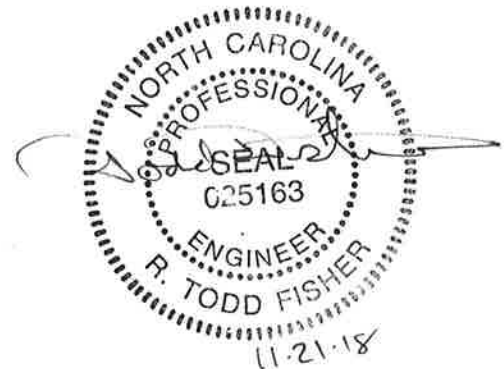
**BOND REDUCTION ESTIMATE**Harlows Crossing  
November 21, 2018

Phase 1 Map 1

Construction Item	Quantity	Unit	Unit Price	Estimated Cost
1.5" S9.5B Asphalt Surface Course	6,485	SY	\$8.50	\$55,122.50
Asphalt Tack Coat	6,485	SY	\$0.80	\$5,188.00
Concrete Sidewalk	945	SY	\$50.00	\$47,250.00
ADA Ramps	2	EA	\$380.00	\$760.00
<b>Total Street Infrastructure</b>				<b>\$108,320.50</b>

Detention Pond Conversion	1	EA	\$60,000.00	\$60,000.00
<b>Total Storm Drainage Infrastructure</b>				<b>\$60,000.00</b>

Project Subtotal =	\$168,320.50
25% Contingency =	\$42,080.13
<b>Project Total =</b>	<b>\$210,400.63</b>





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

JAMES H. TROGDON, III  
SECRETARY

February 8, 2018

Mr. Lee Jenson  
Union County Planning Department  
P.O. Box 1398  
Monroe, NC 28111-1398

SUBJECT: Inspection of Subdivision Roads- Carrington Subdivision Phase 1 & 2

This letter is to advise you that this office has made inspections of the road(s) in Phases 1 & 2 of the subject subdivision. These roads appear to be constructed in accordance with NCDOT standards with regards to subgrade, stone base, curb and gutter, and the 1<sup>st</sup> lift of asphalt pavement. At this time, the final lift of asphalt has not been placed and seeding and mulching has not been completed.

If you have any questions, please contact me at the number below.

Sincerely yours,

A handwritten signature in black ink that reads "Mac Outen".

Mac Outen  
Engineering Technician  
704-218-5107

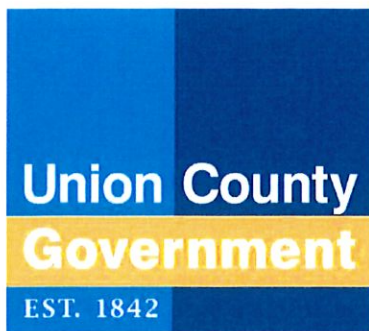
ATTACHMENT 2

*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
130 S. SUTHERLAND AVENUE  
MONROE, NC 28112

*Telephone:* (704) 218-5100  
*Fax:* (704) 292-1800  
*Customer Service:* 1-877-368-4968

*Website:* [www.ncdot.gov](http://www.ncdot.gov)

*Location:*  
130 S. SUTHERLAND AVENUE  
MONROE, NC 28112



**Public Works/ Engineering**

500 N. Main Street  
Suite #500  
Monroe, NC 28112

T. 704-296-4210

[www.unioncountync.gov](http://www.unioncountync.gov)

June 6, 2018

MI Homes of Charlotte, LLC  
Attn: John Brunner  
5350 Seventy- Seven Center Drive, Suite 130  
Charlotte, NC 28217

**RE: Letter of Final Acceptance for the Development: Carrington  
Lots 1-35; 65-71**

Mr. Brunner,

This Letter of Final Acceptance pertains to the Development Phase referenced above. If you have requested that UCPW accept less than the entire Development Phase Project, such reduced portion of the Development Phase Project for which acceptance is given is identified on Exhibit A, attached and incorporated herein by reference. That part of the Development Phase Project for which acceptance is given, whether the entire Development Phase Project or only such portion as identified on Exhibit A, shall be referred to in this letter as the "Accepted Portion of the Development Phase Project." Article 5 of the Union County Water and Sewer Extension Ordinance (the "Ordinance") is enclosed for your convenience. Capitalized terms in this letter shall have the meanings set forth in the Ordinance, unless otherwise clearly required by the context.

UCPW has determined that all conditions imposed pursuant to Section 5.1 of the Ordinance for the Accepted Portion of the Development Phase Project have been satisfied. As to the Accepted Portion of the Development Phase Project, UCPW will release authorization to set water meters in accordance with the provisions in Section 5.2 of the Ordinance. The date of this letter will begin the warranty required pursuant to Section 5.5 of the Ordinance. You are requested to contact UCPW three months prior to expiration of the applicable warranty in order that a warranty inspection may be conducted in accordance with Section 5.6 of the Ordinance.



Please contact UCPW should you have any questions.

Sincerely,



Crystal Panico, PE  
New Development Program Manager

Cc: James Donahoe- ColeJenest & Stone  
Ashley Terrell- Union County  
Robert Friend- Union County  
Lisa Thompson- Town of Weddington

COP/lkm



December 20, 2018

Ms. Lisa Thompson, Zoning Administrator/Town Planner  
Town of Weddington  
1924 Weddington Road  
Weddington, NC 28104

SUBJECT: Harlows Crossing Phase 1, Map 2  
Roadway and Utilities Performance Bond Reduction  
USI Project No. 170203-11

Dear Lisa:

LaBella conducted a field inspection to verify the satisfactory completion of construction activities as shown in the performance bond estimate dated November 21, 2018 (see Attachment 1). Our inspection confirmed installation of roadway base, storm drainage, and first layer of asphalt. An as-built survey drawing of the storm drainage system has been submitted to the Town. NCDOT has inspected these streets and approved of the construction to date (Attachment 2). The utilities have been accepted by Union County Public Works (Attachment 3).

Items that remain to be completed are final layer of asphalt, some sidewalk, and conversion of the sediment pond to permanent detention pond. The quantities shown on the Engineer's estimate for these items are satisfactory to complete the remaining work. Therefore, the current performance bond may be reduced to the amount of \$333,837.50 as shown on the estimate.

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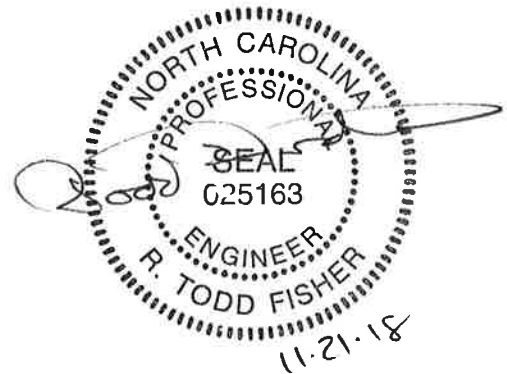
**BOND REDUCTION ESTIMATE**Harlows Crossing  
November 21, 2018

Phase 1 Map 2

Construction Item	Quantity	Unit	Unit Price	Estimated Cost
1.5" S9.5B Asphalt Surface Course	7,800	SY	\$8.50	\$66,300.00
Asphalt Tack Coat	7,800	SY	\$0.80	\$6,240.00
Concrete Sidewalk	1,345	SY	\$50.00	\$67,250.00
ADA Ramps	6	EA	\$380.00	\$2,280.00
Mailbox Kiosk	1	EA	\$5,000.00	\$5,000.00
<b>Total Street Infrastructure</b>				<b>\$147,070.00</b>

Detention Pond Conversion	2	EA	\$60,000.00	\$120,000.00
<b>Total Storm Drainage Infrastructure</b>				<b>\$120,000.00</b>

Project Subtotal =	\$267,070.00
25% Contingency =	\$66,767.50
<b>Project Total =</b>	<b>\$333,837.50</b>







STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

JAMES H. TROGDON, III  
SECRETARY

February 8, 2018

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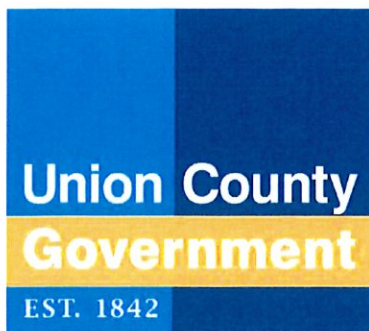
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Crystal Panico, PE  
New Development Program Manager

Cc: James Donahoe- ColeJenest & Stone  
Ashley Terrell- Union County  
Robert Friend- Union County  
Lisa Thompson- Town of Weddington

COP/lkm



**TOWN OF WEDDINGTON  
REGULAR TOWN COUNCIL MEETING  
MONDAY, DECEMBER 10, 2018 – 7:00 P.M.  
WEDDINGTON TOWN HALL  
MINUTES  
Page 1 of 4**

Prayer – Tom Short, GraceLife International

**1. Open the Meeting**

Mayor Callis opened the meeting at 7:04 p.m.

**2. Pledge of Allegiance**

Mayor Callis led the Pledge of Allegiance.

**3. Determination of Quorum**

Quorum was determined with all Councilmembers present: Mayor Elizabeth Callis, Mayor Pro Tem Janice Propst, Councilmembers Jeff Perryman, Mike Smith, and Scott Buzzard.

Staff present: Town Administrator/Planner Lisa Thompson, Finance Officer Leslie Gaylord, Town Clerk Karen Dewey

Visitors: Bjorn Hansen, Walt Hogan, Tami Hechtel, Bill Deter, Rob Dow, Brian O’Connell, Alix Pavlic Phillips, Anne Marie Smith, Barbara Harrison, Pat Harrison, Brad Prillaman

**4. Additions, Deletions and/or Adoption of the Agenda**

Staff requested to remove Item 6 from the agenda as Deputy Dodd is sick this evening and to move Item 9C in the Consent agenda to Item 11 as Old Business and it should read Review of Land Use Plan Revisions through Section 1.

***Motion:*** Councilmember Perryman made a motion to adopt the agenda as amended.

***Vote:*** The motion passed with a unanimous vote.

**5. Special Recognition for Planning Board Chairman Rob Dow**

Mayor Callis recognized Planning Board Chairman Rob Dow for his more than 20 years of service to the Town of Weddington. Planning Board Members Walt Hogan and Brad Prillaman thanked Mr. Dow for his service and guidance on the role of the Planning Board. Former Mayor Bill Deter spoke of Mr. Dow’s service and dedication and thanked him for his years of service. The Councilmembers all thanked Mr. Dow for his commitment and years of service.

**\*\* ~~6. Public Safety Presentation from Deputy Dodd~~**

**7. Proclamation 2018-04 Weddington School Choice Week January 20-26, 2019**

Mayor Callis requested Council to review Proclamation 2018-04 for consideration of participation in January.

**8. Public Comments**

## **9. Consent Agenda**

**A. Adoption of the 2019 Town Council Meeting Schedule**

**B. Adoption of the 2019 Town Hall Holiday Schedule**

**\*\* C. ~~Consent to Land Use Plan Revisions through Section 1~~**

**D. Approve a change to the Personnel Handbook from 10 to 12 days of sick time.**

**E. Reaffirm - 2013 Land Use Plan**

**F. Disposal of Property**

**Motion:** Mayor Pro Tem Propst made a motion to adopt the Consent Agenda as amended.

**Vote:** The motion passed with a unanimous vote.

## **10. Approval of Minutes**

**A. November 13, 2018 Regular Town Council Meeting Minutes**

**Motion:** Councilmember Smith made a motion to approve the November 13, 2018 Regular Town Council Meeting Minutes as presented.

**Vote:** The motion passed with a unanimous vote.

## **11. Old Business**

**\*\* A. Review Land Use Plan Revisions through Section 1**

Mayor Callis asked Council to review the revisions of Section 1 and give any feedback to Ms. Thompson.

## **12. New Business**

**A. Union County critical intersection update – Bjorn Hansen**

Mr. Hansen made a presentation on the county critical intersection analysis. The County would like to update the original analysis where most of the intersections have been completed or funded. The County is assuming the cost to update the plan is around \$125,000. They will first attempt to get CRTPO funds, if not the County will pay 1/2 and the remaining costs would be shared between municipalities. He'd like to present this information as we go into budget season. The Town of Weddington's share would be \$10,000.00.

Councilmember Buzzard asked about the projects on the current list that are not in the process of being considered for funding being automatically added to the next list of projects. Mr. Hansen answered that if those have been through a few cycles and not been chosen, those intersections may not be considered viable projects.

Bjorn requested that the Council consider the proposal and let him know if the town is interested by early spring.

**B. Discussion and Consideration of Appointment to the Planning Board, Board of Adjustment, and Historic Preservation Commission**

Mayor Callis made a motion for Council to appoint Tami Hechtel and reappoint Jim Vivian to the Planning Board for 4-year terms to expire in December 2022.

**Vote:** The motion passed with a unanimous vote.

### **13. Update from Town Planner**

Ms. Thompson stated that she had a pre-application meeting with Classica Homes for the property at the corner of Hemby Road and Providence Road. They are applying for an RCD subdivision and the applicant has worked with Randall Arendt in the past. Ms. Thompson has also applied for a comprehensive pedestrian planning grant for \$30,000. She received a resolution of support from CRTPO. The Town will be required to make a 20% match.

### **14. Code Enforcement Report** *(hereby submitted for the record)*

Sam has been in contact with the property owner at Gatewood Lane. They have until the end of month to move a RV from the street. A violation on Michelle Drive received a courtesy letter. They have until the end of month to clean up the yard. And a property on Beulah Church Road had several cars in the front and side yards. All cars in violation have been moved but one.

### **15. Update from Finance Officer and Tax Collector**

Auditors submitted the audited financial statements to the Local Government Commission and has passed the first round of review. The audit will probably be presented to Council in January or February.

### **16. Transportation Report**

Mayor Callis stated that there was a follow up meeting with some residents and NCDOT along the Providence Road corridor. They had expressed some concerns after the Public Involvement Meeting. It was a productive meeting and gave the residents an opportunity to air their concerns with the DOT in a more intimate setting.

### **17. Council Comments**

Councilmember Buzzard: I want to thank Rob again for his years of service to the Town. I think we don't realize because he's kind of unassuming, all that he has provided for the Town and kept us out of. I want to thank everybody for being here once again. I hope everybody made it through the winter storm fine. We lost power for a little while. Looking forward to a good Christmas and hope everyone else is too.

Mayor Pro Tem Propst: Thanks again – Thank you Rob. It is a commitment-twenty years is a big commitment. And we do value what you brought to the Town. Thank you so much for the years of service. I also want to thank all the people who participated the interview process and the people that participated in sending in their applications for the Planning Board position. We had a lot of great applicants and I really want to thank all those people. And those who didn't make it, I hope they reapply for next year. I want to thank everybody that is here, it was a quick night, but I do hope you all have a very safe and happy Christmas season with family and friends. Thank you for coming out.

Councilmember Smith: I guess I'll third the thanks to Rob. I attend many Planning Board meetings and the care in which you conducted those meetings and looked after this town is quite admirable. Your thoughtfulness into the whole process was essential to moving this Town forward in the manner which it needed to be done and I think it was done very well. And I just wanted to thank you again Rob. Job well done. Thanks everybody for coming out. Bjorn, thank you for coming out and enlightening us with your presentation, I got a lot out of that. Thank you. I just want to say a prayer for Sheriff Cathey and his family on the loss of his wife. Very tragic,

especially around this time of year. I hope that all of you have a Merry Christmas. Thank you for coming out.

Councilmember Perryman: I'll start off by saying thank you to everybody for being here tonight, it's always good to see folks here that want to participate and listen and be part of the Town. And in that same vein, Rob, thank you for your years of service. Again, I'll echo that when I was on the Planning Board, I learned a great deal from you and Dorine and I do appreciate those years and the dedication you have to this Town. It's very evident and the people in this room know that. Thank you so much for that. I also want to say a quick thanks to Town Staff for this year. We've gone through a great many things and we have some of exciting things coming up, especially the Town project, the park. I will ask everybody in this room to ask neighbors and friends to go on the web page and take a look at it because we are looking for public input on that before we start making decisions on the phases and what we are doing. I echo to everybody who put in an application for the Planning Board: Thank you. Congrats Tami for getting on, and to Jim for the reappointment. As I told them when I was speaking to them during the interviews. I wish we had more people in Town that are willing to serve and are willing to want to put their hand up and say, "I want to be a part of this and learn what is going on". With that, Merry Christmas to everybody and I hope the holidays go well.

Mayor Callis: There's not a whole lot left for me to say. Thank you to our Planning Board applicants. It's fantastic to know that there are that many people who care for the Town and we appreciate that, and we appreciate all the folks that are here tonight. We keep Sheriff Cathey in our hearts and our prayers. And we pray for a safe and happy holiday for us all.

## 18. Adjournment

**Motion:** Councilmember Smith made a motion to adjourn the December 10, 2018 Regular Town Council Meeting at 7:38 p.m.

**Vote:** The motion passed with a unanimous vote.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Elizabeth Callis, Mayor

\_\_\_\_\_  
Karen Dewey, Town Clerk

## II. COMMUNITY VISION

Weddington has the distinct atmosphere of a small town and a quality of life that provides its citizens with a sense of place that is lacking-different in other parts of the region. The natural environment and community structure that characterize Weddington, along with its land use regulations, have been major factors in shaping the growth of the town and making it a desirable place to live.

Local leaders are aware of the fact that the Town cannot prohibit new growth from occurring. Thus, a primary community goal is to maintain the Town's rural character as new growth occurs. New growth must occur within a framework that is in keeping with the existing rural community character and that avoids negative social, economic and environmental effects on the town.

Growth in Weddington is inevitable. The majority of residents are happy with the Town's existing low-density single-family developments. Few support a "growth at any cost" policy. This document evaluates the amount of growth likely to occur and makes recommendations concerning the location and relationship of the land uses in order to establish and maintain a healthy relationship between the developing community and the environment.

### A. PUBLIC PARTICIPATION

In developing a plan, the most important item in assuring that the community has ownership in the product is public participation. A public participation process identifies a community's shared preferences, can serve as a means to refine goals and objectives, and can ensure that Plan implementation measures address these objectives. However, reaching public consensus is often an intensive, time-consuming and sometimes controversial process. There are important benefits to active citizen involvement in the planning process, such as educating the public about local government actions, generating fresh ideas about old problems, and improving the community climate of trust and teamwork. A citizenry that is given the opportunity to participate does not feel excluded, even if it doesn't take an active role. Most important of all, effective citizen participation, no matter how time-consuming, saves time and builds support for community goals.

The Town of Weddington has taken a number of steps to make public input a meaningful part of the planning process in developing this Plan. The Town undertook a land use survey that addressed a number of key issues facing the Town. In addition, the Town has



conducted public workshops and meetings to receive input and to inform the public about the planning process and Plan goals, objectives, and possible implementation measures.

#### **B. COMMUNITY SURVEY**

The Town conducted a citizens' survey, in the spring of 2018 to gauge public opinion on future land uses and community vision. The survey questionnaire and results are found in **Appendix B**. The online survey access information was mailed to owners of all parcels within the Town and paper copies were made available upon request. Survey results were used to identify key community issues. Approximately 31% of households completed the survey.

#### **C. COMMUNITY SNAPSHOT**

The citizens of Weddington are very satisfied with the community, the Town's land development pattern, and the quality of life they enjoy. Many people who have moved to Weddington did so to take advantage of the quality of life that the Town provides. When driving into Weddington from neighboring communities, one notices a distinctly different land use pattern upon entering the Town. As compared with ~~these other~~ communities, the Town has been quite successful in maintaining a low-density residential character that sets it apart from many of its neighbors.

The Plan contains many individual goals, policies, and implementation recommendations. Together, these detailed statements provide guidance in achieving the Town's vision of its future. Some of these goals reflect long-standing Town policies. Others identify new directions and actions that are designed to maintain the Town's high quality of life. Recognition and discussion of the key issues formed the basis for the Town's development of community vision priorities. The following themes emerged from the public participation process, and provide key policy direction for developing the goals and objectives of the Plan, ~~and are reflected throughout the Plan:~~

#### **D. PLAN FOR APPROPRIATE AND COMPATIBLE LAND USES:**

➤ Plan for predominantly single-family development. Single-family subdivisions are the preferred land use type; residents continue to show limited to no interest in having ~~additional other types of~~ development in the Town. The Town has also approved Conservation Subdivisions which maintain a 1-acre density with smaller lots and preserve 50% of the development as conservation area allow for smaller lots but also require 50% conservation lands. The conservation land cannot be ~~redeveloped. This results in a density neutral development where the overall density remains one unit per acre.~~

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➤ Monitor development patterns in the Town and surrounding areas. ~~due to resident~~ There is some concern about the amount and rate of growth ~~happening in the area, that has been occurring.~~ The Town grew at a rapid rate in the 2000's, ~~and many farm fields and forested areas were converted into building lots.~~ Knowing the town cannot slow or stop development ~~growth, it continues to the town should make a shift in how it frames the issue, like continuing to get input from the community, along with professionals' expertise, which will help manage that growth. e.g. what else would the town like to see in our community, what are optimal ratios for certain kinds of development and over what period of time.~~

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➤ Maintain land use regulations that protect and maintain the Town's open space, unique character and overall quality of life.

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#### **E. COORDINATE THE PROVISION OF ADEQUATE PUBLIC SERVICES:**

Commented [t3]: STOPPED HERE ON 9/24/2018

➤ Continue to coordinate with other jurisdictions that plan, fund, construct, and maintain a regional network of ~~arterial and collector~~ streets. There are a number of critical road improvements scheduled in the Weddington vicinity over the next few years, ~~the most important being the construction of the Rea Road Extension (known as the re-alignment of NC 84) coming south from Mecklenburg County and linking into Marvin Weddington Road. This road is eventually planned to link into NC 84 between Cox Road and Twelve Mile Creek Road. That portion of the construction project between NC 16 and NC 84 is included on the local Thoroughfare Plan and LARTP. Changes in alignments, intersections, or improvement schedules may affect land use planning and development in Weddington. The recent completion of the widening of NC 16 has resulted in increased development pressures along NC 16 throughout Weddington. In 2009, the Town of Weddington partnered with the Village of Marvin, Town of Waxhaw and Village of Wesley Chapel to develop a Western Union County Transportation Plan. The municipalities enlisted the assistance of Centralina COG and Transportation Planners, Martin/Alexiou/Bryson to create this multi-jurisdictional plan. Staff Note: there is a large section on transportation in another Chapter – removed unnecessary statement about Rea Rd Ext. here~~

Commented [KD4]: Unnecessary

Commented [p5]: BH adopted by NCDOT and a part of their overall plan?

➤ Continue to coordinate development approvals with the availability of adequate water and wastewater facilities. Ensure that well and septic are limited to those areas where

centralized services are not practical and the well and septic are adequate to meet the long-term needs of the development.

#### **F. MANAGE NATURAL RESOURCES:**

➤ —Use land use planning to protect wetlands, floodplains, aquifers and wellhead protection areas.

➤ Continue to dDevelop strategies ~~and regulations~~ for protecting open spaces to maintain the character of the Town. ~~There is some concern that the amount and rate of growth that has been occurring will eliminate all of the open spaces that are an essential component of the Town's character.~~

➤ Maintain standards for development on steep slopes to reduce environmental impacts and hazards to residents. Preferred ~~D~~developments are ~~preferred which are~~ built in concert with and ~~which~~ take advantage of their natural environmental features and attributes.

➤ Attempt to Ddevelop open space networks with the potential to connect conservation land, greenways, and multi-use paths

## **CHAPTER 15: Article III**

### **PANHANDLING, BEGGING, SOLICITATION AND CANVASSING**

#### Section

15-91 Purpose

15-92 Definitions

15-93 Panhandling and begging

15-94 Solicitation

15-95 Canvassing

15-96 Enforcement

#### **§ 15-91 PURPOSE.**

The purpose of this chapter is to protect the public against criminal activity, including fraud and burglary, minimize the unwelcome disturbance of citizens and the disturbance of privacy and to preserve the public health, safety and welfare by regulating and controlling solicitors, peddlers and canvassers.

#### **§ 15-92 DEFINITIONS.**

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AFTER DARK.** From one-half hour after sunset until one-half hour before sunrise. The times of sunset and sunrise will be established by the times listed in The Charlotte Observer or another publication of similar distribution.

**ACCOSTING.** Approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his or her person, or property in his or her immediate possession.

**BEG.** To ask for money or goods as a charity, whether by words, bodily gestures, signs, or other means.

**CANVASSING.** The act of going upon property or approaching people to discuss or explain issues which include religious proselytizing, exercising an individual's freedom of speech or campaigning for political votes, that does not include the request for contributions or donations or the sale of goods or products.

**PANHANDLE.** To ask for money or goods as a charity, whether by words, bodily gestures, signs, or other means in a public place.

**PERSON.** Any individual, firm, partnership, corporation, company, religious sect or denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

**PRIVATE PROPERTY.** A legal designation of the ownership of property by non-governmental legal entities. Private property is distinguishable from public property, which is owned by a state entity; and collective property, which is owned by a group of non-governmental entities.

**SOLICITOR/SOLICITATION.** Any person or organization who travels from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance, and any person who uses or occupies any building or premises for the sole purpose of taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance.

**TOWN.** The Town of Weddington, North Carolina.

(Ord. OR-2016-10-01, passed 12-13-2016)

#### **§ 15-93 PANHANDLING AND BEGGING.**

*Prohibited acts.* It shall be unlawful for any person to panhandle or beg:

- (A) On a public sidewalk, public right-of-way or within a public park owned by the town;
- (B) By accosting another, or by forcing oneself upon the company of another;
- (C) Within 20 feet of the entrance of any financial institution or any automated teller machine, regardless of whether or not such automated teller machine is located at or near a financial institution;
- (D) Within 20 feet of any outdoor dining area or outdoor merchandise area, provided such areas are in active use at the time;
- (E) While the person being solicited is standing in line waiting to be admitted to a commercial establishment;
- (F) By touching the person being solicited without the person's consent; or
- (G) After dark by means of verbal communication.

(Ord. OR-2016-10-01, passed 12-13-2016)

#### **§ 15-94 SOLICITATION.**

(A) *Prohibited acts.* It shall be unlawful for any person to solicit:

- (1) On private property where "No Soliciting" or "No Trespassing" signs are posted.

(B) *Exceptions.* The following individuals and activities are exempted from the provisions of this chapter:

(1) Children under the age of 18 years who are students in a public or private school, and who conduct door-to-door solicitations for donations for school activities.

#### **§ 15-95 CANVASSING.**

(A) *Prohibited acts.* It shall be unlawful for any person to canvass:

- (1) On private property where "No Soliciting" or "No Trespassing" signs are posted;
- (2) On a public sidewalk, public right-of-way or within a public park owned by the town;
- (3) By accosting another, or by forcing oneself upon the company of another;
- (4) Within 20 feet of the entrance of any financial institution or any automated teller machine, regardless of whether or not such automated teller machine is located at or near a financial institution;
- (5) Within 20 feet of any outdoor dining area or outdoor merchandise area, provided such areas are in active use at the time;
- (6) While the person being solicited is standing in line waiting to be admitted to a commercial establishment;
- (7) By touching the person being solicited without the person's consent; or
- (8) After dark by means of verbal communication.

(B) *Exceptions.* Organizations with 501(c)(3) tax status, including but not limited to the Boy Scouts of America, Girl Scouts of America, recognized organized religious organizations and political persons, shall be exempted.

#### **§ 15-96 ENFORCEMENT.**

This chapter may be enforced by any of the following ways as provided by law. A violation of this chapter shall subject the violator to issuance of a citation as defined in § 1-8 of the Town of Weddington Code of Ordinances.

## **WEDDINGTON CODE ENFORCEMENT REPORT**

**December, 2018**

- 1. 4005 Ambassador Ct., Inez B. McRae Trust**
  - **12/31/17—Deterioration continues, building still vacant and closed.**
  - **12/31/18—Deterioration continues, building vacant and closed.**
  
- 2. 3824 Beulah Church Rd.**
  - **Trash and debris in back yard around trash containers and utility building. Courtesy letter has been sent to owner.**
  - **7/31/18---Monitoring.**
  - **8/31/18---Going back out on this one.**
  - **9/30/18---Citation & Notice of Violation issued 9/10/18 with fines starting 9/25/18 if violation not corrected.**
  - **12/31/18—Violation not corrected. Legal action may be necessary on this one.**
  
- 3. 501 Devonport Dr.**
  - **Inspection—vehicles parked on driveway at garage. Did not see any violation issues.**
  - **6/30/18---Monitoring.**
  - **10/31/18—No response to courtesy letter sent in June.**
  - **12/31/18—Complaints continue. Due to heavily wooded condition, unable to verify any problem/violation.**
  
- 4. 8319 Lake Providence Dr.**
  - **Courtesy letter to owner to discontinue pool and spa business from this address.**
  - **8/31/18---Monitoring.**
  - **09/30/18---Monitoring.**
  - **11/30/18---Monitoring.**
  - **12/31/18—Case closed.**
  
- 5. 150 Amanda Dr.**
  - **Notice of Violation issued ordering discontinuance of grading business from this location**
  - **8/31/18---Monitoring.**
  - **9/30/18---Monitoring.**
  - **10/31/19—Monitoring**
  - **11/30/18---Monitoring.**
  - **12/31/18—Attorney/Staff Lead**
  
- 6. 2317 Huntington Dr.**
  - **9/28/18---Courtesy letter issued to owner requesting property be mowed.**

- 10/31/18—No response to courtesy letter requesting owner to mow. Notice of Violation and Citation issued 11/13/18
- 11/30/18---No response. Violation still not corrected.
- 12/31/18—Will start process to have this one mowed when weather/growing season begins in spring.

**7. 3009 Michelle Dr.**

- Courtesy letter issued to owner on 11/29/18. Yard to be cleaned by 12/30/18
- 12/31/18—Violation continues. Citation and Notice of Violation to be issued.

**8. 416 Gatewood Ln.**

- Motor home/camper parked in street right of way at this address. Owner has requested until 12/31/19 to move it from street.
- 12/31/18—Violation continues. Motor home to be towed by Town.

**9. 3708 Beulah Church Rd.**

- Owner still has one vehicle to move from this property.
- 12/31/18—Violation continues. Citation and Notice of Violation to be re-issued.



TOWN OF WEDDINGTON  
BALANCE SHEET

Agenda Item 14

FY 2018-2019

PERIOD ENDING: 12/31/2018

10 GENERAL FUND

ASSETS

ASSETS

10-1120-000	TRINITY CHECKING ACCOUNT	1,688,871.06
10-1120-001	TRINITY MONEY MARKET	1,119,827.49
10-1170-000	NC CASH MGMT TRUST	539,957.23
10-1205-000	A/R OTHER	-4.95
10-1211-001	A/R PROPERTY TAX	173,125.94
10-1212-001	A/R PROPERTY TAX - 1ST YEAR PRIOR	8,282.10
10-1212-002	A/R PROPERTY TAX - NEXT 8 PRIOR YRS	13,170.88
10-1232-000	SALES TAX RECEIVABLE	2,703.09
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	114,681.60
10-1610-004	FIXED ASSETS - INFRASTRUCTURE	26,851.01
TOTAL ASSETS		<u>6,054,316.64</u>

LIABILITIES & EQUITY

LIABILITIES

10-2120-000	BOND DEPOSIT PAYABLE	75,002.25
10-2155-000	HEALTH INSURANCE PAYABLE	-2,714.50
10-2156-000	LIFE INSURANCE PAYABLE	-32.20
10-2605-000	DEFERRED REVENUES-CONV CHARGE	-4.95
10-2620-000	DEFERRED REVENUE - DELQ TAXES	8,282.10
10-2625-000	DEFERRED REVENUE - CURR YR TAX	173,125.94
10-2630-000	DEFERRED REVENUE-NEXT 8	13,170.88
TOTAL LIABILITIES		<u>266,829.52</u>

EQUITY

10-2620-001	FUND BALANCE - UNASSIGNED	2,199,653.14
10-2620-003	FUND BALANCE-ASSIGNED	249,500.00
10-2620-004	FUND BALANCE-INVEST IN FIXED ASSETS	2,508,386.00
10-2620-005	CURRENT YEAR EQUITY YTD	295,833.69
CURRENT FUND BALANCE - YTD NET REV		534,114.29
TOTAL EQUITY		<u>5,787,487.12</u>

TOWN OF WEDDINGTON  
BALANCE SHEET

FY 2018-2019

PERIOD ENDING: 12/31/2018

10

TOTAL LIABILITIES & FUND EQUITY	<u>6,054,316.64</u>
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## REVENUE &amp; EXPENDITURE STATEMENT BY DEPARTMENT

FY 2018-2019

12/01/2018 TO 12/31/2018

	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BUDGETED</u>	<u>% BUDGET REM</u>
REVENUE:				
10-3101-110 AD VALOREM TAX -	242,273.50	937,167.50	1,065,000.00	12
10-3102-110 AD VALOREM TAX - 1ST	0.00	1,140.53	3,000.00	62
10-3103-110 AD VALOREM TAX - NEXT 8	0.00	844.01	1,000.00	16
10-3110-121 AD VALOREM TAX -	0.00	36,815.47	92,500.00	60
10-3115-180 TAX INTEREST	12.50	411.19	2,250.00	82
10-3231-220 LOCAL OPTION SALES TAX	38,134.35	129,748.65	335,000.00	61
10-3322-220 BEER & WINE TAX	0.00	0.00	45,000.00	100
10-3324-220 UTILITY FRANCHISE TAX	126,508.19	230,088.56	460,000.00	50
10-3340-400 ZONING & PERMIT FEES	2,595.00	23,620.00	35,000.00	33
10-3350-400 SUBDIVISION FEES	9,625.00	14,075.00	20,000.00	30
10-3830-891 MISCELLANEOUS REVENUES	400.00	1,012.00	1,000.00	-1
10-3831-491 INVESTMENT INCOME	13.10	13.10	7,500.00	100
TOTAL REVENUE	419,561.64	1,374,936.01	2,067,250.00	33
AFTER TRANSFERS	419,561.64	1,374,936.01	2,067,250.00	
<b>4110 GENERAL GOVERNMENT</b>				
EXPENDITURE:				
10-4110-126 FIRE DEPT SUBSIDIES	61,946.34	371,678.04	747,860.00	50
10-4110-127 FIRE DEPARTMENT	0.00	15,481.00	25,000.00	38
10-4110-128 POLICE PROTECTION	0.00	144,298.80	288,600.00	50
10-4110-192 ATTORNEY FEES - GENERAL	5,000.00	25,000.00	60,000.00	58
10-4110-193 ATTORNEY FEES -	0.00	-2,999.30	25,000.00	112
10-4110-195 ELECTION EXPENSE	0.00	0.00	3,500.00	100
10-4110-340 PUBLICATIONS	650.00	800.00	12,000.00	93
10-4110-342 HOLIDAY/TREE LIGHTING	1,920.07	2,964.80	7,500.00	60
10-4110-343 SPRING EVENT	0.00	0.00	4,500.00	100
10-4110-344 OTHER COMMUNITY EVENTS	5.96	833.71	600.00	-39
10-4110-495 COMMITTEE & OUTSIDE	0.00	0.00	10,500.00	100
TOTAL EXPENDITURE	69,522.37	558,057.05	1,185,060.00	53
BEFORE TRANSFERS	-69,522.37	-558,057.05	-1,185,060.00	
AFTER TRANSFERS	-69,522.37	-558,057.05	-1,185,060.00	
<b>4120 ADMINISTRATIVE</b>				
EXPENDITURE:				
10-4120-121 SALARIES - CLERK	1,784.48	11,829.33	23,000.00	49
10-4120-123 SALARIES - TAX COLLECTOR	3,726.00	22,798.15	50,000.00	54
10-4120-124 SALARIES - FINANCE OFFICER	323.84	3,685.32	13,310.00	72
10-4120-125 SALARIES - MAYOR &	2,100.00	12,600.00	25,200.00	50
10-4120-181 FICA EXPENSE	606.88	3,894.34	8,750.00	55
10-4120-182 EMPLOYEE RETIREMENT	785.85	4,770.28	8,500.00	44
10-4120-183 EMPLOYEE INSURANCE	1,069.50	6,417.00	12,750.00	50

**TOWN OF WEDDINGTON**  
**REVENUE & EXPENDITURE STATEMENT BY DEPARTMENT**

FY 2018-2019

12/01/2018 TO 12/31/2018

	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BUDGETED</u>	<u>% BUDGET REM</u>
10-4120-184 EMPLOYEE LIFE INSURANCE	12.60	75.60	175.00	57
10-4120-185 EMPLOYEE S-T DISABILITY	12.00	72.00	175.00	59
10-4120-191 AUDIT FEES	0.00	0.00	8,750.00	100
10-4120-193 CONTRACT LABOR	2,989.20	2,989.20	7,000.00	57
10-4120-200 OFFICE SUPPLIES - ADMIN	273.60	2,461.94	10,000.00	75
10-4120-210 PLANNING CONFERENCE	0.00	0.00	500.00	100
10-4120-321 TELEPHONE - ADMIN	95.02	843.98	3,000.00	72
10-4120-325 POSTAGE - ADMIN	0.00	875.30	2,000.00	56
10-4120-331 UTILITIES - ADMIN	15.23	2,188.29	6,000.00	64
10-4120-351 REPAIRS & MAINTENANCE -	5,000.00	7,067.90	67,500.00	90
10-4120-352 REPAIRS & MAINTENANCE	1,629.68	34,051.80	75,000.00	55
10-4120-354 REPAIRS & MAINTENANCE	0.00	15,785.50	58,000.00	73
10-4120-355 REPAIRS & MAINTENANCE	0.00	0.00	1,500.00	100
10-4120-356 REPAIRS & MAINTENANCE	40.00	1,100.00	6,000.00	82
10-4120-370 ADVERTISING - ADMIN	0.00	109.02	1,000.00	89
10-4120-397 TAX LISTING & TAX	-180.50	-157.89	250.00	163
10-4120-400 ADMINISTRATIVE:TRAINING	0.00	1,475.00	4,000.00	63
10-4120-410 ADMINISTRATIVE:TRAVEL	17.99	2,348.98	5,000.00	53
10-4120-450 INSURANCE	0.00	13,154.92	15,000.00	12
10-4120-491 DUES & SUBSCRIPTIONS	335.00	15,303.89	19,500.00	22
10-4120-498 GIFTS & AWARDS	237.64	580.92	3,000.00	81
10-4120-499 MISCELLANEOUS	1,807.57	2,298.91	8,000.00	71
TOTAL EXPENDITURE	22,681.58	168,619.68	442,860.00	62
BEFORE TRANSFERS	-22,681.58	-168,619.68	-442,860.00	
AFTER TRANSFERS	-22,681.58	-168,619.68	-442,860.00	
<b>4130 PLANNING &amp; ZONING</b>				
EXPENDITURE:				
10-4130-121 SALARIES - ZONING	6,008.34	37,115.32	72,150.00	49
10-4130-122 SALARIES - ASST ZONING	0.00	0.00	2,500.00	100
10-4130-123 SALARIES -	1,538.50	9,189.51	17,650.00	48
10-4130-124 SALARIES - PLANNING	300.00	2,275.00	5,200.00	56
10-4130-125 SALARIES - SIGN REMOVAL	318.20	1,988.76	4,000.00	50
10-4130-181 FICA EXPENSE - P&Z	602.68	3,736.76	7,725.00	52
10-4130-182 EMPLOYEE RETIREMENT -	1,121.51	6,699.92	14,855.00	55
10-4130-183 EMPLOYEE INSURANCE	1,327.50	7,965.00	15,750.00	49
10-4130-184 EMPLOYEE LIFE INSURANCE	19.60	117.60	250.00	53
10-4130-185 EMPLOYEE S-T DISABILITY	12.00	72.00	175.00	59
10-4130-193 CONSULTING	3,659.42	24,698.49	61,075.00	60
10-4130-194 CONSULTING - COG	2,011.25	6,034.25	11,500.00	48
10-4130-200 OFFICE SUPPLIES -	212.65	1,933.83	5,000.00	61
10-4130-201 ZONING SPECIFIC OFFICE	0.00	204.98	2,500.00	92
10-4130-215 HISTORIC PRESERVATION	0.00	0.00	1,000.00	100
10-4130-220 INFRASTRUCTURE	0.00	8,000.00	206,000.00	96

**TOWN OF WEDDINGTON**  
**REVENUE & EXPENDITURE STATEMENT BY DEPARTMENT**

FY 2018-2019

12/01/2018 TO 12/31/2018

	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BUDGETED</u>	<u>% BUDGET REM</u>
10-4130-321 TELEPHONE - PLANNING &	95.03	844.06	3,000.00	72
10-4130-325 POSTAGE - PLANNING &	0.00	875.31	2,000.00	56
10-4130-331 UTILITIES - PLANNING &	15.23	2,285.17	6,000.00	62
10-4130-370 ADVERTISING - PLANNING	0.00	109.03	1,000.00	89
TOTAL EXPENDITURE	<u>17,241.91</u>	<u>114,144.99</u>	<u>439,330.00</u>	<u>74</u>
BEFORE TRANSFERS	<u>-17,241.91</u>	<u>-114,144.99</u>	<u>-439,330.00</u>	
AFTER TRANSFERS	<u>-17,241.91</u>	<u>-114,144.99</u>	<u>-439,330.00</u>	
GRAND TOTAL	<u><u>310,115.78</u></u>	<u><u>534,114.29</u></u>	<u><u>0.00</u></u>	

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# TOWN OF W E D D I N G T O N

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## MEMORANDUM

**TO:** Mayor and Town Council

**FROM:** Kim Woods, Tax Collector

**DATE:** January 14, 2019

**SUBJECT:** Monthly Report –December 2018

<b>Transactions:</b>	
Adjustments <5.00	\$.70
Overpayments	\$(1425.22)
Refunds	\$3967.89
Interest Charges	\$136.40
Penalty and Interest Payments	\$(21.96)
<b>Taxes Collected:</b>	
2018	\$(241,416.70)
<b>As of December 31, 2018; the following taxes remain Outstanding:</b>	
2008	\$808.16
2009	\$554.28
2010	\$530.18
2011	\$52.18
2012	\$780.01
2013	\$874.14
2014	\$1330.44
2015	\$1944.56
2016	\$6296.93
2017	\$8282.10
2018	\$173,125.94
<b>Total Outstanding:</b>	<b>\$194,578.92</b>