



**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, NOVEMBER 14, 2022 – 7:00 P.M.
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD WEDDINGTON, NC 28104
AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Determination of Quorum
4. Additions, Deletions and/or Adoption of the Agenda
5. Conflict of Interest Statement: *In accordance with the state government ethics act, it is the duty of every Council member to avoid conflicts of interest. Does any Council member have any known conflict of interest with respect to any matters on the agenda? If so, please identify the conflict and refrain from any participation in the matter involved.*
6. Mayor/Councilmember Reports
7. Public Comments
8. Public Safety Report
9. Consent Agenda
 - A. Approval of October 10, 2022 Regular Town Council Meeting Minutes
 - B. Approval of Proclamation 2022-05 for Small Business Saturday
10. Old Business
 - A. Discussion and Possible Consideration of Town Council Rules of Procedure
 - B. Discussion and Possible Consideration of Rules for Public Hearings and Public Comments
11. New Business
 - A. Discussion and Possible Consideration of Chapter 24 - Solid Waste Ordinance
 - B. Discussion and Possible Consideration of Residential Solid Waste Fee Ordinance
 - C. Discussion and Possible Consideration of Residential Solid Waste Fee
 - D. Discussion and Possible Consideration of Resolution of Intent to Consider an Ordinance Amending the Charter of the Town of Weddington to Change Form of Government to Council-Manager.
 - E. Discussion of WCWAA Funding
 - F. Discussion of Extra-territorial Jurisdiction Map
12. Updates from Town Planner and Town Administrator
13. Code Enforcement Report
14. Update from Finance Officer and Tax Collector
15. Transportation Report
16. Council Comments
17. Adjournment

Weddington

10/2022

UCR Code	Description	Date of Report	Incident ID	
13A				
13A	ASSAULT BY POINTING GUN	10/4/22	202207056	
			Total:	1
13B				
13B	SIMPLE ASSAULT	10/4/22	202207052	
13B	SIMPLE ASSAULT	10/12/22	202207289	
13B	ASSAULT ON CHILD UNDER 12	10/13/22	202207311	
13B	SIMPLE AFFRAY	10/14/22	202207376	
13B	CYBERBULLYING	10/21/22	202207565	
13B	CYBERBULLYING	10/27/22	202207705	
13B	CYBERBULLYING	10/31/22	202207785	
			Total:	7
220				
220	BREAKING/ENTERING-FELONY	10/3/22	202207031	
220	BREAKING/ENTERING-FELONY	10/31/22	202207778	
			Total:	2
23F				
23F	BEL / THEFT FROM MOTOR VEHICLE	10/26/22	202207667	
			Total:	1
240				
240	MOTOR VEHICLE THEFT	10/27/22	202207694	
			Total:	1
26A				
26A	FAIL TO WORK AFTER PAID	10/10/22	202207218	
26A	IDENTITY THEFT	10/18/22	202207455	
			Total:	2
999				
999	INVESTIGATION	10/4/22	202207082	
999	ACCIDENT NO VISIBLE INJURY	10/6/22	202207118	
999	HIT & RUN - LEAVE SCENE	10/7/22	202207138	
999	ACCIDENT NO VISIBLE INJURY	10/7/22	202207140	
999	ANIMAL CALL	10/8/22	202207173	
999	INVESTIGATION	10/8/22	202207192	
999	CALL FOR SERVICE	10/8/22	202207193	
999	OVERDOSE	10/9/22	202207211	
999	ACCIDENT NO VISIBLE INJURY	10/11/22	202207249	
999	INVESTIGATION	10/11/22	202207256	
999	ACCIDENT POSSIBLE INJURY	10/11/22	202207253	
999	ACCIDENT NO VISIBLE INJURY	10/11/22	202207258	
999	ACCIDENT NO VISIBLE INJURY	10/13/22	202207327	
999	ACCIDENT NO VISIBLE INJURY	10/14/22	202207345	
999	ANIMAL CALL BITE	10/16/22	202207401	
999	ACCIDENT NO VISIBLE INJURY	10/18/22	202207449	

Weddington

10/2022

UCR Code	Description	Date of Report	Incident ID	
999	ACCIDENT NO VISIBLE INJURY	10/18/22	202207461	
999	ANIMAL CALL	10/19/22	202207490	
999	INVESTIGATION	10/19/22	202207491	
999	INVESTIGATION	10/20/22	202207517	
999	ANIMAL CALL	10/21/22	202207547	
999	ANIMAL CALL	10/21/22	202207550	
999	HIT & RUN - LEAVE SCENE	10/24/22	202207612	
999	INVESTIGATION	10/25/22	202207645	
999	ACCIDENT POSSIBLE INJURY	10/27/22	202207688	
999	ACCIDENT POSSIBLE INJURY	10/27/22	202207690	
999	INVESTIGATION	10/28/22	202207722	
999	OVERDOSE	10/31/22	202207776	
			Total:	28
9999				
9999	MENTAL HEALTH INVESTIGATION	10/13/22	202207317	
			Total:	1

Monthly Crime Total **43**



**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, OCTOBER 10, 2022 – 7:00 P.M.
WEDDINGTON TOWN HALL
MINUTES
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1. Open the Meeting

Mayor Craig Horn called the meeting to order at 7:03 p.m.

2. Pledge of Allegiance

Cub Scout Master Pack #99 led the Pledge of Allegiance.

3. Determination of Quorum

Quorum was determined with all councilmembers present: Mayor Craig Horn, Mayor Pro Tem Janice Propst, Councilmembers Anne Pruitt, Jeff Perryman, and Brannon Howie.

Staff present: Town Administrator/Clerk Karen Dewey, Town Planner Robert Tefft, Administrative Assistant Debbie Coram, Town Attorney Karen Wolter.

Visitors: Cub Scout Master Pack 99, Ivan Merritt, Kami Merritt, Walton Hogan, Gayle Butler, Thomas Snyder, Jen Conway, John Drahzal, Mark Miller, Mark brown, Chris Drost, Jim Drost, Chris Martin, Heidi Barney, Christopher Neve, Damiela Neve, Don Titherington, Mike Hargrave, Caroline Johnson, Omar Parker, Joyce Plyler, Tracy Stone, Jim Vivian

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

Motion: Mayor Pro Tem Propst made a motion to approve the agenda as presented.

Vote: The motion passed with a unanimous vote.

5. Conflict of Interest Statement: *In accordance with the state government ethics act, it is the duty of every Council member to avoid conflicts of interest. Does any Council member have any known conflict of interest with respect to any matters on the agenda? If so, please identify the conflict and refrain from any participation in the matter involved.*

Mayor Horn read the conflict of interest statement
No councilmember had a conflict of interest.

6. Recognition of Walton Hogan, Planning Board December 2016-February 2022

Councilmember Perryman recognized Walton Hogan's service to the community on the Planning Board. Mayor Horn presented Mr. Hogan with a print of the original Weddington Academy.

7. Presentation from Union County Public Schools

Union County School Board Member Joe Morreales and Assistant Superintendent Dr. Bashawn Harris made a presentation about the UCPS School Bond referendum on the November ballot.

8. Presentation from Weddington School Cluster

Principal Jeff Kraftson from Weddington High School, Principal Marcus Leake from Weddington Middle School, and Principal Emily Kraftson from Weddington Elementary School made a presentation on the hard work and success of the Weddington School Cluster with an emphasis on the community links and traditions.

9. Presentation from Cambridge Properties

Jay Priester, Nate Buhler, George Maloomian gave a pre-application presentation on a project for the parcel of property at the northwest corner of the Rea Road and Providence Road intersection. It includes a mix of cottage homes and single-family homes. Market analysis showed a need for down-maintenance (not necessarily downsizing) in Weddington. Project includes a total 108 single family homes and 65 townhomes with an average of 2.2 units per acre and including preserved open space.

Mayor Horn gave a brief review of the application process and acknowledged that this presentation was not part of the application process.

Councilmember Howie stated that the given density is not a fit for Weddington.

Mayor Pro Tem Propst agreed that the density is not a fit, but the town does need housing diversity for older people to downsize into. She noted a park on the plan and asked if it would be for the entire community of Weddington. The presenter responded that there hasn't been any study into potential environmental issues, so while they could plan for a park, they don't know how much will be impacted by streams, topography, etc.

Councilmember Pruitt commented that there were a lot of different sized lots and asked about the price points.

Councilmember Perryman stated his appreciation to the presenter and Mr. Tefft for setting up the presentation. He commented that the density is not for Weddington and he does not support this current design.

Mayor Horn thanked Mr. Priester for giving a pre-application presentation. He stated the Council's goal to be transparent with the community and the community leaders.

10. Mayor/Councilmember Reports

Councilmember Perryman reported: The Western Union Municipal Alliance meeting was held at Weddington Town Hall. Mayor Pappas from Waxhaw joined the meeting. The delegates continued to work on the ETJ proposal to the Board of County Commissioners. The next meeting is on October 20th at 4 in Wesley Chapel. It's an open meeting and all are welcome.

Mayor Horn gave a recap of the various transportation meetings he has attended. There is going to be a bit of a change in timeline for two major projects: Providence Road widening and the Rea Road extension. The final alignments are being determined. Because of the federal infrastructure bill and change in road funding in state, these projects will come sooner. Mayor Horn also reported that the Rotary Club installed a Peace Pole in front of Town Hall. It shows 8 languages declaring peace in our world. We will have a ceremony in the future to dedicate the pole. It's the first in Union County. The Rotary Club will be putting up the American flags in the Town Hall front yard in observance of Veterans Day.

11. Public Comments

Gayle Butler-5146 Panhandle Circle Wellington Place. Ms. Butler stated that R-40(D) district in the UDO was created to regulate one specific area of Weddington. She proposed to add clarity to the definition by adding that the R-40(D) district was located in the 5300 block of Hemby Road.

Chris Martin-6403 Antioch Court Weddington Oaks. Mr. Martin expressed concern about the Cambridge pre-application presentation and stated his appreciation for the transparency. If the developers just referenced the UDO, they wouldn't waste everybody's time.

Joyce Plyer-1046 Bromley Drive Bromley. Ms. Plyer stated that she was glad to hear Council objections to the density in the pre-application presentation by Cambridge Properties. Weddington shouldn't change with growth unmanaged.

Don Titherington-2301 Greenbrook Parkway Providence Woods South. Mr. Titherington commented on notice of the special meeting to be held on October 12. He expressed concern about only 48-hour notice with an agenda that has 22 items for discussion. He thanked Cambridge Properties for the pre-application presented. He stated that a yield plan for that property would have 58 homes.

12. Public Safety Report

The Union County Sherriff's Office encouraged all the residents to stay alert and safe on Halloween.

13. Consent Agenda

- A. **Approval of September 12, 2022 Regular Town Council Meeting Minutes**
- B. **Approval of Proclamation 2022-04 for Domestic Violence Awareness Month**

Motion: Councilmember Perryman made a motion to approve the Consent Agenda as presented.

Vote: The motion passed with a unanimous vote.

14. Public Hearings

A. Text amendment O-2022-02 Section D-703, Zoning District and Permitted Use, and Appendix 1, Definitions

Motion: Councilmember Howie made a motion to open the public hearing
Vote: The motion passed with a unanimous vote.

Mr. Tefft presented the staff report: In reviewing the UDO, it was identified that the Town's various zoning districts were incorporated from the Code of Ordinances into the UDO without their full names or their respective intent/purpose statements. Additionally, the Residential Established (RE) District was incorporated into the UDO without any permissible uses, and without a minimum front setback requirement. Among other, more minor items, this text amendment proposes to instate language addressing each of the above referenced errors. Land use plan consistency statement.

Joyce Plyer stated some confusion and concern about the text amendment. She asked why the zoning map was being deleted. Mr. Tefft answered her questions stating that the zoning district definitions were in the Code of Ordinances and were unintentionally left out of the UDO. It is not advisable to have undefined zoning districts. The zoning map is incorporated in a more appropriate section of the UDO so deleting it in this section avoids redundancy.

Don Titherington suggested defining the R40(D) district specifically as the addresses of 5229 through 5349 Hemby Road to prevent developers from coming in and thinking that duplexes are allowed elsewhere.

Motion: Councilmember Pruitt made a motion to close the public hearing.
Vote: The motion passed with a unanimous vote.

B. Text amendment O-2022-03 Appendix 2, Submittal Requirements

Motion: Councilmember Pruitt made a motion to open the public hearing.
Vote: The motion passed with a unanimous vote.

Mr. Tefft presented the staff report: At its meeting of August 22, 2022, the Planning Board requested that staff prepare a Text Amendment revising the submittal requirements for Zoning Permits so that a plot plan prepared by a surveyor or engineer be required for single-family dwellings. Staff prepared a Text Amendment for this purpose and presented it to the Planning Board at their meeting of September 26, 2022. The Board voted 6-0 to recommend approval of the Text Amendment, subject to the proposed requirement to provide a floor plan for single-family and two-family dwellings be removed unless the dwelling was to include an elevator shaft.

No one spoke.

Motion: Councilmember Pruitt made a motion to close the public hearing.
Vote: The motion passed with a unanimous vote.

15. New Business

A. Discussion and Consideration Text amendment O-2022-02 Section D-703, Zoning District and Permitted Use, and Appendix 1, Definitions

Ms. Wolter stated that the Council will need to consider a motion to approve or deny the amendment and adopt the Land Use Plan Consistency Statement.

Councilmember Perryman stated that he appreciated the comments from the public. He stated that these text amendments are to keep the UDO consistent with what the code of ordinances were before the adoption of the UDO, not to accommodate something else.

Councilmember Pruitt asked Mr. Tefft for clarification on the floor plan/non floor plan language. Mr. Tefft responded that asking for the floorplans was in the original text amendment, but the Planning Board felt that was too much, so it is limited to being required when there is an elevator shaft and when it is an accessory dwelling unit.

Ms. Wolter stated that there are limits to the regulation the town is allowed to put the homeowner through and require them to pay for. This is just asking for architectural seals on

Mayor Pro Tem Propst stated that this isn't attempting to add something that wasn't already in place.

Councilmember Howie stated her agreement.

Ms. Wolter stated that the adoption of the UDO was because of the state law change with 160D. The Town had to change their ordinances to match the state law.

Motion: Mayor Pro Tem Propst made a motion to approve text amendment O-2022-02 Section D-703, Zoning District and Permitted Use, and Appendix 1, Definitions.

Vote: The motion passed with a unanimous vote.

Land Use Plan Consistency Statement:

The proposed amendments to the Unified Development Ordinance are found to be generally consistent with the adopted Land Use Plan (Plan). However, while these amendments do not further any specific Goal or Policy of the Plan, they also do not act contrary to any specific Goal or Policy of the Plan, nor would they prevent the administration and implementation of the Plan, or preclude the fulfilment of the community vision as set forth in the Plan. Additionally, the proposed amendments are found to be reasonable in that they continue to improve upon the organization of existing ordinances and provide additional clarity for staff, appointed and elected officials, and residents.

Motion: Mayor Pro Tem Propst made a motion to approve the Land Use Plan Consistency Statement as presented by staff.

Vote: The motion passed with a unanimous vote

B. Discussion and Consideration Text amendment O-2022-03 Appendix 2, Submittal Requirements

Motion: Councilmember Perryman made a motion to approve Text Amendment O-2022-03 Appendix 2, Submittal Requirements as presented.

Vote: The motion passed with a unanimous vote.

Land Use Plan Consistency Statement:

The proposed amendments to the Unified Development Ordinance are found to be generally consistent with the adopted Land Use Plan (Plan). However, while these amendments do not further any specific Goal or Policy of the Plan, they also do not act contrary to any specific Goal or Policy of the Plan, nor would they prevent the administration and implementation of the Plan, or preclude the fulfilment of the community vision as set forth in the Plan. Additionally, the proposed amendments are found to be reasonable in that they continue to improve upon the organization of existing ordinances and provide additional clarity for staff, appointed and elected officials, and residents.

Motion: Councilmember Pruitt made a motion to approve the Land Use Plan Consistency Statement as presented by staff.

Vote: The motion passed with a unanimous vote.

C. Discussion and Consideration of Approval of Agreement with NCDOT for Forest Lawn and Potter Road Roundabout (TIP # HL-0055)

Councilmember Perryman stated that if we don't approve this agreement, NCDOT will drop it from their list and it will move to the bottom of the priority list. If the project is delayed, the town is on the hook for overage costs.

Motion: Councilmember Perryman made a motion to approve the agreement with NCDOT for Forest Lawn and Potter Road Roundabout.

Vote: The motion passed with a unanimous vote.

16. Updates from Town Planner and Town Administrator

Mr. Tefft gave the Planner update. He thanked the Planning Board for their work on the text amendments. He has received an inquiry for the Hunt property on Ennis Road near Newtown Road. The inquiry was for a 15 lot subdivision on 19 acres.

17. Code Enforcement Report

In the packet

18. Update from Finance Officer and Tax Collector

Ms. Dewey gave the financial update.

19. Transportation Report

Mayor Horn gave the transportation report. For fiscal year 2023, 2 cents from sales tax will be going to road construction and repair. In 2024, that amount will move up to 4 cents and in 2025 will increase to 6 cents. This will provide a significant increase of funds for repair and construction..

20. Council Comments

Councilmember Perryman thanked everybody for coming out and staying until the end. He thanked town staff and reminded everybody that WUMA meets at 4 p.m. at Wesley Chapel.

Councilmember Pruitt thanked everybody for coming out and thanked staff for their hard work and diligence.

Mayor Pro Tem Propst thanked everybody for coming out and thanked staff for all they do. She wished everybody a safe and happy Halloween.

Councilmember Howie thanked everybody for coming out and thanked staff.

Mayor Horn stated that the Town is looking for reliable volunteers-for litter sweeps, shredding days, and other things. Contact Karen Dewey the Town Administrator to help. Coffee with the Mayor is Tuesday the 18th from 5 to 7. There's no agenda and fresh coffee and a snack. He stated that he is interested in hearing ideas.

21. Adjournment

Motion: Councilmember Howie made a motion to adjourn the October 10, 2022 Regular Town Council meeting at 9:04 pm

Vote: The motion passed with a unanimous vote.

Approved: _____

D. Craig Horn, Mayor

Karen Dewey, Town Administrator/Clerk



**TOWN OF WEDDINGTON
PROCLAMATION
P-2022-05**

WHEREAS Weddington, NC celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS small businesses employ over 47.5% of the working population in the United States; and

WHEREAS small businesses contribute positively to the local community by supplying jobs and generating tax revenue and are critical to the overall economic health of the country; and

WHEREAS it is important to support the small businesses in the community; and

WHEREAS the Town of Weddington supports our local businesses in Weddington Corners Shopping Center that create jobs, and boost our local economy; and

WHEREAS advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday; and

NOW THEREFORE I, Craig Horn, Mayor of the Town of Weddington on behalf of the Town Council and the residents of Weddington do hereby proclaim November 26, 2022 as

SMALL BUSINESS SATURDAY

And urge the residents of our community and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

In Witness Whereof, I do hereby set my hand and seal this 14th day of November 2022.

D. Craig Horn, Mayor

Attest:

Karen Dewey, Town Administrator/Clerk



TOWN COUNCIL OF THE TOWN OF WEDDINGTON
RULES OF PROCEDURE

Rule 1. Applicability of Rules

These rules apply to all meetings of the Town Council of the Town of Weddington. For purposes of these rules, a meeting of Town Council occurs whenever a majority of the Council's members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote or otherwise transact public business within the Council's real or apparent jurisdiction. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.

Rule 2. Quorum

The presence of a quorum is necessary for the Council to conduct business. A majority of actual membership of the Council, plus the mayor, excluding vacant seats, constitutes a quorum. A member who withdraws from a meeting without being excused by majority vote of the remaining members in attendance is deemed present for quorum purposes.

Rule 3. Remote Participation

No member who is not physically present for a Council meeting may participate in the meeting by electronic means except in accordance with a policy adopted by the Council.

Rule 4. Meetings to be Open to the Public. Except as permitted by Rule 6, all meetings of the Council shall be open to the public, and any person may attend its meetings.

Rule 5. Regular Meetings

The Council shall hold a regular meeting on the second Monday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held at Weddington Town Hall and shall begin at 7:00 pm. A copy of the Council's current meeting schedule shall be filed with the

Town Clerk and posted on the town website. The Council shall adopt a meeting schedule each year consistent with this Rule.

The Council may amend its regular meeting schedule to add or delete meetings or to change the date, time or location of one or more meetings on the schedule. The amended schedule shall be filed with the Town Clerk at least (7) calendar days before the day of the first meeting held pursuant to the revised schedule and posted on the Town's website.

Rule 6. Closed Sessions.

- a. **Motion to Enter Closed Session.** The Council may enter a closed session from which the public is excluded only upon motion duly made and adopted in open session. The motion to enter closed session must cite one or more of the permissible bases for closed session authorized by law.
- b. **Closed Session Participants.** Unless the Council directs otherwise, the town administrator, town attorney and town clerk may attend closed sessions of the Council. No other person may attend a closed session unless invited by majority vote of the Council.
- c. **Motion to Return to Open Session.** Upon completing its closed session business, the Council shall end the closed session by adopting a duly made motion to return to open session.

Rule 7. Special Meetings.

- a. **Calling Special Meetings.** The mayor or a majority of Councilmembers may at any time call a special meeting by signing a written notice stating the time and place of the meeting and the subject to be considered. A special meeting may also be called by vote of the Council in open session during a regular meeting or another duly called special meeting.
- b. **Notice to Public.** At least forty-eight hours before a special meeting of the Council, notice of the date, time, place, and purpose of the meeting shall be (1) posted at the door of the Council's usual meeting room and (2) delivered, e-mailed, or mailed to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. Furthermore, notice of the special meeting's date, time, place, and purpose shall be posted on the Town's website in advance of the meeting.
- c. **Notice to Council Members.** At least forty-eight hours before a special meeting called by the mayor or a majority of Councilmembers, or called during an open session, written notice of the meeting stating its date, time and place, as well as

the subjects to be considered, shall be delivered to the mayor and each Councilmember or left at his or her usual dwelling place

- d. **Transacting Other Business.** Unless all members are present or any absent member has signed a written waiver of notice, only those items of business specified in the notice to Council members may be taken up at a special meeting. Even when all members are present or any absent member has signed a waiver, the Council may take up an item of business not covered by the notice only if the Council first determines in good faith that the item must be discussed or acted upon immediately.

Rule 8. Emergency Meetings.

Emergency meetings of the Council may be called only because of generally unexpected circumstances that require immediate consideration by the Council.

- a. **Calling Emergency Meetings.** There are two methods by which an emergency meeting of the Council may be called:
 - i. The mayor, mayor pro tempore, or any two members of the Council may at any time call an emergency Council meeting by signing a written notice stating the date, time, and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each Council member or left at his or her usual dwelling place at least six hours before the meeting.
 - ii. An emergency meeting may be held when the mayor and all members of the Council are present and consent thereto, or when any absent member has signed a written waiver of notice.
- b. **Notice to the Media of Emergency Meetings.** Notice of an emergency meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request with the Town Clerk for notice of emergency meetings. To be valid, the request must include the newspaper's, wire services', or station's telephone number. Notice may be given by telephone, e-mail, or same method used to notify Council members. Notice must be provided immediately after Council members have been notified and at the expense of the party notified.
- c. **Transaction of Other Business Prohibited.** Only business connected with the emergency may be considered at an emergency meeting.

Rule 9. Recessed or Adjourned Meetings.

When conducting a properly called regular, special or emergency meeting, the Council may recess the meeting to another date, time or place by a procedural motion made and adopted, as provided in Rule 30, Motion 3, in open session. The motion must state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will reconvene. Notice of the recessed meeting's date, time and place must appear on the Town website prior to the meeting. No further notice of a properly called recessed meeting is required.

Rule 10. Organizational Meeting.

On the date and at the time of the first regular meeting in December following a general election in which Council members are elected, or at an earlier date, if any, set by the incumbent Council, the Council must hold an organizational meeting. The organizational meeting may not be held before municipal election results are officially determined, certified and published as required by law.

- a. As the first order of business at the Organizational Meeting, the newly elected members shall take and subscribe the oath of office. Each member's oath must be filed with the Town Clerk. Although a member who is not present for the organizational meeting may take the oath of office at another time, every member must take, subscribe, and file the oath before he or she begins performing any of the duties of the member's office.
- b. As the second order of business at the organizational meeting, the Council shall elect from among its members a mayor pro tempore using the procedures specified in Rule 16. The mayor pro tempore shall serve at the Council's pleasure.

Rule 11. Meeting Minutes.

- a. **Minutes Required for all Meetings.** The Council must keep full and accurate minutes of all of its meetings, including closed sessions. To be "full and accurate," minutes must record all actions taken by the Council. They should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record discussions of the Council, though the Council in its discretion may decide to incorporate such details into the minutes.

- b. **Record of “Ayes” and “Noes.”** At the request of any member of the Council, the minutes shall list each member by name and record how each member voted on a particular matter.
- c. **General Accounts of Closed Sessions.** In addition to minutes, the Council must keep a general account of each closed session. The general account must be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The Council may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.
- d. **Sealing Closed Session Minutes.** Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the Council or, if the Council delegates the authority to unseal to one or more staff members in accordance with guidelines adopted by the Council. The sealed minutes and general account of any closed session may be withheld from public inspection so long as public inspection would frustrate the purpose(s) of the closed session.

Rule 12. Broadcasting and Recording Meetings.

- a. **Right to Broadcast and Record.** Any person may photograph, film, tape-record, or otherwise reproduce any part of a Council meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a Council meeting.
- b. **Advance Notice.** Any radio or television station that plans to broadcast any portion of a Council meeting shall so notify the Town Clerk no later than twenty-four hours before the meeting. The failure to provide notice is not, by itself grounds for preventing the broadcast of a Council meeting.
- c. **Equipment Placement.** The town Administrator may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a Council meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the town Administrator determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the town Administrator may require the pooling of equipment and the personnel operating it.
- d. **Alternative Meeting Site.** If the news media request an alternative meeting site to accommodate news coverage, and the Council grants the request, the news

media making the request shall pay the costs incurred by the town in securing an alternative meeting site.

Rule 13. Agenda.

- a. Proposed Agenda.** The Town Clerk and/or town Administrator shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least four working days before the meeting. Any Council member may, by timely request, have an item placed on the proposed agenda. A copy of all proposed ordinances shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each Council member shall receive an electronic copy of the proposed agenda and the agenda package and they shall be posted online and available for public inspection and distribution to Council members.
- b. Adoption of the Agenda.** As its first order of business at each meeting, the Council shall review the draft agenda, make whatever revisions it deems appropriate, and adopt a formal agenda for the meeting.
- c. Amending the Agenda.** Both before and after it adopts the agenda, the Council may add or subtract agenda items by majority vote of the members present and voting, except that:
 - i.** The Council may not add to the items stated in the notice of a special meeting unless the requirements in Rule 7 are satisfied; and
 - ii.** Only business connected with the emergency may be considered at an emergency meeting.
- d. Designation of items for “Discussion and Possible Action.”** The Council may designate an agenda item “for discussion and possible action.” The designation signifies that the Council intends to discuss the item and may, if it so chooses, take action on the item following the discussion.
- e. Consent Agenda.** The Council may designate part of an agenda for a regular meeting as *consent agenda*. Items may be placed on the consent agenda by the person(s) charged with preparing the draft agenda if the items are judged to be noncontroversial and routine. Prior to the Council’s adoption of the meeting agenda, the request of any member to have an item moved from the consent agenda to unfinished business must be honored by the Council. All items on the

consent agenda must be voted on and adopted by a single motion, with the minutes reflecting the motion and vote for each item.

- f. **Informal Discussion of Agenda Item.** The Council may informally discuss an agenda item even when no motion regarding that item is pending.
- g. **Acting by Reference to Agenda or Other Document.** The Council shall not deliberate, vote or otherwise take action on any matter by reference to the agenda or any other document with the intention of preventing persons in attendance from understanding what action is being considered or undertaken. The Council may deliberate and vote by reference to the agenda or any item on the agenda, including the consent agenda, provided copies of the agenda are available for public inspection at the meeting and are sufficiently worded to enable the public to understand what is being deliberated or acted upon.
- h. **Agenda Items from Members of the Public.** Any individual or group who wishes to address the Council shall make a request to be on the agenda to the town clerk and/or town Administrator. However, the Council shall determine at the meeting whether it will hear the individual or group.

Rule 14. Order of Business.

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

- Call to Order
- Determination of Quorum
- Approval of Agenda
- Moment of Silence and Pledge of Allegiance
- Public Comment
- Presentations
- Mayoral Proclamations
- Items not Requiring a Public Hearing
- Items Requiring a Public Hearing
- Administrator's Report
- General Staff Reports
- Topics of Discussion for Each Commissioner
- Adjournment

Without objection, the mayor may call agenda items in any order most convenient for the dispatch of business.

Rule 15. Office of the Mayor.

The mayor shall preside at all meetings of the Council and shall have the right to vote only when there is a tie. In order to address the Council, a member must be recognized by the mayor. The mayor or other presiding officer shall enforce these rules and maintain order and decorum during meetings. To that end, the mayor may:

- Rule on motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- Determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- To entertain and answer questions on parliamentary procedure;
- Call a brief recess at any time;
- Adjourn in an emergency.

A decision by the presiding officer may be appealed to the Council upon motion of any member pursuant to Rule 30, Motion 1. Such a motion is in order immediately after a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.

Rule 16. Office of Mayor Pro Tempore.

At the organizational meeting, the Council shall elect from among its members a mayor pro tempore to serve at the Council's pleasure. A Council member who serves as mayor pro tempore shall be entitled to vote on all matters and shall be considered a Council member for all purposes, including the determination of whether a quorum is present. In the mayor's absence, the Council may confer on the mayor pro tempore any of the mayor's powers and duties. If the mayor should become physically or mentally unable to perform the duties of his or her office, the Council may by unanimous vote declare that the mayor is incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When a mayor declares that he or she is no longer incapacitated, and a majority of the Council concurs, the mayor shall resume the exercise of his or her powers and duties. If both the mayor and mayor pro tempore are absent from a meeting the Council may elect from among its members a temporary chairman to preside at the meeting.

Rule 17. Other Presiding Officer.

If both the Mayor and the Mayor pro tempore are absent, the Council may elect from among its members a temporary presiding officer to chair the meeting. While serving

as temporary presiding officer, a member has the powers listed in Rule 15. Service as a temporary presiding officer does not relieve a member of the duty to vote on all questions unless excused from voting pursuant to Rule 26.

Rule 18. When Presiding Officer is in Active Debate.

If the mayor or other presiding officer becomes actively engaged in debate on a particular proposal, he or she may designate another Council member to preside over the debate. The mayor or other presiding officer shall resume presiding as soon as action on the matter is concluded.

Rule 19. Action by Council.

Unless otherwise provided in these rules, the Council shall act by motion. Any member may make a motion, not including the mayor.

Rule 20. Second Not Required.

A motion shall not require a second.

Rule 21. One Motion at a time.

A member may make only one motion at a time. A substantive motion is out of order while another substantive motion is pending.

Rule 22. Withdrawal of Motion.

The member who introduces a motion may withdraw the motion unless the motion has been amended or the presiding officer has put the motion to a vote.

Rule 23. Debate.

The mayor shall state the motion and then open the floor to debate on it. The mayor shall preside over the debate according to the following general principles:

- The maker of the motion is entitled to speak first;
- A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- To the extent possible, the debate shall alternate between proponents and opponents of the measure.

Rule 24. Adoption by Majority Vote.

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

Rule 25. Changing a Vote.

A member may change his or her vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result a member may not change his or her vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

Rule 26. Duty to Vote.

Every Council member must vote except when excused from voting as provided in this Rule.

- a. Grounds for Excusal.** A member may be excused from voting on a matter involving the member's own financial interest or official conduct, though not if the proposal in question is one to alter the compensation or allowances paid to Council members. Members may also be excused from voting when prohibited from voting under G.S. 14-234 (contract providing direct benefit to member); G.S. 160D-109(a) (legislative zoning decision likely to have a direct, substantial and readily identifiable financial impact on member); or G.S. 160D-109(d) (member's participation in a quasi-judicial decision would violate affected person's right to an impartial decision maker). Questions about whether a basis for excusal exists should be directed to the town attorney.
- b. Procedure for Excusal.**

 - i. At a Member's Request.** Upon being recognized at a duly called meeting of the Council, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.
 - ii. On the Council's Initiative.** Even when a member has not asked to be excused from voting on a matter, a majority of the remaining Council members present may by motion and vote excuse the member from voting if grounds for doing so exist under paragraph (a).

- c. **Consequences of Non-Excused Failure to Vote.** Except as specified in paragraph (d), if a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as an affirmative vote provided:
 - i. the member is physically present in the Council chamber or
 - ii. the member has physically withdrawn from the meeting without being excused by majority vote of the remaining members present.

- d. **Failure to Vote on Certain Zoning Matters.** A member's unexcused failure to vote shall not be recorded as an affirmative vote if the motion concerns a proposal to amend, supplement or repeal a zoning ordinance. Instead, the member's unexcused failure to vote shall be recorded as an abstention.

Rule 27. Voting by Written Ballot.

The Council may choose to vote by written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the Council shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the town clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Rule 28. Ratification of Actions.

To the extent permitted by law, the Council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Rule 29. Substantive Motions.

A substantive motion is not in order if made while another motion is pending. Once the Council disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting, unless it first adopts a motion to reconsider pursuant to Rule 30, Motion 14.

Rule 30. Procedural Motions

- a. **Certain Motions Allowed.** The Council may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.

b. Priority of Motions. The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending except that:

- i. any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 12, and
- ii. a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 9.
- iii. when several procedural motions are pending, voting must begin with the procedural motion highest in priority, provided that a motion to amend or end debate on the highest priority must be voted on first.

Motion 1. To appeal a Ruling of the Presiding Officer. Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

Motion 2. To Adjourn. This motion may be used to close a meeting. It is not in order if the Council is in closed session.

Motion 3. To Recess to a Time and Place Certain. This motion may be used to call a recessed meeting as permitted under Rule 9. The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the Council is in closed session.

Motion 4. To Take a Brief Recess.

Motion 5. To Follow the Agenda. This motion must be made at the time an item of business that deviates from the agenda is proposed; otherwise, the motion is out of order as to that item.

Motion 6. To Suspend the Rules. To be adopted, a motion to suspend the rules must receive affirmative votes equal to at least two-thirds of the Council's actual membership excluding vacant seats and not counting the mayor. The Council may not suspend provision in these rules that are required under state law.

Motion 7. To Divide a Complex Motion. This motion is in order whenever a member wishes to consider and vote on parts of a complex motion separately. The member who makes this motion must specify how the complex motion will be divided.

Motion 8. To Defer Consideration. The Council may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the Council votes to revive it pursuant to Motion 13 within 100 days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

Motion 9. To End Debate. If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

Motion 10. To Postpone to a Certain Time. This motion may be employed to delay the Council's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting or hour. During the period of postponement, the Council may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

Motion 11. To Refer a Motion to Committee. The Council may vote to refer a substantive motion to a committee for study and recommendations. While the substantive motion is pending before the committee, the Council may not take up new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6. If the committee fails to report on the motion within 60 days of the referral date, the Council must take up the motion if asked to do so by the member who introduced it.

Motion 12. To Amend.

- a. **Germaneness.** A motion to amend must concern the same subject matter as the motion it seeks to alter.
- b. **Limit on Numbers of Motions to Amend.** When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.
- c. **Amendments to Ordinances.** Any amendment to a proposed Ordinance must be reduced to writing before the vote on the amendment.

Motion 13. To Revive Consideration. The Council may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 8, provided it does so within one hundred (100) days of its vote to defer consideration.

Motion 14. To Reconsider. The Council may vote to reconsider its action on a matter, provided the motion to reconsider is made (a) at the same meeting during which the action to be reconsidered was taken and (b) by a member who voted with the prevailing side. For purposes of this motion, “the same meeting” includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3). The motion is not in order if it interrupts the Council’s deliberation on a pending matter.

Motion 15. To Rescind. The Council may vote to rescind an action taken at a prior meeting provided rescission is not forbidden by law.

Motion 16. To Prevent Reintroduction for Six Months. This motion may be used to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion’s defeat. To be adopted, this motion must receive votes equal to at least two-thirds of the Council’s actual membership, excluding vacant seats and not counting the mayor. If this motion is adopted, the ban on reintroduction remains in effect for six months or until the Council’s next organizational meeting, whichever occurs first.

Rule 31. Introduction of Ordinances.

For purposes of these rules, the “date of introduction” for a proposed ordinance is the date on which the Council first votes on the proposed ordinance’s subject matter. The Council votes on the subject matter of a proposed ordinance when it votes on whether to adopt or make changes to the proposed ordinance.

Rule 32. Adoption, Amendment, and Repeal of Ordinances.

- a. No proposed ordinance shall be adopted unless it has been reduced to writing and distributed to members before a vote on adoption is taken.
- b. To be approved on the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to a least two-thirds of the Council’s actual membership, excluding vacant seats and not counting the mayor.

- c. To be approved after the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least a majority of all Council members not excused from voting on the matter. In calculating the number of affirmative votes necessary, the mayor's vote counts if there is an equal division.
- d. **Amendment and Repeal of Ordinances.** The same voting requirements that govern the adoption of proposed ordinances also apply to the amendment or repeal of an ordinance.

Rule 33. Adoption of the Budget Ordinance.

- a. Notwithstanding any provision in the town charter, general law, or local act,
 - i. The Council may adopt or amend the budget ordinance at a regular or special meeting of the Council by a simple majority of those members present and voting, a quorum being present;
 - ii. No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the Council;
 - iii. The adoption or amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provision of any town charter or local act concerning initiative or referendum.
- b. **Notice Requirements for Budget Meetings.** During the period beginning with the submission of the budget to the Council and ending with the adoption of the budget ordinance, the Council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as:
 - i. Each member of the Council has actual notice of each special meeting called for the purpose of considering the budget; and
 - ii. No business other than consideration of the budget is taken up.
- c. **No Authority for Closed Sessions.** This rule shall not be construed to authorize the Council to hold closed sessions on any basis other than the grounds set out in Rule 5.

Rule 34. Approval on Contracts and Authorization of Expenditures

- a. **Contracts to be in Writing.** No contract shall be approved or ratified by the Council unless it has been reduced to writing at the time of the Council's vote.
- b. **Approval of Contracts.** To be approved or ratified, a contract must receive affirmative votes equal to at least a majority of all Council members not excused from voting on the contracting, including the mayor's vote in the event of a tie.
- c. **Authorization of Expenditure of Public Funds.** The same vote necessary to approve or ratify a contract is required for the Council to authorize the expenditure of public funds, except when the expenditure is authorized pursuant to Rule 34.

Rule 35. Public Hearings

- a. **Calling Public Hearings.** In addition to holding public hearings required by law, the Council may hold any public hearings it deems advisable. The Council may schedule hearings or delegate that responsibility to town staff members, as appropriate, except when state law directs the Council itself to call the hearing. If the Council delegates scheduling authority, it must provide adequate guidance to assist staff members in exercising that authority.
- b. **Public Hearing Locations.** Public hearings may be held anywhere within the town or within the county where the town is located.
- c. **Rules for Public Hearing.** The Council may adopt reasonable rules for public hearings that, among other things, i) fix the maximum time allotted to each speaker; ii) provide for the designation of spokespersons for groups of persons supporting or opposing the same positions; iii) provide for the maintenance of order and decorum in the conduct of the meeting.
- d. **Notice of Public Hearing.** Any public hearing at which a majority of the Council is present shall be considered part of a regular or special meeting. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Rules 5 through 9 apply to such hearings. Some statutes mandate additional notice for particular types of hearings, and as such notice must be provided together with notice of the meeting during which the hearing will take place.
- e. **Continuing Public Hearings.** The Council may continue any public hearing without further advertisement to a time and place certain, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to paragraph (g), if a quorum of the Council is not present

for a properly scheduled public hearing, the hearing must be continued until the Council's next regular meeting without further advertisement.

- f. Conduct of Public Hearings.** At the time appointed for the hearing, the mayor shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the Council for the hearing. Unless the Council extends the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the mayor shall entertain a motion to close the hearing, and the Council shall resume the regular order of business.
- g. Public Hearings by Less than a Majority of Council Members.** Nothing in this rule prevents the Council from appointing a member or members to hold a public hearing on the Council's behalf, except when state law requires that the Council itself conduct the hearing.

Rule 37. Public Comment Periods.

- a. Frequency of Public Comment Periods.** The Council must provide at least one opportunity for public comment each month at a regular meeting, except that the Council need not offer a public comment period during any month in which it does not hold a regular meeting.
- b. Rules for Public Comment Periods.** The Council may adopt reasonable rules for public comment periods that, among other things:
 - i.** fix the maximum time allotted to each speaker
 - ii.** provide for the designation of spokespersons for groups supporting or opposing the same positions;
 - iii.** provide for the maintenance of order and decorum in the conduct of the hearing.
- c. Content-Based Restrictions Generally Prohibited.** The Council may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the Council's real or apparent jurisdiction.

Rule 38. Appointments

- a. Appointments in Open Session.** The Council must consider and make any appointment to another body or, in the event of a vacancy on the Council, to its own membership in open session.

- b. Nominating and Voting Procedure to fill Vacancy on Council of Councilmembers.** The Council shall use the following procedure to fill a vacancy on the Council itself. No sooner than 30 days after the date of resignation or notice of intent to resign on a date certain, and no later than 90 days after the date of resignation, the Mayor shall open the floor for nominations, whereupon Council members may put forward and debate nominees. When debate ends, the mayor shall call for a Council member to make a motion to nominate an individual to fill the vacancy. After debate, the Council shall vote on the Motion. If the Motion passes, the vacancy is filled. If it fails, the floor is then open to a new motion. The process shall continue until a motion passes.
- c. Nominating and Voting Procedure to Fill Vacancy on other Bodies.** The Council shall use the following procedure to fill a vacancy on any other body over which it has the power of appointment.
- i. Appointments to Other Bodies.** The Council shall direct town staff to notify the general public and prepare and provide application forms to those citizens interested in serving on town Councils and committees. Completed applications shall be provided to the Council for review and consideration. A member shall thereafter move that the Council appoint an individual, and, following debate, the Council may vote on the motion. If the motion passes, the seat is filled. If it fails, the floor is then open to a new motion.
- d. Mayor.** The mayor may not make nominations or vote on appointments under this rule.
- e. Multiple Appointments.** If the Council is filling more than one vacancy, each member shall have as many votes in each balloting as there are slots to be filled, and the votes of a majority of the total number of members voting shall be required for each appointment. No member may cast more than one vote for the same candidate for the same vacancy during a single balloting.
- f. Duty to Vote.** It is the duty of each member to vote for as many appointees as there are appointments to be made, but failure to do so shall not invalidate a member's ballot.
- g. Vote by Written Ballot.** The Council may vote on proposed appointment by written ballot in accordance with Rule 27.

Rule 39. Committees and Councils.

- a. **Establishment and Appointment.** The Council may establish temporary and standing committees, Councils and other bodies to help carry on the work of the town government. Unless otherwise provided by law or the Council, the power of appointment to such bodies lies with the Council.
- b. **Open Meetings Law.** The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business. They do not apply to meetings solely among the town's professional staff.
- c. **Procedural Rules.** The Council may prescribe the procedures by which the town's appointed bodies operate, subject to any statutory provisions applicable to particular bodies. In the absence of rules adopted by the Council, an appointed body may promulgate its own procedural rules, so long as they are in keeping with any relevant statutory provisions and generally accepted principles of parliamentary procedure.

Rule 40. Amendment of the Rules.

These rules may be amended at any regular meeting or at any properly called special meeting. Any amendment to these rules must be consistent with the town charter, any relevant statutes, and generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a majority of the Council's members, excluding vacant seats.

Rule 41. Reference to *Robert's Rules of Order Newly Revised*.

The Council shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert's*, the mayor shall make a ruling on the issue subject to appeal to the Council under Rule 31, Motion 1.

Rule 42. Town Charter Controls.

In the event any of these rules conflict with the Town Charter, the Town Charter controls.



TOWN OF WEDDINGTON

Rules for Public Hearings and Public Comments

- *Please sign up to speak before the meeting on the sign-up sheet located near the entrance to the Council room.*
 - *The Board will allocate up to 1 hour during each meeting to hear general Public Comments.*
 - *The Board will allocate up to 1 hour for each public hearing on the Agenda.*
1. Provide your name and address before you begin your comments.
 2. Comments are limited to 4 minutes.
 3. Comments are to be directed to the entire board and not to individuals nor to the public attending the meeting.
 4. A designated spokesperson for a group of three or more may be allocated 6 minutes to speak. At least three members of the group must be present and names and addresses of those members present must be submitted to the Town Clerk before the meeting begins. Other than pursuant to this rule, you may not give your time to another speaker to increase that speaker's allotted time.
 5. You must be civil in your language and presentation and act within reasonable standards of courtesy.
 6. Use of slander, name-calling, personal attacks or threatening speech or behavior is prohibited.
 7. The audience must maintain order and decorum in their conduct. Please refrain from applause, comments or disruptive speaking during the meeting.
 8. The Mayor or a majority of the Board may suspend these rules at their discretion.
 9. Failure to abide by these rules after receiving notice by the Mayor may result in 1) termination of your comment period and/or 2) your removal from the meeting.

CHAPTER 24: SOLID WASTE

STATE OF NORTH CAROLINA)
)
TOWN OF WEDDINGTON)

ORDINANCE # 2022-04

Solid Waste

Section

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GENERAL PROVISIONS

§ 24.0 PURPOSE

This article is determined and declared to be a health, sanitary, and safety measure necessary for the promotion, protection, and preservation of the health, safety, and general welfare of the people of the Town. Whenever this article conflicts with any other portion of the Town code, this article shall prevail with respect to any matters relating to solid waste services.

§ 24.1 DEFINITIONS

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

Animal and Agricultural Wastes. Principally, the manure and crop residue from various agricultural pursuits including dairying and raising of livestock and poultry. Animal waste also includes, in addition to items mentioned above, wastes from stables, kennels, pet pens, chicken coops, veterinary establishments, and the like.

Ashes. The residue from the burning of wood, coal, coke, and other combustible material in homes, stores, institutions and small industrial establishments for the purposes of heating, cooking, and disposing of combustible waste materials. Ashes shall contain no live embers or other burning materials.

Building Rubbish. Any materials or other substances accumulated as a result of repairs or additions to existing building, construction of new buildings, demolition of existing buildings, or moving of buildings, including but not limited to bricks, stone, concrete, wood, lumber, siding, shingles of any type, and the like. Also referred to as construction material.

Commercial Parcel (Property). Commercial parcels are where the primary use of the parcel is non-residential, such as a retail establishment, offices, flex-space, warehousing and/or restaurants. Churches shall also be classified as Commercial, as are multi-family parcels containing 6 or more units.

Contracted Services (Yard Waste). Any tree or shrubbery trimming resulting from work performed by landscaping or tree service contractors or other commercial workers, including, but not limited to land clearing work. This shall also apply to any job performed by anyone, including friends, family or neighbors for pay and also including the owner or resident of the property, that is of such scale that heavy equipment as used by contractors is needed to complete the work.

Garbage. The byproduct of animal or vegetable foodstuffs, resulting from the handling, preparation, cooking, and serving of food, or other matter which is subject to decomposition, decay, putrefaction, or the generation of noxious or offensive gases or odors, or which during or after decay may serve as breeding or feeding material for flies, other insects, or animals.

Hazardous Waste. Any waste accumulation meeting the definitions as spelled out in 40 CFR 261.3.

Household Hazardous Waste. (HHW) Hazardous refuse generated in normal residential activities, and may consist of items such as paints and thinners, pesticides, herbicides, cleaners, batteries, electronic waste, etc.

Household Trash. Any waste accumulation of paper, sweepings, dust, rags, bottles, cans, or other matter of any kinds, other than garbage, which is usually attendant to housekeeping

Household or Residential Bulk Items. Items generated from single-family residential units such as home furnishings, mattresses, etc., also see White Goods.

Industrial Waste. All waste, including solids, semi- solids, sludge and liquids, created by factories, processing plants, or manufacturing enterprises.

Junk. Any item, including but not limited to, dilapidated furniture, appliances, machinery, equipment, building materials, automobile parts, tires, or other items which are either in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition.

Litter. An illegally discarded man-made material including but not limited to, building materials, business trash, garbage, household trash, industrial waste, refuse, and other solid wastes.

Multi-Residential Unit. Any duplex, apartment, group of apartments or condominiums, or housing units designed for or occupied by more than one family, not to exceed 5 units or a single site. Complexes containing six (6) or more units must privately contract for dumpster service.

Normal Use (Roll out Container), Residential. Placement of any variety of both combustible and noncombustible solid waste materials from households, including such items as plastic, wastepaper, rags, sweepings, and similar

Parcel. A separate, distinct section of land with its own Tax ID number in the county tax system.

Private Property. Property owned by any person, not a political entity, including but not limited to yards, grounds, driveways, entrances of passageways, parking areas, storage areas, vacant land, and bodies of water, including sidewalks, grass strips, one-half of alleys, curbs, or rights-of-way up to the edge of the pavement of any public street

Recyclable Material. Newspapers, magazines, steel and aluminum cans and plastic drink bottles or other such material as designated by the Administrator.

Refuse. Solid waste accumulations consisting of garbage, household trash, yard trash, or business trash.

Roll Cart. A plastic, mobile, top-loading, residential refuse container of 96-gallon capacity compatible to the Town's collection equipment. Sometimes called a rollout.

Single Residential Unit. Any dwelling place designed for or occupied by one family.

Town Administrator. The Town Administrator for the Town of Weddington or her designee.

White Goods. Residential appliances such as washers, dryers, stoves, window A/C units, and similar items.

Yard Waste. Accumulation of lawn, grass, or shrubbery cuttings or clippings, bushes, limbs, and dry leaf rakings free of dirt, rocks, large branches, and bulky or non-combustible material.

§ 24.2 TOWN ADMINISTRATOR

The Town Administrator shall be responsible for the implementation of this section. Any decision of the Town Administrator shall be final.

§ 24.3 DISPOSAL OF REFUSE IN TOWN LIMITS BY NONRESIDENT PROHIBITED.

- A. It shall be unlawful for any person, firm, or a corporation not a resident of the Town to bring trash, refuse, rubbish, or other forms of waste into the Town and to discard it or to deposit it for collection by the Town. An example of a violation of this section is a person who owns or is employed by a business within the Town limits, but who lives outside the Town limits, bringing his household garbage into the Town and depositing it or otherwise leaving it for collection by the Town.
- B. Ownership of trash, refuse, rubbish, or other forms of waste, including designated recyclable material, set out or placed in receptacles for collection by the Town shall be vested in the Town.

§ 24.4 PROHIBITED DISPOSAL OF WASTES.

A. Prohibited disposal of wastes generally.

1. It shall be unlawful for any person to dump, throw, or otherwise deposit upon any Town street or sidewalk, or in any public place not designated for such purposes, any scrap paper, bottles, cans, glass, rags, feathers, building material scraps, tree and shrubbery trimmings, liquid wastes, lubricating or fuel oil, flammable or combustible wastes or any other trash, refuse, or debris. G.S. § 14-399.
2. It shall be unlawful for any person to obstruct or cause to be obstructed the free flow of water in, over, along, upon, or through any drainage way in any public street or other public way, or in any creek, stream, or other natural drainage course within the Town limits by depositing any trash, refuse, tree, or shrubbery trimmings, building material scraps, or other matter therein.

3. It shall be unlawful for any person to dump, deposit, or cause any gasoline, fuel oil, or other flammable liquid, or any wastes containing a toxic or poisonous substance, or any lubricating oil, grease or detergent, to drain into any drainage ditch, street gutter, culvert, or other drainage way in any public street or other public way or in any creek, stream, or other natural drainage course within the Town limits (See Unified Development Ordinance, Appendix 8-Stormwater). It shall also be illegal to place any type of lubricating oil, or other above-named materials in any container provided by the Town for garbage pickup. All lubricating oils should be taken to recycling centers.
4. No person shall throw, drop, or deposit, or cause to be thrown, dropped, or deposited on any land in the Town (vacant or occupied), including specifically streets, alleys, sidewalks, or other public and semi-public areas, or in any waters under jurisdiction of the Town, any wastes (including but not limited to refuse, garbage, ashes, rubbish, dead animals or fish, paper, drinking cups, broken glass, tacks, brush, grass, weeds, and anything injurious to health). If any person, while transporting or hauling, or causing to be transported or hauled such rubbish, material, earth excavation, coal, or other materials, shall throw, drop, or deposit, or cause to be thrown, dropped, or deposited, such rubbish or material from the body of a vehicle, in violation of the provisions of this section, such persons must daily clean up and remove such rubbish or material in a manner satisfactory to the Town Administrator or designee, failing which, the Town may clean up and remove such rubbish and material, and the Town may collect the cost of such cleaning up and removal from such persons.

B. Waste matter subject to scattering. It shall be unlawful for any person to deposit or permit to accumulate any waste matter or refuse of any description which is subject to scattering by animals or the elements of nature on that part of any property which is adjacent to a street or public place.

§ 24.5 TRANSPORTATION OF REFUSE.

No garbage, kitchen waste, or refuse shall be transported through the Town streets except in watertight metal containers with tight fitting covers. All other loads must be covered.

§ 24.6 DEPOSITING DEBRIS IN CATCH BASINS, MANHOLES, OR DRAINS.

No person shall throw, drop, or deposit grass clippings, leaves, shrubs, or any other debris into any catch basin, manhole, or drainage ditch or structure in the Town. (See Unified Development Ordinance, Appendix 8-Stormwater)

REFUSE COLLECTION SERVICE

§ 24.10 *Reserved*

§ 24A.11 COLLECTION PRACTICES.

- A. Except as otherwise provided in this sub chapter and except in the case of emergency arising from an act of God or other circumstances over which the Town has no control, the Town or its contractor will attempt to collect, remove, and dispose of certain refuse in residential sections of the Town once per week. In the event of inclement weather events, such as ice or snow, schedules may be adjusted as conditions and safety factors warrant. Schedule updates will be posted on the Town Web Site.
- B. Industrial waste shall be collected, removed, and disposed of by the operator of the factory, plant, or enterprise creating or causing the same in accordance with applicable provisions of this code. Industrial Waste will not be collected by the Town.
- C. Building rubbish, including items from large scale inside work, carpet, padding, and the like, shall be collected, removed, and disposed of by the contractor or person constructing, repairing, or demolishing any building, or in their failure to do so, by the owner of the property. Building rubbish shall not be collected by the Town.

- D. No refuse shall be collected where refuse receptacles cannot be serviced by sanitation personnel without unlocking, opening, or reaching over a door, gate, or similar obstacle, encountering a porch, carport, or garage, encountering a dog, or otherwise being denied reasonable access by parked vehicles, yard tools, equipment, or similar object. Generally, roll out carts and recycling containers must be placed at curbside for collection.
- E. Once a collection route is established, any changes shall be advertised on the Town Website at least 45 days before such changes become effective; provided, that such notice may be given by other means and within a lesser period of time in cases of emergency. At least one notice shall be mailed directly to each resident that is to be affected by the change.

§ 24.12 CONTAINERS FOR REFUSE; REGULATIONS

- A. Every person owning or occupying a single and/or multi-family residential unit shall store all garbage and refuse in containers, as specified herein, so as to eliminate wind driven debris and unsightly litter in and about their premises.
- B. Each single-family unit shall use one 96-gallon rollout container, so long as the containers are provided by the Town or its contractors. Additional containers, if needed, may be obtained, when supplies permit, by the payment of the monthly contract fee for residential service times the number of extra containers. Additional containers shall be limited to two. Each container will be and remain the property of the Town or its contractor. Except by the Town or its contractor, the container shall not be moved from the residence where assigned.
- C. Containers shall be used for the purpose of holding regular household type refuse. No items such as sticks, yard clippings, leaves, and the like may be placed in rollout containers used for garbage.
- D. Stones, bricks, iron items, and the like shall not be placed in the containers.
- E. The Town will be responsible for repairing or replacing containers only for normal wear and tear. All other damage to the containers may be assessed against the property owner and/or tenant of the property. This policy shall also apply to missing containers. Residents should call the Town's contractor when rollout carts need repairs.
- F. Residents are required to clean rollout containers when needed to keep down odor and insects.
- G. All solid waste, yard waste, recycling and bulk waste, which is properly placed at curbside for collection, is deemed to be abandoned and becomes the property of the Town or its agents.
- H. The Town may refuse to collect the following types of solid wastes, and it shall be unlawful for any person to place any of the following in any container or receptacle for collection by the Town:
 - 1. Hazardous waste, refuse and industrial waste. All such refuse shall be stored in suitable leak proof containers that will ensure that no such refuse or wastes leak or spill onto any public or private property. It shall be the responsibility of the person in possession of the premises to see that it is disposed of properly.
 - 2. Animal and agricultural Waste.
 - 3. Oils, lubricants or any other type matter that may damage the container, cause it to leak, erode wheel parts, or violate any state or federal disposal laws.
 - 4. Contagious disease refuses. The removal of clothing, bedding, or other refuse from homes or the places where highly infectious diseases have occurred shall be performed under the supervisor and direction of the County Health Department.

5. Materials defined as biohazards.
6. Materials of any kind or nature, including ashes, that contains any hot or live coals or fire.
7. Raw or uncooked seafood or meats unless tightly wrapped in plastic bags.
8. Hypodermic needles and/or any other sharp object.
9. Paints, thinners and other such HHW items. Latex paint may be disposed of but must be dried first and not be in a liquid state.
10. Computer parts, TVs and other electronic equipment.
11. Building rubbish
12. Tires, automobile wheels and other auto parts
13. Any other items that are banned from disposal in the Landfill, or in the opinion of Town should not be collected.

After warning, violations of this section may result in penalties as spelled out in this chapter.

§ 24.13 STORAGE OF REFUSE.

- A. Each owner and every occupant or other person in control of any building or land in the Town, including vacant property, shall keep the same in a clean and orderly condition and shall deposit refuse for collection in accordance with the provisions of this sub chapter and the regulations of the Town. All refuse shall be stored in containers complying with this code.
- B. Persons occupying business buildings shall store cardboard boxes inside the building unless stored in automatic containers.

§ 24A.14 PRE-COLLECTION PRACTICES.

Occupants, whether owners or tenants, of single and multi-family residential units requiring a rollout cart in which to store their refuse shall adhere to the following collection practices:

- A. Garbage and general rubbish shall be stored only in receptacles approved by 24.12 of this chapter and such receptacles shall be covered at all times.
- B. All dangerous trash items such as broken glass, light bulbs, and the like, shall be securely wrapped to prevent injury to collection crews. Boxes should be broken down prior to collection.
- C. All garbage and refuse shall have liquid drained before it is placed in the container for collection.
- D. All garbage shall be placed in plastic bags and tied securely.

§ 24.15 POINT OF COLLECTION.

- A. Time of Collection. Garbage and recycling containers when set out for collection shall be placed at a location designated by the Town or its contractor more than 24 hours before the time set for collection and no later than 7:00 a.m. (6:30 a.m. daylight-saving time) the day of collection and the containers shall be returned to the principal structure prior to 9:00 p.m. on the date of collection.
- B. Carts shall be placed along the curb or edge of pavement three feet apart and at least three feet from all

structures.

- C. Disabled Provisions. In the event a resident is physically unable to place the cart at the curbside. The resident may request and receive backyard pick-up for 30 days without getting a doctor's certification. At the end of 30 days, if they want to continue with backyard pick-up, they must submit a doctor's certification.
- D. Street Litter Containers. Businesses shall not use street litter containers for the disposal of business-generated trash.
- E. Household Bulk Items. A list of items eligible for pickup and the cost for that pickup is listed on the Town's website.
- F. Appliances (White Goods). A list of items eligible for pickup and the cost for that pick-up is listed on the Town's website.

§24.17 YARD WASTE COLLECTION PRACTICES.

Yard waste services may be available to single-family residences by request to the Town's contractor and for an additional fee. Services are not provided to commercial locations. Town house type developments with master landscape contracts shall be responsible for disposal of their yard waste generated either by contractors or individual residences. Tree, hedge, and shrubbery trimmings shall be placed at the curb for collection in accordance with the following guidelines:

- A. Limbs and brush smaller than 12 inches in diameter, must be cut not to exceed five feet in length.
- B. Tree and shrubbery limbs shall have protruding branches or limbs trimmed off. Small limbs of a size that might be blown about and scattered by the elements, shall be effectively tied so as to avoid wind driven debris and unsightly litter condition. Thorny vegetation shall be placed near the curb in small, neat piles.
- C. Collection of tree and shrubbery trimmings shall be limited to amount one-man can collect per week per residence in 20 minutes. Additional service may be approved by the Administrator upon request, for unusual circumstances.
- D. Tree limbs should be separated from smaller shrubbery trimmings and all yard waste shall be put in piles separate from other general debris.
- E. Limbs and cuttings must be placed with butt or cut ends toward the street or public alley and must be of the size that can be handled by one person.
- F. The Town shall not collect, remove, or assist in the removal of tree stumps, small lots, tree trunks, heavy grass, or dirt resulting from the clearing of any property of any kind. It shall be unlawful for any person to place or deposit any such item at curb side at any time.
- G. Leaves and grass clippings must be placed in clear plastic bags or open receptacles. Bags that are not clear must be left open for inspection by the driver.
- H. Yard waste shall not be mixed with any other garbage or trash. Yard waste found to be mixed will not be collected until it has been separated and after warning, additional violations may result on penalties as spelled out in this Chapter.
- I. In the event of a declared disaster these limitations may be temporary suspended at the direction of the Town.

§ 24.19 RECYCLING SERVICE.

The Town, at its discretion, may provide residential recycling service. Items subject to recycling shall be placed in

bins as provided by the Town or its contractor and placed at curbside on designated collection days. A list of items available for recycling will be maintained on the Town's website and may be changed from time to time with notice in the Town Newsletter and Website.

- A. Each single-family unit shall use one 96-gallon rollout container provided by the Town or its contractors. Additional containers, if needed, may be obtained, when supplies permit, by the payment of a one-time fee calculated as the product of the monthly charge per household per month, times twelve, times the number of extra containers. Additional containers shall be limited to two. Each container will be assigned by the Town and will remain the property of the Town or its contractor. Except by the Town or its contractor, the container shall not be moved from the residence where assigned.
- B. Glass recycling. The Town may provide glass recycling services. If such service is provided, each single family unit shall be provided with a 42-gallon rollout container. Each container will be assigned by the Town and will remain the property of the Town or its contractor. Except by the Town or its contractor the container shall not be moved from the residence where assigned.
- C. Recycling shall not be mixed with any other garbage, trash or yard waste. recycling found to be mixed will not be collected until it has been separated and after warning, additional violations may result on penalties as spelled out in this Chapter.

§ 24.20 Reserved.

§ 24.21 COLLECTION OF DISPOSAL FEES.

The Town Council may establish and revise charges and other fees as necessary, to cover the costs of sanitation and disposal services within the Town, including recycling, bulk items, household hazardous waste, white goods and yard waste services.

HAZARDOUS AND INDUSTRIAL WASTES

§ 24.26 HAZARDOUS MATERIALS.

It shall be unlawful to place any hazardous refuse, as defined in 24A.01 of this chapter, in any receptacle used for collection by the Town. It shall be unlawful to place in any container, at curbside, or in any catch basin, manhole, or drainage ditch, or structure, any materials considered to be hazardous refuse by the U.S. EPA or by any other responsible agency. The Town, at its discretion, may conduct household hazardous waste collections annually.

§ 24.27 INDUSTRIAL WASTES.

The Town shall not collect any type industrial waste, weather solid, liquid, hazardous, or highly combustible. It shall be unlawful to place industrial waste in any container or receptacle for collection by the Town. Industrial waste shall be collected, removed, and disposed of by the operator of the factory or industry, or business creating the same.

PENALTIES

§ 24.30 PENALTY

- A. A civil penalty of \$25. for the first violation shall be assessed. A second violation of this Chapter shall result in a \$50 civil penalty, and a third and all subsequent violations shall result in a civil penalty of \$100 per violation.
- B. The Town Administrator or his designee, shall be authorized to issue to persons violating the terms of this ordinance a civil citation in the amounts shown in Section (A) above. Any person to whom a citation has been issued may appeal to the Town Council, whose decision shall be final. Civil penalties shall be paid within ten business days of the issuance, unless appealed. Failure to appeal in ten business days shall result

in an additional late penalty of \$25. Penalties shall be collected in the form of a debt.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF WEDDINGTON on this 14th day of November 2022.

TOWN OF WEDDINGTON

Attest:

Karen Dewey, Town Administrator/Clerk

D. Craig Horn, Mayor

Approved as to Form

Karen Wolter, Town Attorney

DRAFT



**TOWN OF WEDDINGTON
RESIDENTIAL SOLID WASTE FEE ORDINANCE**

WHEREAS, North Carolina General Statutes, Chapter 160A-314.1 authorizes towns to impose fees for the collection and disposal of solid waste and to bill such fees with property taxes; and

WHEREAS, the Town Council of the Town of Weddington seeks to impose a Residential Solid Waste Fee for the fiscal year beginning July 1, 2022, and of each year thereafter for each successive fiscal year for which the Fee is imposed, on all residences located in the Town of Weddington on January 1 of each current year, by including the same in its Budget Ordinance; and

WHEREAS, the Town Council of the Town of Weddington has caused this Ordinance to be prepared to specify the administrative details relative to the billing and collection of the Residential Solid Waste Fee; now, therefore,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON that the following Residential Solid Waste Fee Ordinance is hereby adopted.

Section 1. Definitions. The following definitions apply in this Ordinance:

- (a) “Residence” means property used or, if vacant, designed to be used as a residential dwelling for one or more persons, whether or not the property is also used for other non- dwelling purposes. The term includes mobile homes, single family, multifamily, and other structures used or designed to be used as residential dwellings. There can be multiple residences within a single structure, such as apartments, duplexes, town houses, or condominiums. The term does not include hotels, motels, inns, tourist camps, mobile home parks under single ownership, or other similar places.
- (b) “Mobile home” means a dwelling unit that is not constructed in accordance with the standards set forth in the state building code, is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and exceeds 40 feet in length and 8 feet in width A structure that would otherwise be characterized as a mobile home except that it is not used or held ready for use as a dwelling unit (e.g. is used as an office or some other business use) shall not be regarded as a mobile home.
- (c) “Fee” means the Residential Solid Waste Fee imposed by the Town of Weddington Budget Ordinance which is adopted from time to time.
- (d) “Tax Assessor” means any persons designated by the Town to levy and collect the Fee and administer the terms of this Ordinance.

- (e) “Levy” or “levied” means the act of determining what property is subject to the Fee and the assessment and billing of the Fee by the Tax Assessor.
- (f) “Town Official” means the Town of Weddington Finance Director and any persons designated by him to consider appeals.

Section 2. Relationship to Machinery Act. The Fee shall be billed with property taxes, payable in the same manner as property taxes, and collected in any manner by which delinquent personal or real property taxes can be collected, all as provided in Subchapter II, Chapter 105, of the North Carolina General Statutes.

Section 3. Administration. The Town of Weddington Tax Collector will levy and collect the Fee and may promulgate additional rules and regulations necessary for the implementation of this Ordinance not inconsistent with the specific provisions set forth herein.

Section 4. Property Affected. The Fee is imposed upon all property in the Town of Weddington which is a residence. The Fee is imposed on each separate residence.

Section 5. Date as of Which Ownership and Eligibility for Imposition of the Fee is to be Determined. The ownership of property subject to the Fee shall be determined as of January 1, 2022, for the fiscal year beginning July 1, 2022, and as of January 1 of each year thereafter for each successive fiscal year for which the Fee is imposed. If any property subject to the Fee as of January 1 is destroyed, demolished, removed, becomes uninhabitable, or otherwise loses its eligibility for the Fee prior to July 1 and remains as such as of July 1 of that calendar year, the property will not be subject to the Fee. A change of ownership of the property between January 1 and July 1 will not cause the property to lose its eligibility for imposition of the Fee. A residence which is vacant due to being partially completed as of January 1 shall not be subject to the Fee, even though it is fully completed as of July 1. A residence which is vacant due to being renovated as of January 1 shall be subject to the Fee, provided the residence is occupied or available for occupancy as of July 1.

Section 6. RESERVED

Section 7. Assessment Procedure. The Town of Weddington will advise the Tax Assessor no later than July 1 the amount of the Fee to be levied and which properties the Fee will be levied against. The Tax Assessor shall include the amount of the Fee on the tax bill of the owner of the property as of January 1. The Fee imposed on a residence which is not assessed for property taxes by the Tax Assessor in connection with or as a part of a specific parcel of land shall be billed by the Town as a separate bill to the owner of the residence. Except for the exclusions listed in Section 6, Residences which are exempt from property taxation, but which are subject to the Fee, shall be billed by a separate bill to the owner of the residence.

Section 8. Late Levy of the Fee. If the Tax Assessor fails to levy the Fee on one or more residences during the normal billing period due to inadvertence or other good reason, the Fee may be levied at any time during the applicable fiscal year or the next succeeding fiscal year. For purposes of determining the due date and applicability of interest, the late levy shall be deemed to be a Fee for the fiscal year beginning on July 1 of the calendar year in which the Fee is levied.

Section 9. Due Date; Interest for Nonpayment. The Fee is due January 1, 2023, and

September 1 of each successive year for which the Fee is imposed. The Fee is payable at par if paid before January 6 following the opening of the fiscal year. Any portion of the Fee not paid on or before January 6 is delinquent and interest will accrue as follows: For the period January 6 to February 1, interest accrues at the rate of two percent (2.0%); and for the period February 1 until the principal amount of the Fee and the accrued interest is paid, interest accrues at the rate of three-fourths of one percent (3/4%) a month or fraction thereof.

Section 10. Appeals. The owner of property upon which a Fee is levied by the Tax Assessor shall have the right to file a notice of exception with the Town Official at any time prior to the date the Fee becomes delinquent, unless the notice of the Fee is mailed less than thirty (30) days prior to the delinquent date, in which event the owner shall have thirty (30) days after the date of mailing in which to file a notice of exception. Upon receipt of a timely exception, the Town Official shall arrange a conference with the owner to afford him an opportunity to present any evidence or argument he may have regarding the Fee and the Town Official shall have the authority to authorize a rebate or refund of the Fee if he concludes the Fee is not owed. Within fifteen (15) days after the conference, the Town Official shall give written notice to the owner of his final decision. In cases in which agreement is not reached, the owner shall have fifteen (15) days from the date the notice is mailed to appeal the Town Official's decision to the Town Council of the Town of Weddington ("Council") for a final decision in accordance with the rules of procedure established by the Council. The Council shall have the right to appoint a special committee consisting of at least two persons from the Council to hear the appeals. Notwithstanding any pending exceptions by the owner to the Town Official or appeal to the Council, the owner shall pay the Fee prior to the date interest accrues, subject to a refund, without interest, if the final appeal is decided in the owner's favor. If a Fee is refunded, the Town of Weddington Finance Director shall issue the refund.

Section 11. Liens. The Fee shall be a lien on real and personal property under the same rules as set forth in N.C.G.S. §105-355, and other sections of The Machinery Act.

Section 12. Remedies for Collection. The Tax Collector shall have the same remedies for collecting the Fee as provided in N.C.G.S. §105-366, 367, 368, 374, and other sections of The Machinery Act.

Section 13. Partial Payments. The Tax Collector shall be entitled to collect partial payments of the Fee. If a bill from the Tax Collector includes a combination of property taxes or other assessments with the Fee, the Tax Collector shall apply any partial payments in the order in which such payments are now applied under the hierarchy utilized by the office of the Tax Collector, with the Fee to be applied at the lowest priority of the hierarchy existing as of the date of this Ordinance.

Section 14. Imposition of Fee Against Property Owned and Listed by Multiple Owners. If there are multiple owners of property on which the Fee is imposed and such multiple owners are assessed separately for property taxes, the Fee shall be levied on a ratable basis in accordance with the percentage of interest owned by the multiple owners.

Section 15 Adjustment of Fee. In the event that the Town Council determines that a Fee has been levied against a type or types of residence in an amount which is in excess of the Fee which should have been levied, the Town Council shall have the authority to direct the Town's Finance Director to refund, rebate, or credit an appropriate amount to the affected property owners either in the fiscal year for which the Fee was levied or in the next fiscal year. If a portion of a Fee is refunded, rebated, or credited, the adjustment of the Fee shall be from funds contained in the Solid Waste Fund.

Section 16. Effective Date. This Ordinance is effective for the fiscal year beginning July 1, 2022.

ADOPTED this 14th day of November 2022.

Craig Horn
Mayor, Town of Weddington

ATTEST

Karen Dewey
Town Administrator/Clerk, Town of Weddington

APPROVED AS TO FORM:

Karen Wolter, Town Attorney

DRAFT



MEMORANDUM

TO: Mayor and Town Council
FROM: Karen Dewey, Town Administrator/Clerk
Leslie Gaylord, Finance Officer
DATE: November 14, 2022
SUBJECT: Solid Waste Fee

The proposed solid waste fee for Weddington citizens has been calculated as \$22/month or \$264/year. The amount was derived by taking the initial base monthly fee that Active Waste is charging the Town and adding estimated additional expenditures the Town will incur for overhead and labor. These costs include but are not limited to:

- Printing and postage for invoices and delinquency notices
- Staff time related to customer service calls and delinquency follow-ups
- Staff time related to monthly report review and oversight
- Staff time related to payment processing
- Bank fees related to payment processing
- Estimated bad debt expense for customer nonpayment
- Estimated CPI increases over the term of the contract

The Town will review the fee annually in conjunction with its budget preparation to determine if any adjustments are needed or recommended.



RS-2022-04

A RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE AMENDING THE CHARTER OF THE TOWN OF WEDDINGTON TO CHANGE FORM OF GOVERNMENT TO COUNCIL-MANAGER S AND SETTING THE DATE FOR A PUBLIC HEARING THEREON

WHEREAS, pursuant to NCGS §160A-101 and 160A-102, the Weddington Town Council may adopt an ordinance to amend the Town Charter to implement any of the optional forms set out in NCGS §160A-101; and

WHEREAS, NCGS §160A-102 requires that proposed Charter amendments first be submitted to a public hearing and that due notice thereof be published not less than ten (10) days prior to the date fixed for the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Weddington Town Council that:

1. The Town Council hereby intends to consider an ordinance amending the Town Charter, as set forth in Session Law 2007-269 of the General Assembly of North Carolina, as amended, to change the form of government from Mayor-Council form to Council-Manager form as authorized under NCGS §160A-101(9). It is proposed that this change shall begin once adopted.
2. A public hearing on the proposed ordinance is hereby called for on **Monday December 12, 2022** at 7:00 p.m. time at Town Hall.
3. Following the public hearing called today, the Council shall consider passage of the ordinance at the regular meeting on **January 9, 2023**, at 7:00 p.m. at Town Hall.
4. The Town Clerk is hereby directed to cause to be published in The Charlotte Observer a proper notice of the public hearing called, which shall contain a summary of the proposed Charter amendment.

Adopted this 14th day of November, 2022.

*D. Craig Horn, Mayor
Town of Weddington*

ATTEST:

*Karen Dewey, Town Administrator/Clerk
Town of Weddington*



MEMORANDUM

TO: Mayor and Town Council
FROM: Karen Dewey, Town Administrator/Clerk
DATE: November 14, 2022
SUBJECT: WCWAA Funding Grant

Included in the packet are an example of a Capital Project Grant Application and a Grant Agreement for your review and discussion. Either option could be used with respect to WCWAA's request for funding for new lights at Optimist Park. A capital grant does not involve the concept of WCWAA acting as the Town's Park and Recreation department. That is better suited to an annual operating grant or management agreement. Since all funding provided by the Town would go to the lighting project, there is no funding intended to increase WCWAA's operating budget to account for extra services provided to Weddington.

Council may choose to consider these documents for distribution to WCWAA. The highlighted sections are negotiable and should be written so as to comply with WCWAA's contractor agreement.



CAPITAL IMPROVEMENT GRANT APPLICATION

(Application due January 31)
Application to be submitted to:
Town of Weddington
Attn: Town Administrator
1925 Weddington Road
Weddington, NC 28104

Date of Application: _____ **Amount Requested:** _____

Legal name of organization applying:

(Should be same as on IRS determination letter and as supplied on IRS Form 990)

Year Founded: _____ Current Operating Budget: _____

Executive Director: _____

Address (*principal/administrative office*): _____

City/State/Zip: _____

Phone number: _____ Fax Number: _____

Web address: _____

Primary Contact/Executive Director Information:

Name: _____

Email Address: _____

Telephone Number: _____

List any previous support you have received from Weddington in the last 5 years: _____

Time Period Covered by Request: _____ the "Funding Period"

Title and Brief Description of Capital Project; Full Cost of Project: _____

Amount Requested: \$ _____

Signature, Chairperson, Board of Directors

Signature, Executive Director

Printed Name and Title

Printed Name and Title

Date

Date

DRAFT

GRANT APPLICATION FORMAT

Please provide the following information in this order. Use these headings, subheadings and numbers provided in your own word processing format, thus leaving flexibility for length of response. Please note that a formal presentation of this grant request shall be made by Applicant to a meeting of the Weddington Board of Commissioners following the application submission. Applicant shall schedule this presentation with the Town Administrator's Office.

A. NARRATIVE

1. Executive Summary

- Begin with a half-page executive summary. Briefly explain why your agency is requesting this grant, what outcomes you hope to achieve, and how you will spend the funds if the grant is made.

2. Capital Improvement Project Plans and Budget

- Please attach a copy of the Project Construction Plans
- Please attach a copy of the Project Construction Budget
- Please attach a copy of the Project Construction Schedule
- Please attach a copy of your General Contractor Contract

2. Purpose of Grant

- Description of your goals, measurable objectives, and action plans for the Fiscal Year.
- Statement of needs/problems to be addressed; description of target population and how they will benefit.
- How your Project will carry on a public purpose that benefits the Citizens of Weddington.
- Description of the qualifications of key staff and volunteers that will ensure the success of the Project.

3. Evaluation

- Plans for evaluation including measuring objectives and how success will be defined and measured.
- Description of how evaluation results will be used and/or disseminated.
- Description of the active involvement of constituents in evaluating the program.

5. Organization Information

- Brief summary of organization's history.
- Brief statement of organization's mission and goals.
- Description of current programs, activities and accomplishments.
- Financial Aid/Scholarship Policy of organization.
- Organizational chart, including board, staff and volunteer involvement.

B. ATTACHMENTS

1. **IRS Determination Letter:** A copy of the current IRS determination letter indicating 501(c)(3) tax-exempt status.
2. **Board of Directors:** List of Board of Directors with affiliations.
3. **Finances:**
 - a. Organization's current annual operating budget, including expenses and revenue.
 - b. Most recent annual financial statement (independently audited),

- c. Most recent Form 990.
4. **Letters of Support:** Letters of support advocating for the Town's support.
5. **Annual Report**
6. **Relevance & Participation Narrative:** Answer the following questions on Relevance
 - a. What benefit does your organization's work provide the Weddington community?
 - b. Define your audience. In what ways are you seeking to expand or evolve the audience you serve in the coming year(s)?
 - c. How do you build meaningful relationships with community partners, audiences, visitors, participants, etc.?
 - d. Describe how your organization has prioritized becoming more accessible, inclusive, and equitable. What initiatives are currently underway, and what are you learning in the process? What strategies are you putting in place for the coming fiscal year?
 - e. Participation: Please discuss any changes, fluctuation, or trends in total annual/participation? How do you measure feedback from participants/audience, and how do you incorporate feedback?
7. **Leadership Narrative:** Answer the following four questions on Leadership:
 - a. Describe any significant board, staff and/or volunteer changes over the past 12-18 months.
 - b. In what ways do your organization's board, staff (full-time, part-time, and contract), and volunteers reflect Weddington's diverse community? What strategies do you employ to attract a diverse applicant pool and a range of board members who represent diverse demographics?
 - c. Describe your organization's strategies to continually improve the expertise of its staff and volunteers to foster a learning culture to do even better for the people you serve. This may include professional development, evaluation that cultivates a learning environment, etc.
 - d. How does your board and senior management set expectations about the organization's financial sustainability? How do the organization's financial strategies align to and sustain the mission?
8. **Key Staff Credentials:** To demonstrate strong industry professional leadership, provide one paragraph per key staff and volunteer member citing the individual's professional credentials in the industry.
9. **Budget Narrative Update:**
 - a. Describe any significant changes in the business model, staffing or facilities that are anticipated for the next fiscal year. How will this impact your organization's operations in the coming fiscal year?
 - b. Please give highlights of your YTD actual results compared to budget for the first six months of the current fiscal year. Have there been any surprises (positive or negative)? If so, how are you adjusting in the second half of the year to address them?
 - c. Has your Board adopted any new fiscal policies (e.g. Cash reserves) during the last 12 months?
10. **Cash Reserve Policy:** Please provide a copy of your organization's board approved Cash Reserve Policy.

11. **Strategic Plan:** Please provide the most current board-approved strategic plan for your organization. If available, please also provide a financial pro forma for the organization.
12. **Strategic Plan Narrative:** Answer the following two questions about your organization's Strategic Plan.
 - a. Briefly discuss how the Strategic Plan informs the organization's work. You may want to include details about how the Plan is used as a management tool or to set priorities and guidelines. What plans does your organization have for updating the current Strategic Plan?
 - b. Please share where you are in the organizational lifecycle, and any opportunities or challenges your organization has faced in recent fiscal years that would be helpful for the Town of Weddington to know.
13. **Conflict of Interest Policy:** Please provide a copy of your organization's board approved Conflict of Interest Policy for board and staff.

DRAFT

PROJECT BUDGET FORMAT

Below is a listing of standard budget items. Please provide the project budget in this format and in this order:

A. Total Amount Requested from Weddington: _____

B. Funding Period this budget covers: _____

C. **Projected Expenses for the Capital Project (Please attach detail):**

1. Construction Budget: (Attach Detail) _____
2. Fundraising Budget: _____
3. Administrative Expense allocated to Project: _____
4. Financing Expenses (if applicable) _____
5. Other (*specify*) _____

Total Expenses \$ _____

D. **Projected Revenue allocated to the Project:** include a **description and the total amount** for each of the following budget categories, in this order; please indicate which sources of revenue are committed and which are pending.

	<u><i>Committed</i></u>	<u><i>Pending</i></u>
1. Grants/Contracts/Contributions		
Local Government	\$ _____	\$ _____
State Government	\$ _____	\$ _____
Federal Government	\$ _____	\$ _____
Foundations (<i>itemize</i>)	\$ _____	\$ _____
Corporations (<i>itemize</i>)	\$ _____	\$ _____
Individuals	\$ _____	\$ _____
Other (<i>specify</i>)	\$ _____	\$ _____
2. Earned Income		
Events	\$ _____	\$ _____
Productions/Performances	\$ _____	\$ _____
Exhibitions	\$ _____	\$ _____
Publications and Products	\$ _____	\$ _____
Educational Programming	\$ _____	\$ _____
Rental Income	\$ _____	\$ _____
Concessions	\$ _____	\$ _____
Other (<i>specify</i>)	\$ _____	\$ _____
3. Membership Income	\$ _____	\$ _____
4. In-Kind Support	\$ _____	\$ _____
5. Other (<i>specify</i>)	\$ _____	\$ _____
Total Revenue	\$ _____	\$ _____



CAPITAL IMPROVEMENT GRANT AGREEMENT FOR
[WCWAA]

This Capital Improvement Grant Agreement (the “Grant Agreement”) entered into on this _____ of _____, 20__ by and between TOWN OF WEDDINGTON, a North Carolina municipal corporation (“Town”), and the following Grantee, WCWAA, a North Carolina non-profit corporation (“Grantee”).

WHEREAS, Town is authorized, pursuant to NCGS §160A Article 18 to provide recreational facilities and programs for the benefit of the public; and

WHEREAS, Town is authorized, pursuant to §160A- 20.1 to contract with and appropriate money to Grantee in order to carry out the public purpose of providing parks and recreation facilities, education and programming for the benefit the citizens of Weddington; and

WHEREAS, Grantee has successfully operated Weddington Optimist Park (the “Park”) as well as recreational programming for residents of Weddington and surrounding communities for nearly 40 years; and

WHEREAS, the Grantee seeks to **replace outdated lighting on [name fields]** (the “Project”); and

WHEREAS, Grantee has applied to the Town for a Capital Improvement Grant for the Project for the Town’s fiscal year _____ by completing the Capital Improvement Grant Application attached hereto and incorporated herein as **Exhibit A**;

WHEREAS, the Town has reviewed Grantee’s grant Application and awards to Grantee a grant award subject to the terms and conditions set forth below.

NOW THEREFORE, in consideration of the foregoing recitals, of mutual promises of the Parties and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Town and Grantee agree as follows:

1. Grant Award. The Town hereby grants to Grantee a Facilities Grant for fiscal year 2024 in the amount of **up to \$XXXXX**.

2. Use of Grant Awards. Grant Awards are to be used by Grantee solely for the Project as more particularly described in the Construction Plans and Grant Application submitted by Grantee, attached hereto as **Exhibit A** and incorporated herein by reference.
3. Funding Period. Each funding period for the Grant Award begins on July 1 and terminates on June 30 (the “Annual Funding Period”).
4. Payment of Grant Award. The Town will distribute the Grant Funds to Grantee in the form of expenses incurred throughout construction of the Project. During construction when the project requires Grant Funds, Grantee will send the Town a request to draw Grant Funds within 24 hours of receipt of an application for payment submitted by its contractor. (“Draw Request”). The Draw Request will include a detail of the invoices included to be paid. The draw request will be submitted for work completed. The Town shall make payment 15 days after receipt of the Draw Request only if the application for payment has been authorized by _____. In the event authorization is not received within 15 days of Town’s receipt of a Draw Request, Town shall delay payment until such payment has been Authorized. Invoices shall be sent to the Town’s Chief Finance Officer with a copy to the Town Administrator Grantee shall return Town Funds that remain un-obligated and unspent at the end of the Funding Period.
5. Town Not Responsible for Funding Shortfalls. The Town shall not be liable nor responsible for funding shortfalls nor Project deficits. The Town Contribution to the Project shall not exceed \$xxxxx unless the Town agrees otherwise in writing.
6. Accounting of Funds. Grantee shall submit to the Town a full and accurate accounting summarizing all expenditures for the Project along with all funding sources on or before the 20th day of each month for the previous month (example: May 20th report will summarize through April 30) during the Funding Period. Additionally, Grantee shall submit a Final Report to the Town no later than 60 days after receiving a certificate of occupancy for the Project that summarizes all expenditures made and all funding sources contributed to the project. Grantee shall retain and keep safe financial and other records that corroborate the information contained in the Final Report (invoices, receipts, pay vouchers, etc.) for a period of no less than three years. The Town shall have the authority to review these financial records from time to time.
7. Material Failure to Perform. The Town shall have no obligation to pay the Grant Award or any remaining portion thereof should Grantee fail to provide required financial reporting or should Grantee materially fail to comply with Exhibit A including but not limited to a material failure to meet budget projections and/or programming goals. In the event of such material failure, Grantee shall return the full amount of the Annual Grant Award already paid to Town.

8. Operation Deficits. The Town shall not be responsible for nor liable for deficits of Grantee.
9. Consideration of Future Funding. Upon annual application by Grantee and upon material compliance with a prior year's Application, the Town may consider future Grant awards.
10. Indemnification. Grantee assumes sole responsibility and liability, and will defend, indemnify, and hold Town harmless from and against all liabilities, fines, suits, claims, demands, actions, injuries, damages, judgments, costs, expenses, penalties or losses of any kind or nature whatsoever (including without limitation for damage to real or personal property, and/or or injury or death to a person) (collectively, the "Liabilities") caused by, arising out of, or in any manner related to Project, including from intentional or negligent acts by Grantee or its agents, employees, licensees, contractors, patrons, guests, invitees, customers and other visitors, or the public; provided, however, that Grantee shall not be liable to Town for liabilities arising from or directly related to Town's gross negligence or willful misconduct. Grantee waives all claims against Town for liabilities arising from or related to the Project, except for claims arising from or directly related to Town's gross negligence or willful misconduct. Grantee's indemnity obligations pursuant to this Section shall survive the termination or expiration of this Agreement.
11. Insurance. Grantee will procure and maintain a builder's risk policy or policies of insurance adequately covering the replacement cost of the Project, and any liability which may arise out of, or by virtue of, the development and construction of the Project including without limitation by Grantee or its agents, employees, licensees, and contractors. Without limiting the foregoing, Grantee will at all times maintain (i) comprehensive general liability insurance (including premises-operations, contractual liability and completed operations coverage, if listed as separate coverage parts) with per occurrence limits and aggregate limits (including any excess or umbrella coverage) of not less than \$1,000,000 and \$3,000,000, respectively, (ii) such workers' compensation and other employers' liability insurance as may be required by the jurisdiction in which Grantee is doing business. All such insurance policies will name both Grantee and Town as "named insureds" so as to create the same liability on the part of insurer as though separate policies had been written for Grantee and Town.

Grantee will provide Town with copies of all insurance policies and renewals of insurance policies required under this Agreement. All policies will contain endorsements providing that they will not be cancelled, reduced in amount or coverage, or otherwise modified by the insurance carrier, without at least thirty (30) days' prior written notice to Town. Town will be entitled to participate in the settlement or adjustment of any losses covered by such policies.

Each of Grantee and Town (in such case, the "Injured Party") hereby waives any claim it might have against the other party to the extent that the Injured Party suffers loss or damage which is caused by the other party, but which is covered by the Injured Party's insurance policies required herein. Each of Grantee and Town will obtain from its

insurance carrier a provision acknowledging this waiver and agreeing that such insurance carrier will not be subrogated to the rights of the Injured Party to the extent that these rights have been waived.

12. Notices: Whenever this Agreement requires either party to give notice to the other, such notice will be given in writing and delivered in person (including by commercial courier service), mailed via the United States Postal Service, by certified or registered mail, return receipt requested, or via confirmed email to the party at the address set forth below, or at such other address designated by like written notice:

Town of Weddington
1924 Weddington Road
Weddington, North Carolina 28104
Attention: Town Administrator

WCWAA

Attention: _____

13. Severability and Duration. If any provision of this Agreement is deemed or declared illegal, unenforceable or invalid, such provision will be read out of this Agreement, and will not affect the validity of any other provision or give rise to any cause of action of the parties against the other, and the remainder of this Agreement will be valid and enforced to the fullest extent permitted by law.
14. Waiver. Any waiver at any given time of any term or condition of this Agreement, or the failure to take action with respect to any breach of any such term or condition, will not be deemed to be a waiver of the term or condition with regard to any subsequent breach of the term or condition, or of any other term or condition of the Agreement.
15. Modifications. This Agreement may be modified, altered or amended only by written agreement executed by Town and Grantee.
16. Governing Law. This Agreement shall be governed in all respects, including as to validity, interpretation and effect, by the internal laws of the state of North Carolina, without giving effect to the conflict of laws and rules thereof. The language in all parts of this Agreement will be, in all cases, construed according to its fair meaning and not strictly for or against Town or Grantee.
17. Waiver of Jury Trial. The Parties waive trial by jury in any action, proceeding or counterclaim brought by or against the other with respect to any matter arising out of or in connection with this Agreement.

18. Relationship. The parties agree that neither any provision of this Agreement nor any act of the parties shall be deemed to create any joint venture relationship or other partnership agreement between Grantee and Town.
19. Time of the Essence. Time is of the essence for each of the provisions of this Agreement.
20. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which counterparts collectively shall constitute one Agreement. Signatures may be exchanged by copy, or with original signatures to follow. Each party shall be bound by its own copied signature and shall accept the copied signature of the other party.
21. Performance of Government Function. Nothing contained in this Agreement shall be deemed or construed to estop, limit, or impair Town from exercising or performing any regulatory, legislative, governmental or other powers or functions.

[The balance of this page is intentionally left blank

IN WITNESS WHEREOF, the parties have executed this Agreement under seal in Weddington, North Carolina, as of the Effective Date.

WCWAA

Signature of Authorized Representative Date

Federal Identification #

Town of Weddington

Signature of Authorized Representative Date

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Signature of Authorized Finance Officer Date

By: _____

[Mayor]

Date: _____

By: _____

[Grantee Executive Director]

Date: _____



MONTHLY CODE ENFORCEMENT REPORT

Active and Closed Cases – October, 2022

1. **675 Weddington Road** - Construction activity and possible commercial construction activity
Status: Under Enforcement
 - Complaint received related to construction activity coupled with possible commercial construction activity. Site was visited on 8/24/22, photos taken and site investigation conducted which confirmed lot was graded and utilized to store commercial construction activity. Courtesy letter issued on 8/24/22, check back date 9/8/22.
 - 9.23.22 - spoke with owner and informed Town will not permit the storage of commercial equipment in residential district. Provided until 10.21.22 to address issues.

2. **4909 Beulah Church Road** - Accumulation of debris and conducting business on residential property
Status: Under Enforcement
 - Complaint received regarding an accumulation of debris in the yard and conducting business on residential property. Site visit on 8/16/22 confirmed presence of violations – site photographed and violations documented. Courtesy letter issued on 8/22/22 with a check back date of 9/6/22.
 - 9.6.22 - Follow-up visit conducted; violations still present. Will work with Town relative to appropriate next steps.

3. **4915 Beulah Church Road** - Debris in the yard
Status: Under Enforcement
 - Complaint received regarding an accumulation of debris in the yard. Site visit on 8/16/22 confirmed presence of violations – site photographed and violations documented. Courtesy letter issued on 8/22/22 with a check back date of 9/6/22.
 - 9.6.22 - Follow-up visit conducted, violations still present. Will work with Town relative to appropriate next steps.

4. **4416 Glen Oaks Dr** - Abandoned Vehicle (truck without a current tag)
Status: Under Enforcement
 - Complaint received regarding an abandoned vehicle parked on the street (truck doesn't have a license plate). Site visit on 9/14/22 confirmed presence of



violation – site photographed and violations documented. Courtesy letter issued on 9/15/22 with a check back date of 9/30/22.

- 9.30.22 - Violation still present, truck parked on street without a tag. Will work with Town on appropriate next steps.

5. **4208 Waxhaw-Indian Trail Rd** - Too many accessory buildings, use of RV for residential purposes, junk vehicle, trash and debris

Status: Under Enforcement

- Complaint regarding too many accessory buildings, use of RV for residential purposes, junk vehicle, trash and debris. Notice of Violation has been prepared and a compliance deadline of July 21, 2022 has been issued.
- Follow-up site visit conducted on 9/28/22 - junk vehicle, trash and debris and two accessory structures still present. Violations still present, working with Town appropriate next steps.

6. **7239 Cobblecreek Dr** - Unpermitted accessory structure

Status: Under Enforcement

- Complaint regarding unpermitted “accessory structure”. Site visit was conducted and a meeting with the homeowner was held. Homeowner confirmed that he failed to obtain a permit but agreed to obtain the permit. The owner has submitted the permit and is working with the Zoning Administrator to submit final documentation.

7. **1408 Highland Ridge Ct** - Accessory building constructed without permit

Status: Under Enforcement

- Complaint regarding “Accessory Building” constructed without permit. Met owner on site on 2/3/22. Owner stated he wasn’t aware a permit was required and agreed to obtain permit immediately. Courtesy Letter dated 2/4/22 was issued requesting owner obtain a permit and requesting meeting on site on 2/11/22. Met owner at site. Explained permit process. Conducted side-yard set-back measurements. Building appears to violate required setback requirement.
- Site visit 4/11/22 building has not been relocated. Owner hiring surveyor to identify property lines to assist with relocation of building. Owner has agreed to relocate building to rear yard area and is obtaining a “new” permit for building relocation.

8. **233 Weddington Rd** - construction of accessory building without an approved permit

Status: Under Enforcement

- Complaint filed regarding construction of an “Accessory Building” without a permit. Conducted site visit. Met owner at property. Accessory building is an addition to an existing building. Owner says he was not aware he needed a permit. Says he’ll apply for permit immediately. Issued Courtesy Letter dated January 13, 2022.
- Site visit 4/11/22 - Construction stopped. Building frame remains.



9. **8308 Potters Rd** - utility building in front yard without a permit

Status: Under Enforcement

- Utility building located in front yard area without a permit. Site visit was conducted and confirmed that construction is in progress. Issued a letter requesting the owner obtain a permit and take the appropriate actions to comply with setback requirements. Met owners and owners representatives on site. Owner informed me that the “storage” building was “existing” when he purchased the property and he decided to enclose the storage building and install HVAC unit. The owner said his contractor failed to obtain the permit. I informed him the structure was in violation of Town Zoning ordinances (accessory buildings not allowed in front yard areas).
- 4/11/22 Site visit conducted. Structure still in violation.

10. **7200 Forest Ridge Rd** - non-residential activity (sawing) in residential district

Status: Under Enforcement

- Site visit conducted on 3/31/21, notice of Violation issued ordering all sawing and related activity to stop.
- Zoning Administrator met with property owner on 4/30/21; timeline developed to bring property into compliance.

WEDDINGTON
General Fund
BALANCE SHEET
AS OF: 10/31/22

2023

2022

Assets

10-1120-000	SOUTH STATE CHECKING ACCOUNT	517,754.26	2,079,665.04
10-1120-001	TRINITY MONEY MARKET	0.00	0.00
10-1120-002	CITIZENS SOUTH CD'S	0.00	0.00
10-1130-000	BB&T/TRUIST CHECKING	1,587,116.12	1,764,466.50
10-1130-001	BB&T/TRUIST MONEY MARKET	250,017.34	250,008.93
10-1140-000	WACHOVIA	0.00	0.00
10-1170-000	NC CASH MGMT TRUST	2,071,073.49	559,707.00
10-1205-000	A/R OTHER	0.00	0.00
10-1211-001	A/R PROPERTY TAX	1,441,281.63	19,874.01
10-1212-001	A/R PROPERTY TAX - 1ST YEAR PRIOR	9,991.93	1,431.14
10-1212-002	A/R PROPERTY TAX - NEXT 8 PRIOR YRS	4,940.10	3,666.54
10-1213-000	A/R PROPERTY TAX INTEREST RECEIVABL	2,092.24	2,542.81
10-1214-000	PREPAID ASSETS	0.00	15,825.90
10-1215-000	A/R INTERGOVT-LOCAL OPTION SALES TX	0.00	53,110.99
10-1216-000	A/R INTERGOVT - MOTOR VEHICLE TAXES	0.00	20,108.38
10-1217-000	A/R INTERGOVT	0.00	0.00
10-1232-000	SALES TAX RECEIVABLE	670.89	670.89
10-1240-000	INVESTMENT INCOME RECEIVABLE	0.00	0.00
10-1610-001	FIXED ASSETS - LAND & BUILDINGS	2,513,697.44	2,513,697.44
10-1610-002	FIXED ASSETS - FURNITURE & FIXTURES	9,651.96	9,651.96
10-1610-003	FIXED ASSETS - EQUIPMENT	17,747.14	17,747.14
10-1610-004	FIXED ASSETS - INFRASTRUCTURE	26,851.00	26,851.00
10-1610-005	FIXED ASSETS - COMPUTERS	10,155.51	10,155.51
10-1610-006	FIXED ASSETS - COMPUTER SOFTWARE	182,994.00	182,994.00
	Total Assets	<u>8,646,035.05</u>	<u>7,532,175.18</u>

Liabilities & Fund Balance

10-2110-000	ACCOUNTS PAYABLE	0.00	17,499.93
10-2115-000	ACCOUNTS PAYABLE ACCRUAL	0.00	0.00
10-2116-000	CUSTOMER REFUNDS	1,649.14	541.56
10-2120-000	BOND DEPOSIT PAYABLE	75,002.25	75,002.25
10-2151-000	FICA TAXES PAYABLE	0.00	0.00
10-2152-000	FEDERAL TAXES PAYABLE	0.00	0.00
10-2153-000	STATE W/H TAXES PAYABLE	0.00	0.00
10-2154-001	NC RETIREMENT PAYABLE	0.00	0.00
10-2155-000	HEALTH INSURANCE PAYABLE	4,293.00-	0.00
10-2156-000	LIFE INSURANCE PAYABLE	43.20-	0.00
10-2157-000	401K PAYABLE	0.00	0.00
10-2200-000	ENCUMBRANCES	0.00	0.00
10-2210-000	RESERVE FOR ENCUMBRANCES	0.00	0.00
10-2605-000	DEFERRED REVENUES- TAX INTEREST	2,092.24	2,537.74
10-2620-000	DEFERRED REVENUE - DELQ TAXES	9,991.93	1,431.14
10-2625-000	DEFERRED REVENUE - CURR YR TAX	1,441,281.63	19,874.01
10-2630-000	DEFERRED REVENUE-NEXT 8	4,940.10	3,666.54
	Total Liabilities	<u>1,530,621.09</u>	<u>120,553.17</u>
10-2640-001	FUND BALANCE - UNASSIGNED	3,131,556.46	3,131,556.46
10-2640-002	FUND BALANCE - RESERVE WATER/SEWER	0.00	0.00
10-2640-003	FUND BALANCE-ASSIGNED	820,000.00	820,000.00
10-2640-004	FUND BALANCE-INVEST IN FIXED ASSETS	2,761,097.05	2,761,097.05
10-2640-005	CURRENT YEAR EQUITY YTD	0.00	0.00
	Total	<u>6,712,653.51</u>	<u>6,712,653.51</u>
	Revenue	402,629.65	2,848,267.98
	Less Expenses	698,837.70	2,149,299.48

WEDDINGTON
General Fund
BALANCE SHEET
AS OF: 10/31/22

2023

2022

Net	<u>296,208.05-</u>	<u>698,968.50</u>
Total Fund Balance	<u>6,416,445.46</u>	<u>7,411,622.01</u>
Total Liabilities & Fund Balance	<u>7,947,066.55</u>	<u>7,532,175.18</u>

WEDDINGTON
Statement of Revenue and Expenditures

Revenue Account Range: First to Last Include Non-Anticipated: Yes Year To Date As Of: 10/31/22
 Expend Account Range: First to Last Include Non-Budget: No Current Period: 10/01/22 to 10/31/22
 Print Zero YTD Activity: No Prior Year: 10/01/21 to 10/31/21

Revenue Account	Description	Prior Yr Rev	Anticipated	Current Rev	YTD Revenue	Cancel	Excess/Deficit	% Real
10-3101-110	AD VALOREM TAX - CURRENT	88,378.01	1,400,000.00	27,685.45	43,968.61	0.00	1,356,031.39-	0
10-3102-110	AD VALOREM TAX - 1ST PRIOR YR	132.22	2,500.00	782.40	10,001.05	0.00	7,501.05	400
10-3103-110	AD VALOREM TAX - NEXT 8 YRS PRIOR	219.80	2,250.00	0.00	112.18	0.00	2,137.82-	5
10-3110-121	AD VALOREM TAX - MOTOR VEH CURRENT	10,680.13	110,000.00	24,609.02	36,076.89	0.00	73,923.11-	33
10-3115-180	TAX INTEREST	48.67	2,250.00	48.33	621.95	0.00	1,628.05-	28
10-3231-220	LOCAL OPTION SALES TAX REV - ART 39	47,019.68	540,000.00	57,278.92	174,391.80	0.00	365,608.20-	32
10-3322-220	BEER & WINE TAX	0.00	45,000.00	0.00	0.00	0.00	45,000.00-	0
10-3324-220	UTILITY FRANCHISE TAX	0.00	457,500.00	0.00	108,277.60	0.00	349,222.40-	24
10-3340-400	ZONING & PERMIT FEES	2,726.95	10,000.00	2,965.00	9,460.00	0.00	540.00-	95
10-3350-400	SUBDIVISION FEES	400.00	10,000.00	3,600.00	3,600.00	0.00	6,400.00-	36
10-3360-400	STORMWATER EROSION CONTROL FEES	0.00	10,000.00	0.00	0.00	0.00	10,000.00-	0
10-3830-891	MISCELLANEOUS REVENUES	0.00	1,000.00	980.63	4,689.43	0.00	3,689.43	469
10-3831-491	INVESTMENT INCOME	315.68	1,000.00	10,647.97	11,430.14	0.00	10,430.14	***
10 General Fund Revenue Total		149,921.14	2,591,500.00	128,597.72	402,629.65	0.00	2,188,870.35-	14

Expend Account	Description	Prior Yr Expd	Budgeted	Current Expd	YTD Expended	Cancel	Balance	% Expd
10-4110-000	GENERAL GOVERNMENT	0.00	0.00	0.00	0.00	0.00	0.00	0
10-4110-120	FIRE	0.00	0.00	0.00	0.00	0.00	0.00	0
10-4110-126	FIRE DEPT SUBSIDIES	66,785.42	817,675.00	68,121.08	271,148.66	0.00	546,526.34	33
10-4110-127	FIRE DEPARTMENT BLDG/MAINTENANCE	0.00	10,000.00	0.00	0.00	0.00	10,000.00	0
10-4110-150	POLICE	0.00	0.00	0.00	0.00	0.00	0.00	0
10-4110-155	POLICE PROTECTION	0.00	334,775.00	83,961.23	167,922.46	0.00	166,852.54	50
10-4110-160	EVENT PUBLIC SAFETY	0.00	4,000.00	0.00	0.00	0.00	4,000.00	0
10-4110-180	GOVERNING BOARD	0.00	0.00	0.00	0.00	0.00	0.00	0
10-4110-190	LEGAL	0.00	0.00	0.00	0.00	0.00	0.00	0
10-4110-192	ATTORNEY FEES - GENERAL	6,562.00	67,500.00	16,125.00	21,125.00	0.00	46,375.00	31
10-4110-193	ATTORNEY FEES - LITIGATION	0.00	5,000.00	0.00	0.00	0.00	5,000.00	0
10-4110-320	OTHER GENERAL GOVERNMENT	0.00	0.00	0.00	0.00	0.00	0.00	0
10-4110-330	ELECTION EXPENSE	0.00	3,000.00	0.00	0.00	0.00	3,000.00	0
10-4110-342	HOLIDAY/TREE LIGHTING	0.00	4,500.00	0.00	457.59	0.00	4,042.41	10
10-4110-343	SPRING EVENT	0.00	10,175.00	0.00	0.00	0.00	10,175.00	0
10-4110-344	OTHER COMMUNITY EVENTS	0.00	2,250.00	0.00	0.00	0.00	2,250.00	0
4110 GENERAL GOVERNMENT		73,347.42	1,258,875.00	168,207.31	460,653.71	0.00	798,221.29	37

WEDDINGTON
Statement of Revenue and Expenditures

Expend Account	Description	Prior Yr Expd	Budgeted	Current Expd	YTD Expended	Cancel	Balance	% Expd
10-4130-121	SALARIES - ZONING ADMINISTRATOR	0.00	82,500.00	6,875.00	27,500.00	0.00	55,000.00	33
10-4130-123	SALARIES - ADMINISTRATIVE ASSISTANT	2,434.28	24,000.00	1,464.75	6,288.98	0.00	17,711.02	26
10-4130-124	SALARIES - PLANNING BOARD	325.00	5,150.00	250.00	800.00	0.00	4,350.00	16
10-4130-125	SALARIES - SIGN REMOVAL	278.43	7,500.00	252.00	1,134.00	0.00	6,366.00	15
10-4130-181	FICA EXPENSE - P&Z	232.41	9,000.00	521.80	2,114.21	0.00	6,885.79	23
10-4130-182	EMPLOYEE RETIREMENT - P&Z	473.71	17,000.00	1,045.00	4,180.00	0.00	12,820.00	25
10-4130-183	EMPLOYEE INSURANCE	1,160.00	14,635.00	1,017.00	4,068.00	0.00	10,567.00	28
10-4130-184	EMPLOYEE LIFE INSURANCE	13.44	375.00	26.56	106.24	0.00	268.76	28
10-4130-185	EMPLOYEE S-T DISABILITY	13.00	175.00	13.50	54.00	0.00	121.00	31
10-4130-190	CONTRACTED SERVICES	0.00	0.00	0.00	0.00	0.00	0.00	0
10-4130-192	CONSULTING STORMWATER CONTROL	0.00	84,000.00	11,510.02	18,207.41	0.00	65,792.59	22
10-4130-193	CONSULTING	15,296.79	60,000.00	1,841.88	4,948.88	0.00	55,051.12	8
10-4130-194	CONSULTING - COG	0.00	10,000.00	0.00	0.00	0.00	10,000.00	0
10-4130-200	OTHER PLANNING	0.00	0.00	0.00	0.00	0.00	0.00	0
10-4130-201	OFFICE SUPPLIES - PLANNING & ZONING	593.28	7,500.00	279.29	645.97	0.00	6,854.03	9
10-4130-202	ZONING SPECIFIC OFFICE SUPPLIES	0.00	2,500.00	0.00	0.00	0.00	2,500.00	0
10-4130-215	HISTORIC PRESERVATION	0.00	250.00	0.00	0.00	0.00	250.00	0
10-4130-220	INFRASTRUCTURE	0.00	445,000.00	0.00	0.00	0.00	445,000.00	0
10-4130-321	TELEPHONE - PLANNING & ZONING	131.40	2,000.00	136.30	409.08	0.00	1,590.92	20
10-4130-325	POSTAGE - PLANNING & ZONING	0.00	2,500.00	0.00	0.00	0.00	2,500.00	0
10-4130-331	UTILITIES - PLANNING & ZONING	395.27	5,000.00	691.04	1,177.72	0.00	3,822.28	24
10-4130-370	ADVERTISING - PLANNING & ZONING	0.00	1,000.00	0.00	0.00	0.00	1,000.00	0
4130 ECONOMIC & PHYSICAL DEVELOPMENT		21,347.01	780,085.00	25,924.14	71,634.49	0.00	708,450.51	9
10 General Fund Expend Total		138,883.28	2,591,500.00	223,948.58	698,837.70	0.00	1,892,662.30	27

10 General Fund		Prior	Current	YTD
Revenues:		149,921.14	128,597.72	402,629.65
Expended:		138,883.28	223,948.58	698,837.70
Net Income:		11,037.86	95,350.86-	296,208.05-

Grand Totals		Prior	Current	YTD
Revenues:		149,921.14	128,597.72	402,629.65
Expended:		138,883.28	223,948.58	698,837.70
Net Income:		11,037.86	95,350.86-	296,208.05-

WEDDINGTON
Statement of Revenue and Expenditures

Expend Account	Description	Prior Yr Expd	Budgeted	Current Expd	YTD Expended	Cancel	Balance	% Expd
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**TOWN OF
W E D D I N G T O N
MEMORANDUM**

TO: Mayor and Town Council

FROM: Kim Woods, Tax Collector

DATE: November 14, 2022

SUBJECT: Monthly Report–October2022

Transactions:	
2022 Utilities Levy	\$12,829.87
Interest Charges	\$102.69
Balance Adjustments	\$ (.67)
Taxes Collected:	
2021	\$(835.80)
2022	\$(27,685.45)
As of October 31, 2022; the following taxes remain Outstanding:	
2012	\$254.18
2013	\$273.78
2014	\$264.39
2015	\$618.59
2016	\$420.96
2017	\$801.85
2018	\$800.75
2019	\$1,466.87
2020	\$1,448.48
2021	\$10,674.42
2022	\$1,441,281.63
Total Outstanding:	\$1,458,305.90