

TOWN OF WALLACE
MONTHLY TOWN COUNCIL MEETING
June 10, 2021
6:00 pm

The Wallace Town Council held its regularly scheduled monthly meeting in the Council Chambers at the Town Hall.

The following Governing Body members were present:

Charles C. Farrior, Jr., Mayor
Council Member/Mayor Pro-Tem Wannetta Carlton
Council Member Frank Brinkley
Council Member Francisco Rivas-Diaz
Council Member Jason Wells

The following members of the Governing Body were absent:

Council Member Jeff Carter

Also Present were:

Larry Bergman, Town Manager	Anna Heath, Town Attorney
Jackie Nicholson, Town Clerk	Sandy Forehand (via Zoom)
Jimmy Crayton, Police Chief	Jason Davis
Brent Dean, Public Services Director (via Zoom)	Ann Henderson
Rod Fritz, Planning Director	Steven Mchale
Gage King, Airport Manager	Beverly Trobaugh
Rob Taylor, Finance Director	

Mayor Charley Farrior called the regular meeting to order with a quorum of the governing body members present and Town Attorney Anna Heath gave the invocation.

The Pledge of Allegiance was recited.

Adoption of the Agenda

Mayor Farrior called for discussion of the agenda and asked to add a closed session to consult with the Town Attorney. There being no other changes or additions Council Member Frank Brinkley made a motion to adopt the agenda as amended. The motion was seconded by Council Member Jason Wells and approved by unanimous vote.

Public Comment Period

None

Consent agenda

Minutes from the May 13, 2021 monthly meeting and the May 26, 2021 continued meeting

Mayor Fariori called for discussion of the minutes. There being no corrections or additions Council Member Wells made a motion to approve the minutes as submitted. The motion was seconded by Council Member Brinkley and approved by unanimous vote.

Council Member Wells made a motion to approve the tax release and refund for Eddie Herring in the amount of \$41.86 which was seconded by Council Member Carlton and approved unanimously.

Council Member Carlton made a motion to approve the tax release and refund for James & Carrie Carr in the amount of \$1,111.90. The motion was seconded by Council Member Rivas-Diaz and approved by unanimous vote.

Tax Report

Mr. Taylor reported that the current collection rate is 91.8493.24%. with \$317,040.90 in past due accounts. Two (2) taxpayers are scheduled to obtain final judgement and proceed to foreclosure, \$6,800 was collected from foreclosure letters and he is working on bank and wage garnishments.

Adoption of Resolution for Receiving Federal Funds Under the American Rescue Plan

Council Member Francisco Rivas-Diaz made a motion to adopt a Resolution For Receiving Federal Funds Under the American Rescue Plan (ARPA) which was seconded by Council Member Wannetta Carlton and approved unanimously.

PUBLIC HEARINGS

FY 2021-2022 Budget

Council Member Brinkley made a motion to open the public hearings. The motion was seconded by Council Member Rivas-Diaz and approved by unanimous vote.

Town Manager Larry Bergman said the proposed budget was updated to incorporate changes previously discussed. He said the proposed budget contained \$4,821,455 in the General Fund, \$3,975,500 in the Water & Sewer Fund, \$190,200 in the Stormwater Fund and \$198,832 in the Airport Commission Fund for a total budget of \$9,185,987. There is no change to the tax rate or fee increase for water and sewer. Manager Bergman presented an addition to the fee schedule for Wastewater Treatment Plant Surcharges for Industrial Customers.

There was no public comment.

Consideration of a Text Amendment to the Unified Development Ordinance (UDO) Chapter 9. Enforcement

Manager Bergman explained that the purpose of this amendment is to change section F(4) Civil Penalties and Section J. Judicial Enforcement. In both sections enforcement action will be taken to the appropriate General Court rather than Superior Court.

There was no public comment.

Consideration of a Text Amendment to the UDO Chapter 5.2 Use-Specific Standards, Section J. Dwelling, Attached

Manager Bergman stated that this text amendment is to clarify the number of dwelling units permitted over business establishments located in the CB (Central Business) Zoning district, stating:

a. There is 1,000 square feet of lot area for the first unit plus 1,000 square feet of lot area for each additional unit. The maximum number of units shall not exceed seven (7) without first obtaining a Special Use Permit (SUP).

b. The ground floor area is used exclusively for non-residential use(s), including at least one retail enterprise.

c. A sidewalk exists within the adjacent public right-of-way or will be constructed as part of the construction/conversion process.

There was no public comment.

Council Member Wells made a motion to close the public hearings that was seconded by Council Member Brinkley and approved unanimously.

Old Business

Action on Public Hearing Items

Council Member Wells made a motion to adopt the proposed FY 2021-2022 budget as presented including the addition to the fee schedule. The motion was seconded by Council Member Brinkley and approved by unanimous vote.

Council Member Wells made a motion to approve a text amendment for the UDO Chapter 9. Enforcement as proposed that was seconded by Council Member Brinkley and approved unanimously.

Council Member Brinkley made a motion to approve a text amendment for the UDO Chapter 5.2 Use-Specific Standards, Section J. Dwelling, Attached as proposed. The motion was seconded by Council Member Rivas-Diaz and approved by unanimous vote.

Approval of Architect Contract for Public Safety Facility

Town Manager Bergman said since everyone should have had a chance to review the proposed contract and asked Attorney Heath to provide her input. Mr. Bergman added that since this project will proceed in phases there would be a contract for each phase. Ms. Heath pointed out her recommended changes. The Council indicated that they would like to discuss the particulars of the contract with the architect and did not take action on this item.

New Business

Text Amendment to Code of Ordinances Chapter 74, Parking Schedules II and IV

Manager Bergman presented changes to the Title 7 Chapter 74 of the Code of Ordinances knowing that NCDOT (North Carolina Department of Transportation) will allow the Town to enforce its ordinances on State roads and rights-of-way. He said that one is to restrict all parking in front of the eGourmet facility on SE Railroad Street from Cliff Street to the intersection and the other restricts large trucks, buses and similar vehicles from parking on SE Railroad Street from Main Street to Carr Street for more than one (1) hour.

Council Member Wells made a motion to approve the text amendments to the Code of Ordinances Chapter 74, Parking Schedules II and IV which was seconded by Council Member Rivas-Diaz and approved unanimously.

Financial Reports

Finance Director Rob Taylor presented the financial reports stating that through April the budget is tracking well. He reviewed the various funds with the Council

Council Reports

Council Member Wells said the property behind the Town Hall and at the Boney Mill Bridge need some attention, particularly edging.

Council Member Rivas-Diaz asked if anything was being done with the old Walmart. The approach is on the nuisance side through the application of non-residential maintenance standards.

Council Member Rivas-Diaz said there are cars speeding on S. Raleigh St. around W. Clement St. Chief Crayton said he would increase the police presence.

Mayor's Report

Mayor Farris asked the Council about scheduling a second meeting this month. They agreed to meet on June 24 at 6 pm.

Department Head Reports

Jason Wells reported that summer weekend duty has started for the Fire Department and they are anticipating delivery of the new trucks.

Rod Fritz, Planning Director, reported that he has been busy the past month and is working on Mobile Home Park compliance. He added that three (3) have gotten temporary operating permits.

Anna Heath, Town Attorney, said there has been no movement on the former Super 10 property.

Gage King, Airport Manager, stated that operations wise it has been a very good month. He reported that the AWOS (Automated Weather Observation System) land clearing is done and the grant agreement for the design has been received. He spoke briefly about future projects and plans.

Jimmy Crayton, Police Chief, reported on the wellness plan he is working on and said Captain Padgett is interviewing candidates for Telecommunicator.

Rob Taylor, Finance Director, said that Carrie had finally moved into her own office.

Jackie Nicholson, Town Clerk, reported about a phone call with the Duplin County Board of Elections. She informed the Council that the filing period to run for office is July 2 at noon and closes at noon on July 16.

Brent Dean, Public Services Director, said that Pender County is pumping water seven (7) days a week and the system seems to be handling it. A customer is going to tie on to the sewer system at Hilton Heights.

Town Manager's Report

Manager Bergman reported stated that the pre-position debris removal service contract included an option to extend it. The primary and secondary contractors are still available to provide services and unless the Council had objections the agreements would be extended for another year. The Council had no objections. Mr. Bergman stated that the 830 project survey data should be completed soon.

Closed Session

Council Member Brinkley made a motion to go into closed session (NCGS) 143-318.11(a)(3)(5) to preserve attorney-client privilege discuss expansion of industry which was seconded by Council Member Carlton and approved unanimously.

Town Attorney Heath made additional comments and recommendations regarding the former Super 10 property for the Council's information. The Council also discussed a counter-offer on the Public Services property. The consensus of the Council was to take action on this matters at the continued meeting.

Council Member Wells made a motion to end the closed session. The motion was seconded by Council Member Brinkley and approved by unanimous vote.

With there being no other business to discuss at this time, Council Member Wells made a motion to continue the meeting on Wednesday June 24, 2021 at 6:00 pm. The motion was seconded by Council Member Brinkley and approved by unanimous vote.

Respectfully submitted,

Charles C. Farrior, Jr., Mayor

Jacqueline Nicholson, MMC, NCCMC
Town Clerk

STATE OF NORTH CAROLINA

TOWN OF WALLACE



RESOLUTION FOR RECEIVING FEDERAL FUNDS
UNDER THE AMERICAN RESCUE PLAN ACT (ARPA)

WHEREAS, the State of North Carolina will be appropriated funding from the federal American Rescue Plan Act (ARP A) to fund necessary Coronavirus State and Local Fiscal Recovery Funds; and

WHEREAS, the North Carolina General Assembly will provide for the distribution of funds to eligible municipal corporations, and townships; and

WHEREAS, before receiving a payment, a subdivision is required to adopt a resolution affirming that the subdivision will spend funding only on federal guidance related expenses as required under the ARP Act; and

WHEREAS, revenue received under the ARP Act will be kept in a separate fund and will not be co-mingled with other revenue; and

WHEREAS, the Town of Wallace will provide to the State of North Carolina and the US Treasury any unspent balance of the funds received;

NOW, THEREFORE, BE IT RESOLVED, by the Wallace Town Council that we do hereby request ARP ACT funding to be distributed by the State of North Carolina and by adopting this resolution affirm that the revenue will only be used for the purposes prescribed in the ARP Act guidance as described in 31 CFR, Part 35, and any applicable regulations, for necessary expenditures incurred due to the public health emergency connected with the COVID-19 pandemic, budget and certify such to the State Director of Office of Budget and Management and the Town of Wallace Finance Officer; and

BE IT FURTHER RESOLVED that the Town of Wallace will comply with the procedures created by the North Carolina General Assembly and the US Treasury Department to receive funds under the act.

Adopted and Approved the ____ day of _____, 2021.

Charley Farrior, Mayor

Attest:

Jackie Nicholson, Town Clerk



STATE OF NORTH CAROLINA
TOWN OF WALLACE
Ordinance 21-22-01

Budget Ordinance for the Fiscal Year 2021-2022

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Wallace, North Carolina, that the following anticipated fund revenues and departmental expenditures, with certain restrictions and authorizations, are hereby appropriated and approved for the operation of the Town government and its activities for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

SUMMARY

General Fund	\$4,954,955
Water & Sewer Fund	3,975,500
Stormwater Fund	190,200
Airport Commission Fund	198,832
	\$9,319,487

**SECTION 1: GENERAL FUND
REVENUES**

AD Valorem Taxes	1,332,419
Vehicle Taxes	135,000
Prior Years	151,000
Fire Property Tax Pender	15,000
Fire Property Tax Duplin	65,000
Penalties & Interest	50,000
1% Sales Tax – Art. 39	288,000
0.5% Sales Tax – Art. 40	277,000
0.5% Sales Tax – Art. 42	152,000
Sales Tax – Art. 44	115,000
Hold Harmless Tax	300,500
¼% fire Sales Tax	56,000
Utility Franchise Tax	242,000
Beer and Wine Tax	18,000
Cell Tower Franchise Fee	70,000
ABC Revenues	35,000
Solid Waste Disposal Tax	3,000
Powell Bill	115,000

Local/State Grants	78,125
Business Registration Fees	12,000
Planning Fees/Permits	5,000
Refuse Collection Fees	650,000
Recreation Revenue	45,000
Library Fees	7,500
Facility Rental Fees	27,000
Investment Earnings	16,000
Misc. Revenues	85,000
Sale of Fixed Assets	45,000
Duplin County Fire Tax Contribution	26,050
Donations	7,500
Issuance of Debt	194,000
FEMA Reimbursement	51,000
Insurance Proceeds	7,500
Transfer from Other Funds	278,361
	\$4,954,955

EXPENDITURES

Governing Body	\$81,318
Administration	223,066
Finance	274,167
Public Buildings	147,694
Police	1,779,265
Fire	306,053
Planning	173,343
Streets	502,846
Powell Bill	115,000
Sanitation	435,500
Parks & Recreation	502,553
Library	204,221
Depot	48,897
Non Departmental	161,032
	\$4,954,955

SECTION 2. WATER AND SEWER FUND REVENUES

Water Charges	\$1,350,000
Sewer Charges	2,275,000
Reconnect Fees & Penalties	30,500
Connection & Install Fees	30,000
Capacity Fees	5,000
Investment Earnings	15,000
Miscellaneous Revenues	10,000
Sale of Fixed Assets	160,000
Issuance of Debt	100,000

\$3,975,500

EXPENDITURES

Water Operations	\$1,102,005
Collections Operations	479,351
Treatment Plant Operations	1,649,281
Non Departmental	744,863
	\$3,975,500

**SECTION 3: STORMWATER FUND
REVENUES**

Stormwater Fees	\$190,000
Investment Earnings	200
	\$190,200

EXPENDITURES

Stormwater Operations	\$190,200
	\$190,200

**SECTION 4: AIRPORT COMMISSION FUND
REVENUES**

Sales and Services	\$143,600
Investment Earnings	150
Transfers in and Other Revenue	55,082
	\$198,832

EXPENDITURES

AIRPORT OPERATIONS	\$198,832
	\$198,832

SECTION 5: RATE AND FEE SCHEDULE

There is hereby established, for the fiscal year 2021-2022, a rate and fee schedule contained in this document.

SECTION 6: LEVY OF TAXES

There is hereby levied, for the fiscal year 2021-2022, the following Ad Valorem Tax Rate of \$0.062 per one hundred dollars (\$100) valuation of taxable property as listed for taxes as of January 1, 2021 in order to finance the foregoing applicable appropriations. This rate is based on an estimated assessed valuation of \$232,986,012.

SECTION 7: RESTRICTIONS ON BUDGET OFFICER

The Budget Officer shall not have any authority to appropriate fund balance or to increase total appropriations. All interfund and interdepartmental transfers shall be accomplished only with specific advanced approval of the Town of Wallace. The Budget Officer shall not be authorized to charge expenditures against a contingency without advanced proper approval of the Town of Wallace.

SECTION 8: SPECIAL AUTHORIZATION BY THE BUDGET OFFICER

- A. The Budget Officer shall be authorized to reallocate any appropriations within departments.
- B. The Budget Officer shall be authorized to execute interfund and interdepartmental transfers in emergency situations.
- C. The Budget Officer shall be authorized to effect interdepartmental transfers in the same fund, not to exceed 10 percent of the appropriated monies for the department whose allocation is needed.
- D. The Budget Officer may reallocate and reclassify Town positions and expenditures as necessary to address budget and service level issues more effectively.
- E. Notification of all transfers and budget amendments approved by the Budget Officer shall be made to the Town Council at its meeting following the transfer.

SECTION 9: RE-APPROPRIATION OF FUNDS ENCUMBERED IN FISCAL YEAR 2021

Operating funds encumbered on the financial records as of June 30,2021 are hereby re-appropriated to Fiscal Year 2021-22.

SECTION 10: PAY AND CLASSIFICATION

The Town’s pay and classification plan is hereby amended by the attached assignment of classes and salary grades and positions approved per the attached schedule of authorized positions. The Town Manager is hereby authorized to fill such positions when such are vacant with the grade stated for each position. Any pay changes for Town employee shall begin with the first full payroll in the new fiscal year which will begin June 30, 2021.

SECTION 11: UTILIZATION OF BUDGET ORDINANCE

This ordinance shall be the basis of the financial plan for the Town of Wallace municipal government during the 2021-2022 fiscal year. The Budget Officer shall administer the Annual Operating Budget and shall insure that operating officials are provided guidance and sufficient details to implement their appropriate portion of the budget.

Adopted this, 10th day of June 2021. WALLACE, NORTH CAROLINA

Charles C. Farrior, Jr., Mayor

ATTEST:

Jacqueline Nicholson, Town Clerk



AN ORDINANCE APPROVING A TEXT AMENEMENT TO THE TOWN OF WALLACE UNIFIED DEVELOPMENT ORDINANCE CHAPER 9 ENFORCEMENT, SECTION 9.7 REMEDIES AND PENALTIES

THAT WHEREAS, the Town of Wallace has enacted a set of developmental regulations that control land development and construction within the Town’s incorporated and extraterritorial jurisdiction areas; and

WHEREAS, in order to promote the public health, safety and general welfare and to promote the best interests of the Town and community, it is necessary from time to time for the Planning Board and Town Council to consider appropriate revisions, modifications and updates to the Town’s Unified Development Ordinance; and

WHEREAS, staff identified a need to amend *Unified Development Ordinance, Chapter 9. Enforcement, Section 9.7 Remedies and Penalties* in order to promote and aid in the enforcement of the UDO; and

WHEREAS, the Planning Board hereby recommends adoption of the proposed UDO Text Amendment to the Town Council and finds that the amendment is consistent with Goal 1 of the Town’s 2011 Land Use Plan (Land Use Plan 2011-2030), which states “Develop, implement and enforce land use regulation that support the vision of the Land Use Plan.” The proposed UDO Amendment aids staff in better enforcing UDO regulations that support the vision of the Land Use Plan; and

WHEREAS, the current UDO allows for judicial enforcement by way of a petition in Superior Court; and

WHEREAS, this amendment to the UDO will allow for enforcement in any appropriate division of the General Court of Justice in Duplin County without limiting enforcement to solely Superior Court; and

WHEREAS, pursuant to N.C. General Statutes and Town ordinances, a public hearing, properly noticed, was held on June 10, 2021, where public comment was heard and considered by the Town Council regarding this issue; and

WHEREAS, the Town Council for the Town of Wallace hereby finds that proposed UDO Text Amendment promotes the public’s best interest and is consistent with Goal 1 of the Town’s 2011 Land Use Plan (Land Use Plan 2011-2030), in that it aids staff in enforcing UDO regulations that support the vision of the Land Use Plan; and

WHEREAS, in order to further promote the public’s best interest and promote the public health, safety and/or welfare of the Town of Wallace the Town Council wishes to amend the *Unified Development Ordinance, Chapter 9. Enforcement, Section 9.7 Remedies and Penalties*.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Wallace that:

1. The *Unified Development Ordinance, Chapter 9. Enforcement, Section 9.7 Remedies and Penalties* is hereby adopted and amended to make the following changes as set forth in the attached document labeled “Exhibit A” and as indicated in **bold** and underlined.

2.Repeal of Conflict Ordinances – All Parts of the UDO of the Town of Wallace conflicting or inconsistent with the provisions of this ordinance Amendment are hereby repealed.

3. Severability – If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

4. Inclusion in code – It is the intention of the Town Council entered as hereby ordained, that the provisions of this Ordinance shall become and be made part of the Unified Development Ordinance of the Town of Wallace, North Carolina; that the Section(s) of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word “Ordinance” may be changed to “Section” or “Article” or other word.

5. Effective Date – This ordinance shall be effective upon adoption this 10th day of June, 2021. Adopted this the 10th day of June 2021.

Adopted by motion of Council Member _____, seconded by Council Member _____, and approved by vote of ____ in favor and ____ against.

Charles C. Farrior, Jr., Mayor

Attested to:

Jacqueline Nicholson, Town Clerk

9.7 REMEDIES AND PENALTIES

A. STOP WORK ORDER

Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered or repaired in violation of this ordinance, the Planning Director may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with N.C.G.S. 160D-404(b), as applicable, or the NC Building Code.

B. DENIAL OF PERMIT OR CERTIFICATE

The Planning Director may withhold or deny any permit, certificate, occupancy permit or other form of authorization on any land, building, sign, structure, or use in which there is an uncorrected violation of a provision of this ordinance or of a condition or qualification of a permit, certificate, or other authorization previously granted.

C. CONDITIONAL PERMIT OR TEMPORARY CERTIFICATE

The Planning Director may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate governmental authority.

D. REVOCATION OF PERMITS.

The Planning Director, or appropriate issuing authority, may revoke and require the return of a permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of state or local laws, or for false statements or misrepresentation made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked. Permit revocation shall follow the same development review and approval process required for issuance of the initial approval, including any required notice or hearing, in the review and approval of any revocation of that approval.

E. CRIMINAL PENALTIES

Pursuant to N.C. Gen. Sta., Section 14-4, any person, firm, or corporation convicted of violating the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed five hundred dollars (\$500).

F. CIVIL PENALTIES

1. Unless otherwise stated in a chapter or section, any act constituting a violation of this Ordinance shall also subject the offender to a civil penalty of One Hundred Dollars (\$100.00), if the offender fails promptly to correct such violation after
 - (a) receiving a final written notice of violation which he does not appeal to the Board of Adjustment within the specified period, or
 - (b) denial of his appeal from a final written notice of violation by the Board of Adjustment
2. Each day that any violation continues beyond
 - (a) thirty (30) days after receiving final written notice of a violation when no appeal is taken, or
 - (b) ten (10) days after the Board of Adjustment has denied an appeal shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.

3. It shall be presumed that all notices of violation are received five (5) days after the date such notices are mailed to the responsible person (*Section 9.3, Responsible Persons*).

4. If the offender fails to pay the penalty within thirty (30) days of receiving final written notice of a violation when no appeal was taken, or within ten (10) days after the Board of Adjustment has denied an appeal, the **Town may refer the matter to the Town Attorney for the institution of a civil action in the nature of the debt in the name of the Town of Wallace in the appropriate division of the General Court of Justice in Duplin County, for recovery of the penalty, and any equitable remedy available to the Town.** Provided, however, if the civil penalty is not paid within the time prescribed, the Planning Director may have a criminal summons or warrant issued against the violator. Upon conviction, the violator shall be subject to any criminal penalty the court may impose pursuant to N.C.G.S. 14-4.

G. ADDITIONAL PENALTIES

In addition to the penalties and remedies above, the Planning Director shall pursuant to authorization by the Town Council, institute any appropriate action or proceedings to prevent, restrain, correct, or abate a violation of the Ordinance or to prevent use or occupancy of the building, structure or land so long as said violation continues.

H. CUMULATIVE VIOLATIONS

All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

I. INJUNCTION

Any violation of this article or of any condition, order, requirement or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated or enjoined by other appropriate proceeding pursuant to state law.

J. JUDICIAL ENFORCEMENT

When any person is in violation of the provisions of this ordinance, the town through the Town Attorney, **may institute any other appropriate equitable action or proceeding in the appropriate division of the General Court of Justice in Duplin County to prevent, correct, or abate a violation of this Ordinance, which may include the** issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.



AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE TOWN OF WALLACE UNIFIED DEVELOPMENT ORDINANCE CHAPTER 5.2 USE-SPECIFIC STANDARDS, SECTION J. DWELLING,

ATTACHED

THAT WHEREAS, the Town of Wallace has enacted a set of development regulations that control land development and construction within the Town's incorporated and extraterritorial jurisdiction areas; and

WHEREAS, the Town Council and staff identified a need to amend *Chapter 5.2 Use-Specific Standards, Section J. Dwelling, Attached* in order to promote and facilitate the redevelopment of older commercial buildings in the Central Business (CB) district; and

WHEREAS, the Planning Board hereby recommends adoption of the proposed UDO Text Amendment to the Town Council and finds that the proposed UDO Text Amendment is consistent with the Goal 4 of the Town's 2011 Land Use Plan (Land Use Plan 2011-2030), which states, "Facilitate the redevelopment of older commercial areas to ensure their future vitality;" and

WHEREAS, the current UDO allows for multiple attached dwelling units on lots zoned Central Business only when the lot is at least 10,000 square feet in area; and

WHEREAS, many of the current commercial buildings in the CB district do not contain at least 10,000 square feet in area, thus the current language of the UDO greatly limits multiple attached dwelling developments on those lots; and

WHEREAS, pursuant to N.C. General Statutes and Town ordinances, a public hearing, properly noticed, was held on June 10, 2021, where public comment was heard and considered by the Town Council regarding this issue; and

WHEREAS, the Town Council for the Town of Wallace hereby finds that proposed UDO Text Amendment is consistent with the Town's 2011 Land Use Plan (Land Use Plan 2011-2030), in that it comports with goal 4 which states, "Facilitate the redevelopment of older commercial areas to ensure their future vitality;" and

WHEREAS, in order to further promote the public's best interest and promote the public health, safety, and/or welfare of the Town of Wallace the Town Council wishes to amend *Chapter 5.2 Use-Specific Standards, Section J. Dwelling, Attached* in order to generate more housing and promote future development.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Wallace that:

1. The *Chapter 5.2 Use-Specific Standards, Section J Dwelling, Attached* is hereby adopted and amended to make the following changes as set forth in the attached document labeled "Exhibit A" and as indicated in **bold** and underlined.

2. Repeal of Conflict Ordinances - All parts of the UDO of the Town of Wallace conflicting or inconsistent with the provisions of this ordinance Amendment are hereby repealed.

3. Severability - If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances

4. Inclusion in code - It is the intention of the Town Council entered as hereby ordained, that the provisions of this Ordinance shall become and be made part of the Unified Development Ordinance of the Town of Wallace, North Carolina; that the Section(s) of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section, or "Article" or other word.

5. Effective Date - This ordinance shall be effective upon adoption this 10h day of June, 2021.

Adopted this the 10th day of June, 2021.

Adopted by motion of Council Member _____, seconded by Council Member _____, and approved by vote of _____ in favor and _____ against.

Mayor Charles C. Farrior, Jr., Mayor

Jacqueline Nicholson, Town Clerk

J. DWELLING, ATTACHED

1. CATEGORIES OF ATTACHED DWELLINGS

This Ordinance hereby establishes the following attached dwelling use types:

- (a) Attached Dwellings Up to 4 Units, requiring administrative approval;
- (b) Attached Dwellings 5+ Units, requiring Special Use Permit approval.

2. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of this use:

(a) The number of dwelling units per acre proposed is equal to or less than the maximum number of units per acre permitted in the district in which they are proposed, when calculated according to the rounding information provided in *Section 10.1, Rules of Measurement, Computation, and Exceptions*.

(b) Site plans show compliance with the dimensional requirements for the applicable Zoning District in which the attached dwelling unit is being developed.

(c) For developments consisting of 5 or more dwelling units, vehicular ingress and egress and exits for the development are directly off a public road(s) which is either a collector or arterial street and meet the driveway standards in *Section 6.9, Driveway Connections*. Up to 4 dwelling units are permissible on any public street.

(d) The interior roads and parking areas shall meet the required specifications included in *Section 6.21, Streets*.

(e) The project is served or is proposed to be served by public water and sewer systems. The proposed distribution systems have been sized to meet the demands of the project, including fire protection.

(f) The Fire Marshal has reviewed and approved in writing the fire protection plan, including the location of fire hydrants.

(g) The utility plan has been reviewed and approved by the Public Works Director and the State has approved the extension of the Town's systems. All utilities, including electrical, telephone, and cable television, are to be installed underground.

(h) The lighting plan meets or exceeds the specification of this Ordinance.

(i) The grading, storm drainage, and soil erosion and sedimentation control plans have been reviewed and approved by the Public Works Director, Planning Director, or consulting Engineer, as applicable.

(j) The pedestrian circulation minimizes the conflicts between pedestrians and motor vehicles, and it provides convenient access to all common areas and facilities and to public streets.

(k) The proposed trash container and recycling system meets the requirements of this Ordinance and the policies of the Wallace Public Works Department.

(l) The site plan shows the phasing, if any, of the development, including any phases to be developed later. If a development is to be built in phases, and complete plans for the succeeding phases are not available, then the requirements in this section shall apply to each phase as if it were a separate and discrete development. Further, when a development is built in phases and includes improvements that are designed to relate to, benefit, or be used by the entire development, (such as swimming pools or tennis courts), the developer shall submit a schedule for completion of these improvements. All common implements necessary to comply with the requirements of this Ordinance for each phase must be completed before occupancy of a subsequent phase may commence.

(m) An improvement must be scheduled and completed before the final phase of the development is begun. The permit-issuing authority may, in special cases (exclusive of financial hardship) authorize the applicant to commence the intended use of the property or to occupy any building before these improvements are installed provided that a performance bond or other security is issued in accordance with G.S. 160D804.1 as to an amount certified by the applicant's engineer to be 125% of the estimated cost to complete the work, and in a form to the Town Attorney, is furnished.

3. Recreational Standards for attached dwellings

For recreational standards, see *Section 6.16, Recreational Sites*.

4. Open Space Standards for attached dwellings

For open space standards, see *Section 6.13, Open Space*.

5. Zoning District Specific Standards for attached dwellings

(a) Central Business (CB) District

- i. It is the intent of these provisions to allow attached dwelling developments on lots zoned Central Business in an effort to mix land uses within the Central Business zone to the extent that it does not detract from the function of the zone as a commercial center. It is not the intent of this section to impede the location of retail establishments in the CB district.
- ii. Any lot within the CB zone may contain a single dwelling unit along with a non-residential enterprise or as an individual use.
- iii. Multiple dwelling units in an attached building are permitted within the CB zone when:

- a.** **There is 1,000 square feet of lot area for the first unit plus 1,000 square feet of lot area for each additional unit. The maximum number of units shall not exceed seven (7) without first obtaining a Special Use Permit.**
- b.** The ground floor area is used exclusively for non-residential use(s), including at least one retail enterprise.
- c.** A sidewalk exists within the adjacent public right-of-way or will be constructed as part of the construction/conversion process.



AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE TOWN OF WALLACE CODE OF ORDINANCES, CHAPTER 74, PARKING SCHEDULES II AND IV.

THAT WHEREAS, the Town of Wallace has enacted a set of traffic and parking regulations within the Town's incorporated jurisdiction areas; and

WHEREAS, the Town Council and staff identified a need to amend *Chapter 74: Parking Schedules* in order to improve safety on identified areas of streets within the Town; and

WHEREAS, the Town of Wallace Parking Schedules include provisions for areas of "Parking Prohibited At All Times" and "Restricted Parking"; and

WHEREAS, additional sections of on street parking zones have been identified to have the potential of creating hazards when large trucks or similar vehicles park in those areas; and

WHEREAS, in order to further promote the public's best interest and promote the public health, safety, and/or welfare of the Town of Wallace the Town Council wishes to amend *Chapter 74: Parking Schedules* in order to improve public safety,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Wallace that:

1. The *Chapter 74, Parking Schedules* is hereby adopted and amended to make the following changes as set forth in the attached document labeled "Exhibit A" and as indicated in **bold** and underlined.
2. **Repeal of Conflict Ordinances** - All parts of the Code of Ordinances of the Town of Wallace conflicting or inconsistent with the provisions of this ordinance Amendment are hereby repealed.
3. **Severability** - If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.
4. **Inclusion in code** - It is the intention of the Town Council entered as hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Town of Wallace, North Carolina; that the Section(s) of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section, or "Article" or other word.

Effective Date - This ordinance shall be effective upon adoption this 10h day of June, 2021

Adopted this the 10^h day of June, 2021.

Adopted by motion of Council Member _____, seconded by Council Member _____, and approved by vote of ____ in favor and ____ against.

Charles C. Farrior, Jr., Mayor

Attested to:

Jacqueline Nicholson, Town Clerk

“Exhibit A”

TITLE 7, CHAPTER 74, SCHEDULE II. PARKING PROHIBITED AT ALL TIMES.

It shall be unlawful to permit anyone to park in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device.

<i>Description</i>	<i>Side</i>	<i>Date Passed</i>
Boney Street from the intersection of Norwood Street (NC Hwy 117) in a westerly direction to the property line 193 feet being that portion adjacent to the McDonald's (™) Restaurant parking lot	North	12-8-1977
East Southerland Street between College and Norwood Streets	Both	4-8-1971
Main Street (Hwy 41) from the intersection of Norwood Street (Hwy 117) in a westerly direction to the property line 173 feet, being that portion adjacent to the McDonald's (™) Restaurant parking lot	South	12-8-1977
North College Street	East	6-10-1981
North College Street between Westbrook and Lanier Streets	Both	8-14-1980
Norwood Street (NC Hwy 117) on that portion between West Main Street (NC Hwy 41) and West Boney Street being adjacent to the McDonald's (™) Restaurant parking lot	West	12-8-1977
Southerland Street (SR 1173) from a point on the eastern edge of the intersection of Southerland Street (SR 1173) and College Street east to the western edge of the intersection of Southerland Street (SR 1173) and Hwy 117	North	5-8-1980
Southerland Street (SR 1173) from a point on the eastern edge of the intersection of Southerland Street (SR 1173) and College Street east to the western edge of the intersection of Southerland Street (SR 1173)	South	5-8-1980
<u>Southeast Railroad Street from Cliff Street and southward 200 Feet.</u>	<u>East and West</u>	<u>6-10-2021</u>

TITLE 7, CHAPTER 74, SCHEDULE IV. RESTRICTED PARKING

(A) The parking of trucks, buses and similar vehicles in size and weight for more than one hour on the following streets.

<i>Street</i>	<i>Between</i>	<i>Time</i>	<i>Date Passed</i>
Main Street	Norwood and Cumberland Streets	Day and night	11-6-1947
<u>South East Railroad Street</u>	<u>Main Street and Carr Street</u>	<u>Day and Night</u>	<u>6-10-2021</u>