



City Council Agenda Item Cover Sheet

To: Honorable Mayor, Members of City Council and City Manager

From: Noah Parsons and Tiffanie Garner, Public Works – Stormwater Division

Subject: Text Amendment to Chapter 12 of the Unified Development Ordinance Stormwater Management (Project # 24-217)

Issue:

In January 2024, the City’s Neuse Draft Local Program plan was approved by the EMC. Per a NCDEQ letter from January 2024, the City is required to adopt and implement the EMC approved Draft Local Program and update the UDO to incorporate the revisions in the new Rule by July 1, 2024.

Based on the new Rule and the State’s New Development Model Program the following UDO changes are proposed:

- Stormwater nutrient compliance calculations throughout the City of Wilson will require use of SNAP Tool. NCDEQ released SNAP v4.2 in late March. The current version of the tool can be found on the DEQ Nutrient Practices and Crediting website under [Stormwater Nutrient Accounting Tools](#).
- Stormwater control measure (SCM) designs will be required to use the current [NCDEQ Stormwater Design Manual](#), which includes the Minimum Design Criteria (MDCs).
- Existing development will simply be excluded from the calculation, rather than using the apportioning method.
- For sites with over 24% Built Upon Area (BUA), a primary SCM will be required on-site before off-site credits can be purchased.
- The grandfathered lot provisions in UDO 12.5.2. will only apply to Plans that are submitted prior to July 1, 2024.

Background / Summary:

In 1997 the state of North Carolina (State) developed the Neuse nutrient strategy, a set of rules designed to equitably regulate sources of nutrient pollution in the basin including wastewater, stormwater, and agricultural nutrient sources. The rules also protect riparian buffers and mandate training for professionals that apply fertilizer.

The Neuse nutrient strategy stormwater rule (Rule) limits nutrient runoff from new development projects and is implemented by local governments that are named in the Rule. The City of Wilson (City) is named in the current Rule (15A NCAC 02B .0235) and has been implementing the Neuse nutrient strategy within the City’s ETJ since 2001.

The Environmental Management Commission (EMC) readopted the Rule with revisions (15A NCAC 02B .0711) which went into effect April 1, 2020. Subsequently, in February 2021, the State developed a revised New Development Model Program as a guide for the City to develop a “Neuse Local Program” plan and revise the City’s stormwater development regulations as outlined in Chapter 12 of the Unified Development Ordinance as necessary to implement the new Rule.

On June 4th, 2024, City staff presented proposed changes to Chapter 12 of the UDO to the Planning & Design Review Board. The Board approved moving this item to the City Council for consideration.

Fiscal or Other Impact:

None

Recommendation:

Approval.

Coordination:

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Attachments: 1) Amendment Summary (Red & Green). 2) Ordinance.

12 EROSION, FLOOD, STORMWATER AND WATERSHED PROVISIONS

12.1 GENERAL PURPOSE AND INTENT

12.1.1 FINDINGS OF FACT

- A. Erosion and Sedimentation Control:** The erosion of soil from uncovered development sites has adverse impacts on the condition of public and private property, impairs the City of Wilson stormwater system, and causes pollution and accelerated siltation of lakes, streams and other watercourses.
- B. Flood Damage Prevention:** The flood prone areas within the jurisdiction of the City of Wilson are subject to periodic inundation which may result in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood prone areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.
- C. Stormwater Management:** The North Carolina Department of Environmental Quality and Natural Resources has issued regulations entitled "Neuse River Basin - Nutrient Sensitive Waters Management Strategy: Basinwide Stormwater Requirements (15A NCAC 2B.0235)." These regulations require that local governments within the Neuse River watershed establish a program to reduce nitrogen runoff in new developments, to prevent, identify, and remove illegal discharges, to identify potential retrofit sites, and to implement a stormwater public education program.
- D. Watershed Protection:** The Legislature of the State of North Carolina has, in NCGS 143-21, Watershed Protection Rules, directed local governmental units to adopt regulations that meet or exceed the minimum requirements of NCGS 143-214.5 and water supply watershed protection rules adopted by the State Environmental Management Commission in order to protect the water supplies throughout the state.

12.1.2 AUTHORITY AND ENACTMENT

- A. Erosion and Sedimentation Control:** In accordance with 15A NCAC 04 and the North Carolina Sedimentation Pollution Control Act of 1973, the Erosion and Sedimentation Control Regulations of this ordinance were adopted, effective May 15, 2008.
- B. Flood Damage Prevention:** In accordance with the National Flood Insurance Program (NFIP) and the Federal Emergency Management Agency (FEMA) the Flood Damage Prevention Regulations of this ordinance are hereby adopted, effective as detailed in Section 12.4.4.A.
- C. Stormwater Management:** In accordance with 160D-925 and 15A NCAC 2B.0235 and consistent with the adopted Neuse River Basin Requirements, the Stormwater Management and Neuse River Basin Regulations of this ordinance were adopted, effective March 9, 2001.

- D. Watershed Protection:** In accordance with NCGS 160D-926 and NCGS 143-214.5, the Watershed Protection Regulations of this ordinance were adopted, effective July 1, 1993.

12.1.3 PURPOSE

- A. Erosion and Sedimentation Control:** The erosion and sedimentation control provisions of this ordinance are adopted for the purposes of regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation.

B. Flood Damage Prevention:

1. It is the purpose of the flood damage prevention provisions of this chapter to minimize public and private losses due to flood conditions within flood prone areas by:
 - a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights or velocities;
 - b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
 - d. Controlling filling, grading, dredging, and all other development which may increase erosion or flood damage; and
 - e. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
2. Specific objectives of the flood damage prevention provisions are as follows:
 - a. To protect human life and health;
 - b. To minimize expenditure of public money for costly flood control projects;
 - c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - d. To minimize prolonged business losses and interruptions;
 - e. To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
 - f. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
 - g. To insure that potential homebuyers are notified that property is in a special flood hazard area.

- C. Stormwater Management:** The stormwater management provisions of this chapter are intended to protect water quality for present and future residents of the

city and surrounding regions by limiting the amount of pollutants including, but not limited to, nitrogen in stormwater runoff that makes its way into the city's stormwater drainage system. Specific objectives include protection of riparian buffers, control of nitrogen export from development, control of peak stormwater runoff, and the use of best management practices. The stormwater management provisions of this chapter are further intended to provide for the enforcement of the city's stormwater management program; to prohibit non-stormwater discharges to the city stormwater drainage system, require the removal of illicit connections to the city stormwater drainage system and prevent improper disposal of materials that degrade water quality.

- D. **Watershed Protection:** The Watershed Protection regulations are established to preserve water quality and provide safe drinking water for present and future residents.

12.1.4 PERMITS REQUIRED

- A. **Grading (Erosion and Sedimentation Control) Permit:** No person shall undertake any land-disturbing activity as specified by the erosion and sedimentation control provisions of this chapter until plans for controlling erosion associated with the activity have been reviewed and approved in accordance with the procedures set forth in Sections 15.7.1 and 15.7.2.
- B. **Floodplain Development Permit:** A Floodplain Development Permit shall be required in conformance with the flood damage prevention provisions of this chapter and Section 15.7.3 prior to the commencement of any development activities within a Flood Hazard Area Overlay District.
- C. **Stormwater Management Permit:** No person shall construct, repair or alter the stormwater drainage system for the purpose of draining water from any land or premises, or commence any development activities before receiving a Stormwater Management Permit according to the provisions of Section 15.7.5.
- D. **Watershed Development Permit:** A Watershed Development Permit shall be required in conformance with the watershed protection provisions of this chapter and Section 15.7.4 prior to the commencement of any development activities within Watershed Area Overlay District.

12.1.5 REQUIRED CONFORMANCE TO THE WILSON SPECIFICATIONS MANUAL

The City of Wilson Manual of Specifications, Standards and Design is herein incorporated by reference. Conformance to the Manual of Specifications, Standards and Design is required in addition to the provisions in this ordinance.

12.2 APPLICABILITY**12.2.1 APPLICABILITY BY DISTRICT**

The various erosion control, flood damage prevention, stormwater management and watershed protection provisions of this chapter apply according to the table below:

Regulation Type	Geographic Applicability	Applicable Subsections
Erosion and Sedimentation Control Regulations	All Districts	12.3 (also see 8.9)
Flood Damage Prevention Regulations	FHA-O and FHCA-O Districts	12.4 (also see 2.8.6)
Stormwater Management Regulations	All Districts	12.5, 12.6, 12.7 and 12.9 (also see 8.9)
Watershed Protection Regulations	WS3-P, WS3-C, WS4-P and WS4-C Districts	12.8 and 12.9 (also see 2.8.5 and 8.9)

12.3 EROSION AND SEDIMENTATION CONTROL *[Adapts City Code Part III Chapter 32.5]***12.3.1 SCOPE AND EXCLUSIONS**

- A. Land-Disturbing Activity:** This section shall apply to land-disturbing activity within the territorial jurisdiction of the City of Wilson and to the extraterritorial jurisdiction of the City of Wilson as allowed by agreement between local governments, the extent of annexation or other appropriate legal instrument or law.
- B. Applicability**
1. Erosion control devices must be installed to prevent any offsite sedimentation for any construction site regardless of the size of the land disturbance, except as provided in Section 12.3.1.C, below, however;
 2. Land-disturbing activity of 1 acre in surface area or greater shall only be conducted in accordance with an approved erosion control plan and grading permit pursuant to the provisions of this section and the procedures set forth in Sections 15.7.1 and 15.7.2. In determining the area of land-disturbing activity, lands under being developed as a unit, whether under single or diverse ownership, will be aggregated.
- C. Exemptions:** This section shall not apply to the following types of land-disturbing activity:
1. An activity, including breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to man such as,
 - Forage and sod crops, grain and feed crops, tobacco, cotton, and peanuts;
 - Dairy animals and dairy products;
 - Poultry and poultry products;
 - Livestock, including beef cattle, sheep swine, horses, ponies, mules, and goats;
 - Bees and apiary products; and
 - Fur-producing animals.

2. An activity undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with best management practices set out in Forest Practice Guidelines Related to Water Quality, as adopted by the North Carolina Department of Environment and Natural Resources (NCDENR). If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines Related to Water Quality, the provisions of this ordinance shall apply to such activity and any related land-disturbing activity on the tract.
 3. An activity for which a permit is required under the Mining Act of 1971, Article 7 of NCGS Chapter 74.
 4. A land-disturbing activity over which the state has exclusive regulatory jurisdiction as provided in NCGS 113A-56(a).
 5. An activity which is essential to protect human life during an emergency.
- D. Protection of Property:** Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.

12.3.2 STANDARDS FOR LAND-DISTURBING ACTIVITY

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

- A. Construction Buffer Zone:** No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse as provided for in Section 8.9.3.
- B. Graded Slopes and Fills:** The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed shall be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion in accordance with the City of Wilson Manual of Specifications, Standards and Design. The angle for graded slopes and fills must be demonstrated to be stable, where the soil remains in its original configuration, with or without mechanical constraints.
- C. Fill Material:** Unless a permit from the NCDENR Division of Waste Management to operate a landfill is on file for the official site, acceptable fill material shall be free of organic or other degradable materials, masonry, concrete and brick in sizes exceeding 12 inches, and any materials which would cause the site to be regulated as a landfill by the State of North Carolina.
- D. Ground Cover:** Whenever land-disturbing activity that will disturb more than one (1) acre on a residential common plan of development or half (½) acre on a commercial lot in a common plan of development is undertaken on a tract, the person conducting the land-disturbing activity shall install erosion and sedimentation control devices and practices that are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in Section 32.5-8(b)(5) of this article, provisions for a ground cover sufficient to restrain erosion

must be accomplished within twenty-one (21) calendar days following completion of construction or development.

- E. **Prior Plan Approval:** No person shall initiate any land-disturbing activity that will disturb more than one (1) acre on a residential common plan of development or half (1/2) acre for a commercial lot in a common plan of development. If more than the allowable acreage is to be uncovered then, thirty (30) or more days prior to initiating the activity, a plan for such activity is filed with and approved by the City of Wilson. The City of Wilson shall forward to the director of the division of water quality a copy of each plan for a land-disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of the tract. For plans under the one (1) acre residential threshold and half (1/2) acre commercial threshold the erosion control plan will be submitted to NCDEMLR (Land Quality Section) for review and approval. The NCG01 permit will be issued separately by the state, but can't be issued until the erosion control plan approval is received; as this is a required step in the online NCG01 application process through the state's website.

12.3.3 VIOLATIONS

Any person engaged in land-disturbing activity who fails to file a Sedimentation and Erosion Control Plan in accordance with this section and Section 15.7.2, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan, shall be deemed in violation of this section and subject to the enforcement procedures outlined in Section 16.2.1.

12.3.4 BASIC CONTROL OBJECTIVES

An erosion and sedimentation control plan must address the following control objectives:

- A. **Identify Critical Areas:** On-site areas which are subject to severe erosion and off-site areas which are especially vulnerable to damage from erosion.
- B. **Limit Time of Exposure:** All land-disturbing activities are to be planned and conducted to limit exposure to the shortest feasible time.
- C. **Limit Exposed Areas:** All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.
- D. **Control Surface Water:** Surface water runoff originating updrain of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.
- E. **Control Sedimentation:** All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage.
- F. **Manage Storm Water Runoff:** When the increase in the velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, an erosion and sedimentation control plan is to include measures to control the velocity to the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

12.3.5 DESIGN AND PERFORMANCE STANDARDS

- A. **Typical Design Standards:** Except as provided in Section 12.3.5.B.2, below, erosion and sedimentation control measures, structures, and devices shall be planned, designed, and constructed to provide protection from the calculated

maximum peak rate of runoff from the 10-year storm. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices," or other acceptable calculation procedures.

- B. HQW Zones.** In High Quality Water (HQW) zones, the following design standards shall apply:
- 1. Limit on Uncovered Area:** Uncovered areas in HQW zones shall be limited to a maximum total area of 20 acres within the boundaries of the tract. Only the portion of the land-disturbing activity within a HQW zone shall be governed by this section. Larger areas may be uncovered within the boundaries of the tract with the written approval of the Director of the NCDENR Division of Land Resources.
 - 2. Maximum Peak Rate of Runoff Protection:** Erosion and sedimentation control measures, structures, and devices within HQW zones shall be planned, designed and constructed to provide protection from the runoff of the 25-year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.
 - 3. Settling Efficiency:** Sediment basins within HQW zones shall be designed and constructed such that the basin will have a settling efficiency of at least 70% for the 40 micron (0.04 millimeter) size soil particle transported into the basin by the runoff of that 2-year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's "National Engineering Field Manual for Conservation Practices," or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.
 - 4. Grade:** Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than 2 horizontal to 1 vertical if a vegetative cover is used for stabilization, unless soil conditions permit a steeper slope, or where the slopes are stabilized by using mechanical devices, structural devices or other acceptable ditch liners. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.
 - 5. Ground Cover:** Ground cover sufficient to restrain erosion must be provided for any portion of a land-disturbing activity in a HQW zone in accordance with the City of Wilson Manual of Specifications, Standards and Design.

12.3.6 STORMWATER OUTLET PROTECTION

- A. Intent:** Stream banks and channels downstream from any land-disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land-disturbing activity.
- B. Performance Standard:** Persons shall conduct land-disturbing activity so that the post construction velocity of the 10-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:
- 1.** The velocity established by the Maximum Permissible Velocities Table below;
or

2. The velocity of the 10-year storm runoff in the receiving watercourse prior to development.

If condition (1) or (2) of this paragraph cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the "prior to development" velocity by 10%.

C. Maximum Permissible Velocities Table

Material	Feet Per Second	Meters Per Second
Fine sand (noncolloidal)	2.5	.8
Sandy loam (noncolloidal)	2.5	.8
Silt loam (noncolloidal)	3.0	.9
Ordinary firm loam	3.5	1.1
Fine gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded loam to cobbles (noncolloidal)	5.0	1.5
Graded silt to cobbles (colloidal)	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse gravel (noncolloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shales and hard pans	6.0	1.8

Source: Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.

- D. **Acceptable Management Measures:** Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences. The city recognizes that the management of storm water runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives, while not exhaustive, are to:
 1. Avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious;
 2. Avoid increases in storm water discharge velocities by using vegetated or roughened swales and waterways in place of closed drains and high velocity paved sections;
 3. Provide energy dissipaters at outlets of storm drainage facilities to reduce flow velocities to the point of discharge;
 4. Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining; and
 5. Upgrade or replace the receiving device structure, or watercourse such that it will receive and conduct the flow to a point where it is no longer subject to degradation from the increased rate of flow or increased velocity.
- E. **Exceptions:** This rule shall not apply where it can be demonstrated to the city that storm water discharge velocities will not create an erosion problem in the receiving watercourse.

12.3.7 BORROW AND WASTE AREAS

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

12.3.8 ACCESS AND HAUL ROADS

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

12.3.9 OPERATIONS IN LAKES OR NATURAL WATERCOURSES

Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall minimize the extent and duration of disruption of the stream channel. Where relocation of a stream forms an essential part of the proposed activity, the relocation shall minimize unnecessary changes in the stream flow characteristics.

12.3.10 RESPONSIBILITY FOR MAINTENANCE

During the development of a site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved erosion and sedimentation control plan or any provision of this section, the North Carolina Sedimentation Pollution Control Act of 1973, or any order adopted pursuant to this section or that Act. After site development, the landowner or person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

12.3.11 ADDITIONAL MEASURES

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

12.3.12 EXISTING UNCOVERED AREAS

- A. All uncovered areas existing on the effective date of this section which resulted from land-disturbing activity that exceed 1 acre, are subject to continued accelerated erosion, and are causing off-site damage from sedimentation, shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.
- B. The city shall serve upon the landowner or other person in possession or control of the land a written notice to comply with the North Carolina Sedimentation Pollution Control Act of 1973, this section, and/or a rule or order adopted or issued pursuant to that Act by the North Carolina Sedimentation Control Commission or by the city. The notice to comply shall be sent by registered or certified mail, return receipt requested, or other means provided in NCGS 1A-1,

Rule 4. The notice will set forth the measures needed to comply and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the authority serving notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits of compliance.

- C. The city reserves the right to require preparation and approval of an erosion and sedimentation control plan in any instance where extensive control measures are required.
- D. This rule shall not require ground cover on cleared land forming the future basin of a planned reservoir.

12.3.13 INSPECTIONS

- A. **Inspection:** Agents, officials, or other qualified persons authorized by the city will periodically inspect land-disturbing activities to ensure compliance with the North Carolina Sedimentation Pollution Control Act of 1973, this section, or rules or orders adopted or issued pursuant to this section, and to determine whether the measures required in the erosion and sedimentation control plan are effective in controlling erosion and sedimentation resulting from land-disturbing activity. Notice of the right to inspect shall be included in the certificate of approval of each erosion and sedimentation control plan.
- B. **Self-Inspection:** The landowner, the financially responsible party, or the landowner's or the financially responsible party's agent shall perform an inspection of the area covered by the erosion and sedimentation control plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with NCGS 113A-57(2). The person who performs the inspection shall maintain and make available a record of the inspection at the site of the land-disturbing activity. The record shall set out any significant deviation from the approved erosion and sedimentation control plan, identify any measures that may be required to correct the deviation, and document the completion of those measures. The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan. The inspections required by this subsection shall be in addition to inspections required by NCGS 113A-61.1.
- C. **Willful Resistance, Delay or Obstruction:** No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the city while that person is inspecting or attempting to inspect a land-disturbing activity under this section.

12.4 FLOOD DAMAGE PREVENTION

12.4.1 GENERAL PROVISIONS

- A. **Applicability:** This section shall apply to all special flood hazard areas within the City of Wilson and its extraterritorial jurisdiction.
- B. **Special Flood Hazard Areas:** The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its flood insurance study (FIS) for Wilson County currently dated April 16, 2013 and as may be amended from time to time. The initial Flood Insurance Rate Map for Wilson County is dated January 6, 1983. The initial Flood Insurance Rate Map for the City of Wilson is dated July 19, 1982.

- C. **Warning and Disclaimer of Liability:** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Floods larger than those considered by this ordinance can and will occur on rare occasions. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Wilson or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

12.4.2 PROVISIONS FOR SPECIAL FLOOD HAZARD AREAS

- A. **General Standards:** The following provisions shall apply to all development in special flood hazard areas:
1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 3. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.
 4. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator, etc.), hot water heaters, electric outlets/switches.
 5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 8. Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.
- B. **Specific Standards:** In all special flood hazard areas where Base Flood Elevation (BFE) data has been provided, the elevation to which all structures and other development located within the special flood hazard areas must be elevated, or floodproofed if non-residential, shall be the BFE plus 2.5 feet of freeboard. The following additional provisions are required:
1. **Residential Construction:** New construction and/or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than the regulatory flood protection elevation.
 2. **Non-Residential Construction:** New construction or substantial improvement of any commercial, industrial, or other non-residential structure

shall have the lowest floor, including basement, elevated no lower than the regulatory flood protection elevation. Structures located in A, AO, AE and A1-30 Zones, as designated on the FIRM, may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure below the required flood protection elevation are watertight with walls, doors, and/or windows substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 15.7.3.E. Installation of, or full deployment of, floodproofing measures for the purpose of their inspection will be required prior to the issuance of a Certificate of Occupancy (a full demonstration using water to test the measures is not required).

3. Manufactured Homes:

- a. New or replacement manufactured homes shall be elevated so that the lowest floor of the manufactured home is no lower than the regulatory flood protection elevation.
- b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.
- c. All foundation enclosures or skirting shall be in accordance with Section 12.4.2.B.4 (Elevated Buildings).
- d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local Emergency Management coordinator.

4. Elevated Buildings: In new construction or substantial improvements of elevated buildings, fully-enclosed areas below the lowest floor shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises, be constructed entirely of flood-resistant materials below the regulatory flood protection level in A, AO, AE, and A1-30 zones and meet the following design criteria:

- a. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.
- b. Such areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

To meet this requirement, the foundation must either be certified by a professional engineer or architect or meet the following minimum design criteria:

- i. Provide a minimum of 2 openings on different sides of each enclosed area subject to flooding;
 - ii. The total net area of all openings must be at least 1 square inch for each square foot of each enclosed area subject to flooding;
 - iii. If a building has more than 1 enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter and exit;
 - iv. The bottom of all required openings shall be no higher than 1 foot above the adjacent grade; and
 - v. Openings may be equipped with screens, louvers, or other opening coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- c. Foundation enclosures:
- i. Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes, therefore, such skirting does not require hydrostatic openings as outlined above; and
 - ii. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this ordinance.

5. Additions/Improvements

- a. When additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:
 - i. Are not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure;
 - ii. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- b. Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.
- c. When additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:
 - i. Are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction;
 - ii. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

6. **Recreational Vehicles:** Recreation vehicles placed on sites within a special flood hazard area shall either:
 - a. Be on site for fewer than 180 consecutive days, be fully licensed, and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
 - b. Meet all the requirements for new construction, including anchoring and elevation requirements of Sections 15.7.3.E and 12.4.2.B.3.
7. **Temporary Structures:** Prior to the issuance of a floodplain development permit for a temporary structure, applicants must submit in writing to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:
 - a. A specified time period for which the temporary structure will be permitted;
 - b. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - c. The time frame prior to the event at which a structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - d. A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and
 - e. Designation, accompanied by documentation, of a location outside the special flood hazard area to which the temporary structure will be moved.
8. **Accessory Structures:** When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:
 - a. Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);
 - b. Accessory structures shall be designed to have low flood-damage potential;
 - c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters; Accessory structures shall be firmly anchored in accordance with Section 12.4.2.A.1;
 - d. All service facilities such as electrical and heating equipment shall be installed in accordance with Section 12.4.2.A.4;
 - e. Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with Section 12.4.2.B.4.
 - f. An accessory structure with a footprint less than 150 square feet does not require an elevation or floodproofing certificate.
 - g. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 15.7.3.E.
- C. **Subdivisions, Manufactured Home Parks and Other Developments:** All subdivision, manufactured home park, and other development proposals located within special flood hazard areas shall:

1. Be consistent with the need to minimize flood damage;
 2. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and
 3. Have adequate drainage provided to reduce exposure to flood hazards.
- D. Standards for Floodplains Without Established Base Flood Elevations and Floodways:** Within the special flood hazard areas, where no base flood elevation (BFE) data has been provided, the following provisions shall apply:
1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 30 feet on each side from top of the bank, or 5 times the width of the stream, whichever is greater, unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 2. If base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with elevations established by the Floodplain Administrator. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source, the lowest floor, including basement, shall be elevated at least 2.5 feet above the highest adjacent grade.
 3. Have base flood elevation (BFE) data provided if subdivision or development proposed is greater than the lesser of 5 acres or 50 lots/manufactured home sites. Such base flood elevation (BFE) data shall be adopted by reference to be utilized in implementing this ordinance.
- E. Standards for Floodplains with BFE but without Established Floodways or Non-Encroachment Areas:** Along rivers and streams where base flood elevation (BFE) data is provided but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the community.
- F. Floodways and Non-Encroachment Areas:** Located within the special flood hazard areas are areas designated as floodways or non-encroachment areas. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following additional provisions shall apply to all development within such areas:
1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the floodplain administrator prior to issuance of floodplain development permit;

2. If paragraph 1, above, is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance;
 3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision provided the following provisions are met:
 - a. The anchoring and the elevation standards of Section 12.4.2.B.3; and
 - b. The no-encroachment standards of Section 12.4.2.F.1 are met.
- G. Standards for Areas of Shallow Flooding (AO Zones):** Located within the special flood hazard areas, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following additional provisions shall apply within such areas:
1. All new construction and substantial improvements of all structures shall have the lowest floor, including basement, elevated at least as high as the depth number specified on the flood insurance rate map (FIRM), in feet, plus 2.5 feet of freeboard, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least 4.5 feet (the 2-foot minimum required by FEMA, plus the local freeboard) above the highest adjacent grade.
 2. All new construction and substantial improvements of non-residential structures shall have the option to, in lieu of elevation, be completely floodproofed, together with attendant utilities and sanitary facilities, to or above that level (as in (1), above) so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Section 15.7.3.E.3 and Section 12.4.2.B.2.
- H. Prohibited Uses:** New solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in special flood hazard areas. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to the provisions of this section.
- I. Non-Conforming Structures:** Non-conforming structures or other development may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on July 19, 1982 and located totally or partially within the floodway, non-encroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback is not increased, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- J. All Other Permits Obtained:** All necessary permits shall be obtained from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

12.4.3 PROVISIONS FOR SPECIAL FLOOD HAZARD CONSERVATION AREAS

The following restrictions shall apply in all Special Flood Hazard Conservation Areas (SFHCAs) in addition to the requirements for the Special Flood Hazard Areas (SFHAs):

- A. **Areas Restricted:** There shall be no new development, fill, or structures in the SFHCAs except as otherwise provided herein.
- B. **Permitted Uses:** Only those uses permitted in the floodway shall be permitted in SFHCAs.
- C. **Existing Uses:** Existing uses rendered nonconforming by the adoption of these SFHCA provisions may continue as "nonconforming uses" and shall be regulated as other nonconforming uses (see Chapter 13) and as per the provisions of Section 12.4 except that no SFHCA restrictions are placed on single family residential and associated accessory structures existing prior to September 16, 2004. Such existing buildings and structures must follow the regulations for building in the Special Flood Hazard Areas (SFHAs) (see also Section 12.4.2.I).
- D. **Residential Platted Lots:** No SFHCA restrictions are placed on single family residential and associated accessory structures, existing or future, except that no fill on such lots is permitted. Such buildings and structures must follow the regulations for building in the Special Flood Hazard Areas (SFHAs) (see also Section 12.4.2.I).
- E. **Existing Non-Residential Lots:** Existing lots appearing on final subdivision plats recorded prior to September 16, 2004, which are to be used for purposes other than single family residences, may be built on and used in accordance with the other provisions of this ordinance, provided that the ground area covered by any buildings in the SFHCA shall not exceed 25% of the total SFHCA on any given lot, however, such uses will be considered "nonconforming uses" and thereafter shall be subject to all provisions of this section (meaning that, at that point, they will be regulated as other nonconforming uses as described in paragraph C, above).
- F. **Map Amendments:** An owner or lessee of property who believes his property has been inadvertently included in designated in the Special Flood Hazard Conservation Area (SFHCA) or a different delineation of the SFHCA provides equal or better protection to life and property, may submit scientific or technical information to the Administrator for the Administrator's review to amend the SFHCA pursuant to Section 15.7.6.

12.4.4 LEGAL STATUS PROVISIONS

- A. **Effect on Rights and Liabilities Under the Existing Flood Damage Prevention Provisions:** This section in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted July 27, 1978 as amended, and it is not the intention to repeal but rather to reenact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the City of Wilson enacted on July 27, 1978, as amended, which are not reenacted herein, are repealed.
- B. **Effect Upon Outstanding Building Permits:** The provisions of this section shall not require any change in the plans, construction, size or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator, or his authorized agents, before the time of passage of this ordinance; provided, however, that when construction is not

begun under such outstanding permit within a period of 6 months subsequent to passage of this ordinance or any revision thereto, construction or use shall be in conformity with the provisions of this ordinance.

12.5 STORMWATER MANAGEMENT (NEUSE RIVER BASIN) REQUIREMENTS

12.5.1 APPLICABILITY

- A. Land Disturbance Threshold:** Unless otherwise specified, for purposes of this section, development or land disturbance shall be defined to include the following:
1. Any activity that disturbs greater than or equal to 1 acre of land in order to establish, expand or modify a single family or duplex residential development or a recreational facility.
 2. Any activity that disturbs ~~greater than or equal to 1/2 acre of land~~ one-half acre for commercial, industrial, institutional, multi-family residential or local government land uses with the following exception: Projects below one-half acre that would replace or expand existing structures on a parcel, resulting in a cumulative built-upon area for the parcel exceeding twenty-four percent (24%) ~~in order to establish, expand or modify a multifamily residential development or a commercial, industrial or institutional facility, or any other development not defined by 12.5.1-A(a).~~
- B. All Development to be Cumulative:** All development on a site will be considered to be cumulative from the effective date of the state's regulations for nitrogen reduction so that each exempt property must provide statistics to show the amount of disturbed land. When the total additions to a site exceed the appropriate exempt amount, then the entire development must meet the requirements of this section.
1. Existing Development: Existing development of Existing Build-Upon Area (B.U.A), as referenced in G.S. 143-214.7, means those projects that are built or those projects that have established vested right under North Carolina law as of the effective date of the state stormwater program or applicable local government ordinance to which the project is subject.
- C. Exemptions:** For purposes of this section, development shall not include agriculture, mining or forestry activities.

12.5.2 NUTRIENT REDUCTION REQUIREMENTS

- A. Updates to the Neuse New Development Stormwater Rule:** As of July 1, 2024, all plans submitted will be subject to the New Neuse Rules 15a NCAC 02b.0711. All plans submitted prior to this date and still under review will be grandfathered in under the regulations that were applicable at time of submittal.
- B. Calculation of Nitrogen Export:** The nitrogen export from each development must be calculated. Stormwater nutrient compliance calculations throughout the City of Wilson require use of SNAP tool. NCDEQ released SNAP v.4.2 late March 2023. The current version of the tool can be found on the DEQ Nutrient Practices and Crediting website under Stormwater Nutrient Accounting Tools. Stormwater control measure (SCM) designs are required to use the current NCDEQ Stormwater Design Manual, which includes the Minimum Design Criteria (MDC's). This export will be calculated in pounds per acre per year (lbs/ac/yr). ~~There are 2 different methodologies for calculating nitrogen export from development.~~ (Refer to the City Stormwater Design Manual in the City of Wilson Manual of Specifications, Standards and Design, for calculating nitrogen export loading).

- C. **Nitrogen Export Standard:** All developments must achieve a nitrogen export of less than or equal to 3.6 pounds per acre per year.
- D. **Nitrogen Reduction Options:** If the development contributes greater than 3.6 pounds per acre per year of nitrogen, the applicant shall bring the development into compliance. **as outlined in the table below:**
 1. If less than 24% impervious, nitrogen credits may be purchased to lower the nitrogen loading to less than 3.6 lbs/acre/year; or
 2. If equal to or greater than 24% installation of a primary SCM pursuant to 15A NCAC 02H.1003 and then further purchase of nitrogen credits to lower nitrogen loading to less than 3.6 lbs/acre/year.

As stated in 15 A NCAC 02B 0711 (5) (b), “Regarding stormwater treatment and other onsite post-construction elements, projects not subject to more stringent standards under one of the following State stormwater rules or a local ordinance shall meet 15A NCAC 02H.1003, which includes specifications for low and high-density treatment threshold of twenty-four percent or greater built-upon area and a storm depth of in inch (1”) for SCM design...” The City requires that development density of 24% or greater install or construct a primary SCM as described in the NCDEQ MDC Manual before a nitrogen buy-down purchase is allowed.

Residential Development	Commercial/Industrial Development
If the computed export is less than 6.0 lbs/ac/yr then the owner may either: 1) Install BMPs (as specified in Section 12.6) to remove enough nitrogen to bring the development down to 3.6 lbs/ac/yr 2) Pay a one-time offset payment to bring the nitrogen down to the 3.6 lbs/ac/yr 3) Utilize a combination of BMPs and offset payment to achieve a 3.6 lbs/ac/yr export	If the computed export is less than 10 lbs/ac/yr, then the owner may either: 1) Install BMPs (as specified in Section 12.6) to remove enough nitrogen to bring the development down to 3.6 lbs/ac/yr 2) Pay a one-time offset payment to bring the nitrogen down to the 3.6 lbs/ac/yr 3) Utilize a combination of BMPs and offset payment to achieve a 3.6 lbs/ac/yr export
If the computed export is greater than 6.0 lbs/ac/yr, the owner must use on-site BMPs to bring the development's export down to 6.0 lbs/ac/yr. Then, the owner may use one of the three options above to achieve the reduction between 6.0 and 3.6 lbs/ac/yr.	If the computed export is greater than 10.0 lbs/ac/yr, the owner must use on-site BMPs to bring the development's export down to 10.0 lbs/ac/yr. Then, the owner may use one of the three options above to achieve the reduction between 10 and 3.6 lbs/ac/yr.

- E. **Offset Payment:** If it is determined that an offset payment is to be used, the owner shall furnish the city with evidence that a nutrient mitigation bank approved by the NCDWQ within the same hydrologic unit has received payment prior to the city's issuance of a building permit. Purchased nutrient buy-down credits will now be in lb/yr and good in perpetuity, rather than purchased in pounds for an arbitrary 30 years as defined in 15A NCAC 02B.0701(38), 15A NCAC 02B.0703(d)(7-8). Refer to the City of Wilson Manual of Specifications for more information on the calculation of offset payments.
- F. **Variations:** Only the State Environmental Management Commission shall have the authority to grant variations from any provisions of the Neuse River Basin Program for Nitrogen Reduction unless future rule changes by the state address the handling of variations by the local government.

12.5.3 RUNOFF VOLUME STANDARD

- A. **One-Year 24-Hour Storm:** There shall be no net increase in peak stormwater runoff flow leaving a development from predevelopment conditions for the 1-year, 24-hour storm. Refer to Appendix C of the City Stormwater Management Plan for more information on how to calculate the 1-year, 24-hour storm.
- B. **Calculation of Runoff Volume:** Acceptable methodologies for computing pre- and post-development conditions for the 1-year, 24-hour storm are outlined below. The same method must be used for both the pre- and post-development conditions.
 - 1. The rational method (used when the drainage area is 200 acres or less);
 - 2. The peak discharge method as described in USDA Technical Release Number 55 (TR-55) (drainage area is 2,000 acres or less);
 - 3. The putnam method (drainage area is greater than 2,000 acres).

12.5.4 NEUSE RIVER BASIN BUFFERS

Buffers shall be maintained along all perennial and intermittent streams according to the requirements for Neuse River Basin Buffers in Section 8.9.

12.6 STORMWATER BEST MANAGEMENT PRACTICES / STORMWATER CONTROL MEASURES

12.6.1 DESIGN CRITERIA

All stormwater systems shall be designed by a North Carolina registered professional engineer or landscape architect in accordance with the City of Wilson Manual of Specifications, Standards and Design and the North Carolina Division of Water Quality Stormwater **Best Management Practices** Design Manual.

12.6.2 SELECTION OF BEST MANAGEMENT PRACTICES STORMWATER CONTROL MEASURES

Stormwater **Best Management Practices (BMPs)** Control Measures (SCM) for nitrogen reduction shall be selected in response to the site’s location within the city, the recommendations of the *North Carolina Division of Water Quality Stormwater Best Management Practices Manual (NC BMP Manual)* NCDEQ Stormwater Design Manual (NC DEQ SDM). Because of Wilson’s unique geologic and hydrologic conditions (i.e., poorly drained soils and a shallow water table), the types of appropriate **BMPs** SCMs that can be effectively utilized in Wilson is limited.

A. Preferred BMPs by District SCMs: NCDEQ Stormwater Design Manual part A-8 “Guidance on SCM Selection” details many options which can be used in Wilson. ~~The following table includes BMPs from the State Manual that are recommended for use in Wilson because they are effective in areas with both poorly drained soils and a shallow water table (NC BMP Manual Section 4.5). The table does NOT indicate required BMPs in each district; rather it is simply intended to provide general guidance as to the most appropriate location for these BMPs within each of the city’s zoning districts based on the desired development pattern for that district.~~ Applicants are encouraged to develop innovative and creative solutions for managing stormwater that satisfy the stormwater requirements of this section and the overall intent of this ordinance. The Stormwater Administrator will have final discretion in making a site specific determination for the most appropriate use of **BMPs** SCM on a project-by-project basis in accordance with the NC **BMP Manual** DEQ SDM and the functional and visual goals of this ordinance. The Administrator shall have discretion to establish alternate methods of compliance with this ordinance where it is determined that necessary stormwater management structures make strict compliance with this ordinance arduous or impractical.

BMP Tool (as listed in the NC BMP Manual)	R/A-OS	MHR, SR4, SR6, GR6	NC-OC, HC, LI, HI, ICD	UR, RMX	NMX, IMX, CCMX
Stormwater Wetland	•	•	•		
Wet Detention Basin	•	•	•		
Grassed Swale	•	•	•		
Restored Riparian Buffers	•	•	•		
Rooftop Runoff Management			•	•	•
Proprietary BMPs			•	•	•
Filter Strips	•	•	•	•	•
Others (as approved by the Administrator)	•	•	•	•	•

B. Preferred Location of BMPs SCMs: Generally, **BMPs** SCMs should not be located along any public right-of-way, in the first layer of a lot (as defined in Section 9.3), or along any required buffer yard areas. When no other acceptable location for **BMPs** SCMs can be found, only those **BMPs** SCMs which are compatible with perimeter landscaping, as outlined in the NC **BMP Manual** DEQ SDM shall be located in such areas. Where the stormwater and landscaping requirements of this

ordinance are found to conflict, the Administrator may approve alternate methods of compliance that satisfy the intent of this ordinance.

- C. **Nutrient Removal Rates:** The regulatory credits for the total nitrogen (TN) removal rate of each **BMP** SCM are outlined in the NC **BMP Manual** DEQ SDM.

12.7 OWNERSHIP, MAINTENANCE AND INSPECTION OF STORMWATER STRUCTURES

12.7.1 OWNERSHIP AND MAINTENANCE

Stormwater structures which are constructed on public land, within public rights-of-way and/or within public easements shall be maintained by the public body with ownership/jurisdiction of the subject property according to the infrastructure acceptance provisions of Section 6.10.4. All other stormwater structures shall be privately operated and maintained according to the provisions below:

- A. **Individual Lots:** The operation and maintenance of stormwater control structures which serve only 1 lot or unit shall be the responsibility of the owner of such lot or unit.
- B. **Owners' Associations:** The operation and maintenance of stormwater control structures which serve more than 1 lot or unit shall be the responsibility of an Owners' Association. Prior to or concurrently with the submission of the Final Plat for review and approval, the subdivider or developer shall submit to the Administrator a copy of the Owners' Association Declaration and the proposed Bylaws. The Owners' Association Declaration shall contain, at a minimum, the following:
1. **Responsibilities:** That the Owners' Association is responsible for: the payment of any premiums for liability insurance and local taxes with respect to common areas which include stormwater control structures; the operation and maintenance of stormwater control structures in accordance with the approved plans and specifications and the approved Operation and Maintenance Agreement; and the payment of any application and/or inspection or other fees assessed by the City of Wilson and any assessments for improvements made to or for the benefit of any stormwater control structure by the City of Wilson or on its behalf.
 2. **Default:** Upon default by the Owners' Association in the payment of any fees or assessments with respect to, or ad valorem taxes levied against, any common areas which include stormwater control structures, which default shall continue for a period of 3 months, the owners of each lot or unit in the development shall become personally liable for the proportionate amount of unpaid taxes or assessments, which proportionate amount shall be determined by dividing the total amount of the taxes and/or assessments due by the total number of lots or units in the development. If the sum thus determined is not paid by the owners within 30 days following receipt of notice thereof, then such amount shall become a continuing lien on the property of each owner, his heirs, devisees, personal representatives, successors and assigns. The taxing or assessing authority also may either bring an action at law against the owner or may elect to foreclose the lien against the owner's property.
 3. **Powers:** That the Owners' Association is empowered to levy assessments against the owners of lots or units in the development for the payment of expenditures made by the Owners' Association for the items set forth herein, and any such assessments not paid by the owners shall constitute a lien against their property.

4. **Easements:** That easements over the development for access, ingress and egress from and to common areas which include stormwater control structures shall be granted to the City of Wilson for purposes of inspection and maintenance and any other acts and things deemed necessary for proper upkeep and maintenance of such stormwater control structures and/or enforcement of these provisions.
 5. **Maintenance and Restoration:** References to the applicable provisions of the Operation and Maintenance Agreement and/or the approved plans and specifications, as applicable, which set forth the procedures whereby stormwater control structures are to be repaired and/or restored in the event of damage or destruction.
 6. **Covenants and Restraints:** The Bylaws shall contain all covenants and restraints governing the Owners' Association, the plats, and a description of the common areas which include any stormwater control structures.
 7. **Existence Before Any Conveyance.** The Owners' Association shall be organized and in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.
 8. **Membership:** Membership in the Owners' Association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit. There also shall be set forth provisions for the assimilation of owners in subsequent sections of the development.
- C. **Operation and Maintenance Agreement:** An Operation and Maintenance Agreement for all stormwater control structures must be reviewed and approved in advance by the Administrator and executed by the developer/permit applicant and the Owner's Association/owner. While title to the stormwater control structure may be in a separate entity, the ultimate responsibility and funding for maintenance and upkeep shall be the responsibility of the Owners' Association/owner or the owners of record of the property described in the Operation and Maintenance Agreement, as applicable. The Operation and Maintenance Agreement shall require the developer/permit applicant and the Owner's Association/owner to perpetually maintain, repair and reconstruct (if necessary) all stormwater control structures which serve the development in accordance therewith or in accordance with the approved plans and specifications. Following execution and approval by the Administrator, the Operation and Maintenance Agreement shall be filed with the Wilson County Register of Deeds. At a minimum, the Operation and Maintenance Agreement shall contain the following provisions:
1. A detailed description of all necessary operation and maintenance duties and responsibilities with respect to the stormwater control structures;
 2. The specific quantitative criteria for determining when such operation and maintenance activities must be undertaken;
 3. A detailed description of the procedures to be followed for such operation and maintenance activities;
 4. A detailed description of the procedures to be followed for restoring stormwater control structures to design specifications in the event of failure;
 5. That no vegetation shall be allowed to mature to the extent that the integrity of any stormwater control structure is diminished or threatened, or to the extent of interfering with any easement or access to any stormwater control structure;

6. A legal description of all the property obligated to maintain the stormwater control structure;
7. Estimated costs of ongoing maintenance;
8. Right of the City of Wilson to assess any costs plus a 25% of total costs service fee incurred by the city in correcting any noncompliance with the Operation and Maintenance Agreement.
9. Rights to the City of Wilson for ingress, egress, and access so that the city may enter onto, inspect, and perform all work necessary to ensure compliance with the Operation and Maintenance Agreement.
10. Except for general landscaping and grounds management, the Owner's Association/owner shall notify the Watershed Administrator prior to any repair or reconstruction of any stormwater control structure. All improvements then shall be made consistent with the approved plans and specifications and/or the Operation and Maintenance Agreement, as applicable. Upon completion and notification thereof by the Owner's Association/owner, the Watershed Administrator shall inspect the completed improvements and shall inform the Owner's Association/owner of any required additional changes or modifications and of the time period to complete said improvements. The Watershed Administrator may consult with an engineer or landscape architect (to the extent that G.S. Ch. 89A allows).
11. Proposed amendments to the plans and specifications for the stormwater control structure and/or the Operation and Maintenance Agreement must be approved in advance by the Watershed Administrator, and shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that NCGS 89A allows). When submitted to the Watershed Administrator for review and approval, one of the following shall occur:
 - a. If the Watershed Administrator approves the proposed amendments, the Owner's Association/owner shall file revised copies of the plans and specifications and/or the Operation and Maintenance Agreement, as applicable, with the Watershed Administrator and the Wilson County Register of Deeds.
 - b. If the Watershed Administrator disapproves of the proposed amendments, the proposal may be revised and resubmitted to the Watershed Administrator as a new proposal, which then shall be considered in accordance herewith and denied if not in accordance with the Watershed Administrator's recommendations.
 - c. If, at any time, the Watershed Administrator determines that the plans and specifications and/or the Operation and Maintenance Agreement are inadequate for any reason, the Watershed Administrator shall notify the Owner's Association/owner of the necessary changes. The Owner's Association/owner shall prepare the required revisions and, following review and approval by the Watershed Administrator in accordance herewith, shall file copies of the revised and approved plans and specifications and/or the Operation and Maintenance Agreement, as applicable, with the Watershed Administrator and the Wilson County Register of Deeds.
12. Upon default of the Owner's Association/owner to maintain, repair and reconstruct (if necessary) the stormwater control structures in accordance with the Operation and Maintenance Agreement and/or the approved plans and

specifications, the City of Wilson shall have the right to enter onto the property to do all work necessary to ensure compliance with the Operation and Maintenance Agreement, and to assess all costs incurred to the Owner's Association/owner and/or the record owners of each lot or portion of the property described in the Operation and Maintenance Agreement. An additional 25% of the total costs shall also be assessed as a service fee. Such actions shall be made only after the City of Wilson exhausts all reasonable remedies to seek compliance by the Owner's Association/owner in accordance with Chapter 16 or otherwise.

12.7.2 INSPECTION

Consistent with applicable law, the stormwater official is authorized to go upon private property for the purpose of inspecting the stormwater drainage system or to investigate sources of potential illegal discharges to the stormwater drainage system. Such inspections may also include observation, sampling, monitoring, testing, surveying, and measuring compliance. Should any owner or occupant refuse to permit such reasonable access, the public official shall proceed to obtain an administrative search warrant pursuant to NCGS 15-27.2 or its successor.

12.8 WATERSHED PROTECTION REGULATIONS

12.8.1 APPLICABILITY

All land in the Watershed Protection Overlay Districts shall be developed in accordance with the requirements of this section subject to the following provisions:

- A. **WS4-P and WS4-C Districts:** Except for the buffer requirements, the basic watershed district development standards for the WS4-P district and WS4-C district apply only to projects that require sedimentation/erosion control plans (i.e., 1 acre or more of land disturbing activity).
- B. **Existing Development:** The built-upon area of any existing development is not subject to the watershed district development standards of this section. Existing development is defined as a project that is already built or a project that, at a minimum, has established a vested right as of the effective date of this ordinance, based on at least one of the following criteria:
 1. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
 2. Having an outstanding valid building permit as authorized by NCGS 160D-108), or
 3. Having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by the NCGS regarding vested rights and set forth in Section 15.16.
- C. **Replacement and Expansion of Built-Upon Area:** Replacement of existing built-upon area is not subject to the watershed district development standards of this section, however any expansion of existing development that increases the built-upon area must meet the watershed development standards.
- D. **Single-Family Residential Lots**
 1. Deeded and platted vacant single-family lots are exempted from the watershed district development standards of this section.

2. A deeded single-family lot owned by an individual prior to the effective date of this section (July 1, 1993), provided it is developed for single-family use, is exempt from the watershed district development standards of this section.

12.8.2 WATERSHED PROTECTION DISTRICT DEVELOPMENT STANDARDS

- A. Specific Standards by Watershed Basin Area:** The following standards shall apply to the Watershed Protection Overlay Districts and shall take precedence over the underlying zoning district standards.

1. Watershed Area III – Toisnot Reservoir/Swamp & Lake Wilson Area	Critical Area (WS3-C)	Protected Area (WS3-P)
Low Impervious Surface Option (Residential Only Maximum)	1 unit / 40,000 sq ft	2 units / 40,000 sq ft
Low Impervious Surface Option (Built Upon Area Maximum)	12%	24%
High Impervious Surface Option (Built Upon Area Maximum)	30%	50%, or 70% (see 12.9.2.B)
Stream Buffers (Minimum Each Side)	See 8.9.2	

2. Watershed Area IV – Wiggins Lake and Contentnea Creek Area	Critical Area (WS4-C)	Protected Area (WS4-P)
Low Impervious Surface Option (Residential Only Maximum)	2 units / 40,000 sq ft	2 units / 40,000 sq ft
Low Impervious Surface Option (Built Upon Area Maximum)	24%	24%
High Impervious Surface Option (Built Upon Area Maximum)	50%	70%
Stream Buffers (Minimum Each Side)	See 8.9.2	

- B. Higher Impervious Surface Development Option for WS3-P Districts:** A higher density development option is available for non-residential development within 5% of the WS3-P district, provided the following conditions are met:

1. No more than 70% of an area, lot or project within 5% of the entire protected area in the district can be built upon.
2. The development will minimize impacts on water quality through the use of best management practices (BMP's), directing of stormwater runoff away from surface waters, and provision of increased buffers from perennial waters. (Cluster development arrangements and designs are also encouraged.)
3. The development will be consistent with the Wilson Comprehensive Plan;
4. Careful records are kept by the Watershed Administrator to ensure the 5%/70% rule is not exceeded.
5. Any development that is proposed using this option must provide stormwater runoff control structures to control the 1-inch storm as set forth in Section 12.8.2.D.2.

C. On-Site Erosion Control Measures

1. No development permit shall be issued until approved watershed management protection measures are in place.
2. No land disturbing activities shall be allowed until all plans are approved and necessary permits have been obtained.

3. Development shall comply with the regulations of Section 12.3 (Erosion and Sedimentation Control).

D. Post Construction Controls

1. Stormwater runoff shall be transported by vegetated conveyances to the maximum extent practicable.
2. For any development activities utilizing the high impervious surface option, engineered stormwater controls shall be required to control the runoff from the first inch of rainfall and designed to remove at least 85% of the Total Suspended Solids (TSS). The operation and maintenance of the required engineered stormwater controls shall be the ultimate responsibility of the property owner.

E. Toxic and Hazardous Materials

1. Existing and new industrial development shall maintain an inventory of all toxic and hazardous materials used and stored on the premises; and, prepare a spill/failure containment plan and implement safeguards against contamination; and, encourage waste minimization and the appropriate recycling of materials.
2. New industrial development shall incorporate adequately designed, constructed and maintained spill containment structures if toxic or hazardous materials are used, stored or manufactured on the premises.

- F. Road Construction:** Road construction and bridges shall minimize built-upon area and to the extent possible not be placed in critical areas of the watersheds or within the required buffer areas.

G. Cluster Development: Clustering of development is allowed on a project-by-project basis, provided that:

1. The overall density (number of units or built-upon area) of the project meets the watershed district development standards;
2. Built-upon areas are designed and located so as to minimize the impact of stormwater run-off and concentrated stormwater flow; and
3. The remainder of the project area that is not built upon shall remain in a perpetual vegetated or natural state, properly recorded by deed that restricts the property from being built-upon and perpetually protected by dedication or conveyance.

H. Prohibited Uses: The following uses are prohibited in the Watershed Protection Overlay Districts:

1. The storage of toxic and hazardous materials unless a spill containment plan is implemented consistent with Section 12.8.2.E;
2. Landfills are prohibited in WS3-C and WS4-C overlay districts and discharging landfills are prohibited in a WS3-P overlay districts;
3. Sites for land application of sludge/residuals or petroleum contaminated soils are prohibited in a WS3-C and WS4-C overlay districts;
4. Any use found to be detrimental to the quality of water in water supply watersheds by posing a threat of run-off, leaching or other types of pollution, as determined by a decision-making board from which a permit or other approval is sought.

12.8.3 GENERAL PROVISIONS

- A. Calculation of Impervious Area:** Impervious or built-upon areas include any portion of a development or construction site, lot, or project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreational facilities (e.g. tennis courts), and other similar construction. Wooden slatted decks and the water area of a swimming pool are considered pervious. For the purpose of calculating the impervious surface area, total project area shall include total acreage in the tract on which the project is to be developed.
- B. Interpretation of Watershed Area Boundaries:** Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Protection District Map, the following rules shall apply:
1. Where district boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be the said boundaries.
 2. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the City of Wilson as evidence that one or more properties along these boundaries do not lie within the watershed district.
 3. Where the watershed district boundaries lie at a scaled distance more than 25 feet from any parallel lot line, the location of watershed district boundaries shall be determined by use of the scale appearing on the watershed map.
 4. Where the watershed district boundaries lie at a scaled distance of 25 feet or less from any parallel lot line, the location of watershed district boundaries shall be construed to be the lot line.
 5. Where other uncertainty exists, the Watershed Administrator shall interpret the watershed map as to location of such boundaries.
 6. Such location decisions may be appealed to the Board of Adjustments according to the provisions of Section 15.12.

12.9 IMPERVIOUS SURFACE AVERAGING

Impervious surface averaging allows development plans for 2 or more noncontiguous parcels to be submitted together and treated as a single project in order to meet the requirements of Sections 12.5 and 12.8.

12.9.1 IMPERVIOUS SURFACE AVERAGING STANDARDS

- A. Combined Impervious Surface Area Limit:** The total amount of development (impervious surface area) allowed for the paired parcels taken together cannot exceed the amount of development that would be allowed if the parcels were developed separately.
- B. Use of Floodplain Properties:** This option is intended to enhance floodplain preservation by providing a means for owners of floodplain properties to obtain value for their properties resulting from the sale of impervious area "credits." Such "credits" can be used to increase development density of non-floodplain properties, provided all other zoning requirements are met and providing that the floodplain property has not already been used in the calculation of impervious area allowance for an existing or approved development project.

- C. Permit Required:** An "impervious surface averaging permit" from the City Engineer shall be required before this option can be exercised for a specific project and a plat showing the 2 (or more) properties and a binding legal agreement must be reviewed, approved, and recorded prior to the issuance of a building permit. The City Engineer has the power to authorize, in specific cases, impervious surface averaging permits for projects that meet the criteria outlined below. The city, in its sole discretion, may accept or reject a proposed paired-parcel, averaged- impervious surface development.
- D. Location:** Parcel pairs being submitted for approval under this provision shall be submitted for development approval as a single proposal and shall be located in the same watershed basin.
- E. Overall Density:** Overall density of the paired-parcel, averaged-impervious surface development, calculated either by dwelling units per acre or built upon area (see Section 12.8.1), shall not exceed the density that would be allowed if the parcels were developed separately.
- F. Location:** Parcels to be used in pairs can be located throughout the city, unless specifically prohibited herein, according to the following standards:
1. If 1 of the parcels is located in a watershed critical area and 1 is located in a protected area, the critical area parcel shall not be developed.
 2. Impervious surface averaging is not allowed between 2 parcels when both are in the critical area of a protected watershed.
- G. Low Impervious Surface Option:** Impervious surface developments that meet the low impervious surface option development requirements of Section 12.8.1 shall transport stormwater runoff from the development by vegetated conveyances to the maximum extent practicable.
- H. High Impervious Surface Option:** Stormwater runoff from paired-parcel, averaged impervious surface development which meets the high impervious surface option of Section 12.8.1 shall be controlled on the parcel(s) where the high impervious surface development is occurring in accordance with the criteria specified in Section 12.8.1.
- I. Buffers:** Buffers shall meet the appropriate minimum protection requirements on both parcels in the parcel-pair according to the density of development occurring on each parcel.
- J. Stormwater Flow:** Site planning guidelines should be considered in the design process to:
1. Minimize stormwater runoff impact to the receiving waters by minimizing concentrated stormwater flow;
 2. Maximize the use of sheet flow through vegetated areas;
 3. Minimize impervious surface areas;
 4. Locate development away from surface waters and drainage ways to the maximum extent practicable; and
 5. Where concentrated flow is unavoidable, convey stormwater from developed areas by vegetated swales to the maximum extent practicable.
- K. Runoff Volume:** Peak flow must be controlled on the developing lot or project using the acreage or area of the developing lot or project only, so as to minimize drainage impact on downstream properties.

- L. Parcels with Approved Variances not Permitted:** No parcel for which a watershed variance has been granted, or would be required, may be included as a part of a parcel pair.
- M. Submittals:** Only owners of both of the paired parcels may submit an application for an impervious surface averaging permit. If such a permit is granted, no change in the development proposal authorized for either parcel shall be made unless the permit is amended and such amendments approved by the City Engineer. Included with the impervious surface averaging permit application shall be a site plan, registered plats for both properties, a description of both properties, and documentation showing the conveyance of the undeveloped parcel to the city.
- N. Engineer Review:** The City Engineer shall ensure that each case is supported by appropriate calculations and documentation. The development proposal for the parcel pair shall conform to the intent and requirements of this section, shall be consistent with the orderly and planned distribution of development throughout the community, and shall propose an agreement which assures protection of the public interest.
- O. Agreements Shall Continue Indefinitely:** Applicants shall agree to bind themselves and their successors in title, individually and collectively, to maintain the pattern of development proposed for so long as the requirements of this section are applicable. Parties to enforcement of such agreement shall include the city. No such agreement shall be accepted without approval of the staff attorney as to the legal sufficiency of the documents involved.
- P. Permit and Easement Must Be Recorded:** At the time of the issuance of a building permit, the city shall ensure that the following has occurred:
 - 1. The impervious surface averaging permit requirements have been recorded in the plat for each of the parcels in the parcel pair;
 - 2. The conservation easement has been recorded in the plat for the parcel to which it applies; and
 - 3. Both the easement and the permit shall be noted on the subdivision plan or site plan that applies to each of the parcels.

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**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF WILSON
TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (UDO)
TO INCORPORATE PROVISIONS FOR SOME TECHNICAL
CHANGES AND MODIFICATIONS TO DEVELOPMENT
STANDARDS WITHIN CHAPTER 12**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON:

SECTION 1. That Chapter 12, entitled “Erosion, Flood, Stormwater and Watershed Standards,” should be amended as follows:

12 EROSION, FLOOD, STORMWATER AND WATERSHED PROVISIONS

12.1 GENERAL PURPOSE AND INTENT

12.1.1 FINDINGS OF FACT

- A. Erosion and Sedimentation Control:** The erosion of soil from uncovered development sites has adverse impacts on the condition of public and private property, impairs the City of Wilson stormwater system, and causes pollution and accelerated siltation of lakes, streams and other watercourses.
- B. Flood Damage Prevention:** The flood prone areas within the jurisdiction of the City of Wilson are subject to periodic inundation which may result in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood prone areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.
- C. Stormwater Management:** The North Carolina Department of Environmental Quality has issued regulations entitled “Neuse River Basin - Nutrient Sensitive Waters Management Strategy: Basinwide Stormwater Requirements (15A NCAC 2B.0235).” These regulations require that local governments within the Neuse River watershed establish a program to reduce nitrogen runoff in new developments, to prevent, identify, and remove illegal discharges, to identify potential retrofit sites, and to implement a stormwater public education program.
- D. Watershed Protection:** The Legislature of the State of North Carolina has, in NCGS 143-21, Watershed Protection Rules, directed local governmental units to adopt regulations that meet or exceed the minimum requirements of NCGS 143-214.5 and water supply watershed protection rules adopted by the State

Environmental Management Commission in order to protect the water supplies throughout the state.

12.1.2 AUTHORITY AND ENACTMENT

- A. **Erosion and Sedimentation Control:** In accordance with 15A NCAC 04 and the North Carolina Sedimentation Pollution Control Act of 1973, the Erosion and Sedimentation Control Regulations of this ordinance were adopted, effective May 15, 2008.
- B. **Flood Damage Prevention:** In accordance with the National Flood Insurance Program (NFIP) and the Federal Emergency Management Agency (FEMA) the Flood Damage Prevention Regulations of this ordinance are hereby adopted, effective as detailed in Section 12.4.4.A.
- C. **Stormwater Management:** In accordance with 160D-925 and 15A NCAC 2B.0235 and consistent with the adopted Neuse River Basin Requirements, the Stormwater Management and Neuse River Basin Regulations of this ordinance were adopted, effective March 9, 2001.
- D. **Watershed Protection:** In accordance with NCGS 160D-926 and NCGS 143-214.5, the Watershed Protection Regulations of this ordinance were adopted, effective July 1, 1993.

12.1.3 PURPOSE

- A. **Erosion and Sedimentation Control:** The erosion and sedimentation control provisions of this ordinance are adopted for the purposes of regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation.
- B. **Flood Damage Prevention:**
 - 1. It is the purpose of the flood damage prevention provisions of this chapter to minimize public and private losses due to flood conditions within flood prone areas by:
 - a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights or velocities;
 - b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
 - d. Controlling filling, grading, dredging, and all other development which may increase erosion or flood damage; and
 - e. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
 - 2. Specific objectives of the flood damage prevention provisions are as follows:
 - a. To protect human life and health;

- b. To minimize expenditure of public money for costly flood control projects;
 - c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - d. To minimize prolonged business losses and interruptions;
 - e. To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
 - f. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
 - g. To insure that potential homebuyers are notified that property is in a special flood hazard area.
- C. **Stormwater Management:** The stormwater management provisions of this chapter are intended to protect water quality for present and future residents of the city and surrounding regions by limiting the amount of pollutants including, but not limited to, nitrogen in stormwater runoff that makes its way into the city's stormwater drainage system. Specific objectives include protection of riparian buffers, control of nitrogen export from development, control of peak stormwater runoff, and the use of best management practices. The stormwater management provisions of this chapter are further intended to provide for the enforcement of the city's stormwater management program; to prohibit non-stormwater discharges to the city stormwater drainage system, require the removal of illicit connections to the city stormwater drainage system and prevent improper disposal of materials that degrade water quality.
- D. **Watershed Protection:** The Watershed Protection regulations are established to preserve water quality and provide safe drinking water for present and future residents.

12.1.4 PERMITS REQUIRED

- A. **Grading (Erosion and Sedimentation Control) Permit:** No person shall undertake any land-disturbing activity as specified by the erosion and sedimentation control provisions of this chapter until plans for controlling erosion associated with the activity have been reviewed and approved in accordance with the procedures set forth in Sections 15.7.1 and 15.7.2.
- B. **Floodplain Development Permit:** A Floodplain Development Permit shall be required in conformance with the flood damage prevention provisions of this chapter and Section 15.7.3 prior to the commencement of any development activities within a Flood Hazard Area Overlay District.
- C. **Stormwater Management Permit:** No person shall construct, repair or alter the stormwater drainage system for the purpose of draining water from any land or premises, or commence any development activities before receiving a Stormwater Management Permit according to the provisions of Section 15.7.5.
- D. **Watershed Development Permit:** A Watershed Development Permit shall be required in conformance with the watershed protection provisions of this chapter

and Section 15.7.4 prior to the commencement of any development activities within Watershed Area Overlay District.

12.1.5 REQUIRED CONFORMANCE TO THE WILSON SPECIFICATIONS MANUAL

The City of Wilson Manual of Specifications, Standards and Design (MSSD) is herein incorporated by reference. Conformance to the Manual of Specifications, Standards and Design is required in addition to the provisions in this ordinance.

12.2 APPLICABILITY

12.2.1 APPLICABILITY BY DISTRICT

The various erosion control, flood damage prevention, stormwater management and watershed protection provisions of this chapter apply according to the table below:

Regulation Type	Geographic Applicability	Applicable Subsections
Erosion and Sedimentation Control Regulations	All Districts	12.3 (also see 8.9)
Flood Damage Prevention Regulations	FHA-O and FHCA-O Districts	12.4 (also see 2.8.6)
Stormwater Management Regulations	All Districts	12.5, 12.6, 12.7 and 12.9 (also see 8.9)
Watershed Protection Regulations	WS3-P, WS3-C, WS4-P and WS4-C Districts	12.8 and 12.9 (also see 2.8.5 and 8.9)

12.3 EROSION AND SEDIMENTATION CONTROL *[Adapts City Code Part III Chapter 32.5]*

12.3.1 SCOPE AND EXCLUSIONS

- A. Land-Disturbing Activity:** This section shall apply to land-disturbing activity within the territorial jurisdiction of the City of Wilson and to the extraterritorial jurisdiction of the City of Wilson as allowed by agreement between local governments, the extent of annexation or other appropriate legal instrument or law.
- B. Applicability**
 - 1. Erosion control devices must be installed to prevent any offsite sedimentation for any construction site regardless of the size of the land disturbance, except as provided in Section 12.3.1.C, below, however;
 - 2. Land-disturbing activity of 1 acre in surface area or greater shall only be conducted in accordance with an approved erosion control plan and grading permit pursuant to the provisions of this section and the procedures set forth in Sections 15.7.1 and 15.7.2. In determining the area of land-disturbing activity, lands under being developed as a unit, whether under single or diverse ownership, will be aggregated.
- C. Exemptions:** This section shall not apply to the following types of land-disturbing activity:
 - 1. An activity, including breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to man such as,
 - Forage and sod crops, grain and feed crops, tobacco, cotton, and peanuts;
 - Dairy animals and dairy products;

Poultry and poultry products;

Livestock, including beef cattle, sheep swine, horses, ponies, mules, and goats;

Bees and apiary products; and

Fur-producing animals.

2. An activity undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with best management practices set out in Forest Practice Guidelines Related to Water Quality, as adopted by the North Carolina Department of Environmental Quality (NCDEQ). If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines Related to Water Quality, the provisions of this ordinance shall apply to such activity and any related land-disturbing activity on the tract.
3. An activity for which a permit is required under the Mining Act of 1971, Article 7 of NCGS Chapter 74.
4. A land-disturbing activity over which the state has exclusive regulatory jurisdiction as provided in NCGS 113A-56(a).
5. An activity which is essential to protect human life during an emergency.

D. Protection of Property: Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.

12.3.2 STANDARDS FOR LAND-DISTURBING ACTIVITY

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

- A. Construction Buffer Zone:** No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse as provided for in Section 8.9.3.
- B. Graded Slopes and Fills:** The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed shall be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion in accordance with the City of Wilson Manual of Specifications, Standards and Design. The angle for graded slopes and fills must be demonstrated to be stable, where the soil remains in its original configuration, with or without mechanical constraints.
- C. Fill Material:** Unless a permit from the NCDEQ Division of Waste Management to operate a landfill is on file for the official site, acceptable fill material shall be free of organic or other degradable materials, masonry, concrete and brick in sizes exceeding 12 inches, and any materials which would cause the site to be regulated as a landfill by the State of North Carolina.
- D. Ground Cover:** Whenever land-disturbing activity that will disturb more than one (1) acre on a residential common plan of development or half (1/2) acre on a commercial lot in a common plan of development is undertaken on a tract, the person conducting the land-disturbing activity shall install erosion and

sedimentation control devices and practices that are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in Section 32.5-8(b)(5) of this article, provisions for a ground cover sufficient to restrain erosion must be accomplished within twenty-one (21) calendar days following completion of construction or development.

- E. **Prior Plan Approval:** No person shall initiate any land-disturbing activity that will disturb more than one (1) acre on a residential common plan of development or half (1/2) acre for a commercial lot in a common plan of development. If more than the allowable acreage is to be uncovered then, thirty (30) or more days prior to initiating the activity, a plan for such activity is filed with and approved by the City of Wilson. The City of Wilson shall forward to the director of the division of water quality a copy of each plan for a land-disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of the tract. For plans under the one (1) acre residential threshold and half (1/2) acre commercial threshold the erosion control plan will be submitted to NCDEMLR (Land Quality Section) for review and approval. The NCG01 permit will be issued separately by the state, but can't be issued until the erosion control plan approval is received; as this is a required step in the online NCG01 application process through the state's website.

12.3.3 VIOLATIONS

Any person engaged in land-disturbing activity who fails to file a Sedimentation and Erosion Control Plan in accordance with this section and Section 15.7.2, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan, shall be deemed in violation of this section and subject to the enforcement procedures outlined in Section 16.2.1.

12.3.4 BASIC CONTROL OBJECTIVES

An erosion and sedimentation control plan must address the following control objectives:

- A. **Identify Critical Areas:** On-site areas which are subject to severe erosion and off-site areas which are especially vulnerable to damage from erosion.
- B. **Limit Time of Exposure:** All land-disturbing activities are to be planned and conducted to limit exposure to the shortest feasible time.
- C. **Limit Exposed Areas:** All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.
- D. **Control Surface Water:** Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.
- E. **Control Sedimentation:** All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage.
- F. **Manage Storm Water Runoff:** When the increase in the velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, an erosion and sedimentation control plan is to include measures to control the velocity to the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

12.3.5 DESIGN AND PERFORMANCE STANDARDS

- A. **Typical Design Standards:** Except as provided in Section 12.3.5.B.2, below, erosion and sedimentation control measures, structures, and devices shall be planned, designed, and constructed to provide protection from the calculated maximum peak rate of runoff from the 10-year storm. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices," or other acceptable calculation procedures.
- B. **HQW Zones.** In High Quality Water (HQW) zones, the following design standards shall apply:
1. **Limit on Uncovered Area:** Uncovered areas in HQW zones shall be limited to a maximum total area of 20 acres within the boundaries of the tract. Only the portion of the land-disturbing activity within a HQW zone shall be governed by this section. Larger areas may be uncovered within the boundaries of the tract with the written approval of the Director of the NCDEQ Division of Land Resources.
 2. **Maximum Peak Rate of Runoff Protection:** Erosion and sedimentation control measures, structures, and devices within HQW zones shall be planned, designed and constructed to provide protection from the runoff of the 25-year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.
 3. **Settling Efficiency:** Sediment basins within HQW zones shall be designed and constructed such that the basin will have a settling efficiency of at least 70% for the 40 micron (0.04 millimeter) size soil particle transported into the basin by the runoff of that 2-year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's "National Engineering Field Manual for Conservation Practices," or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.
 4. **Grade:** Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than 2 horizontal to 1 vertical if a vegetative cover is used for stabilization, unless soil conditions permit a steeper slope, or where the slopes are stabilized by using mechanical devices, structural devices or other acceptable ditch liners. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.
 5. **Ground Cover:** Ground cover sufficient to restrain erosion must be provided for any portion of a land-disturbing activity in a HQW zone in accordance with the City of Wilson Manual of Specifications, Standards and Design.

12.3.6 STORMWATER OUTLET PROTECTION

- A. **Intent:** Stream banks and channels downstream from any land-disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land-disturbing activity.

B. Performance Standard: Persons shall conduct land-disturbing activity so that the post construction velocity of the 10-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:

1. The velocity established by the Maximum Permissible Velocities Table below; or
2. The velocity of the 10-year storm runoff in the receiving watercourse prior to development.

If condition (1) or (2) of this paragraph cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the "prior to development" velocity by 10%.

C. Maximum Permissible Velocities Table

Material	Feet Per Second	Meters Per Second
Fine sand (noncolloidal)	2.5	.8
Sandy loam (noncolloidal)	2.5	.8
Silt loam (noncolloidal)	3.0	.9
Ordinary firm loam	3.5	1.1
Fine gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded, loam to cobbles (noncolloidal)	5.0	1.5
Graded, silt to cobbles (colloidal)	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse gravel (noncolloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shales and hard pans	6.0	1.8

Source: Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.

D. Acceptable Management Measures: Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences. The city recognizes that the management of storm water runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives, while not exhaustive, are to:

1. Avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious;
2. Avoid increases in storm water discharge velocities by using vegetated or roughened swales and waterways in place of closed drains and high velocity paved sections;
3. Provide energy dissipaters at outlets of storm drainage facilities to reduce flow velocities to the point of discharge;
4. Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining; and
5. Upgrade or replace the receiving device structure, or watercourse such that it will receive and conduct the flow to a point where it is no longer subject to degradation from the increased rate of flow or increased velocity.

- E. **Exceptions:** This rule shall not apply where it can be demonstrated to the city that storm water discharge velocities will not create an erosion problem in the receiving watercourse.

12.3.7 BORROW AND WASTE AREAS

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

12.3.8 ACCESS AND HAUL ROADS

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

12.3.9 OPERATIONS IN LAKES OR NATURAL WATERCOURSES

Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall minimize the extent and duration of disruption of the stream channel. Where relocation of a stream forms an essential part of the proposed activity, the relocation shall minimize unnecessary changes in the stream flow characteristics.

12.3.10 RESPONSIBILITY FOR MAINTENANCE

During the development of a site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved erosion and sedimentation control plan or any provision of this section, the North Carolina Sedimentation Pollution Control Act of 1973, or any order adopted pursuant to this section or that Act. After site development, the landowner or person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

12.3.11 ADDITIONAL MEASURES

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

12.3.12 EXISTING UNCOVERED AREAS

- A. All uncovered areas existing on the effective date of this section which resulted from land-disturbing activity that exceed 1 acre, are subject to continued accelerated erosion, and are causing off-site damage from sedimentation, shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.

- B. The city shall serve upon the landowner or other person in possession or control of the land a written notice to comply with the North Carolina Sedimentation Pollution Control Act of 1973, this section, and/or a rule or order adopted or issued pursuant to that Act by the North Carolina Sedimentation Control Commission or by the city. The notice to comply shall be sent by registered or certified mail, return receipt requested, or other means provided in NCGS 1A-1, Rule 4. The notice will set forth the measures needed to comply and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the authority serving notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits of compliance.
- C. The city reserves the right to require preparation and approval of an erosion and sedimentation control plan in any instance where extensive control measures are required.
- D. This rule shall not require ground cover on cleared land forming the future basin of a planned reservoir.

12.3.13 INSPECTIONS

- A. **Inspection:** Agents, officials, or other qualified persons authorized by the city will periodically inspect land-disturbing activities to ensure compliance with the North Carolina Sedimentation Pollution Control Act of 1973, this section, or rules or orders adopted or issued pursuant to this section, and to determine whether the measures required in the erosion and sedimentation control plan are effective in controlling erosion and sedimentation resulting from land-disturbing activity. Notice of the right to inspect shall be included in the certificate of approval of each erosion and sedimentation control plan.
- B. **Self-Inspection:** The landowner, the financially responsible party, or the landowner's or the financially responsible party's agent shall perform an inspection of the area covered by the erosion and sedimentation control plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with NCGS 113A-57(2). The person who performs the inspection shall maintain and make available a record of the inspection at the site of the land-disturbing activity. The record shall set out any significant deviation from the approved erosion and sedimentation control plan, identify any measures that may be required to correct the deviation, and document the completion of those measures. The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan. The inspections required by this subsection shall be in addition to inspections required by NCGS 113A-61.1.
- C. **Willful Resistance, Delay or Obstruction:** No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the city while that person is inspecting or attempting to inspect a land-disturbing activity under this section.

12.4 FLOOD DAMAGE PREVENTION

12.4.1 GENERAL PROVISIONS

- A. **Applicability:** This section shall apply to all special flood hazard areas within the City of Wilson and its extraterritorial jurisdiction.

- B. Special Flood Hazard Areas:** The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its flood insurance study (FIS) for Wilson County currently dated April 16, 2013 and as may be amended from time to time. The initial Flood Insurance Rate Map for Wilson County is dated January 6, 1983. The initial Flood Insurance Rate Map for the City of Wilson is dated July 19, 1982.
- C. Warning and Disclaimer of Liability:** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Floods larger than those considered by this ordinance can and will occur on rare occasions. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Wilson or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

12.4.2 PROVISIONS FOR SPECIAL FLOOD HAZARD AREAS

- A. General Standards:** The following provisions shall apply to all development in special flood hazard areas:
 - 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - 2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - 3. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.
 - 4. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator, etc.), hot water heaters, electric outlets/switches.
 - 5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - 6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - 7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - 8. Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.
- B. Specific Standards:** In all special flood hazard areas where Base Flood Elevation (BFE) data has been provided, the elevation to which all structures and other development located within the special flood hazard areas must be elevated, or floodproofed if non-residential, shall be the BFE plus 2.5 feet of freeboard. The following additional provisions are required:

1. **Residential Construction:** New construction and/or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than the regulatory flood protection elevation.
2. **Non-Residential Construction:** New construction or substantial improvement of any commercial, industrial, or other non-residential structure shall have the lowest floor, including basement, elevated no lower than the regulatory flood protection elevation. Structures located in A, AO, AE and A1-30 Zones, as designated on the FIRM, may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure below the required flood protection elevation are watertight with walls, doors, and/or windows substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 15.7.3.E. Installation of, or full deployment of, floodproofing measures for the purpose of their inspection will be required prior to the issuance of a Certificate of Occupancy (a full demonstration using water to test the measures is not required).
3. **Manufactured Homes:**
 - a. New or replacement manufactured homes shall be elevated so that the lowest floor of the manufactured home is no lower than the regulatory flood protection elevation.
 - b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.
 - c. All foundation enclosures or skirting shall be in accordance with Section 12.4.2.B.4 (Elevated Buildings).
 - d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local Emergency Management coordinator.
4. **Elevated Buildings:** In new construction or substantial improvements of elevated buildings, fully-enclosed areas below the lowest floor shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises, be constructed entirely of flood-resistant materials below the regulatory flood protection level in A, AO, AE, and A1-30 zones and meet the following design criteria:
 - a. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance

equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

- b.** Such areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - i.** Provide a minimum of 2 openings on different sides of each enclosed area subject to flooding;
 - ii.** The total net area of all openings must be at least 1 square inch for each square foot of each enclosed area subject to flooding;
 - iii.** If a building has more than 1 enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter and exit;
 - iv.** The bottom of all required openings shall be no higher than 1 foot above the adjacent grade; and
 - v.** Openings may be equipped with screens, louvers, or other opening coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- c.** Foundation enclosures:
 - i.** Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes, therefore, such skirting does not require hydrostatic openings as outlined above; and
 - ii.** Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this ordinance.

5. Additions/Improvements

- a.** When additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:
 - i.** Are not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure;
 - ii.** Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- b.** Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.
- c.** When additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:

- i. Are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction;
 - ii. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
6. **Recreational Vehicles:** Recreation vehicles placed on sites within a special flood hazard area shall either:
- a. Be on site for fewer than 180 consecutive days, be fully licensed, and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
 - b. Meet all the requirements for new construction, including anchoring and elevation requirements of Sections 15.7.3.E and 12.4.2.B.3.
7. **Temporary Structures:** Prior to the issuance of a floodplain development permit for a temporary structure, applicants must submit in writing to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:
- a. A specified time period for which the temporary structure will be permitted;
 - b. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - c. The time frame prior to the event at which a structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - d. A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and
 - e. Designation, accompanied by documentation, of a location outside the special flood hazard area to which the temporary structure will be moved.
8. **Accessory Structures:** When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:
- a. Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);
 - b. Accessory structures shall be designed to have low flood-damage potential;
 - c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters; Accessory structures shall be firmly anchored in accordance with Section 12.4.2.A.1;
 - d. All service facilities such as electrical and heating equipment shall be installed in accordance with Section 12.4.2.A.4;
 - e. Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with Section 12.4.2.B.4.

- f. An accessory structure with a footprint less than 150 square feet does not require an elevation or floodproofing certificate.
 - g. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 15.7.3.E.
- C. **Subdivisions, Manufactured Home Parks and Other Developments:** All subdivision, manufactured home park, and other development proposals located within special flood hazard areas shall:
 - 1. Be consistent with the need to minimize flood damage;
 - 2. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and
 - 3. Have adequate drainage provided to reduce exposure to flood hazards.
- D. **Standards for Floodplains Without Established Base Flood Elevations and Floodways:** Within the special flood hazard areas, where no base flood elevation (BFE) data has been provided, the following provisions shall apply:
 - 1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 30 feet on each side from top of the bank, or 5 times the width of the stream, whichever is greater, unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - 2. If base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with elevations established by the Floodplain Administrator. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source, the lowest floor, including basement, shall be elevated at least 2.5 feet above the highest adjacent grade.
 - 3. Have base flood elevation (BFE) data provided if subdivision or development proposed is greater than the lesser of 5 acres or 50 lots/manufactured home sites. Such base flood elevation (BFE) data shall be adopted by reference to be utilized in implementing this ordinance.
- E. **Standards for Floodplains with BFE but without Established Floodways or Non-Encroachment Areas:** Along rivers and streams where base flood elevation (BFE) data is provided but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the community.
- F. **Floodways and Non-Encroachment Areas:** Located within the special flood hazard areas are areas designated as floodways or non-encroachment areas. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following additional provisions shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the floodplain administrator prior to issuance of floodplain development permit;
 2. If paragraph 1, above, is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance;
 3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision provided the following provisions are met:
 - a. The anchoring and the elevation standards of Section 12.4.2.B.3; and
 - b. The no-encroachment standards of Section 12.4.2.F.1 are met.
- G. Standards for Areas of Shallow Flooding (AO Zones):** Located within the special flood hazard areas, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following additional provisions shall apply within such areas:
1. All new construction and substantial improvements of all structures shall have the lowest floor, including basement, elevated at least as high as the depth number specified on the flood insurance rate map (FIRM), in feet, plus 2.5 feet of freeboard, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least 4.5 feet (the 2-foot minimum required by FEMA, plus the local freeboard) above the highest adjacent grade.
 2. All new construction and substantial improvements of non-residential structures shall have the option to, in lieu of elevation, be completely floodproofed, together with attendant utilities and sanitary facilities, to or above that level (as in (1), above) so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Section 15.7.3.E.3 and Section 12.4.2.B.2.
- H. Prohibited Uses:** New solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in special flood hazard areas. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to the provisions of this section.
- I. Non-Conforming Structures:** Non-conforming structures or other development may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on July 19, 1982 and located totally or partially within the floodway, non-encroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback is

not increased, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

- J. **All Other Permits Obtained:** All necessary permits shall be obtained from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

12.4.3 PROVISIONS FOR SPECIAL FLOOD HAZARD CONSERVATION AREAS

The following restrictions shall apply in all Special Flood Hazard Conservation Areas (SFHCAs) in addition to the requirements for the Special Flood Hazard Areas (SFHAs):

- A. **Areas Restricted:** There shall be no new development, fill, or structures in the SFHCAs except as otherwise provided herein.
- B. **Permitted Uses:** Only those uses permitted in the floodway shall be permitted in SFHCAs.
- C. **Existing Uses:** Existing uses rendered nonconforming by the adoption of these SFHCA provisions may continue as "nonconforming uses" and shall be regulated as other nonconforming uses (see Chapter 13) and as per the provisions of Section 12.4 except that no SFHCA restrictions are placed on single family residential and associated accessory structures existing prior to September 16, 2004. Such existing buildings and structures must follow the regulations for building in the Special Flood Hazard Areas (SFHAs) (see also Section 12.4.2.I).
- D. **Residential Platted Lots:** No SFHCA restrictions are placed on single family residential and associated accessory structures, existing or future, except that no fill on such lots is permitted. Such buildings and structures must follow the regulations for building in the Special Flood Hazard Areas (SFHAs) (see also Section 12.4.2.I).
- E. **Existing Non-Residential Lots:** Existing lots appearing on final subdivision plats recorded prior to September 16, 2004, which are to be used for purposes other than single family residences, may be built on and used in accordance with the other provisions of this ordinance, provided that the ground area covered by any buildings in the SFHCA shall not exceed 25% of the total SFHCA on any given lot, however, such uses will be considered "nonconforming uses" and thereafter shall be subject to all provisions of this section (meaning that, at that point, they will be regulated as other nonconforming uses as described in paragraph C, above).
- F. **Map Amendments:** An owner or lessee of property who believes his property has been inadvertently included in designated in the Special Flood Hazard Conservation Area (SFHCA) or a different delineation of the SFHCA provides equal or better protection to life and property, may submit scientific or technical information to the Administrator for the Administrator's review to amend the SFHCA pursuant to Section 15.7.6.

12.4.4 LEGAL STATUS PROVISIONS

- A. **Effect on Rights and Liabilities Under the Existing Flood Damage Prevention Provisions:** This section in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted July 27, 1978 as amended, and it is not the intention to repeal but rather to reenact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of

the City of Wilson enacted on July 27, 1978, as amended, which are not reenacted herein, are repealed.

- B. Effect Upon Outstanding Building Permits:** The provisions of this section shall not require any change in the plans, construction, size or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator, or his authorized agents, before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of 6 months subsequent to passage of this ordinance or any revision thereto, construction or use shall be in conformity with the provisions of this ordinance.

12.5 STORMWATER MANAGEMENT (NEUSE RIVER BASIN) REQUIREMENTS

12.5.1 APPLICABILITY

- A. Land Disturbance Threshold:** Unless otherwise specified, for purposes of this section, development or land disturbance shall be defined to include the following:
1. Any activity that disturbs greater than or equal to 1 acre of land in order to establish, expand or modify a single family or duplex residential development or a recreational facility.
 2. Any activity that disturbs one-half acre for commercial, industrial, institutional, multifamily residential or local government land uses with the following exception: Projects below one-half acre that would replace or expand existing structures on a parcel, resulting in a cumulative built-upon area for the parcel exceeding twenty-four percent.
- B. All Development to be Cumulative:** All development on a site will be considered to be cumulative from the effective date of the state's regulations for nitrogen reduction so that each exempt property must provide statistics to show the amount of disturbed land. When the total additions to a site exceed the appropriate exempt amount, then the entire development must meet the requirements of this section.
1. **Existing Development:** Existing development of Existing Build-Up-On Area (BUA), as referenced in G.S. 143-214.7, means those projects that are built or those projects that have established vested right under North Carolina law as of the effective date of the state stormwater program or applicable local government ordinance to which the project is subject.
- C. Exemptions:** For purposes of this section, development shall not include agriculture, mining or forestry activities.

12.5.2 NUTRIENT REDUCTION REQUIREMENTS

- A. Updates to the Neuse New Development Stormwater Rule:** As of July 1, 2024, all plans submitted will be subject to the New Neuse Rules [15a NCAC 02b .0711](#). All plans submitted prior to this date and still under review will be grandfathered in under the regulations that were applicable at time of submittal.
- B. Calculation of Nitrogen Export:** The nitrogen export from each development must be calculated. Stormwater nutrient compliance calculations throughout the City of Wilson require use of SNAP Tool. NCDEQ released SNAP v4.2 in late March 2023. The current version of the tool can be found on the DEQ Nutrient Practices and Crediting website under Stormwater Nutrient Accounting Tools. Stormwater control measure (SCM) designs are required to use the current

NCDEQ Stormwater Design Manual, which includes the Minimum Design Criteria (MDCs). This export will be calculated in pounds per acre per year (lbs/ac/yr) refer to the City Stormwater Design Manual in the City of Wilson Manual of Specifications, Standards and Design, for calculating nitrogen export loading).

- C. **Nitrogen Export Standard:** All developments must achieve a nitrogen export of less than or equal to 3.6 pounds per acre per year.
- D. **Nitrogen Reduction Options:** If the development contributes greater than 3.6 pounds per acre per year of nitrogen, the applicant shall bring the development into compliance.
 - i. If less than 24% impervious, nitrogen credits may be purchased to lower the nitrogen loading to less than 3.6 lbs/acre/year; or
 - ii. If equal to or greater than 24%, installation of a primary SCM pursuant to 15A NCAC 02H.1003 and then further purchase of nitrogen credits to lower nitrogen loading to less than 3.6 lbs/acre/year.

As stated in 15 A NCAC 02B 0711 (5)(b), *“Regarding stormwater treatment and other onsite post-construction elements, projects not subject to more stringent standards under one of the following State stormwater rules or a local ordinance shall meet 15A NCAC 02H .1003, which includes specifications for low and high-density treatment threshold of twenty four percent or greater built-upon area and a storm depth of one inch for SCM design...”* The City requires that development density of 24% or greater install or construct a primary SCM as described in the NCDEQ MDC Manual before a nitrogen buydown purchase is allowed.

- E. **Offset Payment:** If it is determined that an offset payment is to be used, the owner shall furnish the city with evidence that a nutrient mitigation bank approved by the NCDWQ within the same hydrologic unit has received payment prior to the city's issuance of a building permit. Purchased nutrient buy-down credits will now be in lb/yr and good in perpetuity, rather than purchased in pounds for an arbitrary 30 years as defined in 15A NCAC 02B .0701(38) , 15A NCAC 02B .0703(d)(7-8). Refer to the City of Wilson Manual of Specifications for more information on the calculation of offset payments.
- F. **Variations:** Only the State Environmental Management Commission shall have the authority to grant variations from any provisions of the Neuse River Basin Program for Nitrogen Reduction unless future rule changes by the state address the handling of variations by the local government.

12.5.3 RUNOFF VOLUME STANDARD

- A. **One-Year 24-Hour Storm:** There shall be no net increase in peak stormwater runoff flow leaving a development from predevelopment conditions for the 1-year, 24-hour storm. Refer to Appendix C of the City Stormwater Management Plan for more information on how to calculate the 1-year, 24-hour storm.
- B. **Calculation of Runoff Volume:** Acceptable methodologies for computing pre- and post-development conditions for the 1-year, 24-hour storm are outlined below. The same method must be used for both the pre- and post-development conditions.
 - 1. The rational method (used when the drainage area is 200 acres or less);
 - 2. The peak discharge method as described in USDA Technical Release Number 55 (TR-55) (drainage area is 2,000 acres or less);

3. The putnam method (drainage area is greater than 2,000 acres).

12.5.4 NEUSE RIVER BASIN BUFFERS

Buffers shall be maintained along all perennial and intermittent streams according to the requirements for Neuse River Basin Buffers in Section 8.9.

12.6 STORMWATER BEST MANAGEMENT PRACTICES / STORMWATER CONTROL MEASURES

12.6.1 DESIGN CRITERIA

All stormwater systems shall be designed by a North Carolina registered professional engineer or landscape architect in accordance with the City of Wilson Manual of Specifications, Standards and Design and the North Carolina Division of Water Quality Stormwater Design Manual.

12.6.2 SELECTION OF STORMWATER CONTROL MEASURE (SCM)

Stormwater Control Measures (SCMs) for nitrogen reduction shall be selected in response to the site's location within the city, the recommendations of the NC DEQ Stormwater Design Manual (NC DEQ SDM). Because of Wilson's unique geologic and hydrologic conditions (i.e., poorly drained soils and a shallow water table), the types of appropriate SCMs that can be effectively utilized in Wilson is limited.

- A. Preferred SCMs:** NCDEQ Stormwater Design Manual part A-8 "Guidance on SCM Selection" details many options which can be used in Wilson. Applicants are encouraged to develop innovative and creative solutions for managing stormwater that satisfy the stormwater requirements of this section and the overall intent of this ordinance. The Stormwater Administrator will have final discretion in making a site-specific determination for the most appropriate use of SCMs on a project-by-project basis in accordance with the NC DEQ SDM and the functional and visual goals of this ordinance. The Administrator shall have discretion to establish alternate methods of compliance with this ordinance where it is determined that necessary stormwater management structures make strict compliance with this ordinance arduous or impractical.
- B. Preferred Location of SCMs:** Generally, SCMs should not be located along any public right-of-way, in the first layer of a lot, or along any required buffer yard areas. When no other acceptable location for SCMs can be found, only those SCMs which are compatible with perimeter landscaping, as outlined in the NC DEQ SDM shall be located in such areas. Where the stormwater and landscaping requirements of this ordinance are found to conflict, the Administrator may approve alternate methods of compliance that satisfy the intent of this ordinance.
- C. Nutrient Removal Rates:** The regulatory credits for the total nitrogen (TN) removal rate of each SCM are outlined in the NC DEQ SDM.

12.7 OWNERSHIP, MAINTENANCE AND INSPECTION OF STORMWATER STRUCTURES

12.7.1 OWNERSHIP AND MAINTENANCE

Stormwater structures which are constructed on public land, within public rights-of-way and/or within public easements shall be maintained by the public body with ownership/jurisdiction of the subject property according to the infrastructure acceptance provisions of Section 6.10.4. All other stormwater structures shall be privately operated and maintained according to the provisions below.

- A. Individual Lots:** The operation and maintenance of stormwater control structures which serve only 1 lot or unit shall be the responsibility of the owner of such lot or unit.
- B. Owners' Associations:** The operation and maintenance of stormwater control structures which serve more than 1 lot or unit shall be the responsibility of an Owners' Association. Prior to or concurrently with the submission of the Final Plat for review and approval, the subdivider or developer shall submit to the

Administrator a copy of the Owners' Association Declaration and the proposed Bylaws. The Owners' Association Declaration shall contain, at a minimum, the following:

1. **Responsibilities:** That the Owners' Association is responsible for: the payment of any premiums for liability insurance and local taxes with respect to common areas which include stormwater control structures; the operation and maintenance of stormwater control structures in accordance with the approved plans and specifications and the approved Operation and Maintenance Agreement; and the payment of any application and/or inspection or other fees assessed by the City of Wilson and any assessments for improvements made to or for the benefit of any stormwater control structure by the City of Wilson or on its behalf.
2. **Default:** Upon default by the Owners' Association in the payment of any fees or assessments with respect to, or ad valorem taxes levied against, any common areas which include stormwater control structures, which default shall continue for a period of 3 months, the owners of each lot or unit in the development shall become personally liable for the proportionate amount of unpaid taxes or assessments, which proportionate amount shall be determined by dividing the total amount of the taxes and/or assessments due by the total number of lots or units in the development. If the sum thus determined is not paid by the owners within 30 days following receipt of notice thereof, then such amount shall become a continuing lien on the property of each owner, his heirs, devisees, personal representatives, successors and assigns. The taxing or assessing authority also may either bring an action at law against the owner or may elect to foreclose the lien against the owner's property.
3. **Powers:** That the Owners' Association is empowered to levy assessments against the owners of lots or units in the development for the payment of expenditures made by the Owners' Association for the items set forth herein, and any such assessments not paid by the owners shall constitute a lien against their property.
4. **Easements:** That easements over the development for access, ingress and egress from and to common areas which include stormwater control structures shall be granted to the City of Wilson for purposes of inspection and maintenance and any other acts and things deemed necessary for proper upkeep and maintenance of such stormwater control structures and/or enforcement of these provisions.
5. **Maintenance and Restoration:** References to the applicable provisions of the Operation and Maintenance Agreement and/or the approved plans and specifications, as applicable, which set forth the procedures whereby stormwater control structures are to be repaired and/or restored in the event of damage or destruction.
6. **Covenants and Restraints:** The Bylaws shall contain all covenants and restraints governing the Owners' Association, the plats, and a description of the common areas which include any stormwater control structures.
7. **Existence Before Any Conveyance.** The Owners' Association shall be organized and in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.
8. **Membership:** Membership in the Owners' Association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit. There

also shall be set forth provisions for the assimilation of owners in subsequent sections of the development.

C. Operation and Maintenance Agreement: An Operation and Maintenance Agreement for all stormwater control structures must be reviewed and approved in advance by the Administrator and executed by the developer/permit applicant and the Owner's Association/owner. While title to the stormwater control structure may be in a separate entity, the ultimate responsibility and funding for maintenance and upkeep shall be the responsibility of the Owners' Association/owner or the owners of record of the property described in the Operation and Maintenance Agreement, as applicable. The Operation and Maintenance Agreement shall require the developer/permit applicant and the Owner's Association/owner to perpetually maintain, repair and reconstruct (if necessary) all stormwater control structures which serve the development in accordance therewith or in accordance with the approved plans and specifications. Following execution and approval by the Administrator, the Operation and Maintenance Agreement shall be filed with the Wilson County Register of Deeds. At a minimum, the Operation and Maintenance Agreement shall contain the following provisions:

1. A detailed description of all necessary operation and maintenance duties and responsibilities with respect to the stormwater control structures;
2. The specific quantitative criteria for determining when such operation and maintenance activities must be undertaken;
3. A detailed description of the procedures to be followed for such operation and maintenance activities;
4. A detailed description of the procedures to be followed for restoring stormwater control structures to design specifications in the event of failure;
5. That no vegetation shall be allowed to mature to the extent that the integrity of any stormwater control structure is diminished or threatened, or to the extent of interfering with any easement or access to any stormwater control structure;
6. A legal description of all the property obligated to maintain the stormwater control structure;
7. Estimated costs of ongoing maintenance;
8. Right of the City of Wilson to assess any costs plus a 25% of total costs service fee incurred by the city in correcting any noncompliance with the Operation and Maintenance Agreement.
9. Rights to the City of Wilson for ingress, egress, and access so that the city may enter onto, inspect, and perform all work necessary to ensure compliance with the Operation and Maintenance Agreement.
10. Except for general landscaping and grounds management, the Owner's Association/owner shall notify the Watershed Administrator prior to any repair or reconstruction of any stormwater control structure. All improvements then shall be made consistent with the approved plans and specifications and/or the Operation and Maintenance Agreement, as applicable. Upon completion and notification thereof by the Owner's Association/owner, the Watershed Administrator shall inspect the completed improvements and shall inform the Owner's Association/owner of any required additional changes or modifications and of the time period to complete said improvements. The Watershed Administrator may consult with an engineer or landscape architect (to the extent that G.S. Ch. 89A allows).

11. Proposed amendments to the plans and specifications for the stormwater control structure and/or the Operation and Maintenance Agreement must be approved in advance by the Watershed Administrator, and shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that NCGS 89A allows). When submitted to the Watershed Administrator for review and approval, one of the following shall occur:
 - a. If the Watershed Administrator approves the proposed amendments, the Owner's Association/owner shall file revised copies of the plans and specifications and/or the Operation and Maintenance Agreement, as applicable, with the Watershed Administrator and the Wilson County Register of Deeds.
 - b. If the Watershed Administrator disapproves of the proposed amendments, the proposal may be revised and resubmitted to the Watershed Administrator as a new proposal, which then shall be considered in accordance herewith and denied if not in accordance with the Watershed Administrator's recommendations.
 - c. If, at any time, the Watershed Administrator determines that the plans and specifications and/or the Operation and Maintenance Agreement are inadequate for any reason, the Watershed Administrator shall notify the Owner's Association/owner of the necessary changes. The Owner's Association/owner shall prepare the required revisions and, following review and approval by the Watershed Administrator in accordance herewith, shall file copies of the revised and approved plans and specifications and/or the Operation and Maintenance Agreement, as applicable, with the Watershed Administrator and the Wilson County Register of Deeds.
12. Upon default of the Owner's Association/owner to maintain, repair and reconstruct (if necessary) the stormwater control structures in accordance with the Operation and Maintenance Agreement and/or the approved plans and specifications, the City of Wilson shall have the right to enter onto the property to do all work necessary to ensure compliance with the Operation and Maintenance Agreement, and to assess all costs incurred to the Owner's Association/owner and/or the record owners of each lot or portion of the property described in the Operation and Maintenance Agreement. An additional 25% of the total costs shall also be assessed as a service fee. Such actions shall be made only after the City of Wilson exhausts all reasonable remedies to seek compliance by the Owner's Association/owner in accordance with Chapter 16 or otherwise.

12.7.2 INSPECTION

Consistent with applicable law, the stormwater official is authorized to go upon private property for the purpose of inspecting the stormwater drainage system or to investigate sources of potential illegal discharges to the stormwater drainage system. Such inspections may also include observation, sampling, monitoring, testing, surveying, and measuring compliance. Should any owner or occupant refuse to permit such reasonable access, the public official shall proceed to obtain an administrative search warrant pursuant to NCGS 15-27.2 or its successor.

12.8 WATERSHED PROTECTION REGULATIONS

12.8.1 APPLICABILITY

All land in the Watershed Protection Overlay Districts shall be developed in accordance with the requirements of this section subject to the following provisions:

- A. WS4-P and WS4-C Districts:** Except for the buffer requirements, the basic watershed district development standards for the WS4-P district and WS4-C district apply only to projects that require sedimentation/erosion control plans (i.e., 1 acre or more of land disturbing activity).
- B. Existing Development:** The built-upon area of any existing development is not subject to the watershed district development standards of this section. Existing development is defined as a project that is already built or a project that, at a minimum, has established a vested right as of the effective date of this ordinance, based on at least one of the following criteria:
 - 1. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
 - 2. Having an outstanding valid building permit as authorized by NCGS 160D-108), or
 - 3. Having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by the NCGS regarding vested rights and set forth in Section 15.16.
- C. Replacement and Expansion of Built-Upon Area:** Replacement of existing built-upon area is not subject to the watershed district development standards of this section, however any expansion of existing development that increases the built-upon area must meet the watershed development standards.
- D. Single-Family Residential Lots**
 - 1. Deeded and platted vacant single family lots are exempted from the watershed district development standards of this section.
 - 2. A deeded single-family lot owned by an individual prior to the effective date of this section (July 1, 1993), provided it is developed for single family use, is exempt from the watershed district development standards of this section.

12.8.2 WATERSHED PROTECTION DISTRICT DEVELOPMENT STANDARDS

- A. Specific Standards by Watershed Basin Area:** The following standards shall apply to the Watershed Protection Overlay Districts and shall take precedence over the underlying zoning district standards.

1. Watershed Area III – Toisnot Reservoir/Swamp & Lake Wilson Area	Critical Area (WS3-C)	Protected Area (WS3-P)
Low Impervious Surface Option (Residential Only Maximum)	1 unit / 40,000 sq ft	2 units / 40,000 sq ft
Low Impervious Surface Option (Built Upon Area Maximum)	12%	24%
High Impervious Surface Option (Built Upon Area Maximum)	30%	50%, or 70% (see 12.9 2.B)
Stream Buffers (Minimum Each Side)	See 8.9.2	

2. Watershed Area IV – Wiggins Lake and Contentnea Creek Area	Critical Area (WS4-C)	Protected Area (WS4-P)
Low Impervious Surface Option (Residential Only Maximum)	2 units / 40,000 sq ft	2 units / 40,000 sq ft
Low Impervious Surface Option (Built Upon Area Maximum)	24%	24%
High Impervious Surface Option (Built Upon Area Maximum)	50%	70%
Stream Buffers (Minimum Each Side)	See 8.9.2	

B. Higher Impervious Surface Development Option for WS3-P Districts: A higher density development option is available for non-residential development within 5% of the WS3-P district, provided the following conditions are met:

1. No more than 70% of an area, lot or project within 5% of the entire protected area in the district can be built upon.
2. The development will minimize impacts on water quality through the use of best management practices (BMP's), directing of stormwater runoff away from surface waters, and provision of increased buffers from perennial waters. (Cluster development arrangements and designs are also encouraged.)
3. The development will be consistent with the Wilson Comprehensive Plan;
4. Careful records are kept by the Watershed Administrator to ensure the 5%/70% rule is not exceeded.
5. Any development that is proposed using this option must provide stormwater runoff control structures to control the 1-inch storm as set forth in Section 12.8.2.D.2.

C. On-Site Erosion Control Measures

1. No development permit shall be issued until approved watershed management protection measures are in place.
2. No land disturbing activities shall be allowed until all plans are approved and necessary permits have been obtained.
3. Development shall comply with the regulations of Section 12.3 (Erosion and Sedimentation Control).

D. Post Construction Controls

1. Stormwater runoff shall be transported by vegetated conveyances to the maximum extent practicable.
2. For any development activities utilizing the high impervious surface option, engineered stormwater controls shall be required to control the runoff from the first inch of rainfall and designed to remove at least 85% of the Total Suspended Solids (TSS). The operation and maintenance of the required engineered stormwater controls shall be the ultimate responsibility of the property owner.

E. Toxic and Hazardous Materials

1. Existing and new industrial development shall maintain an inventory of all toxic and hazardous materials used and stored on the premises; and, prepare a

- spill/failure containment plan and implement safeguards against contamination; and, encourage waste minimization and the appropriate recycling of materials.
2. New industrial development shall incorporate adequately designed, constructed and maintained spill containment structures if toxic or hazardous materials are used, stored or manufactured on the premises.
- F. Road Construction:** Road construction and bridges shall minimize built-upon area and to the extent possible not be placed in critical areas of the watersheds or within the required buffer areas.
- G. Cluster Development:** Clustering of development is allowed on a project-by-project basis, provided that:
1. The overall density (number of units or built-upon area) of the project meets the watershed district development standards;
 2. Built-upon areas are designed and located so as to minimize the impact of stormwater run-off and concentrated stormwater flow; and
 3. The remainder of the project area that is not built upon shall remain in a perpetual vegetated or natural state, properly recorded by deed that restricts the property from being built-upon and perpetually protected by dedication or conveyance.
- H. Prohibited Uses:** The following uses are prohibited in the Watershed Protection Overlay Districts:
1. The storage of toxic and hazardous materials unless a spill containment plan is implemented consistent with Section 12.8.2.E;
 2. Landfills are prohibited in WS3-C and WS4-C overlay districts and discharging landfills are prohibited in a WS3-P overlay districts;
 3. Sites for land application of sludge/residuals or petroleum contaminated soils are prohibited in a WS3-C and WS4-C overlay districts;
 4. Any use found to be detrimental to the quality of water in water supply watersheds by posing a threat of run-off, leaching or other types of pollution, as determined by a decision-making board from which a permit or other approval is sought.

12.8.3 GENERAL PROVISIONS

- A. Calculation of Impervious Area:** Impervious or built-upon areas include any portion of a development or construction site, lot, or project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreational facilities (e.g. tennis courts), and other similar construction. Wooden slatted decks and the water area of a swimming pool are considered pervious. For the purpose of calculating the impervious surface area, total project area shall include total acreage in the tract on which the project is to be developed.
- B. Interpretation of Watershed Area Boundaries:** Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Protection District Map, the following rules shall apply:
1. Where district boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be the said boundaries.
 2. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed

plat prepared by a registered land surveyor may be submitted to the City of Wilson as evidence that one or more properties along these boundaries do not lie within the watershed district.

3. Where the watershed district boundaries lie at a scaled distance more than 25 feet from any parallel lot line, the location of watershed district boundaries shall be determined by use of the scale appearing on the watershed map.
4. Where the watershed district boundaries lie at a scaled distance of 25 feet or less from any parallel lot line, the location of watershed district boundaries shall be construed to be the lot line.
5. Where other uncertainty exists, the Watershed Administrator shall interpret the watershed map as to location of such boundaries.
6. Such location decisions may be appealed to the Board of Adjustments according to the provisions of Section 15.12.

12.9 IMPERVIOUS SURFACE AVERAGING

Impervious surface averaging allows development plans for 2 or more noncontiguous parcels to be submitted together and treated as a single project in order to meet the requirements of Sections 12.5 and 12.8.

12.9.1 IMPERVIOUS SURFACE AVERAGING STANDARDS

- A. **Combined Impervious Surface Area Limit:** The total amount of development (impervious surface area) allowed for the paired parcels taken together cannot exceed the amount of development that would be allowed if the parcels were developed separately.
- B. **Use of Floodplain Properties:** This option is intended to enhance floodplain preservation by providing a means for owners of floodplain properties to obtain value for their properties resulting from the sale of impervious area "credits." Such "credits" can be used to increase development density of non-floodplain properties, provided all other zoning requirements are met and providing that the floodplain property has not already been used in the calculation of impervious area allowance for an existing or approved development project.
- C. **Permit Required:** An "impervious surface averaging permit" from the City Engineer shall be required before this option can be exercised for a specific project and a plat showing the 2 (or more) properties and a binding legal agreement must be reviewed, approved, and recorded prior to the issuance of a building permit. The City Engineer has the power to authorize, in specific cases, impervious surface averaging permits for projects that meet the criteria outlined below. The city, in its sole discretion, may accept or reject a proposed paired-parcel, averaged- impervious surface development.
- D. **Location:** Parcels pairs being submitted for approval under this provision shall be submitted for development approval as a single proposal and shall be located in the same watershed basin.
- E. **Overall Density:** Overall density of the paired-parcel, averaged-impervious surface development, calculated either by dwelling units per acre or built upon area (see Section 12.8.1), shall not exceed the density that would be allowed if the parcels were developed separately.
- F. **Location:** Parcels to be used in pairs can be located throughout the city, unless specifically prohibited herein, according to the following standards:

1. If 1 of the parcels is located in a watershed critical area and 1 is located in a protected area, the critical area parcel shall not be developed.
 2. Impervious surface averaging is not allowed between 2 parcels when both are in the critical area of a protected watershed.
- G. Low Impervious Surface Option:** Impervious surface developments that meet the low impervious surface option development requirements of Section 12.8.1 shall transport stormwater runoff from the development by vegetated conveyances to the maximum extent practicable.
- H. High Impervious Surface Option:** Stormwater runoff from paired-parcel, averaged impervious surface development which meets the high impervious surface option of Section 12.8.1 shall be controlled on the parcel(s) where the high impervious surface development is occurring in accordance with the criteria specified in Section 12.8.1.
- I. Buffers:** Buffers shall meet the appropriate minimum protection requirements on both parcels in the parcel-pair according to the density of development occurring on each parcel.
- J. Stormwater Flow:** Site planning guidelines should be considered in the design process to:
1. Minimize stormwater runoff impact to the receiving waters by minimizing concentrated stormwater flow;
 2. Maximize the use of sheet flow through vegetated areas;
 3. Minimize impervious surface areas;
 4. Locate development away from surface waters and drainage ways to the maximum extent practicable; and
 5. Where concentrated flow is unavoidable, convey stormwater from developed areas by vegetated swales to the maximum extent practicable.
- K. Runoff Volume:** Peak flow must be controlled on the developing lot or project using the acreage or area of the developing lot or project only, so as to minimize drainage impact on downstream properties.
- L. Parcels with Approved Variances not Permitted:** No parcel for which a watershed variance has been granted, or would be required, may be included as a part of a parcel pair.
- M. Submittals:** Only owners of both of the paired parcels may submit an application for an impervious surface averaging permit. If such a permit is granted, no change in the development proposal authorized for either parcel shall be made unless the permit is amended and such amendments approved by the City Engineer. Included with the impervious surface averaging permit application shall be a site plan, registered plats for both properties, a description of both properties, and documentation showing the conveyance of the undeveloped parcel to the city.
- N. Engineer Review:** The City Engineer shall ensure that each case is supported by appropriate calculations and documentation. The development proposal for the parcel pair shall conform to the intent and requirements of this section, shall be consistent with the orderly and planned distribution of development throughout the community, and shall propose an agreement which assures protection of the public interest.
- O. Agreements Shall Continue Indefinitely:** Applicants shall agree to bind themselves and their successors in title, individually and collectively, to maintain the

pattern of development proposed for so long as the requirements of this section are applicable. Parties to enforcement of such agreement shall include the city. No such agreement shall be accepted without approval of the staff attorney as to the legal sufficiency of the documents involved.

- P. Permit and Easement Must Be Recorded:** At the time of the issuance of a building permit, the city shall ensure that the following has occurred:
1. The impervious surface averaging permit requirements have been recorded in the plat for each of the parcels in the parcel pair;
 2. The conservation easement has been recorded in the plat for the parcel to which it applies; and
 3. Both the easement and the permit shall be noted on the subdivision plan or site plan that applies to each of the parcels.

SECTION 2. That any violation of this ordinance shall subject the offender to a civil penalty to be recovered by the City in a civil action in the nature of a debt if the offender does not pay any penalty called for hereunder within the prescribed period of time after being cited for violation of the ordinance.

SECTION 3. That this ordinance may be enforced by an appropriate, equitable remedy such as injunction or order of abatement issued from any court of competent jurisdiction.

SECTION 4. That this ordinance may be enforced by any one, all, or a combination of the remedies authorized and prescribed above.

SECTION 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 6. That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 7. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED this 20th day of June, 2024.

Carlton L. Stevens, Mayor

ATTEST:

Tonya A. West, City Clerk

Project # 24-217



CITY OF WILSON

Agenda Item 6

Meeting Date June 20, 2024

City Council Agenda Item Cover Sheet

To: Honorable Mayor, Members of City Council and City Manager
From: Ricky Wilson, Purchasing Manager
Subject: Water Chemical Bid # 2023-78

Issue: Chemicals needed for use in the water treatment process to comply with Safe Drinking Water Act Standards.

Background / Summary: This is a contract, which is awarded annually, semiannually, or quarterly depending on the material availability and pricing at the time of bid.

Fiscal or Other Impact: It is determined to award in the best interest of the City if the materials meet all required specifications for water quality purposes. See memorandum from David Staab to Ricky Wilson dated May 21, 2024.

Recommendation: Award of contract to lowest responsive responsible bidders per the attached memo from the Water Treatment Manager.

Coordination: David Staab, Kyle Manning, Ricky Wilson, Mitch Vick, Maricela Woolard

Attachments: Recommendation Memorandum and Bid Tabulation for award.

Memorandum

To: Ricky Wilson, Purchasing Manager
CC: Kyle Manning, Assistant Director of Public Works
Mitch Vick, Purchasing Agent
Maricela Woodard, Purchasing Technician
From: David Staab, Water Treatment Manager
Date: May 21, 2024
Re: Recommendations for Bid #2023-78, Water Treatment Chemicals

After review of Bid #2023-78 for water treatment chemicals, I recommend the following:

- ITEM 1: Liquid Hydrofluosilicic Acid. Recommend award to the low bidder, Univar Solutions USA.
- ITEM 2: Polyphosphate/Silicate. Recommend award to the lowest responsible bidder, Shannon Chemical Corporation.
- ITEM 3: Polyacrylamide Polymers 1. Recommend award to the low bidder, Univar Solutions USA.
- ITEM 4: Polyacrylamide Polymers 2. Recommend award to the low bidder, Sterling Water Technologies.
- ITEM 5: Liquid Ferric Sulfate. . Recommend award to the low 'annual price' bidder, Pencco Corporation.



Bid: 2023-78 - Water Chemicals

Bid Tabulation

Issue Date: 4/24/2024		at 2:00 pm		5/8/2024		at 2:00 pm					
Due Date:		5/8/2024		at 2:00 pm		5/8/2024		at 2:00 pm			
Company	Bid Received	# of Addendums Acknowledged	Item 1: Liquid Hydrofluosilic acid per Cwt. (100,000 lbs)	Item 2: Polyphosphate/Silicate per Cwt. (90,000 lbs)	Item 3: Polyacrylamide polymers per lb. (10,000 lbs)	Item 4: Polyacrylamide Polymers per lb. (6,000 lbs)	Item 5: Liquid Ferric Sulfate per ton (2,100 tons) (3 months)	Item 5: Liquid Ferric Sulfate per ton (2,100 tons) (1 Year)	Comments		
Shannon Chemical Corporation	Y	N/A	no bid	\$187.37	no bid	no bid	no bid	no bid			
Chemtrade Chemicals US LLC	Y	N/A	no bid	no bid	no bid	no bid	\$1,385.00	\$1,385.00			
Penco, Inc.	Y	N/A	\$29.30	no bid	no bid	no bid	\$440.31	\$440.31			
Kemira Water Solutions, Inc.	Y	N/A	no bid	no bid	no bid	no bid	\$520.00	\$520.00			
Chemite, Inc.	Y	N/A	no bid	\$168.00	no bid	no bid	no bid	no bid	Item # 2 DSP-5500		
Sterling Water Technologies, LLC	Y	N/A	no bid	180.80 or 131.84	\$3.49	\$2.38	no bid	no bid	Item # 2 DC-22 in 50lb containers \$180.80; Item # 2 in 50lb bags \$131.84		
Univar Solutions USA, LLC	Y	N/A	\$24.50	no bid	\$2.52	\$2.39	no bid	no bid			
Brenntag Mid-South, Inc.	N	N/A			Notified in writing as no bid						
Polydyne, Inc.	N	N/A			Notified in writing as no bid						

I certify that bids were read aloud for this RFP on the due date and time above.

Signature

Ricky Wilton, Purchasing Manager

Continued: Vendor Representatives Present from Penco and Univar, LLC and Wilton Staff Present: David Stead, Kyle Manning, Ricky Wilton: Water Treatment to review proposals and recommend award based on LBH.



City Council Agenda Item Cover Sheet

To: Honorable Mayor, Members of City Council and City Manager
From: Ricky Wilson, Purchasing Manager
Subject: Wood Distribution Pole Bid – 2023-80

Issue:

The need for contracted pricing and approval of the Wood Distribution Pole Bid# 2023-80. The poles are used by Wilson Energy in the Wilson Energy Electrical Grid.

Background / Summary:

The wood poles are inventoried in the City of Wilson’s main inventory. The City’s Purchasing Division in collaboration with Wilson Energy solicits a bid for the wood poles annually to ensure contracted pricing is obtained at the best value for the City. The City advertised the Wood Distribution Pole Bid and received six responses.

Fiscal or Other Impact:

Based on the estimated pole usage there is a \$10,540.00 savings between lowest bidder and next lowest bidder. Total estimated cost is \$307,620.00 annually.

Recommendation:

Award the bid for wood distribution poles to Koppers as the lowest responsive responsible bidder for the annual pricing presented and future extension(s) if needed and mutually agreed upon by the City and Vendor.

Coordination:

Rhonda Price, Ricky Wilson, John Maclaga, Brian Poythress

Attachments:

Bid Tab



Bid: 2023-80 Wood Distribution Poles

Bid Tabulation

Company ---->	Issue Date:		4/26/2024		5/15/2024		at 2:00 pm		Carpenter Pole	M & K Imports LLC	Koppers
	Beach Timber Company Blackshear LLC.	No bid	\$381.00	\$381.00	\$560.00	\$477.10	\$356.00	\$356.00			
540-069-00002 (6-month)	No bid	\$381.00	\$381.00	\$560.00	\$477.10	\$356.00	\$356.00				
540-069-00002 (1-year)	\$431.00	\$381.00	No bid	No bid	No bid	\$510.10	\$356.00				
540-069-00003 (6-month)	No bid	\$464.00	\$464.00	\$675.00	\$578.00	\$591.50	\$492.00				
540-069-00003 (1-year)	\$519.00	\$464.00	No bid	No bid	No bid	\$605.50	\$492.00				
540-069-00004 (6-month)	No bid	\$780.00	\$780.00	\$1,159.00	\$923.00	\$841.20	\$627.00				
540-069-00004 (1-year)	\$820.00	\$780.00	No bid	No bid	No bid	\$860.00	\$627.00				
540-069-00005 (6-month)	No bid	\$963.00	\$963.00	\$1,350.00	\$1,086.00	\$1,056.90	\$777.00				
540-069-00005 (1-year)	\$955.00	\$963.00	No bid	No bid	No bid	\$1,100.00	\$777.00				
540-069-00007 (6-month)	No bid	\$163.00	\$163.00	\$265.00	\$220.00	\$204.00	\$167.00				
540-069-00007 (1-year)	\$198.00	\$163.00	No bid	No bid	No bid	\$260.00	\$167.00				
540-069-00008 (6-month)	No bid	\$208.00	\$208.00	\$339.00	\$280.00	\$274.30	\$204.00				
540-069-00008 (1-year)	\$246.00	\$208.00	No bid	No bid	No bid	\$299.99	\$204.00				
540-069-00012 (6-month)	No bid	\$319.00	\$319.00	\$485.00	\$398.00	\$416.99	\$312.00				
540-069-00012 (1-year)	\$353.00	\$319.00	No bid	No bid	No bid	\$440.00	\$312.00				
Own your own delivery truck with boom?	Yes	Yes	Yes	Not specified	Yes	Yes	Yes				
Comments:				DCOI treatment quoted 50 year limited warranty							

I certify that bids were read aloud for this RFP on the due date and time above.

Signature: 

Ricky Wilson, Purchasing Manager

Comments: Based on estimated usage Koppers is the overall lowest responsive bidder for both 6 months and 1 year.



CITY OF WILSON

Agenda Item 8

Meeting Date June 20, 2024

City Council Agenda Item Cover Sheet

To: Honorable Mayor, Members of City Council and City Manager
From: W.T. Bass IV, Director of Public Works
Subject: Contract Approval for Hominy Swamp Canal Sewer Pier Replacement Project

Issue:

Requesting approval to award the base bid and alternate construction contract to Ralph Hodge Construction for the Hominy Swamp Canal Sewer Pier Replacement project (WM0191)

Background / Summary:

The Hominy Swamp Canal Sewer Pier Replacement project is for the replacement of four failing piers on a sewer line crossing the hominy swamp canal. The bid alternate is for the proactive replacement of the four piers on the reclaimed water main crossing the hominy swamp canal at the same location.

Fiscal or Other Impact:

All cost will be incurred by the Water Resources fund using existing FY24 funding.

Recommendation:

Staff recommends adoption of the required ordinance updates.

Coordination:

Construction will be managed by Public Works.

Attachments:

Certified Bid Tab and Recommendation of Award.



Green Engineering, PLLC
Water, Wastewater, Surveying
Planning, Project Management

303 Goldsboro Street East • PO Box 609 • Wilson, NC 27894
TEL 252.237.5385 • FAX 252.243.7489
WWW.GREENENGINEERING.COM

May 30, 2024

City of Wilson
Post Office Box 10
Wilson, North Carolina 27894-0010

Attention: Mr. Kyle Manning, P.E., CFM
Assistant Director of Public Works

SUBJECT: Recommendation of Award
Hominy Swamp Canal Sewer Pier Replacement
Wilson, North Carolina
PN: 23-016

Dear Mr. Manning:

Bids were received and publicly read aloud on May 23, 2024, at 2:00 PM at the City of Wilson's Hominy Creek Water Reclamation Facility's Operations Maintenance Building for the above referenced project. Enclosed for your review is a copy of the certified bid tabulation for the above referenced project. Based on the bids received, we recommend award to the low bidder as follows:

Ralph Hodge Construction Company
2101 F Miller Road
Wilson, North Carolina 27893
Bid Amount: \$586,090.00

Should you have any questions regarding this information, please do not hesitate to call me.

Respectfully,

E. Leo Green, III, P.E.

ELG,III/pbg

Enclosures: As Stated

BID TABULATION

PROJECT OWNER: CITY OF WILSON
 PROJECT DESCRIPTION: HOMINY SWAMP CANAL SEWER PIER REPLACEMENT
 BID OPENING DATE: MAY 23, 2024 @ 2:00 P.M.
 ENGINEER: GREEN ENGINEERING, P.L.L.C

Item	Quantity	Description	Ralph Hodge Const.		North American Pipeline		Moffat Pipe, Inc.	
			Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
1.	1.0	LS Mobilization (Not To Exceed 5% of Total Construction Price)	25,900.00	25,900.00	35,000.00	35,000.00	39,000.00	39,000.00
2.	200.0	LF Remove, Replace & Disposal of Existing 30" Sewer Pipe w/ 30" Dia Ductile Iron 401 Protecto Lined (0-6)	495.00	99,000.00	1,200.00	240,000.00	785.00	157,000.00
3.	20.0	LF Remove, Replace & Disposal of Existing 30" Sewer Pipe w/ (Pipe A) 30" Ductile Iron HDSS (or equal joint restraint system) w/ 401 Protecto	675.00	13,500.00	1,900.00	38,000.00	1,680.00	33,600.00
4.	9.2	LF Remove, Replace & Disposal of Existing 30" Sewer Pipe w/ (Pipe B) 30" Ductile Iron HDSS (or equal joint restraint system) Spigot x Flange w/ 401 Protecto Lined	2,500.00	23,000.00	3,900.00	35,880.00	2,640.00	24,288.00
5.	17.6	LF Remove, Replace & Disposal of Existing 30" Sewer Pipe w/ (Pipe C) 30" Ductile Iron Flange x Flange w/ 401 Protecto Lined	2,500.00	44,000.00	3,500.00	61,600.00	2,285.00	40,216.00
6.	13.2	LF Remove, Replace & Disposal of Existing 30" Sewer Pipe w/ (Pipe D) 30" Ductile Iron Flange x HDSS (or equal joint restraint system) Bell w/ 401	2,500.00	33,000.00	3,400.00	44,880.00	2,280.00	30,096.00
7.	4.0	EA Remove & Disposal of Existing Concrete Piers and Replace with Steel Pile Piers Complete (4 Piles Total)	24,710.00	98,840.00	23,000.00	92,000.00	36,200.00	144,800.00
8.	1.0	LS Hominy Canal Slope Stabilization (Per Plans and Details) to include Cofferdam installation and Stream Bypass Pumping	67,840.00	67,840.00	21,000.00	21,000.00	28,500.00	28,500.00
9.	1.0	LS Sedimentation and Erosion Control Measures including Seeding and Mulching and Access Route Restoration	7,040.00	7,040.00	11,000.00	11,000.00	31,800.00	31,800.00
10.	2.0	EA Construction Entrance	3,860.00	7,720.00	2,350.00	4,700.00	7,500.00	15,000.00
11.	1.0	LS Bypass Pumping to include Mobilization, Freight, Set Up and Tear Down Labor, Rental, Daily Maintenance of Pumps and System (fuel, oil, leak checks etc.)	98,790.00	98,790.00	105,000.00	105,000.00	214,750.00	214,750.00
12.	1.0	EA Make 30" DI Pipe Connection to Existing Manhole No. 2	3,810.00	3,810.00	20,000.00	20,000.00	16,600.00	16,600.00
13.	1.0	EA Make 30" DI Pipe Connection to Existing Manhole No. 3	3,810.00	3,810.00	20,000.00	20,000.00	16,600.00	16,600.00
TOTAL CONSTRUCTION				\$526,250.00		\$729,060.00		\$792,250.00

ALTERNATE

Item	Quantity	Description	Ralph Hodge Const.		North American Pipeline		Moffat Pipe, Inc.	
			Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
1.	4.0	EA Installation of Steel Pile Piers for the 12" Reclaimed Water Main	14,960.00	59,840.00	23,000.00	92,000.00	30,750.00	123,000.00

I, E. LEO GREEN, III, P.E., HEREBY CERTIFY THAT THIS BID TABULATION IS A TRUE AND CORRECT REPRESENTATION OF THE BIDS RECEIVED FOR THIS PROJECT ACCORDING TO THE BEST OF MY KNOWLEDGE AND BELIEF.

E. Leo Green
 E LEO GREEN, III, P.E.



May 23, 2024

NC Firm License No.: P-0115

City Council Agenda Item Cover Sheet

To: Honorable Mayor, Members of City Council and City Manager
From: W.T. Bass IV, Director of Public Works
Subject: Contract Approval for Goldsboro Street Phase II Water Main Replacement

Issue:

Requesting approval of contract for Construction on Goldsboro Phase II Water Main Replacement. Outdated and failing water main around Goldsboro, US-301 and Ward to be replaced with a new water main line.

Background / Summary:

The project includes the construction of new water main pipe on Goldsboro St, Ward Blvd and US-301. This project is funded in whole or in part by the American Rescue Plan Act (ARPA) through the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI).

Ralph Hodge Construction Company was selected through a sealed bid opening as the lowest responsive, responsible bidder to perform the construction on this project.

Fiscal or Other Impact:

The proposal submitted by Ralph Hodge is for \$2,751,006.80 to complete installation of required utility upgrade. These funds will be used from the American Rescue Plan Act (ARPA) grant money that was awarded to the City of Wilson.

Recommendation:

Staff recommends award of this project to Ralph Hodge.

Coordination:

Project Management and Contract Administration will be managed by Freese and Nichols with City of Wilson oversight from Public Works Department.

Attachments:

Bid Tab Cover

Freese and Nichols Award Recommendation



Innovative approaches
Practical results
Outstanding service

1017 Main Campus Dr, Suite 1200 • Raleigh, North Carolina 27606 • 919-582-5859 • fax 919-582-5851 www.freese.com

May 15, 2024

William T. Bass, PE
City of Wilson
Director of Public Works
1800 Herring Ave E
Wilson, NC 27893

Reference: Goldsboro Phase II Water Main Replacement (SRP-D-ARP-0125)

Dear Mr. Bass:

Construction bids for the referenced project were received and opened at 2:00 PM on Tuesday, May 7, 2024, at the Department of Water Management Training Room. A total of five (5) bids were received for this bid opening. They are summarized as follows:

Bidder	Total Bid Price
Ralph Hodge Construction Company	\$2,751,006.80
J.F. Wilkerson Contracting Company, Inc.	\$3,568,600.00
Jymco Construction Company	\$3,952,775.00
T.A. Loving Company	\$4,257,070.00
Moffat Pipe Inc.	\$4,747,093.00

A certified bid tabulation is attached. Ralph Hodge Construction Company was the apparent low bidder. We recommend that the City of Wilson award the construction contract for the Goldsboro Phase II Water Main Replacement Project to Ralph Hodge Construction Company in the amount of \$2,751,006.80. Please let us know if you have any questions or need further information.

Sincerely,
Freese and Nichols, Inc.

Krista Paredes, PE
Project Manager

Attachments: Certified Bid Tabulation



ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	Ralph Hodge Construction Company		J.F. Wilkinson Contracting Company, Inc.		Jymco Construction Company		T.A. Loring		Moffat Pipe Inc.	
				UNIT PRICE	EXTENDED AMOUNT	UNIT PRICE	EXTENDED AMOUNT	UNIT PRICE	EXTENDED AMOUNT	UNIT PRICE	EXTENDED AMOUNT	UNIT PRICE	EXTENDED AMOUNT
Items in Blue Bid per MSXD Section 00940													
1	Aggregate Backfill (Paragraph 1.1.A)	CY	870	\$ 51.80	\$ 45,066.00	\$ 110.00	\$ 95,700.00	\$ 78.00	\$ 67,860.00	\$ 75.00	\$ 65,250.00	\$ 55.00	\$ 47,850.00
2	Pavement Removal and Replacement (Paragraph 3.1.F)	SF	150	\$ 97.40	\$ 14,610.00	\$ 200.00	\$ 30,000.00	\$ 133.00	\$ 19,950.00	\$ 130.00	\$ 19,500.00	\$ 213.00	\$ 31,950.00
3	Remove and Replace Asphalt Drive (Paragraph 3.1.H)	SF	400	\$ 76.10	\$ 30,440.00	\$ 190.00	\$ 76,000.00	\$ 111.00	\$ 44,400.00	\$ 110.00	\$ 44,000.00	\$ 162.00	\$ 64,800.00
4	Remove and Replace Concrete Drive (Paragraph 3.1.H)	SF	330	\$ 122.00	\$ 40,260.00	\$ 130.00	\$ 42,900.00	\$ 145.00	\$ 47,850.00	\$ 160.00	\$ 52,800.00	\$ 186.00	\$ 61,380.00
5	Select Fill (Paragraph 3.1.L)	CY	550	\$ 40.30	\$ 22,165.00	\$ 110.00	\$ 60,500.00	\$ 45.00	\$ 24,750.00	\$ 40.00	\$ 22,000.00	\$ 87.00	\$ 47,850.00
6	Bedding Stone for Water Pipe (Paragraph 1.2.A)	CY	380	\$ 51.80	\$ 19,684.00	\$ 110.00	\$ 41,800.00	\$ 72.00	\$ 27,360.00	\$ 75.00	\$ 28,500.00	\$ 76.00	\$ 28,880.00
7	6" DI Restrainted Joint Pipe (Paragraph 1.2.G)	LF	40	\$ 58.60	\$ 2,344.00	\$ 100.00	\$ 4,000.00	\$ 145.00	\$ 5,800.00	\$ 125.00	\$ 5,000.00	\$ 339.00	\$ 13,560.00
8	8" DI Restrainted Joint Pipe (Paragraph 1.2.G)	LF	130	\$ 72.60	\$ 9,438.00	\$ 280.00	\$ 36,400.00	\$ 133.00	\$ 17,290.00	\$ 145.00	\$ 18,850.00	\$ 269.00	\$ 34,970.00
9	12" DI Restrainted Joint Pipe (Paragraph 1.2.G)	LF	1,920	\$ 91.00	\$ 174,720.00	\$ 160.00	\$ 307,200.00	\$ 177.00	\$ 339,840.00	\$ 175.00	\$ 334,500.00	\$ 385.00	\$ 738,300.00
10	16" DI Restrainted Joint Pipe (Paragraph 1.2.G)	LF	2,960	\$ 174.00	\$ 515,040.00	\$ 230.00	\$ 680,800.00	\$ 238.00	\$ 703,280.00	\$ 280.00	\$ 830,400.00	\$ 372.00	\$ 1,101,600.00
11	24" DI Restrainted Joint Pipe (Paragraph 1.2.G)	LF	2,800	\$ 285.00	\$ 798,000.00	\$ 380.00	\$ 1,064,000.00	\$ 412.00	\$ 1,153,600.00	\$ 485.00	\$ 1,358,000.00	\$ 678.00	\$ 1,898,400.00
12	30" DI Restrainted Joint Pipe (Paragraph 1.2.H)	LF	150	\$ 162.00	\$ 24,300.00	\$ 150.00	\$ 22,500.00	\$ 238.00	\$ 35,700.00	\$ 238.00	\$ 35,700.00	\$ 299.00	\$ 44,850.00
13	Blocked and Jacketed 24" DI R Pipe (Paragraph 3.2.H)	LF	130	\$ 281.00	\$ 36,530.00	\$ 310.00	\$ 40,300.00	\$ 333.00	\$ 43,290.00	\$ 325.00	\$ 42,250.00	\$ 475.00	\$ 61,750.00
14	30" DI Restrainted Joint Pipe (Paragraph 1.2.H)	LF	150	\$ 369.00	\$ 55,350.00	\$ 410.00	\$ 61,500.00	\$ 474.00	\$ 71,100.00	\$ 475.00	\$ 71,250.00	\$ 875.00	\$ 131,250.00
15	6" x 90" SVEI Encasement Pipe (Invert) (Paragraph 3.2.I)	LF	130	\$ 986.00	\$ 128,180.00	\$ 1,000.00	\$ 130,000.00	\$ 1,318.00	\$ 171,340.00	\$ 1,050.00	\$ 136,500.00	\$ 1,260.00	\$ 163,800.00
16	6" x 90" Deg Bend (Paragraph 3.2.I)	EA	4	\$ 644.00	\$ 2,576.00	\$ 880.00	\$ 3,520.00	\$ 1,165.00	\$ 4,660.00	\$ 515.00	\$ 2,060.00	\$ 995.00	\$ 3,980.00
17	8" x 45" Deg Bend (Paragraph 3.2.I)	EA	2	\$ 796.00	\$ 1,592.00	\$ 1,000.00	\$ 2,000.00	\$ 3,299.00	\$ 6,598.00	\$ 590.00	\$ 1,180.00	\$ 1,180.00	\$ 2,360.00
18	8" x 90" Deg Bend (Paragraph 3.2.I)	EA	3	\$ 790.00	\$ 2,370.00	\$ 1,100.00	\$ 3,300.00	\$ 1,310.00	\$ 3,930.00	\$ 610.00	\$ 1,830.00	\$ 1,240.00	\$ 3,720.00
19	12" x 11.75" Deg Bend (Paragraph 3.2.I)	EA	2	\$ 1,270.00	\$ 2,540.00	\$ 2,000.00	\$ 4,000.00	\$ 3,980.00	\$ 7,960.00	\$ 970.00	\$ 1,940.00	\$ 1,940.00	\$ 3,880.00
20	12" x 6" Tee (Paragraph 3.2.I)	EA	4	\$ 1,500.00	\$ 6,000.00	\$ 1,700.00	\$ 6,800.00	\$ 3,345.00	\$ 13,380.00	\$ 1,860.00	\$ 7,440.00	\$ 2,290.00	\$ 9,160.00
21	12" x 8" Tee (Paragraph 3.2.I)	EA	2	\$ 1,500.00	\$ 3,000.00	\$ 2,200.00	\$ 4,400.00	\$ 3,180.00	\$ 6,360.00	\$ 3,180.00	\$ 6,360.00	\$ 3,290.00	\$ 6,580.00
22	16" x 11.75" Deg Bend (Paragraph 3.2.I)	EA	3	\$ 1,900.00	\$ 5,700.00	\$ 1,600.00	\$ 4,800.00	\$ 4,400.00	\$ 13,200.00	\$ 1,770.00	\$ 5,310.00	\$ 3,940.00	\$ 11,820.00
23	16" x 7.5" Deg Bend (Paragraph 3.2.I)	EA	2	\$ 1,900.00	\$ 3,800.00	\$ 3,300.00	\$ 6,600.00	\$ 3,125.00	\$ 6,250.00	\$ 2,700.00	\$ 5,400.00	\$ 3,890.00	\$ 7,780.00
24	16" x 45" Deg Bend (Paragraph 3.2.I)	EA	8	\$ 1,970.00	\$ 15,760.00	\$ 1,400.00	\$ 11,200.00	\$ 3,130.00	\$ 25,040.00	\$ 1,760.00	\$ 14,080.00	\$ 3,090.00	\$ 24,720.00
25	16" x 6" Tee (Paragraph 3.2.I)	EA	1	\$ 2,120.00	\$ 2,120.00	\$ 3,000.00	\$ 3,000.00	\$ 2,264.00	\$ 2,264.00	\$ 1,975.00	\$ 1,975.00	\$ 5,000.00	\$ 5,000.00
26	16" x 8" Tee (Paragraph 3.2.I)	EA	1	\$ 2,410.00	\$ 2,410.00	\$ 3,100.00	\$ 3,100.00	\$ 2,417.00	\$ 2,417.00	\$ 2,070.00	\$ 2,070.00	\$ 5,000.00	\$ 5,000.00
27	16" x 16" Tee (Paragraph 3.2.I)	EA	7	\$ 3,100.00	\$ 21,700.00	\$ 4,600.00	\$ 32,200.00	\$ 8,546.00	\$ 59,822.00	\$ 2,790.00	\$ 19,530.00	\$ 7,200.00	\$ 50,400.00
28	16" x 12" Reducer (Paragraph 3.2.I)	EA	1	\$ 1,570.00	\$ 1,570.00	\$ 2,400.00	\$ 2,400.00	\$ 5,910.00	\$ 5,910.00	\$ 1,370.00	\$ 1,370.00	\$ 4,275.00	\$ 4,275.00
29	20" x 16" Reducer (Paragraph 3.2.I)	EA	1	\$ 2,230.00	\$ 2,230.00	\$ 2,900.00	\$ 2,900.00	\$ 5,180.00	\$ 5,180.00	\$ 2,070.00	\$ 2,070.00	\$ 4,410.00	\$ 4,410.00
30	24" x 22.5" Deg Bend (Paragraph 3.2.I)	EA	2	\$ 1,880.00	\$ 3,760.00	\$ 3,100.00	\$ 6,200.00	\$ 7,586.00	\$ 15,172.00	\$ 3,660.00	\$ 7,320.00	\$ 8,000.00	\$ 16,000.00
31	24" x 6" Deg Bend (Paragraph 3.2.I)	EA	4	\$ 1,900.00	\$ 7,600.00	\$ 1,700.00	\$ 6,800.00	\$ 6,574.00	\$ 26,296.00	\$ 2,825.00	\$ 11,300.00	\$ 11,360.00	\$ 45,200.00
32	24" x 24" Tee (Paragraph 3.2.I)	EA	1	\$ 6,170.00	\$ 6,170.00	\$ 5,700.00	\$ 5,700.00	\$ 36,600.00	\$ 36,600.00	\$ 5,540.00	\$ 5,540.00	\$ 11,360.00	\$ 45,200.00
33	24" x 16" Reducer (Paragraph 3.2.I)	EA	3	\$ 1,500.00	\$ 4,500.00	\$ 3,800.00	\$ 11,400.00	\$ 6,574.00	\$ 19,722.00	\$ 2,825.00	\$ 8,475.00	\$ 8,700.00	\$ 26,100.00
34	24" x 12" Reducer (Paragraph 3.2.I)	EA	3	\$ 1,900.00	\$ 5,700.00	\$ 1,600.00	\$ 4,800.00	\$ 5,600.00	\$ 16,800.00	\$ 2,615.00	\$ 7,845.00	\$ 5,270.00	\$ 15,810.00
35	6" Restrainted Coupling (Paragraph 3.2.I)	EA	2	\$ 920.00	\$ 1,840.00	\$ 1,300.00	\$ 2,600.00	\$ 3,000.00	\$ 6,000.00	\$ 2,615.00	\$ 5,230.00	\$ 5,270.00	\$ 10,540.00
36	24" Restrainted Coupling (Paragraph 3.2.I)	EA	7	\$ 1,210.00	\$ 8,470.00	\$ 3,400.00	\$ 23,800.00	\$ 3,015.00	\$ 21,105.00	\$ 7,500.00	\$ 52,500.00	\$ 2,710.00	\$ 18,970.00
37	24" Restrainted Coupling (Paragraph 3.2.I)	EA	3	\$ 1,520.00	\$ 4,560.00	\$ 8,100.00	\$ 24,300.00	\$ 5,190.00	\$ 15,570.00	\$ 17,500.00	\$ 52,500.00	\$ 2,710.00	\$ 18,970.00
38	Iron Hydrants (Paragraph 3.2.W)	EA	2	\$ 5,710.00	\$ 11,420.00	\$ 8,100.00	\$ 16,200.00	\$ 34,490.00	\$ 68,980.00	\$ 12,000.00	\$ 24,000.00	\$ 11,270.00	\$ 22,540.00
39	Normal and Exposed of Asbestos Cement Pipe (by location) (Paragraph 3.2.T)	EA	2	\$ 279.00	\$ 558.00	\$ 1,000.00	\$ 2,000.00	\$ 2,600.00	\$ 5,200.00	\$ 6,000.00	\$ 12,000.00	\$ 6,000.00	\$ 12,000.00
40	24" x 24" Tapping Sleeve and Valve (Paragraph 3.2.U)	EA	3	\$ 80,120.00	\$ 240,360.00	\$ 8,600.00	\$ 25,800.00	\$ 91,624.00	\$ 274,872.00	\$ 60,000.00	\$ 180,000.00	\$ 6,000.00	\$ 18,000.00
41	16" x 20" Tapping Sleeve and Valve (Paragraph 3.2.U)	EA	1	\$ 27,960.00	\$ 27,960.00	\$ 8,000.00	\$ 8,000.00	\$ 95,624.00	\$ 95,624.00	\$ 28,500.00	\$ 28,500.00	\$ 12,000.00	\$ 12,000.00
42	8" x 8" Tapping Sleeve and Valve (Paragraph 3.2.U)	EA	1	\$ 8,610.00	\$ 8,610.00	\$ 7,100.00	\$ 7,100.00	\$ 13,600.00	\$ 13,600.00	\$ 8,000.00	\$ 8,000.00	\$ 12,000.00	\$ 12,000.00
43	2" Combination Air Valve & Manhole (Paragraph 3.2.V)	EA	4	\$ 11,550.00	\$ 46,200.00	\$ 17,000.00	\$ 68,000.00	\$ 17,824.00	\$ 71,296.00	\$ 10,500.00	\$ 42,000.00	\$ 18,750.00	\$ 75,000.00



City of Wilson, NC
 Goldsboro Phase II Water Main Replacements - 50P-D-ARF-0125
 Bid Opening: May 7, 2024

ITEM NO.	UNIT	QUANTITY	ITEM DESCRIPTION	Ralph Hodge Construction Company			J.F. Wilkerson Contracting Company, Inc.			Jymco Construction Company			T.A. Loving			Moffat Pipe Inc.		
				UNIT PRICE	EXTENDED AMOUNT	UNIT PRICE	EXTENDED AMOUNT	UNIT PRICE	EXTENDED AMOUNT	UNIT PRICE	EXTENDED AMOUNT	UNIT PRICE	EXTENDED AMOUNT	UNIT PRICE	EXTENDED AMOUNT	UNIT PRICE	EXTENDED AMOUNT	
46	EA	4	6" Gate Valve with Box (Paragraph 1.2.AA)	3,250.00	12,800.00	2,800.00	11,200.00	2,800.00	11,200.00	2,650.00	10,600.00	5,860.00	23,540.00					
47	EA	2	8" Gate Valve with Box (Paragraph 1.2.AA)	2,500.00	5,000.00	3,200.00	6,400.00	3,200.00	6,400.00	3,200.00	6,400.00	7,500.00	15,000.00					
48	EA	1	12" Gate Valve with Box (Paragraph 1.2.AA)	4,300.00	4,300.00	7,500.00	7,500.00	6,250.00	6,250.00	6,250.00	6,250.00	20,250.00	10,200.00	30,450.00				
49	EA	4	16" Gate Valve with Box (Paragraph 1.2.AA)	10,800.00	43,200.00	17,000.00	68,000.00	15,240.00	60,960.00	48,100.00	192,400.00	46,750.00	187,000.00	21,000.00	84,000.00			
50	EA	2	24" Gate Valve with Box (Paragraph 1.2.AA)	26,040.00	52,080.00	81,000.00	162,000.00	82,000.00	164,000.00	21,014.00	42,028.00	18,000.00	36,000.00	17,050.00	34,100.00			
51	EA	1	8" Insertion Valve (Paragraph 1.2.AA)	84,890.00	84,890.00	14,030.00	14,030.00	16,000.00	16,000.00	102,700.00	102,700.00	107,700.00	107,700.00	94,500.00	94,500.00			
52	EA	1	Valve Box Removal (Paragraph 1.2.BB)	76,060.00	76,060.00	640.00	640.00	3,200.00	3,200.00	891.00	891.00	607.00	607.00	3,125.00	3,125.00			
53	EA	32	Water Service Line Replacement (Paragraph 1.2.C)	2,060.00	65,920.00	3,100.00	99,200.00	3,100.00	99,200.00	13,740.00	440,880.00	3,500.00	112,000.00	3,500.00	112,000.00			
54	EA	8	Generator Mobilization (Paragraph 1.5.A)	5.30	42.40	8.00	64.00	25,270.00	202,160.00	6.00	48.00	51,540.00	412,320.00	5.00	40.00			
55	EA	8	Replacement of Concrete Curb and Gutter, City Standard (Paragraph 1.7.C)	61.00	488.00	96.00	768.00	66,240.00	530,000.00	67.00	536.00	19,730.00	157,840.00	50.00	400.00			
56	EA	7	Construction Entrance (Paragraph 1.8.B)	2,370.00	16,590.00	8,600.00	60,200.00	32,200.00	225,400.00	2,887.00	20,209.00	2,500.00	17,500.00	7,000.00	49,000.00			
57	EA	7	6ft Fence Barrier (Paragraph 1.8.F)	8.50	59.50	4.00	28.00	29,960.00	204,320.00	6.00	42.00	44,940.00	314,580.00	5.00	35.00			
58	EA	7	Soil Erosion Control, Seeding and Low Grading (Paragraph 1.8.J)	1,180.00	8,260.00	3,800.00	26,600.00	10,488.00	73,416.00	24,000.00	168,000.00	5,000.00	35,000.00	4,800.00	33,600.00			
59	EA	1	Work Zone Traffic Control (Paragraph 1.8.K)	62,800.00	62,800.00	48,000.00	48,000.00	64,000.00	64,000.00	200,410.00	200,410.00	225,000.00	225,000.00	13,248.00	13,248.00			
60	EA	1	Items in Base Bid (including Allowances) per Section 01 29 03 "Measurement and Basis for Payment"															
61	EA	1	Mobilization/Demobilization (15% Max) (Paragraph 1.04.B)	66,470.00	66,470.00	109,782.00	109,782.00	3,600.00	3,600.00	314,000.00	314,000.00	142,000.00	142,000.00					
62	EA	1	Reconnect Existing Line (Paragraph 1.04.C)	3,700.00	3,700.00	3,600.00	3,600.00	10,800.00	10,800.00	6,300.00	6,300.00	18,900.00	18,900.00					
63	EA	465	Abandonment in Place with Low-Density Cellular Grout of Existing Pipe (Paragraph 1.04.D)	223.00	103,665.00	190.00	87,900.00	88,350.00	88,350.00	239.00	110,985.00	111,135.00	51,400.00	51,400.00				
64	EA	8	Curb Inlet Protection (Paragraph 1.04.E)	195.00	1,560.00	320.00	2,560.00	3,840.00	30,720.00	500.00	4,000.00	275.00	2,200.00	300.00	2,400.00			
65	EA	2	Drop Inlet Protection (Paragraph 1.04.E)	395.00	790.00	320.00	640.00	3,840.00	7,680.00	500.00	1,000.00	410.00	820.00	410.00	820.00			
66	EA	2	Removal and Replacement of Existing (Paragraph 1.04.F)	59.00	118.00	26,250.00	52,500.00	81.00	162.00	14.00	28.00	14,280.00	28,560.00	50.00	100.00			
67	EA	1,000	Synthetic Log (Paragraph 1.04.G)	12.60	12,600.00	26.50	26,500.00	26,520.00	26,520.00	14.00	14,000.00	14,280.00	14,280.00	14,280.00				
68	EA	2	Rock Inlet Protection (Paragraph 1.04.H)	190.00	380.00	960.00	1,920.00	3,000.00	6,000.00	500.00	1,000.00	3,500.00	7,000.00	3,500.00	7,000.00			
69	EA	1	Free Inlet Rehabilitation (Paragraph 1.04.I)	4,250.00	4,250.00	2,700.00	2,700.00	6,950.00	6,950.00	6,950.00	6,950.00	6,950.00	6,950.00	6,950.00				
70	EA	1	10" Sewer Line Replacement (Paragraph 1.04.J)	6,200.00	6,200.00	13,000.00	13,000.00	13,771.00	13,771.00	10,600.00	10,600.00	10,600.00	10,600.00	10,600.00				
71	EA	1	8" Sewer Line Replacement (Paragraph 1.04.J)	5,920.00	5,920.00	31,000.00	31,000.00	11,600.00	11,600.00	10,760.00	10,760.00	10,760.00	10,760.00	10,760.00				
72	EA	4	Storm Drainage Structure Removal and Replacement (Paragraph 1.04.K)	3,720.00	14,880.00	5,900.00	23,600.00	21,600.00	86,400.00	33,000.00	132,000.00	55,200.00	220,800.00	5,500.00	22,000.00			
				REPORTED TOTAL BASE BID PRICE	\$ 2,753,006.80	\$ 3,568,600.00	\$ 3,227,600.00	\$ 3,952,775.00	\$ 4,257,070.00	\$ 4,747,093.00	\$ 4,257,070.00	\$ 4,747,093.00	\$ 4,747,093.00	\$ 4,747,093.00	\$ 4,747,093.00	\$ 4,747,093.00	\$ 4,747,093.00	



The bids tabulated herein were opened and read aloud at 2:00 PM, local time on May 7, 2024 at 1800 Herring Ave E, Wilson, NC 27893.



City Council Agenda Item Cover Sheet

To: Honorable Mayor, Members of City Council and City Manager
From: W.T. Bass IV, Director of Public Works
Subject: Approval of Parkwood Mall Stormwater Project Grant Application

Issue:

Requesting approval to pursue grant funding through the 319 NPS Pollution Control Grant program for the FY2024 cycle.

Background / Summary:

This grant will be used to fund both design and construction of Stormwater projects which will be built in part of the Parkwood Mall’s footprint upon its demolition. These projects will reduce the risk of localized flooding in the surrounding areas and also improve local water quality in the watershed.

Fiscal or Other Impact:

The grant award is for \$155,379 with an additional match commitment of \$65,000 coming from the City’s Stormwater Management Fund. This match requirement will be met through in-kind work related to this project’s goals.

Recommendation:

Staff recommends approval to pursue the grant funding.

Coordination:

Project management and oversight will be the responsibility of Public Works.

Attachments:

None



City Council Agenda Item Cover Sheet

To: Honorable Mayor, Members of City Council and City Manager
From: W.T. Bass IV, Director of Public Works
Subject: Grant Application Approval for Parkwood Mall Stormwater Project

Issue:

Requesting approval to pursue grant funding through the 319 NPS Pollution Control Grant program for the FY2024 cycle.

Background / Summary:

This grant will be used to fund both design and construction of Stormwater projects which will be built in part of the Parkwood Mall's footprint upon its demolition. These projects will reduce the risk of localized flooding in the surrounding areas and also improve local water quality in the watershed.

Fiscal or Other Impact:

The grant award is for \$155,379 with an additional match commitment of \$65,000 coming from the City's Stormwater Management Fund. This match requirement will be met through in-kind work related to this project's goals.

Recommendation:

Staff recommends approval to pursue the grant funding.

Coordination:

Project management and oversight will be the responsibility of Public Works.

Attachments:

None



CITY OF WILSON

Agenda Item 11

Meeting Date June 20, 2024

City Council Agenda Item Cover Sheet

To: Honorable Mayor, Members of City Council and City Manager
From: William T. Bass, IV, PE – Director of Public Works
Subject: Grant Approval for GoldenLEAF Flood Mitigation Program

Issue:

Requesting approval authorizing an application to receive a GoldenLEAF Flood Mitigation Program Grant in partnership with NCSU Biological Agricultural Extension.

Background Summary:

The GoldenLEAF Foundation supports communities in North Carolina who undertake hazard mitigation projects, reducing risk they face from flood-related hazards. If awarded, the City of Wilson and NCSU partnership intends to construct two stormwater storage features to reduce localized flooding directly benefiting the residents, emergency services, and other commuter traffic around Carolina Street Park and/or Freeman Park. Stormwater improvements will be made in conjunction with planned park improvements.

Fiscal or Other Impact:

The City of Wilson currently has \$10,484.00 allocated for services associated this project with an in-lieu services match to be paired with the grant application request of \$894,316.60.

Recommendation:

Public Works recommends approval to pursue this opportunity.

Coordination:

Public Works Department will provide project management and coordination.

Attachments:

None



CITY OF WILSON

Agenda Item 12

Meeting Date: June 20, 2024

City Council Agenda Item Cover Sheet

To: Honorable Mayor, Members of City Council, and City Manager
From: Kimberly Van Dyk, Planning & Community Revitalization Director
Subject: Request to Accept Redevelopment Offer and Convey 405 Gold Street, East

Issue:

The City of Wilson has an offer to purchase and redevelop 405 Gold Street from MidSouth Roofing and Construction, which has completed the upset bid process.

Background / Summary:

MidSouth Roofing and Construction has proposed an offer to purchase and redevelop the dilapidated 405 Gold Street E building, known as the former Armory building, into its headquarters, including an administrative office, storage facilities, and an employee training center.

Fiscal or Other Impact:

None.

Recommendation:

Staff recommends accepting the offer and adopting a resolution to convey the property at the next meeting.

Coordination:

Christina Bynum, Business Development Specialist, 252-399-2361, cbynum@wilsonnc.org

Attachments:

- Memorandum
- Development Proposal
- Resolution Including Purchase and Development Agreement

MEMORANDUM

To: Kimberly Van Dyk, Planning & Community Revitalization Director

From: Christina Bynum, Business Development Specialist

Date: Tuesday, April 30, 2024

Subject: 405 Gold St. E (Old Armory) Purchase & Development Proposal with MidSouth Roofing & Construction

Introduction

This memo outlines the critical details of the attached purchase and development agreement for the property at 405 Gold St. E (Old Armory) with MidSouth Roofing & Construction (MRC), located at 127 Goldsboro St. S, Wilson, NC 27893. The Old Armory, currently vacant, would be transformed into a thriving hub of activity, generating economic growth and job opportunities for the area.

Present Day Photos



Proposal Summary

- **Purchase Price and Tax Debt:** MRC has offered a purchase price of \$50,000. This price would generate a net profit of \$50,000 for the City, with MRC assuming the outstanding property tax debt of \$31,596.64 at closing.
- **Development Plans:** MRC proposes a minimum investment of \$375,000 within the first two years of ownership. The attached PDA is for a minimum of three years and includes three distinct phases of development. The property would be used as MRC's headquarters, including administrative offices, storage facilities, and an employee training center.
 - Phase 1 (Year 1): Obtain a Certificate of Occupancy (CO) for the renovated storage facilities.

- Phases 2 & 3 (Years 2-3): Complete construction of the remaining headquarters facilities and obtain the final CO for the entire property.
- **Additional Economic Impact:** In addition to a net profit of \$50,000 on the sale, an income of \$31,596.64 will be gained in back taxes. By investing at least \$375,000 in the property, MRC's plan prevents the City from incurring potential demolition costs that could reach \$500,000. This project will result in saving and adaptively reusing a historically significant property in a redeveloping area of our city, job creation, and expanding business. As a Gig East Exchange member business, a local program fostering technology and innovation, this redevelopment project presents an opportunity for MRC to "graduate" from the Exchange and establish a permanent, independent headquarters.

Next Steps

Given the potential economic benefits, it is recommended to:

- **Present the attached Purchase and Development Agreement to the City Council**, which outlines the specific terms of the sale, including the final purchase price, development timeline and phases, and any contingencies for approval.
- **Proceed with the invitation for Upset Bid and publish.**

Christina Bynum
Business Development Specialist

R-020-24

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILSON
AUTHORIZING CONVEYANCE OF REAL PROPERTY**

WHEREAS, the City of Wilson (“City”) is the owner of the hereinafter described real property in the City of Wilson, Wilson County, North Carolina, located at 405 Gold Street E, as more particularly described in Exhibit A, and having Wilson County Tax Parcel No. 3722-51-6466 (the “Property”);

WHEREAS, the City received an offer to purchase the Property from MidSouth Roofing & Construction LLC (“Buyer”) for Fifty Thousand and No/100 Dollars (\$50,000.00) and the terms and conditions described in the Purchase and Development Agreement dated April 30, 2024, attached hereto as Exhibit B;

WHEREAS, the City is informed and believes that the foregoing offer is fair;

WHEREAS, the City desires to sell and Buyer desires to purchase the Property under the terms and conditions stated herein pursuant to the procedures of N.C.G.S. § 160A-269;

WHEREAS, on May 28, 2024, notice of the Buyer’s offer was published in The Wilson Times, providing a description of the property, the amount and terms of the offer, and an invitation for any person to raise the bid; and

WHEREAS, more than ten (10) days have elapsed since the notice was published in The Wilson Times.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WILSON THAT:

1. No upset bids have been received by the City within the time allowed.
2. The conveyance of the Property to MidSouth Roofing & Construction LLC upon the terms and conditions stated herein is hereby ratified and affirmed.
3. The City Attorney is authorized and directed to cause such deed and other documents to be prepared as are necessary or proper to convey the property described herein from the City of Wilson to the Buyer, and the Mayor of the City and Clerk for the City are authorized and directed to execute such documents on behalf of the City of Wilson.

DULY ADOPTED, this the 20th day of June, 2024.

CITY OF WILSON

By: _____
Carlton L. Stevens, Mayor

ATTEST:

Tonya A. West, City Clerk
(SEAL)

Resolution to Convey Real Property – 405 Gold Street E

Exhibit A

Legal Description

Beginning at a stake on the property line of East Gold Street, which said stake is North 62° 54" West, 60 feet from the intersection of the westerly line of Pender Street with the northerly line of East Gold Street, and from said point runs thence with and along the property line of East Gold Street North 62° 54" West 250 feet, corners and thence North 27° 06" East 108.8 feet, corners and runs thence North 75° 13" East 61.7 feet, corners and runs thence South 62° 54" East 200 feet, corners and thence South 27° 06" West 150 feet to the Beginning. Being lots sixteen (16), seventeen (17), eighteen (18), nineteen (19) and twenty (20), of Block "A" as shown upon plat prepared by Lawrence Brett, Engineer, in October, 1972, recorded in Plat Book 1, page 242, of the Wilson County Registry.

This is the same property that was deeded to TOWN OF WILSON and COUNTY OF WILSON, by deed of STATE OF NORTH CAROLINA, dated August 4, 1994, recorded in Book 1531, page 375, Wilson County Registry.

Exhibit B

Purchase and Development Agreement

PURCHASE AND DEVELOPMENT AGREEMENT

THIS PURCHASE AND DEVELOPMENT AGREEMENT, (the "Agreement") made as of the 30th day of April, 2024 (the "Effective Date") between **the City of Wilson**, a body politic and corporate organized and existing under the laws of the State of North Carolina ("City"), and **MidSouth Roofing & Construction LLC**, a North Carolina limited liability company ("Developer").

RECITALS:

WHEREAS, the City desires to promote the health, safety, prosperity and general welfare of the public through the redevelopment of blighted areas within the City of Wilson;

WHEREAS, the City owns certain real property and improvements located thereon situated in Wilson County, North Carolina, known as 405 Gold Street E, Wilson, NC, identified by PIN 3722-51-6466, and more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Property");

WHEREAS, the City received an offer from Developer to purchase and redevelop the Property for commercial use in accordance with the proposal attached hereto as Exhibit B (the "Development Plan");

WHEREAS, the City proposes to accept Developer's offer and advertise it for upset bid pursuant to N.C.G.S. §160A-269.

WHEREAS, Developer has agreed to redevelop the Property in accordance with the Agreement as additional consideration for the conveyance of the Property to Developer.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the City and Developer agree as follows:

ARTICLE I

The Developer Obligations

Section 1.1 Developer shall redevelop the Property to be used as Developer's new headquarters, containing administrative offices, storage facilities, and an employee training center (the "Project") in accordance with the specifications contained in the Development Plan.

Section 1.2 Developer shall be responsible for constructing, rehabilitating, repairing, and improving the Property in accordance with the Development Plan. To the extent that the provisions of the Development Plan conflict with the provisions of this Agreement, the provisions of this Agreement shall prevail.

Section 1.3 Developer shall obtain all required building permits from local building and zoning offices.

Section 1.4 Developer shall complete Phase One of the Project as fully set forth in the

Development Plan, which shall include making repairs to the storage shed, parking lot, and fenced perimeter on the Property, on or before August 31, 2025, or such additional reasonable period of time as may be permitted in writing, as evidenced by a Certificate of Occupancy for use of the storage shed.

Section 1.5 Developer shall complete Phase Two and Phase Three of the Project as fully set forth in the Development Plan, and open for business operations, on or before August 31, 2027, or such additional reasonable period of time as may be permitted in writing, as evidenced by a final Certificate of Occupancy.

Section 1.6 Developer, its successors, assigns and grantees, shall cause to be invested in the redevelopment of the Property a minimum investment of Three Hundred Seventy Five Thousand Dollars (\$375,000) to complete the Project.

Section 1.7 Developer, its successors, assigns and grantees, shall not convey the Property to a third party for minimum of sixty (60) months after the conveyance contemplated in this Agreement.

Section 1.8 Developer shall abide by all Deed Restrictions and terms of conveyance as shall be attached to any deed of conveyance of the Property under this Agreement in the form attached hereto as Exhibit C (the "Deed Restrictions").

Section 1.9 Developer shall meet all redevelopment requirements related to local, state and federal law including performing the work in workman like manner that provides new modern heating, electrical and plumbing systems as needed in order to create a comfortably habitable property. All work on the Project shall conform to final approved, site, architectural, and construction plans used to permit the Project.

Section 1.10 Developer shall perform the required work in conformance with the Design Standards attached hereto as Exhibit D (the "Design Standards").

Section 1.11 Developer shall maintain, repair, and administer the Property in accordance with the Design Standards so as to preserve the historical integrity of features, materials, appearances, workmanship, and environment of the subject property at all times during Developer's term of ownership of the Property and in accordance with the Deed Restrictions.

ARTICLE II CITY Obligations

The City shall convey the Property to the Developer for the Purchase Price and such further consideration of the redevelopment of the Property under the terms of this Agreement, free and clear of encumbrances except for the Deed Restrictions, any other restrictions or easements of record, and any unpaid or delinquent property taxes.

ARTICLE III Books and Records

Developer, its successors, assigns and grantees, shall prepare and maintain, or cause to be prepared and maintained, in accordance with generally accepted accounting principles consistently applied, appropriate books and records, reflecting all capital reserves, money received and all money disbursed by Developer in connection with the Project for a period of two years after the termination of this Agreement. City and its duly appointed representatives shall have the right to examine, audit, and copy such books and records during business hours on fifteen (15) day notice at the office of Developer.

ARTICLE IV Conveyance of Real Property

Section 4.1 The City shall convey the Property and Developer shall purchase the Property under the procedures described herein, subject to all Deed Restrictions, for consideration of the terms of this Agreement and the Purchase Price of Fifty Thousand and 00/100 Dollars (\$50,000.00), which shall be payable by Developer on the Closing Date. In accordance with N.C.G.S. §160A-269, the Developer shall make a non-refundable deposit of 5% of the Purchase Price at the time of submission of this Agreement to the City, which shall be a credit to the Purchase Price at Closing. Developer shall satisfy at Closing any lien or unpaid delinquent taxes, deeds of trust, contractor's or materialmen's liens, and any other liens that encumber the Property, except the lien of property taxes for the year of Closing, which shall be prorated at Closing.

Section 4.2 The City shall convey the City's interest in the Property by Special Warranty Deed. Any such deed of conveyance shall be subject to a possibility of reverter to the City upon failure of Developer to comply with the terms of this Agreement, the Development Plan or any of the Deed Restrictions. Such failure to comply with this Agreement, the Development Plan or any of the Deed Restrictions shall automatically revert the Property to the City without further action required, free and clear of any lien or encumbrance of Developer, upon default or failure to complete construction of the Project. The reversion interest to the City shall automatically terminate upon the issuance of the Certificate of Occupancy.

Section 4.3 The Due Diligence Period shall commence on the effective date of this Agreement and continue for thirty (30) days unless extended in writing by the parties.

4.3.1 Developer shall have the Due Diligence Period to investigate the Property and the transaction contemplated by this Agreement and to decide whether Developer, in Developer's sole discretion, will proceed with, or terminate, the transaction. During the Due Diligence Period, Developer or Developer's agents or representatives, at Developer's expense, shall be entitled to conduct all desired tests, surveys, appraisals, investigations, examinations and inspections of the Property as Developer deems appropriate. Developer shall, at Developer's expense, promptly repair any damage to the Property resulting from any activities of Developer and Developer's agents and contractors. This repair obligation shall survive any termination of this Agreement.

4.3.2 Developer shall have the right to terminate the Agreement for any reason or no reason, by delivering to the City written notice of termination (the "Termination Notice") during the Due Diligence Period (or any agreed-upon written extension of the Due Diligence Period). If Developer timely delivers the Termination Notice, the Agreement shall be terminated with no further recourse for either party.

Section 4.4 Closing and Closing Date. The Closing shall be on or before the day that is thirty (30) days after the expiration of the Due Diligence Period unless extended in writing by the parties. Developer shall be entitled to possession at Closing.

Section 4.5 Taxes, Closing Costs, Etc. Taxes and assessments for the current calendar year shall be prorated at Closing. All costs associated with the conveyance of the property and closing of this transaction shall be paid as is customary in local commercial real estate transactions. Notwithstanding the preceding, the City shall pay deed preparation and excise taxes at closing. The Developer shall pay recording fees, title search fees, title insurance costs and settlement agent fees. Any cost and/or fees incurred by Developer or City in executing this Agreement shall be borne by the respective party incurring such cost and/or fee.

Section 4.6 Closing Documents.

- (a) **City's Documents.** At Closing, City shall deliver to Developer the following:
 - (i) An executed special warranty deed conveying to Developer the Property with Deed Restrictions.
 - (ii) An executed affidavit regarding liens establishing that there are no lien claims of mechanics, laborers and materialmen.
 - (iii) An executed settlement statement.
 - (iv) Evidence in form and substance reasonably satisfactory to Developer's title insurer that City has the power and authority to execute and enter into this Agreement and to consummate the purchase and sale of the Property.

- (b) **Developer's Documents.** At Closing, Developer shall deliver to City the following:
 - (i) An executed settlement statement.
 - (ii) Evidence of required capital reserves.
 - (iii) Executed deed acknowledging the Deed Restrictions attached thereto.

Section 4.7 No Warranty; As-Is. DEVELOPER ACCEPTS THAT THE PROPERTY WILL CONVEY IN "AS IS, WHERE IS" CONDITION WITH ALL FAULTS, AND THAT CITY MAKES NO REPRESENTATION OR WARRANTY WHATSOEVER, WHETHER EXPRESS, IMPLIED, OR ARISING BY OPERATION OF LAW, WITH RESPECT TO THE PROPERTY OR ANY PORTION, ASPECT, OR COMPONENT THEREOF, AND EXPRESSLY DISCLAIMS THE SAME. LIKEWISE, CITY MAKES

NO REPRESENTATION OR WARRANTY WHATSOEVER, WHETHER EXPRESS, IMPLIED, OR ARISING BY OPERATION OF LAW, WITH RESPECT TO ANY DOCUMENTS, REPORTS, OR MATERIALS PROVIDED OR MADE AVAILABLE TO PURCHASER BY CITY OR ITS AGENTS, OR THE ACCURACY OF THE INFORMATION CONTAINED THEREIN, AND EXPRESSLY DISCLAIMS THE SAME. THE FOREGOING DISCLAIMERS INCLUDE, BUT ARE NOT LIMITED TO, MATTERS OF TITLE, SURVEY, FINANCIAL PERFORMANCE, PHYSICAL CONDITION (INCLUDING WITHOUT LIMITATION ENVIRONMENTAL CONDITION OR PRESENCE OR ABSENCE OF HAZARDOUS SUBSTANCES), ZONING, TAX STATUS OR CONSEQUENCES, FITNESS FOR A PARTICULAR PURPOSE OR USE, COMPLIANCE WITH GOVERNMENTAL REQUIREMENTS, ACCESS TO THE PROPERTY, AND AVAILABILITY OF UTILITIES.

Section 4.8 Risk of Loss Prior to Closing Date. It is understood and agreed that all risk of loss with respect to the Property, except as may be caused by the acts or omissions of Developer or its employees, agents, or contractors, shall remain with the City through Closing. In the event that prior to the Closing Date, the Property is materially damaged, destroyed, or rendered unusable then Developer or City may terminate this Agreement.

Section 4.9 Brokers. The City and Developer each represent to the other that they have not dealt with any real estate broker in connection with the negotiations leading to this Agreement. The City and Developer each agree to indemnify and hold each other harmless from and against the claims of any other brokers or intermediaries claiming to have had any dealings, negotiations or consultations with the indemnifying party in connection with this Agreement or the sale of the Property.

ARTICLE V Representations

Section 5.1 As additional consideration and inducement to enter into this Agreement, Developer represents as follows:

5.1.1 The execution and delivery of this Agreement, compliance with provisions hereof, and the consummation of the transaction contemplated hereby, will not result in any breach or violation of, or constitute a default under, any agreement, contract or other instrument to which the Developer is a party, or by which Developer is bound.

5.1.2 The Developer and its principals are experienced in the purchase, sale, financing, and management of commercial real estate, and are fully capable of evaluating the risks and benefits of undertaking the transaction contemplated by this Agreement. The Developer has voluntarily entered into this Agreement and the transaction contemplated hereunder without relying in any manner on any representations, statements, opinions, or actions of the City or any person or entity purporting to be acting on behalf of the City except as set forth in this Agreement. The Developer has had full opportunity to investigate the Property and has obtained

all information necessary for the Developer to make an informed decision with respect to the transaction contemplated by this Agreement.

5.1.3 The Developer maintains assets of a minimum of \$50,000 through the termination of this Agreement in accordance with Article VI, in order to meet the demands and insure the successful completion of the Project.

ARTICLE VI Term; Termination

Section 6.1 The term of this Agreement shall commence on the Effective Date of this Agreement and shall expire five (5) years from the Effective Date of this Agreement; provided, however, if the parties agree in writing at least ninety (90) days prior to the expiration of the term, this Agreement may be extended for additional and consecutive periods of six (6) months each.

Section 6.2 Notwithstanding anything contained herein to the contrary, any party hereto may terminate this Agreement upon not less than ninety (90) days written notice to each other party hereunder if all the obligations of both the Developer and City under this Agreement have been fulfilled.

ARTICLE VII Force Majeure

In the event that any party to this Agreement (the "Delayed Party") is delayed or prevented from performing any of its respective obligations under this Agreement by reason of strikes, lockouts, labor problems, inability to procure materials, contractors, professionals, inability to obtain utilities or failure of utilities, laws or other governmental requirements, riots, war, or other cause not brought about by the Delayed Party, and not related to any financial liability on the part of the Delayed Party, the time for performance of the obligation shall be extended by a period of time equal to the period of such delay or prevention.

ARTICLE VIII Disclaimer of Liability

No warranties or representations have been made by the City concerning the Project, including without limitation intended, the economic, legal, or physical feasibility of Project, or the suitability of the Property, or the merchantability, fitness or suitability of the completed Project. City hereby disclaims any implied warranty or representation concerning the Project, including without limitation intended, those aspects described in the immediately preceding sentence.

ARTICLE IX Default

Any party (the "Nondefaulting Party") may terminate this Agreement in the event that any other party (the "Defaulting Party") fails for any reason (other than a default by the Nondefaulting Party) to perform any of the Defaulting Party's obligations hereunder: (i) within ten (10) days after written notice of such default is given to the Defaulting Party by the Nondefaulting Party in the

case of any default in making any payment or procuring or maintaining any insurance coverage which is required by this Agreement; and (ii) within thirty (30) days after notice of such default is given to the Defaulting Party by the Nondefaulting Party in the case of any other default under this Agreement.

ARTICLE X Notices

Any notice, demand, request, approval, consent, or other communication (collectively referred to as a Notice) concerning this Agreement or any matter arising in connection with this Agreement shall be in writing and addressed to the other party at the address set forth below. Any Notice shall be given by either: (i) personal delivery, in which event it shall be deemed given on the date of delivery; or (ii) certified mail return receipt requested, in which event it shall be deemed given three (3) business days after the date deposited in any post office, branch post office, or official depository. Any party may change any address for the delivery of Notice to such party, by giving Notice in accordance with the provisions of this Section. The attorneys for the parties may give any Notice. All notices shall be sent to the following:

If to CITY:	City of Wilson Attn: Grant Goings, City Manager PO Box 10 Wilson, NC 27894
Copy to:	Cauley Pridgen, P.A. Attn: James P. Cauley, III 2500 Nash Street N Wilson, NC 27896
If to Developer:	MidSouth Roofing & Construction LLC Attn: Bankston Lewis 127 Goldsboro Street S Wilson, NC 27893

ARTICLE XI Miscellaneous

Section 11.1 The rights and obligations of the parties under this Agreement shall inure to the benefit of and be binding upon the parties hereto and all persons who succeed to their respective rights and obligations.

Section 11.2 This Agreement cannot be changed nor can any provision of this Agreement, or any right or remedy of any party, be waived orally. Changes and waivers can only be made in writing and the change or waiver must be signed by the party against whom the change or waiver is sought to be enforced. Any waiver of any provision of this Agreement, or any right or remedy, given on any one or more occasions shall not be deemed a waiver with respect to any other occasion.

Section 11.3 This Agreement is signed by the parties as a final expression of all of the terms, covenants, and conditions of their agreement and as a complete and exclusive statement of its terms, covenants, and conditions and is intended to supersede all prior agreements and understandings concerning the subject matter of this Agreement.

Section 11.4 This Agreement may be signed in one or more counterparts or duplicate signature pages with the same force and effect as if all required signatures were contained in a single original instrument. Any one or more such counterparts or duplicate signature pages may be removed from any one or more original copies of this Agreement and annexed to other counterparts or duplicate signature pages to form a completely executed original instrument.

Section 11.5 The captions contained in this Agreement were inserted for the convenience of reference only. They do not in any manner define, limit, or describe the provisions of this Agreement or the intentions of the parties.

Section 11.6 Whenever masculine, feminine, neuter, singular, plural, conjunctive, or disjunctive terms are used in this Agreement, they shall be construed to read in whatever form is appropriate to make this Agreement applicable to all the parties and all circumstances, except where the context of this Agreement clearly dictates otherwise.

Section 11.7 This Agreement was prepared, negotiated, and delivered in the State of North Carolina. In the event of any dispute concerning or arising out of this Agreement, the laws of the State of North Carolina shall govern and control the construction and enforcement of this Agreement.

Section 11.8 The Agreement may be assigned by written agreement of the Parties. Any assignment of this Agreement shall be made in writing and duly executed by the parties. Any such assignee shall be entitled to the same rights and be bound by the same terms and obligations to which the Developer is entitled and bound under this Contract.

Section 11.9 The Developer will not permit any mechanic's or materialman's liens to be placed upon the Property; provided, however, that Developer shall not be in default under this Section if Developer discharges such lien by bonding or otherwise within a reasonable period after the imposition of such lien.

IN WITNESS WHEREOF, the parties have signed this Agreement as of the date set forth in the first paragraph of this Agreement.

CITY OF WILSON

By: _____
Grant Goings, City Manager

DEVELOPER

DocuSigned by:
Bankston Lewis
51B1D07AF2884CA...

By: _____
Bankston Lewis

Signature Page – Purchase and Development Agreement – 405 Gold Street

EXHIBIT A

Legal Description of Property

PIN: 3722-51-6466
405 Gold Street E

Beginning at a stake on the property line of East Gold Street, which said stake is North 62° 54" West, 60 feet from the intersection of the westerly line of Pender Street with the northerly line of East Gold Street, and from said point runs thence with and along the property line of East Gold Street North 62° 54" West 250 feet, corners and thence North 27° 06" East 108.8 feet, corners and runs thence North 75° 13" East 61.7 feet, corners and runs thence South 62° 54" East 200 feet, corners and thence South 27° 06" West 150 feet to the Beginning. Being lots sixteen (16), seventeen (17), eighteen (18), nineteen (19) and twenty (20), of Block "A" as shown upon plat prepared by Lawrence Brett, Engineer, in October, 1972, recorded in Plat Book 1, page 242, of the Wilson County Registry.

This is the same property that was deeded to TOWN OF WILSON and COUNTY OF WILSON, by deed of STATE OF NORTH CAROLINA, dated August 4, 1994, recorded in Book 1531, page 375, Wilson County Registry.

EXHIBIT B

Development Plan

EXHIBIT C

Deed Covenants and Restrictions

1. Developer, or its successor, assign or grantee, shall complete Phase One of the Project on or before August 31, 2025, as evidenced by a Certificate of Occupancy for use of the shed.
2. Developer, or its successor, assign or grantee, shall complete Phase Two and Phase Three of the Project on or before August 31, 2027, as evidenced by a final Certificate of Occupancy.
3. Developer, or its successor, assignee or grantee, shall develop the Property to be used as the Developer's new headquarters, containing administrative offices, storage facilities, and an employee training center, and shall invest a minimum amount of \$375,000 in the property, in accordance with the Development Plan attached hereto at Exhibit B.
4. In the event that Developer, or its successor, assignee or grantee, should fail to complete redevelopment of the project referenced herein within the time allowed in paragraphs 1 and 2 herein, or such additional reasonable period of time as may be permitted in writing, or to comply with the other restrictions and conditions herein contained, the Property shall immediately revert to the City. This reversion interest shall terminate upon completion of the redevelopment of the Property as evidenced by a Certificate of Occupancy.
5. Developer shall at all times in rehabilitating and using said property comply with all state and local Zoning and Building codes and comply with the City of Wilson Ordinances, as amended from time to time.
6. Developer, its successors and assigns agree that the Property is to be conveyed "as is" and subject to existing easements, leases and permits and other matters affecting land titles and without any recourse as against the City for the environmental condition of the Property. Developer acknowledges that the City makes no representations or express or implied warranties as to the suitability of the Property for Developer's intended uses.
7. These covenants and/or agreements are to run with the land and shall be binding on all parties and all persons claiming under them for a period of five (5) years from the date these covenants are recorded.
8. Enforcement shall be by proceedings at law or in equity against any person, firm or corporation violating or attempting to violate any covenant, either to restrain such violation or attempted violation or to recover damages.
9. The invalidation of any one of these covenants by judgment or court order shall in no way affect any of the remaining provisions, and all other provisions herein shall remain in full force and effect.
10. Developer, or its successor, assign or grantee, shall prepare and maintain, or cause to be

prepared and maintained, in accordance with generally accepted accounting principles consistently applied, appropriate books and records, reflecting all money received and all money disbursed by Developer, its successors, assigns and grantees in connection with the Property. The City and its duly appointed representatives shall have the right to examine, audit, and copy such books and records during business hours on a fifteen (15) day notice to Developer, or its successors, assigns or grantees at the office of Developer, or its successors, assigns or grantees. This restriction shall automatically terminate five years after the recording of this instrument.

11. Developer shall maintain, repair, and administer the Property in accordance with the Design Standards in Exhibit D of this Agreement so as to preserve the historical integrity of features, materials, appearances, workmanship, and environment of the subject property.

EXHIBIT D

Design Standards

SECRETARY OF THE INTERIOR'S STANDARDS FOR THE REHABILITATION OF HISTORIC PROPERTIES

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



City Council Agenda Item Cover Sheet

To: Honorable Mayor, Members of City Council and City Manager

From: Amy Staton, Chief Financial Officer

Subject: 2023-2024 Budget Amendment

Issue:

1. Approve amendments to the 2023-2024 Annual Budget Ordinance
2. Adopt two (2) Grant Project Ordinances and Amend two (2) Grant Project Ordinances
3. Adopt seven (7) Capital Project Ordinances and Amend eleven (11) Capital Project Ordinances

Background / Summary:

The N.C. General Statutes provide for amendments to the annual budget ordinance to adjust the budget as needed during the year due to unforeseen circumstances at the time of the original budget adoption. The City needs to amend the 2023-2024 budget ordinance, grant project ordinances, and capital project ordinances to meet statutory requirements, two new grant project ordinances and seven new capital project ordinances.

The proposed budget amendments are presented to comply with statutes for the 2023-2024 fiscal year.

Fiscal or Other Impact:

The increase in the General Fund totals \$2,308,600. This amount consists of additional appropriations in Administrative Services of \$472,420 for redevelopment area projects, property acquisition, software implementation project costs, professional services, and the GigEast digital navigator grant. Additional appropriations in Financial Services of \$9,760 for professional services. Additional appropriations in Human Resources for software lease payments of \$44,280. Additional appropriations are in Police for bulletproof vest program of \$24,500 and justice grant program of \$23,470 along with \$14,240 for ballistic equipment and

\$31,470 for vehicle replacement. Additional appropriations in Planning & Community Revitalization and Development Services are \$419,010 for demolition projects, \$128,000 for nuisance abatement, and \$72,840 in legal and miscellaneous expenses. Additional appropriations in Parks and Recreation include \$85,000 for athletic/game equipment and activities, \$21,020 for salaries and miscellaneous, \$115,000 for maintenance, and \$175,000 in Wedgewood concessions and pro shop merchandise. Additional appropriations in Public Works are \$161,110 for the FY24 RPO (Rural Planning Organization) Grant, \$160,000 for maintenance, \$9,200 for miscellaneous, and \$40,000 for gas, oil, & grease. The remaining General fund appropriations include \$48,060 for a transfer of ARPA funds to Mass Transit, \$385,000 for a transfer to Downtown Development, \$203,210 for a transfer to Pickleball Complex Capital Project Fund, and a reduction of the annual Mass Transit transfer of \$333,990.

The Electric Fund increase is \$223,330 for utility reimbursement. The increase is covered by fund balance appropriation.

The Gas Fund increase is \$31,910 for utility reimbursement. The increase is covered by fund balance appropriation.

The Water Resources Fund increase is \$1,627,780. This amount includes \$400,000 for an asset inventory grant, \$174,790 for property acquisition, \$989,210 for transfer to Water Resources Capital Reserve, \$63,780 for utility reimbursement. Capital outlay expenditures are reduced for \$500,000 and \$1,500,000 that are transferred into the Dam Infrastructure and Digester Heat Exchange Capital Projects, respectively. The increase is covered by \$400,000 in grant funds and \$1,227,780 in fund balance appropriation.

The Mass Transit Fund increase is \$220,180 for contract transport (RIDE) service costs, laptop and CARES accounting services and is covered by Federal and State Grants along with American Rescue Plan Act funds. The transfer from the General Fund and planned fund balance appropriations are reduced accordingly.

The Stormwater Management Fund increase is \$958,210 for transfers to capital projects for the RAISE grant, \$250,000 and the Stadium Infrastructure Project, \$1,238,210 along with \$400,000 for asset inventory and condition assessment. The transfers are offset with reductions in expenditures of \$930,000 and the remainder is covered by \$400,000 in grant funds and \$558,210 in fund balance appropriation.

The Cemetery Fund, a component unit of the city, requested an increase of \$92,500 for supplies/miscellaneous costs, \$10,500 for insurance, and \$40,080 for mowers. The total increase is \$143,080 and is covered by \$125,080 in sales/charges for service and \$18,000 in fund balance appropriation.

The Downtown Development Fund, a component unit of the city, requested an increase of \$385,000 in the form of a transfer from the General Fund for legal fees.

Budgetary amendments total \$4,445,240 for non-major funds (Electric Rate Stabilization, Water Resources Capital Reserve Fund, Water Resources Revolving Loan Fund, and Economic Development Revolving Loan Fund) with transfers, investments, and miscellaneous income. There is an expenditure appropriation for Electric Rate Stabilization for a transfer to Electric of \$3,000,000 in the current fiscal year.

The Grant projects budget had increases of \$1,560,000 for two new projects and \$8,000 to amend two projects.

The Capital projects budget had an increase of \$8,118,200 for seven new projects and reductions of \$4,496,200 to amend eleven projects.

Recommendation:

Approve amendments to the 2023-2024 Annual Budget Ordinance, Grant Project Ordinances, and the Capital Project Ordinances

Approve the new Capital and Grant Project Ordinances

Coordination:

Amy Staton, Chief Financial Officer

Attachments:

1. 2023-2024 Annual Budget Ordinance Amendment
2. 2021 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program - Hominy Creek Greenway and Trail Network Plan Capital Project Ordinance
3. Dam Infrastructure Improvements Capital Project Ordinance
4. Digester Heat Exchange Capital Project Ordinance
5. Non-Profit Directed Grants Funds Grant Project Ordinance
6. Pickleball Complex Capital Project Ordinance
7. Stormwater Stadium Infrastructure Capital Project Ordinance
8. Wilson Downtown Utility Relocation and Replacement Capital Project Ordinance
9. Wilson Economic Development Council Employer Concierge Pilot Program Grant Project Ordinance
10. Wilson Smart Agriculture Facility – Rural Innovation Stronger Economy (RISE) Grant Program Capital Project Ordinance

11. 2022 Economic Development Initiative (EDI) Reid Street Park Improvements Capital Project Ordinance Amendment
12. 2023 Urgent Repair Program Grant Project Ordinance Amendment
13. Herring Avenue Capital Project Ordinance Amendment (close)
14. Main Street Grow with Google Grant Project Ordinance Amendment
15. Merck Sewer Outfall Line Repairs Capital Project Ordinance Amendment (close)
16. Miracle Field Capital Project Ordinance Amendment
17. North Carolina Department of Environmental Quality (NCDEQ) Elizabeth Street Regional Stormwater Control Measures (SCM) Capital Project Ordinance Amendment
18. Outdoor Sports and Recreation Facility Capital Project Ordinance Amendment
19. Rail Station Canopy Replacement Capital Project Ordinance Amendment
20. Rollingwood Storm Drain Relocation Capital Project Ordinance Amendment (close)
21. Sandy Creek Culvert Replacement Capital Project Ordinance Amendment (close)
22. Splash Pad Capital Project Ordinance Amendment
23. Wilson Mall Commercial Redevelopment Capital Project Ordinance Amendment

O-042-24

ORDINANCE OF THE CITY OF WILSON AMENDING ORDINANCE O-033-23 ENTITLED "BUDGET ORDINANCE FISCAL YEAR 2023-2024"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That Ordinance O-033-23 entitled "Budget Ordinance Fiscal Year 2023-2024" adopted June 15, 2023, and subsequently amended, is hereby amended for the fiscal year beginning July 1, 2023 and ending June 30, 2024 as follows:

APPROPRIATIONS

Section 1.10 General Fund

Administrative Services: Personnel Services, Operating, Capital and Debt Service	\$	472,420
Department of Financial Services: Personnel Services, Operating and Capital		9,760
Department of Human Resources: Personnel Services, Operating and Capital		44,280
Department of Police: Personnel Services, Operating and Capital		93,680
Department of Planning & Community Revitalization and Development Services: Personnel Services, Operating and Capital		619,850
Department of Parks and Recreation: Personnel Services, Operating and Capital		396,020
Department of Public Works: Personnel Services, Operating and Capital		370,310
Transfer to Mass Transit Fund		(285,930)
Transfer to Downtown Development Fund		385,000
Transfer to Pickleball Complex Capital Project Fund		203,210
TOTAL GENERAL FUND	\$	2,308,600

Section 1.15 Electric Fund

Division of Electric: Personnel Services, Operating, Capital and Debt Service	\$	223,330
TOTAL ELECTRIC FUND	\$	223,330

Section 1.20 Electric Rate Stabilization Fund

Transfer to Reserve	\$	80,000
Transfer to Electric Fund		3,000,000
TOTAL ELECTRIC RATE STABILIZATION FUND	\$	3,080,000

Section 1.25 Gas Fund

Division of Gas: Personnel Services, Operating, Capital and Debt Service	\$	31,910
TOTAL GAS FUND	\$	31,910

Section 1.30 Water Resources Fund

Division of Water Resources: Personnel Services, Operating, Capital and Debt Service	\$	(1,361,430)
Transfer to Dam Infrastructure Improvements Capital Project Fund		500,000
Transfer to Digester Heat Exchange Capital Project Fund		1,500,000
Transfer to Water Resources Capital Reserve Fund		989,210
TOTAL WATER RESOURCES FUND	\$	1,627,780

Section 1.40 Mass Transit Fund

Division of Mass Transit: Personnel Services, Operating and Capital	\$ 220,180
TOTAL MASS TRANSIT FUND	\$ 220,180

Section 1.55 Stormwater Management Fund

Division of Stormwater Management: Personnel Services, Operating Capital and Debt Service	\$ (437,000)
Transfer to Stormwater Stadium Infrastructure Capital Project Fund	1,238,210
Transfer to 2021 Rebuilding American Infrastructure With Sustainability and Equity (RAISE) Grant Program - Hominy Creek Greenway and Trail Network Plan Capital Project Fund	250,000
Transfer to Reserve	(93,000)
TOTAL STORMWATER MANAGEMENT FUND	\$ 958,210

Section 1.65 Cemetery Fund

Personnel Services, Operations and Capital	\$ 143,080
TOTAL CEMETERY FUND	\$ 143,080

Section 1.70 Downtown Development Fund

Administration and Programs	\$ 385,000
TOTAL DOWNTOWN DEVELOPMENT FUND	\$ 385,000

Section 1.75 Economic Development Revolving Loan Fund

Transfer to Reserve	\$ 300,990
TOTAL ECONOMIC DEVELOPMENT REVOLVING LOAN FUND	\$ 300,990

Section 1.85 Water Resources Capital Reserve Fund

Transfer to Reserve	\$ 1,055,490
TOTAL WATER RESOURCES CAPITAL RESERVE FUND	\$ 1,055,490

Section 1.95 Water Resources Revolving Loan Fund

Transfer to Reserve	\$ 8,760
TOTAL WATER RESOURCES REVOLVING LOAN FUND	\$ 8,760

REVENUES, FUND BALANCE AND OTHER SOURCES

Section 2.10 General Fund

Intergovernmental	\$ 211,010
Sales/Charges for Services	515,900
Other Revenues	293,650
Transfer from American Rescue Plan Act (ARPA) Grant Project Fund	506,660
Fund Balance Appropriated - Unassigned	781,380
TOTAL GENERAL FUND	\$ 2,308,600

Section 2.15 Electric Fund

Fund Balance Appropriated - Unassigned	\$ 223,330
TOTAL ELECTRIC FUND	\$ 223,330

Section 2.20 Electric Rate Stabilization Fund

Investment Income	\$ 80,000
Fund Balance Appropriated - Unassigned	3,000,000
TOTAL ELECTRIC RATE STABILIZATION FUND	\$ 3,080,000

Section 2.25 Gas Fund

Fund Balance Appropriated - Unassigned	\$ 31,910
TOTAL GAS FUND	\$ 31,910

Section 2.30 Water Resources Fund

Intergovernmental	\$ 400,000
Fund Balance Appropriated - Unassigned	1,227,780
TOTAL WATER RESOURCES FUND	\$ 1,627,780

Section 2.40 Mass Transit Fund

Intergovernmental	\$ 746,200
Transfer from General Fund	(285,930)
Fund Balance Appropriated - Unassigned	(240,090)
TOTAL MASS TRANSIT FUND	\$ 220,180

Section 2.55 Stormwater Management Fund

Intergovernmental	\$ 400,000
Fund Balance Appropriated - Unassigned	558,210
TOTAL STORMWATER MANAGEMENT FUND	\$ 958,210

Section 2.65 Cemetery Fund

Sales/Charges for Services	\$ 125,080
Fund Balance Appropriated - Unassigned	18,000
TOTAL CEMETERY FUND	\$ 143,080

Section 2.70 Downtown Development Fund

Transfer from General Fund	\$ 385,000
TOTAL DOWNTOWN DEVELOPMENT FUND	\$ 385,000

Section 2.75 Economic Development Revolving Loan Fund

Sales/Charges for Services	\$ 250,000
Investment Income	50,990
TOTAL ECONOMIC DEVELOPMENT REVOLVING LOAN FUND	\$ 300,990

Section 2.85 Water Resources Capital Reserve Fund

Investment Income	\$ 66,280
Transfer from Water Resources Fund	989,210
TOTAL WATER RESOURCES CAPITAL RESERVE FUND	\$ 1,055,490

Section 2.95 Water Resources Revolving Loan Fund

Investment Income	\$ 8,760
TOTAL WATER RESOURCES REVOLVING LOAN FUND	\$ 8,760

DULY ADOPTED this 20th of June, 2024.

ATTEST:

Tonya A. West, City Clerk

Carlton L. Stevens, Mayor

O-043-24

**2021 REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY
(RAISE) GRANT PROGRAM - HOMINY CREEK GREENWAY AND TRAIL
NETWORK PLAN CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the 2021 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program - Hominy Creek Greenway and Trail Network Plan capital project described in the work statement contained in the funding agreement between the City of Wilson and the U.S. Department of Transportation.

Section 2. The officers of the City of Wilson are hereby directed to proceed with the project within the terms of the grant document, the rules and regulations of the U.S. Department of Transportation and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Engineering	\$ 1,200,000
	<u>\$ 1,200,000</u>

Section 4. The following revenues are anticipated to be available to complete this project:

RAISE Grant	\$ 950,000
Transfer from Stormwater Management Fund	250,000
	<u>\$ 1,200,000</u>

DULY ADOPTED this 20th day of June, 2024.

ATTEST:

Carlton L. Stevens, Mayor

Tonya A. West, City Clerk

O-044-24

DAM INFRASTRUCTURE IMPROVEMENTS CAPITAL PROJECT ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That pursuant to Section 13 2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is to repair and complete dam infrastructure improvements.

Section 2. The officers of the City of Wilson are hereby directed to proceed with the project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Construction	\$ 500,000
	<u>\$ 500,000</u>

Section 4. The following revenues are anticipated to be available to complete this project:

Transfer from Water Resources Fund	\$ 500,000
	<u>\$ 500,000</u>

DULY ADOPTED this 20th day of June, 2024.

Carlton L. Stevens, Mayor

ATTEST:

Tonya A. West, City Clerk

O-045-24

DIGESTER HEAT EXCHANGE CAPITAL PROJECT ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is to replace the heat exchangers at the digesters

Section 2. The officers of the City of Wilson are hereby directed to proceed with the project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Engineering	\$	170,000
General Equipment		1,330,000
		<u>\$ 1,500,000</u>

Section 4. The following revenues are anticipated to be available to complete this project:

Transfer from Water Resources Fund	\$	1,500,000
		<u>\$ 1,500,000</u>

DULY ADOPTED this 20th day of June, 2024.

Carlton L. Stevens, Mayor

ATTEST:

Tonya A. West, City Clerk

O-046-24

NON-PROFIT DIRECTED GRANTS FUNDS
GRANT PROJECT ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is the Non-profit Directed Grants Funds grant project described in the funding and written agreement for subrecipients between the City of Wilson and the North Carolina Office of State Budget and Management.

Section 2. The officers of the City of Wilson are hereby directed to proceed with the project within the terms of the grant document, the rules and regulations of the North Carolina Office of State Budget and Management and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Project Incentives	\$ 1,260,000
	<u>\$ 1,260,000</u>

Section 4. The following revenues are anticipated to be available to complete this project:

Grant Proceeds	\$ 1,260,000
	<u>\$ 1,260,000</u>

DULY ADOPTED this 20th day of June, 2024.

ATTEST:

Carlton L. Stevens, Mayor

Tonya A. West, City Clerk

O-047-24

PICKLEBALL COMPLEX CAPITAL PROJECT ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

- Section 1. The project authorized is for purchases and installations of a shelter and play surfaces for the Pickleball Complex at J. Burt Gillette Community Park.
- Section 2. The officers of the City of Wilson are hereby directed to proceed with the project within the terms of the budget contained herein.
- Section 3. The following amounts are appropriated for the project:

Buildings & Structures	\$	75,000
General Equipment		128,210
		<u>\$ 203,210</u>

- Section 4. The following revenues are anticipated to be available to complete this project:

Transfer from General Fund	\$	203,210
		<u>\$ 203,210</u>

DULY ADOPTED this 20th day of June, 2024.

Carlton L. Stevens, Mayor

ATTEST:

Tonya A. West, City Clerk

O-048-24

STORMWATER STADIUM INFRASTRUCTURE CAPITAL PROJECT ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is for the stormwater infrastructure portion of the outdoor sports and recreation facility.

Section 2. The officers of the City of Wilson are hereby directed to proceed with the project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Construction	\$ 1,238,210
	<u>\$ 1,238,210</u>

Section 4. The following revenues are anticipated to be available to complete this project:

Transfer from Stormwater Management Fund	\$ 1,238,210
	<u>\$ 1,238,210</u>

DULY ADOPTED this 20th day of June, 2024.

Carlton L. Stevens, Mayor

ATTEST:

Tonya A. West, City Clerk

O-049-24

**WILSON DOWNTOWN UTILITY RELOCATION AND REPLACEMENT
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is for the replacement, relocation, and size increase of utilities to support future economic development initiatives located in downtown Wilson.

Section 2. The officers of the City of Wilson are hereby directed to proceed with the project within the terms of the grant document, the rules and regulations of the North Carolina Department of Environmental Quality (NCDEQ) and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Construction	\$ 2,145,960
Contingency	214,600
	<u>\$ 2,360,560</u>

Section 4. The following revenues are anticipated to be available to complete this project:

Grant Proceeds	\$ 2,360,560
	<u>\$ 2,360,560</u>

DULY ADOPTED this 20th day of June, 2024.

Carlton L. Stevens, Mayor

ATTEST:

Tonya A. West, City Clerk

O-050-24

**WILSON ECONOMIC DEVELOPMENT COUNCIL EMPLOYER CONCIERGE
PILOT PROGRAM GRANT PROJECT ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is the Wilson Economic Development Council Employer Concierge Pilot Program grant project described in the funding and written agreement for subrecipients between the City of Wilson and the North Carolina Office of State Budget and Management.

Section 2. The officers of the City of Wilson are hereby directed to proceed with the project within the terms of the grant document, the rules and regulations of the North Carolina Office of State Budget and Management and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Project Incentives	\$	300,000
	<u>\$</u>	<u>300,000</u>

Section 4. The following revenues are anticipated to be available to complete this project:

Grant Proceeds	\$	300,000
	<u>\$</u>	<u>300,000</u>

DULY ADOPTED this 20th day of June, 2024.

ATTEST:

Carlton L. Stevens, Mayor

Tonya A. West, City Clerk

O-051-24

WILSON SMART AGRICULTURE FACILITY - RURAL INNOVATION STRONGER ECONOMY (RISE) GRANT PROGRAM CAPITAL PROJECT ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the Wilson Smart Agriculture Facility - Rural Innovation Stronger Economy (RISE) Grant Program capital project described in the funding and written agreement for subrecipients between the City of Wilson and the United States Department of Agriculture.

Section 2. The officers of the City of Wilson are hereby directed to proceed with the project within the terms of the grant document, the rules and regulations of the United States Department of Agriculture and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Buildings & Structures	\$	87,550
Land Improvements		195,000
Administration Redistribution		99,750
Professional Services		525,030
Miscellaneous		140,140
Contingency		68,750
	\$	<u>1,116,220</u>

Section 4. The following revenues are anticipated to be available to complete this project:

Grant Proceeds	\$	749,470
Contributions		226,000
Transfer from Broadband Fund		140,750
	\$	<u>1,116,220</u>

DULY ADOPTED this 20th day of June, 2024.

ATTEST:

Carlton L. Stevens, Mayor

Tonya A. West, City Clerk

O-052-24

2022 ECONOMIC DEVELOPMENT INITIATIVE (EDI) REID STREET PARK
IMPROVEMENTS CAPITAL PROJECT ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That Ordinance O-042-23 entitled, "2022 Economic Development Initiative (EDI) Reid Street Park Improvements Capital Project Ordinance", adopted June 15, 2023, is hereby amended as follows:

	Current Project Ordinance As Adopted	Increase/ (Decrease)	Project Ordinance As Amended
<u>Section 3. Appropriations</u>			
Engineering	\$ 167,630	\$ 14,400	\$ 182,030
Administrative Costs	75,000		75,000
Land Improvements	60,000		60,000
Construction	1,086,650	(16,900)	1,069,750
Buildings and Structures		16,900	16,900
Contingency	158,350	(14,400)	143,950
	<u>\$ 1,547,630</u>	<u>\$</u>	<u>\$ 1,547,630</u>
<u>Section 4. Revenues</u>			
Transfer from General Fund	\$ 47,630	\$	\$ 47,630
Economic Development Initiative (EDI) Grant	1,500,000		1,500,000
	<u>\$ 1,547,630</u>	<u>\$</u>	<u>\$ 1,547,630</u>

DULY ADOPTED this 20th day of June, 2024.

ATTEST:

Carlton L. Stevens, Mayor

Tonya A. West, City Clerk

O-053-24

2023 URGENT REPAIR PROGRAM
GRANT PROJECT ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That Ordinance O-023-24 entitled, "2023 Urgent Repair Program Grant Project Ordinance", adopted April 18, 2024, is hereby amended as follows:

	Current Project Ordinance As Adopted	Increase/ (Decrease)	Project Ordinance As Amended
<u>Section 3. Appropriations</u>			
Rehabilitation	\$ 142,000	\$ (4,000)	\$ 138,000
Administrative Costs		12,000	12,000
	<u>\$ 142,000</u>	<u>\$ 8,000</u>	<u>\$ 150,000</u>
<u>Section 4. Revenues</u>			
2023 Urgent Repair Program Grant	\$ 132,000	\$	\$ 132,000
Transfer from General Fund	10,000		10,000
Contributions		8,000	8,000
	<u>\$ 142,000</u>	<u>\$ 8,000</u>	<u>\$ 150,000</u>

DULY ADOPTED this 20th day of June, 2024.

ATTEST:

Carlton L. Stevens, Mayor

Tonya A. West, City Clerk

O-054-24

HERRING AVENUE CAPITAL PROJECT ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That Ordinance O-036-23 entitled, "Herring Avenue Capital Project Ordinance", adopted June 15, 2023, is hereby amended as follows:

	Current Project Ordinance As Adopted	Increase/ (Decrease)	Project Ordinance As Amended
<u>Section 3. Appropriations</u>			
Engineering	\$ 128,000	\$ (128,000)	\$
Construction	2,182,000	(2,182,000)	
Transfer to Water Resources Fund		1,033,080	1,033,080
	<u>\$ 2,310,000</u>	<u>\$ (1,276,920)</u>	<u>\$ 1,033,080</u>
<u>Section 4. Revenues</u>			
Transfer from Water Resources Fund	\$ 1,033,080	\$	\$ 1,033,080
Grant Proceeds	1,276,920	(1,276,920)	
	<u>\$ 2,310,000</u>	<u>\$ (1,276,920)</u>	<u>\$ 1,033,080</u>

Section 5. This amendment hereby closes this project.

DULY ADOPTED this 20th day of June, 2024.

ATTEST:

Carlton L. Stevens, Mayor

Tonya A. West, City Clerk

O-055-24

MAIN STREET GROW WITH GOOGLE
GRANT PROJECT ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That Ordinance O-007-23 entitled, "Main Street Grow With Google Grant Project Ordinance", adopted March 16, 2023, is hereby amended as follows:

	Current Project Ordinance As Adopted	Increase/ (Decrease)	Project Ordinance As Amended
<u>Section 3. Appropriations</u>			
Professional Services	\$ 55,000	\$ 21,170	\$ 76,170
Business Incentives	40,000	130	40,130
Miscellaneous	25,000	(21,300)	3,700
	<u>\$ 120,000</u>	<u>\$</u>	<u>\$ 120,000</u>
<u>Section 4. Revenues</u>			
Main Street Grow With Google Grant	\$ 120,000	\$	\$ 120,000
	<u>\$ 120,000</u>	<u>\$</u>	<u>\$ 120,000</u>

DULY ADOPTED this 20th day of June, 2024.

ATTEST:

Carlton L. Stevens, Mayor

Tonya A. West, City Clerk

O-056-24

MERCK SEWER OUTFALL LINE REPAIRS
CAPITAL PROJECT ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That Ordinance O-033-21 entitled, "Merck Sewer Outfall Line Repairs Capital Project Ordinance", adopted June 17, 2021, and subsequently amended, is hereby amended as follows:

	Current Project Ordinance As Adopted	Increase/ (Decrease)	Project Ordinance As Amended
<u>Section 3. Appropriations</u>			
Engineering	\$ 250,000	\$ (31,550)	\$ 218,450
Construction	900,000	(282,790)	617,210
Transfer to Water Resources Fund		319,640	319,640
	<u>\$ 1,150,000</u>	<u>\$ 5,300</u>	<u>\$ 1,155,300</u>
<u>Section 4. Revenues</u>			
Transfer from Water Resources Fund	\$ 1,150,000	\$	\$ 1,150,000
Investment Income		5,300	5,300
	<u>\$ 1,150,000</u>	<u>\$ 5,300</u>	<u>\$ 1,155,300</u>

Section 5. This amendment hereby closes this project.

DULY ADOPTED this 20th day of June, 2024.

ATTEST:

Carlton L. Stevens, Mayor

Tonya A. West, City Clerk

O-057-24

MIRACLE FIELD
CAPITAL PROJECT ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That Ordinance O-026-20 entitled, "Miracle Field Capital Project Ordinance", adopted June 18, 2020, and subsequently amended, is hereby amended as follows:

	<u>Current Project Ordinance As Adopted</u>	<u>Increase/ (Decrease)</u>	<u>Project Ordinance As Amended</u>
<u>Section 3. Appropriations</u>			
Construction	\$ 1,232,700	\$ (10,830)	\$ 1,221,870
Engineering	65,200	10,830	76,030
Transfer to General Fund	274,090		274,090
	<u>\$ 1,571,990</u>	<u>\$</u>	<u>\$ 1,571,990</u>
<u>Section 4. Revenues</u>			
Contributions	\$ 800,000	\$	\$ 800,000
Transfer from General Fund	770,170		770,170
Investment Income	1,820		1,820
	<u>\$ 1,571,990</u>	<u>\$</u>	<u>\$ 1,571,990</u>

DULY ADOPTED this 20th day of June, 2024.

ATTEST:

Carlton L. Stevens, Mayor

Tonya A. West, City Clerk

O-058-24

NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY (NCDEQ)
ELIZABETH STREET REGIONAL STORMWATER CONTROL MEASURES
(SCM) CAPITAL PROJECT ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA

That Ordinance O-045-23 entitled, "North Carolina Department of Environmental Quality (NCDEQ) Elizabeth Street Regional Stormwater Control Measures (SCM) Capital Project Ordinance", adopted June 15, 2023, is hereby amended as follows:

	Current Project Ordinance As Adopted	Increase/ (Decrease)	Project Ordinance As Amended
<u>Section 3. Appropriations</u>			
Engineering	\$ 693,980	\$ 100,020	\$ 794,000
Administrative Costs	100,000		100,000
Construction	2,259,750	(100,020)	2,159,730
Contingency	225,980		225,980
	<u>\$ 3,279,710</u>	<u>\$</u>	<u>\$ 3,279,710</u>
<u>Section 4. Revenues</u>			
Local Assistance for Stormwater Infrastructure Investments (LASII) Grant	\$ 3,279,710	\$	\$ 3,279,710
	<u>\$ 3,279,710</u>	<u>\$</u>	<u>\$ 3,279,710</u>

DULY ADOPTED this 20th day of June, 2024.

ATTEST:

Tonya A. West, City Clerk

Carlton L. Stevens, Mayor

O-059-24

OUTDOOR SPORTS AND RECREATION FACILITY
CAPITAL PROJECT ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That Ordinance O-046-23 entitled, "Outdoor Sports and Recreation Facility Capital Project Ordinance", adopted June 15, 2023, and subsequently amended, is hereby amended as follows:

	Current Project Ordinance As Adopted	Increase/ (Decrease)	Project Ordinance As Amended
<u>Section 3. Appropriations</u>			
Architect Fees	\$ 3,528,340	\$	\$ 3,528,340
Admin/Closing Costs	879,850		879,850
Professional Fees	615,000	260	615,260
Land Acquisition	4,975,000	(260)	4,974,740
Building & Structures	55,492,350		55,492,350
Furniture & Equipment	4,626,090		4,626,090
Infrastructure	7,501,420	(3,500,000)	4,001,420
	<u>\$ 77,618,050</u>	<u>\$ (3,500,000)</u>	<u>\$ 74,118,050</u>
<u>Section 4. Revenues</u>			
Transfer from General Fund	\$ 615,000	\$	\$ 615,000
Transfer from Water Resources Fund	3,500,000	(3,500,000)	
Wilson County Contribution	3,500,000		3,500,000
Debt Proceeds	70,003,050		70,003,050
	<u>\$ 77,618,050</u>	<u>\$ (3,500,000)</u>	<u>\$ 74,118,050</u>

DULY ADOPTED this 20th day of June, 2024.

ATTEST:

Carlton L. Stevens, Mayor

Tonya A. West, City Clerk

O-060-24

RAIL STATION CANOPY REPLACEMENT CAPITAL PROJECT
ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That Ordinance O-096-06 entitled, "Rail Station Canopy Replacement Capital Project Ordinance", adopted June 15, 2006, and subsequently amended, is hereby amended as follows:

	Current Project Ordinance As Adopted	Increase/ (Decrease)	Project Ordinance As Amended
<u>Section 3. Appropriations</u>			
Engineering	\$ 40,000	\$	\$ 40,000
Construction	448,450	275,420	723,870
	<u>\$ 488,450</u>	<u>\$ 275,420</u>	<u>\$ 763,870</u>
<u>Section 4. Revenues</u>			
Transfer from General Fund	\$ 147,500	\$	\$ 147,500
Investment Income	7,470	5,420	12,890
NCDOT - State Funds	333,480	135,000	468,480
Contributions		135,000	135,000
	<u>\$ 488,450</u>	<u>\$ 275,420</u>	<u>\$ 763,870</u>

DULY ADOPTED this 20th day of June, 2024.

ATTEST:

Tonya A. West, City Clerk

Carlton L. Stevens, Mayor

O-061-24

ROLLINGWOOD STORM DRAIN RELOCATION
CAPITAL PROJECT ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That Ordinance O-015-22 entitled, "Rollingwood Storm Drain Relocation Capital Project Ordinance", adopted April 21, 2022, is hereby amended as follows:

	Current Project Ordinance As Adopted	Increase/ (Decrease)	Project Ordinance As Amended
<u>Section 3. Appropriations</u>			
Engineering	\$ 15,000	\$ (15,000)	\$
Construction	300,000	(94,050)	205,950
Transfer to Stormwater Management Fund		109,050	109,050
	<u>\$ 315,000</u>	<u>\$</u>	<u>\$ 315,000</u>
<u>Section 4. Revenues</u>			
Transfer from Stormwater Management Fund	\$ 315,000	\$	\$ 315,000
	<u>\$ 315,000</u>	<u>\$</u>	<u>\$ 315,000</u>

Section 5. This amendment hereby closes this project.

DULY ADOPTED this 20th day of June, 2024.

ATTEST:

Tonya A. West, City Clerk

Carlton L. Stevens, Mayor

O-062-24

SANDY CREEK CULVERT REPLACEMENT
CAPITAL PROJECT ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA

That Ordinance O-016-22 entitled, "Sandy Creek Culvert Replacement Capital Project Ordinance", adopted April 21, 2022, is hereby amended as follows:

	Current Project Ordinance As Adopted	Increase/ (Decrease)	Project Ordinance As Amended
<u>Section 3. Appropriations</u>			
Engineering	\$ 25,000	\$ (8,390)	\$ 16,610
Construction	375,000	(10,862)	364,138
Transfer to Stormwater Management Fund		19,252	19,252
	<u>\$ 400,000</u>	<u>\$</u>	<u>\$ 400,000</u>
<u>Section 4. Revenues</u>			
Transfer from Stormwater Management Fund	\$ 400,000	\$	\$ 400,000
	<u>\$ 400,000</u>	<u>\$</u>	<u>\$ 400,000</u>

Section 5. This amendment hereby closes this project.

DULY ADOPTED this 20th day of June, 2024.

ATTEST:

Carlton L. Stevens, Mayor

Tonya A. West, City Clerk

O-063-24

SPLASH PAD CAPITAL PROJECT ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That Ordinance O-024-24 entitled, "Splash Pad Capital Project Ordinance", adopted April 18, 2024, is hereby amended as follows:

	Current Project Ordinance As Adopted	Increase/ (Decrease)	Project Ordinance As Amended
<u>Section 3. Appropriations</u>			
Engineering	\$ 55,270	\$	\$ 55,270
Land Improvements	124,040		124,040
General Equipment	35,000	412,110	447,110
Construction	455,000	(379,990)	75,010
Contingency	42,800	(32,120)	10,680
	<u>\$ 712,110</u>	<u>\$</u>	<u>\$ 712,110</u>
<u>Section 4. Revenues</u>			
Transfer from General Fund	\$ 300,000	\$	\$ 300,000
Grant Proceeds	412,110		412,110
	<u>\$ 712,110</u>	<u>\$</u>	<u>\$ 712,110</u>

DULY ADOPTED this 20th day of June, 2024.

ATTEST:

Carlton L. Stevens, Mayor

Tonya A. West, City Clerk

O-064-24

WILSON MALL COMMERCIAL REDEVELOPMENT
CAPITAL PROJECT ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That Ordinance O-047-23 entitled, "Wilson Mall Commercial Redevelopment Capital Project Ordinance", adopted June 15, 2023, is hereby amended as follows:

	Current Project Ordinance As Adopted	Increase/ (Decrease)	Project Ordinance As Amended
<u>Section 3. Appropriations</u>			
Acquisition	\$ 3,000,000	\$ 50,000	\$ 3,050,000
Demolition	1,000,000		1,000,000
Administrative Costs	150,000	(50,000)	100,000
	<u>\$ 4,150,000</u>	<u>\$</u>	<u>\$ 4,150,000</u>
<u>Section 4. Revenues</u>			
Transfer from General Fund	\$ 4,150,000	\$	\$ 4,150,000
	<u>\$ 4,150,000</u>	<u>\$</u>	<u>\$ 4,150,000</u>

DULY ADOPTED this 20th day of June, 2024.

ATTEST:

Carlton L. Stevens, Mayor

Tonya A. West, City Clerk



City Council Agenda Item Cover Sheet

To: Honorable Mayor, Members of City Council and City Manager

From: William T. Bass, IV, PE – Director of Public Works

Subject: Grant Funding Resolution for Elizabeth Street Regional SCM Projects

Issue:

Requesting approval to accept is \$3,279,705 from the Local Assistance for Stormwater Infrastructure Investments (LASII) Grant in association with American Rescue Plan Act (ARPA).The funding will be used to design Elizabeth Street Regional Stormwater Control Measures.

Background / Summary:

The project was approved for Engineering Design in August 17th, 2023 by city council. NCDEQ has requested approval of this resolution for City of Wilson to start requesting for reimbursement of funds.

Fiscal or Other Impact:

The project is fully funded through a reimbursable grant.

Recommendation:

Public Works recommends Approval.

Coordination:

Public Works Department

Attachments:

Resolution to Accept Funding

R-021-24

Resolution of the City Council of the City of Wilson, North Carolina

WHEREAS, the City of Wilson has received an earmark for the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund established in S.L. 2022-74 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$3,279,705 to perform work detailed in the submitted application, and

WHEREAS, the City of Wilson intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WILSON, NORTH CAROLINA:

That City of Wilson does hereby accept the American Rescue Plan Grant offer of \$3,279,705.

That the City of Wilson does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That William T. Bass, Director of Public Works, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

DULY ADOPTED this 20th day of June 2024, in Wilson, North Carolina by:

CITY OF WILSON:

Carlton L. Stevens, Mayor

ATTEST:

Tonya A. West, City Clerk