

# *Johnston County*

## DEPARTMENT OF PUBLIC UTILITIES

POST OFFICE BOX 2263  
SMITHFIELD, N.C. 27577  
(919) 989-5075

### MEMORANDUM

TO: Ashley Rodgers

FROM: Carlos S. Bagley, PE  
Johnston County Public Utilities

DATE: August 1, 2014

RE: **Town of Wilson's Mills and Town of Benson  
Requests for Enforcement of Erosion and Sediment Control Ordinance**

Johnston County's Erosion and Sediment Control Ordinance became effective on December 1, 2013. Several towns within the County have expressed interest in the County enforcing the ordinance within their jurisdictions to replace the current State enforcement.

The Town of Wilson's Mills passed a "Joint Resolution for Erosion and Sediment Control Enforcement" on June 2, 2014 at the Town Council meeting requesting Johnston County enforce the ordinance within their planning jurisdiction. In addition, the Town of Benson passed a similar resolution on April 7, 2014.

Johnston County has approved both resolutions and respectfully requests the Sediment and Erosion Control Commission to consider the two joint resolutions.

Please contact me if you have any questions.

cc: Chandra C. Coats, PE

**JOINT RESOLUTION OF  
THE TOWN OF WILSON'S MILLS AND  
JOHNSTON COUNTY  
REGARDING EROSION AND SEDIMENT CONTROL ENFORCEMENT**

**WHEREAS**, the Town of Wilson's Mills has requested that Johnston County exercise and enforce Chapter 14, Article XII, Erosion and Sediment Control, County of Johnston, North Carolina Code of Ordinances within the corporate limits and extraterritorial jurisdiction of the Town of Wilson's Mills; and

**WHEREAS**, Johnston County does hereby agree to this request; and

**WHEREAS**, pursuant to the execution of this agreement, both the Town of Wilson's Mills and Johnston County understand this request must be heard by the North Carolina Sediment Control Commission for their endorsement prior to enforcement action of the Erosion Control Ordinance by the County in said jurisdiction; and

**WHEREAS**, by General Statute, the North Carolina Sediment Control Commission is the controlling authority for approval of such requests as the final action in the condoning process in the matter specific to Chapter 14, Article XII, Erosion and Sediment Control.

**NOW, THEREFORE**, it is hereby resolved by Joint Resolution of the Town Council of the Town of Wilson's Mills and the Board of Commissioners of Johnston County, acting in separate regular sessions of each respective body, as follows:

1. The Town of Wilson's Mills relinquishes its jurisdiction within its corporate limits and extraterritorial zoning jurisdiction with regard to local enforcement of the erosion and sediment program pursuant to GS 113A-60, and hereby by agreement and resolution, grants to Johnston County jurisdiction within said areas for the purpose of administering a joint program pursuant to such statute as provided in Chapter 16, Article XII, Erosion and Sediment Control, County of Johnston, North Carolina Code of Ordinances.
2. Johnston County Board of Commissioners does agree to exercise jurisdiction to enforce the ordinance identified herein, within the corporate limits and extraterritorial zoning jurisdiction, pursuant to the authority set forth herein.
3. The initial terms of this Agreement shall be for a period of one (1) year, commencing on the 1<sup>st</sup> day of April, 2014, and terminating on the 1<sup>st</sup> day of April, 2015. Either party may terminate the Agreement at the end of the initial term. Thereafter, this Agreement shall automatically renew for a successive one year term at the end of each term unless notice is given by either part at least four (4) months prior to the end of the current one year term that the party wishes to terminate the Agreement at the end of the current term. This Agreement may be terminated at any time upon mutual agreement of both parties.
4. Should any claims arise out of services provided by Johnston County under this agreement, the Town of Wilson's Mills agrees to indemnify and hold Johnston County, its employees, agents, and contractors harmless from any and all claims for liability, loss, injury, damages to

persons or property, cost or attorney's fees resulting from any action brought against Johnston County, its employees, agents, contractors and Commissioners arising as a result of these services performed on behalf to the Town of Wilson's Mills that are the subject matter of this Agreement, except where such claims result from actionable acts of negligence by Johnston County.

**ADOPTED** by the Town Council of the Town of Wilson's Mills, North Carolina, meeting in regular session on the 21<sup>st</sup> day of April, 2014, and by the Board of Commissioners of Johnston County meeting in regular session on the 2 day of June, 2014.

**TOWN OF WILSON'S MILLS**




  
\_\_\_\_\_  
PHILLIP R. WRIGHT  
Mayor

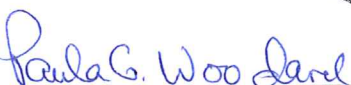
  
\_\_\_\_\_  
Leighanna T. Worley, CMC, Town Clerk

**JOHNSTON COUNTY**



  
\_\_\_\_\_  
JEFFREY P. CARVER  
Chairman of the Board of Commissioners

Attest:

  
\_\_\_\_\_  
Paula G. Woodard, Clerk to the Board of Commissioners

**RESOLUTION 141-2014**  
**JOINT RESOLUTION OF**  
**THE TOWN OF BENSON AND JOHNSTON COUNTY**

WHEREAS, the Town of Benson has requested that Johnston County exercise and enforce Chapter 14, Article XII, Erosion and Sediment Control, County of Johnston, North Carolina Code of Ordinances within the corporate limits and extraterritorial jurisdiction of the Town of Benson; and

WHEREAS, Johnston County does hereby agree to this request; and

WHEREAS, pursuant to the execution of this agreement, both the Town of Benson and Johnston County understand this request must be heard by the North Carolina Sediment Control Commission for their endorsement prior to enforcement action of the Erosion Control Ordinance by the County in said jurisdiction; and

WHEREAS, by General Statute, the North Carolina Sediment Control Commission is the controlling authority for approval of such requests as the final action in the condoning process in the matter specific to Chapter 14, Article XII, Erosion and Sediment Control.

NOW, THEREFORE, it is hereby resolved by Joint Resolution of the Board of Commissioners of the Town of Benson and the Board of Commissioners of Johnston County, acting in separate regular sessions of each respective body, as follows:

1. The Town of Benson relinquishes its jurisdiction within its corporate limits and extraterritorial zoning jurisdiction with regard to local enforcement of the erosion and sediment program pursuant to GS 113A-60, and hereby by agreement and resolution, grants to Johnston County jurisdiction within said areas for the purpose of administering a joint program pursuant to such statute as provided in Chapter ~~16,14~~ Article XII, Erosion and Sediment Control, County of Johnston, North Carolina Code of Ordinances.
2. Johnston County Board of Commissioners does agree to exercise jurisdiction to enforce the ordinance identified herein, within the

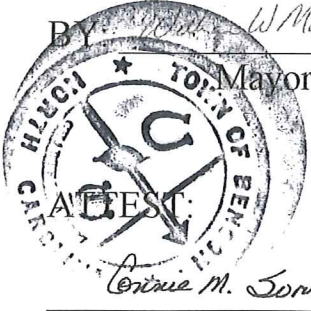


corporate limits and extraterritorial zoning jurisdiction, pursuant to the authority set forth herein.

3. The initial terms of this Agreement shall be for a period of one (1) year, commencing on the 1<sup>st</sup> day of April, 2014, and terminating on the 1<sup>st</sup> day of April, 2015. Either party may terminate the Agreement at the end of the initial term. Thereafter, this Agreement shall automatically renew for a successive one year term at the end of each term unless notice is given by either part at least four (4) months prior to the end of the current one year term that the party wishes to terminate the Agreement at the end of the current term. This Agreement may be terminated at any time upon mutual agreement of both parties.
  
4. Should any claims arise out of services provided by Johnston County under this agreement, the Town of Benson agrees to indemnify and hold Johnston County, its employees, agents, and contractors harmless from any and all claims for liability, loss, injury, damages to persons or property, cost or attorney's fees resulting from any action brought against Johnston County, its employees, agents, contractors and Commissioners arising as a result of these services performed on behalf to the Town of Benson that are the subject matter of this Agreement, except where such claims result from actionable acts of negligence by Johnston County.

ADOPTED by the Board of Commissioners of the Town of Benson, North Carolina, meeting in regular session on the 11 day of March, 2014, and by the Board of Commissioners of Johnston County meeting in regular session on the 7 day of April, 2014.

TOWN OF BENSON

BY: W. M. Mason Jr.  
Mayor  
  
Cynthia M. Sorell  
Town Clerk

JOHNSTON COUNTY

BY: Jeffrey P. Carr  
Chairman, Board of Commissioners

ATTEST:

Paula C. Woodard  
Clerk to Board of Commissioners

