

**TOWN OF WEDDINGTON**  
**REGULAR TOWN COUNCIL MEETING**  
**MONDAY DECEMBER 14, 2020 – 7:00 P.M.**  
**WEDDINGTON TOWN HALL**  
**1924 WEDDINGTON ROAD WEDDINGTON, NC 28104**  
**AGENDA**

DUE TO THE CURRENT STATES OF EMERGENCY RELATED TO COVID-19, THE MEETING WILL BE CONDUCTED VIRTUALLY AND LIVE STREAMED ON SOCIAL MEDIA. General Public Comments under agenda item 6 may be submitted in writing by December 14, 2020 by 4:00 PM. Comments regarding Public Hearing under agenda item 11A. will be accepted via email until 8:00 p.m. Tuesday December 15, 2020. Please send all comments to [kdewey@townofweddington.com](mailto:kdewey@townofweddington.com).

Prayer – Pastor Jeff Gardner, Threshold Church

1. Open the Meeting
2. Pledge of Allegiance
3. Determination of Quorum
4. Additions, Deletions and/or Adoption of the Agenda
5. Mayor/Councilmember Reports
6. Public Comments
7. Presentations to Council
  - A. Vann Harrell, Union County Tax Administrator – Countywide Reappraisal
  - B. Bjorn Hansen, Union County Senior Planner – Union County 2050 Comprehensive Plan Update
8. Public Safety Report
9. Consent Agenda
  - A. Call for a Public Hearing to be held on Monday, January 11, 2020 at 7:00 p.m. at Weddington Town Hall for consideration of a text amendment to Section 46-79 Connection to Public Water Lines
  - B. Approve 2021 Town Council Regular Meeting and Holiday Schedule
10. Approval of Minutes
  - A. November 9, 2020 Town Council Regular Meeting Minutes
  - B. November 13, 2020 Town Council Special Meeting Minutes
11. Public Hearing
  - A. Discussion and Consideration of Approval of Annexation Agreement Ordinance Renewal with Village of Marvin
12. Old Business
13. New Business
  - A. Discussion and Consideration of Cardinal Row Preliminary Plat
  - B. Update of UDO Draft - Section 8
14. Update from Town Planner
15. Code Enforcement Report
16. Update from Finance Officer and Tax Collector
17. Transportation Report
18. Council Comments
19. Adjournment



**Union County Sheriff's Office**  
**Events By Nature**

Date of Report

12/1/2020

9:07:17AM

For the Month of: November 2020

<u>Event Type</u>	<u>Total</u>
911 HANG UP	95
ABANDONED VEHICLE	1
ACCIDENT EMD	7
ACCIDENT HITRUN PD LAW	1
ACCIDENT PD ONLY	18
ALARMS LAW	34
ANIMAL BITE FOLLOW UP	6
ANIMAL BITE REPORT LAW	1
ANIMAL COMP SERVICE CALL LAW	16
ASSAULT	1
ASSIST EMS OR FIRE	3
ATTEMPT TO LOCATE	2
BOLO	1
BURGLARY VEHICLE	3
BUSINESS CHECK	34
CARDIAC RESPIRATORY ARREST EMD	5
CARELESS AND RECKLESS	15
DISTURBANCE OR NUISANCE	10
DOMESTIC DISTURBANCE	2
FOLLOW UP INVESTIGATION	4
FOOT PATROL	4
FRAUD DECEPTION FORGERY	9
HARASSMENT STALKING THREATS	3
ILLEGAL DUMPING LITTERING	2
INTOXICATED DRIVER	3
INVESTIGATION	4
JURISDICTION CONFIRMATION LAW	2
LARCENY THEFT	3

<u>Event Type</u>	<u>Total</u>
LOST OR FOUND PROPERTY	1
MASK VIOLATION	1
MOTORIST ASSIST	7
NOISE COMPLAINT	3
POISONING EMD	1
PREVENTATIVE PATROL	927
PROP DAMAGE VANDALISM MISCHIEF	5
RADAR PATROL INCLUDING TRAINIG	6
REFERAL OR INFORMATION CALL	11
REPOSESSION OF PROPERTY	1
RESIDENTIAL CHECK	6
SERVE CIVIL PAPER	7
SERVE WARRANT	1
SHOTS FIRED	1
SUICIDE THREAT	1
SUSPICIOUS CIRCUMSTANCES	3
SUSPICIOUS PERSON	3
SUSPICIOUS VEHICLE	8
TRAFFIC DIRECT CONTROL	3
TRAFFIC HAZARD	4
TRAFFIC STOP	75
TRESPASSING	4
WELL BEING CHECK	5

***Total Calls for Month:***

***1,373***

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# TOWN OF WEDDINGTON

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## MEMORANDUM

**TO:** Mayor and Town Council

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

**DATE:** December 14, 2020

**SUBJECT:** Text Amendment to Section 46-79 – Connection to public water lines

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The fire department is having issues with water accessibility when a fire hydrant is only available on the opposite side of a street of a development causing them to have to shut the entire road down. This text amendment requires a hydrant to be placed on the same side of a development and within 500' of a principal structure.

Sec. 46-79. - Connection to public water lines and fire hydrants.

- (a) If county or municipal water lines are located within one-half mile of a subdivision of ten to 39 lots, or one mile of a subdivision of 40 lots or more, where the distances are measured along the roadway to the nearest edge of the property, then the developer must connect to these lines to provide water service and fire protection for the subdivision. Extensions to the county water system shall be made in conformance with the policies and procedures set forth in the current Union County Water and Sewer Extension Policy as approved by the board of county commissioners and Town of Weddington.
- (b) Where water is accessible per (a) above, all major and minor developments are required to place a fire hydrant on the same side of the road as the development and a hydrant shall be no less than 500' from a principal structure.
- (c) There may be times when the county cannot issue new water permits due to lack of available capacity. If a developer is denied permits for this reason, the town may allow the use of individual domestic wells to serve a proposed development provided that the developer still installs water lines to county specifications as initially approved for fire flow only. The developer shall be responsible for proving to the town that capacity is not available. A determination of what capacity is available and whether to allow the use of individual domestic wells shall lie within the sole discretion of the town.
- (d) The proposed water lines must still meet all the requirements of the Union County Water and Sewer Extension Policy, including providing fire flow protection to the development and taps and meter boxes for each developable lot. If the county and town approve these plans then the use of wells may be approved as an interim measure until such time as water capacity becomes available. The developer will be required to provide written proof that Union County will charge the lines for fire hydrant use.

- (e) As a condition of approval of the proposed development, the developer or property owner shall require these lots with domestic use wells connect to the county system at such time as the county indicates water capacity is available. Individual wells may be converted to irrigation use at the property owners expense provided such conversion is in conformance with the Union County Building Code and Union County Water and Sewer Specifications. The developer and/or property owner shall be responsible for any fees and charges from the county as a condition of connection to the county water system.
- (f)The use of community wells for domestic needs is discouraged and will only be allowed if the water system is built to Union County Water and Sewer Specifications. The system must be capable of meeting the water needs of the community including domestic, irrigation and fire flow requirements and an agreement exists with the county for: 1) the conditions under which the system becomes part of the county system; and 2) an arrangement is made with the county to tap into the county system for working fire hydrants according to the county specifications.

The Planning Board reviewed the text on November 23, 2020 and recommended clarifying the language to state that a fire hydrant shall be no less than 500' from a principal structure within the development and unanimously recommended approval.

Where water is accessible per (a) above, all major and minor developments are required to place a fire hydrant on the same side of the road as the development and a hydrant shall be no less than 500' from a principal structure **within the proposed development.**

Staff recommends calling for a public hearing to be held Monday, January 11, 2020 at 7:00 pm at Weddington Town Hall for consideration of a text amendment to Section 46-79 Connection to Public Water Lines.



**Town of Weddington**  
**2021 Holiday Calendar**

New Year's Day	January 1	Friday
Martin Luther King, Jr. Day	January 18	Monday
Good Friday	April 2	Friday
Memorial Day	May 31	Monday
Independence Day	July 5	Monday
Labor Day	September 6	Monday
Veterans Day	November 11	Thursday
Thanksgiving	November 25 & 26	Thursday & Friday
Christmas	December 24 & 27	Friday & Monday



**TOWN OF WEDDINGTON  
2021 TOWN COUNCIL REGULAR MEETING SCHEDULE**

**2<sup>ND</sup> MONDAY OF EVERY MONTH**

<b>DATE</b>	<b>TIME</b>	<b>LOCATION</b>
January 11, 2021	7:00 p.m.	Town Hall Council Chambers
RETREAT	8:30 a.m.	TBD
February 8, 2021	7:00 p.m.	Town Hall Council Chambers
March 8, 2021	7:00 p.m.	Town Hall Council Chambers
April 12, 2021	7:00 p.m.	Town Hall Council Chambers
May 10, 2021	7:00 p.m.	Town Hall Council Chambers
June 14, 2021	7:00 p.m.	Town Hall Council Chambers
July 12, 2021	7:00 p.m.	Town Hall Council Chambers
August 9, 2021	7:00 p.m.	Town Hall Council Chambers
September 13, 2021	7:00 p.m.	Town Hall Council Chambers
October 11, 2021	7:00 p.m.	Town Hall Council Chambers
November 8, 2021	7:00 p.m.	Town Hall Council Chambers
December 13, 2021	7:00 p.m.	Town Hall Council Chambers

**TOWN OF WEDDINGTON  
REGULAR TOWN COUNCIL MEETING  
MONDAY NOVEMBER 9, 2020 – 7:00 P.M.  
WEDDINGTON TOWN HALL  
MINUTES  
PAGE 1 OF 6**

Prayer – Pastor Shane Freeman, Southbrook Church

**1. Open the Meeting**

Mayor Callis called the meeting to order at 7:01 p.m.

**2. Pledge of Allegiance**

Council led the Pledge of Allegiance.

**3. Determination of Quorum**

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

Staff: Town Administrator/Planner Lisa Thompson, Town Clerk Karen Dewey, Finance Officer Leslie Gaylord, Town Attorney Karen Wolter and Town Attorney Kevin Bringewatt via Zoom

Visitors: Randy Peterson, Sarah Beason, Collin Brown

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

*Motion:* Councilmember Perryman made a motion to adopt the agenda as amended.  
*Vote:* The motion passed with a unanimous vote.

**5. Mayor/Councilmember Reports**

Councilmember Perryman gave a WUMA update: the alliance met on October 22<sup>nd</sup> in Wesley Chapel. They began a discussion on an extraterritorial jurisdiction proposal and agreed to present a resolution to their respective councils against a high-density development near Mineral Springs. A WUMA home page with links on the member town websites is being created. Conducting a general review of insurance policies was suggested by a delegate whose municipality was recently in litigation.

**6. Public Comments**

No public comment.

**7. Public Safety Report**

Deputy Kropp gave the Public Safety Report:

1. During the month of October, I continued to work with Residents of Steeplechase to address some traffic concerns. Yesterday we had a meeting with some residents from Steeplechase and the surrounding neighborhoods. I was able to present the radar trailer details from being placed on



Weddington Church Road. I felt that this meeting was very productive, and we are moving in the right direction to develop some solutions.

2. Halloween Night: Deputy Wrenn and I worked patrolling neighborhoods during the trick or treating. I was primarily assigned to patrol neighborhoods and interacting with the Weddington Community. I personally gave out candy, and stickers while chatting with residents. This clearly was an excellent idea to add an additional Deputy to the Town.
3. We are urging residents to remember to watch speed on roadways anywhere in the county. We had a serious accident on Forest Lawn Drive resulting in a patient having to be flown from Antioch Elementary School to Charlotte for medical treatment. If a resident in Weddington thinks there is a specific speed related issue in a particular area they should go to the Town of Weddington website and fill out the request form for the radar trailer.
4. Please continue to report all suspicious activity to the Union County Sheriff's Office.

## **8. Pre-Application Presentation by Roots Farm**

Mr. Randy Peterson and Collin Brown made a presentation on the Roots Farm agrihood. They are working with Margaret and Smokey Bissell on this project. The Bissells acquired the Robecheck Farm in 2017. The project is intended to draw in community and bring something unique to Weddington. The plan includes a small rural inn, 70% open space, trail network, and opportunities for agricultural education. The application will be submitted this week and a website with contact information and FAQs will be set up. The public information meeting is planned for December 7th. The Bissells are looking to be a community partner with this project. The application includes a text amendment application to add provisions and requirements for an agrihood and a conditional rezoning with site-specific standards for Roots Farm.

Councilmember Smith asked the applicant to what district they are looking to rezone to. Mr. Brown responded that they will keep the current zoning district as it allows agritourism. They are looking to modify a conditional zoning district to allow an agrihood. Councilmember Smith stated that while there have been many developers to claim unique developments, this is his first time being presented with something really unique and he believes it fits into the spirit of Weddington. He asked how many homes are planned. Mr. Brown stated that they will not be increasing the residential density that zoning allows which is about 233 homes at maximum, and homes will be in the planned residential areas only. Councilmember Smith stated that traffic is one of his biggest concerns and asked if a traffic impact analysis is being done. Mr. Brown responded that one is underway, and that the development will not be traffic neutral. Councilmember Smith stated that with the component of the inn, which he sees as a reasonable size, traffic is one of his biggest concerns since there will be more than residents driving through that area. He stated that he is curious to see what can be worked out and he looks forward to talking more in the future. Mr. Peterson responded that he hopes to earn the councils support and get a green light. Roots Farm plans to move quickly and get to work right away once they receive approval. Councilmember Smith stated that this is a unique development and he would appreciate more time and opportunity for council to give feedback.

Councilmember Pruitt stated that she is excited about this opportunity and commended Roots Farm for taking a creative approach to development. She asked if Roots Farm is listed as a retail venture, with an inn, farm stand, store, wedding venue or as an educational resource for the community. Her concern is that as an educational resource, the development could be exempt from sales tax and Weddington would experience a loss of tax revenue by losing sales tax and property tax potential. With the current listing as a farm, it is 145 acres and with a \$278 property tax bill. If this property was developed with 180 homes, that could bring in about \$54,000 a year in property tax revenue to the town. Councilmember Pruitt asked if once the property

is developed as planned, will the property class be changed to take into account the structure's property value and is the tax rate or valuation method for agritourism/agrihood known?

Mr. Brown responded that as this project moves forward, the residential uses and the inn will be taxable. The agriculture land probably won't be. It is the intention that the purely agricultural areas will remain farm tax exempt. The agribusiness/agritourism will be taxed. He stated that he will look further and have a more definite answer about the tax rate and valuation.

Councilmember Perryman expressed agreement on traffic concerns. He asked if there would be a webpage launch and if they would be willing to talk and present to HOAs or groups of residents. Mr. Peterson stated that they are willing and that they have already met with several and will continue to do so. They have tried to be good neighbors with open access

Mayor Callis stated that she shares in everyone's excitement and that there is a lot of asphalt and rooftops around here.

## 9. Consent Agenda

### A. Approve Proclamation P2020-06 designating November 28, 2020 as Small Business Saturday

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

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

## 10. Approval of Minutes

### A. October 12, 2020 Town Council Regular Meeting Minutes

**Motion:** Mayor Pro Tem Propst made a motion to approve the October 12, 2020 Town Council Regular Meeting Minutes as presented.

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

## 11. Old Business

### A. Discussion of Approval of Annexation Agreement Renewal with Village of Marvin and Call for Public Hearing to be held Monday December 14, 2020 at 7:00 p.m. at Weddington Town Hall for consideration of approval of annexation agreement with Village of Marvin

Ms. Thompson presented the agreement and the proposed changes Staff removed the metes and bounds description and the agreement will just reference the map. The 5-year notification for termination of agreement is changed to 120 days. This change will need to be agreed upon with Marvin. Also proposed is a change is the consideration of the property along Crane Road that includes the Roots Farm parcels to be included in the Weddington sphere. Marvin has agreed to consider it.

**Motion:** Councilmember Pruitt made a motion to call for a public hearing to be held on Monday December 14, 2020 at 7:00 p.m. at Weddington Town Hall for consideration of approval of annexation agreement with Village of Marvin

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

## 12. New Business

**A. Discussion of Extra Territorial Jurisdiction/Sphere of Influence Proposal from WUMA  
Consideration of a Resolution Supporting the Incorporation of Municipal Zoning Jurisdiction  
into the Union County 2050 Comprehensive Land Use Plan**

Councilmember Perryman stated: WUMA is continuing the evolution of the goal to try to get a handle on unincorporated county parcels that are proposed for high density or commercial projects that don't meet surrounding towns zoning goals. The Alliance is trying to get a resolution before each council for approval and once approved, an Alliance representative can present to the county commissioners. The goal is to ask the county to integrate spheres of influence as they are working on the Union 2050 plan and to have the town closest to these areas have their zoning apply. For donut holes that exist, and where owners don't want to be annexed, request zoning control from county. For unincorporated areas between municipalities, allow effected communities to decide what zoning that area would be. Councilmember Perryman presented the WUMA resolution for approval. The goal is to have the suggested procedures incorporated into the 2050 plan when it is finalized in the new year.

Councilmember Smith asked for time to look at the resolution. The Council agreed.  
Mayor Callis called for a special meeting to consider the resolution on Friday November 13, 2020 via Zoom.

**B. Consideration of Resolution 2020-08 in support of the Town of Mineral Springs against the high-density rezoning of 4004 New Town Road**

Councilmember Perryman presented the resolution. The application before the county is for rezoning to allow 80 homes where current Union County zoning allows for 30.

**Motion:** Councilmember Smith made a motion to approve Resolution 2020-08 in support of the Town of Mineral Springs against the high-density zoning of 4004 New Town Road.

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

**C. Discussion of Solid Waste Collection**

Mayor Callis stated that this is good to see on agenda. Councilmember Pruitt gauged interest in exploring the option of bidding solid waste together as a group of WUMA municipalities, only Marvin is interested. Staff is directed to publish notices pursuant to NCGS 160A-327.

**D. Update of UDO Draft Section 7**

Mr. Bringewatt presented the update. He reminded the Council that the sections are being organized as the new state statute is organized.

- Section 701- a statement of purpose
- Section 702 – states limitation of regulating design in residential housing
- Section 703 – Zoning districts-everything of importance should show up here. The language states that an owner can ask for conditional permitted uses and there are two categories: By right and conditional. This section includes a summary chart of permitted uses across all zoning districts.
- Section 704 – reserved

- Section 705 – reviews quasi-judicial zoning decisions
- Section 706 – Zoning conflicts with other development standards

Mr. Bringewatt stated that the next article reviews the subdivision process and article 9 will include all the supplemental uses included development.

### **E. Consideration of Proclamation 2020-08 in honor of USCG Ensign Morgan Garrett**

Mayor Callis stated: There was a tragic training accident on October 23, 2020. Morgan Garrett was a Weddington High School graduate. She was an outstanding young lady and represented the town very well. Her name has been added to the Veterans Memorial and some time in the future we will have a commemoration ceremony. The Coast Guard posthumously promoted Ensign Garrett to LTJG.

**Motion:** Councilmember Perryman made a motion to approve Proclamation 2020-08 in honor of USCG LTJG Morgan Garrett.

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

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

Ms. Thompson presented the update: a draft grading plan for the park property has been received and the house burn is tentatively set for December 5. A final plat for the Woodford Chase subdivision has been submitted. It is now called Cardinal Row and is a 9-lot subdivision. A yield plan for The Woods was submitted. It is now called Woodbridge. A site walk will be set up in the next few weeks. Staff drove the Santa route through Weddington, and it should be under 3 hours.

### **14. Code Enforcement Report**

No Comments

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

Ms. Gaylord presented the monthly financials. Staff has begun meetings for implementation of the new financial software.

### **16. Transportation Report**

Mayor Callis stated: Ms. Thompson mentioned last month the limited funding from MPO to put toward discretionary projects. Tilley Morris roundabout is on the short list for that funding. That project is a little closer to right of way acquisition. Mayor Callis met with Marvin, Waxhaw, Mineral Springs, Wesley Chapel, and Bjorn Hansen to discuss the Hwy 74 widening project from 485 to uptown Charlotte. The project has almost doubled in price from \$600 million to over \$1 billion. They discussed how to change the policy that binds towns to projects without giving them any ability to change to scope of them. It would require a legislative change.

### **17. Council Comments**

Councilmember Smith: I just want to thank everybody for coming out and wish everybody a Happy Thanksgiving.

Mayor Pro Tem Propst: I want to say the same thing. Thanks everybody for coming out tonight. Thank you, Roots Farm, for your presentation and everybody have a happy, safe, mask less with your family Thanksgiving.

Councilmember Pruitt: Same as everybody else, thank you for coming out and Happy Thanksgiving.

Councilmember Perryman: I'd like to echo all the other comments. Happy Thanksgiving and I'd like to give a special thanks to town staff for support in helping me get this together.

Mayor Callis: Happy Thanksgiving. Be safe. We thank our staff always-we love our staff, but I would also like to thank Council. You all work hard for the town and are so dedicated and I appreciate everything you do.

## 18. Adjournment

**Motion:** Councilmember Smith made a motion to adjourn the November 9, 2020 Town Council Regular Meeting at 8:32 p.m.

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

Approved: \_\_\_\_\_

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

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

**TOWN OF WEDDINGTON  
SPECIAL TOWN COUNCIL MEETING  
FRIDAY, NOVEMBER 13, 2020 9:00 A.M.  
VIRTUAL VIA ZOOM  
MINUTES  
PAGE 1 OF 1**

**1. Call to Order**

Mayor Callis called the meeting to order at 9:02 a.m.

**2. Determination of Quorum**

Quorum was determined by roll call: Mayor Elizabeth Callis, Mayor Pro Tem Janice Propst, Councilmembers Mike Smith and Anne Pruitt were present. Councilmember Jeff Perryman was absent.

Staff Present: Town Administrator/Planner Lisa Thompson, Town Clerk Karen Dewey, Town Attorney Karen Wolter

**3. Adoption of Agenda**

***Motion:*** Mayor Pro Tem Propst made a motion to adopt the agenda as presented.  
***Vote:*** The motion passed with a unanimous roll call vote.

**4. Discussion and Consideration of a resolution supporting the incorporation of extra territorial municipal zoning jurisdiction into the Union County Comprehensive 2050 Land Use Plan**

The Council agreed that the resolution is well written. Mayor Pro Tem Propst suggested amending the title to read exactly what the county plan is called: Union County 2050 Comprehensive Land Use Plan.

***Motion:*** Councilmember Smith made a motion to approve the resolution supporting the incorporation of extra territorial municipal zoning jurisdiction into the Union County Comprehensive 2050 Land Use Plan.  
***Vote:*** The motion passed with a unanimous roll call vote.

**5. Adjournment**

***Motion:*** Mayor Pro Tem Propst made a motion to adjourn the November 13, 2020 Special Town Council Meeting at 9:07 a.m.  
***Vote:*** The motion passed with a unanimous roll call vote.

Approved: \_\_\_\_\_

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

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

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# TOWN OF WEDDINGTON

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## MEMORANDUM

**TO:** Mayor and Town Council

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

**DATE:** December 14, 2020

**SUBJECT:** Weddington/Marvin Annexation Agreement

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The Town of Weddington entered into an annexation agreement with the Village of Marvin in December 2000 and amended the agreement May 14, 2001. The agreement expires December 31, 2020.

State Statute §160A-58.23 allows two or more cities to enter into agreements in order to designate one or more areas which are not subject to annexation by any of the participating cities. The agreements shall be of reasonable duration, not to exceed 20 years, and shall be approved by ordinance of the governing board and executed by the mayor of each city and recorded in each participating municipality's minutes.

During the September meeting the Council agreed to move forward with the execution of a new agreement with the Village of Marvin.

The latest draft agreement is like the old agreement except the metes and bounds description was replaced by a map and the notice to terminate the agreement went from 5 years to 120 days. This length of time is negotiable between the towns, but staff is of the opinion that 5 years may be too long. In addition, a portion of Crane Road was added to Weddington's Annexation Area on the map and minor changes were made to adjust Marvin's municipal boundaries.

Marvin approved their annexation agreement ordinance on Tuesday, December 1, 2020.

Staff recommends approval of Ordinance 2020-06 titled Annexation Agreement.

Attached  
Draft Agreement  
Map

## ANNEXATION AGREEMENT

ORDINANCE 2020-06

**WHEREAS**, the Town of Weddington and the Village of Marvin, duly incorporated municipalities under the laws of the State of North Carolina, desire to eliminate uncertainty among residents and property owners in unincorporated areas adjacent to the participating municipalities and also to improve planning by public and private interests in such areas; and

**WHEREAS**, Chapter 160 A, Article 4A, Part 6 of the General Statutes of North Carolina (hereinafter referred to as the "Act") authorizes municipalities to enter into binding agreements concerning future annexation in order to enhance orderly planning by such municipalities as well as residents and property owners in areas adjacent to such municipalities;

### **NOW, THEREFORE, THE PARTICIPATING MUNICIPALITIES AGREE AS FOLLOWS:**

1. This Agreement is executed pursuant to the authority of the Act, codified as G.S. Chapter 160A, Article 4A, Part 6.
2. This Agreement shall be in effect until December 31, 2040.
3. The Village of Marvin may not annex the area described as the Town of Weddington Annexation Area on the attached map.
4. The Town of Weddington may not annex the area described as the Marvin Annexation Areas on the attached map.

**The attached map labeled "Marvin/Weddington Annexation Agreement Map" maps show the above-described areas and are incorporated herein by reference.**

5. The effective date of this Agreement shall be January 1, 2021 or the date of adoption of the approving ordinance by the last participating municipality to do so, whichever is later.
6. At least sixty (60) days before the adoption of any annexation ordinance, the participating municipality which is proposing any annexation in the area(s) subject to this Agreement shall give written notice to the other participating municipality of the proposed annexation. Such notice shall describe the area to be annexed by a legible map, clearly and accurately showing the boundaries of the area to be annexed in relation to the area described in this Agreement; roads, streams and any other prominent geographical features. Such notice shall not be effective for more than 180 days.
7. Any party may waive in writing, in its sole and absolute discretion, the notice requirements set out herein and the Act. Such waiver may only be made by the party's governing body. It is agreed that the Mayor of Weddington and the Mayor of Marvin are respectively authorized to execute waivers of said requirements, only



after such waiver has been approved by the governing board of their respective municipality. Any waiver shall only apply to the annexation described in said waiver. All written notices or waivers required by the terms of Paragraph 6 and 7 of this Agreement shall be sufficient if mailed certified mail, return receipt requested, to the Mayor of the municipality to whom such notice or waiver is directed.

8. This Agreement shall not be binding beyond three miles of the primary corporate limits of a participating municipality, unless approved by the Union County Board of Commissioners. Provided, however, that an area where this Agreement is not binding because of failure of the Board of County Commissioners to approve it, shall become subject to this Agreement if subsequent annexation brings it within three miles. The approval of a Board of County Commissioners shall be evidenced by a resolution adopted after a public hearing as provided in G.S 160A-58.24(c) and (e) and 160A-31(c).
9. A participating municipality may withdraw from this Agreement by repealing the ordinance which approved this Agreement and providing 120- day written notice to the other participating municipality. Upon the expiration of the 120-day period, this Agreement shall terminate.
10. From and after the effective date of this Agreement, neither the Town of Weddington nor the Village of Marvin may adopt a voluntary or involuntary annexation ordinance as to all or any portion of an area in violation of this Agreement.
11. This Annexation Agreement does not impact or affect any annexation petitions now pending with either party. Each party is hereby authorized to proceed with such action, as it deems appropriate pertaining to such pending annexation petitions independent of the provisions of this Agreement. Except as recited above, from and after the effective date of this Agreement, neither the Town of Weddington, nor the Village of Marvin may adopt a voluntary or involuntary annexation ordinance as to all or any portion of an area in violation of this Agreement.
12. This Agreement may be modified by a subsequent agreement entered into by the participating municipalities. Any subsequent agreement shall be approved by ordinance after public hearings as provided in G.S. 160A-31 (c).
13. Nothing in this Agreement shall be construed to authorize the annexation of any area that is not otherwise subject to annexation under applicable law.
14. This writing contains the entire agreement between the participating municipalities.

**IN WITNESS WHEREOF**, the mayors of the participating municipalities execute this Agreement, in duplicate, to become effective as provided in paragraph 5 above.

This \_\_\_ day of \_\_\_, 2020

**TOWN OF WEDDINGTON**

ATTEST:

BY:

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Clerk

Mayor

APPROVED AS TO FORM

Town Attorney

**VILLAGE OF MARVIN**

ATTEST:

BY:

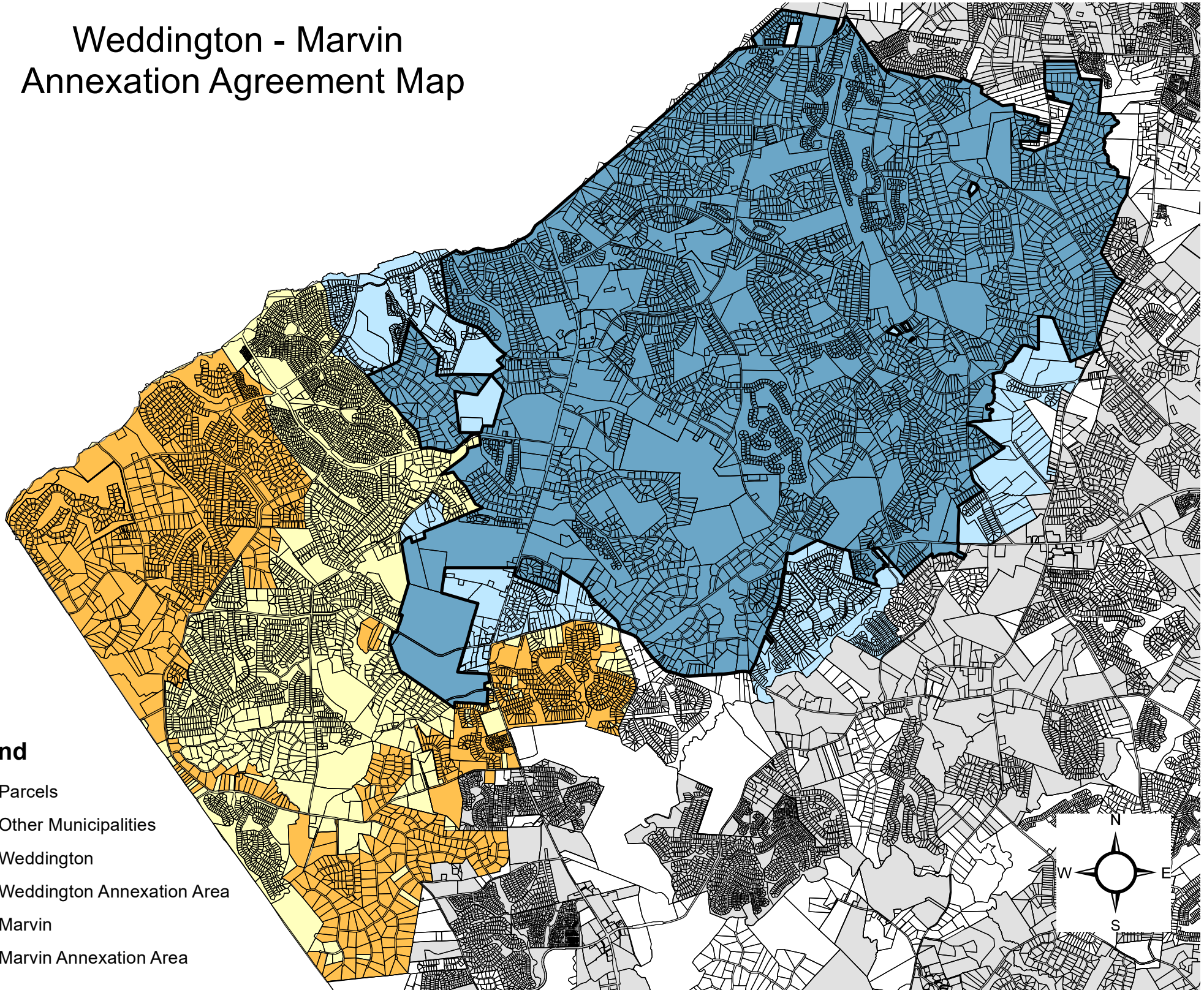
Clerk

Mayor

APPROVED AS TO FORM:

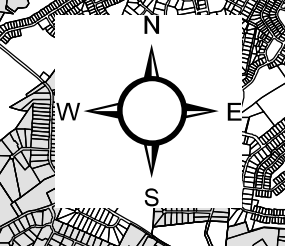
Village Attorney

# Weddington - Marvin Annexation Agreement Map



## Legend

- Parcels
- Other Municipalities
- Weddington
- Weddington Annexation Area
- Marvin
- Marvin Annexation Area



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

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## MEMORANDUM

**TO:** Mayor and Town Council

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

**DATE:** December 14, 2020

**SUBJECT:** Cardinal Row (formerly Woodford Chase) R-CD Conventional Subdivision - Preliminary Plat

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Mr. Scott Swierski submitted a preliminary plat and construction plans for a 9-lot subdivision on 13.32 acres located near the southwest corner of Highway 84 and Lester Davis Road.

### **Project History:**

A preliminary plat for a 9-lot subdivision was approved in June 2018. A preliminary plat is void two years after the approval date if a final plat is not submitted. The owner at the time had a buyer that wanted to purchase 3 larger lots so a final plat for 3 lots was approved by Planning Board. The new applicant would like to go back to the original approved 9-lot development.

During the preliminary plat review, the Planning Board at that time raised a few concerns and recommended denial. Concerns included the cul-de-sac length, needing a bulb end to the cul-de-sac for a turn-around, availability of other roadway alternatives, minimal front yards after widening Highway 84, and no buffering.

The applicant at that time improved the plans to address the Planning Boards concerns prior to Town Council. They provided a bulb turn-around. They established a new front yard setback beyond the 50' requirement to create a viewshed buffer and added a 30' non-disturbed area. They also included a right-turn lane as requested by the Town Council.

Since then, the town amended the cul-de-sac length requirement to 16 home sites or 1200' whichever is less.

The following conditions were added to the approval from 2018:

- The driveway pipe for lot 8 is a built to NCDOT specifications,
- The maintenance for the pipe shall be included in the HOA documents,
- Maintenance of the shared driveway is included in the HOA documents,
- All maintenance documents and CCR's are reviewed by the town attorney, and
- A fire hydrant shall be added near lot 8, if necessary.

The Planning Board reviewed the preliminary plat on November 23, 2020. They noted a discrepancy between the plat and the conditions of approval about the maintenance of the pipe for Lot 8 and



unanimously recommended approval. The town engineer determined that it should be the responsibility of the lot 8 homeowner.

**Recommendation:**

The preliminary plat has not changed from the original approval therefore staff recommends approval of the Cardinal Row major subdivision with the same conditions bulleted above with the amendment to the second bullet stating the maintenance of the pipe on lot 8 shall be the responsibility of the owner of the lot.

Article 8.  
Subdivision Regulation.

**D-801. Authority.** N.C.G.S. 160D-801 authorizes a local government to regulate the subdivision of land within its planning and development regulation jurisdiction. The Town Administrator, or designee, is appointed as the subdivision administrator.

**D-802. Applicability.**

(a) For the purpose of this Article, subdivision regulations shall be applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Article:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.
- (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- (4) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

(b) A local government may provide for expedited review of specified classes of subdivisions.

(c) A local government may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

- (1) The tract or parcel to be divided is not exempted under subdivision (2) of subsection (a) of this section.
- (2) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
- (3) The entire area of the tract or parcel to be divided is greater than 5 acres.
- (4) After division, no more than three lots result from the division.
- (5) After division, all resultant lots comply with all of the following:
  - a. All lot dimension size requirements of the applicable land-use regulations, if any.
  - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
  - c. A permanent means of ingress and egress is recorded for each lot. (2019-111, s. 2.4.)

**Commented [LT1]:** Definitions: reminder to change major and minor, definition of subdivision and exemptions; conservation and conventional to match state.

**D-803. Review process, filing, and recording of subdivision plats.**

(a) The procedures and standards to be followed in granting or denying approval of a subdivision plat prior to its registration are as follows:

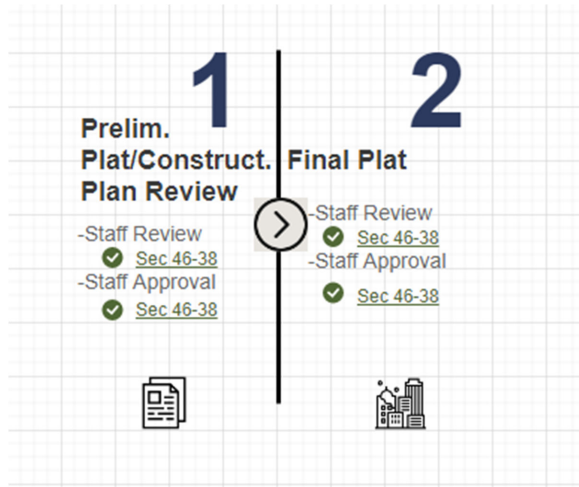
(1) Minor Subdivision.

a. Preliminary Plat. Except as set forth in Section 802(c) above, for all Minor Subdivisions a preliminary plat must be submitted to the subdivision administrator along with a fee in accordance with a fee schedule adopted by the town council. No application shall be considered complete or processed by the subdivision administrator unless accompanied by said fee. In addition, the town shall be reimbursed by the subdivider for all costs associated with the town's engineering and/or consulting services with respect to review of the preliminary plat prior to approval. The subdivision administrator shall review the plat within ten days of its submission for compliance with requirements of this UDO and shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and shall approve, approve based on certain conditions, or disapprove the preliminary plat.

b. Construction plans. In addition to filing a preliminary plat, construction plans shall be submitted for review and comment (including from outside agencies referenced in subsection (b) below. Applicable Land Development Permits (such as Zoning Permits, Grading Permits, and Building Permits) shall be issued in accordance with Article \_\_, below. No land disturbing activity shall commence prior to construction plan approval and issuance of the applicable Land Development Permit.

c. Final Plat. Within one year of the approval of the preliminary plat, a final subdivision plat must be submitted to the subdivision administrator along with a fee in accordance with the fee schedule adopted by the town council. No application shall be considered complete or processed by the subdivision administrator unless accompanied by said fee. In addition, the town shall be reimbursed by the subdivider for all costs associated with the town's engineering and/or consulting services with respect to review of the final plat prior to approval. No final plat shall be approved until security (e.g. bond, letter of credit) is provided in accordance with Section D-804 (c), below.

Technical requirements and certifications for the final plats for Minor Subdivisions are set forth in Appendix \_\_.



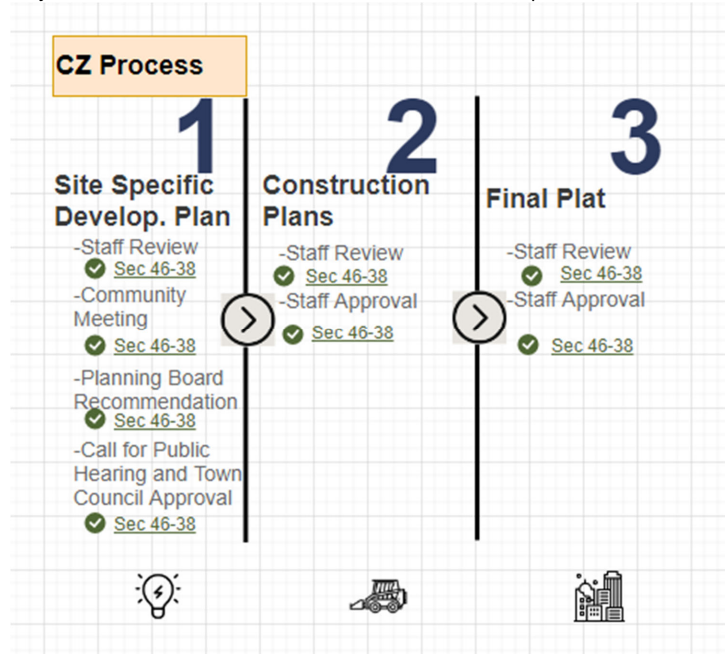
**(2) Major Subdivisions.**

- a. Conditional Zoning (no “preliminary plat” needed). Proposed development that requires a Major Subdivision are reviewed through the Conditional Zoning process. Thus a separate “preliminary plat” is not required.
- b. Construction Plans. After a Conditional Zoning approval, construction plans shall be submitted for review and comment (including from outside agencies referenced in subsection (b) below. Applicable Land Development Permits (such as Zoning Permits, Grading Permits, and Building Permits) shall be issued in accordance with Article \_\_, below. No land disturbing activity shall commence prior to construction plan approval and issuance of the applicable Land Development Permit.
- c. Final Plat. Within one year of the approval of the Conditional Zoning, a final subdivision plat must be submitted to the subdivision administrator along with a fee in accordance with the fee schedule adopted by the town council. No application shall be considered complete or processed by the subdivision administrator unless accompanied by said fee. In addition, the town shall be reimbursed by the subdivider for all costs associated with the town's engineering and/or consulting services with respect to review of the final plat prior to approval. No final plat shall be approved until security (e.g. bond, letter of credit) is provided in accordance with Section D-804 (c), below.

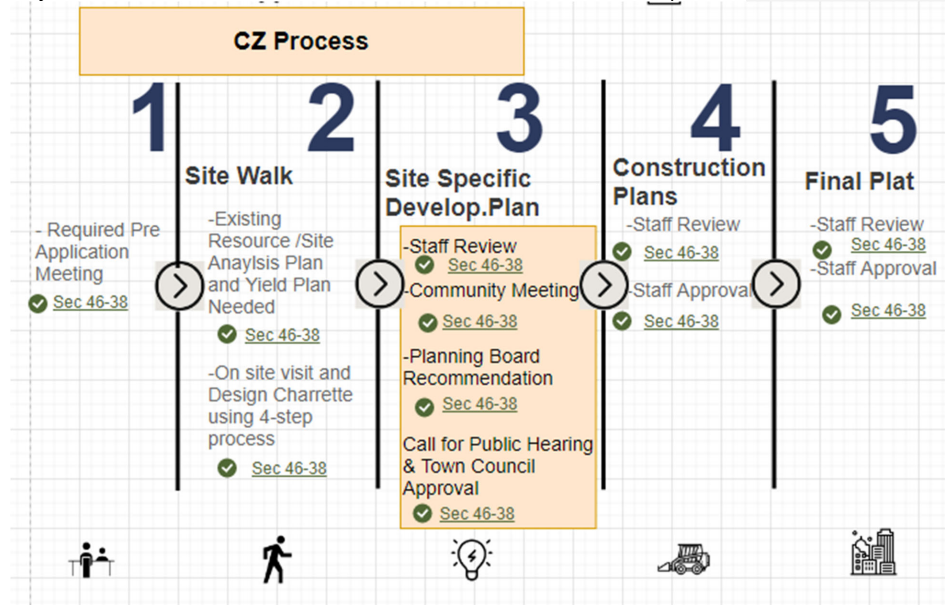
Technical requirements and certifications for the final plats for Major Subdivisions are set forth in Appendix \_\_.



Major Subdivision Process – Traditional Residential Development



Major Subdivision Process – Conservation Residential Development



(b) The following agencies shall be involved in review of final plats.

- (1) The district highway engineer as to proposed State streets, State highways, and related drainage systems.
- (2) Union County Environmental Health and Union County Public Works
- (3) Any other agency or official designated by the governing board including NCDENR, and NCDWQ.

(c) Final decisions on a subdivision plat are administrative. The subdivision administrator shall provide notice of the decision in writing as provided by D-403(b).

**D-804. Contents and requirements of regulation.**

(a) Purposes. The purpose of these subdivision regulations are to provide for the orderly growth and development of the local government; for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and general welfare.

(b) Plats. A plat shall be prepared, approved, and recorded pursuant to the provisions of the regulation whenever any subdivision of land takes place. All such recorded plats show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius

**Commented [LT2]:** 46-43 (b)6-7 Reminder to insert the recording of maintenance plans and agreements and permanent protection of conservation land somewhere [likely appendix with technical requirements but may end up better here]

and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice. Additional standards for plats are set forth in Appendix [redacted].

**Commented [KB3]:** Move all technical standards to Appendix

**(c) Improvement and guarantee standards**

**Commented [KB4]:** Weddington 46-44(b) need to confirm if state statute requires any changes

(1) **Optional agreement.** In lieu of requiring the completion, installation and, if applicable, dedication of all improvements prior to final plat approval, the town may enter into an agreement with the subdivider whereby the subdivider shall guarantee completion of all required improvements as specified on the approved preliminary plat for that portion of the subdivision to be shown on the final plat within two years from the date of final plat approval, unless otherwise specified in the written agreement. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the town; provided, however, that all other requirements of this article are met. To secure this agreement, the subdivider shall provide either one or a combination of the following guarantees in an amount equal to 1.25 times the costs, as estimated by the subdivider and approved by the engineer, of installing all required improvements on the approved preliminary plat for that portion of the subdivision to be shown on the final plat. The amount shall be subject to the approval of the town council.

a. **Surety performance bond.** The subdivider shall obtain a performance bond from a surety bonding company satisfactory to the town, as applicable. A surety bonding company must at minimum be: (1) registered to do business with the North Carolina Secretary of State; (2) licensed to issue surety bonds in the State of North Carolina by the North Carolina Department of Insurance; (3) rated at least "B+" by a reputable bond rating agency; and (4) possess a minimum of \$50,000,000.00 in assets. The town council may, within its sole discretion, insist upon alternative standards based upon the particular project, the estimated cost of completion of the improvements, and/or other factors indicating higher standards are warranted. The bond(s) must contain the following provisions: (1) the bond(s) shall remain in effect until such time as all improvements are installed and approved by the town; (2) the surety bonding company, within 15 days of the town providing notice of default, shall take over and complete all improvements or pay the town in cash the estimated costs of installing the improvements as determined by the town's planner or engineer; and (3) the town shall be able to draw upon the bond(s) in the event that the subdivider defaults upon its agreement with the town in accordance with subsection (3). Any charges associated with cost calculation or verification shall be borne entirely by the subdivider.

b. **Letter(s) of credit.** The subdivider shall obtain an irrevocable letter(s) of credit issued by a commercial bank satisfactory to the town council. The commercial bank issuing the letter of credit must be: (1) organized under the laws of the United States of America or any state of the United States, or the District of Columbia; (2) authorized to do business in the State of North Carolina; (3) subject to regulation by the State of North Carolina or federal banking regulatory authorities; and (4) possess combined capital stock, surplus and undivided profits aggregating at least \$100,000,000.00. The town council may, within its sole discretion, insist upon alternative standards based upon the particular project, the estimated cost of completion of the improvements, and/or other factors indicating higher standards are warranted. The letter(s) of credit must contain the following provisions: (1) the letter(s) of credit shall be evergreen and shall not be subject to expiration until such time as all improvements are installed and approved by the town council, and shall require

**Commented [LT5]:** Allowed?

the issuing commercial bank to give at least 60 days' notice of its intent to terminate the letter(s) of credit, upon which the town can draw upon the letter(s) of credit; (2) the town shall be able to draw upon the letter(s) of credit at any time on or before its expiration; (3) the commercial bank shall, upon written notification by the town council that the subdivider is in default, immediately pay to the town the full amount, or any lesser amount of the letter(s) of credit, if requested by the town council; (4) the town shall be able to draw upon the letter(s) of credit in the event that the subdivider defaults upon its agreement with the town in accordance with subsection (2) of this section; and (5) the letter(s) of credit shall allow for presentment and collection at a location within a 30-mile radius of the town.

c. *Cash or equivalent surety.* The subdivider shall deposit cash, or other instrument readily convertible into cash at face value, such as a certificate of deposit or treasury-issued security, either with the town or in escrow with a financial institution designated as an official depository of the town. The use of any instrument other than cash shall be subject to the approval of the town council.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the town council an agreement between the financial institution and the subdivider guaranteeing the following:

1. Said escrow account shall be held in trust for the town until released by the town council and may not be used or pledged by the subdivider in any other matter during the term of the escrow;
2. That the financial institution shall, upon written notification by the town council stating that the subdivider is in default, immediately pay to the town all funds in said account, excluding any interest earned; and
3. That the duration of said escrow account(s) shall be until such time as all improvements are installed and approved by the town council, or until the subdivider provides the town with an acceptable, alternative guarantee for the completion of installing all remaining required improvements on the approved preliminary plat for that portion of the subdivision to be shown on the final plat. Any charges associated with cost calculation or verification shall be borne entirely by the subdivider.

(2) *Duration of financial guarantees.* The duration of a financial guarantee shall be of a reasonable period to allow for completion and acceptance of improvements. In no case shall the duration of the financial guarantee for improvements exceed 24 months, unless otherwise specified in the written agreement as described in subsection 46-44(b)(1). All subdivisions whose public improvements are not completed and accepted at least 30 days prior to the expiration of the financial guarantee shall be in default, unless said guarantee is extended with the consent of the town council to a future date not to exceed six months, or to a date determined by council.

(3) *Default.* Upon default by the subdivider, the town council, as applicable, may require the surety, the letter of credit issuer, or the financial institution holding the escrow account to pay all or a portion of the bond, letter of credit, or escrow account to the town. Upon payment, the town shall expend said funds to complete all or any portion of the required improvements as it deems necessary. For purposes of this section, default shall constitute any of the following: (1) failure on the part of the subdivider to complete, within the time period specified in the agreement in subsection (b)(1) of this section, the required improvements as specified on the approved preliminary plat for that portion of the subdivision to be shown on the final plat; (2) failure on

the part of the subdivider to install any improvement in accordance with the specifications or the regulations in the town's ordinances; or (3) transfer of ownership of any portion of the property or lots located within the subdivision to another person or entity under no legal obligation to install the required improvements (e.g., foreclosure). If one of the above events occurs, nothing herein shall prevent the town from declaring default prior to the expiration of the time period specified in subsection (b)(1) of this section.

(4) *Release of guarantee surety.* In its sole discretion, the town council may release a portion of any security posted as the improvements are completed and recommended for approval by the town planner, so long as the town maintains the posted security in an amount equal to at least 1.25 times the estimated costs of installation of the remaining improvements. However, notwithstanding the above, nothing shall require the town council to release any portion of security posted until such time as all improvements are installed and approved by the town council. Within 30 days after receiving the town planner's recommendation, the town council shall approve or not approve said improvements. Once all required improvements on the preliminary plat for that portion of the subdivision to be shown on the final plat have been installed and approved, then all security posted for said improvements shall be released by the town council.

**D-805. Notice of new subdivision fees and fee increases; public comment period.**

(a) A local government shall provide notice to interested parties of the imposition of or increase in fees or charges applicable solely to the construction of development subject to this Article at least seven days prior to the first meeting where the imposition of or increase in the fees or charges is on the agenda for consideration. The local government shall employ at least two of the following means of communication in order to provide the notice required by this section:

- (1) Notice of the meeting in a prominent location on a Web site managed or maintained by the local government.
- (2) Notice of the meeting in a prominent physical location, including, but not limited to, any government building, library, or courthouse within the planning and development regulation jurisdiction of the local government.
- (3) Notice of the meeting by electronic mail or other reasonable means to a list of interested parties that is created by the local government for the purpose of notification as required by this section.

If a city does not maintain its own Web site, it may employ the notice option provided by subdivision (1) of this subsection by submitting a request to a county or counties in which the city is located to post such notice in a prominent location on a Web site that is maintained by the county or counties. Any city that elects to provide such notice shall make its request to the county or counties at least 15 days prior to the date of the first meeting where the imposition of or increase in the fees or charges is on the agenda for consideration.

(b) During the consideration of the imposition of or increase in fees or charges as provided in subsection (a) of this section, the governing board of the local government shall permit a period of public comment.

(c) This section shall not apply if the imposition of or increase in fees or charges is contained in a budget filed in accordance with the requirements of G.S. 159-12. (2019-111, s. 2.4.)

**806. Effect of plat approval on dedications.**

The approval of a plat shall not be deemed to constitute the acceptance by the local government or public of the dedication of any street or other ground, public utility line, or other public facility shown on

the plat. However, any governing board may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its planning and development regulation jurisdiction. Acceptance of dedication of lands or facilities located within the planning and development regulation jurisdiction but outside the corporate limits of a city shall not place on the city any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and a city shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits. Unless a city, county, or other public entity operating a water system shall have agreed to begin operation and maintenance of the water system or water system facilities within one year of the time of issuance of a certificate of occupancy for the first unit of housing in the subdivision, a city or county shall not, as part of its subdivision regulation applied to facilities or land outside the corporate limits of a city, require dedication of water systems or facilities as a condition for subdivision approval. (2019-111, s. 2.4.)

**D-807. Penalties for transferring lots in unapproved subdivisions.**

(a) Any person who, being the owner or agent of the owner of any land located within the planning and development regulation jurisdiction of that local government, thereafter subdivides his land in violation of the regulation or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such regulation and recorded in the office of the appropriate register of deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The local government may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulation. Building permits required pursuant to G.S. 160D-1108 may be denied for lots that have been illegally subdivided. In addition to other remedies, a local government may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

(b) The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision regulation or recorded with the register of deeds, provided the contract does all of the following:

- (1) Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
- (2) Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.
- (3) Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.
- (4) Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be

required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

(c) The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision regulation or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision regulation and recorded with the register of deeds. (2019-111, s. 2.4.)

**D-808. Appeals of decisions on subdivision plats.**

Appeals of subdivision decisions may be made pursuant to G.S. 160D-1403. (2019-111, s. 2.4.)

## **WEDDINGTON CODE ENFORCEMENT REPORT**

November, 2020

1. 4005 Ambassador Ct., Inez B. McRae Trust  
11/30/20----Deterioration continues, building vacant and closed.
2. 3232 Michelle Dr.
  - 9/30/20----Vehicles still being parked at residence
  - 11/30/20----Monitoring.
3. 3824 Bounty Ln.  
10/31/20---1 vehicle towed away. 2<sup>nd</sup> vehicle will be towed if owner does not move it; garbage piled at street also in violation of Nuisance Code.  
11/30/20----Trash, furniture and debris removed by homeowner.
4. 7200 Forest Ridge Rd.9/30/20; Home occupation  
11/30/20----Monitoring.
5. Beulah Church @ Homestead Place  
10/31/20----NOV with citation issued to owner.  
11/30/20----Monitoring.
6. 3343 Ironwood Dr.  
10/31/20----NOV with citation issued to owner.  
11/30/20----Attempting to meet with homeowner on site about fence height.
7. 4208 Waxhaw Indian Trail Rd.  
10/31/20---Courtesy letter to owner. He has indicated tenants will comply.  
11/30/20----Monitoring.
8. 5024 Oxfordshire Rd.  
10/31/20----Courtesy letter to owner ordering fence for pool.  
11/30/20----No Change.



TOWN OF WEDDINGTON  
BALANCE SHEET

FY 2020-2021

PERIOD ENDING: 11/30/2020

10 GENERAL FUND

ASSETS

ASSETS

10-1120-000 TRINITY CHECKING ACCOUNT	2,168,491.79
10-1120-001 TRINITY MONEY MARKET	1,141,925.28
10-1170-000 NC CASH MGMT TRUST	558,767.69
10-1211-001 A/R PROPERTY TAX	435,836.02
10-1212-001 A/R PROPERTY TAX - 1ST YEAR PRIOR	12,884.24
10-1212-002 A/R PROPERTY TAX - NEXT 8 PRIOR YRS	8,845.30
10-1232-000 SALES TAX RECEIVABLE	263.95
10-1610-001 FIXED ASSETS - LAND & BUILDINGS	2,356,559.00
10-1610-002 FIXED ASSETS - FURNITURE & FIXTURES	10,255.10
10-1610-003 FIXED ASSETS - EQUIPMENT	18,445.58
10-1610-004 FIXED ASSETS - INFRASTRUCTURE	26,851.00
10-1610-005 FIXED ASSETS - COMPUTERS	10,155.51
10-1610-006 FIXED ASSETS - COMPUTER SOFTWARE	182,994.00
TOTAL ASSETS	6,932,274.46

LIABILITIES & EQUITY

LIABILITIES

10-2115-000 ACCOUNTS PAYABLE ACCRUAL	19,912.50
10-2120-000 BOND DEPOSIT PAYABLE	75,002.25
10-2155-000 HEALTH INSURANCE PAYABLE	-3,192.00
10-2156-000 LIFE INSURANCE PAYABLE	-32.20
10-2620-000 DEFERRED REVENUE - DELQ TAXES	12,882.27
10-2625-000 DEFERRED REVENUE - CURR YR TAX	435,837.99
10-2630-000 DEFERRED REVENUE-NEXT 8	8,845.30
TOTAL LIABILITIES	549,256.11

EQUITY

10-2620-001 FUND BALANCE - UNASSIGNED	2,525,514.17
10-2620-003 FUND BALANCE-ASSIGNED	726,000.00
10-2620-004 FUND BALANCE-INVEST IN FIXED ASSETS	2,605,260.19
10-2620-005 CURRENT YEAR EQUITY YTD	243,119.68
CURRENT FUND BALANCE - YTD NET REV	283,124.31
TOTAL EQUITY	6,383,018.35

TOWN OF WEDDINGTON  
BALANCE SHEET

FY 2020-2021

PERIOD ENDING: 11/30/2020

10

TOTAL LIABILITIES & FUND EQUITY 6,932,274.46

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

FY 2020-2021

11/01/2020 TO 11/30/2020

	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BUDGETED</u>	<u>% BUDGET REM</u>
<b>REVENUE:</b>				
10-3101-110 AD VALOREM TAX - CURRENT	527,041.90	766,323.48	1,145,000.00	33
10-3102-110 AD VALOREM TAX - 1ST PRIOR	974.98	3,526.32	3,000.00	-18
10-3103-110 AD VALOREM TAX - NEXT 8 Y	189.16	1,102.63	2,000.00	45
10-3110-121 AD VALOREM TAX - MOTOR V	10,614.54	43,928.00	105,000.00	58
10-3115-180 TAX INTEREST	144.73	549.75	2,250.00	76
10-3231-220 LOCAL OPTION SALES TAX RE	36,070.89	118,365.14	350,000.00	66
10-3322-220 BEER & WINE TAX	0.00	0.00	45,000.00	100
10-3324-220 UTILITY FRANCHISE TAX	0.00	97,880.99	460,000.00	79
10-3329-220 CARES SUBRECIPIENT AWAR	0.00	13,328.13	18,220.00	27
10-3340-400 ZONING & PERMIT FEES	5,110.00	16,940.00	25,000.00	32
10-3350-400 SUBDIVISION FEES	3,740.00	4,435.00	53,500.00	92
10-3830-891 MISCELLANEOUS REVENUES	162.00	299.00	1,500.00	80
10-3831-491 INVESTMENT INCOME	0.00	917.21	7,000.00	87
TOTAL REVENUE	<u>584,048.20</u>	<u>1,067,595.65</u>	<u>2,217,470.00</u>	<u>52</u>
AFTER TRANSFERS	<u>584,048.20</u>	<u>1,067,595.65</u>	<u>2,217,470.00</u>	
<b>4110 GENERAL GOVERNMENT</b>				
<b>EXPENDITURE:</b>				
10-4110-126 FIRE DEPT SUBSIDIES	65,316.50	326,582.50	789,500.00	59
10-4110-127 FIRE DEPARTMENT BLDG/MAI	0.00	0.00	10,000.00	100
10-4110-128 POLICE PROTECTION	0.00	151,711.46	305,425.00	50
10-4110-192 ATTORNEY FEES - GENERAL	5,000.00	20,000.00	75,000.00	73
10-4110-193 ATTORNEY FEES - LITIGATION	0.00	0.00	5,000.00	100
10-4110-195 ELECTION EXPENSE	0.00	0.00	3,500.00	100
10-4110-340 PUBLICATIONS	0.00	0.00	2,500.00	100
10-4110-341 WEDDINGTON FALL EVENT	0.00	0.00	4,100.00	100
10-4110-342 HOLIDAY/TREE LIGHTING	180.00	180.00	6,000.00	97
10-4110-343 SPRING EVENT	0.00	0.00	10,175.00	100
10-4110-344 OTHER COMMUNITY EVENTS	0.00	0.00	1,350.00	100
10-4110-495 EVENT PUBLIC SAFETY & OUT	0.00	0.00	4,500.00	100
TOTAL EXPENDITURE	<u>70,496.50</u>	<u>498,473.96</u>	<u>1,217,050.00</u>	<u>59</u>
BEFORE TRANSFERS	<u>-70,496.50</u>	<u>-498,473.96</u>	<u>-1,217,050.00</u>	
AFTER TRANSFERS	<u>-70,496.50</u>	<u>-498,473.96</u>	<u>-1,217,050.00</u>	
<b>4120 ADMINISTRATIVE</b>				
<b>EXPENDITURE:</b>				
10-4120-121 SALARIES - CLERK	2,425.20	10,721.63	25,000.00	57
10-4120-123 SALARIES - TAX COLLECTOR	4,736.89	21,534.25	54,550.00	61
10-4120-124 SALARIES - FINANCE OFFICER	502.16	4,452.64	11,500.00	61
10-4120-125 SALARIES - MAYOR & TOWN C	2,100.00	10,500.00	25,200.00	58
10-4120-181 FICA EXPENSE	746.91	3,611.12	9,000.00	60

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

FY 2020-2021

11/01/2020 TO 11/30/2020

	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BUDGETED</u>	<u>% BUDGET REM</u>
10-4120-182 EMPLOYEE RETIREMENT	1,008.07	5,172.94	13,500.00	62
10-4120-183 EMPLOYEE INSURANCE	1,246.00	6,230.00	14,975.00	58
10-4120-184 EMPLOYEE LIFE INSURANCE	12.60	63.00	175.00	64
10-4120-185 EMPLOYEE S-T DISABILITY	12.00	60.00	200.00	70
10-4120-191 AUDIT FEES	0.00	0.00	8,500.00	100
10-4120-193 CONTRACT LABOR	0.00	5,395.00	50,100.00	89
10-4120-200 OFFICE SUPPLIES - ADMIN	734.60	2,586.23	14,000.00	82
10-4120-210 PLANNING CONFERENCE	0.00	0.00	2,500.00	100
10-4120-321 TELEPHONE - ADMIN	136.43	568.40	2,250.00	75
10-4120-325 POSTAGE - ADMIN	0.00	660.18	2,000.00	67
10-4120-331 UTILITIES - ADMIN	237.76	5,901.11	5,040.00	-17
10-4120-351 REPAIRS & MAINTENANCE - B	100.00	6,301.38	7,500.00	16
10-4120-352 REPAIRS & MAINTENANCE - E	2,530.85	30,378.64	66,500.00	54
10-4120-354 REPAIRS & MAINTENANCE - G	4,930.00	17,680.00	118,500.00	85
10-4120-355 REPAIRS & MAINTENANCE - P	450.08	450.08	1,500.00	70
10-4120-356 REPAIRS & MAINTENANCE - C	400.00	1,800.00	6,250.00	71
10-4120-370 ADVERTISING - ADMIN	25.00	127.30	1,000.00	87
10-4120-397 TAX LISTING & TAX COLLECT	-84.15	-591.55	0.00	0
10-4120-400 ADMINISTRATIVE:TRAINING	245.00	824.00	4,500.00	82
10-4120-410 ADMINISTRATIVE:TRAVEL	156.34	595.37	6,000.00	90
10-4120-450 INSURANCE	0.00	14,377.47	14,500.00	1
10-4120-491 DUES & SUBSCRIPTIONS	222.04	17,860.82	22,000.00	19
10-4120-498 GIFTS & AWARDS	49.11	383.62	2,500.00	85
10-4120-499 MISCELLANEOUS	70.48	2,197.76	7,500.00	71
10-4120-500 CAPITAL EXPENDITURES	-19,912.50	0.00	27,000.00	100
TOTAL EXPENDITURE	<u>3,080.87</u>	<u>169,841.39</u>	<u>523,740.00</u>	<u>68</u>
BEFORE TRANSFERS	<u>-3,080.87</u>	<u>-169,841.39</u>	<u>-523,740.00</u>	
AFTER TRANSFERS	<u>-3,080.87</u>	<u>-169,841.39</u>	<u>-523,740.00</u>	

**4130 PLANNING & ZONING**

EXPENDITURE:

10-4130-121 SALARIES - ZONING ADMINIS	7,797.06	34,463.70	82,440.00	58
10-4130-122 SALARIES - ASST ZONING ADM	0.00	0.00	500.00	100
10-4130-123 SALARIES - ADMINISTRATIVE	2,498.43	12,465.49	30,185.00	59
10-4130-124 SALARIES - PLANNING BOARE	425.00	2,125.00	5,100.00	58
10-4130-125 SALARIES - SIGN REMOVAL	21.25	1,134.96	4,660.00	76
10-4130-181 FICA EXPENSE - P&Z	793.55	3,698.51	9,500.00	61
10-4130-182 EMPLOYEE RETIREMENT - P&	1,510.13	7,697.40	19,050.00	60
10-4130-183 EMPLOYEE INSURANCE	1,547.00	7,735.00	18,565.00	58
10-4130-184 EMPLOYEE LIFE INSURANCE	19.60	98.00	250.00	61
10-4130-185 EMPLOYEE S-T DISABILITY	12.00	60.00	175.00	66
10-4130-193 CONSULTING	12,325.15	31,113.28	54,500.00	43
10-4130-194 CONSULTING - COG	0.00	0.00	11,500.00	100
10-4130-200 OFFICE SUPPLIES - PLANNING	734.61	2,263.25	5,000.00	55
10-4130-201 ZONING SPECIFIC OFFICE SUP	0.00	13,035.22	19,720.00	34

TOWN OF WEDDINGTON  
REVENUE & EXPENDITURE STATEMENT BY DEPARTMENT

FY 2020-2021

11/01/2020 TO 11/30/2020

	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BUDGETED</u>	<u>% BUDGET REM</u>
10-4130-215 HISTORIC PRESERVATION	0.00	0.00	250.00	100
10-4130-220 INFRASTRUCTURE	-1,347.93	-1,347.93	394,000.00	100
10-4130-226 STORMWATER EROSION CON	-800.00	-995.00	0.00	0
10-4130-321 TELEPHONE - PLANNING & ZC	136.44	568.44	2,250.00	75
10-4130-325 POSTAGE - PLANNING & ZONI	0.00	660.18	2,000.00	67
10-4130-331 UTILITIES - PLANNING & ZONI	237.79	1,252.19	5,035.00	75
10-4130-370 ADVERTISING - PLANNING & Z	26.00	128.30	1,000.00	87
TOTAL EXPENDITURE	<u>25,936.08</u>	<u>116,155.99</u>	<u>665,680.00</u>	<u>83</u>
BEFORE TRANSFERS	<u>-25,936.08</u>	<u>-116,155.99</u>	<u>-665,680.00</u>	
AFTER TRANSFERS	<u>-25,936.08</u>	<u>-116,155.99</u>	<u>-665,680.00</u>	
GRAND TOTAL	<u><u>484,534.75</u></u>	<u><u>283,124.31</u></u>	<u><u>-189,000.00</u></u>	

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

**TO:** Mayor and Town Council

**FROM:** Kim Woods, Tax Collector

**DATE:** December 14, 2020

**SUBJECT:** Monthly Report–November2020

<b>Transactions:</b>	
Refunds	\$6004.67
Overpayments	\$(1890.65)
Interest and Penalty Charges	\$164.33
Penalty and Interest Payments	\$(147.63)
2020 Utilities Charges	\$13,497.29
Over 10 Year Write offs	\$(418.16)
Adjustments <5.00	\$4.06
<b>Taxes Collected:</b>	
2017	\$(94.58)
2018	\$(94.58)
2019	\$(974.98)
2020	\$(529,072.62)
<b>As of November 30, 2020; the following taxes remain Outstanding:</b>	
2010	\$530.18
2011	\$52.18
2012	\$265.34
2013	\$313.02
2014	\$616.86
2015	\$1041.53
2016	\$913.40
2017	\$1625.60
2018	\$3487.19
2019	\$12884.24
2020	\$435,836.02
<b>Total Outstanding:</b>	<b>\$457,565.56</b>