

**TOWN OF WEDDINGTON  
REGULAR TOWN COUNCIL MEETING  
MONDAY OCTOBER 12, 2020 – 7:00 P.M.  
WEDDINGTON TOWN HALL  
1924 WEDDINGTON ROAD WEDDINGTON, NC 28104  
AGENDA**

Prayer – Todd Dill – St. Margaret’s Episcopal 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. Public Safety Report & Introduction of new Weddington Deputy Grant Wrenn
8. Wesley Chapel Volunteer Fire Department updates– Chief McLendon
9. Consent Agenda
  - A. Approve Proclamation P2020-05 designating October 24, 2020 as World Polio Day
  - B. Approve Resolution R2020-07 in support of the Village of Wesley Chapel against the development of Park Place
  - C. Approve Uniform Guidance Conflict of Interest Policy to establish conflicts of interest guidelines when procuring goods, services, and construction or repair projects paid for in part or entirely by federal funds
  - D. Approve Uniform Guidance Procurement Policy to establish guidelines that meet or exceed the procurement requirements for purchases of goods, services, and construction or repair projects paid for in part or entirely by federal funds
  - E. Approve Town of Weddington Policy for Property Purchased with Federal Funds
10. Approval of Minutes
  - A. September 14, 2020 Town Council Regular Meeting Minutes
  - B. September 17, 2020 Town Council Special Meeting Minutes
11. Public Hearing for
  - A. Discussion and Consideration of Conditional Zoning Amendment for Christ South Phase 1 at 315 Reid Dairy Road
12. Old Business
13. New Business
  - A. Discussion and Consideration of Personnel Handbook Amendment
  - B. Update of UDO Draft Sections 1-6
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

For the Month of: September 2020

Date of Report

10/1/2020

9:00:52AM

<u>Event Type</u>	<u>Total</u>
911 HANG UP	105
ABANDONED VEHICLE	1
ACCIDENT EMD	4
ACCIDENT PD ONLY	18
ALARMS LAW	26
ANIMAL BITE FOLLOW UP	1
ANIMAL COMP SERVICE CALL LAW	8
ASSIST EMS OR FIRE	1
ATTEMPT TO LOCATE	1
BOLO	4
BURGLARY HOME OTHER NONBUSINESS	2
BURGLARY VEHICLE	6
BUSINESS CHECK	43
CARDIAC RESPIRATORY ARREST EMD	3
CARELESS AND RECKLESS	13
DISTURBANCE OR NUISANCE	6
DOMESTIC DISTURBANCE	3
FOLLOW UP INVESTIGATION	14
FOOT PATROL	13
FRAUD DECEPTION FORGERY	3
FUNERAL ESCORT	2
HARASSMENT STALKING THREATS	5
ILLEGAL DUMPING LITTERING	1
IMPROPERLY PARKED VEHICLE	2
INTOXICATED DRIVER	1
INVESTIGATION	9
LARCENY THEFT	6
LIVE STOCK ON HIGHWAY	1

<u>Event Type</u>	<u>Total</u>
LOST OR FOUND PROPERTY	2
MENTAL DISORDER	3
MOTORIST ASSIST	3
NOISE COMPLAINT	3
PREVENTATIVE PATROL	801
PROP DAMAGE VANDALISM MISCHIEF	4
RADAR PATROL INCLUDING TRAINIG	3
REFERAL OR INFORMATION CALL	13
RESIDENTIAL CHECK	9
SERVE CIVIL PAPER	9
SERVE WARRANT	2
SHOTS FIRED	3
STAB GUNSHOT PENETRATING EMD	1
STRUCTURE FIRE EFD	3
SUICIDE THREAT	1
SUSPICIOUS CIRCUMSTANCES	8
SUSPICIOUS PERSON	2
SUSPICIOUS VEHICLE	5
TRAFFIC DIRECT CONTROL	1
TRAFFIC HAZARD	3
TRAFFIC STOP	51
TRANSPORT ALL LAW	1
TRESPASSING	2
WELL BEING CHECK	2

***Total Calls for Month: 1,237***



**TOWN OF WEDDINGTON  
RESOLUTION OPPOSING THE PARK PLACE RESIDENTIAL AND  
COMMERCIAL REZONING REQUEST  
R-2020-07**

**WHEREAS**, the Town of Weddington Town Council's purpose is to represent the desires of its citizens and to serve as a voice for the greater good of the community; and

**WHEREAS**, the Town of Weddington recognizes that the Park Place rezoning has been proposed to Union County in a residential area bordered by the Village of Wesley Chapel and the 2,110 units of high-density (R-4, R-6, and R-8 plus apartments) residential development, included 360 multi-family apartments, and 31.5 acres of commercial development will not be compatible nor be in harmony with the existing residential area; and

**WHEREAS**, the Town of Weddington recognizes that a large majority of citizens in Weddington and in neighboring areas are not in favor of high-density development and wish to preserve the current standard of living and not become urbanized; and

**WHEREAS**, the Town of Weddington recognizes that high density developments put a burden on the infrastructure and encourage growth that outpaces needed improvements; and

**WHEREAS**, traffic in the area is over capacity on Potter Road, New Town Road, and NC 84; these roads cannot sustain additional impact from high density residential development and commercial development; and this proposed development will also create impact that will overwhelm the adjacent minor country roads; all of which will negatively impact existing property owners; and

**WHEREAS**, flooding and stormwater control problems are frequent complaints in this area, and will be heightened by this high density development; and

**NOW THEREFORE**, be it resolved that the Town of Weddington hereby requests the Union County Board of County Commissioners listen to the desires of the citizens and stay consistent with existing low-density residential zoning of R-40 around municipalities. Furthermore, the Town of Weddington stands with other municipalities in Union County in favor of this resolution.

Adopted this 12<sup>th</sup> day of October 2020.

Attest:

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Elizabeth Callis, Mayor

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Karen Dewey, Town Clerk



**TOWN OF WEDDINGTON  
PROCLAMATION  
P-2020-05**

WHEREAS, Rotary is a global network of neighbors, friends, leaders, and problem-solvers who unite and take action to create lasting change in communities across the globe; and

WHEREAS, the Rotary motto, Service Above Self, inspires members to provide humanitarian service, follow high ethical standards, and promote goodwill and peace in the world; and

WHEREAS, Rotary in 1985 launched PolioPlus and in 1988 helped establish the Global Polio Eradication Initiative, which today includes the World Health Organization, U.S. Centers for Disease Control and Prevention, UNICEF, and the Bill & Melinda Gates Foundation, and Gavi, the Vaccine Alliance, to immunize the children of the world against polio; and

WHEREAS, polio cases have dropped by 99.9 percent since 1988 and the world stands on the threshold of eradicating the disease; and

WHEREAS, to date, Rotary has contributed more than \$2.1 billion and countless volunteer hours to protecting more than 2.5 billion children in 122 countries; and

WHEREAS, Rotary is working to raise an additional \$50 million per year, which would be leveraged for maximum impact by an additional \$100 million annually from the Bill & Melinda Gates Foundation; and

WHEREAS, these efforts are providing much-needed operational support, medical staff, laboratory equipment, and educational materials for health workers and parents; and

WHEREAS, in addition, Rotary has played a major role in decisions by donor governments to contribute more than \$10 billion to the effort; and

WHEREAS, there are over 1.2 million Rotary members in more than 35,000 clubs throughout the world that sponsor service projects to address such critical issues as poverty, disease, hunger, illiteracy, and the environment in their local communities and abroad;

Therefore, I, Elizabeth Callis, Mayor of the Town of Weddington NC , do hereby proclaim the 24<sup>th</sup> of October as  
**2020 World Polio Day**  
and encourage all citizens to join me and Rotary International in the fight for a polio-free world.

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*Elizabeth Callis, Mayor*

*Attest:*

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*Karen Dewey, Town Clerk*

## **Uniform Guidance Conflict of Interest Policy**

### **I. Purpose**

The purpose of this policy is to establish conflicts of interest guidelines that meet or exceed the requirements under state law and local policy when procuring goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects paid for in part or whole by federal funds and required under 2 C.F.R. § 200.318(c)(1).

### **II. Policy**

This policy applies when procuring goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects funded in part or whole with federal financial assistance (direct or reimbursed). This policy also applies to any subrecipient of the funds.

The employee responsible for managing the federal financial assistance award shall review the notice of award to identify any additional conflicts of interest prohibitions or requirements associated with the award, and shall notify all employees, officers, and agents, including subrecipients, of the requirements of this policy and any additional prohibitions or requirements.

**A. Conflicts of Interest.** In addition to the prohibition against self-benefiting from a public contract under G.S. 14-234, no officer, employee, or agent of the Town of Weddington may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A real or apparent conflict exists when any of the following parties has a financial or other interest in or receives a tangible personal benefit from a firm considered for award of a contract:

1. the employee, officer, or agent involved in the selection, award, or administration of a contract;
2. any member of his or her immediate family;
3. his or her partner; or
4. an organization which employs or is about to employ any of these parties.

Any officer, employee, or agent with an actual, apparent, or potential conflict of interest as defined in this policy shall report the conflict to his or her immediate supervisor. Any such conflict shall be disclosed in writing to the federal award agency or pass-through entity in accordance with applicable Federal awarding agency policy.

**B. Gifts.** In addition to the prohibition against accepting gifts and favors from vendors and contractors under G.S. 133-32, officers, employees, and agents of the Town of Weddington are prohibited from accepting or soliciting gifts, gratuities, favors, or

anything of monetary value from contractors, suppliers, or parties to subcontracts. Items of nominal value valued at less than \$50 which fall into one of the following categories may be accepted:

1. promotional items;
2. honorariums for participation in meetings; or
3. meals furnished at banquets.

Any officer, employee or agent who knowingly accepts an item of nominal value allowed under this policy shall report the item to his or her immediate supervisor.

### **III. Violation**

Employees violating this policy will be subject to discipline up to and including termination. Contractors violating this policy will result in termination of the contract and may not be eligible for future contract awards.



### **Town of Weddington Policy for Property Purchased with Federal Funds**

Property records must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property, who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the project costs for any Federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.

A physical inventory of the property must be taken, and the results reconciled with the property records at least once every two years. Adequate maintenance must be developed to keep property in good condition. Any loss, damage or theft must be investigated.



# Uniform Guidance Procurement Policy

## I. Purpose

The purpose of this Policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of the contract.

## II. Policy

- A. **Application of Policy.** This policy applies to contracts for purchases, services, and construction or repair work funded with federal financial assistance (direct or reimbursed). The requirements of this Policy also apply to any subrecipient of the funds.

All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.

- B. **Compliance with Federal Law.** All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through § 200.326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. Town of Weddington will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should the Town of Weddington have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.
- C. **Contract Award.** All contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract.
- D. **No Evasion.** No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.
- E. **Contract Requirements.** All contracts paid for in whole or in part with federal funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 C.F.R § 200.326 and as provided for under 2 C.F.R. Part 200, Appendix II.
- F. **Contractors' Conflict of Interest.** Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation

for bids or requests for proposals shall be excluded from competing for such requirements.

- G. **Approval and Modification.** The administrative procedures contained in this Policy are administrative and may be changed as necessary at the staff level to comply with state and federal law.

### III. General Procurement Standards and Procedures:

The Requesting Department shall procure all contracts in accordance with the requirements of this Section of the Policy.

- A. **Necessity.** Purchases must be necessary to perform the scope of work and must avoid acquisition of unnecessary or duplicative items. The Requesting Department should check with the federal surplus property agency prior to buying new items when feasible and less expensive. Strategic sourcing should be considered with other departments and/or agencies who have similar needs to consolidate procurements and services to obtain better pricing.
- B. **Clear Specifications.** All solicitations must incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals. Technical requirements must not contain features that restrict competition.
- C. **Notice of Federal Funding.** All bid solicitations must acknowledge the use of federal funding for the contract. In addition, all prospective bidders or offerors must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.
- D. **Compliance by Contractors.** All solicitations shall inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, and terms and conditions of the funding award.
- E. **Fixed Price.** Solicitations must state that bidders shall submit bids on a fixed price basis and that the contract shall be awarded on this basis unless otherwise provided for in this Policy. Cost plus percentage of cost contracts are prohibited. Time and materials contracts are prohibited in most circumstances. Time and materials contracts will not be used unless no other form of contract is suitable and the contract includes a "Not to Exceed" amount. A time and materials contract shall not be awarded without express written permission of the federal agency or state pass-through agency that awarded the funds.
- F. **Use of Brand Names.** When possible, performance or functional specifications are preferred to allow for more competition leaving the determination of how to reach the required result to the contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a

brand name is listed, it is used as reference only and “or equal” must be included in the description.

- G. Lease versus Purchase.** Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach.
- H. Dividing Contract for Minority/Women-owned Business Enterprise (“M/WBE”) Participation.** If economically feasible, procurements may be divided into smaller components to allow maximum participation of small and minority businesses and women business enterprises. The procurement cannot be divided to bring the cost under bid thresholds or to evade any requirements under this Policy.
- I. Documentation.** Documentation must be maintained by the Requesting Department detailing the history of all procurements. The documentation should include the procurement method used, contract type, basis for contractor selection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, contractor’s responsiveness, notice of award, copies of notices to unsuccessful bidders or offerors, record of protests or disputes, bond documents, notice to proceed, purchase order, and contract. All documentation relating to the award of any contract must be made available to the granting agency upon request.
- J. Cost Estimate.** For all procurements costing \$150,000 or more, the Requesting Department shall develop an estimate of the cost of the procurement prior to soliciting bids. Cost estimates may be developed by reviewing prior contract costs, online review of similar products or services, or other means by which a good faith cost estimate may be obtained. Cost estimates for construction and repair contracts may be developed by the project designer.
- K. Contract Requirements.** The Requesting Department must prepare a written contract incorporating the provisions referenced in Section II.C of this Policy.
- L. Debarment.** No contract shall be awarded to a contractor included on the federally debarred bidder’s list.
- M. Contractor Oversight.** The Requesting Department receiving the federal funding must maintain oversight of the contract to ensure that contractor is performing in accordance with the contract terms, conditions, and specifications.
- N. Open Competition.** Solicitations shall be prepared in a way to be fair and provide open competition. The procurement process shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding, specifying a brand name without allowing for “or equal” products, or other unnecessary requirements that have the effect of restricting competition.

- O. Geographic Preference.** No contract shall be awarded on the basis of a geographic preference.

#### **IV. Specific Procurement Procedures**

The Requesting Department shall solicit bids in accordance with the requirements under this Section of the Policy based on the type and cost of the contract.

- A. Service Contracts** (except for Architectural/Engineering (“A/E”) professional services) and **Purchase Contracts costing less than \$3,500** shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:
1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
  2. To the extent practicable, purchases must be distributed among qualified suppliers.
- B. Service Contracts** (except for A/E professional services) and **Purchase Contracts costing \$3,500 up to \$90,000** shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:
1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the Requesting Department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
  2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
  3. Cost or price analysis is not required prior to soliciting bids.
  4. Award the contract on a fixed-price basis (a not-to-exceed basis is permissible for service contracts where obtaining a fixed price is not feasible).
  5. Award the contract to the lowest responsive, responsible bidder.
- C. Service Contracts** (except for A/E professional services) and **Purchase Contracts costing \$90,000 and above** shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:
1. Cost or price analysis is required prior to soliciting bids.
  2. Complete specifications or purchase description must be made available to all bidders.
  3. The bid must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”
  4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.

5. Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
6. Award the contract to the lowest responsive, responsible bidder on a fixed-price basis. Governing board approval is required for purchase contracts unless the governing board has delegated award authority to an individual official or employee. Any and all bids may be rejected only for "sound documented reasons."

**D. Service Contracts** (except for A/E professional services) **costing \$150,000 and above** may be procured using the Uniform Guidance "competitive proposal" procedure (2 C.F.R. § 200.320(d)) when the "sealed bid" procedure is not appropriate for the particular type of service being sought. The procedures are as follows:

1. A Request for Proposals (RFP) must be publicly advertised. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an "adequate number" of qualified firms.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
3. Identify evaluation criteria and relative importance of each criteria (criteria weight) in the RFP.
4. Consider all responses to the publicized RFP to the maximum extent practical.
5. Must have a written method for conducting technical evaluations of proposals and selecting the winning firm.
6. Award the contract to the responsible firm with most advantageous proposal taking into account price and other factors identified in the RFP. Governing board approval is not required.
7. Award the contract on a fixed-price or cost-reimbursement basis.

**E. Construction and repair contracts costing less than \$3,500** shall be procured using the Uniform Guidance "micro-purchase" procedure (2 C.F.R. § 200.320(a)) as follows:

1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
2. To the extent practicable, contracts must be distributed among qualified suppliers.

**F. Construction and repair contracts costing \$3,500 up to \$150,000** shall be procured using the Uniform Guidance "small purchase" procedure (2 C.F.R. § 200.320(b)) as follows:

1. Obtain price or rate quotes from an "adequate number" of qualified sources (a federal grantor agency might issue guidance interpreting "adequate number," so the requesting department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
3. Cost or price analysis is not required prior to soliciting bids, although price estimates may be provided by the project designer.
4. Award the contract on a fixed-price or not-to-exceed basis.

5. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required.

**G. Construction and repair contracts costing \$150,000 up to \$500,000** shall be procured using the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) as follows:

1. Cost or price analysis is required prior to soliciting bids (this cost estimate may be provided by the project designer).
2. Complete specifications must be made available to all bidders.
3. Publically advertise the bid solicitation for a period of time sufficient to give bidders notice of opportunity to submit bids (formal advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid). The advertisement must state the date, time, and location of the public bid opening, and indicate where specifications may be obtained.
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
6. A 5% bid bond is required of all bidders. Performance and payment bonds of 100% of the contract price is required of the winning bidder.
7. Award the contract on a firm fixed-price basis.
8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required. Any and all bids may be rejected only for “sound documented reasons.”

**H. Construction and repair contracts costing \$500,000 and above** shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:

1. Cost or price analysis is required prior to soliciting bids (this cost estimate should be provided by the project designer).
2. Complete specifications must be made available to all bidders.
3. Formally advertise the bid in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed and in paper form. A minimum of 3 bids must be received in order to open all bids.

6. A 5% bid bond is required of all bidders (a bid that does not include a bid bond cannot be counted toward the 3-bid minimum requirement). Performance and payment bonds of 100% of the contract price is required of the winning bidder.
  7. Award the contract on a firm fixed-price basis.
  8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is required and cannot be delegated. The governing board may reject any and all bids only for "sound documented reasons."
- I. Construction or repair contracts involving a building costing \$300,000 and above must comply with the following additional requirements under state law:**
1. Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts, shall apply.
  2. Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
  3. The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).
- J. Contracts for Architectural and Engineering Services costing under \$150,000 shall be procured using the state "Mini-Brooks Act" requirements (G.S. 143-64.31) as follows:**
1. Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
  2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321.
  3. Evaluate the qualifications of respondents based on the evaluation criteria developed by the Requesting Department.
  4. Rank respondents based on qualifications and select the best qualified firm. Price cannot be a factor in the evaluation. Preference may be given to in-state (but not local) firms.
  5. Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successful, repeat negotiations with the second-best qualified firm.
  6. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.
- K. Contracts for Architectural and Engineering Services costing \$150,000 or more shall be procured using the Uniform Guidance "competitive proposal" procedure (2 C.F.R. § 200.320(d)(5)) as follows:**
1. Publicly advertise a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
  2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
  3. Identify the evaluation criteria and relative importance of each criteria (the criteria weight) in the RFQ.

4. Proposals must be solicited from an “adequate number of qualified sources” (an individual federal grantor agency may issue guidance interpreting “adequate number”).
5. Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm.
6. Consider all responses to the publicized RFQ to the maximum extent practical.
7. Evaluate qualifications of respondents to rank respondents and select the most qualified firm. Preference may be given to in-state (but not local) firms provided that granting the preference leaves an appropriate number of qualified firms to compete for the contract given the nature and size of the project.
8. Price cannot be a factor in the initial selection of the most qualified firm.
9. Once the most qualified firm is selected, negotiate fair and reasonable compensation. If negotiations are not successfully, repeat negotiations with the second-best qualified firm.
10. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.

## **V. Exceptions**

Non-competitive contracts are allowed **only** under the following conditions and with the written approval of the federal agency or state pass-through agency that awarded the federal funds:

- A. Sole Source.** A contract may be awarded without competitive bidding when the item is available from only one source. The Requesting Department shall document the justification for and lack of available competition for the item. A sole source contract must be approved by the governing board.
- B. Public Exigency.** A contract may be awarded without competitive bidding when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from a competitive bidding.
- C. Inadequate Competition.** A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from a number of sources as required under this Policy does not result in a qualified winning bidder.
- D. Federal Contract.** A contract may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts.
- E. Awarding Agency Approval.** A contract may be awarded without competitive bidding with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the contract without competition is consistent with state law.



**TOWN OF WEDDINGTON  
REGULAR TOWN COUNCIL MEETING  
MONDAY SEPTEMBER 14, 2020 – 7:00 P.M.  
WEDDINGTON TOWN HALL\*  
MINUTES  
PAGE 1 OF 5**

\* DUE TO THE CURRENT STATES OF EMERGENCY RELATED TO COVID-19, SOCIAL DISTANCING MEASURES WILL BE PRACTICED. TO ENSURE THE SAFETY OF TOWN RESIDENTS, STAFF, AND TOWN COUNCIL, THE MEETING WILL BE CONDUCTED VIRTUALLY AND LIVE STREAMED ON SOCIAL MEDIA PLATFORMS.

**1. Open the Meeting**

Mayor Callis called the meeting to order at 7:00 p.m.

**2. Pledge of Allegiance**

Mayor Callis led the Pledge of Allegiance

**3. Determination of Quorum**

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

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

Staff requested to add item 9.G. to the Consent Agenda: Call for a Special Meeting for a Work Session on Thursday, September 17, 2020 at 9:00 a.m. at Weddington Town Hall.

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

**5. Presentation from Union County Public Works**

Mr. Hyong Yi from Union County Public Works presented an update on projects and activities affecting Union County and the Town of Weddington including development in the Twelve Mile Creek Service area and an update on the west fork interceptor project, advance metering infrastructure and an interconnection with Charlotte water to help with water pressure in the area and a Town center Sewer Development Program that helps municipalities bring sewer to downtown. In addition, he explained that the Public Works master plan is an 18-month plan to review and update over the next 10 years. They will look at the county comprehensive plan for assumptions about growth and density and plan to meet with towns about their needs as a part of the planning process.

Councilmember Smith stated that he is in favor of meeting with Public Works and participating in the survey of towns.

Mayor Pro Tem Propst would like to participate in the county survey and help bring sewer to downtown. The town's only shopping center on private sewer system which inhibits development. Councilmember Perryman stated that he appreciated the presentation and he welcomes the county coming to do a study of the downtown area.

Councilmember Pruitt agreed and thanked Mr. Yi for presenting.

The Council agreed that the downtown has struggled with growth and after discussions with those that own the private septic system, having county sewer and water would help the area. Mr. Yi stated that he would work with Ms. Thompson to start the process.

## **6. Mayor/Councilmember Reports**

Councilmember Perryman reported on the initial Western Union Municipal Alliance (WUMA) meeting. He was elected as the Chairman and Amanda Fuller from Wesley Chapel was elected as the Vice Chairman. The next meeting is Thursday September 24 at 3:30 at Weddington Town Hall. They are working on how to work with the County regarding the 2050 Comprehensive Plan and how to express to the Board of County Commissioners what the western side of the county is looking for in new development and rezoning.

Mayor Pro Tem Propst reported that this Saturday the 19<sup>th</sup> is the drive up and drop off Shredding Event. If any Councilmembers would like to volunteer it will be held from 12 noon to 3pm. They are working on getting volunteers-adults as well as children. The event is sponsored by Truliant Federal Credit Union.

Mayor Callis shared a letter sent to the mayors and mayors pro tem of Weddington, Marvin, and Wesley Chapel from Chief McClendon. The Wesley Chapel Volunteer Fire Department has received a second FEMA grant for \$332,5000 to focus on recruitment and retention. This will be for enhancing current programs and creating new programs which will aid in long term retention. He is hoping to grow to 160+ members. Mayor Callis expressed her gratitude for the WCVFD and their hard work and congratulations for being awarded the grant.

## **7. Public Comments**

## **8. Public Safety Report**

Deputy Joseph Kropp gave the public safety report: There have been a number of vehicle break-ins throughout Weddington and surrounding areas. They are actively being investigated and UCSO encourages residents to stay alert and secure their vehicles. The majority of the break-ins involve unlocked cars.

There have also been traffic complaints on Providence Road and Weddington Church Road regarding speeding vehicles. There will be a saturation operation in the coming weeks.

## **9. Consent Agenda**

- A. Approve Proclamation P 2020-02 Recognizing September 17 through 23 as Constitution Week
- B. Approve Proclamation P 2020-03 Recognizing October 4 through 10 as Fire Prevention Week
- C. Approve Proclamation P 2020-04 Recognizing October as Domestic Abuse Awareness Month
- D. Approve Budget Amendment for FY 2020-2021 for Revenues and Expenditures due to the CARES Act
- E. Call for a Public Hearing to be held October 12, 2020 at 7:00 p.m. at Weddington Town Hall for Christ South Lutheran Church Conditional Zoning Amendment for Phase 1

F. Approve Resolution 2020-05 to request DOT accept Bromley Subdivision roads into State Maintained Secondary Road System

\*\* G. Call for a Special Meeting of the Weddington Town Council on Thursday, 17 September 2020 at 9:00 a.m. at Weddington Town Hall.

Councilmember Pruitt asked if the Bromley HOA is looking for quotes to replace the timber bridges in the future since NCDOT is not accepting Fernhurst Terrance and Pondmeade Lane because of it. Ms. Thompson responded that she spoke with the HOA president and they are looking at a cost estimate to replace the timber bridge in the future and cost for continued maintenance of both. If the adjacent property is ever developed, NCDOT will have access to the cul de sac through there and could accept that road, but NCDOT won't accept the portion with the bridge.

Mayor Callis asked if NCDOT will consider maintenance of the Bromley roads with wooden bridges if the bridges were replaced. Ms. Thompson responded that if all other requirements for state maintenance were met, NCDOT would consider taking over maintenance.

**Motion:** Mayor Pro Tem Propst made a motion to approve the Consent Agenda as amended.

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

## 10. Approval of Minutes

### A. August 10, 2020 Town Council Regular Meeting Minutes

**Motion:** Councilmember Pruitt made a motion to approve the August 10, 2020 Town Council Regular Meeting Minutes.

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

## 11. Old Business

## 12. New Business

### A. Discussion and Consideration of Renewal of Annexation Agreement with the Village of Marvin

Ms. Thompson presented the staff report: 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. Town staff asks if the Weddington Town Council intends to renew the agreement and if the boundaries are still appropriate. Upon Council agreement, Town staff will initiate the public hearing process required by Statute.

Councilmember Smith clarified that this was to stop any encroachment on the neighboring town. Councilmember Pruitt asked if this is like a "sphere of influence".

Ms. Thompson explained that it was more of a concern 20 years ago as towns had authority for involuntary annexation. Charlotte was moving south, and Waxhaw was moving north. Weddington was in the process of annexing areas and Marvin was attempting annexing an area. Councilmember Perryman stated that this is exactly the kind of agreement between municipalities that the Western Union Municipal Alliance is supporting, even if involuntary annexation doesn't happen anymore. It's good to have these boundaries even if not as necessary.

Council unanimously agreed to direct staff to proceed with the statutory requirements for the annexation agreement with Marvin with updated maps and current town boundaries.

**B. Discussion and Consideration to extend and permanently adjust all current Planning Board terms from December of expiration year to March of the following year**

Ms. Thompson presented the staff report: At the Retreat in February, Council discussed amending the Planning Board Rules of Procedure to extend term expiration dates to March following the existing December expiration dates in order to allow time for new Councilmembers to participate in interviews and the selection process. Council will need to vote to extend the terms of the current Planning Board Members and make new appointment terms run from March to March.

***Motion:*** Mayor Pro Tem Propst made a motion to extend and permanently adjust all current Planning Board terms from December of expiration year to March of the following year.

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

**13. Update from Town Planner**

**14. Code Enforcement Report**

Mayor Callis expressed concern about 3343 Ironwood: Vehicle parked in the right of way for over 6 months. Ms. Thompson explained that it is not the property owner's vehicle and an intent to tow will be issued to the vehicle owner.

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

Ms. Gaylord presented the Finance update: The Town is in the process of the FY20 audit. The auditor has been to town hall twice and has completed the field work. Staff anticipates the audit being wrapped up in October and will be presented to the Council.

**16. Transportation Report**

Mayor Callis reported that the NCDOT finances are still in rough shape. COVID-19 pandemic has had a significant impact on revenues for the state. At the CRTPO meeting today, Bjorn Hansen reported that there are 10-15 STIP projects that have been delayed in Union County. Two impact Weddington directly: Highway 16 with an estimated completion date of 2030 and Rea Road extension with an estimated completion date of 2032. The roundabout at Chestnut was scheduled to open has utility issues and will be open closer to the end of September.

**17. Enter into Closed Session pursuant to NCGS 143-318.11 (a)(3): To Consult with an Attorney to protect the Attorney-Client Privilege**

**Motion:** Mayor Pro Tem Propst made a motion to enter into closed session pursuant to NCGS 143-318.11(a)(3): To consult with an attorney to protect the attorney client privilege.

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

Mayor Callis called the meeting back to order at 8:01 p.m.

**18. Council Comments**

Councilmember Pruitt: I thank everybody for being here tonight and hope everybody's staying safe and I look forward to seeing everyone in person very soon.

Mayor Pro Tem Propst: If there are residents attending tonight, thank you everybody for attending. I hope everybody is staying healthy and as safe as possible and I hope to see everybody very soon.

Councilmember Perryman: Thanks again to everybody. Thanks to staff once again for getting this technology together for us so we can get our business accomplished. And I'd like to extend an invitation to the WUMA meeting on September 24<sup>th</sup>. Meetings are open to the public and we'd love to see you there.

Councilmember Smith: I would like to echo everybody else's comments. Thank you everybody for joining the meeting and thanks to staff for their hard work.

Mayor Callis: Everybody else has expressed what I'd say. The shredding event-don't forget at noon on Saturday. Bring all your old papers and shred them, don't burn them!

**19. Adjournment**

**Motion:** Mayor Pro Tem Propst made a motion to adjourn the September 14, 2020 Town Council Regular Meeting at 8:04 p.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 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:** October 12, 2020

**SUBJECT:** Christ Lutheran Church Conditional Zoning Amendment

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Christ Lutheran Church requests a conditional zoning amendment for a church use on 12.739 acres at the northwest corner of Rea and Reid Dairy Road.

The site was rezoned on October 8, 2018 with conditions agreed upon by the applicant.

Since the approval the applicant purchased the Matthews Property (parcel 06177012). The first amendment was approved in March of 2019. The development standards remained the same except (1) to add the Matthews parcel, and (2) to note that there may be more than one building constructed on the site. The building(s) maximum gross floor area of 55,000 square feet remained the same.

The second amendment was approved in December 2019 to allow for a preschool use within the existing single-family home. The preschool use shall have a maximum number of 20 students and the hours of operation shall be no more than four days a week with no more than four hours per day. Any changes shall be brought back to Town Council.

The applicant is now seeking an amendment to build phase 1, which includes the little barn, hospitality barn (within the existing garage and decking), center lawn, an existing home (Ms. Matthews residence) and parking. Phase 2 will be required to come back through the conditional zoning amendment process.

**Development Standards (for a Church in the R60 zoning district):**

- Minimum Lot Area-3 acres
- Front Setback-75 feet
- Rear Setback-60 feet
- Side Setbacks-50 feet
- Maximum Building Height - 35 feet except as permitted in *Section 58-15*

**Access and Parking:**

The site plan shows two points of access off Reid Dairy Rd. The first access is existing and is utilized by Thrive Day Preschool and the second access will be expanded near the existing private drive. NCDOT will be required to approve the access.

The parking has been separated into sections to avoid large expanses of asphalt and it is located outside of the rear and side yard setbacks required by code.

One parking space is required per 4 seats in a sanctuary plus 1 space for each employee. There are approximately 242 seats. 60 parking spaces are required, and 66 spaces have been provided. The hospitality barn will utilize existing parking spaces until phase 2 is built.

### **Screening and Landscaping:**

The applicant is required to provide a 50-foot landscaped buffer around the property per Section 58-8 of the zoning ordinance and buffer the parking along Reid Dairy Rd. Existing wooded areas within the buffers shall be left undisturbed.

The detailed landscaping plan will be required to go through the Design Review Board process during the construction plan phase of the project.

### **Elevations**

The conceptual elevations show a fiber cement lap siding, wooden barn doors, overhead doors and a metal roof. The new elevations meet the intent of the design and appearance standards with features that avoid monotony or massing.

The final elevations will be required to go through the Design Review Board process prior to construction.

### **Lighting**

Any freestanding lighting fixtures on the site will be required to follow Chapter 14, Article IV of the town's ordinances.

### **Development Standards**

The development standards remain the same as originally approved except for the following:

- 4.C The maximum height of any building was raised to 45 ft.
- 4.D The conceptual drawings were noted to be for the "phase one" building, to be built in phase one and not the "principal" building which will be the main worship building and built in the future. As is noted in the language, design of the principal building and all other buildings will be similar in character to the phase one building drawings provided.
- 8.A No signs were shown on the master plan. The Development Standard was modified to remove the reference to the location of signs. All signs are required to be reviewed by the Design Review Board.

### **Planning Board**

The Planning Board reviewed the plans on August 24, 2020. Questions were answered regarding the uses, stormwater plans/impervious surface, and parking. The Planning Board asked to make sure the wording on the plans don't allow for any retail type uses. The Planning Board unanimously recommended approval.

## **Other**

Since the Council called for the public hearing on September 14, 2020, staff received some general concerns of the use and new layout of the plan. Concerns expressed include: the plans and use seem better suited for a different zoning category, unease about wedding venues, receptions, uses of the amphitheater, and rental of facilities. There were also concerns over noise, lighting, the food truck area, alcohol, traffic, and events and whether approving this use sets a poor precedent.

In response, the use and square footage requirements have not changed. It was and remains approved for a church and ancillary uses not to exceed 55,000 sq. ft which is permitted in the R60 zoning district with conditional zoning.

The town asked the applicant to provide a build-out plan with the concern that churches seem to grow and add on continuously ad-hoc. What's being considered is Phase 1. Phase 2 will have to come back through the town and through the conditional zoning process. The wedding venue and reception idea has not changed from the original proposal and has restrictions within the development standards. The amphitheater area has been changed to open space. This area is intended to be a park-like setting where members can gather. It could be used for outdoor services or events, but the church is required to follow the town's noise and lighting ordinance. Other facility rentals are common in church uses.

Food trucks are permitted for their members and events they hold. Any public event is required to get a temporary use permit. Only 4 events on this property are allowed per year. The applicant will add a condition that the food truck area is for church use and events only

In response to traffic concerns, the peak hours for the church are different from the school. The TIA analysis was submitted with the original rezoning. The site was conditioned that if the preschool use changes or grows, the applicant is required to submit a new TIA.

The use and the development standards of this conditional zoning plan run with the land. It's a site-specific development permit. All conditions previously approved shall apply.

## **Recommendation:**

State Statute requires that all zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan or any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest.

Staff recommends approval of the conditional district amendment with the conditions as previously approved; adding the condition that the amphitheater area is changed to common open space and the food truck area shall be for church use and events only; and recommends keeping the previously approved land use plan consistency statement.

### *Proposed Land Use Consistency Statement*

The subject parcel is designated for Traditional Residential on the Weddington Land Use Plan.



The conditional zoning meets the goals of the land use plan in that the use retains a mix of land uses that reinforce a unique small-town character; the design is consistent with the unique small-town character of Weddington. The existing trees and undisturbed area create a buffer between the existing residential homes. It is reasonable given the use and character of the area with the school and fire department nearby.

*Attachments:*

Site Plan  
Phasing Plan  
Development Standards  
Elevations  
Floor Plan



**TOWN OF WEDDINGTON  
TOWN COUNCIL MEETING AGENDA  
2020 RETREAT WORK SESSION  
WEDDINGTON TOWN HALL  
Thursday, September 17, 2020  
Minutes  
Page 1 of 2**

**Call to Order and Adoption of the Agenda**

Mayor Callis called the meeting to order at 9:15 a.m.

Quorum was determined with all Councilmembers in attendance: Mayor Elizabeth Callis, Mayor Pro tem Propst, Councilmembers Mike Smith, Jeff Perryman, and Anne Pruitt

Staff present: Town Administrator/Planner Lisa Thompson, Town Clerk Karen Dewey, Finance Officer Leslie Gaylord

**1. Park Discussion**

Council reviewed the topographical and boundary survey of the park property. They discussed the layout of future features of the park. The cost to move the powerlines will run between \$60 and \$75,000 and the lines can be buried. Councilmember Perryman asked if the lines are buried, will it interrupt a water and sewer line. Council agreed to move forward with burning the existing structure and get a date when this will be completed, get a final price to move the powerlines along the path of least resistance and save as many trees, and to keep the basic park plan general layout and begin grading.

**2. Tree Ordinance**

Ms. Thompson began the discussion explaining that during the retreat the town discussed utilizing existing trees and keeping wooded areas as a way to control runoff and providing an incentive to developers that would allow them to reduce the stormwater pond size requirements. However this would take time. In the mean time we could do some simple changes to our ordinances to save trees in conventional subdivisions. The Council agreed to add tree requirements to the current R40 standards to require on lot trees be planted or preserve bigger trees on the lot in lieu of new trees, to require more trees around detention areas and open spaces and restrict developers from clearing setbacks except for utilities. Council directed staff to move forward on text amendment process for tree ordinances.

**3. ETJ and Donut Holes**

Councilmember Perryman discussed the Western Union Municipal Alliance. Members include Weddington, Wesley Chapel, Marvin, and Mineral Springs. Indian Trail may join at a later date and no response has been received from Waxhaw. WUMA will be sending a letter of introduction to the Board of County Commissioners that includes how this alliance will benefit the area and why ETJ is important including:

- Simplify zoning process
- Residents know what to expect regarding future development in the county
- Municipalities know what will be coming to allow for future public safety needs
- More accurate plans put together by the county for school, sewer and water lines, and roads
- Sphere of influence plans include better communication between towns and BOCC

- Start with non-antagonistic approach

#### **4. Unified Development Ordinance**

Ms. Thompson explained that Sections 1 through 6 have been sent to the Planning Board for initial review. Planning Board will review Sections 7-10 next month, taking more time if needed. The School of Government has shared a check list making it easy to match up town ordinances with the new NCGS 160D.

#### **5. Planning Board Terms**

##### **a. Process for Applications, Timeline and Interviews**

Council reviewed and agreed with the timeline application process for Planning Board seats. Staff will post the process on the town website.

#### **6. Downtown**

##### **a. Sewer**

Union County Public Works presented to the Council at the September Regular meeting and Ms. Thompson has scheduled a meeting to work on bringing sewer and water to the downtown area.

##### **b. Mixed Uses**

Council discussed mixed use developments throughout the downtown area and agreed to keep a conversation open about them and wait for any plans and applications that come through town hall before making any decisions or drawing any conclusions.

#### **7. Transportation**

Ms. Thompson stated that there is a call for projects-DA funds for Potter and Forest Lawn intersection. In order to apply, the town must have the cash flow for the entire project. Next summer FY22 funds are available. DOT says the town can take as much time as needed to get the construction completed and get reimbursed as the project goes. The town can contract with DOT for the work. Council directed staff to find out if the town can apply and back out at later date if the project is accepted and to find out if funds are available.

#### **8. Signs**

Ms. Thompson presented samples of city limit signs to Council. There will be 4 city limit signs: NC 16, HWY 84, Beulah Church Rd, & Antioch Church Road and 2 High School signs at NC 16 & HWY 84.

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

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

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



• PRELIMINARY •  
NOT FOR  
CONSTRUCTION

## Christ Evangelical Lutheran Church of NC

4519 Providence Road  
Charlotte, NC 28226

Prepared for:  
John Shurley

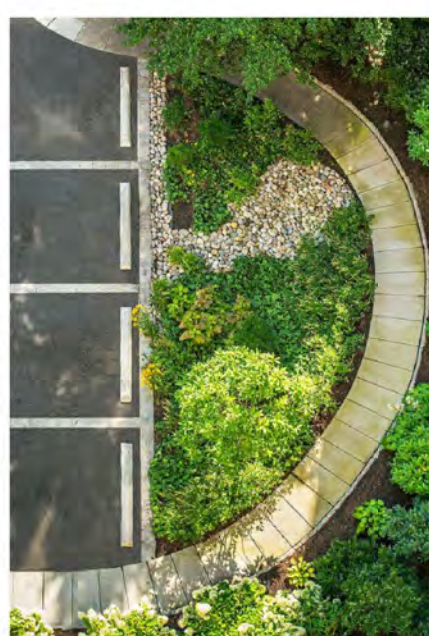
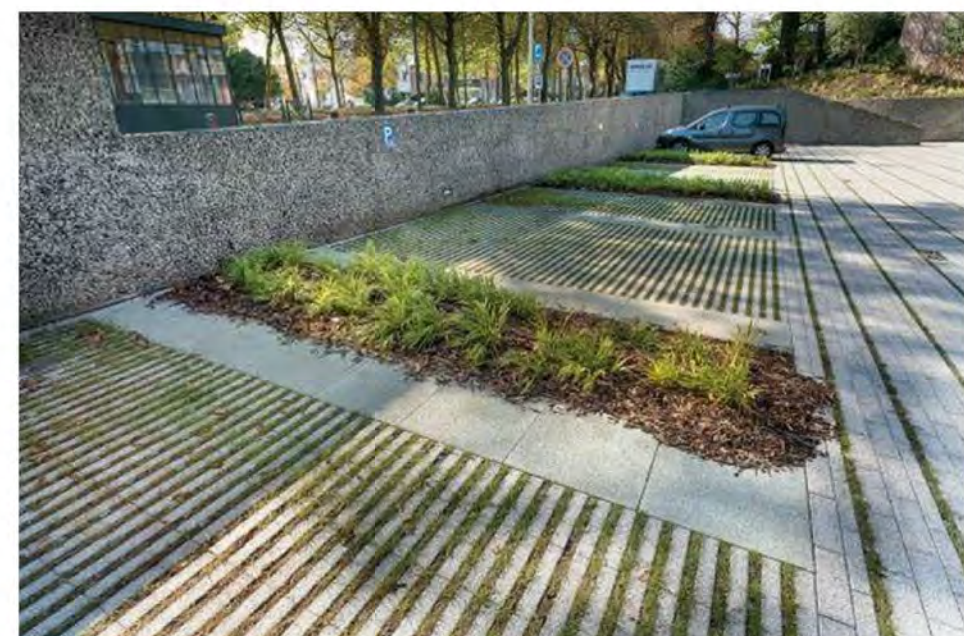
Date 10.07.2020  
Architect's Project # 2016

#	REVISION	DATE
1		

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## SITE PLAN

# AS101



Big Barn	12,000 sf (400 people - 100 spaces)	120 p. spaces
The Harvest House	2,184 sf	30
Hospitality Barn	1,150 sf (=/- 1,400 sf deck)	30
Little Barn	5,000 sf	30
Thrive (future)	10,000 sf	30
Office	2,370 sf	30

173 parking spaces total:  
\* It is assumed that the main worshipping space will share parking with other buildings on campus.



• PRELIMINARY •  
NOT FOR  
CONSTRUCTION

## Christ Evangelical Lutheran Church of NC

4519 Providence Road  
Charlotte, NC 28226

Prepared for:  
John Shurley

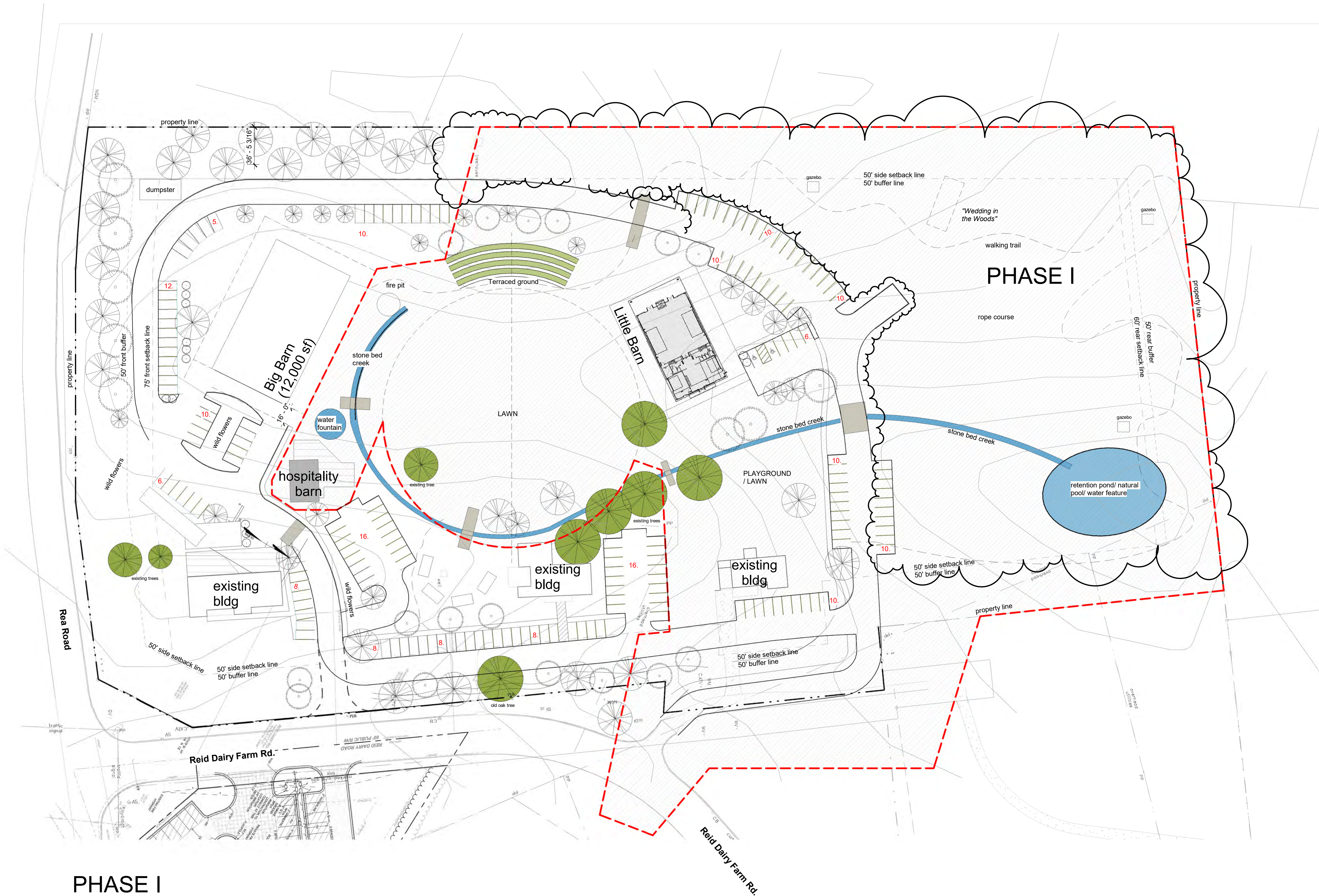
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#	REVISION	DATE
1		

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## PHASING PLAN

# AS102



### PHASE I

1. Little Barn
2. Access Road
3. Retention Pond
4. Parking and fire truck turn around
5. pedestrian access to the walkway in the wood
6. Wedding in the Woods
7. Gazebos
8. Rope Course
9. Playground
10. Hospitality Barn
11. Terraced Grounds
12. Lawn Area



DEVELOPMENT STANDARDS

August 14, 2020

1. GENERAL PROVISIONS

- A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Application filed by Christ Lutheran Church (the "Applicant") for an approximately 12.739 acre site located on the northwest corner of Reid Dairy Road and Rea Road, which site is more particularly depicted on the Rezoning Plan and is further identified as all of Tax Parcel No. 06177012, all of Tax Parcel No. 06177013, all of Tax Parcel No. 06177014, and a portion of Tax Parcel No. 06177015 (hereinafter referred to as the "Site").
- B. The development and use of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of Chapter 58 of the Town of Weddington Code of Ordinances (the "Zoning Ordinance"). The regulations established under the R-60 zoning district shall govern the use and development of the Site.
- C. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the configurations, placements and sizes of the building footprints as well as the internal drives and parking areas depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards and the Zoning Ordinance, may be altered or modified during design development and construction document phases.
- D. The principal building and any accessory structures developed on the Site shall be located within the building envelope depicted on the Rezoning Plan.
- E. The Site shall be considered to be a planned/unified development. Therefore, side and rear yards, buffers, building height separation requirements and other zoning standards shall not be required internally between improvements and uses on the Site. The Site shall be required to meet side and rear yard requirements and buffer requirements with respect to the exterior boundaries of the Site.
- F. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Section 58-271(j) of the Zoning Ordinance. Minor alterations or changes to the Rezoning Plan and/or these Development Standards are subject to Section 58-271 (j) of the Zoning Ordinance.

2. PERMITTED USES

- A. In addition to all permitted uses within the R-60 zoning district, the Site also may be devoted to the following conditional uses that are allowed within the R-60 zoning district:
- Churches, synagogues and other places of worship, along with any incidental and accessory uses associated therewith.

8. SIGNS

- A. The Applicant may install a sign on the Site, which sign shall comply with the requirements of Article V of the Zoning Ordinance.

9. LIGHTING

- A. All freestanding lighting fixtures installed on the Site shall comply with the requirements of Chapter 14, Article IV of the Town of Weddington Code of Ordinances.

10. NOISE

- A. The Applicant shall comply with the requirements of Chapter 22 of the Town of Weddington Code of Ordinances.
- B. The Applicant shall not erect or operate a bell tower or similar chiming feature on the Site.

11. BINDING EFFECT OF THE REZONING APPLICATION

- A. If this Rezoning Application is approved, all conditions applicable to the development and/or use of the Site imposed under this Rezoning Plan will, unless amended in the manner provided under the Zoning Ordinance, be binding upon and inure to the benefit of Applicant and the current and subsequent owners of the Site and their respective successors in interest and assigns. Throughout these Development Standards, the terms, "Applicant" and "owner" or "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Applicant or the owner or owners of the Site from time to time who may be involved in any future development thereof.
- B. Any reference to the Zoning Ordinance or the Town of Weddington Code of Ordinances herein shall be deemed to refer to the Zoning Ordinance or the Town of Weddington Code of Ordinances in effect as of the date this Rezoning Petition is approved.

- B. With the exception of Holy Week and Christmas Eve, the public hours of operation for permitted uses on the Site shall be 7:00 am to 10:00 pm; provided, however, that the following uses shall be permitted to take place on the Site outside of the above hours of operation:

- Small group activities;
- Spiritual and spiritual formation activities for congregants;
- Church-community relationship building activities; and
- Conducting church business, operations and/or management activities.

- C. The following restrictions shall apply to wedding ceremonies and wedding receptions held outdoors on the Site:

- Any wedding ceremonies and/or receptions held on the Site must be held within the hours of operation set forth in Note 2.B.
- Outdoor wedding ceremonies and/or receptions shall be held within the building envelope depicted on the Rezoning Plan.
- The maximum number of guests for any outdoor wedding ceremony and/or reception held on the Site shall be in accordance with the maximum occupancy of the principal building on the Site as determined by the fire marshal or fire chief
- Temporary exterior lighting, if any, shall not project into adjoining residential lots. Use of stadium-style or other pole-mounted lighting is prohibited.
- Parking along the public right of way, or parking that blocks any driveways, sight triangles or emergency access, is prohibited. Off-site parking shall be permitted only if the Applicant maintains an agreement with the owner of land where vehicles are parked specifically permitting such parking.
- The event area shall provide sufficient on-site trash receptacles, and ensure that windblown trash or other debris does not accumulate anywhere on the Site.
- The event area shall ensure adequate ingress and egress from all buildings and structures to accommodate emergency services access.

- D. No dedicated and lighted athletics fields (e.g. baseball diamonds) shall be provided on the Site.

- E. The Applicant acknowledges that it must seek Town Council approval of any extension of permitted church uses to include operation of a day care or a preschool on the Site.

3. TRANSPORTATION

- A. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs

and to any adjustments required for approval by the Town of Weddington and/or North Carolina Department of Transportation ("NCDOT") in accordance with applicable published standards.

- B. Off-street vehicular parking shall be provided in accordance with the requirements of the Zoning Ordinance.

- C. The alignment of the internal drives and vehicular circulation areas may be modified by the Applicant to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by Town of Weddington and/or NCDOT in accordance with applicable published standards.

4. ARCHITECTURAL STANDARDS

- A. Building design and architectural standards will meet the applicable requirements of Chapter 14, Article V of the Town of Weddington Code of Ordinances.

- B. The building or buildings to be located on the Site together shall not exceed 55,000 square feet of gross floor area.

- C. The maximum height of any building or buildings to be located on the Site shall be 45 feet as measured from the ridge of the roof

- D. Attached to the Rezoning Plan are a series of conceptual, architectural perspectives of the phase one building to be located on the Site, which are intended to depict the general conceptual architectural style and character of the building. Accordingly, such building shall be designed and constructed so that it is substantially similar in appearance to the attached relevant conceptual, architectural perspectives with respect to architectural style, design and character. Notwithstanding the foregoing, changes and alterations to the exterior of the building that do not materially change the overall conceptual architectural style and character shall be permitted. Any other buildings to be located on the Site shall be consistent with the architectural style, design and character of the phase one building on the Site.

5. DIMENSIONAL STANDARDS

- A. Development of the Site shall comply with the yard regulations for the R-60 zoning district set out in Section 58-53(3) of the Zoning Ordinance as it exists on the date of the Rezoning Application.

6. SCREENING AND LANDSCAPING

- A. Screening and landscaping shall conform to the requirements of Section 58-8 of the Zoning Ordinance.

7. ENVIRONMENTAL FEATURES

- A. Storm water management on the Site shall comply with the requirements of Section 58-

- B. 543 of the Zoning Ordinance.

• PRELIMINARY •  
NOT FOR CONSTRUCTION

COMMUNITY  
BUILDING

Old Dairy Farm-  
Phase 1

323 Reid Dairy Road  
Weddington, NC 28104

Prepared for:

CHRIST LUTHERAN  
CHURCH  
4519 Providence Road  
Charlotte, NC 28226

Date 8-14-2020  
Architect's Project # 2016

REVISIONS

NUMBER DATE

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DEVELOPMENT  
STANDARDS

AS103



• PRELIMINARY •  
NOT FOR CONSTRUCTION

COMMUNITY  
BUILDING  
Old Dairy Farm-  
Phase 1  
323 Reid Dairy Road  
Weddington, NC 28104

Prepared for:  
CHRIST LUTHERAN  
CHURCH  
4519 Providence Road  
Charlotte, NC 28226

Date 8-10-2020  
Architect's Project # 2016

REVISIONS  
NUMBER DATE

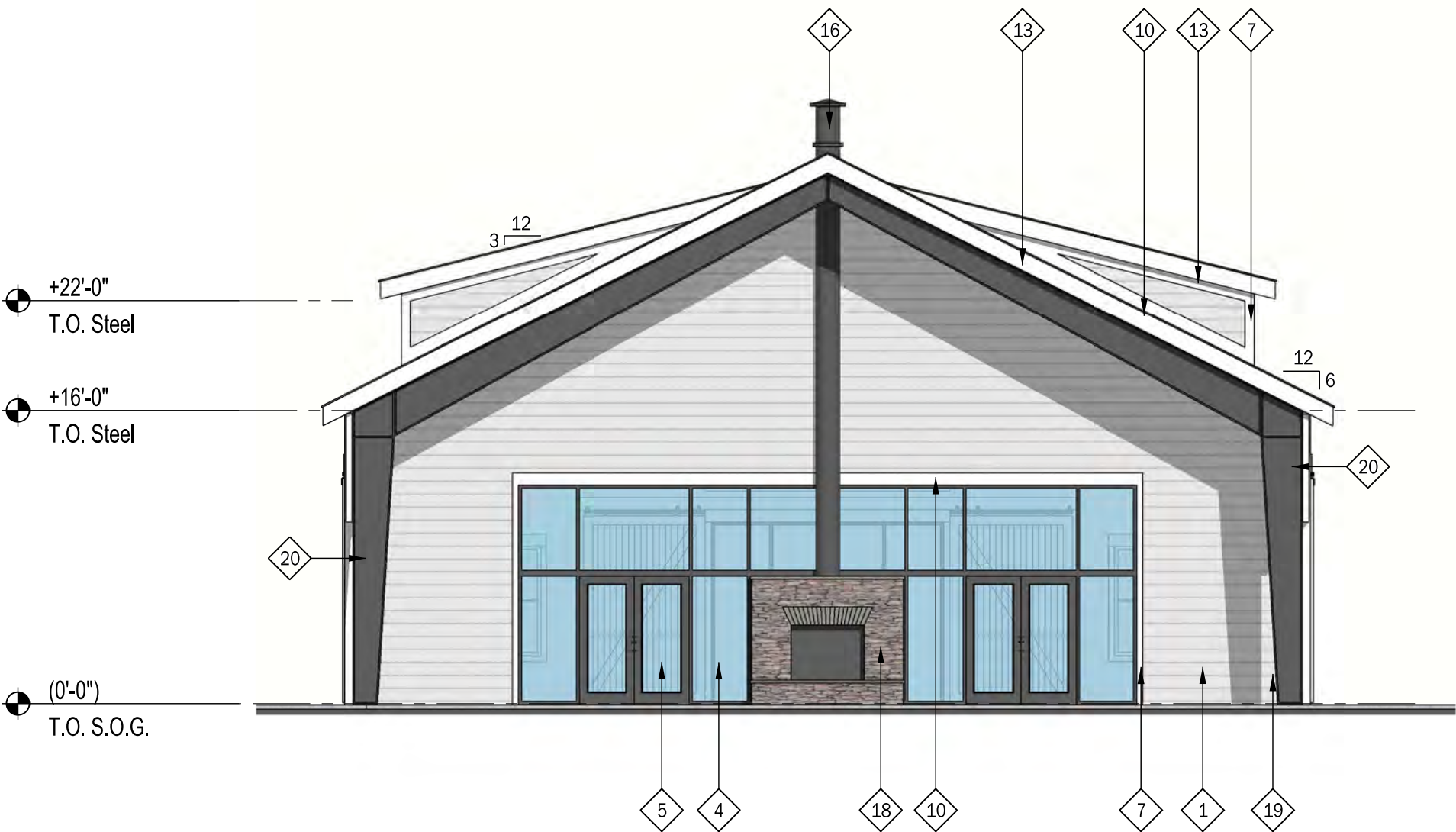
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project and site specifically identified herein  
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EXTERIOR  
ELEVATIONS

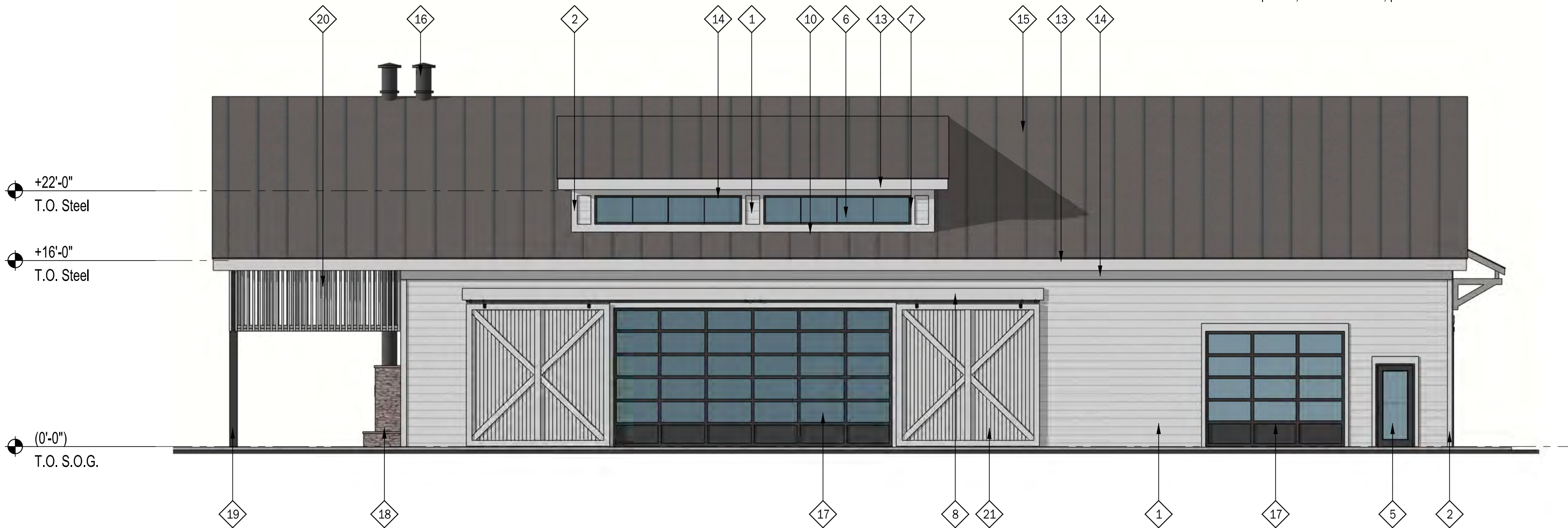
AC201

ELEVATION KEYNOTES

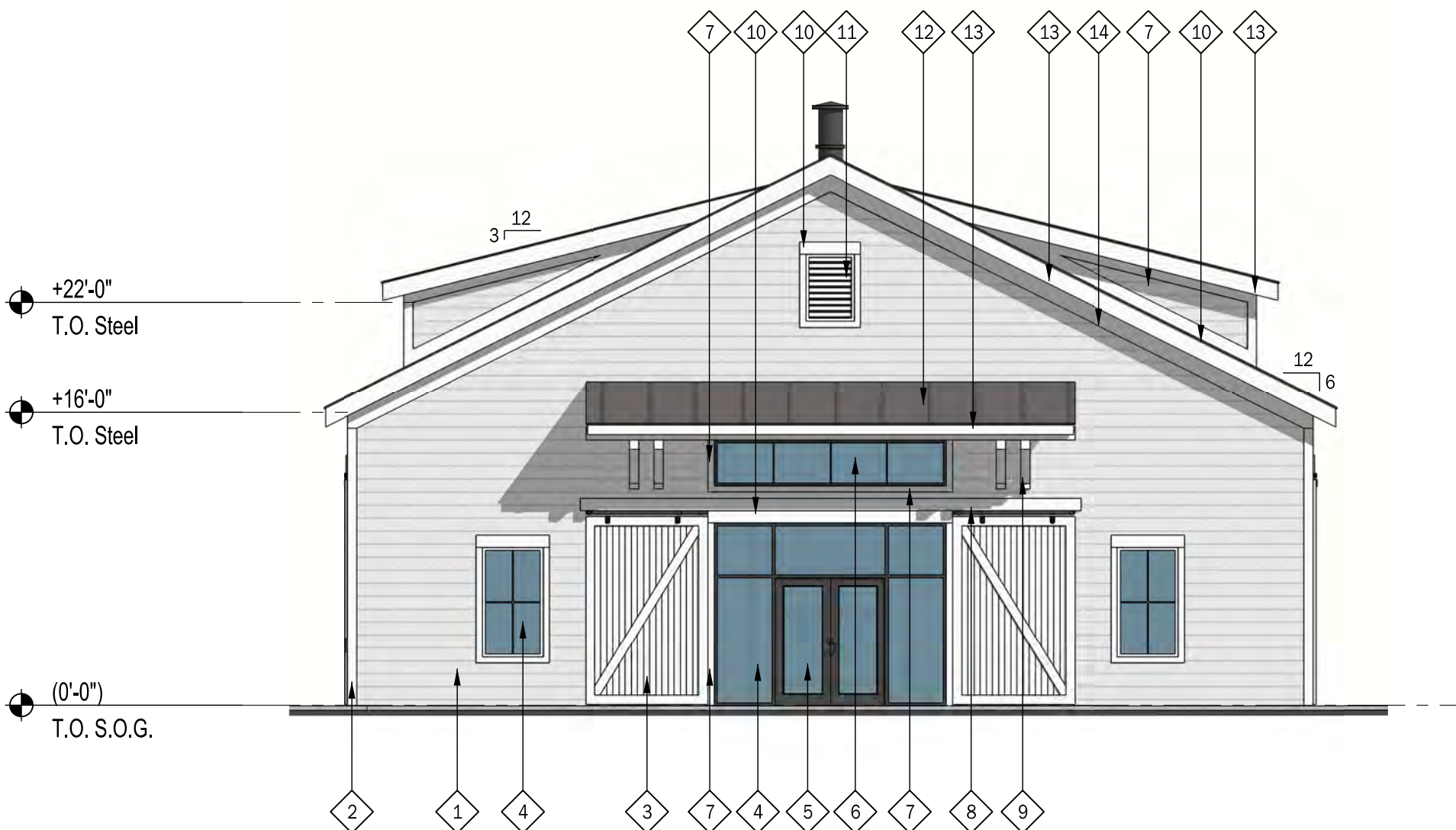
1. Fiber-cement lap siding, 8" exposure, painted, typical.
2. 6" Fiber-cement trim, painted, typical
3. Fixed, wooden barn door, painted
4. Prefinished aluminum storefront with insulating glass
5. Prefinished aluminum entrance doors with insulating glass
6. Prefinished aluminum window with insulating glass and applied exterior muntins.
7. 4" Fiber-cement trim, painted
8. Overhead barn door track, painted
9. KDAT wood brackets, painted, typical
10. 8" Fiber-cement trim, painted
11. Prefinished aluminum louver
12. Prefinished, standing seam roofing
13. Prefinished aluminum fascia
14. 10" Fiber-cement trim, painted
15. Prefinished, insulated, standing seam metal roof panels.
16. Fireplace exhaust flue
17. Prefinished aluminum sectional overhead door with insulating glass
18. Thin-stone fireplace veneer
19. Steel framing, painted.
20. Wood slats on horizontal purtins, painted.
21. Operable, wooden barn door, painted



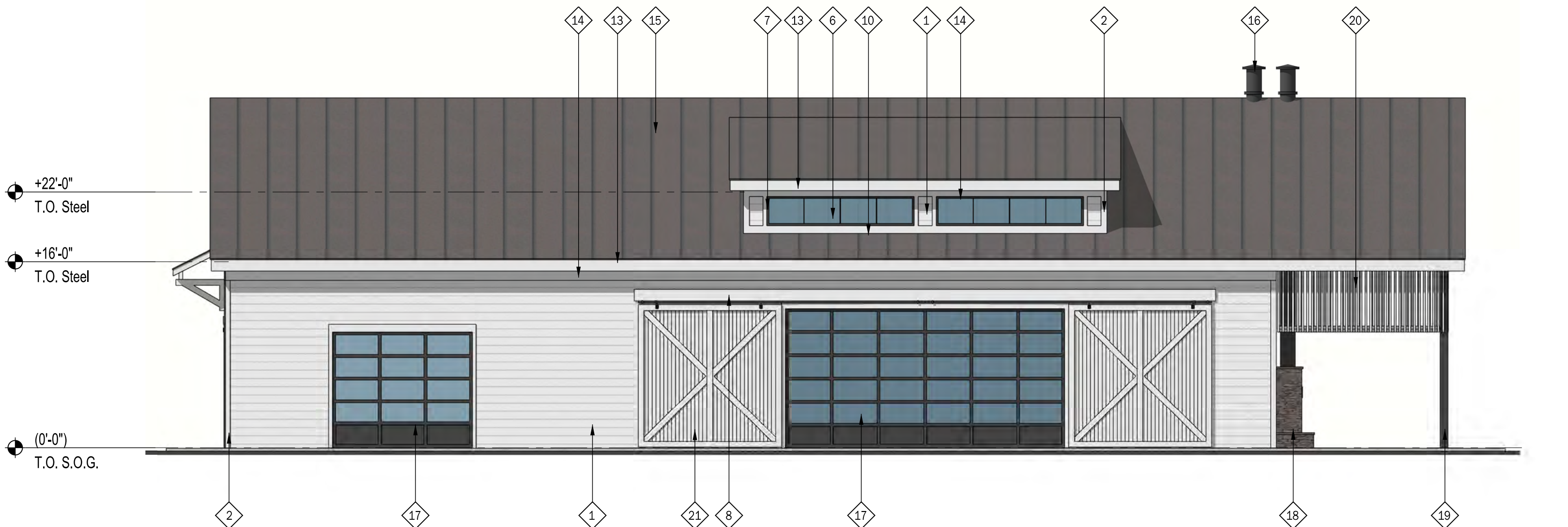
B3 REAR ELEVATION  
1/8"=1'-0"



B1 LEFT SIDE ELEVATION  
1/8"=1'-0"



A3 FRONT ELEVATION  
1/8"=1'-0"



A1 RIGHT SIDE ELEVATION  
1/8"=1'-0"



• PRELIMINARY •  
NOT FOR CONSTRUCTION

COMMUNITY  
BUILDING

Old Dairy Farm-  
Phase 1

323 Reid Dairy Road  
Weddington, NC 28104

Prepared for:

CHRIST LUTHERAN  
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4519 Providence Road  
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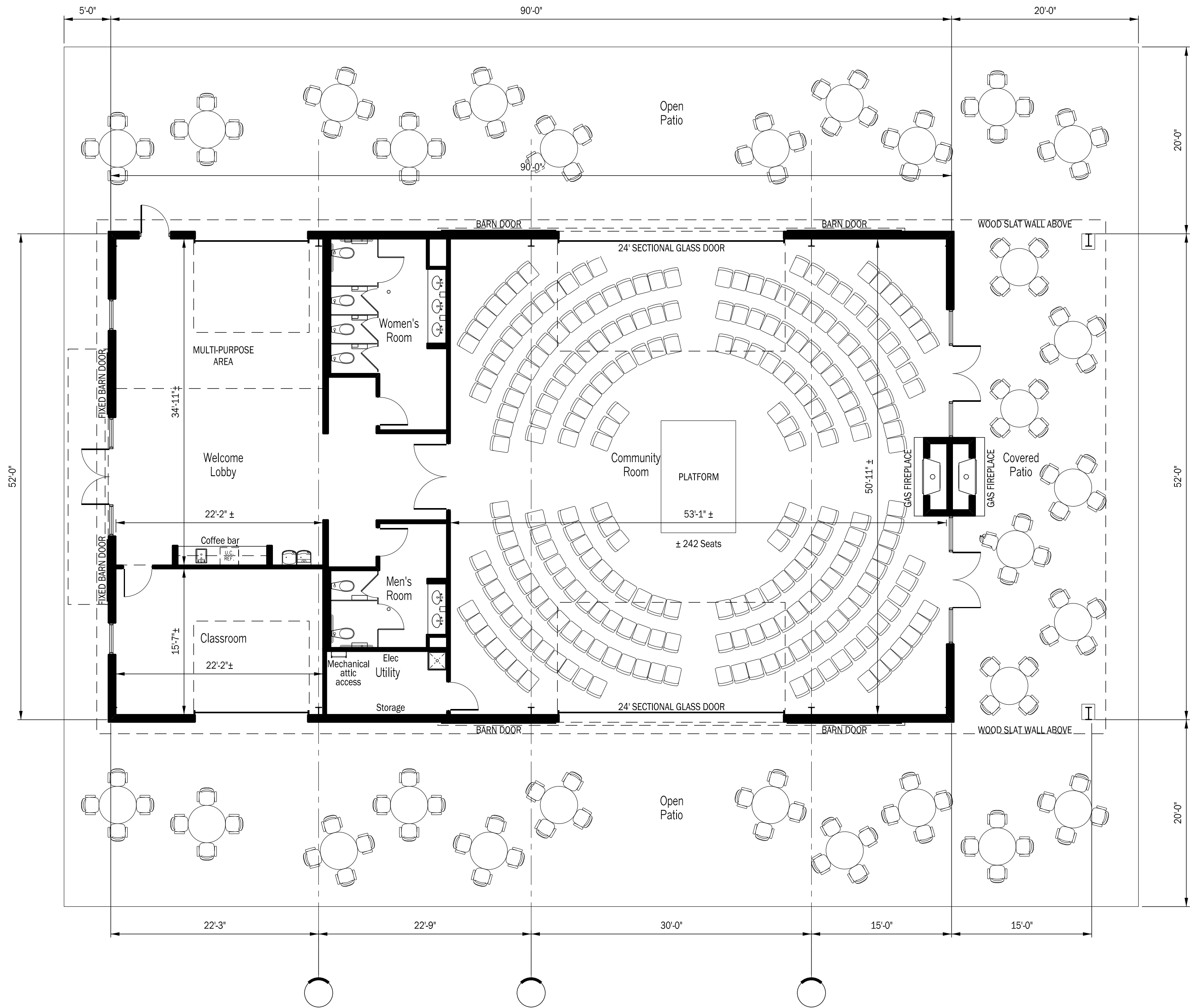
Date 7-29-2020  
Architect's Project # 2016

REVISIONS	
NUMBER	DATE

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FLOOR PLAN

A101



A1 FLOOR PLAN  
1/8"=1'-0"



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

**MEMORANDUM**

**TO:** Mayor and Town Council

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

**DATE:** October 12, 2020

**SUBJECT:** Amendments to the Town Personnel Handbook

---

The attachment amends the handbook to allow for employees to be eligible for paid vacation days based on creditable service with the State Local Government Employees Retirement System (LGERS) instead of service with the Town.

In addition, the amended policy allows for unused vacation time to be carried over the following year as sick time. This way staff is not forced to use all their vacation time with the incentive of accruing sick time that can be used towards retirement consistent with NC LGERS. There is no payout for sick time upon separation.

## **I. EMPLOYEE BENEFITS**

### **A. Vacations**

#### **Employee Eligibility**

1. The annual vacation period is between January 1 and December 31.
2. All active regular employees are eligible for paid vacations each year based on their length of service with the Town.
3. New employees may be eligible for Vacation during the fiscal year of their employment at the Council and Mayor's discretion. Any Vacation earned may be taken after the employee's first 90 days of employment. The length of Vacation will depend upon the month in which service commences, as follows:

MONTH EMPLOYMENT STARTED	LENGTH OF VACATION
January	10 Days
February	9 Days
March	8 Days
April	7 Days
May	6 Days
June	5 Days
July	4 Days
August	3 Days
September	2 Days
October	1 Day
November	0
December	0

4. Full-Time employees are eligible for paid vacations each year based on their ~~length of creditable~~ service with the State Local Government Employees Retirement System (LGERS). ~~the Townany State or municipal government.~~

5. Part-Time employees who work at least thirty (30) hours per week are eligible for paid Vacation in direct proportion to the percentage of time normally worked. For purposes of this example there are 5 business days per week and a full work week is defined as 40 hours.

*For example, an employee works four days a week for seven and one half (7.5) hours a day (a total of thirty (30) hours per week)) is eligible for ten (10) Vacation days a year and will receive six (6) hours pay for each day of Vacation.*

### **Earned amount and proration**

1. The length of Vacation to which an employee is entitled in any year shall be determined by the number of years of service which the employee will complete on the employment anniversary in that fiscal year, in accordance with the following schedule:

YEARS OF SERVICE	LENGTH OF VACATION
Those completing 10 or more years of service	20 days
Those completing 5 or more but less than 10 years of service	14 days
Those completing 3 or more but less than 5 years of service	12 days
Those completing 1 or more but less than 3 years of service	10 days

2. In the event an employee voluntarily terminates their employment their Vacation will be prorated from the schedule identified above as applicable. Vacation will be prorated through the end of the month in which the employee terminates and rounded up to the next whole day. Refer to Termination Vacation Pay for further information.

3. Vacations are to be scheduled with the approval of an employee's supervisor up to the number of days for which an employee is eligible. Any request for more than ten (10) consecutive days requires the approval of Council and Mayor.

4. Eligible Vacation may be taken anytime beginning on or after January 1.

5. Any employee who is on inactive status on December 31 of any year as the result of an approved leave of absence will be eligible for Vacation in the following calendar year upon return to active employment status before October 1 of that year.

### **Procedures**

1. Payment in lieu of taking vacations will not be permitted.

2. Employee wellness is important to the Town and as such the employee ~~must~~ should utilize their Vacation benefit in the year the benefit is earned. However, Any unused ~~V~~vacation days can~~not~~ be carried over to the following year as Sick time~~and any Vacation days not used will expire without compensation.~~

3. Town approved holidays that fall during an employee's actual Vacation time will be recorded as holidays rather than Vacation.

4. Scheduled Vacation days may be subject to prior Council and Mayor approval. The Town may request an employee reschedule a Vacation depending upon Town needs.

5. The Town Administrator is responsible for monitoring employee's vacation day balance.

6. Any exceptions must be approved in writing by the Council and Mayor.

7. Under no circumstances should Vacation time or Sick Leave be used to bridge any gaps between hours actually worked and the amount of time an employee was scheduled to work.

### **Termination Vacation Pay**

1. Any employee whose employment terminates during the year shall receive, at the time of termination, the Vacation pay for that part not taken.

2. The amount of Vacation time to which the employee is entitled is determined by the number of years of service that the employee would have completed in the fiscal year in which employment terminated.

3. Vacation will be prorated in the year of termination for reasons of voluntary termination. Full Vacation eligibility will be provided to employees who die, retire or are involuntarily terminated for reasons other than cause.

*Example (Vacation taken is less than earned)*

*An employee on January 1 is entitled to 14 days of Vacation. One week (5 days) is taken in February. The employee subsequently terminates employment on May 5. Vacation pay is calculated as follows:*

*January 1 to May 5 involves five (5) full months. (each month in which an employee partially worked is counted as a full month.)*

*Pro-ration rate is 42% (5 months/12 months)*

*Full year's Vacation is 14 days*

*Prorated Vacation is 6 days (14 X .42 = 5.88 days, rounded up to 6 days)*

*Vacation taken is 5 days. Vacation still to be paid is 1 day.*

## **B. Holidays**

1. The Town Council shall adopt a holiday schedule prior to the start of each calendar year. The paid holidays are based on Union County's Holiday Schedule.

2. All employees are eligible for Holiday Pay when a holiday falls on a day the employee is scheduled to work. Payment shall be in direct proportion to the hours normally worked. For purposes of this example, there are five business days per week and a full work week is defined as 40 hours.

## **C. Sick Leave**

### **Employee Eligibility**

1. Regardless of the number of years of service to the Town, Full-time employees shall get up to 10 business days of Sick Leave per calendar year.

2. Part-Time employees who work at least thirty (30) hours per week are eligible for paid Sick Leave Pay in direct proportion to the percentage of time normally worked. For purposes of this example, there are five business days per week and a full work week is defined as 40 hours.

*For example, an employee works four days a week for seven and one half (7.5) hours a day (a total of 30 hours per week) is eligible for 10 Sick days a year and will receive 6 hours pay for each day of Sick Leave.*

3. Each employee's annual Sick Leave allotment will be available at the beginning of each calendar year.

### **Procedures**

1. Employees are expected to manage their Sick Leave allotment. Employees cannot carry a negative balance of Sick Leave.

2. Employees may carry unused accumulated sick days to the following calendar year.

3. A doctor's excuse will be required for employees missing 3 or more consecutive scheduled work days.

4. Sick Leave is provided to allow employees the opportunity to recover from illness, return to work and productively contribute to the work environment. However, Sick Leave shall not be abused, nor should it be used in lieu of or in the absence of available vacation leave.

5. Sick Leave will be cumulative and may be used towards retirement consistent with the provisions of the North Carolina Local Government Employees' Retirement System. Except when used to bridge retirement, all unused Sick Leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Town. The Town may accept Sick Leave transfers when hiring employees directly from other North Carolina governmental entities.

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- 4. ADMINISTRATION, ENFORCEMENT, AND APPEALS**
- 5. PLANNING**
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## Unified Development Ordinance

### Introduction and Overview

The Town of Weddington ("Town") finds that it is appropriate to update its land development ordinances to (a) comply with legislative requirements imposed by the state legislature as set forth in North Carolina General Statute 160D and (b) improve the organization of its existing ordinances to make the ordinances simpler to find and easier to follow. This unified development ordinance ("UDO") is adopted with the purpose of implementing these objectives.

#### **Introduction; Overview and Background Information.**

This initial Section of the UDO provides a general overview of the UDO requirements. Specific, more detailed requirements are set forth in the Articles. For ease of reference and use, the Articles are organized in a manner consistent with North Carolina General Statutes 160D.

1. **Applicability and Jurisdiction.** These regulations shall govern the use of all land and the development thereof within all of the incorporated area of the Town [and any extraterritorial jurisdiction]
2. **Boards, Professional Staff and Other Agencies and Committees.** The following entities and person have roles in administering the provisions of this UDO:
  - Town Council
  - Planning Board
  - Board of Adjustment
  - Town Staff
  - Other governmental entities such as Union County and the North Carolina Department of Transportation (NCDOT).
3. **Planning.** State law requires that as a condition of adopting and applying zoning regulations a local government shall adopt and reasonably maintain a comprehensive plan that sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction. A comprehensive plan is intended to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction based on an analysis of present and future needs.
4. **Processes and Procedures.**
  - a. **Types of Decisions.** There are three types of decisions that are made by the entities and persons listed in Section 2, above:
    - i. Legislative. Legislative decisions set policy and provides the decision-making board with the maximum amount of discretion. The legislative process typically includes public engagement. In connection with any requested rezoning of

property or amendment to this UDO, there is a required public hearing with broad public notice and a mandatory planning board review.

- ii. Quasi-judicial. Quasi-judicial decisions require the board to apply standards that are already set in the ordinance using a legalistic process to gather quality evidence to resolve contested facts, and to apply those facts to standards that involve judgment (such as being “compatible “ or “harmonious” with the surrounding neighborhood). Public engagement is limited to those who have relevant evidence on whether the proposal meets the standards.
  - iii. Administrative. Administrative decisions require staff to apply objective standards set in the ordinance to facts that are supplied in applications. If the application meets the standards it is approved; if not, it is denied. The process is bureaucratic in nature, with minimal discretion or public engagement.
- b. **Available Approvals/Permits and Process.** As an overview, the following approvals and permits are contemplated by this UDO:
- i. Legislative Amendments to development ordinance or Zoning Map (legislative)
    - 1. Text Amendments
    - 2. Zoning Map Changes
    - 3. Conditional Rezoning
  - ii. Quasi-judicial
    - 1. Variances
    - 2. Appeals
  - iii. Administrative
    - 1. Subdivision Plats
    - 2. Land Development Permits, such as Zoning Permits, Grading Permits, and Building Permits
    - 3. Miscellaneous Permits, such as Temporary Use Permits (administrative).

## **5. Zoning districts; Zoning Map.**

- a. **Zoning Districts.** The Town’s existing zoning districts are as follows::
- i. R-80
  - ii. R-60
  - iii. R-40 [including all areas formerly entitled “R-CD”]
  - iv. R-40(D)
  - v. RE
  - vi. B-1 (CZ)
  - vii. B-2 (CZ)
  - viii. MX
  - ix. ED (business)
- b. **Conditional Zoning.** Additionally, this UDO permits property owners to petition the Town Council to consider creating conditional zoning (CZ) districts. CZ districts are zoning districts in which the development and use of the property is subject to the rules, regulations, and conditions imposed as part of the legislative decision creating the



district and applying it to the particular property. All of the property specific standards and conditions (typically including a site plan) are incorporated into the zoning district regulations. The rezoning of any parcel of land to a CZ district shall be a voluntary process initiated by the property owner or his authorized agent.

- c. **Zoning Map.** The Town's Zoning Map is incorporated herein by reference. The Zoning Map may be changed by Town Council from time-to-time in accordance with the procedures set forth herein.

6. **Permitted Uses.** Certain primary uses of land are permitted "by right" (BR) in each zoning district provided all applicable provisions of this UDO (and any other applicable legal requirements) are satisfied. This UDO provides for additional supplemental requirements (SR) that are applicable to a certain "by-right" uses of land.

Others primary uses of land are permitted through the conditional zoning (CZ) process, again, in some cases, some with some supplemental requirements set forth herein.

The permitted uses (both by right and conditional) are set forth in the Permitted Use Table set forth in Section \_\_, of Article 9 of this UDO.

Additionally a property owner may petition the Town Council through the CZ zoning process to consider permitting primary uses that are not identified as permitted in this UDO (although the Town Council has no obligation to approve any such requests).

7. **Summary Table.** For ease of reference, the following Table 1 is a summary of the types of approvals typically requested:

**Table 1: Summary: Approvals; Responsible Party; Type of Decision**

Type of Decision	Approval	Responsible Party (final decision-maker)	Comments
Legislative	UDO Text Amendment	Council	
Legislative	Zoning Map Change	Council	
Legislative	Conditional Zoning	Council	
Quasi-judicial	Variance	Zoning Board of Adjustment	
Quasi-judicial	Appeal of Decision by Zoning administrator	Zoning Board of Adjustment	
Administrative	Final Subdivision Plat (for recording at Register of Deeds)	Administrator	Includes confirmation that proposed development is conformity applicable zoning requirements

			previously imposed by the Council
Administrative	Land Development Permits, such as Zoning Permits, Grading Permits, and Building Permits	Administrator (or Union County or third party service provider)	

## Article 1. General Provisions.

**D-101. Application.** N.C.G.S. Chapter 160D is applies to all development regulations and programs adopted pursuant to Chapter 160D or applicable or related local acts. In order to accomplish the purpose of these regulations this UDO regulates all development within the Town of Weddington's jurisdiction, including without limitation, the density of development, the location and use of buildings, structures and land for trade, industry, residence or other purposes, the height and number of stories of buildings and other structures, the size of yards, courts and other open spaces and other related matters as set forth herein

**D-102 Definitions.** The definitions set forth in N.C.G.S. 160D-102 are incorporated herein by reference. Additionally the definitions set forth in Appendix 1 are incorporated herein by reference. [KMB Note: add definitions from Zoning Ordinance 58.4 as needed as Appendix]

**D-103. Unified development ordinance.** This UDO is adopted pursuant to Chapter 160D and consolidates one or more previous stand-alone ordinances. Upon the effective date, this Ordinance shall supersede and replace the previous Zoning and Subdivision Ordinances for the Town of Weddington, as well [KMB NOTE: INSERT other existing ordinance references].

**D-104. Development approvals run with the land.** Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to this UDO attach to and run with the land.

### **D-105. Maps.**

- (a) **Zoning Map.** Zoning district boundaries adopted pursuant to this UDO shall be drawn on a map that is adopted or incorporated within a duly adopted development regulation. Zoning district maps that are so adopted shall be maintained for public inspection in the office of the local government clerk or such other office as specified in the development regulation. The maps may be in paper or a digital format approved by the local government. The map entitled "Official Zoning Map of the Town of Weddington, North Carolina", as certified as such by the town clerk, is hereby ratified and adopted by reference and declared to be a part of this UDO. The zoning of the districts on said map is hereby declared to be in the proper zoning for said districts as of the effective date of this UDO. The maps shall be updated as revisions are approved in accordance with this UDO.

- (b) **Other Maps; Incorporation by Reference.** Development regulations adopted pursuant to this UDO may reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by State and federal agencies. For these maps a regulation text or zoning map may reference a specific officially adopted map or may incorporate by reference the most recent officially adopted version of such maps. When zoning district boundaries are based on these maps, the regulation may provide that the zoning district boundaries are automatically amended to remain consistent with changes in the officially promulgated State or federal maps, provided a copy of the currently effective version of any incorporated map shall be maintained for public inspection as provided in subsection (a) of this section. [KMB NOTE: INSERT references to other maps as appropriate [floodplain?]]

**D-106. Refund of illegal fees.** See N.C.G.S. 160D-106.

**D-107. Moratoria.** A temporary moratorium may be adopted by the Town in accordance with the requirements of 160D-107.

**D-108. Permit choice and Vested Rights.**

- (a) **Permit Choice.** If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies.
- (b) **Vested Rights.** Types and duration of statutory vested rights shall be as set forth in N.C.G.S. 160D-108 and 160D-108.1. Amendments in land development regulations are not applicable or enforceable without the written consent of the owner with regard to any vested rights.

**D-109. Conflicts of interest.**

(a) **Governing Board.** A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this UDO where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(b) **Appointed Boards.** Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the

applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(c) **Administrative Staff.** No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

(d) **Quasi-Judicial Decisions.** A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(e) **Resolution of Objection.** If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

(f) **Familial Relationship.** For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

**D-110. Broad construction.** As set forth in N.C.G.S. 160A- 4, it is the policy of the General Assembly that the cities of this State should have adequate authority to execute the powers, duties, privileges, and immunities conferred upon them by law. To this end, the provisions of this UDO and of city charters shall be broadly construed and grants of power shall be construed to include any additional and supplementary powers that are reasonably necessary or expedient to carry them into execution and effect: Provided, that the exercise of such additional or supplementary powers shall not be contrary to State or federal law or to the public policy of the State.

**D-111. Effect on prior laws.** The enactment of this Chapter shall not require the readoption of any local government ordinance enacted pursuant to laws that were in effect before this UDO was adopted and are restated or revised herein. The provisions of this UDO shall not affect any act heretofore done, any liability incurred, any right accrued or vested, or any suit or prosecution begun or cause of action accrued prior to its adoption. The enactment of this UDO

shall not be deemed to amend the geographic area within which local government development regulations adopted prior to January 1, 2019, are effective.

## **D-112. Nonconforming Uses**

### **ARTICLE IV. - NONCONFORMING USES**

#### **Sec. 58-107. - Purpose; applicability.**

Nonconforming uses, which are uses of structures or of land existing at the time of the adoption or amendment of the ordinance from which this chapter is derived but which do not comply with the provisions of this chapter, are declared by this chapter to be incompatible with permitted uses in the various districts. The intent of this article is to permit the continued use of a structure, or portion thereof, or of the use of land legally existing prior to the effective date of the ordinance from which this chapter is derived until such uses are removed, but not to encourage their survival. Such nonconforming uses shall not be expanded, extended, or changed in any manner except as provided in this article. Creation of additional nonconforming uses are not to be encouraged.

#### **Sec. 58-108. - Nonconforming uses of structures.**

(a) A conforming structure in which a nonconforming use is being conducted may be used to expand and enlarge such nonconforming use into an area of the structure then in existence, and designed for such nonconforming use.

(b) No structural changes shall be made to any structure occupied by a nonconforming use except as follows:

(1) Those structural changes ordered by an authorized official in order to insure the safety of the structure.

(2) Maintenance and repairs to keep a structure in sound condition shall be permitted.

(c) When a nonconforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.

(d) If said use is discontinued for 180 days or more, the use shall not be allowed to reestablish. All new uses in said structure shall thereafter be conforming.

(e) If said conforming structure housing a nonconforming use is destroyed to an extent of greater than 50 percent of its replacement cost at the time of destruction, it may be rebuilt and may then be used for the same nonconforming use.

(f) A nonconforming use of a structure may not be changed to another nonconforming use.

#### **Sec. 58-109. - Nonconforming uses of land.**

Nonconforming uses of land, which may include structures incidental and accessory to the use of the land, such as but not limited to, storage yards for various materials, or areas used for recreational purposes, shall not be used for other nonconforming purposes, once the nonconforming use has been abandoned.

(1) No such nonconforming use of land shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance from which this chapter is derived.

(2) If said land use is abandoned for 180 days or more or destroyed, the land use shall be considered discontinued and shall not be reestablished unless the use is in conformance with the regulations of the district in which it is located. The term "destruction," for the purpose of this subsection, is defined as damage to an extent of more than 50 percent of the replacement cost at the time of destruction.

(3) A nonconforming use of land may not be changed to another nonconforming use of land.

#### Sec. 58-110. - Nonconforming structures.

Where a structure exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived that could not be built under the terms of this chapter, such structure may remain so long as it remains otherwise lawful, subject to the following provisions:

(1) A nonconforming structure may not, under any circumstances, be enlarged or altered in a way which increases its nonconformity or be replaced with a similar nonconforming structure.

(2) If a nonconforming structure or nonconforming portion of a structure is destroyed to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

(3) A nonconforming structure which is abandoned for 180 days or more shall be considered discontinued and shall not be allowed occupancy or use unless in conformance with the district in which it is located.

(4) Said nonconforming structure may be moved to another lot so long as the structure is permitted in accordance with this chapter on said lot.

#### Sec. 58-111. - Nonconforming lots of record.

In any district where a lot has been recorded on a plat filed with the county or Mecklenburg County offices of the register of deeds, and is not in violation of this chapter, chapter 46, or the Mecklenburg County zoning ordinance or subdivision regulations prior to the effective date of the ordinance from which this chapter is derived, and such lot does not comply with the minimum lot area and width requirements for the zoning districts in which such lot is located, such lot may be used for any use permitted in that zoning district, provided that the principal and accessory structures meet all applicable front, side and rear yard requirements of this chapter.

#### Sec. 58-112. - Nonconforming signs.

(a) Nonconforming advertising signs shall be allowed to continue, provided that:

(1) No structural changes to the support structure or changes to the sign face itself except message changes which do not renew or extend the life of said sign shall be allowed.

(2) Maintenance to nonconforming advertising signs shall be limited to painting and repair of the existing sign.

(3) Once a nonconforming advertising sign is removed, taken down, or destroyed (i.e., receiving damage to an extent of more than 50 percent of the replacement cost at the time of destruction), such sign shall not be replaced with another sign unless such sign is in conformance with this chapter.

(b) Nonconforming business or identification signs shall be allowed to continue, provided that:

(1) Signs which are nonconforming with respect to size or illumination requirements may be repaired and/or repainted or relettered provided such nonconformance is not increased. No other changes to this category of nonconforming signs shall be allowed.

(2) Signs which are nonconforming with respect to location or number permitted or any other provision of this article shall not be altered in any way except to make such sign comply with the provisions of this chapter.

(c) Signs associated with a legal nonconforming use of a structure or land shall be allowed to continue, provided that:

(1) Nonconforming signs associated with a nonconforming use of a structure or land shall not be changed except to make such signs comply with the applicable sign regulations for the district in which said use or land is located.

(2) Replacement signs for a legal nonconforming use of a structure or land shall be permitted in accordance with the applicable sign regulations for the district in which said use or land is located.

#### Sec. 58-113. - Abandonment.

A nonconforming use of a structure, nonconforming use of land, nonconforming structure, or nonconforming sign which has been abandoned shall not thereafter be reestablished. Such structures or land shall thereafter be used only for such purpose as permitted in the applicable zoning districts and in full compliance with this chapter.

#### Sec. 58-114. - Alterations.

If a nonconforming building, or a building housing a nonconforming use, has been damaged to a degree of less than 50 percent of its replacement cost, then such structure may be restored to the same degree of nonconformity as existed before such damage.

#### Sec. 58-115. - Change of tenancy or ownership.

There may be a change in tenancy, ownership or management in an existing nonconforming use, provided there is no change in the nature or character of such nonconforming use and that all other applicable requirements of this chapter are met.

## **Article 2. Planning and Development Regulation Jurisdiction.**

**D-201. Planning and development regulation jurisdiction.** These regulations shall govern the use of all land and the development thereof within all of the incorporated area of the Town of Weddington, and any extraterritorial jurisdiction.

**D-202. Municipal extraterritorial jurisdiction.** [reserved]

**D-203. Split jurisdiction.** See N.C.G.S. 160D-203.

**D-204. Pending jurisdiction.** See N.C.G.S. 160D-204

## **Article 3. Boards and Organizational Arrangements.**

**D-301. Planning boards.** The Town previously created a planning board of the town ("Planning Board"). Such Planning Board shall continue to provide the functions as set forth herein.

(a) Composition and vacancies; attendance at meetings; compensation. The planning board shall consist of seven members. All members shall be citizens and residents of the town, and shall be appointed by the town council. Members shall be appointed for terms of four years; provided that vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term. For purposes of the initial board, there shall be four members appointed for initial terms to expire on December 31, 1987, and thereafter, the terms for those seats shall be for four years. The remaining three members of the initial board shall be appointed for initial terms to expire December 31, 1989, and thereafter, the terms of those seats shall be for four years. Faithful attendance at meetings of the board is to be considered a prerequisite to continued membership, and the town council, after a public hearing, may remove and replace any member continually delinquent in the performance of his duties.

(b) Organization; rules; meetings and records. The planning board shall elect a chairman and create and fill such other offices as it may determine necessary and appropriate. The term of the chairman and other officers shall be one year, with eligibility for re-election. The chairman shall be elected each year at the December meeting of the planning board. The board shall adopt rules for the transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations, which record shall be a public record. The board shall hold at least one meeting monthly, and all of its meetings shall be open to the public

(c) Jurisdiction; quorum. For the purpose of taking any action, a majority of the members of the planning board shall constitute a quorum.



(d) Powers and duties generally.

- (1) To prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
  - (2) To facilitate and coordinate citizen engagement and participation in the planning process.
  - (3) To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
  - (4) To advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160D-604.
  - (5) To exercise any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct.
  - (6) To provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.
  - (7) To perform any other related duties that the governing board may direct.
- The general duties of the planning board shall be as follows:

Additionally the Planning Board shall serve as the stormwater review board and rule on all petitions in accordance with the procedures set forth in [section 58-617].

**D-302. Boards of adjustment.** The Town previously created a board of adjustment of the town. The zoning board of adjustment shall continue to provide the functions as set forth herein.

(a) *Composition.* The board of adjustment shall consist of five regular members who are residents of the town and shall be appointed by the town council. In addition, two alternate members shall serve on the board of adjustment, both residents of the town, and shall be appointed by the town council. Alternate members shall serve in the absence for any cause of any regular member. Initial appointment of the regular members shall be as follows: Three regular members and one alternate member appointed by the town council for terms to expire on December 31, 1987, and two regular members and one alternate member appointed by the town council for terms to expire on December 31, 1989. Thereafter, all members and alternate members shall be appointed by the town council for terms to correspond with planning board terms set out in article II of chapter 38. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the board. Such alternate member while attending any regular or special meeting of the board of adjustment and serving

in the absence of any regular member shall have and may exercise all the powers and duties of such regular members.

(b) Duties. The board shall hear and decide all matters upon which it is required to pass under any statute or development regulation. As of the effective date of this UDO, the specific duties of the board of adjustment are: (i) Hearing and deciding all appeals from decisions, citations (with and without civil penalties), orders, requirements or other determinations made by the zoning administrator; (ii) Hearing and deciding appeals that require interpretation of this chapter; (iii) Hearing and granting variances from the provisions of this UDO.

**D-303. Historic preservation commission.** The Planning Board is appointed as the Historic Preservation Commissions and shall have all the powers and duties as provided in N.G.C.S. 160D-303.

**D-304. Appearance commission.** The Planning Board is appointed as the community appearance commission (also known as Design Review Board) for purposes of reviewing designs for of commercial development and signs as set forth in this UDO and as specified in G.S. 160D-960.

**D-305. Housing appeals board.** [reserved]

**D-306. Other advisory boards.** The Planning Board is appointed as the Stormwater Review Board for purposes set forth in this UDO.

The Town Council may by ordinance establish additional advisory boards as deemed appropriate. The ordinance establishing such boards shall specify the composition and duties of such boards.

**D-307. Extraterritorial representation on boards.** See N.C.G.S. 160D-307.

**D-308. Rules of procedure.** Rules of procedure that are consistent with the provisions of this Chapter may be adopted by the governing board for any or all boards created under this Article. In the absence of action by the governing board, each board created under this Article is authorized to adopt its own rules of procedure that are consistent with the provisions of this Chapter. A copy of any adopted rules of procedure shall be maintained by the local government clerk or such other official as designated by ordinance and posted on the local government Web site if one exists. Each board shall keep minutes of its proceedings.

**D-309. Oath of office.** All members appointed to boards under this Article shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26 and G.S. 160A-61.

**D-310. Appointments to boards.** Unless specified otherwise by statute or local ordinance, all appointments to boards authorized by this Chapter shall be made by the governing board of the

local government. The governing board may establish reasonable procedures to solicit, review, and make appointments.

## **Article 4. Administration, Enforcement, and Appeals.**

### **D-401. Application. [reserved]**

### **D-402. Administrative staff.**

(a) Authorization. The Town Administrator appointed to administer this UDO in cooperation with Union County and State representatives.

(b) Duties. Duties assigned to staff include, but are not limited to, drafting and implementing plans and development regulations to be adopted pursuant to this Chapter; determining whether applications for development approvals are complete; receiving and processing applications for development approvals; providing notices of applications and hearings; making decisions and determinations regarding development regulation implementation; determining whether applications for development approvals meet applicable standards as established by law and local ordinance; conducting inspections; issuing or denying certificates of compliance or occupancy; enforcing development regulations, including issuing notices of violation, orders to correct violations, and recommending bringing judicial actions against actual or threatened violations; keeping adequate records; and any other actions that may be required in order adequately to enforce the laws and development regulations under their jurisdiction. The administrative and enforcement provisions related to building permits set forth in Article 11 of this Chapter shall be followed for those permits.

### **D-403. Administrative development approvals and determinations.**

- (a) Development Approvals. No person shall commence or proceed with development within the Town's jurisdiction without first securing any required development approval from the Town. A development approval shall be in writing and may contain a provision that the development shall comply with all applicable State and local laws. A local government may issue development approvals in print or electronic form. Any development approval issued exclusively in electronic form shall be protected from further editing once issued. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement. The development approvals contemplated by this UDO are set forth as follows: [KMB NOTE: REVIEW AND INSERT all approvals identified in this UDO with cross reference to sections as applicable]
- (b) Determinations and Notice of Determinations. The Town Administrator is charged with making determinations under the development regulation. The Town Administrator shall give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the

owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

- (c) **Duration of Development Approval.** Unless a different period is specified by this Chapter or other specific applicable law, or a different period is provided by a quasi-judicial development approval, a development agreement, or a local ordinance, a development approval issued pursuant to this Chapter shall expire one year after the date of issuance if the work authorized by the development approval has not been substantially commenced. Local development regulations may provide for development approvals of shorter duration for temporary land uses, special events, temporary signs, and similar development. Unless provided otherwise by this Chapter or other specific applicable law or a longer period is provided by local ordinance, if after commencement the work or activity is discontinued for a period of 12 months after commencement, the development approval shall immediately expire. The time periods set out in this subsection shall be tolled during the pendency of any appeal. No work or activity authorized by any development approval that has expired shall thereafter be performed until a new development approval has been secured. Nothing in this subsection shall be deemed to limit any vested rights secured under G.S. 160D-108.
- (d) **Changes.** After a development approval has been issued, no deviations from the terms of the application or the development approval shall be made until written approval of proposed changes or deviations has been obtained. A local government may define by ordinance minor modifications to development approvals that can be exempted or administratively approved. The local government shall follow the same development review and approval process required for issuance of the development approval in the review and approval of any major modification of that approval.
- (e) **Inspections.** Administrative staff may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with applicable State and local laws and of the terms of the approval. In exercising this power, staff are authorized to enter any premises within the jurisdiction of the local government at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.
- (f) **Revocation of Development Approvals.** In addition to initiation of enforcement actions under G.S. 160D-404, development approvals may be revoked by the local government issuing the development approval by notifying the holder in writing stating the reason for the revocation. The local government shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Development approvals shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the local government for

enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a development approval by a staff member may be appealed pursuant to G.S. 160D-405. If an appeal is filed regarding a development regulation adopted by a local government pursuant to this Chapter, the provisions of G.S. 160D-405(e) regarding stays shall be applicable.

- (g) **Certificate of Occupancy.** A local government may, upon completion of work or activity undertaken pursuant to a development approval, make final inspections and issue a certificate of compliance or occupancy if staff finds that the completed work complies with all applicable State and local laws and with the terms of the approval. No building, structure, or use of land that is subject to a building permit required by Article 11 of this Chapter shall be occupied or used until a certificate of occupancy or temporary certificate pursuant to G.S. 160D-1114 has been issued.
- (h) **Optional Communication Requirements.** A regulation adopted pursuant to this Chapter may require notice and/or informational meetings as part of the administrative decision-making process.
- (i) Application requirements for all development approvals are listed in Appendix 2.

#### **D-404. Enforcement.**

(a) **Notices of Violation.** When staff determines work or activity has been undertaken in violation of a development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State or in violation of the terms of a development approval, a written notice of violation may be issued. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. Except as provided by G.S. 160D-1123 or G.S. 160D-1206 or otherwise provided by law, a notice of violation may be appealed to the board of adjustment pursuant to G.S. 160D-405.

(b) **Stop Work Orders.** Whenever any work or activity subject to regulation pursuant to this Chapter or other applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State is undertaken in substantial violation of any State or local law, or in a manner that endangers life or property, staff may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped. The order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefor, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail. The person or persons delivering the stop work order shall certify to the local government that the order was delivered and that certificate shall be deemed

conclusive in the absence of fraud. Except as provided by G.S. 160D-1112 and G.S. 160D-1208, a stop work order may be appealed pursuant to G.S. 160D-405. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal. Violation of a stop work order shall constitute a Class 1 misdemeanor.

(c) Remedies.

- (1) Subject to the provisions of the development regulation, any development regulation adopted pursuant to authority conferred by this Chapter may be enforced by any remedy provided by G.S. 160A-175 or G.S. 153A-123. If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used or developed in violation of this Chapter or of any development regulation or other regulation made under authority of this Chapter, the local government, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use, or development; to restrain, correct or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises.
- (2) When a development regulation adopted pursuant to authority conferred by this Chapter is to be applied or enforced in any area outside the planning and development regulation jurisdiction of a city as set forth in Article 2 of this Chapter, the city and the property owner shall certify that the application or enforcement of the city development regulation is not under coercion or otherwise based on representation by the city that the city's development approval would be withheld without the application or enforcement of the city development regulation outside the jurisdiction of the city. The certification may be evidenced by a signed statement of the parties on any development approval.
- (3) In case any building, structure, site, area, or object designated as a historic landmark or located within a historic district designated pursuant to this Chapter is about to be demolished whether as the result of deliberate neglect or otherwise, materially altered, remodeled, removed, or destroyed, except in compliance with the development regulation or other provisions of this Chapter, the local government, the historic preservation commission, or other party aggrieved by such action may institute any appropriate action or proceedings to prevent such unlawful demolition, destruction, material alteration, remodeling, or removal, to restrain, correct, or abate such violation, or to prevent any illegal act or conduct with respect to such building, structure, site, area, or object. Such remedies shall be in addition to any others authorized by this Chapter for violation of an ordinance. (2019-111, s. 2.4.)

**D-405. Appeals of administrative decisions.**

(a) Appeals. Except as provided in subsection (c) of this section, appeals of decisions made by the staff under this Chapter shall be made to the board of adjustment. Appeal of a

decision made pursuant to an erosion and sedimentation control regulation, a stormwater control regulation, or a provision of the housing code shall not be made to the board of adjustment unless required by a local government ordinance or code provision.

(b) Standing. Any person who has standing under G.S. 160D-1402(c) or the Town may appeal an administrative decision to the board of adjustment. An appeal is taken by filing a notice of appeal with the Town Clerk. The notice of appeal shall state the grounds for the appeal.

(c) Judicial Challenge. A person with standing may bring a separate and original civil action to challenge the constitutionality of an ordinance or development regulation, or whether the ordinance or development regulation is ultra vires, preempted, or otherwise in excess of statutory authority, without filing an appeal under subsection (a) of this section.

(d) Time to Appeal. The owner or other party shall have 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice given pursuant to G.S. 160D-403(b) by first-class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

(e) Record of Decision. The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the decision appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

(f) Stays. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any fines assessed unless the official who made the decision certifies to the board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the development regulation shall not stay the further review of an application for development approvals to use such property; in these situations, the appellant or local government may request and the board may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

(g) Alternative Dispute Resolution. The parties to an appeal that has been made under this section may agree to mediation or other forms of alternative dispute resolution. The development regulation may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

#### **D-406. Quasi-judicial procedure.**

(a) Process Required. The applicable decision-making body shall follow the statutory procedures for all quasi-judicial development decisions, including variances, special use permits,

certificates of appropriateness, and appeals of administrative determinations. These requirements are set forth in this Section D-406.

(b) Notice of Hearing. Notice of evidentiary hearings conducted pursuant to this Chapter shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. In the absence of evidence to the contrary, the local government may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

(c) Administrative Materials. The administrator or staff to the board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

(d) Presentation of Evidence. The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.

Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

(e) Appearance of Official New Issues. The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the local government, shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in a notice of appeal. If any party or the local government would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing.

(f) Oaths. The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.



(g) Subpoenas. The board making a quasi-judicial decision under this Chapter through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the local government, and any person with standing under G.S. 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

(h) Appeals in Nature of Certiorari. When hearing an appeal pursuant to G.S. 160D-947(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below, and the scope of review shall be as provided in G.S. 160D-1402(j).

(i) Voting. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

(j) Decisions. The board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the development regulation specifies. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

(k) Judicial Review. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. Appeals shall be filed within the times specified in G.S. 160D-1405(d).

## **Article 5. Planning.**

**D-501. Plans.**

(a) Preparation of Plans and Studies. The Town has adopted, and reasonably maintain, a comprehensive plan that sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction.

A comprehensive plan is intended to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction based on an analysis of present and future needs. Planning analysis may address inventories of existing conditions and assess future trends regarding demographics and economic, environmental, and cultural factors. The planning process shall include opportunities for citizen engagement in plan preparation and adoption. In addition to a comprehensive plan, a local government may prepare and adopt such other plans as deemed appropriate. This may include, but is not limited to, land-use plans, small area plans, neighborhood plans, hazard mitigation plans, transportation plans, housing plans, and recreation and open space plans. If adopted pursuant to the process set forth in this section, such plans shall be considered in review of proposed zoning amendments.

(b) Contents. A comprehensive plan may, among other topics, address any of the following as determined by the local government that are identified in N.C.G.S. 160D-501

(c) Adoption and Effect of Plans. Plans shall be adopted by the governing board with the advice and consultation of the planning board. Adoption and amendment of a comprehensive plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-601. Plans adopted under this Chapter may be undertaken and adopted as part of or in conjunction with plans required under other statutes, including, but not limited to, the plans required by G.S. 113A-110. Plans adopted under this Chapter shall be advisory in nature without independent regulatory effect. Plans adopted under this Chapter do not expand, diminish, or alter the scope of authority for development regulations adopted under this Chapter. Plans adopted under this Chapter shall be considered by the planning board and governing board when considering proposed amendments to zoning regulations as required by G.S. 160D-604 and G.S. 160D-605.

If a plan is deemed amended by G.S. 160D-605 by virtue of adoption of a zoning amendment that is inconsistent with the plan, that amendment shall be noted in the plan. However, if the plan is one that requires review and approval subject to G.S. 113A-110, the plan amendment shall not be effective until that review and approval is completed.

**D-502. Grants, contracts, and technical assistance. [reserved]**

**D-503. Coordination of planning. [reserved]**

## **Article 6. Development Regulation. (Overview of Procedures for Adopting and Amending UDO Text or Rezonings)**

**D-601. Procedure for adopting, amending, or repealing development regulations.**

(a) Hearing with Published Notice. Before adopting, amending, or repealing any ordinance or development regulation authorized by this Chapter, the governing board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In

computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) Notice to Military Bases. [reserved]

(c) A development regulation adopted pursuant to this Chapter shall be adopted by ordinance.

(d) Down-Zoning. No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways: (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage. (2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

**D-602. Notice of hearing on proposed zoning map amendments.** Notices on proposed zoning map amendments, specifically including amendments to CZ districts, shall be provided in accordance with N.S.G.S. 160D-602. Additionally, the person proposing the map amendment to neighboring property owners and residents and may require the person proposing the zoning map amendment to report on any communication with neighboring property owners and residents.

**D-603. Citizen comments.** If any resident or property owner in the local government submits a written statement regarding a proposed amendment, modification, or repeal to a zoning regulation, including a text or map amendment, to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver such written statement to the governing board. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160D-705 or any other statute, the Town Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

**D-604. Planning board review and comment.** All proposed amendments to this UDO or zoning map (specifically including any CZ rezoning) shall be submitted to the planning board for review and comment. If no written report is received from the planning board within 30 days of referral of the amendment to the Planning Board, the governing board may act on the amendment without the planning board report. The governing board is not bound by the recommendations, if any, of the planning board.

**D-605. Governing board statement.**

(a) Plan Consistency. When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the

planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

(b) Additional Reasonableness Statement for Rezoning. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement on reasonableness may address the overall rezoning.

(c) Single Statement Permissible. The statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement.

**D-606 Voting Majority Vote Sufficient on First Reading.** A legislative decision for development regulation on a matter for which there has been a public hearing as set forth herein is permitted on first reading by simple majority vote. There is no need for two-thirds majority on first reading, as was required for cities under prior law.

[INSERT GRAPHIC SHOWING PROCESS STEPS IN A LEGISLATIVE DECISION CONSISTENT WITH THIS ARTICLE 6]

## **WEDDINGTON CODE ENFORCEMENT REPORT**

September, 2020

1. 4005 Ambassador Ct., Inez B. McRae Trust
  - 9/30/20----Deterioration continues, building vacant and closed.
2. 7024 Stirrup Ct.
  - 7/31/19----Construction debris and weeds overgrown on site of house under construction. Gave owner 5 days to clean up (on 7/29/19).
  - Home still under construction; old concrete pipe and some weeds along road ditch.
  - 9/30/19—monitoring.
  - 2/29/20----Grading and drainage may be issue. To be checked by Town's Drainage/erosion control person.
  - 4/30/20----trees, bushes pushed up into pile at rear of property; notice to be sent owner to remove this debris
  - 5/31/20---Grading and yard work still underway by homeowner.
  - 7/31/20----Issued Notice of Violation w/citation.
  - 9/30/20----Weeds still not cut; owner has burned most of the debris from clearing lot.
3. 3343 Ironwood Dr.
  - 3/31/20---Owner has been ordered to remove vehicle from R/W.
  - 6/30/20----Vehicle still parked in R/W
  - 9/30/20----Vehicle(old truck) still in R/W
4. 3232 Michelle Dr.
  - 3/31/20----property owner has been instructed to discontinue parking multiple commercial vehicles at his residence.
  - 9/30/20----Vehicles still being parked at residence
5. 210 Hidden Haven Trail
  - Commercial equipment on property—still checking on this one.
  - 5/31/20----owner has cleared large arear behind residence. Utility trailer and shipping container located on this area. He is storing material in container for upfitting basement of home. He now has a permit for basement upfit and will relocate shipping container when upfit is completed.
  - 8/31/20----Cargo container and equipment still at front of this recently cleared lot.
  - 9/30/20----No change.
6. 1337 Whispering Oaks Ln.
  - 5/31/20----report of work without permit. Dumpster in parking/drive area. Monitoring.

**9/30/20----Monitoring.**

**7. 3824 Bounty Ln.**

**6/30/20----Car parked in cul de sac (License expored and not moved in 5 yrs). Owner to be cited and ordered to remove vehicle to avoid towing by Town.**

**7/31/20----Notice of Violation and Intent to Tow issued.**

**8/31/20----Owner of vehicle has indicated that he will have vehicle moved with 15 days.**

**10/6/20 ---- Town Towed Vehicle**

**8. 2317 Huntington Dr.**

**7/31/20-----Issued Notice of Violation & Citation for Nuisance Code Violation.**

**Property has been mowed by the Town. Lien for cost to be recorded.**

**9. Landsbury Dr.**

**7/31/20----House was vandalized in early spring. All windows broken out. Absentee property owner. NEW OWNER HAS DEMOLISHED HOUSE. PLANS TO BUILD NEW HOME ON PROPERTY!**

**10. 7200 Forest Ridge Rd.**

**8/31/20----Courtesy letter sent to owner about sawmill business on property.**

**9/30/20----Monitoring.**

**11. 2116 Cricketwood Ct.**

**8/31/20----Courtesy letter sent to owner to move vehicle on to private property.**

**9/30/20----Owner ordered to remove vehicle from street 8/31/20. Vehicle not removed. To be towed.**

**10/6/20 ---- Town Towed Vehicle**

**12. 4709 Beulah Church Rd.**

**8/31/20----Courtesy letter sent to property about overgrown grass and inoperative/unlicensed vehicle.**

**9/30/20-----Owner mowed overgrown area. Tenant moved van.**

## TOWN OF WEDDINGTON

## BALANCE SHEET

FY 2020-2021

PERIOD ENDING: 09/30/2020

## 10 GENERAL FUND

ASSETS

## ASSETS

10-1120-000 TRINITY CHECKING ACCOUNT	1,771,097.30
10-1120-001 TRINITY MONEY MARKET	1,141,448.33
10-1170-000 NC CASH MGMT TRUST	558,737.24
10-1211-001 A/R PROPERTY TAX	1,006,046.59
10-1212-001 A/R PROPERTY TAX - 1ST YEAR PRIOR	14,403.40
10-1212-002 A/R PROPERTY TAX - NEXT 8 PRIOR YRS	10,343.54
10-1217-000 A/R INTERGOVT	1,600.00
10-1232-000 SALES TAX RECEIVABLE	241.13
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	<u>7,109,177.72</u>
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LIABILITIES & EQUITY

## LIABILITIES

10-2115-000 ACCOUNTS PAYABLE ACCRUAL	39,825.00
10-2120-000 BOND DEPOSIT PAYABLE	75,002.25
10-2620-000 DEFERRED REVENUE - DELQ TAXES	14,403.40
10-2625-000 DEFERRED REVENUE - CURR YR TAX	1,006,046.59
10-2630-000 DEFERRED REVENUE-NEXT 8	10,343.54

TOTAL LIABILITIES	<u>1,145,620.78</u>
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## 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	-136,337.10

TOTAL EQUITY	<u>5,963,556.94</u>
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TOWN OF WEDDINGTON  
BALANCE SHEET

FY 2020-2021

PERIOD ENDING: 09/30/2020

10

TOTAL LIABILITIES & FUND EQUITY	<u>7,109,177.72</u>
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**TOWN OF WEDDINGTON**  
**REVENUE & EXPENDITURE STATEMENT BY FUNCTION**

FY 2020-2021

09/01/2020 TO 09/30/2020

	<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	105,708.05	181,015.14	1,145,000.00	84
10-3102-110 AD VALOREM TAX - 1ST PRIOR	359.32	1,944.61	3,000.00	35
10-3103-110 AD VALOREM TAX - NEXT 8 Y	159.22	159.22	2,000.00	92
10-3110-121 AD VALOREM TAX - MOTOR V	0.00	10,895.66	105,000.00	90
10-3115-180 TAX INTEREST	58.88	155.18	2,250.00	93
10-3231-220 LOCAL OPTION SALES TAX RE	42,517.52	42,517.52	350,000.00	88
10-3322-220 BEER & WINE TAX	0.00	0.00	45,000.00	100
10-3324-220 UTILITY FRANCHISE TAX	97,880.99	97,880.99	460,000.00	79
10-3340-400 ZONING & PERMIT FEES	2,710.00	9,272.50	25,000.00	63
10-3350-400 SUBDIVISION FEES	0.00	0.00	53,500.00	100
10-3830-891 MISCELLANEOUS REVENUES	63.00	63.00	1,500.00	96
10-3831-491 INVESTMENT INCOME	0.00	276.20	7,000.00	96
TOTAL REVENUE	<u>249,456.98</u>	<u>344,180.02</u>	<u>2,199,250.00</u>	<u>84</u>
 AFTER TRANSFERS	<u>249,456.98</u>	<u>344,180.02</u>	<u>2,199,250.00</u>	
<b>4110</b>				
<b>EXPENDITURE:</b>				
10-4110-126 FIRE DEPT SUBSIDIES	65,316.50	195,949.50	789,500.00	75
10-4110-127 FIRE DEPARTMENT BLDG/MAI	0.00	0.00	10,000.00	100
10-4110-128 POLICE PROTECTION	0.00	75,855.73	305,425.00	75
10-4110-192 ATTORNEY FEES - GENERAL	5,000.00	10,000.00	75,000.00	87
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	0.00	0.00	6,000.00	100
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>70,316.50</u>	<u>281,805.23</u>	<u>1,217,050.00</u>	<u>77</u>
 BEFORE TRANSFERS	<u>-70,316.50</u>	<u>-281,805.23</u>	<u>-1,217,050.00</u>	
 AFTER TRANSFERS	<u>-70,316.50</u>	<u>-281,805.23</u>	<u>-1,217,050.00</u>	

**4120**

**EXPENDITURE:**

10-4120-121 SALARIES - CLERK	1,950.75	6,116.18	25,000.00	76
10-4120-123 SALARIES - TAX COLLECTOR	4,181.44	12,615.92	54,550.00	77
10-4120-124 SALARIES - FINANCE OFFICER	1,739.07	3,070.21	11,500.00	73
10-4120-125 SALARIES - MAYOR & TOWN C	2,100.00	6,300.00	25,200.00	75
10-4120-181 FICA EXPENSE	762.72	2,149.61	9,000.00	76
10-4120-182 EMPLOYEE RETIREMENT	1,021.58	3,112.85	13,500.00	77

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

FY 2020-2021

09/01/2020 TO 09/30/2020

	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BUDGETED</u>	<u>% BUDGET REM</u>
10-4120-183 EMPLOYEE INSURANCE	1,246.00	3,738.00	14,975.00	75
10-4120-184 EMPLOYEE LIFE INSURANCE	12.60	37.80	175.00	78
10-4120-185 EMPLOYEE S-T DISABILITY	12.00	36.00	200.00	82
10-4120-191 AUDIT FEES	0.00	0.00	8,500.00	100
10-4120-193 CONTRACT LABOR	0.00	690.00	50,100.00	99
10-4120-200 OFFICE SUPPLIES - ADMIN	618.60	1,383.71	14,000.00	90
10-4120-210 PLANNING CONFERENCE	0.00	0.00	2,500.00	100
10-4120-321 TELEPHONE - ADMIN	0.00	95.02	2,250.00	96
10-4120-325 POSTAGE - ADMIN	0.00	0.00	2,000.00	100
10-4120-331 UTILITIES - ADMIN	-59.00	5,137.75	5,040.00	-2
10-4120-351 REPAIRS & MAINTENANCE - B	0.00	2,519.58	7,500.00	66
10-4120-352 REPAIRS & MAINTENANCE - E	-205.55	22,986.66	66,500.00	65
10-4120-354 REPAIRS & MAINTENANCE - G	3,750.00	9,000.00	118,500.00	92
10-4120-355 REPAIRS & MAINTENANCE - P	0.00	0.00	1,500.00	100
10-4120-356 REPAIRS & MAINTENANCE - C	400.00	900.00	6,250.00	86
10-4120-370 ADVERTISING - ADMIN	0.00	102.30	1,000.00	90
10-4120-397 TAX LISTING & TAX COLLECT	-193.05	-405.90	0.00	0
10-4120-400 ADMINISTRATIVE:TRAINING	0.00	380.00	4,500.00	92
10-4120-410 ADMINISTRATIVE:TRAVEL	23.12	297.98	6,000.00	95
10-4120-450 INSURANCE	-59.59	14,377.47	14,500.00	1
10-4120-491 DUES & SUBSCRIPTIONS	0.00	17,638.78	22,000.00	20
10-4120-498 GIFTS & AWARDS	0.00	193.49	2,500.00	92
10-4120-499 MISCELLANEOUS	1.00	978.26	7,500.00	87
10-4120-500 CAPITAL EXPENDITURES	0.00	19,912.50	27,000.00	26
TOTAL EXPENDITURE	<u>17,301.69</u>	<u>133,364.17</u>	<u>523,740.00</u>	<u>75</u>
BEFORE TRANSFERS	<u>-17,301.69</u>	<u>-133,364.17</u>	<u>-523,740.00</u>	
AFTER TRANSFERS	<u>-17,301.69</u>	<u>-133,364.17</u>	<u>-523,740.00</u>	

**4130**

EXPENDITURE:

10-4130-121 SALARIES - ZONING ADMINIS	6,666.66	19,999.98	82,440.00	76
10-4130-122 SALARIES - ASST ZONING ADM	0.00	0.00	500.00	100
10-4130-123 SALARIES - ADMINISTRATIVE	2,561.58	7,694.37	30,185.00	75
10-4130-124 SALARIES - PLANNING BOARE	425.00	1,275.00	5,100.00	75
10-4130-125 SALARIES - SIGN REMOVAL	242.63	775.62	4,660.00	83
10-4130-181 FICA EXPENSE - P&Z	728.85	2,190.92	9,500.00	77
10-4130-182 EMPLOYEE RETIREMENT - P&	1,556.07	4,669.48	19,050.00	75
10-4130-183 EMPLOYEE INSURANCE	1,547.00	4,641.00	18,565.00	75
10-4130-184 EMPLOYEE LIFE INSURANCE	19.60	58.80	250.00	76
10-4130-185 EMPLOYEE S-T DISABILITY	12.00	36.00	175.00	79
10-4130-193 CONSULTING	9,534.52	11,681.01	54,500.00	79
10-4130-194 CONSULTING - COG	0.00	0.00	11,500.00	100
10-4130-200 OFFICE SUPPLIES - PLANNING	341.58	1,060.73	5,000.00	79
10-4130-201 ZONING SPECIFIC OFFICE SUP	1,891.02	10,865.70	1,500.00	-624
10-4130-215 HISTORIC PRESERVATION	0.00	0.00	250.00	100

LESLIE

10/07/2020 9:28:24AM

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

FY 2020-2021

09/01/2020 TO 09/30/2020

	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BUDGETED</u>	<u>% BUDGET REM</u>
10-4130-220 INFRASTRUCTURE	0.00	0.00	394,000.00	100
10-4130-226 STORMWATER EROSION CON	0.00	-195.00	0.00	0
10-4130-321 TELEPHONE - PLANNING & ZC	0.00	95.03	2,250.00	96
10-4130-325 POSTAGE - PLANNING & ZONI	0.00	0.00	2,000.00	100
10-4130-331 UTILITIES - PLANNING & ZON	0.00	396.78	5,035.00	92
10-4130-370 ADVERTISING - PLANNING & Z	0.00	102.30	1,000.00	90
TOTAL EXPENDITURE	<u>25,526.51</u>	<u>65,347.72</u>	<u>647,460.00</u>	<u>90</u>
BEFORE TRANSFERS	<u>-25,526.51</u>	<u>-65,347.72</u>	<u>-647,460.00</u>	
AFTER TRANSFERS	<u>-25,526.51</u>	<u>-65,347.72</u>	<u>-647,460.00</u>	
GRAND TOTAL	<u>136,312.28</u>	<u>-136,337.10</u>	<u>-189,000.00</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:** October 12, 2020

**SUBJECT:** Monthly Report–September 2020

<b>Transactions:</b>	
2020 Tax Levy	\$1,242,884.84
2020 Exemptions	\$(55,902.10)
2020 Deferment	\$(7.67)
2020 Tax Write-offs Under \$5.00	\$(939.50)
2020 Late List Penalty	\$281.22
Refunds	\$859.84
Interest Charges	\$174.86
Penalty and Interest Payments	\$(94.25)
Adjustments <5.00	\$1.31
Overpayment	\$(36.55)
<b>Taxes Collected:</b>	
2017	\$(55.64)
2018	\$(103.58)
2019	\$(359.32)
2020	\$(181,060.08)
<b>As of September 30, 2020; the following taxes remain Outstanding:</b>	
2009	\$418.16
2010	\$530.18
2011	\$52.18
2012	\$265.34
2013	\$308.36
2014	\$607.71
2015	\$1252.23
2016	\$899.83
2017	\$1911.30
2018	\$4098.25

2019	\$14403.40
2020	\$1,006,046.59
<b>Total Outstanding:</b>	\$1,030,793.53