



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

VILLAGE COUNCIL MEETING MINUTES

December 14, 2021 – 6pm

Village Hall, 10004 New Town Road

Banks Presbyterian Church Fellowship Hall, 10012 New Town Road

Regular/Organizational Meeting (Virtual Meeting)

A. AGENDA ITEM

1. Call to Order

Mayor Pollino called the meeting to order at 6pm and determined a quorum was present.

Present: Mayor Pollino, Mayor Pro Tem Vandenberg, Councilman Deatherage, Councilman Lein, Councilman Wortman

Present Virtually via Webex: Councilman Marcolese

Absent: None

Staff Present: Christina Amos, Austin W. Yow, Hunter Nestor, Jamie Bays, Derek Durst, Chaplin Spencer

MOTION: Councilman Wortman moved to recess the meeting to Banks Presbyterian Church Fellowship Hall, 10012 New Town Road.

VOTE: The motion passed unanimously, 3-0.

Councilman Marcolese was not present at the time of this vote.

Mayor Pollino reconvened the meeting at Banks Presbyterian Church Fellowship Hall at 6:05pm. Councilman Marcolese joined the meeting via Webex.

2. Consider Allowing Councilmembers to Participate Remotely

MOTION: Councilman Wortman moved to allow Councilmembers to participate remotely.

VOTE: The motion passed unanimously, 4-0.

3. Adoption of the Agenda

Mayor Pro Tem Vandenberg requested to make the following changes:

- Move “Reports and Updates” to follow “Organizational Session”

MOTION: Mayor Pro Tem Vandenberg moved to adopt the agenda as amended.

VOTE: The motion passed unanimously, 4-0.

4. Pledge of Allegiance

Mayor Pollino led the pledge of allegiance.

5. Public Comment Period

No comments were given.

B. PRESENTATIONS

TIME STAMP 3:20

1. FY 21 Audit Presentation: S. Preston Douglas & Associates, LLP (See attached, Item B.1., which is included as a reference in these minutes).

Jamie Bays, Finance Officer, introduced Daniel Leonard of S. Preston Douglas & Associates, to present the FY 2021 audit. Mr. Leonard presented the audit findings. He noted that the Village is in excellent financial condition, with the only finding being a lack of segregation of duties due to the small size of the finance staff.

MOTION: Mayor Pro Tem Vandenberg moved to suspend the rules and amend the agenda back to the way it was.

VOTE: The motion passed unanimously, 4-0.

C. REPORTS AND UPDATES

TIME STAMP 14:50

1. Manager's Report

a. Audio/Visual Agreement for Village Hall

Christina Amos, Village Manager, explained that Council previously authorized the Manager to execute an agreement with SKC Communications for the installation of audio/visual equipment for the new Village Hall. She noted that a change order of approximately \$6,500 occurred to allow for improved live streaming capabilities. She noted the funds for this agreement originated from the American Rescue Plan Act (ARPA).

b. Village Hall Capital Project Update *(See attached, Item C.1.b., which is included as a reference in these minutes).*

Ms. Amos explained that approximately \$34,000 remains in projects funds for the new Village Hall and that the project is on track to be completed within those funds. She noted that the expenses do not include landscape lighting or roundabout irrigation. She explained that there are additional change orders pending, including electricity to the irrigation well, landscape lighting, and furniture and décor for the front and rear lobbies.

c. PARTF Grant Application

Ms. Amos explained that the PR&G Board approved of the idea of the Village applying for a Parks and Recreation Trust Fund grant. She explained that she received advice to develop a full comprehensive plan before applying. Ms. Amos stated that it would be 2023 before a firm hired by the Village could develop such a plan.

d. Council Priority Forms

Ms. Amos explained that she has received priority forms from two councilmembers. She explained that these sheets allow staff to develop the Village's Capital Improvement Plan (CIP), which plans for projects over the next five years.

e. Meeting with Union County and Congressman Bishop

Ms. Amos stated she has been trying to plan a meeting with the Union County Board of Commissioners regarding seeking financial aid in funding the Marvin/New Town Road roundabout. She stated she expects the meeting to take place in January and will inform everyone when it is scheduled. She also stated she is still trying to schedule a meeting with Congressman Dan Bishop in January regarding the bipartisan infrastructure bill, which will create grant opportunities for local governments.

f. NCDOT Roundabout Agreement

Ms. Amos explained that the Village will be amending its agreement with NCDOT on the roundabout to lessen the financial impact on the Village, since the Village secured additional funding from the General Assembly and NCDOT.

TIME STAMP 27:20

2. Planner's Report

a. Code Enforcement Update *(See attached, Item C.2.a., which is included as a reference in these minutes).*

b. Belle Grove Trail Fee in Lieu

Hunter Nestor, Planning & Zoning Administrator, stated that he received a quote for the fee in lieu of the Belle Grove Trail. He stated that the PR&G Board recommends approval and that the fee in lieu will be on the January regular meeting agenda.

c. Rea Road Cell Tower

Mr. Nestor stated that the Union County Planning Board reviewed the application for the proposed cell tower near the intersection of Tom Short and Rea Road and did not recommend approval. He stated that the County will vote on the proposal on January 4 following a public hearing.

d. Roundabout Lighting

Mr. Nestor explained that NCDOT has approved the lighting plan for the two existing roundabouts. He stated that they are waiting on encroachment agreements with the Village of Marvin and Tim Fincher.

TIME STAMP 33:05

3. Roads Report

a. Budget Amendment

Ms. Amos briefly spoke on one of the budget amendments proposed for adoption on the consent agenda.

b. Brine Policy

Ms. Amos stated that she will have a brine and winter weather policy ready in January. She clarified that if any winter weather occurs in the meantime, then the Village will address the emergency roads that it owns.

TIME STAMP 34:04

4. Deputy’s Report *(See attached, Item C.4., which is included as a reference in these minutes).*

Deputy Montgomery briefly discussed his report on calls received in the past month. Ms. Amos spoke on the speed radars that the Village recently bought. She added that the Village can order radars for neighborhoods that agree to pay for them, as the Village can get bulk pricing.

TIME STAMP 36:45

5. Planning Board Chair Report

Mr. Nestor explained that the Planning Board unanimously recommended approval of the Marvin Heritage District Form-Based Code at their previous meeting.

TIME STAMP 38:00

6. PR&G Board Chair Report

Mayor Pro Tem Vandenberg briefly reported on the tree lighting ceremony that took place on Saturday, December 11. She also stated the Board is hard at work on planning the 2022 Marvin Day Celebration scheduled for Saturday, May 21, 2022.

D. CONSENT AGENDA *(Consent items may be considered in one motion and without discussion except for those items removed by a Councilmember)*

TIME STAMP 38:35

MOTION: Mayor Pro Tem Vandenberg moved to approve the consent agenda as presented.

VOTE: The motion passed unanimously, 4-0.

- 1. Acceptance of the Union County Board of Elections Official Results for the Municipal Elections Held on November 2, 2021** *(See attached, Item D.1., which is included as a reference in these minutes).*
- 2. Consider Call for a Public Hearing on January 11th at 6pm at Village Hall to Consider Adoption of the Marvin Heritage District Form-Based Code** *(See attached, Item D.2., which is included as a reference in these minutes).*
- 3. Consider Call for a Public Hearing on January 11th at 6pm at Village Hall for Consideration of the Estates at Marvin Branch Preliminary Plat and Construction Plans** *(See attached, Item D.3., which is included as a reference in these minutes).*
- 4. Consider Adoption of FY 2022-23 Budget Timeline** *(See attached, Item D.4., which is included as a reference in these minutes).*
- 5. Consider Adoption of Revised OR-2021-11-01 GF Budget Amendment Park Expenses**

**OR-2021-11-01
REVISED**

AN ORDINANCE AMENDING THE GENERAL FUND BUDGET ORDINANCE

BE IT ORDAINED by the Village Council of the Village of Marvin, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2022:

SECTION 1. To amend the General Fund Budget, the revenues and appropriations are to be changed as shown.

TYPE	BUDGET ACCOUNT	AMENDMENT AMOUNT	FROM	TO
Revenue	Miscellaneous Revenue (A/C 3708)	\$1,400	\$1,400 \$30,000	\$0 \$31,400
Revenue	Miscellaneous Revenue (A/C 3708)	(\$1,400)	\$31,400	\$30,000

Expense	General Fund – Culture and Recreation Park Operating Expenses (A/C 6739)	\$1400	\$7,621	\$8,661
Reserves	Assigned Fund Balance – Parks and Recreation (A/C 30000)	(\$4,500)	142,762	\$138,262
Expense	General Fund – Culture and Recreation Park Operating Expenses (A/C 6742)	\$1,500	\$4,000	\$5,500
Expense	General Fund – Culture and Recreation General Repairs (A/C 6739)	\$3,000	\$8,661	\$11,661

Reason: To amend budget to purchase and install new fans for the barn; and to fund park signs that were approved in FY21 but were not completed before year end.

SECTION 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 14 day of December 2021.

6 Consider Adoption of Budget Amendment for Pocket Park, Employee Retirement & Powell Bill

OR-2021-12-01

AN ORDINANCE AMENDING THE GENERAL FUND BUDGET ORDINANCE

BE IT ORDAINED by the Village Council of the Village of Marvin, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2021:

SECTION 1. To amend the General Fund Budget, the revenues and appropriations are to be changed as shown.

TYPE	BUDGET ACCOUNT	AMENDMENT AMOUNT	FROM	TO
Expense	General Fund – Contingency	(\$6,000)	\$34,000	\$28,000
Expense	General Fund – Culture and Recreation Park Projects A/C 6765	\$6,000	\$47,168	\$53,168
Expense	General Fund – Contingency	(\$5,300)	\$28,000	\$22,700
Expense	General Fund – General Government NC Retirement A/C 6084	\$5,000	\$27,541	\$32,541
Expense	General Fund – Planning/Zoning NC Retirement A/C 6084	\$300	\$6,169	\$6,469
Revenue	Fund Balance Reserved Powell Bill	(\$115,000)	\$115,000	\$0
Revenue	Fund Balance Unassigned	\$115,000	\$1,311,122	\$1,196,122
Revenue	Fund Balance Assigned Road Improvements	(\$99,914)	\$99,914	\$0
Expense	Fund Balance Reserved Powell Bill	\$99,914	\$0	\$99,914

Reason: For Installation of Pocket Park, Increased funding in General Government and Planning & Zoning to Cover Additional Retirement Expenses for Employees and Moving Funds for the NCDOT Reimbursement for Roundabout Agreement in 2020 from Fund Balance General to Powell Bill Reserved.

SECTION 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 14th day of December 2021.

7. **Accept Treasury Report for September 2021** (*Adopted treasury reports are available online*).

E. ORGANIZATIONAL SESSION

TIME STAMP 38:50

1. **Oath of Office for Mayor**

Austin W. Yow, Village Clerk & Assistant to the Manager, administered the Oath of Office to Mayor Joe Pollino.

TIME STAMP 41:35

2. **Oaths of Office for Newly Elected Councilmembers**

Mayor Pollino administered the Oath of Office to newly elected and re-elected Councilmembers Wayne Deatherage, Kim Vandenberg, and Andy Wortman.

TIME STAMP 49:35

3. **Appointment of Mayor Pro Tempore**

Mr. Yow explained that the Council must appoint a Mayor Pro Tempore who will serve in the mayor's absence for the 2021-2023 Council term. Mayor Pollino opened the floor to nominations.

MOTION: Councilman Lein moved to appoint Kim Vandenberg as Mayor Pro Tempore.

VOTE: The motion passed unanimously, 5-0.

Mayor Pollino administered the Oath of Office for Mayor Pro Tempore to Councilwoman Vandenberg.

TIME STAMP 52:50

4. **Appointment of Council Liaisons to the Planning Board, PR&G Board, and MHD Committee/Board**

MOTION: Councilman Marcolese moved to appoint Mayor Pro Tem Vandenberg as the PR&G Board Liaison.

VOTE: The motion passed unanimously, 5-0.

MOTION: Councilman Wortman moved to appoint Councilman Marcolese as the Planning Board Liaison.

VOTE: The motion passed unanimously, 5-0.

MOTION: Mayor Pro Tem Vandenberg moved to appoint Councilman Wortman as the MHD Committee Liaison.

VOTE: The motion passed unanimously, 5-0.

5. **Appointment of Delegate & Alternate to Serve on the CRTPO Board**

MOTION: MPT moved to appoint Mayor Pollino as delegate and Lein as alternate.

VOTE: The motion passed unanimously, 5-0.

6. **Appointment of Delegate & Alternate to Centralina Regional Council Board of Delegates**

MOTION: Councilman Marcolese moved to appoint Councilman Deatherage as the delegate and Lein as alternate.

VOTE: The motion passed unanimously, 5-0.

7. **Appointment of Delegate & Alternate to WUMA**

MOTION: MPT V moved to appoint Mayor Pollino and Councilman Wortman as delegate...

VOTE: The motion passed unanimously, 5-0.

F. PUBLIC HEARING

TIME STAMP 57:00

1. **Reconvene the Public Hearing to Consider Adoption of the Marvin Heritage District Small Area Plan** *(See attached, Item F.1., which is included as a reference in these minutes).*

MOTION: Mayor Pro Tem Vandenberg moved to open the public hearing.

VOTE: The motion passed unanimously, 5-0.

- a. **Public Comments**

Mr. Nestor explained that the MHD Small Area Plan is intended to provide guidance for future land development. He noted that the document serves essentially as an executive summary for the form-based code. He added that this plan would be adopted as an amendment to the 2020 Land Use Plan. He noted that this plan does not change the zonings of properties. If the form-based code is adopted in January, property owners then could rezone.

He also noted that the Marvin Heritage District Strategic Plan Committee voted unanimously to recommend approval. The Planning Board voted 5-2 to recommend approval. Council proceeded to ask questions of Mr. Nestor regarding various aspects of the plan. Village Attorney Chaplin Spencer noted that the plan is advisory and guide for future land use decisions.

Robbie Smith, 1336 Crane Road:

Mr. Smith spoke on behalf of Banks Presbyterian Church. He expressed the Church's desire to have more options for the current Village Hall property, including demolition, ministry, residential, etc.

MOTION: Mayor Pro Tem Vandenberg moved to close the public hearing.

VOTE: The motion passed unanimously, 5-0.

- b. **Discuss and Consider Adoption**

MOTION: Mayor Pro Tem Vandenberg moved to adopt the Marvin Heritage District Small Area Plan as amended.

VOTE: The motion passed unanimously, 5-0.

G. VILLAGE HALL

TIME STAMP 1:17:00

Construction Progress Update

Ms. Amos briefly spoke on the state of the Village Hall project. She explained that the irrigation contractor began last week, the painters are finishing up, and that the plumbing, electrical, and mechanical work is in progress. Council discussed installing lighting to highlight the structure at night. Ms. Amos stated that the Village Hall Design Finishes Subcommittee will need to convene soon to make some decisions regarding lobby furniture.

H. UNFINISHED BUSINESS

TIME STAMP 1:24:55

1. **Discussion of 2022 Marvin Day Celebration (Saturday, May 21, 2022)**

Derek Durst, Public Facilities Manager, gave an update on the planning process for the 2022 Marvin Day Celebration. Councilman Lein stressed the importance of getting sponsors for the event. Council discussed sponsorships in depth.

TIME STAMP 1:36:10

2. **Discuss and Consider Amending Facility Rental and Professional Pass Fees in the Fee Schedule**

Mr. Durst explained that usage of the barn at Marvin Efird Park by professional pass holders has increased tenfold since 2020. He explained that staff has had to manage this usage so that pass holders do not prevent those who paid to rent the barn from being able to use it. He stated that he and the PR&G Board have recommended changes to the fee schedule that would allow pass holders to formally rent the barn, but at a discounted price. He reasoned that this change would reduce the workload on staff and simplify the rental management process.

MOTION: Mayor Pro Tem Vandenberg moved to approve the changes proposed by Staff and the Parks, Recreation, and Greenways advisory board and amend the fees for Professional Access use of the barn at Marvin Efird Park in a tiered/ staged system, charging Professional Access pass holders one-quarter of a rental fee for hourly use (\$10 hour on top of \$250 annual fee) during non-peak hours in 2022, moving to fifty percent (\$20 hour on top of \$250 annual fee) in 2023.

VOTE: The motion passed unanimously, 5-0.

NOTE: As the structure of the professional pass fees was worked out during the meeting and no completed document was present at the time of approval, the approval of this item will be ratified at the January 11 Council Regular Meeting. The approved document will be included as a reference in those minutes.

TIME STAMP 1:45:00

3. **Consider Approval of Solid Waste Contract with Active Waste for Services Beginning on April 1, 2022, Allowing Manager to make Minor Modifications Pending Attorney Review, and Allow Manager to Execute Agreement** *(See attached, Item H.3., which is included as a reference in these minutes).*

Ms. Amos explained that Active Waste delivered the executed contract this morning. Village Attorney Chaplin Spencer briefly reviewed recent changes to the contract.

MOTION: Mayor Pro Tem Vandenberg moved to approve the solid waste contract with Active Waste for services beginning on April 1, 2022, allowing Manager to make minor modifications pending attorney review, and allow Manager to execute agreement.

VOTE: The motion passed unanimously, 5-0.

I. NEW BUSINESS

TIME STAMP 1:48:50

1. **Discussion of January 2022 Communications**

Mr. Yow reviewed proposed communication topics for January 2022 with Council. Council suggested additional topics to add to the list.

TIME STAMP 1:53:00

2. **Discussion of Coffee with Council Event Dates (January-March)**

Council discussed dates for Coffee with Council events to be held in January, February, and March of 2022.

TIME STAMP 1:56:50

3. **Review and Consider Adoption of Village Council Minutes from the 11/9/21 (Regular), 11/19/21 (Special), 11/29/21 (Special), and 11/30/21 (Joint with PR&G Board) Meetings** *(Adopted minutes are available online).*

Council reviewed the meeting minutes from 11/9/21, 11/19/21, 11/29/21, and 11/30/21 and made no revisions.

MOTION: Mayor Pro Tem Vandenberg moved to adopt the minutes from 11/9/21, 11/19/21, 11/29/21, and 11/30/21 as presented.

VOTE: The motion passed unanimously, 5-0.

J. OPEN TOPICS

TIME STAMP 1:58:50

Marvin Efird Park Sign

Mayor Pro Tem Vandenberg asked Mr. Durst if any trees needed to be removed for the installation of the new park sign. He stated that no trees needed to be removed.

K. AGENDA ITEMS

TIME STAMP 2:00:30

1. **Review of Action Items**

- Ms. Amos will execute the contract with Active Waste Solutions.
- Ms. Amos will get an update from Representative Willis regarding the roundabout lighting.
- Ms. Amos will check with Union Power on the roundabout agreement.
- Ms. Amos and Mr. Yow will schedule a meeting for the Village Hall Design Finishes Subcommittee to select furniture décor for the Village Hall lobbies.
- Ms. Amos and Mr. Yow will email elected and re-elected Councilmembers regarding state mandated ethics training.
- Staff will amend the fee schedule with the approved changes.
- Councilmembers will work on securing sponsorships for Marvin Day.
- Councilmembers will submit their Capital Project Priority Forms.

TIME STAMP 2:03:35

2. **Review of Ongoing Action Item List**

Council reviewed the ongoing action item list and made revisions.

TIME STAMP 2:06:10

3. **Council Comments**

Mayor Pollino: He thanked staff for their hard work, especially for all the work that went into the Tree Lighting Ceremony. He thanked Jamie Bays for her work on the audit. He congratulated those who were elected and thanked all those who voted. He encouraged candidates to pick up their election signs. He thanked staff for coming to the staff Christmas Party that he hosted last week. He reflected on the success of the Santa Parade. He wished everyone a Merry Christmas and Happy Holidays.

Mayor Pro Tem Vandenberg: She congratulated everyone on their election. She thanked everyone who voted in the election. She thanked staff for their hard work.

Councilman Deatherage: He stated he was looking forward to his term on the Council.

Councilman Lein: He thanked staff for their hard work and welcomed Mr. Deatherage to the Council. He thanked Officers Montgomery and Gallis for all they do. He stated he looks forward to future projects.

Councilman Marcolese: He stated he was satisfied with the election results and thanked all those who voted. He stated that he was excited about moving forward on projects. He thanked staff and welcomed Mr. Deatherage to the Council.

Councilman Wortman: He congratulated everyone for being elected. He thanked staff members for all their hard work on various projects. He briefly spoke on tree selection for the roundabout plantings, specifically citing the need for a reasonably sized tree that NCDOT would approve.

L. CLOSED SESSION

TIME STAMP 2:15:30

1. **Recess into Closed Session Pursuant to NCGS 143-318.11(a)(4) for Economic Development**

MOTION: Mayor Pro Tem Vandenberg moved to recess into closed session pursuant to NCGS §143-318.11(a)(4) for economic development.

VOTE: The motion passed unanimously, 5-0.

(Recording omits closed session)

MOTION: Mayor Pro Tem Vandenberg moved to return to open session.


VOTE: The motion passed unanimously, 5-0.


M. ADJOURNMENT

MOTION: Mayor Pro Tem Vandenberg moved to adjourn the meeting at 8:53pm

VOTE: The motion passed unanimously, 5-0.

Adopted: 1-11-22


Joseph E. Pollino Jr., Mayor
Village of Marvin


Austin W. Yow
Village Clerk & Assistant to the Manager





Unsealed
2/22/2023

VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinncc.org

VILLAGE COUNCIL MEETING MINUTES

December 14, 2021 – 6pm

Banks Presbyterian Church Fellowship Hall, 10012 New Town Road

Regular/Organizational Meeting

Closed Session

CLOSED SESSION

Present: Mayor Pollino, Mayor Pro Tem Vandenberg, Councilman Deatherage, Councilman Lein, Councilman Wortman

Present Virtually by Phone: Councilman Marcolese

Absent: None

Staff Present: Christina Amos, Austin W. Yow, Hunter Nestor, Chaplin Spencer

1. Recess into Closed Session Pursuant to NCGS §143-318.11(a)(4) for Economic Development.

MOTION: Mayor Pro Tem Vandenberg moved to recess into Closed Session Pursuant to NCGS §143-318.11(a)(4) for economic development.

VOTE: The motion passed unanimously, 5-0.

Ms. Amos reflected on the recent meeting with NCDOT regarding the Marvin/New Town Road roundabout and the possible removal of the fourth leg of the roundabout on Meadowlark Lane. She stated that the Village could enter into a development agreement with Jones Homes for the construction of a water line extension.

Village Attorney Chaplin Spencer explained that any agreements drafted need to limit liability on the Village and must have a public benefit. Councilmembers discussed the possible public benefits of installing the water line, including securing the fourth leg of the roundabout and water to this area for future development.

Ben Kuhn of Jones Homes joined the meeting. Mr. Kuhn discussed a possible development agreement so that the construction of the water line could occur at the same time as the roundabout construction along with dedication land.

Mr. Kuhn then left the meeting. Following continued discussion, the Council agreed to allow Jones Homes to draft an agreement that Council would review in a future closed session.

MOTION: Mayor Pro Tem Vandenberg moved to return to open session.

VOTE: The motion passed unanimously, 5-0.

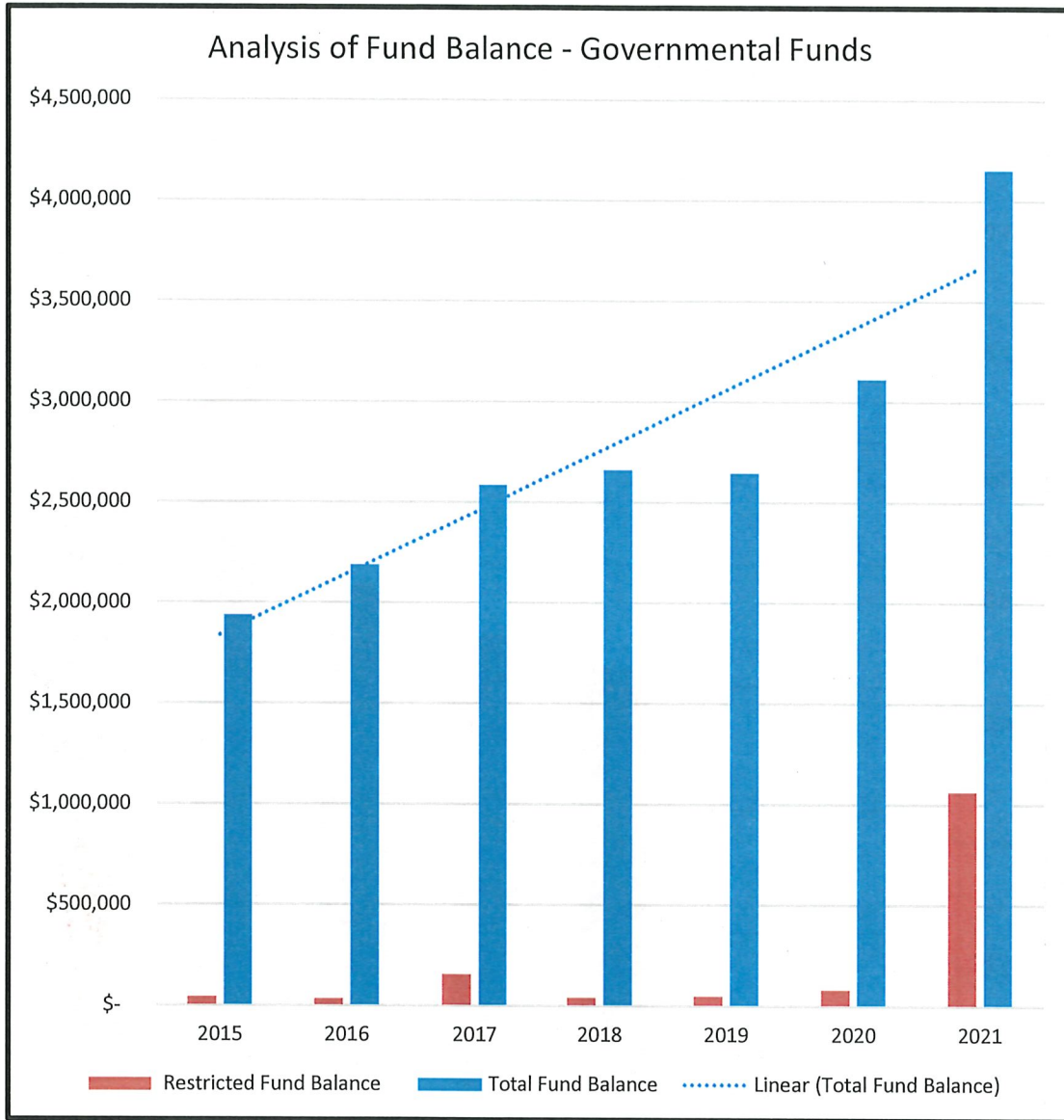
Adopted: 318122

Joseph E. Pollino Jr., Mayor
Village of Marvin

Austin W. Yow
Village Clerk & Assistant to the Manager

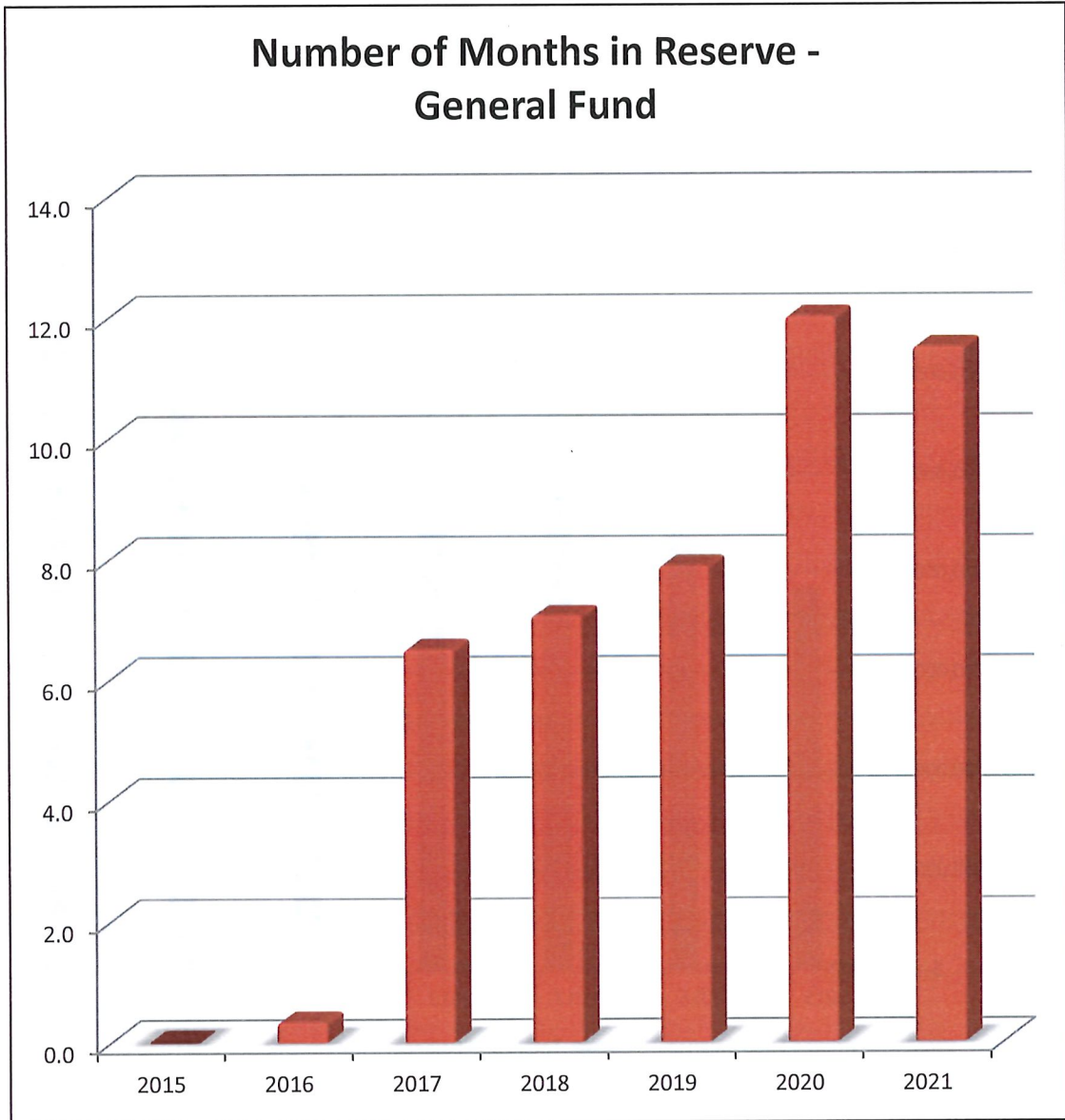


Village of Marvin



	Total Fund Balance	Restricted Fund Balance
2015	\$ 1,939,580	\$ 44,047
2016	\$ 2,190,268	\$ 34,076
2017	\$ 2,587,259	\$ 155,026
2018	\$ 2,663,180	\$ 39,358
2019	\$ 2,646,571	\$ 49,327
2020	\$ 3,113,405	\$ 79,976
2021	\$ 4,152,372	\$ 1,061,133

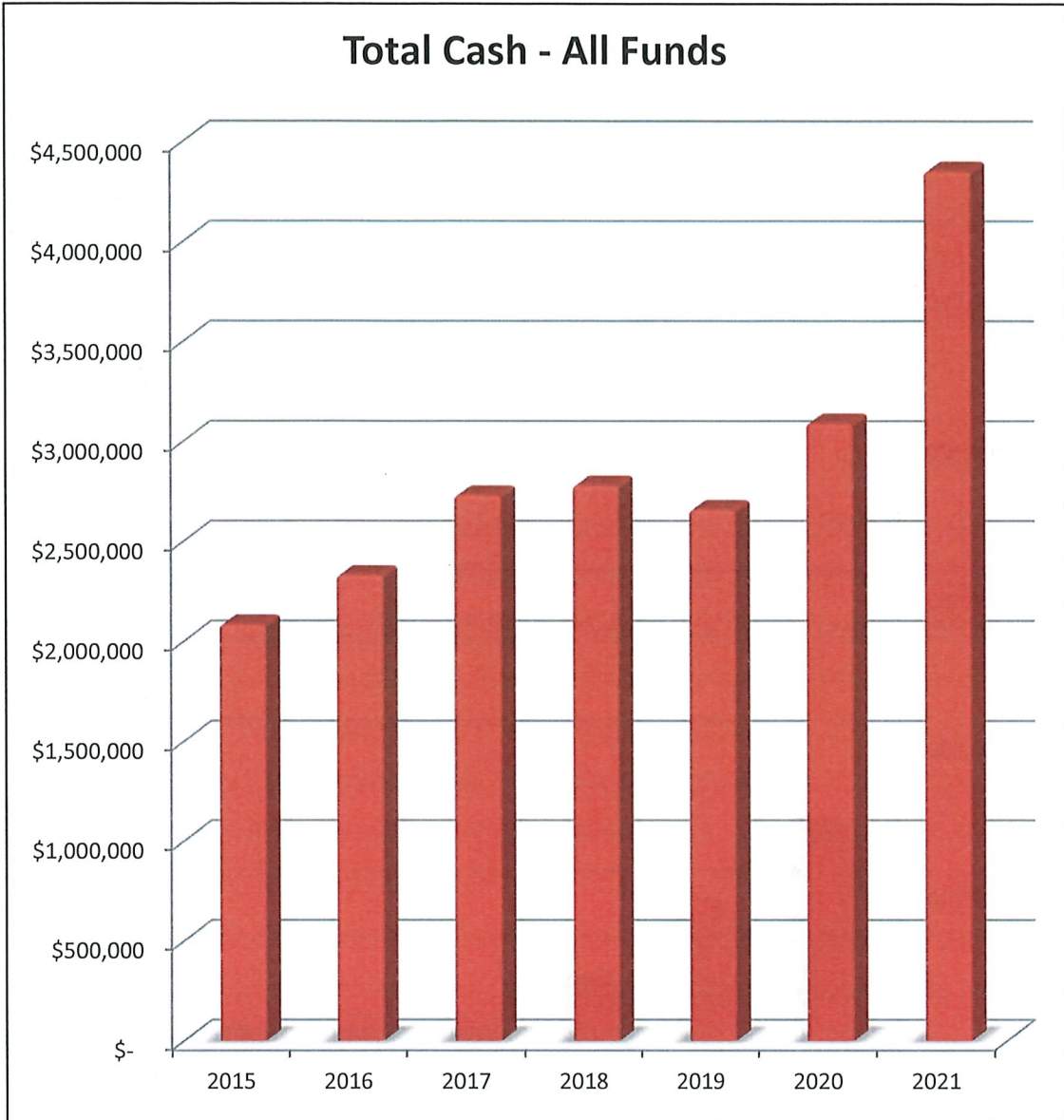
Village of Marvin



	# Months in Reserve	As % of Expenditures
2015	0.0	0.00%
2016	0.3	2.89%
2017	6.5	54.20%
2018	7.1	58.90%
2019	7.9	65.74%
2020	12.0	100.14%
2021	11.5	95.89%

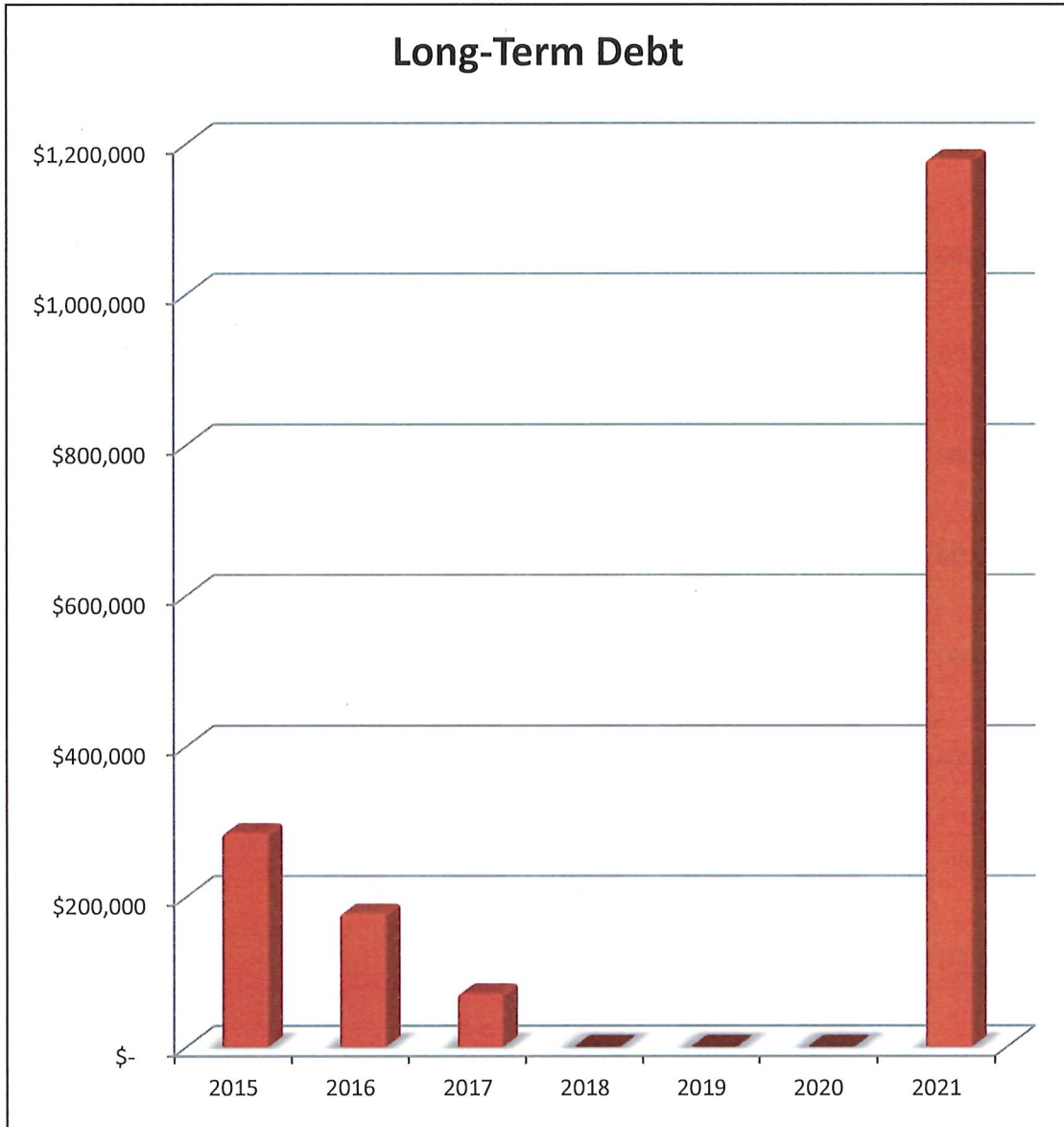
*8.33% equals one month of General Fund expenditures in the unassigned category of fund balance.

Village of Marvin



2015	\$	2,087,612
2016	\$	2,333,698
2017	\$	2,733,350
2018	\$	2,783,259
2019	\$	2,661,374
2020	\$	3,094,817

Village of Marvin



2015	\$	285,714
2016	\$	178,571
2017	\$	71,428
2018	\$	-
2019	\$	-
2020	\$	-
2021	\$	1,180,000

*Excludes pension liabilities and compensated absences.

**Village of Marvin
Marvin, North Carolina**

Audited Financial Statements

Year Ended June 30, 2021

Village of Marvin, North Carolina
Audited Financial Statements
For the Year Ended June 30, 2021

VILLAGE COUNCIL MEMBERS

Joseph E. Pollino, Jr., Mayor

Kim Vandenberg, Mayor Pro Tempore

Robert Marcolese

Jamie Lein

Andrew Wortman

ADMINISTRATIVE AND FINANCIAL STAFF

Christina Amos, Village Manager

Jamie Bays, Finance Officer

**Village of Marvin, North Carolina
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June 30, 2021**

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Financial Section

S. Preston Douglas & Associates, LLP

CERTIFIED PUBLIC ACCOUNTANTS

MEMBERS

American Institute of CPAs

N. C. Association of CPAs

Independent Auditor's Report

To the Honorable Mayor and
Members of the Village Council
Marvin, North Carolina

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and each major fund of the Village of Marvin, North Carolina, as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the Village's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers the internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall financial statement presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the Village of Marvin, North Carolina as of June 30, 2021, and the respective changes in financial position, thereof and the respective budgetary comparison for the General Fund for the year ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that Management's Discussion and Analysis on pages 3 through 10, respectively, the Local Government Employee's Retirement System's Schedules of the Proportionate Share of the Net Pension Liability and Contributions, on pages 34 and 35 respectively. Such information, although not a required part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

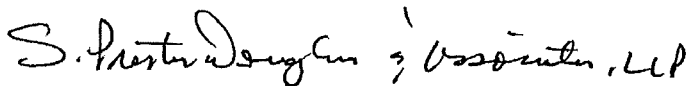
Supplementary and Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements of the Village of Marvin, North Carolina. The individual fund financial statements, budgetary schedules, and other schedules are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The individual fund financial statements, budgetary schedules, and other schedules are the responsibility of management and were derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, based on our audit, the procedures performed as described above, the combining and individual fund financial statements, budgetary schedules, and other schedules are fairly stated in, all material respects, in relation to the basic financial statements as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated November 19, 2021 on our consideration of the Village of Marvin's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grants agreements, and other matters. The purpose of the report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Village of Marvin' internal control over financial reporting and compliance.



Lumberton, North Carolina
November 19, 2021

Management's Discussion and Analysis

**Village of Marvin, North Carolina
Management's Discussion and Analysis
June 30, 2021**

Management's Discussion and Analysis

As management of the Village of Marvin, we offer readers of the Village's financial statements this narrative overview and analysis of the financial activities of the Village of Marvin for the fiscal year ending June 30, 2021. We encourage readers to read the information presented here in conjunction with additional information that we have furnished in the Village's financial statements, which follow this narrative.

Financial Highlights

- At the end of the current fiscal year, unassigned fund balance for the General Fund was \$1,311,122, or approximately 95.89% of the total general fund expenditures for the year. Unassigned fund balance as a percentage of total expenditures has consistently exceeded the Village Council's goal of 8% as set in its fund balance policy enacted in June, 2012.
- As of the close of the current fiscal year, the Village of Marvin's governmental funds reported combined ending fund balances of \$4,152,372.
- As of June 30, 2021, the Village of Marvin had \$1,778,817 in fund balances that were either committed or assigned for particular purposes, such as Capital Projects, Parks and Recreation, Land Acquisition, Road Improvements and Loop Projects.
- The assets and deferred outflows of the Village of Marvin exceeded its liabilities and deferred inflows at the close of the fiscal year by \$12,980,262 (net position).
- The Village of Marvin's total net position increased by \$1,247,212. This was mostly due to the Village inheriting \$1,239,928 in roads from the North Carolina Department of Transportation. The Village of Marvin now bears the responsibility of maintaining these roads.
- The Village of Marvin obtained a loan for the construction of a new Village Hall in the amount of \$1,180,000. This new loan represents the only debt that the Village has outstanding.
- The Village of Marvin's approved Capital Improvement Plan has \$1,290,520 of anticipated projects for FY 2022; \$40,000 of which is fully funded for various parks and recreation projects and \$1M has been allocated for the new Village Hall which is currently under construction. The Capital Improvement Plan includes projects proposed for the following years are as follows:
 - FY 2022 \$ 1,290,520
 - FY 2023 \$ 1,486,168
 - FY 2024 \$ 1,398,935
 - FY 2025 \$ 1,686,227
 - After 2026 \$ 1,585,009

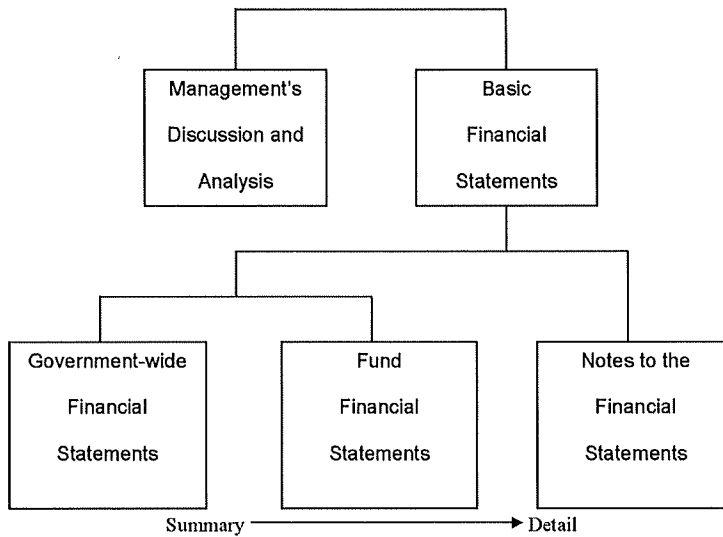
Village of Marvin, North Carolina
Management's Discussion and Analysis (continued)
June 30, 2021

Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the Village of Marvin's basic financial statements. The Village's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements (see Figure 1). The basic financial statements present two different views of the Village through the use of government-wide statements and fund financial statements. In addition to the basic financial statements, this report also contains other supplementary information that will enhance the reader's understanding of the financial condition of the Village of Marvin.

Required Components of Annual Financial Report

Figure 1



Basic Financial Statements

The first two statements in the basic financial statements are the **Government-wide Financial Statements**. They provide both short and long-term information about the Village's financial status.

The next statements are **Fund Financial Statements**. These statements focus on the activities of the individual parts of the Village's government. These statements provide more detail than the government-wide statements.

There are two parts to the Fund Financial Statements: 1) the governmental funds statements and 2) the budgetary comparison statements.

The next section of the basic financial statements is the **Notes to the Financial Statements**. The notes explain in detail some of the data contained in those statements. After the notes, **supplemental information** is provided to show additional details about the Village's individual funds. Budgetary information required by the North Carolina General Statutes can also be found in this part of the statements.

Village of Marvin, North Carolina
Management's Discussion and Analysis (continued)
June 30, 2021

Basic Financial Statements (continued)

Government-Wide Financial Statements. The government-wide financial statements are designed to provide the reader with a broad overview of the Village's finances, in a manner similar to the private-sector business. The government-wide statements provide short and long-term information about the Village's financial status as a whole.

The two government-wide statements report the Village's net position and how it has changed. Net position is the difference between the Village's total assets and deferred outflows of resources and total liabilities and deferred inflows of resources. Measuring net position is one way to gauge the Village's financial condition.

The governmental activities include most of the Village's basic services such as general government, public safety, transportation, economic and physical development, and parks and recreation. Property taxes and State and federal grant funds finance most of these activities.

The government-wide financial statements are found on pages 11 and 12 of this report.

Fund Financial Statements. The fund financial statements (see Figure 1) provide a more detailed look at the Village's most significant activities. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Village of Marvin, like all other state and local governments, uses fund accounting to ensure and reflect compliance (or non-compliance) with finance-related legal requirements, such as the General Statutes or the Village's budget ordinance. The Village of Marvin has only one fund type – the governmental fund.

Governmental Funds. Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. The Village's basic services are accounted for in governmental funds. These funds focus on how assets can readily be converted into cash flow in and out, and monies that are unexpended at year-end that will be available for spending in the next year. Governmental funds are reported using an accounting method called *modified accrual accounting*, which provides a short-term spending focus. As a result, the governmental fund financial statements give the reader a detailed short-term view that helps determine if there are more or less financial resources available to finance the Village's programs. The relationship between government activities (reported in the Statement of Net Position and the Statement of Activities) and governmental funds is described in a reconciliation that is a part of the fund financial statements.

The Village of Marvin adopts an annual budget for its General Fund, as required by the General Statutes. The budget is a legally adopted document that incorporates input from the citizens of the Village, the management of the Village, and the decisions of the Board about which services to provide and how to pay for them. It also authorizes the Village to obtain funds from identified sources to finance these current period activities.

The budgetary statement provided for the General Fund demonstrates how well the Village complied with the budget ordinance and whether or not the Village succeeded in providing the services as planned when the budget was adopted. The budgetary comparison statement uses the budgetary basis of accounting and is presented using the same format, language, and classifications as the legal budget document. The statement shows four columns: 1) the original budget as adopted by the board; 2) the final budget as amended by the board; 3) the actual resources, charges to appropriations, and ending balances in the General Fund; and 4) the difference or variance between the final budget and the actual resources and charges.

Village of Marvin, North Carolina
Management's Discussion and Analysis (continued)
June 30, 2021

Basic Financial Statements (continued)

Notes to the Financial Statements. The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 18-33 of this report.

Other Information. In addition to the basic financial statements and accompanying notes, this report includes certain required supplementary information concerning the Village of Marvin's progress in funding its obligation to provide pension benefits to its employees. Required supplementary information can be found beginning on page 34 of this report.

Interdependence with Other Entities. The Village depends on financial resources flowing from, or associated with, the State of North Carolina. Because of this dependency, the Village is subject to changes in specific flows of intergovernmental revenues based on modification to State laws and State appropriations.

Government-Wide Financial Analysis

The Village of Marvin's Net Position
Figure 2

	Governmental Activities 2021	Governmental Activities 2020
Current and other assets	\$ 4,415,134	\$ 3,160,816
Capital assets	10,067,529	8,650,791
Total assets	14,482,663	11,811,607
 Deferred Outflows of Resources	88,269	75,098
Current liabilities	347,934	48,831
Long-term liabilities	1,240,649	99,679
Total liabilities	1,588,583	148,510
 Deferred Inflows of Resources	2,087	5,145
 Net position		
Net investment in capital assets	8,887,529	8,650,791
Restricted	54,372	79,976
Unrestricted	4,038,361	3,002,283
Total net position	\$ 12,980,262	\$ 11,733,050

**Village of Marvin, North Carolina
Management's Discussion and Analysis (continued)
June 30, 2021**

Government-Wide Financial Analysis (continued)

As noted earlier, net position may serve over time as one useful indicator of a government's financial condition. The assets and deferred outflows of the Village of Marvin exceeded liabilities and deferred inflows by \$12,980,262 as of June 30, 2021. The Village's net position increased by \$1,247,212 for the fiscal year ended June 30, 2021. The largest portion of the Village's net position (68.47%) reflects the Village's net investment in capital assets (e.g. land, sidewalks and easements, roads, buildings, and equipment). The Village of Marvin uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. As of the end of the current fiscal year, the Village has only one loan outstanding for the construction of the new Village Hall. An additional portion of the Village of Marvin's net position, \$54,372, represents resources that are subject to external restrictions on how they may be used. The remaining balance of \$4,038,361 is unrestricted.

Several particular aspects of the Village's financial operations influenced the total unrestricted governmental net position:

- Diligence in the collection of property taxes by maintaining a tax collection percentage of 99.59% which continues to exceed the state-wide average.
- Ad valorem tax revenue increased over the prior year due to continued growth and the addition of new neighborhoods in the Village.

**The Village of Marvin's Changes in Net Position
Figure 3**

	Governmental Activities 2021	Governmental Activities 2020
Revenues:		
Program revenues:		
Charges for services	\$ 96,802	\$ 92,534
Operating grants and contributions	147,800	141,345
Capital Grants and contributions	1,239,928	4,877,606
General revenues:		
Property taxes	759,933	621,045
Other taxes	550,323	532,245
Other	4,030	219,612
Total revenues	2,798,816	6,484,387
Expenses:		
General government	682,892	565,140
Public safety	246,877	115,906
Transportation	312,135	210,851
Economic and physical develop.	138,928	186,642
Cultural and recreation	170,772	176,966
Total expenses	1,551,604	1,255,505
Change in net position	1,247,212	5,228,882
Net position, beginning	11,733,050	6,504,168
Net position - June 30	\$ 12,980,262	\$ 11,733,050

**Village of Marvin, North Carolina
Management's Discussion and Analysis (continued)
June 30, 2021**

Government-Wide Financial Analysis (continued)

Governmental activities. Governmental activities increased the Village's net position by \$1,247,212, accounting for 100% of the total increase in the net position of the Village of Marvin. The Village of Marvin is committed to improving roads and public safety.

Financial Analysis of the Government's Funds

As noted earlier, the Village of Marvin uses fund accounting to ensure and demonstrate compliance with finance related legal requirements.

Governmental Funds. The focus of the Village of Marvin's governmental funds is to provide information on near-term inflows, outflows, and balances of usable resources. Such information is useful in assessing the Village of Marvin's financing requirements.

The General Fund is the chief operating fund of the Village of Marvin. At the end of the current fiscal year, the Village of Marvin's fund balance available in the General Fund was \$1,311,122. The Village currently has an available fund balance of 95.89% of General Fund expenditures.

At June 30, 2021, the governmental funds of the Village of Marvin reported a combined fund balance of \$4,152,372 with a net increase in fund balance of \$1,038,967. This change in fund balance is comprised of an increase in fund balance in the General Fund, as well as an increase in the fund balance in the Capital Projects Fund.

General Fund Budgetary Highlights

During the fiscal year, the Village revised the budget on several occasions. Generally, budget amendments fall into one of three categories: 1) amendments made to adjust the estimates that are used to prepare the original budget ordinance once exact information is available; 2) amendments made to recognize new funding amounts from external sources, such as Federal and State grants; and 3) increases in appropriations that become necessary to maintain services.

There were several reasons the Village revised its budget throughout the year. The Village Council reallocated funds for several expenditures that were not anticipated in the original budget including allocating additional resources dedicated to the planning department, increased legal fees, increased auditor fees, and additional funds for the annual tree lighting event.

**Village of Marvin, North Carolina
Management's Discussion and Analysis (continued)
June 30, 2021**

Capital Assets and Debt Administration

The Village of Marvin's investment in capital assets for its governmental activities as of June 30, 2021 total \$10,067,529 (net of accumulated depreciation). These assets include land, right-of-way easements, sidewalks, roads, furniture and equipment, buildings and park facilities.

During Fiscal Year 2021, the Village inherited \$1,239,928 (roughly 2.22 miles) in roads from the North Carolina Department of Transportation. The Village now bears the responsibility of maintaining these roads and depreciates them over their useful life of 50 years. The Village recognized \$63,358 in depreciation expense over the prior fiscal year primarily due to the assumption of these roads.

**The Village of Marvin's Capital Assets
(net of depreciation)
Figure 4**

	Governmental Activities	
	2021	2020
Land & improvements	\$ 1,248,078	\$ 1,248,078
Right-of-way easements	1,696,046	1,696,046
Construction in progress	332,478	-
Infrastructure	6,467,902	5,370,014
Buildings and improvements	318,963	329,692
Equipment and computers	2,390	4,937
Furniture	287	575
Leasehold improvements	1,385	1,449
Total capital assets, net	\$ 10,067,529	\$ 8,650,791

Additional information on the Village's capital assets can be found in the notes on page 25 of this report.

Long-term Liabilities. As of June 30, 2021, the Village of Marvin had the following long-term liabilities outstanding:

**The Village of Marvin's Outstanding Liabilities
Figure 5**

	Governmental Activities	
	2021	2020
Installment purchases	\$ 1,180,000	\$ -
Net pension liability (LGERS)	138,649	99,679
Compensated absences	10,818	4,884
Total outstanding long-term liabilities	\$ 1,329,467	\$ 104,563

The Village of Marvin's long-term liabilities increased by \$1,224,904 (1,171.45%) during the past fiscal year, due to the addition of a new \$1,180,000 loan for a new Village Hall, and increases in the net pension liability (LGERS) and compensated absences.

North Carolina general statutes limit the amount of general obligation debt that a unit of government can issue to 8% of the total assessed value of taxable property located within that government's boundaries. The legal debt margin for the Village of Marvin is \$101,171,467. Additional information regarding the Village of Marvin's long-term liabilities can be found in the Notes to the Financial Statements beginning on page 31.

Village of Marvin, North Carolina
Management's Discussion and Analysis (continued)
June 30, 2021

Economic Factors and Next Year's Budgets and Rates

The following key economic indicators reflect the growth and prosperity of the Village.

- **Population Growth.** The Village continues to see new construction and population growth resulting in an increase in the Village's tax base. Since 2002, the Village's population has experienced a growth rate of over 308%.
- **Employment.** The Village benefits from Union County's continued economic development efforts which has seen growth this past year in commercial and industrial projects, and the aerospace industry resulting in thousands of new jobs.
- **Schools.** Marvin Ridge High School is ranked by US News & World Report the #1 Charlotte, NC Metro Area High School and eighth in North Carolina.

Budget Highlights for the Fiscal Year Ending June 30, 2022

Governmental Activities: Property taxes (benefiting from the economic growth) are expected to increase 29% over the current year; the Village's tax rate remained stable at 0.06 per \$100 of assessed property value. The Village has only had a \$0.01 tax increase in the last 14 years.

Generally, the Village's budgeted expenditures maintain current service levels without any significant increase in costs with the exception of debt service and capital expenditures associated with the new Village Hall. Additional growths in revenue were used to provide funding that benefits to both staff and citizens. The largest additions are additional staff, benefits and compensation adjustments, continued priority of public safety with law enforcement coverage during peak times 7days/week, funding for capital needs, and funding for necessary curb and gutter infrastructure improvements.

Request for Information

This report is designed to provide an overview of the Village's finances for those with an interest in this area. Questions concerning any of the information found in this report or requests for additional information should be directed to Christina Amos, Village Manager, Village of Marvin, 10004 New Town Road, Marvin, NC 28173. You can also call 704-843-1680, visit our website at www.marvinnc.gov, or send an email to finance@marvinnc.gov for more information.

Basic Financial Statements

Village of Marvin, North Carolina
Statement of Net Position
June 30, 2021

	Primary Government
	Governmental
	Activities
ASSETS	
Current assets:	
Cash and cash equivalents	\$ 3,237,074
Taxes receivables, net	3,646
Accounts receivable, net	13,897
Due from other governments	40,475
Prepaid items	1,300
Restricted cash and cash equivalents	1,118,742
Total current assets	4,415,134
Noncurrent assets:	
Capital assets (Note 3):	
Land, and non-depreciable improvements	3,276,602
Other capital assets, net of depreciation	6,790,927
Total capital assets	10,067,529
Total assets	14,482,663
DEFERRED OUTFLOWS OF RESOURCES	
Pension deferrals	88,269
Total deferred outflows of resources	88,269
LIABILITIES	
Current liabilities:	
Accounts payable and accrued expenses	147,135
Deposits in escrow	111,981
Compensated absences	10,818
Current portion of long-term debt	78,000
Total current liabilities	347,934
Long-term liabilities:	
Non-current portion of long-term debt	1,102,000
Net pension liability	138,649
Total long term liabilities	1,240,649
Total liabilities	1,588,583
DEFERRED INFLOWS OF RESOURCES	
Pension deferrals	2,087
Total deferred inflows of resources	2,087
NET POSITION	
Net investment in capital assets	8,887,529
Restricted for:	
Stabilization by State Statute	54,372
Unrestricted	4,038,361
Total net position	\$ 12,980,262

The notes to the financial statements are an integral part of this statement.

Village of Marvin, North Carolina
Statement of Activities
For the Year Ended June 30, 2021

Functions/Programs	Expenses	Program Revenues			Net (Expense) Revenue and Changes in Net Position	
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Total
Primary government:						
Governmental Activities:						
General government	\$ 682,892	\$ 32,587	\$ -	\$ -	\$ (650,305)	\$ (650,305)
Public safety	246,877	53,890	-	-	(192,987)	(192,987)
Transportation	312,135	-	147,800	1,239,928	1,075,593	1,075,593
Economic and physical develop.	138,928	-	-	-	(138,928)	(138,928)
Cultural and recreational	170,772	10,325	-	-	(160,447)	(160,447)
Total governmental activities	\$ 1,551,604	\$ 96,802	\$ 147,800	\$ 1,239,928	(67,074)	(67,074)
General revenues:						
Taxes:						
Property taxes, levied for general purpose					759,933	759,933
Other taxes					550,323	550,323
Investment earnings, unrestricted					2,981	2,981
Investment earnings, restricted					15	15
Miscellaneous, unrestricted					1,034	1,034
Total general revenues					1,314,286	1,314,286
Change in net position					1,247,212	1,247,212
Net position, beginning					11,733,050	11,733,050
Net position, ending					\$ 12,980,262	\$ 12,980,262

The notes to the financial statements are an integral part of this statement.

Village of Marvin, North Carolina
Balance Sheet
Governmental Funds
June 30, 2021

	<u>Major Funds</u>		<u>Total</u>
	<u>General</u>	<u>Capital Projects</u>	<u>Governmental</u>
	<u>Fund</u>	<u>Fund</u>	<u>Funds</u>
<u>ASSETS</u>			
Cash and cash equivalents	\$ 2,263,230	\$ 973,844	\$ 3,237,074
Restricted cash and cash equivalents	111,981	1,006,761	1,118,742
Taxes receivable, net	3,646	-	3,646
Accounts receivable, net	13,897	-	13,897
Due from other governments	40,475	-	40,475
Prepaid expenses	1,300	-	1,300
Total assets	\$ 2,434,529	\$ 1,980,605	\$ 4,415,134
<u>LIABILITIES</u>			
Accounts payable and accrued liabilities	\$ 11,432	\$ 135,703	\$ 147,135
Deposits in escrow	111,981	-	111,981
Total liabilities	123,413	135,703	259,116
<u>DEFERRED INFLOWS OF RESOURCES</u>			
Property taxes receivable	3,646	-	3,646
Total deferred inflows of resources	3,646	-	3,646
<u>FUND BALANCES</u>			
Non Spendable			
Prepaid expense	1,300	-	1,300
Restricted			
Stabilization by State Statute	54,372	-	54,372
Unspent debt proceeds	-	1,006,761	1,006,761
Committed			
Parks and recreation	142,762	-	142,762
Capital projects fund	-	838,141	838,141
Assigned			
Land acquisition	364,797	-	364,797
Road improvements	99,914	-	99,914
Loop projects	138,012	-	138,012
Capital asset replacement	15,659	-	15,659
Future capital projects	7,947	-	7,947
Village signs	10,000	-	10,000
Reserves	161,585	-	161,585
Unassigned	1,311,122	-	1,311,122
Total fund balances	2,307,470	1,844,902	4,152,372
Total liabilities, deferred inflows of resources and fund balances	\$ 2,434,529	\$ 1,980,605	\$ 4,415,134

The notes to the financial statements are an integral part of this statement.

Village of Marvin, North Carolina
Balance Sheet
Governmental Funds (continued)
June 30, 2021

Amounts reported for governmental activities in the Statement of Net Position are different because:

Total Fund Balance, Governmental Funds		\$ 4,152,372
Capital assets used in governmental activities are not financial resources and therefore not reported in the funds.		
Gross capital assets at historical cost	10,583,755	
Accumulated depreciation	<u>(516,226)</u>	10,067,529
Deferred outflows of resources related to pensions are not reported in the fund statements.		
		88,269
Earned revenues are considered deferred inflows of resources in fund statements		
		3,646
Long-term liabilities used in governmental activities are not financial uses and therefore are not reported in the funds.		
Long term debt		(1,180,000)
Compensated absences		(10,818)
Net pension liability		(138,649)
Deferred inflows of resources related to pensions are not reported in the funds		
		<u>(2,087)</u>
Net position of governmental activities		<u><u>\$ 12,980,262</u></u>

The notes to the financial statements are an integral part of this statement.

Village of Marvin, North Carolina
Statement of Revenues, Expenditures, and Changes in Fund Balance
Governmental Funds
For the Year Ended June 30, 2021

	Major Funds		Total Governmental Funds
	General Fund	Capital Projects Fund	
Revenues:			
Ad valorem taxes	\$ 759,751	\$ -	\$ 759,751
Unrestricted intergovernmental	550,323	-	550,323
Restricted intergovernmental	147,800	-	147,800
Permits and fees	32,587	-	32,587
Sales and services	64,215	-	64,215
Investment earnings	2,996	-	2,996
Miscellaneous	1,034	-	1,034
Total revenues	<u>1,558,706</u>	<u>-</u>	<u>1,558,706</u>
Expenditures:			
General government	651,382	332,478	983,860
Public safety	246,877	-	246,877
Transportation	170,095	-	170,095
Economic development	128,135	-	128,135
Cultural and recreational	170,772	-	170,772
Total expenditures	<u>1,367,261</u>	<u>332,478</u>	<u>1,699,739</u>
Excess (deficiency) of revenues over expenditures	<u>191,445</u>	<u>(332,478)</u>	<u>(141,033)</u>
Other financing sources (uses):			
Transfers to other funds	-	1,180,000	1,180,000
Total other financing sources (uses)	<u>-</u>	<u>1,180,000</u>	<u>1,180,000</u>
Net change in fund balances	191,445	847,522	1,038,967
Fund balance, beginning	<u>2,116,025</u>	<u>997,380</u>	<u>3,113,405</u>
Fund balances, ending	<u>\$ 2,307,470</u>	<u>\$ 1,844,902</u>	<u>\$ 4,152,372</u>

The notes to the financial statements are an integral part of this statement.

Village of Marvin, North Carolina
Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balance
Governmental Funds to the Statement of Activities
For the Year Ended June 30, 2021

Amounts reported for governmental activities in the Statement of Activities are different because:

Net change in fund balances - total governmental funds	\$	1,038,967
<p>Governmental funds report capital outlays as expenditures. However, in the Statement of Activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlays exceeded depreciation in the current period.</p>		
Capital outlay expenditures which were capitalized	\$ 1,572,406	
Loss on disposal of capital assets	(1,209)	
Depreciation expense for governmental assets	<u>(154,459)</u>	1,416,738
Contributions to the pension plan in the current fiscal year are not included on the Statement of Activities		26,926
<p>Revenues in the Statement of Activities that do not provide current financial resources are not reported as revenues in the funds.</p>		
Change in unavailable revenue for tax revenues		182
<p>The issuance of long-term debt provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction has an effect on net position. Also, governmental funds report the effect of issuance costs, premiums, discounts and similar items when debt is first issued, whereas these amounts are deferred and amortized in the Statement of Activities. This amount is the net effect of these differences in the treatment of longterm debt and related items.</p>		
New long-term debt issued		(1,180,000)
<p>Some expenses reported in the Statement of Activities do not require the use of current financial resources and, therefore are not reported as expenditures in governmental funds.</p>		
Compensated absences	(5,934)	
Pension revenue (expense)	<u>(49,667)</u>	<u>(55,601)</u>
Total changes in net position of governmental activities	\$	<u><u>1,247,212</u></u>

The notes to the financial statements are an integral part of this statement.

Village of Marvin, North Carolina
General Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances-
Budget and Actual
For the Year Ended June 30, 2021

	<u>Original</u>	<u>Final</u>	<u>Actual</u>	Variance with Final Budget Positive (Negative)
Revenues:				
Ad valorem taxes	\$ 715,266	\$ 715,266	\$ 759,751	\$ 44,485
Unrestricted intergovernmental	533,000	533,000	550,323	17,323
Restricted intergovernmental	141,345	141,345	147,800	6,455
Permits and fees	14,000	44,000	32,587	(11,413)
Sales and services	15,300	15,300	64,215	48,915
Investment earnings	2,000	2,000	2,996	996
Miscellaneous	15,000	15,000	1,034	(13,966)
Total revenues	<u>1,435,911</u>	<u>1,465,911</u>	<u>1,558,706</u>	<u>106,761</u>
Expenditures:				
General government	613,795	656,784	651,382	5,402
Public safety	250,782	253,182	246,877	6,305
Transportation	141,345	259,681	170,095	89,586
Economic development	171,228	214,987	128,135	86,852
Cultural and recreational	208,761	221,677	170,772	50,905
Contingency	50,000	-	-	-
Total expenditures	<u>1,435,911</u>	<u>1,606,311</u>	<u>1,367,261</u>	<u>239,050</u>
Revenues over (under) expenditures	<u>-</u>	<u>(140,400)</u>	<u>191,445</u>	<u>331,845</u>
Other financing sources (uses):				
Transfers to other funds	-	-	-	-
Total other financing sources (uses)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Fund balance appropriated	-	140,400	-	140,400
Net change in fund balance	<u>\$ -</u>	<u>\$ -</u>	<u>191,445</u>	<u>\$ 191,445</u>
Fund balance, beginning			<u>2,116,025</u>	
Fund balance, ending			<u>\$ 2,307,470</u>	

The notes to the financial statements are an integral part of this statement.

Notes to the Financial Statements

Village of Marvin, North Carolina
Notes to the Financial Statements
June 30, 2021

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The accounting policies of the Village of Marvin, North Carolina conform to generally accepted accounting principles as applicable to governments. The following is a summary of the more significant accounting policies:

A - Reporting Entity

The Village of Marvin, North Carolina, in Union County, was incorporated under the General Statutes of the State of North Carolina in July 1994. It is a municipal corporation that is governed by an elected mayor and a four-member council. As required by generally accepted accounting principles, these financial statements present only the Village of Marvin, as there were no entities which met the requirements of a component unit.

B - Basis of Presentation

Government-wide Statements: The statement of net position and statement of activities display information about the primary government. These statements include the financial activities of the overall government. The Village has only governmental activities. Governmental activities generally are financed through taxes, intergovernmental revenues, and other non-exchange transactions.

The statement of activities presents a comparison between direct expenses and program revenues for each function of the Village's governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. Indirect expense allocations that have been made in the funds have been reversed for the statement of activities. Program revenues include (a) fees and charges paid by the recipients of goods and services offered by the programs, and (b) grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues that are not classified as program revenues, including all taxes, are presented as general revenues.

Fund Financial Statements: The fund financial statements provide information about the Village's funds. Separate statements for each fund category - governmental - are presented. The Town has no fiduciary funds to report. The emphasis of the fund financial statements is on major governmental funds, each displayed in a separate column.

The Village reports the following major governmental funds:

General Fund - The General Fund is the general operating fund of the Village. The General Fund accounts for all financial resources except those that are required to be accounted for in another fund. The primary revenue sources are ad valorem taxes, state grants, and various state-shared revenues. The primary expenditures are for public safety, transportation, zoning, and general governmental services.

Capital Projects Fund - This fund is used for the construction, rehabilitation and acquisition of major capital assets, such as buildings, equipment, roads and greenways.

C - Measurement Focus and Basis of Accounting

In accordance with North Carolina General Statutes, all funds of the Village are maintained during the year using the modified accrual basis of accounting.

Government-wide Financial Statements. The government-wide financial statements are reported using the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time the liabilities are incurred, regardless of when the related cash flows take place. Non-exchange transactions, in which the Village gives (or receives) value without directly receiving (or giving) equal value in exchange, include property taxes, grants and donations. On an accrual basis, revenue from property taxes is recognized in the fiscal year for which the taxes are levied. Revenue from grants and donations is recognized in the fiscal year in which all eligibility requirements have been satisfied.

Village of Marvin, North Carolina
Notes to the Financial Statements (continued)
June 30, 2021

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

C - Measurement Focus and Basis of Accounting (continued)

Amounts reported as program revenues include 1) charges to customers or applicants for goods, services, or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions, including special assessments. Internally dedicated resources are reported as general revenues rather than as program revenues. Likewise, general revenues include all taxes.

Governmental Fund Financial Statements. Governmental funds are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt, claims and judgments, and compensated absences, which are recognized as expenditures to the extent they have matured. General capital asset acquisitions are reported as expenditures in governmental funds. Proceeds of general long-term debt and acquisitions under capital leases are reported as other financing sources.

The Village considers all revenues available if they are collected within 90 days after year-end, except for property taxes. Ad Valorem taxes receivable are not accrued as a revenue because the amount is not susceptible to accrual. At June 30, taxes receivable for property other than motor vehicles are materially past due and are not considered to be an available resource to finance the operations of the current year. Also, as of September 1, 2013, State law altered the procedures for the assessment and collection of property taxes on registered motor vehicles in North Carolina. Effective with this change in the law, the State of North Carolina is responsible for billing and collecting the property taxes on registered motor vehicles on behalf of all municipalities and special tax districts. Property taxes are due when vehicles are registered. The billed taxes are applicable to the fiscal year in which they are received. Uncollected taxes that were billed in periods prior to September 1, 2013 and for limited registration plates are shown as a receivable in these financial statements and are offset by deferred inflows of resources.

Sales taxes and certain intergovernmental revenues, such as the beer and wine tax, collected and held by the State at year-end on behalf of the Village are recognized as revenue. Sales taxes are considered shared revenue for the Village of Marvin because the tax is levied by Union County and then remitted to and distributed by the State. Most intergovernmental revenue and sales and services are not susceptible to accrual because generally they are not measurable until received in cash. All taxes, including those dedicated for specific purposes are reported as general revenues rather than program revenues. Under the terms of grant agreements, the Village funds certain programs by a combination of specific cost-reimbursed grants, categorical block grants, and general revenues. Thus, when program expenses are incurred, there is both restricted and unrestricted net position available to finance the program. It is the Village's policy to first apply cost-reimbursement grant resources to such programs, followed by categorical block grants, and then by general revenues.

D - Budgetary Data

The Village's budgets are adopted as required by the North Carolina General Statutes. An annual budget is adopted for the General Fund. All annual appropriations lapse at the fiscal year-end. Project ordinances are adopted for the Capital Projects Fund. All budgets are prepared using the modified accrual basis of accounting.

Village of Marvin, North Carolina
Notes to the Financial Statements (continued)
June 30, 2021

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

D - Budgetary Data (continued)

Expenditures may not legally exceed appropriations at the functional level for all annually budgeted funds and at the project level for the multi-year funds. Amendments are required for any revisions that alter total expenditures of any fund or that change functional appropriations. All amendments must be approved by the Village Council, and the Council must adopt an interim budget that covers that time until the annual ordinance can be adopted.

E - Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Fund Equity

1. Deposits and Investments

All deposits of the Village are made in board-designated official depositories and are secured as required by State law [G.S. 159-31]. The Village may designate as an official depository any bank or savings association whose principal office is located in North Carolina. Also, the Village may establish time deposit accounts such as NOW and SuperNOW accounts, money market accounts, and certificates of deposit.

State law [G.S. 159-30(c)] authorizes the Village to invest in obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States, obligations of the State of North Carolina, bonds and notes of any North Carolina local government or public authority, obligations of certain non-guaranteed federal agencies, certain high quality issues of commercial paper and bankers' acceptances, and the North Carolina Capital Management Trust (NCCMT). The Village's investments are reported at fair value. Non-participating interest earning contracts are accounted for at cost. The NCCMT - Cash Portfolio, a SEC-registered (2a-7) external investment pool, is measured at amortized cost, which is the NCCMT's share price. The NCCMT - Term Portfolio's securities are valued at fair value. The NCCMT-Term Portfolio is bond fund, has no rating and is measured at fair value. As of June 30, 2021, The Term portfolio has a duration of .15 years. Because the NCCMT Government and Term Portfolios have a weighted average maturity of less than 90 days, they are presented as an investment with a maturity of less than 6 months.

2. Cash and Cash Equivalents

The Village pools money from both funds to facilitate disbursement and investment and to maximize investment income. Therefore, all cash and investments are essentially demand deposits and are considered cash and cash equivalents.

3. Restricted Assets

Customer deposits held by the Village before any services are supplied are restricted to the service for which the deposit was collected.

Village of Marvin's Restricted Cash

Governmental Activities		
General Fund		
Escrow deposits	\$	111,981
Unspent debt proceeds		1,006,761
Total Restricted Cash	\$	1,118,742

Village of Marvin, North Carolina
Notes to the Financial Statements (continued)
June 30, 2021

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

E - Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Fund Equity (continued)

4. Ad Valorem Taxes Receivable

In accordance with State law [G.S. 105-347 and G.S. 159-13(a)], the Village levies ad valorem taxes other than motor vehicles on July 1, the beginning of the fiscal year. The taxes are due on September 1 (lien date); however, interest does not accrue until the following January 6. These taxes are based on the assessed values as of January 1, 2020.

5. Allowance for Doubtful Accounts

All receivables that historically experience uncollectible accounts are shown net of an allowance for doubtful accounts. This amount is estimated by analyzing the percentage of receivables that were written off in prior years. No allowance for doubtful accounts was required as of June 30, 2021.

6. Prepaid Items

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements and expensed as the items are used.

7. Capital Assets

Capital assets are defined by the government as assets with an initial individual cost of more than a certain cost and an estimated useful life in excess of two years. Minimum capitalization costs are as follows: land and right-of-way easements, \$10,000; buildings, improvements, substations, lines and other plan and distributions systems, \$15,000; infrastructure, \$20,000; furniture and equipment, \$1,000; and vehicles, \$10,000. Donated capital assets received prior to June 30, 2015 are recorded at their estimated fair value at the date of donation. Donated capital assets received after June 30, 2015 are recorded at acquisition value. All other purchased or constructed capital assets are recorded at cost or estimated historical cost. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized.

Capital assets are depreciated using the straight-line method over the following estimated useful lives:

	<u>Estimated Useful Lives</u>
Infrastructure	50
Improvements	39
Furniture and Equipment	7
Computer Equipment	5 - 7

8. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, *Deferred Outflows of Resources*, represents a consumption of net position that applies to a future period and so will not be recognized as an expense or expenditure until then. The Village has one item that meet this criterion – pension related deferrals for the 2021 fiscal year. In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *Deferred Inflows of Resources*, represents an acquisition of net position that applies to a future period and so will not be recognized as revenue until then. The Village has two items that meet the criteria for this category – property taxes receivable and pension related deferrals.

Village of Marvin, North Carolina
Notes to the Financial Statements (continued)
June 30, 2021

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

E - Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Fund Equity (continued)

9. Long-Term Obligations

In the government-wide financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities statement of net position.

10. Compensated Absences

The vacation policy of the Village provides for the accumulation of up to ten days earned vacation leave with such leave being fully vested when earned. For the Village's governmental-wide financial statements, an expense and a liability for compensated absences and the salary-related payments are recorded as the leave is earned. The Village has assumed a first-in, first-out method of using accumulated compensated time. The portion of that time that is estimated to be used in the next fiscal year has been designated as a current liability in the government-wide financial statements.

The Village's sick leave policy provides for an unlimited accumulation of earned sick leave. Sick leave does not vest, but any unused sick leave accumulated at the time of retirement may be used in the determination of length of service for retirement benefit purposes. Since the Village does not have any obligation for the accumulated sick leave until it is actually taken, no accrual for sick leave has been made.

11. Net Position / Fund Balances

Net Position

Net position in government-wide fund financial statements are classified as invested in capital assets, restricted, and unrestricted. Restricted net position represents constraints on resources that are either externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or imposed by law through state statute.

Fund Balances

In the governmental fund financial statements, fund balance is composed of five classifications designed to disclose the hierarchy of constraints placed on how fund balance can be spent.

The governmental fund types classify fund balances as follows:

Nonspendable Fund Balance - This classification includes amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.

Prepaid Expenditures - portion of fund balance that is not an available resource because it represents the year-end balance of prepaid items, which are not expendable, available resources.

Restricted Fund Balance - This classification includes amounts that are restricted to specific purposes externally imposed by creditors or imposed by law.

Restricted for Stabilization by State Statute - North Carolina G.S. 159-8 prohibits units of government from budgeting or spending a portion of their fund balance. This is one of several statutes enacted by the North Carolina State Legislature in the 1930's that were designed to improve and maintain the fiscal health of local government units. Restricted by State statute (RSS), is calculated at the end of each fiscal year for all annually budgeted funds. The calculation in G.S. 159-8(a) provides a formula for determining what portion of fund balance is available for appropriation. The amount of fund balance not available for appropriation is what is known as "restricted by State statute". *Appropriated fund balance in any fund shall not exceed the sum of cash and investments minus the sum of liabilities, encumbrances, and deferred revenues arising from cash receipts, as those figures stand at the close of the fiscal year next preceding the budget.*

Village of Marvin, North Carolina
Notes to the Financial Statements (continued)
June 30, 2021

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

E - Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Fund Equity (continued)

11. Net Position / Fund Balances (continued)

Restricted for Stabilization by State Statute (continued)

Per GASB guidance, RSS is considered a resource upon which a restriction is “imposed by law through constitutional provisions or enabling legislation.” RSS is reduced by inventories and prepaids as they are classified as nonspendable. Outstanding Encumbrances are included within RSS. RSS is included as a component of Restricted net position and Restricted fund balance on the face of the balance sheet.

Committed Fund Balance - Portion of fund balance that can only be used for specific purposes imposed by majority vote by quorum of the Village of Marvin’s governing body (highest level of decision-making authority). The governing body can, by adoption of an ordinance prior to the end of the fiscal year, commit fund balance. Once adopted, the limitation imposed by the ordinance remains in place until a similar action is taken (the adoption of another ordinance) to remove or revise the limitation.

Committed for Parks and Recreation - committed for parks and recreation.

Capital Projects Fund - committed to construction, rehabilitation and acquisition of major capital assets, such as buildings, equipment, roads, and greenways.

Assigned Fund Balance - portion of fund balance that the Village intends to use for specific purposes.

Assigned for Land Acquisition - portion of fund balance that has been assigned by the Village Council for expenditures related to the purchase of land for the Village.

Assigned for Road Improvements - portion of fund balance that has been assigned by the Village Council for expenditures related to road paving and improvements in excess of amounts funded by the Powell Bill.

Assigned for Loop Projects - portion of fund balance that has been assigned by the Village Council for expenditures related to the Village of Marvin’s Loop located in the Village.

Assigned for Capital Asset Replacement - portion of fund balance that has been assigned by the Village Council for expenditures related to the purchase of capital assets for the Village.

Assigned for Future Capital Projects - portion of fund balance that has been assigned by Village Council for expenditures related to future capital projects.

Assigned for Village Signs - portion of fund balance that has been assigned by the Village Council for the design and purchase of signs welcoming visitors to the Village of Marvin.

Assigned for Reserves - portion of fund balance that has been assigned by Village Council as a percentage of current year budgeted expenditures in accordance with internal financial policy.

Unassigned Fund Balance - portion of fund balance that has not been restricted, committed, or assigned to specific purposes or other funds.

For purposes of fund balance classification, expenditures are to be spent from restricted fund balance first, followed in order by committed fund balance, assigned fund balance and lastly, unassigned fund balance.

Village of Marvin, North Carolina
Notes to the Financial Statements (continued)
June 30, 2021

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

E - Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Fund Equity (continued)

12. Defined Benefit Cost-Sharing Plans

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Local Governmental Employees' Retirement System (LGERS) and additions to/deductions from LGERS' fiduciary net position have been determined on the same basis as they are reported by LGERS. For this purpose, plan member contributions are recognized in the period in which the contributions are due. The Village of Marvin's employer contributions are recognized when due and the Village has a legal requirement to provide the contributions. Benefits and refunds are recognized when due and payable in accordance with the terms of LGERS. Investments are reported at fair value.

NOTE 2 - STEWARDSHIP, COMPLIANCE, AND ACCOUNTABILITY

A - Significant Violations of Finance-Related Legal and Contractual Provisions

1. Noncompliance with North Carolina General Statutes

None.

2. Contractual Violations

None.

B - Deficit in Fund Balance or Net Position of Individual Funds

None.

C - Excess of Expenditures over Appropriations

None.

NOTE 3 - DETAIL NOTES ON ALL FUNDS

A - Assets

1. Deposits

All the deposits of the Village are either insured or collateralized by using one of two methods. Under the Dedicated Method, all deposits that exceed the federal depository insurance coverage level are collateralized with securities held by the Village's agents in the unit's name. Under the Pooling Method, which is a collateral pool, all uninsured deposits are collateralized with securities held by the State Treasurer's agent in the name of the State Treasurer. Since the State Treasurer is acting in a fiduciary capacity for the Village, these deposits are considered to be held by the Village's agents in their names. The amount of the pledged collateral is based on an approved averaging method for non-interest bearing deposits and the actual current balance for interest-bearing deposits. Depositories using the Pooling Method report to the State Treasurer the adequacy of their pooled collateral covering uninsured deposits. The State Treasurer does not confirm this information with the Village or the escrow agent. Because of the inability to measure the exact amounts of collateral pledged for the Village under the Pooling Method, the potential exists for under-collateralization.

Village of Marvin, North Carolina
Notes to the Financial Statements (continued)
June 30, 2021

NOTE 3 - DETAIL NOTES ON ALL FUNDS (continued)

A - Assets (continued)

1. Deposits (continued)

This risk may increase in periods of high cash flows. However, the State Treasurer of North Carolina enforces strict standards of financial stability for each depository that collateralizes public deposits under the Pooling Method.

The Village has no formal policy regarding custodial credit risk for deposits, but relies on the State Treasurer to enforce standards of minimum capitalization for all pooling method financial institutions and to monitor them for compliance. The Village complies with the provisions of G.S. 159-31 when designating official depositories and verifying that deposits are properly secured.

At June 30, 2021, the Village's deposits had a carrying amount of \$4,355,626 and a bank balance of \$4,424,310. Of the bank balance, \$500,000 was covered by federal depository insurance and the remainder was covered by collateral held under the pooling method. At June 30, 2021, the Village's petty cash fund totaled \$190.

2. Capital Assets

Primary Government

Capital asset activity for the Primary Government for the year ended June 30, 2021, was as follows:

Governmental activities:	Beginning			Ending
	Balances	Increases	Decreases	Balances
Capital assets not being depreciated:				
Land and improvements	\$ 1,248,078	\$ -	\$ -	\$ 1,248,078
Right-of-way easements	1,696,046	-	-	1,696,046
Construction in progress	-	332,478	-	332,478
Total capital assets not being depreciated	2,944,124	332,478	-	3,276,602
Capital assets being depreciated:				
Leasehold improvements	2,513	-	-	2,513
Buildings and improvements	418,452	-	-	418,452
Infrastructure	5,548,684	1,239,928	-	6,788,612
Equipment and computers	74,250	-	2,504	71,746
Furniture	25,830	-	-	25,830
Total capital assets being depreciated	6,069,729	1,239,928	2,504	7,307,153
Less accumulated depreciation for:				
Leasehold improvements	1,064	64	-	1,128
Buildings and improvements	88,760	10,729	-	99,489
Infrastructure	178,670	142,040	-	320,710
Equipment and computers	69,313	1,338	1,295	69,356
Furniture	25,255	288	-	25,543
Total accumulated depreciation	363,062	154,459	1,295	516,226
Total capital assets being depreciated, net	5,706,667			6,790,927
Governmental activities capital assets, net	\$ 8,650,791			\$ 10,067,529

Village of Marvin, North Carolina
Notes to the Financial Statements (continued)
June 30, 2021

NOTE 3 - DETAIL NOTES ON ALL FUNDS (continued)

A - Assets (continued)

2. Capital Assets (continued)

Depreciation expense was charged to functions/programs of the primary government as follows:

General government	\$	1,626
Transportation		142,040
Cultural and recreational		10,793
Total depreciation expense	\$	154,459

B - Liabilities

1. Pension Plan and Postemployment Obligations

a. Local Governmental Employees' Retirement System

Plan Description. The Village of Marvin is a participating employer in the statewide Local Governmental Employees' Retirement System (LGERS), a cost-sharing multiple-employer defined benefit pension plan administered by the State of North Carolina. LGERS membership is comprised of general employees and local law enforcement officers (LEOs) of participating local governmental entities. Article 3 of G.S. Chapter 128 assigns the authority to establish and amend benefit provisions to the North Carolina General Assembly. Management of the plan is vested in the LGERS Board of Trustees, which consists of 13 members – nine appointed by the Governor, one appointed by the State Senate, one appointed by the State House of Representatives, and the State Treasurer and State Superintendent, who serve as ex-officio members. The Local Governmental Employees' Retirement System is included in the Annual Comprehensive Financial Report for the State of North Carolina. The State's Annual Comprehensive Financial Report includes financial statements and required supplementary information for LGERS. That report may be obtained by writing to the Office of the State Controller, 1410 Mail Service Center, Raleigh, North Carolina 27699-1410, by calling (919) 981-5454, or at www.osc.nc.gov.

Benefits Provided. LGERS provides retirement and survivor benefits. Retirement benefits are determined as 1.85% of the member's average final compensation times the member's years of creditable service. A member's average final compensation is calculated as the average of a member's four highest consecutive years of compensation. Plan members are eligible to retire with full retirement benefits at age 65 with five years of creditable service, at age 60 with 25 years of creditable service, or at any age with 30 years of creditable service. Plan members are eligible to retire with partial retirement benefits at age 50 with 20 years of creditable service or at age 60 with five years of creditable service (age 55 for firefighters). Survivor benefits are available to eligible beneficiaries of members who die while in active service or within 180 days of their last day of service and who have either completed 20 years of creditable service regardless of age (15 years of creditable service for firefighters and rescue squad members who are killed in the line of duty) or have completed five years of service and have reached age 60. Eligible beneficiaries may elect to receive a monthly Survivor's Alternate Benefit for life or a return of the member's contributions. The plan does not provide for automatic post-retirement benefit increases. Increases are contingent upon actuarial gains of the plan.

Village of Marvin, North Carolina
Notes to the Financial Statements (continued)
June 30, 2021

NOTE 3 - DETAIL NOTES ON ALL FUNDS (continued)

B - Liabilities (continued)

1. Pension Plan and Postemployment Obligations (continued)

a. Local Governmental Employees' Retirement System (continued)

Contributions. Contribution provisions are established by General Statute 128-30 and may be amended only by the North Carolina General Assembly. Village of Marvin employees are required to contribute 6% of their compensation. Employer contributions are actuarially determined and set annually by the LGERS Board of Trustees. The Village of Marvin's contractually required contribution rate for the year ended June 30, 2021, was 9.70% of compensation for law enforcement officers and 8.95% for general employees, actuarially determined as an amount that, when combined with employee contributions, is expected to finance the costs of benefits earned by employees during the year. Contributions to the pension plan from the Village of Marvin were \$26,926 for the year ended June 30, 2021.

Refunds of Contributions. Village employees, who have terminated service as a contributing member of LGERS, may file an application for a refund of their contributions. By state law, refunds to members with at least five years of service include 4% interest. State law requires a 60 day waiting period after service termination before the refund may be paid. The acceptance of a refund payment cancels the individual's right to employer contributions or any other benefit provided by LGERS.

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

At June 30, 2021, the Village reported a liability of \$138,649 for its proportionate share of the net pension liability. The net pension liability was measured as of June 30, 2020. The total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of December 31, 2019. The total pension liability was then rolled forward to the measurement date of June 30, 2020 utilizing update procedures incorporating the actuarial assumptions. The Village's proportion of the net pension liability was based on a projection of the Village's long-term share of future payroll covered by the pension plan, relative to the projected future payroll covered by the pension plan of all participating LGERS employers, actuarially determined. At June 30, 2020, the Village's proportion was 0.00388%, which was an increase of 0.00023% from its proportion measured as of June 30, 2019.

For the year ended June 30, 2021, the Village recognized pension expense of \$49,667. At June 30, 2021, the Village reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ 17,509	\$ -
Changes of assumptions	10,318	-
Net difference between projected and actual earnings on pension plan investments	19,512	-
Changes in proportion and differences between Village contributions and proportionate share of contributions	14,004	2,087
Village contributions subsequent to the measurement date	26,926	-
Total	<u>\$ 88,269</u>	<u>\$ 2,087</u>

Village of Marvin, North Carolina
Notes to the Financial Statements (continued)
June 30, 2021

NOTE 3 - DETAIL NOTES ON ALL FUNDS (continued)

B - Liabilities (continued)

1. Pension Plan and Postemployment Obligations (continued)

a. *Local Governmental Employees' Retirement System (continued)*

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions (continued)

\$26,926 reported as deferred outflows of resources related to pensions resulting from Village contributions subsequent to the measurement date will be recognized as an increase of the net pension asset in the year ended June 30, 2022. Other amounts reported as deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year ended June 30:		
2022	\$	16,291
2023		22,793
2024		14,396
2025		5,774
2026		-
Thereafter		-
	<u>\$</u>	<u>59,254</u>

Actuarial Assumptions. The total pension liability in the December 31, 2019 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	3.0 percent
Salary increases	3.50 to 8.10 percent, including inflation and productivity factor
Investment rate of return	7.00 percent, net of pension plan investment expense, including inflation

The plan currently uses mortality tables that vary by age, gender, employee group (i.e. general, law enforcement officer) and health status (i.e. disabled and healthy). The current mortality rates are based on published tables and based on studies that cover significant portions of the U.S. population. The healthy mortality rates also contain a provision to reflect future mortality improvements.

The actuarial assumptions used in the December 31, 2019 valuation were based on the results of an actuarial experience study for the period January 1, 2010 through December 31, 2014.

Future ad hoc COLA amounts are not considered to be substantively automatic and are therefore not included in the measurement.

The projected long-term investment returns and inflation assumptions are developed through review of current and historical capital markets data, sell-side investment research, consultant whitepapers, and historical performance of investment strategies. Fixed income return projections reflect current yields across the U.S. Treasury yield curve and market expectations of forward yields projected and interpolated for multiple tenors and over multiple year horizons. Global public equity return projections are established through analysis of the equity risk premium and the fixed income return projections. Other asset categories and strategies' return projections reflect the foregoing and historical data analysis.

Village of Marvin, North Carolina
Notes to the Financial Statements (continued)
June 30, 2021

NOTE 3 - DETAIL NOTES ON ALL FUNDS (continued)

B - Liabilities (continued)

1. Pension Plan and Postemployment Obligations (continued)

a. *Local Governmental Employees' Retirement System (continued)*

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions (continued)

These projections are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target allocation and best estimates of arithmetic real rates of return for each major asset class as of June 30, 2020 are summarized in the following table:

<u>Asset Class</u>	<u>Target Allocation</u>	<u>Long-Term Expected Real Rate of Return</u>
Fixed Income	29.0%	1.4%
Global Equity	42.0%	5.3%
Real Estate	8.0%	4.3%
Alternatives	8.0%	8.9%
Credit	7.0%	6.0%
Inflation Protection	6.0%	4.0%
Total	<u>100.0%</u>	

The information above is based on 30-year expectations developed with the consulting actuary for the 2019 asset liability and investment policy study for the North Carolina Retirement Systems, including LGERS. The long-term nominal rates of return underlying the real rates of return are arithmetic annualized figures. The real rates of return are calculated from nominal rates by multiplicatively subtracting a long-term inflation assumption of 3.00%. All rates of return and inflation are annualized.

Discount rate. The discount rate used to measure the total pension liability was 7.00%. The projection of cash flows used to determine the discount rate assumed that contributions from plan members will be made at the current contribution rate and that contributions from employers will be made at statutorily required rates, actuarially determined. Based on these assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of the current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity of the Village's proportionate share of the net pension liability to changes in the discount rate. The following presents the Village's proportionate share of the net pension liability calculated using the discount rate of 7.00 percent, as well as what the Village's proportionate share of the net pension asset or net pension liability would be if it were calculated using a discount rate that is one percentage point lower (6.00 percent) or one percentage point higher (8.00 percent) than the current rate:

	<u>1% Decrease (6.00%)</u>	<u>Discount Rate (7.00%)</u>	<u>1% Increase (8.00%)</u>
Town's proportionate share of the net pension liability (asset)	\$ 281,304	\$ 138,649	\$ 20,093

Village of Marvin, North Carolina
Notes to the Financial Statements (continued)
June 30, 2021

NOTE 3 - DETAIL NOTES ON ALL FUNDS (continued)

B - Liabilities (continued)

1. Pension Plan and Postemployment Obligations (continued)

a. *Local Governmental Employees' Retirement System (continued)*

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions (continued)

Pension plan fiduciary net position. Detailed information about the pension plan's fiduciary net position is available in the separately issued Annual Comprehensive Financial Report for the State of North Carolina.

2. Deferred Outflows and Inflows of Resources

Deferred outflows of resources at year-end is comprised of the following:

<u>Source</u>	<u>Amount</u>
Contributions to the pension plan in the current fiscal year	\$ 26,926
Differences between expected and actual experience	17,509
Changes of assumptions	10,318
Net difference between projected and actual earnings on pension plan investments	19,512
Changes in proportion and differences between Village contributions and proportionate share of contributions	14,004
Total	<u>\$ 88,269</u>

Deferred inflows of resources at year-end is comprised of the following:

	<u>Statement of Net Position</u>	<u>General Fund Balance Sheet</u>
Taxes receivable, less penalties (General Fund)	\$ -	\$ 3,646
Differences between expected and actual experience	-	-
Changes in proportion and differences between employer contributions and proportionate share of contributions	2,087	-
Total	<u>\$ 2,087</u>	<u>\$ 3,646</u>

3. Risk Management

The Village is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; including flood insurance; errors and omissions; injuries to employees; and natural disasters. The Village participates in three self-funded risk-financing pools administered by the North Carolina League of Municipalities. Through these pools, the Village obtains general liability and auto liability coverage of \$5 million and \$1 million per occurrence, respectively, property coverage up to the total insured values of the property policy, workers' compensation coverage up to statutory limits, and employee health coverage.

Village of Marvin, North Carolina
Notes to the Financial Statements (continued)
June 30, 2021

NOTE 3 - DETAIL NOTES ON ALL FUNDS (continued)

B - Liabilities (continued)

3. Risk Management (continued)

The liability and property exposures are reinsured through commercial carriers for claims in excess of retentions as selected by the Village Council each year. Stop loss insurance is purchased by the Village Council to protect against large medical claims that exceed certain dollar cost levels. Specific information on the limits of the reinsurance, excess and stop loss policies purchased by the Village Council can be obtained by contacting the Risk Management Services Department of the NC League of Municipalities. The pools are audited annually by certified public accountants, and the audited financial statements are available to the Village upon request.

The Village carries commercial insurance for all risks of loss, with the exception of flood. The Village's offices are not located in a flood plain; therefore flood insurance is not deemed a necessity. Settled claims have not exceeded commercial insurance covered in any of the past three fiscal years.

In accordance with G.S. 159-29, the Village's employees are performance bonded through a commercial surety bond. The Village carries a fidelity bond on the finance officer and tax collector, in the amount of \$100,000 and \$60,000, respectively, and \$10,000 for all other employees.

4. Claims, Judgements, and Contingent Liabilities

At June 30, 2021, the Village was a defendant in one lawsuit. In the opinion of the Village's management and the Village attorney, the ultimate effect of this legal matter will not have a material adverse effect on the Village's financial position.

5. Long-Term Obligations

a. Operating Leases

In October 2003, the Village entered into a one year lease for office space. The lease expired in September 2004 and is renewed monthly. Lease expense for the year ended June 30, 2021 totaled \$10,980.

In September 2021, the Village entered into a five year lease for office equipment. The lease expires in August 2025. Lease expense for the year ended June 30, 2021 totaled \$1,608.

The future minimum lease obligations of these minimum lease payments are as follows:

<u>Years Ending June 30:</u>	<u>Payments</u>
2022	1,754
2023	1,754
2024	1,754
2025	1,754
Total	<u>\$ 7,016</u>

Village of Marvin, North Carolina
Notes to the Financial Statements (continued)
June 30, 2021

NOTE 3 - DETAIL NOTES ON ALL FUNDS (continued)

B - Liabilities (continued)

5. Long-Term Obligations (continued)

b. Installment Purchases

On May 13, 2021, the Village entered into a 15-year direct borrowing contract for the construction of the Village Hall Project. The loan will be paid in annual installments, beginning on October 1, 2021 of amounts ranging from \$78,000 to \$79,000 not including interest of 2.30%. The original amount financed was \$1,180,000. The balance due at June 30, 2021 was \$1,180,000.

Annual debt service requirements to maturity of long-term installment purchases are as follows:

Years Ending June 30:	Governmental Activities	
	Principal	Interest
2022	\$ 78,000	\$ 24,808
2023	79,000	26,228
2024	79,000	24,347
2025	79,000	22,467
2026	79,000	20,587
2027-2031	395,000	74,732
2032-2036	391,000	27,870
Total	<u>\$ 1,180,000</u>	<u>\$ 221,039</u>

c. Changes in Long-Term Liabilities

Compensated absences for governmental activities have typically been liquidated in the General Fund.

	Beginning Balances	Increases	Decreases	Ending Balance	Current Portion
Governmental activities:					
Direct borrowing installment purchase	\$ -	\$ 1,180,000	\$ -	\$ 1,180,000	\$ 78,000
Compensated absences	4,884	5,934	-	10,818	10,818
Net pension liability (LGERS)	99,679	38,970	-	138,649	-
Governmental activity long-term liabilities	<u>\$ 104,563</u>	<u>\$ 1,224,904</u>	<u>\$ -</u>	<u>\$ 1,329,467</u>	<u>\$ 88,818</u>

Village of Marvin, North Carolina
Notes to the Financial Statements (continued)
June 30, 2021

NOTE 3 - DETAIL NOTES ON ALL FUNDS (continued)

C - Fund Balance

The following schedule provides management and citizens with information on the portion of General Fund balance that is available for appropriation:

Total Fund Balance - General Fund	\$ 2,307,470
Less:	
Prepaid Expenditures	1,300
Stabilization by State Statute	54,372
Streets	-
Parks and Recreation	142,762
Land Acquisition	364,797
Road Improvements	99,914
Loop Projects	127,012
Capital Asset Replacement	15,659
Future Capital Projects	7,947
Village Signs	10,000
Reserves	161,585
Remaining Fund Balance	\$ 1,322,122

D - Net Investment in Capital Assets

	Governmental
Capital assets	\$ 10,067,529
less: long-term debt	(1,180,000)
Net investment in capital assets	<u>\$ 8,887,529</u>

NOTE 4 - INTERLOCAL AGREEMENTS

In February 2005, the Village entered into an interlocal agreement with the county for law enforcement services. This contract is renewed annually. The amount expended for the year ending June 30, 2021 was \$202,282.

NOTE 5 - SUBSEQUENT EVENTS

There are no subsequent events that would have a material effect on the financial statements. Subsequent events were evaluated through November 19, 2021 which is the date the financial statements were available to be issued.

Required Supplementary Financial Data

This section contains additional information required by generally accepted accounting principles.

- Schedule of Proportionate Share of Net Pension Liability (Asset) for Local Government Employees' Retirement System
- Schedule of Contributions to Local Government Employees' Retirement System

Village of Marvin, North Carolina
Village of Marvin's Proportionate Share of Net Pension Liability (Asset)
Required Supplementary Information
Last Eight Fiscal Years*

Local Government Employees' Retirement System

	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>
Marvin's proportion of the net pension liability (asset) (%)	0.00388%	0.00365%	0.00146%	0.00110%	0.00296%	0.00370%	0.00245%	0.00300%
Marvin's proportion of the net pension liability (asset) (\$)	\$ 138,649	\$ 99,679	\$ 34,636	\$ 16,804	\$ 62,820	\$ 16,605	\$ (14,449)	\$ 36,162
Marvin's covered-employee payroll	\$ 229,276	\$ 200,948	\$ 123,364	\$ 140,811	\$ 128,510	\$ 155,123	\$ 109,079	\$ 109,079
Marvin's proportionate share of the net pension liability (asset) as a percentage of its covered-employee payroll	60.47%	49.60%	28.08%	11.93%	48.88%	10.70%	-13.25%	33.15%
Plan fiduciary net position as a percentage of the total pension liability	91.63%	94.18%	91.47%	98.09%	99.07%	102.64%	94.35	96.45%

* The amounts presented for each fiscal year were determined as of the prior fiscal year ending June 30.

**This will be the same percentage for all participant employers in the LGERS plan.

**Village of Marvin, North Carolina
Village of Marvin's Contributions
Required Supplementary Information
Last Eight Fiscal Years**

Local Government Employees' Retirement System

	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>
Contractually required contribution	\$ 26,926	\$ 20,520	\$ 15,573	\$ 9,252	\$ 10,209	\$ 11,754	\$ 15,179	\$ 8,061
Contributions in relation to the contractually required contribution	26,926	20,520	15,573	9,252	10,209	11,754	15,179	8,061
Contribution deficiency (excess)	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Marvin's covered-employee payroll	\$ 265,285	\$ 229,276	\$ 200,948	\$ 123,364	\$ 140,811	\$ 128,510	\$ 155,123	\$ 109,079
Contributions as a percentage of covered-employee payroll	10.15%	8.95%	7.75%	7.50%	7.25%	9.15%	9.79%	7.39%

Individual Fund Statements and Schedules

Village of Marvin, North Carolina
General Fund
Schedule of Revenues, Expenditures, and Changes in Fund Balance -
Budget and Actual
For the Year Ended June 30, 2021

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Revenues:			
Ad valorem taxes:			
Current year ad valorem taxes	\$	\$ 693,164	\$
Motor vehicle taxes		65,530	
Interest		1,057	
Total	<u>715,266</u>	<u>759,751</u>	<u>44,485</u>
Unrestricted intergovernmental:			
Beer and wine tax		30,426	
Utility sales tax		287,261	
Local option sales taxes		232,636	
Total	<u>533,000</u>	<u>550,323</u>	<u>17,323</u>
Restricted intergovernmental:			
Powell Bill allocation		147,800	
Total	<u>141,345</u>	<u>147,800</u>	<u>6,455</u>
Permits and fees:			
Zoning fees		32,587	
Total	<u>44,000</u>	<u>32,587</u>	<u>(11,413)</u>
Sales and services:			
Recreation department fees		19,395	
Other reimburseable fees		44,820	
Total	<u>15,300</u>	<u>64,215</u>	<u>48,915</u>
Investment earnings	<u>2,000</u>	<u>2,996</u>	<u>996</u>
Other			
Miscellaneous revenues		1,034	
Total	<u>15,000</u>	<u>1,034</u>	<u>(13,966)</u>
Total revenues	<u>\$ 1,465,911</u>	<u>\$ 1,558,706</u>	<u>\$ 92,795</u>

Village of Marvin, North Carolina
General Fund
Schedule of Revenues, Expenditures, and Changes in Fund Balance -
Budget and Actual (continued)
For the Year Ended June 30, 2021

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Expenditures:			
General government:			
Administration:			
Salaries and benefits	\$	\$ 355,805	\$
Stipends - Mayor, Council & Boards		34,560	
Professional services		158,572	
Training		5,030	
Dues and subscriptions		15,692	
Furniture and equipment		1,541	
Gifts		534	
Insurance and bonds		12,365	
Occupancy		20,040	
Office expenses and supplies		47,243	
Total	<u>656,784</u>	<u>651,382</u>	<u>5,402</u>
Public safety:			
Police:			
Professional services		202,282	
Other operating expenditures		44,595	
Total	<u>253,182</u>	<u>246,877</u>	<u>6,305</u>
Transportation:			
Streets and highways		170,095	
Total	<u>259,681</u>	<u>170,095</u>	<u>89,586</u>
Economic and physical development:			
Zoning:			
Salaries and benefits		53,937	
Professional services		74,198	
Total	<u>214,987</u>	<u>128,135</u>	<u>86,852</u>
Cultural and recreational:			
Salaries and benefits		95,729	
Community events		3,319	
Park operations		32,117	
Greenway loop projects		39,607	
Total	<u>221,677</u>	<u>170,772</u>	<u>50,905</u>
Total expenditures	<u>1,606,311</u>	<u>1,367,261</u>	<u>239,050</u>
Revenues over (under) expenditures	<u>\$ (140,400)</u>	<u>\$ 191,445</u>	<u>\$ 331,845</u>

Village of Marvin, North Carolina
General Fund
Schedule of Revenues, Expenditures, and Changes in Fund Balance -
Budget and Actual (continued)
For the Year Ended June 30, 2021

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Other financing sources (uses):			
Transfers to the Capital Project Fund	\$ -	\$ -	\$ -
Total	<u>-</u>	<u>-</u>	<u>-</u>
Fund balance appropriated	<u>140,400</u>	-	<u>140,400</u>
Net change in fund balances	<u>\$ -</u>	191,445	<u>\$ 191,445</u>
Fund balance, beginning		<u>2,116,025</u>	
Fund balance, ending		<u>\$ 2,307,470</u>	

Village of Marvin, North Carolina
Capital Projects Fund
Schedule of Revenues, Expenditures, and Changes in Fund Balances-
Budget and Actual
From Inception and For the Year Ended June 30, 2021

	Project Authorization	Prior Year	Current Year	Total to Date	Variance Positive (Negative)
Revenues:					
Contributions	\$ -	\$ -	\$ -	\$ -	\$ -
Total revenues	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Expenditures:					
Village hall	2,144,425	105,201	331,578	436,779	1,707,646
Greenway loop extensions	138,500	80,488	-	80,488	58,012
Farmers' market	25,000	-	-	-	25,000
Greenway trails construction/maint.	56,450	1,306	900	2,206	54,244
Road improvements	694,961	694,961	-	694,961	-
Total expenditures	<u>3,059,336</u>	<u>881,956</u>	<u>332,478</u>	<u>1,214,434</u>	<u>1,844,902</u>
Revenues under expenditures	(3,059,336)	(881,956)	(332,478)	(1,214,434)	1,844,902
Other financing sources (uses):					
Transfers from General Fund	1,979,250	1,979,250	-	1,979,250	-
Transfers to General Fund	(99,914)	(99,914)	-	(99,914)	-
Loan proceeds	1,180,000	-	1,180,000	1,180,000	-
Total other sources (uses)	<u>3,059,336</u>	<u>1,879,336</u>	<u>1,180,000</u>	<u>3,059,336</u>	<u>-</u>
Net change in fund balance	<u>\$ -</u>	<u>\$ 997,380</u>	847,522	<u>\$ 1,844,902</u>	<u>\$ 1,844,902</u>
Fund balance, beginning			997,380		
Fund balance, ending			<u>\$ 1,844,902</u>		

Other Schedules

This section contains additional information on property taxes.

- Schedule of Ad Valorem Taxes Receivable
- Analysis of Current Tax Levy

Village of Marvin, North Carolina
Schedule of Ad Valorem Taxes Receivable
June 30, 2021

<u>Fiscal Year</u>	<u>Uncollected Balances June 30, 2020</u>	<u>Additions</u>	<u>Collections and Credits</u>	<u>Uncollected Balances June 30, 2021</u>
2020-2021	\$ -	\$ 758,786	\$ 755,659	\$ 3,127
2019-2020	3,127	-	2,749	378
2018-2019	416	-	361	55
2017-2018	238	-	218	20
2016-2017	70	-	66	4
2015-2016	181	-	181	-
2014-2015	94	-	32	62
	<u>\$ 4,126</u>	<u>\$ 758,786</u>	<u>\$ 759,266</u>	<u>3,646</u>

Less: allowance for uncollectible accounts - General Fund -

Ad valorem taxes receivable - net \$ 3,646

Reconciliation to revenues:

Ad valorem taxes - General Fund	\$ 759,751
Reconciling items:	
Discounts, releases, refunds	572
Interest collected	<u>(1,057)</u>
Total collections and credits	<u>\$ 759,266</u>

Village of Marvin, North Carolina
Analysis of Current Year Tax Levy
For the Year Ended June 30, 2021

	Village-Wide Levy		Total Levy		
	Property Valuation	Rate	Total Levy	Property Excluding Registered Motor Vehicles	Registered Motor Vehicles
Original levy					
Property taxed at current year's rate	\$ 1,264,643,333	\$ 0.06	\$ 758,786	\$ 691,837	\$ 66,949
Total	<u>1,264,643,333</u>		<u>758,786</u>	<u>691,837</u>	<u>66,949</u>
Discoveries	-		-	-	-
Releases	-		-	-	-
Total property valuation	<u>\$ 1,264,643,333</u>				
Net levy			758,786	691,837	66,949
Uncollected taxes at June 30, 2021			<u>(3,127)</u>	<u>(3,127)</u>	<u>-</u>
Current year's taxes collected			<u>\$ 755,659</u>	<u>\$ 688,710</u>	<u>\$ 66,949</u>
Current levy collection percentage			<u>99.59%</u>	<u>99.55%</u>	<u>100.00%</u>

Compliance Section

S. Preston Douglas & Associates, LLP

CERTIFIED PUBLIC ACCOUNTANTS

MEMBERS

American Institute of CPAs

N. C. Association of CPAs

Independent Auditor's Report on Internal Control Over Financial Reporting And on Compliance and Other Matters Based on An Audit of Financial Statements Performed In Accordance With *Government Auditing Standards*

To the Honorable Mayor and
Members of the Village Council
Marvin, North Carolina

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the accompanying financial statements of the governmental activities and each major fund of the Village of Marvin, North Carolina, as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprises the Village of Marvin's basic financial statements and have issued our report thereon dated November 19, 2021.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Village of Marvin's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Village of Marvin's internal control. Accordingly, we do not express an opinion on the effectiveness of the Village's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. We did identify a certain deficiency in internal control, described in the accompanying schedule of findings and responses that we consider to be material weakness (item 2021-1).

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Village of Marvin's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

Village of Marvin's Response to Findings

The Village of Marvin's response to the finding identified in our audit are described in the accompanying schedule of findings and responses. The Village's response was not subjected to the auditing procedures applied in the audit of the financial statements and accordingly, we express no opinion on it.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Handwritten signature of S. Preston Douglas, CPA. The signature is written in cursive and includes the initials "CPA" at the end.

Lumberton, North Carolina
November 19, 2021



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

Corrective Action Plan

Finding 2021-001

Segregation of Duties

Name of contact person: Christina Amos, Village Administrator

Corrective Action: The Village has implemented several reviews intended to mitigate the segregation of duties issues. The Village Administrator performs a review and final approval of all expenditure transactions, and counter-signs all issued checks, and reviews budget to actual financial reports regularly. In addition, a member of the Village Council reviews bank reconciliations, check images, and journal entry reports monthly. Further, detail reports showing revenue and expenditure transactions are provided to the Village Council and posted to the Village's website monthly.

We will continue to monitor this area and will assess the needs of hiring additional finance personnel or hiring a third party to assist in the day to day financial reporting responsibilities as funding sees appropriate.

Proposed Completion Date: The Village will implement the above procedures immediately.

Village of Marvin, North Carolina
Summary Schedule of Prior Audit Findings
For the Year Ended June 30, 2021

Finding: 2020-1
Status: The finding has not been corrected.

Finding: 2019-1
Status: The finding has not been corrected.

Finding: 2018-1
Status: The finding has been corrected.

Finding: 2018-2
Status: The finding has been corrected.

Item C.1.6.

Village of Marvin: Village Hall

Funding Sources	
Loan:	\$ 1,180,000.00
Closing Attorney:	\$ 5,900.00
Total Loan Funding:	\$ 1,174,100.00
Loan Remaining Balance	\$81.00
Capital Project Fund:	\$ 859,224.00
Other:	\$ -
Total Funding:	\$ 2,093,324.00

Spent to date:	\$ 1,424,962.77
Remaining Fundings:	\$ 608,361.23
Remaining Commitment:	\$ 573,925.34
Available Cash in Fund:	\$ 34,435.89
Cash in Fund	
Capital Project Ord - OR-2016-04-01	\$ 750,000.00
Capital Project Ord - OR-2016-04-02	\$ 214,425.00
Subtotal:	\$ 964,425.00
Rollforward Capital Project Bal FY21	\$ 859,224.00

Vendor	Committed	To Date Spent	Remaining Commitment	Notes:
Randolph	\$ 1,524,108.84	\$ 1,169,845.15	\$ 354,263.69	Checked
Terracon	\$ 22,615.00	\$ 21,360.00	\$ 1,255.00	Checked
Urban	\$ 53,835.00	\$ 53,002.60	\$ 832.40	Checked
Dewberry	\$ 56,540.00	\$ 53,002.60	\$ 3,537.40	
Yarbrough	\$ 4,089.00	\$ 4,089.00	\$ -	
PMC	\$ 95,782.00	\$ -	\$ 95,782.00	
Sonshine	\$ 78,957.00	\$ 39,478.82	\$ 39,478.18	
Well Drill	\$ 17,112.00	\$ 17,112.00	\$ -	
First Tryon/PP	\$ 35,000.00	\$ 35,000.00	\$ -	
Union County Fees	\$ 32,072.60	\$ 32,072.60	\$ -	Complete
SKC	SEE TAB/NOT RECORDED HERE BECAUSE COMES OUT OF ARPA			
Security 101	\$ 13,776.67	\$ -	\$ 13,776.67	See note about what comes out of ARPA
Anticatped COS	\$ -	\$ -	\$ 65,000.00	Landscape lighting; additional furniture and décor; electric to the well
Total:	\$ 1,933,888.11	\$ 1,424,962.77	\$ 573,925.34	

*RAB Irrigation and underbrush removal not included

Total Funding: \$1,174,100.00
 Total Expense: \$1,174,062.01
 Interest Added: \$37.42
 Balance: \$75.41

Expense Type	Allocation	Total Expense	% Expended
	\$1,174,100.00		
Req 1: First Tyron		\$15,000.00	
Req 2: Parker Poe		\$20,000.00	
Req 3: Randolph Pay App 1		\$56,445.20	
Req 4: Randolph Pay App 2		\$75,908.86	
Req 5: Randolph Pay App 3		\$108,266.72	
Req 6: Randolph Pay App 4		\$240,620.78	
Req 7: Randolph Pay App 5		\$224,807.53	
Req 8: Randolph Pay App 6		\$278,803.67	
Req 9: Randolph Pay App 7		\$154,209.25	
Total:	\$1,174,100.00	\$1,174,062.01	100.00%

*Reconcile with BB&T Statements

Interest Earned	Stmt Date	Amt Deposited	Date of Transaction
\$ 6.11	5/28/2021		
\$ 9.39	6/30/2021		
\$ 8.49	7/30/2021		
\$ 7.63	8/31/2021		
\$ -			
\$ 5.80	8/31/2021		
\$ 37.42			

Contingency

Contract Award: \$ 200,000.00
 Total Expense: \$ 123,293.44
 Balance: \$ 76,706.56

INSERT INVOICES HERE

Expense Type	Allocation	Total Expense	% Expended	Paid
CO 1 (Fence Removal)	\$ 200,000	\$ 1,113.75	61.6%	Pay app 1
CO 2 (door hardware)		\$ 13,431.32		Pay App 2 and 4
CO 3 (Civil Changes/Regrading needs)		\$ 5,584.06		Pay app 5
CO 4 (Electrical Fixture Changes)		\$ 1,336.50		
CO 5 (unsuitable)		\$ 4,107.00		Pay App 3
CO 6 (NCDOT Road Changes)		\$ 14,374.21		Pay App 5
CO 7 (well abandonment)		\$ 1,242.97		
CO 8 (unsuitable)		\$ 6,993.00		
CO 9 (unsuitable)		\$ 12,554.00		
CO 10 (6 inch curb-revised plans)		\$ 1,746.56		
CO 13 (carpet increase)		\$ 598.49		
CO 12 (Sign)		\$ 1,358.94		
CO 11 (floor boxes for dias)		\$ 1,105.41		pay app 4
CO 14 (fire Dampers)		\$ 5,111.34		
CO 15 (gen move)		\$ 13,994.90		
CO 16 (FSK Paper)		\$ 2,769.83		
CO 17 (brick for ramp)		\$ 1,746.56		
TOTAL CO		\$ 89,108.84		
Union County Development Fees		\$ 29,900.00		only here bc came from Contingency
Piedmont Gas Agreement		\$ -		
Union County Permit		\$ 2,172.60		only here bc came from Contingency
Well Drill		\$ 2,112.00		only here bc came from Contingency
OTHER TOTAL		\$ -		
TOTAL COMMITTED		\$ 123,293.44		

*NOTE: UPDATE TAB "RANDOLPH" WITH PAY APP

Total: \$ 200,000 \$ 123,293.44

Anticipated COs
 difference for Overages in Furniture/AV/Security
 electric to well
 Landscape lighting
 TOTAL
 \$ 50,000.00
 \$ 10,000.00
 \$ 5,000.00
 \$ 65,000.00



VILLAGE OF MARVIN

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CODE ENFORCEMENT / ZONING CASE ACTIVITY SUMMARY

(12/10/21)

LOCATION	CASE TYPE	STATUS
1. 3302 Sandalwood Lane	Nuisance Violation (Roosters Crowing)	Issued NOV - 11/19/21 - Compliance deadline 12/8/21 Issued Courtesy Letter - 12/1/21 Met owners on-site on 12/9/21- Owner got rid of 3 of the 4 Roosters. Owner has requested an extension to find solutions to keep the one rooster. Property owner is aware and understands that if the violation is not corrected then he must get rid of the Rooster. Staff granted request and will continue to monitor.
2. Tom Short Rd. / Amber Meadows HOA	Nuisance Violation (Landscape Maintenance)	Continuing to monitor and work with Village Attorney and HOA for compliance
3. 2102 South Providence Rd.	Nuisance Violation (Overgrown Lot)	Issued initial notice 5/27/21 - Grass cut Grass/Weeds overgrown again - Issued new notice 10/22/21 - Staff has requested Code Enforcement Officer to provide update.
4. 2004 Waxhaw-Marvin Rd.	Nuisance Violations Overgrown Grass / Weeds / Stagnant Water (portable pool)	Notice issued - Grass Compliance deadline - 8/28/21. Grass abatement has been initiated NOV deadline for weeds/stagnant water is 9/22/21 Grass overgrown again / Issued new notice 10/22/21 Staff has requested Code Enforcement Officer to provide update.
5. 10018 Marvin School Rd	Nuisance Violation (Overgrown Grass)	Notice issued 8/18/21 Grass/weeds overgrown again / Issued new notice 10/22/21 Staff has requested Code Enforcement Officer to provide update.
6. 1308 Larkridge	Nuisance Violation Overgrown grass / weeds (Road frontage lot maintenance)	Notice issued 8/18/21 Met owner (Krystina Culp) at property. Road frontage maintenance is underway and Owner has been providing updates. Owner agreed to continue maintaining area 12/10/21 - Issued Courtesy Letter -Ensure Continued Maintenance
7. 348 Kindling Wood Land	Noise Violation Dogs barking early morning (3:00am - 6:00am)	Received complaint of dogs habitually barking 3:00am - 6:00am. Received evidence of violation Issued NOV 10/22/21 No additional complaints received

Item C.2.a.

Item C.4.

Eddie Cathey

Sheriff of Union County

3344 Presson Road

Monroe, North Carolina 28112



Telephone: (704) 283-3789

FAX: (704) 292-2700

Email: eddiecathey@co.union.nc.us

Deputy Report November 2021

911 Hang up calls 18

ACCIDENT PD 1

- 10012 Blk Newtown Rd.

ACCIDENT PI 3

- 1213 Blk Firethorne Club Dr
- Waxhaw Marvin @ Prince Valiant Dr
- Joe Kerr Rd @ Marvin School Rd

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SUSPICIOUS PERSON	4
SUSPICIOUS VEHICLE	5
TRAFFIC STOP	9
TOTAL CALLS FOR SERVICE	418

November 02, 2021 Municipal Election Results by Contest

Item D.1.

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
VILLAGE OF MARVIN MAYOR	Angel Martin (Write-In)		41	41	0	0	0
	Joe Pollino		497	465	23	8	1
VILLAGE OF MARVIN COUNCIL	Wayne Deatherage		484	454	17	12	1
	Brandi Smith		279	267	8	4	0
	Christopher Smith		322	298	16	8	0
	Kimberly Vandenberg		440	412	22	5	1
	Andy Wortman		432	404	21	6	1

Item D.2.



VILLAGE OF MARVIN

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DATE: December 6, 2021

TO: Village Council

FROM: Hunter Nestor, Planner and Zoning Administrator

SUBJECT: Call for Public Hearing for Consideration of Adopting the Marvin Heritage District Form-Base Code

Actions Requested by Village Council

Staff request the Village Council Call for Public Hearing on January 11th at 6PM at Village Hall for Consideration of Adopting the Marvin Heritage District Form-Base Code. This would be a Text Amendment Ordinance and A Public Hearing is required.

Background

The Village Council's June 24, 2021 Work Session Meeting agenda included three items of discussion (D.2., D.3., and D.4.) related to the Marvin Heritage District Form-Based Code and Rezoning. During the meeting, Interim Planning Department Staff discussed some relatively minor changes that needed to be made to the Form-Based Code, Final Draft #3, dated June 17, 2021. Staff gave an overview of these changes, which included: changes necessary to comply with NCGS Sec. 160D; removal of the municipal service district from the form-based code document; regulation of aesthetic/design elements; and the need to expand administrative procedures to review proposals in the Heritage District. Council discussed options to regulate the design elements of residential units proposed for the Marvin Heritage District in depth and directed staff to create a conditional zoning district whereby property owners could voluntarily apply for conditional zoning, rather than the previous approach where the Village would rezone the property within the Heritage District with conditional zoning. The Council postponed taking action on the Heritage District-related portion of item D.3., and postponement of the Heritage District-related item D.4. On August 10, 2021, Village Council was informed by Christina Amos, Village Manager, that she has formally withdrawn the rezoning application for the rezoning of properties for the Marvin Heritage District.

This draft has been updated from language and regulations that are compliant with 160D and provides clarification and direction on the proposed regulations. This final draft is the regulatory ordinance for the district and include all recommended changes from the Marvin Heritage District Strategic Planning Committee and Planning Board. Some minor changes are still needed, and Staff is working on these final changes during the January Meeting. (***these minor changes are not to any of the recommended regulatory language and are only grammatical, visual, and formatting changes**)

Revisions to respond to Village Council's direction have been incorporated in the attached Draft #4, with the cover date of October 26, 2021. As MHD Strategic Planning Committee members will recall, since the June 24, 2021 Village Council meeting, Planning Department staff also prepared an amendment to the adopted Marvin 2020 Land Use Plan through the Marvin Heritage District Small Area Plan. The Small Area plan is



VILLAGE OF MARVIN

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scheduled on the October 28 Village Council agenda for consideration of scheduling a public hearing for review and consideration of adoption on November 6, 2021. This Form-Based Code, which is a proposed amendment to the Village of Marvin Zoning Ordinance and Official Zoning Map, is consistent with the adopted Marvin 2020 Land Use Plan and the Plan's proposed Small Area Plan.

The Marvin 2020 Land Use Plan (encompassing the recently adopted Marvin Heritage District Small Area Plan), is advisory in nature, without regulatory effect pursuant to North Carolina General Statutes (NCGS) Section 160D-501. To implement the Marvin Heritage District, it is necessary for Village Council to consider adoption of this Marvin Heritage Form-Based Code after the Strategic Plan Committee and Planning Board hold public meetings to review and consider making motions recommending adoption to Village Council. Design and development standards included in this Form-Based Code are consistent with the Marvin 2020 Land Use Plan (adopted) and its Heritage District Small Area Plan (currently being scheduled for consideration of adoption) and captures the goals and visions that have been gathered from input from the property owners in the proposed district and surrounding areas, citizens, the Strategic Plan Committee, the Planning Board, and the Village Council.

NC General Statutes Section 160D-501, Plans, (a1), Plans, states, "The planning process shall include opportunities for citizen engagement in plan preparation and adoption." Planning during the development of the original version of the Village of Marvin 2020 Land Use Plan, adopted November 10, 2020, provided ample opportunities for citizen engagement. Over the two years leading up to the Land Use Plan's 2020 adoption in October of 2020 and since then, numerous citizen engagement opportunities have been provided throughout the development of this Form-Based Code. The Village of Marvin, 2019 Community Survey Report and the Building a Village Center and Creating Intentional Growth in the Village of Marvin, NC, both adopted as part of the Village of Marvin 2020 Land Use Plan, Marvin Heritage District Small Area Plan included opportunities for citizen engagement in document preparation.

The community's support for certain land uses, architectural design and development standards for the Heritage District, expressed in the Village of Marvin, 2019 Community Survey Report was further refined and expanded in details throughout this Form-Based Code. Prior to the adoption of the 2020 Land Use Plan, the Village of Marvin hosted a two-day public workshop on June 11 and 12, 2020 with Village staff, officials, consulting land development and design experts (Construction Professionals Network Institute and NCGrowth-SmartUp), residents, and community members to study and formulate more focused recommendations for the Heritage District. This workshop would aid in the formation of a report from CPNI and NCGrowth-SmartUp entitled, Building a Village Center and Creating Intentional Growth in the Village of Marvin, NC (hereinafter, "Village Center Report"). The Village Center Report recommended the Village prepare a form-based code as a strategy to help accommodate the growth of mixed-use development, allowing some retail, commercial, and office space, while maintaining the aesthetic qualities that makes Marvin unique.

On November 10, 2020, the Village Council established and appointed members to the Village Center District Strategic Plan Committee (which would later be renamed as the Marvin Heritage District Strategic Plan Committee) with the primary objective, "to create a strategic plan to guide and facilitate the development of the Marvin Heritage District." Over the course of its tenure, the Committee has been composed of between seven and nine members, including three members of the Planning Board. In early 2021, the Committee agreed with recommendations of the Village Center Report, that the creation of a form-based code to guide



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development in the Heritage District would be an appropriate tool as opposed to a conventional zoning ordinance.

Local governments in North Carolina are allowed to develop and implement form-based codes. NCSG Chapter 160D of the North Carolina General Statutes, Local Planning and Development Regulation, Article 1 authorizes local governments to divide its territorial jurisdiction into zoning districts of any number, shape, and area deemed best suited to carry out the purposes of 160D, which may regulate zoning districts through conventional as well as “form-based districts, or development form controls, that address the physical form, mass, and density of structures, public spaces and streetscapes.” Source of N.C.G.S Quote: N.C.G.S. Section 160D-703(a)(3)

Input from community participation in the 2019 Community Survey provided guidance for a desired and consistent pattern of design, growth, and development within the Marvin Heritage District. This input was incorporated in the initially adopted 2020 Land Use Plan, and the Village Center Report. The Village Center Report noted suggested strategies for ensuring “homegrown, context-sensitive, commercial development as opposed to development of large chains.” To respond to these strategies, this Form-Based Code directs commercial building types to mimic certain architectural residential design. Throughout the Heritage District, pedestrian connectivity and the preservation of open space will be maximized. This is in response to the 2019 Community Survey which showed strong support for an increase in walkability and open space, and concern that traffic is the most pressing issue in Marvin. Design standards for subdistricts have been prepared to help protect adjacent existing neighborhoods by requiring transitional density of residential areas, and large, opaque buffers between commercial areas.

Since the Small Area Plan and this Form-Based Code are moving toward consideration of adoption in close succession, the following schedule has been developed to track and document these two documents as they move through review by the Marvin Heritage District Strategic Plan Committee, Marvin Planning Board, and Village Council. Blanks appearing in the schedule will be completed as Committee/Board/Council agenda schedules and actions are taken.

Recommendation

Planner’s Recommendation: Staff recommends Village Council call for Public Hearing on January 11th, 2022 at 6PM at Village Hall for Discussion and Consideration of Adoption of the Marvin Heritage District Form-Base Code

Planning Board Recommendation:

The Planning Board reviewed and discussed the Marvin Heritage District Form Base Code at their November 16th meeting. The Planning voted unanimously to recommend approval of the MHD Form-Base Code.

Recommended Motion

“ I _____ make a motion to Call for Public Hearing on January 11th, 2022 at 6PM at Village Hall for Discussion and Consideration of Adoption of the Marvin Heritage District Form-Base Code.

VILLAGE OF MARVIN



Marvin Heritage District Form-Based Code

Adopted: _____

FINAL DRAFT #4.2.3
December 1, 2021

Prepared by the Village of Marvin Planning Department

Note **(to be removed upon adoption)**: *This document (including exhibits), once adopted will become part of the Village of Marvin, NC Code of Ordinances and will be later codified into Title XV: Land Usage. Also upon adoption, the Official Zoning Map, as shown in this document, will receive the following additions: Note 1; the Heritage District Eligible Areas inset map; and the Heritage District legend will be added to the currently adopted Official Zoning Map. Since the Heritage District Eligible Area offers an optional conditional zoning district available for property owners to voluntarily submit rezoning applications for conditional zoning to the Heritage District, these additions to the Map do NOT rezone the current zoning district of Residential (R) nor amend any design and development standards in the Village of Marvin NC Code of Ordinances applicable to parcels in the Residential (R) zoning district.*

Note **(to remain after adoption)**: *This document (including exhibits), has been adopted as part of the Village of Marvin, NC Code of Ordinances and will be codified into Title XV: Land Usage.*

After adoption, the Official Zoning Map that appears in this document will be removed from this document to avoid redundancy and avoid users from unintentionally being misled from a map which may later become outdated. On the page where the Official Zoning Map appears, the map will be replaced with a note that reads. **"Contact the Village of Marvin Planning Department to obtain the most currently amended version of the Official Zoning Map."**

The Table of Uses and The Table of Prohibited Uses which appear in this document are in the process of being reformatted into one table.

ACKNOWLEDGEMENTS

VILLAGE COUNCIL

Joseph E. Pollino, Jr., Mayor
Kim Vandenberg, Mayor Pro Tempore
Wayne Deatherage, Council Member
Bob Marcolese, Council Member
Jamie Lein, Council Member
Andy Wortman, Council Member

PLANNING BOARD

John Jones, Chair
Kelly Cates, Vice Chair
Richard Holzberg
Michael Lavelle
Kent Renner
Malinda Daniel
Kenneth Marino

Village Council Liaison: Bob Marcolese
Special Thanks to: Paul Cappiello and Mark Petersen

MARVIN HERITAGE DISTRICT STRATEGIC PLAN COMMITTEE

John Jones
Michael Lavelle
Malinda Daniel
Tim Fincher
TJ Philbrick
Will Owens
Jake Fehling

Village Council Liaison: Andy Wortman

Previous Committee Members:

Dorota Clegg
Sherri Albano
Emma Lane, Facilitator

PARKS, RECREATION, AND GREENWAYS BOARD

John Baresich, Chair
Kristyna Culp, Vice Chair
Bob Nunnenkamp
Dan Wilson

Previous Board Member: Sherri Albano

STAFF

Christina Amos, Manager
Hunter Nestor, Planning and Zoning Administrator
Austin Yow, Clerk and Assistant to the Manager
Tom Weitnauer, AICP, FBCI, N-Focus, Inc.
Previous Staff Member: Rohit Ammanamanchi, Planner

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GENERAL PROVISIONS

Short Title

This section shall be known and may be cited as the Marvin Heritage District Form-Based Code of the Village of Marvin, North Carolina.

Purpose

The purpose of these Form-Based Code standards is to provide guidance and consistency for required design and development standards within the Heritage District boundary for properties where property owners have voluntarily applied for conditional zoning and received rezoning approval to one or more of the Heritage District's subdistricts. A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. An expanded definition and educational website links are provided in the glossary. This chapter shall be used to regulate infill development, adaptive reuse, and preservation of structures in the Marvin Heritage District to promote the public health, safety and general welfare and to promote alterations of existing development and new development that reflects the character of the Village of Marvin.

This chapter identifies a set of principles in order to maintain this quality of environment that has made Marvin so desirable and to encourage infill to follow this desired pattern. This chapter defines guidelines for design and materials similar to that of existing structures within the Heritage District boundary.

The purpose of the Marvin Heritage District is to promote the educational, cultural, and general welfare of the public through the creation of a community center that preserves, protects, and enhances of the old, historic, and/or architecturally worthy structures of the historical center of the Village of Marvin; and to maintain such structures as visible reminders of the history and cultural heritage of the Village. Another purpose of this chapter is to maximize pedestrian connectivity and preservation of open space in this area. Furthermore, a purpose of this chapter is to protect adjacent existing neighborhoods by requiring transitional density of residential areas, and large, opaque buffers between commercial areas and existing neighborhoods.

Authority and Enactment

North Carolina General Statutes: The enactment of this chapter is authorized under state law. In addition to other sections of the North Carolina General Statutes, G.S. § 160D-703(1)(3) authorizes local governments to regulate zoning districts through form-based districts, or development form controls, which address the physical form, mass and density of structures, public spaces and streetscapes. Therefore, the Village Council hereby adopts form-based code standards governing the physical form, mass and density of structures, public spaces and streetscapes of new developments, and alterations to previous developments on private property.

Village of Marvin 2020 Land Use Plan, adopted November 10, 2020: This Form-Based Code was prepared and adopted to help implement Goal D of the Village of Marvin 2020 Land Use Plan, to **“Facilitate a Uniquely Identifiable Village Center that Promotes Marvin’s Heritage.”** The Land Use Plan provided: the Heritage District’s vision, goals, and policies; and identified the general location and future land uses of the Heritage District (referenced in the Nov. 10, 2020 Plan as the “Village Center”).

Village of Marvin 2020 Land Use Plan – Addition of the Heritage District Small Area Plan. The Village of Marvin 2020 Land Use Plan, adopted November 10, 2020, was amended in late 2021 to add the Heritage District Small Area Plan. The Small Area Plan provides updated and expanded data and analysis for the Heritage District. Two planning documents were also incorporated into the Heritage District Small Area Plan.

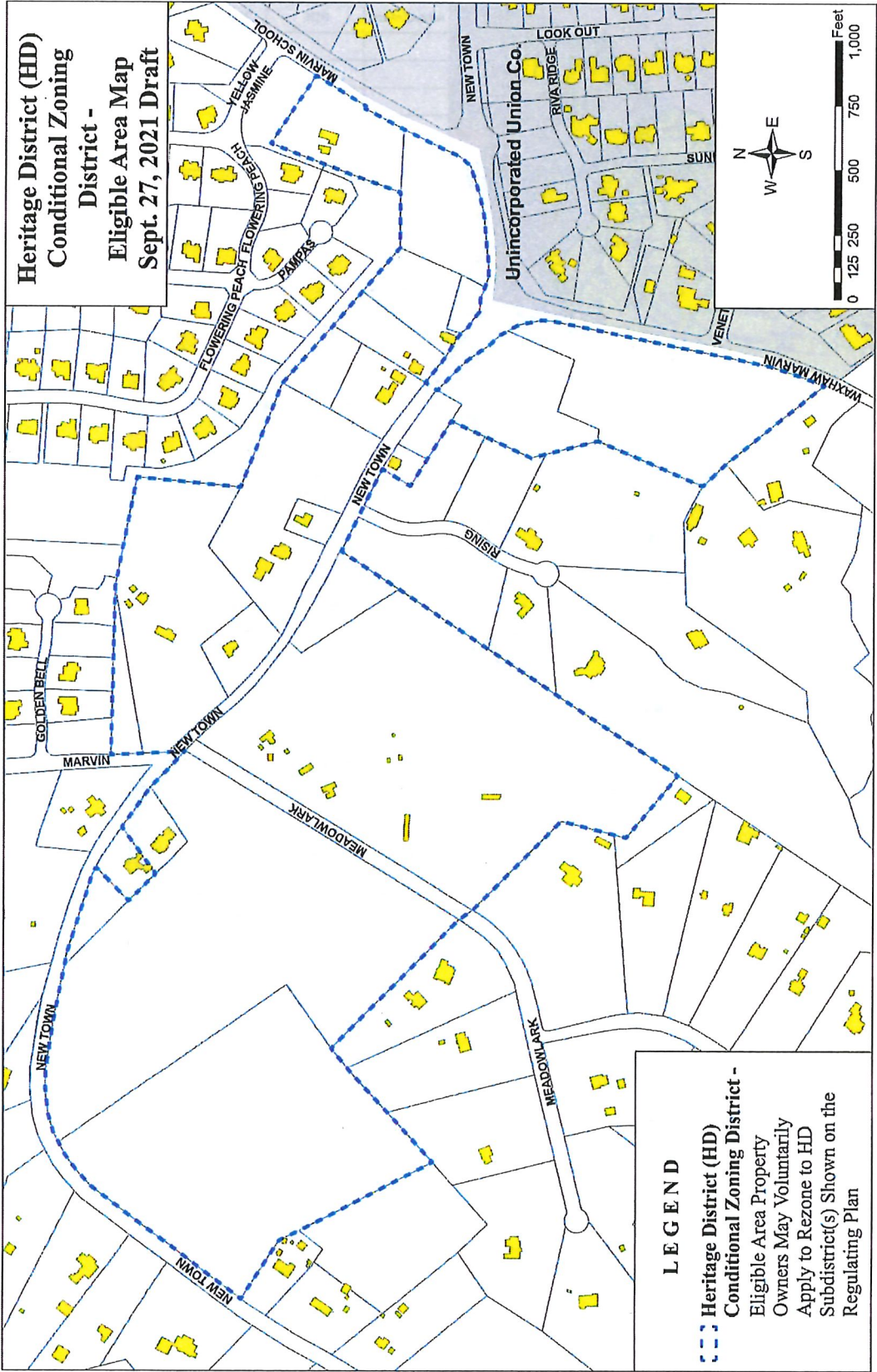
Applicability

This section shall govern the design and permitting of construction of land lying within the village’s Heritage District area as shown on the official zoning map of the village for properties where property owners have voluntarily applied for conditional zoning and received rezoning approval to one or more of the Heritage District’s subdistricts. This section is applicable to all land, building sites and land development of all properties zoned with a Heritage District (HD) suffix zoning designation, except in Exceptions below. Traditional design conventions have been applied to create a palette of Zoning subdistricts and streetscapes that form the framework for the Heritage District.

In the event any provisions of these form-based code regulations conflict with any other provisions of this chapter or other village ordinances, then the provisions of these form-based codes shall control. Other provisions in the village ordinances not in conflict with the form-based code regulations remain in effect. All applications are subject to the following standards. The images contained in this Code are meant to demonstrate the character intended for the Marvin Heritage District but are for illustrative purposes only. The accompanying text and numbers are rules that govern permitted development, where if pictures and text conflict, the text prevails.

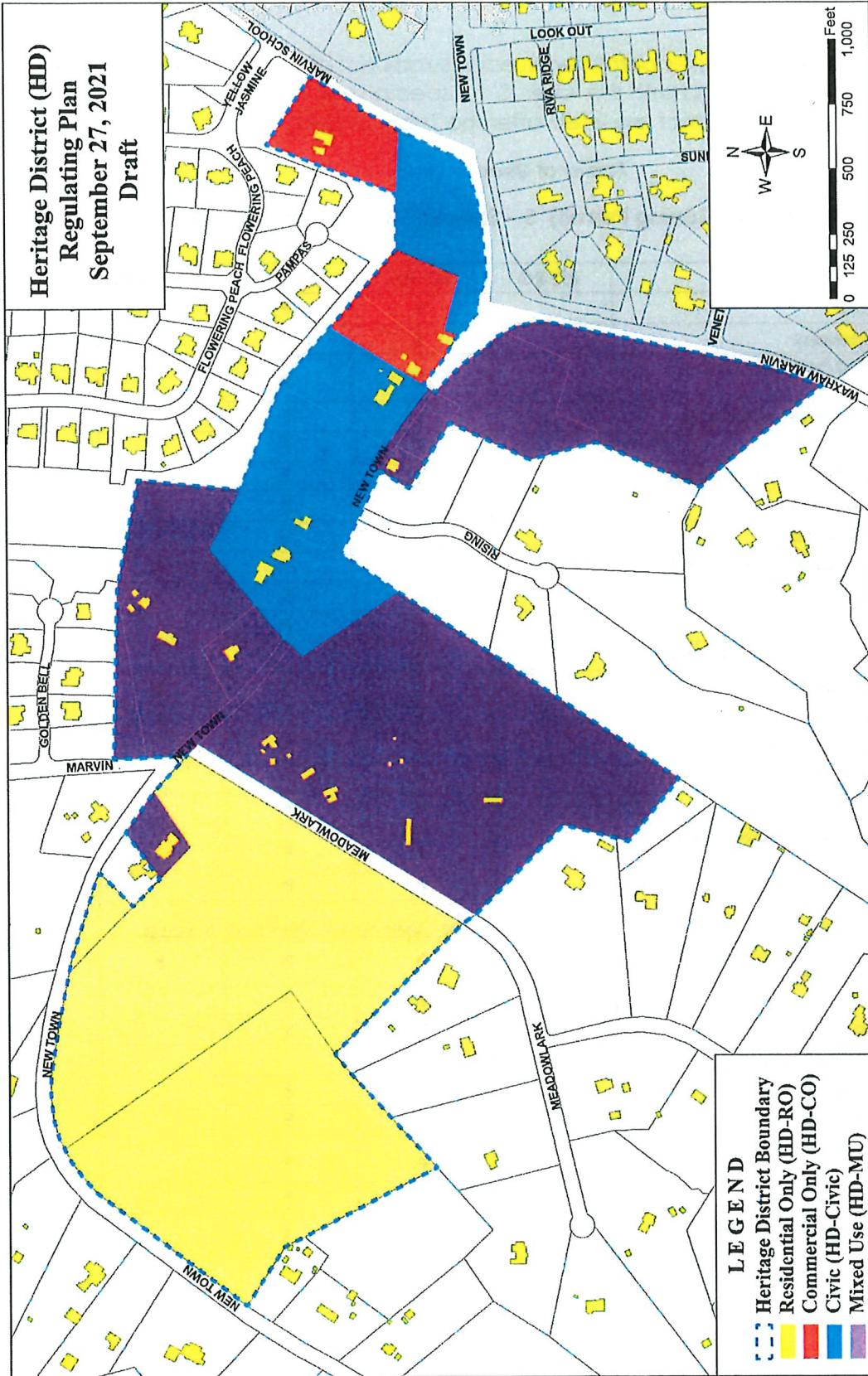
After property has been voluntarily rezoned to Heritage District zoning districts, exterior modifications made to repair damages following an event, or additions proposed to existing buildings which predate adoption of such rezoning, shall comply with architectural standards set forth in this Code where such exterior architectural repairs or new construction will be visible from a public right-of-way. Exterior routine repair and maintenance of buildings that predate adoption of rezonings to the Heritage District’s conditional zoning districts shall not be subject to comply with architectural standards set forth in this Code.

While the Marvin Heritage District is envisioned as an integrated seamless grouping of land uses and building types, the geographic area of the overall district and regulations contained herein, are organized into the following 4 subdistricts, and depicted in the Marvin Heritage District Regulating Plan: Heritage District-Residential Only (HD-RO); Heritage District-Mixed Use (HD-MU); Heritage District-Commercial Only (HD-CO); and Heritage District-Civic (HD-Civic).



Note: The Heritage District (HD) boundary has been adopted on the Official Zoning Map as an eligible area for property owners within the HD boundary to voluntarily apply for rezoning to HD Conditional Zoning District(s) shown on the Regulating Plan. The area within the HD eligible area, already zoned Residential (R), shall remain Residential (R) until rezoning applications for one of the HD conditional zoning subdistricts or any other conventional zoning district listed in the Zoning Ordinance are submitted and adopted. This HD boundary does not invoke additional regulations on properties within the HD eligible area prior to rezoning to one of the HD subdistricts.

**Heritage District (HD)
Regulating Plan
September 27, 2021
Draft**



Note: Only the exterior boundary of the Heritage District (HD) (shown with the blue dashed lines) has been adopted on the Official Zoning Map as an eligible area for property owners within the HD boundary to voluntarily apply for rezoning to HD Conditional Zoning District(s) shown on this Regulating Plan. The area within the HD eligible area, already zoned Residential (R), shall remain Residential (R) until rezoning applications for one of the HD conditional zoning subdistricts or any other conventional zoning district listed in the Zoning Ordinance are submitted and adopted. The HD boundary does not invoke additional regulations on properties within the HD eligible area prior to rezoning to one of the HD subdistricts.

USES

Uses. The Table of Uses indicate uses permitted in each subdistrict of the Heritage District with the letter 'P' for permitted uses and with the letter 'S' for special Uses. Uses that are prohibited throughout all of the Heritage District are listed after the Table of Uses.

Table of Uses

P – Permitted Use (Only requires Zoning Permit) S – Special Use (Requires Special Use Permit)

Uses	HD-RO	HD-MU	HD-CO	HD-CIVIC
Art Gallery/Studio		P	P	
Brewery, Microbrewery		S	S	
Consignment/thrift/second-hand merchandise		S	S	
Cosmetic Services (max. 1,200 s.f.)		P	P	
Doctor's Office		P	P	
Drop off only Post Office in Pharmacy		P	P	
Essential Services, Class I	P	P	P	P
Essential Services, Class II	S	S	S	S
Family Care, Day Care up to 6 people	P	P	P	P
Farmer's Market (Indoor or Outdoor)		S	S	S
Fitness Studio		P	P	
Gourmet Grocery Store (max. 15,000 s.f.)		S		
Government Building		S	S	P
Home Occupations	P	P		P
Ice Cream, Coffee Shop, Café		P	P	
Maker Space/ Artisan Retail		P	P	
Music Lessons and Sales		P	P	
Non-Public Office Rental Space (max. 1,500 s.f.)		P	P	
Professional Services		P	P	
Public Park/Open Space	Refer to Public Open Space Standards & Reg's			
Religious Institutions (Church, Synagogue, Mosque or Place of Worship)	P	P	P	P
Restaurant, Dine-in		P	P	
Restaurant serving alcohol		S	S	
Single-Family Dwelling Unit	P	P		
Small Retail Sales (max. 3,000 s.f.)		P	P	
Specialty Food Market		P	P	
Tailor (may include drop-off cleaning, no on-site)		P	P	
Therapeutic Services		P	P	
Veterinary Clinic (without boarding)		S	S	

Table of Prohibited Uses

Uses Expressly Prohibited: The following uses are expressly prohibited in this zoning district.

Prohibited Uses in all Heritage District's Subdistricts	
<ol style="list-style-type: none"> 1. ABC store 2. Adult bookstore, entertainment, novelty shop 3. Amusement gallery, electronic gaming operation 4. Auto parts or service store 5. Auto sale, lease or rent (exclusive of auto lease by a travel agency, not kept on site) 6. Bail bond service 7. Banks 8. Bingo parlor 9. Bowling alley 10. Carwash 11. Convenience Store/Mini Mart/Express Fuel 12. Department store 13. Dry cleaning on-site 14. Flea market 15. Funeral chapel 	<ol style="list-style-type: none"> 16. Electronic Gaming Operation 17. Mattress Store 18. Movie theatre or cinema 19. Night club 20. Pawn shop 21. Pool hall, billiards parlor 22. Tattoo or piercing parlor 23. Uses having drive-through 24. Vape shop 25. Warehouse, storage, self-storage 26. YMCA 27. No other use shall be permitted, unless expressly permitted herein.

Special Uses.

Purpose. Certain uses, which, due to their size and/or operation, have impacts that could adversely impact neighboring uses or the community as a whole. Due to the potential impacts of these uses, they must meet certain conditions to ensure that they do not adversely impact neighboring uses or the community as a whole. This section identifies the uses that require conditions and establishes the conditions they must meet in order to receive approval special use permits. A Special Use Permit must be granted for these uses in accordance with the procedures set forth in the Zoning Ordinance.

Special Uses Established. The following Special uses and the minimum conditions they must meet are hereby established.

Brewery, Microbrewery.

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.

A. Standards:

1. The principal use is the production of malt beverages for retail sales for on-premises and off-premises consumption in accordance with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises malt beverage permit for breweries as authorized by G.S. 18B-1104 as amended and all other laws pursuant to G.S. 18B, as amended.
2. Accessory uses may include and be limited to only: retail sales; food and beverage consumption; entertainment; games; a tasting room; event room; and loading area.
3. A minimum of 30% of the microbrewery's floor area shall have operating brewing equipment that produces beer for retail sales. This percentage shall be satisfied at the time a Certificate of Occupancy inspection is conducted and shall be maintained thereafter.
4. Exterior guest areas shall not have amplified equipment.
5. A microbrewery shall not require a membership, cover or minimum charge for admittance or service.

Consignment/thrift/second-hand merchandise.

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.

A. Standards:

1. No outdoor storage or display of merchandise or goods.
2. Five hundred (500) feet of separation between consignment/thrift/second-hand merchandise businesses, measured in a straight line between front door entrances (inclusive of rights of way).

Essential Services, Class II (Publicly or privately owned facilities or systems for booster stations, pumping stations, switching facilities, substations, lift stations or other similarly required facilities in connection with telephone, electric, steam, water, water storage, sewer or other similar utilities).

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.

A. Standards:

1. Use shall comply with all federal and state standards. Verification of compliance or ability to comply shall be provided with the application submitted to the Village of Marvin.
2. All above-ground equipment shall be buffered from view of adjacent properties and public streets with two staggered rows of evergreens with 2 inch calipers upon planting 6 feet on center and an opaque fence.
3. Use shall be managed and operated by a municipality, county, or other governmental entity.

Farmer's Market (Indoor or Outdoor).

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.

A. Standards:

- 1) A Farmers' Market shall have a designated market director who is responsible for submitting the Special Use Permit Application.
- 2) A site plan, operational information, including hours and days of operation, a parking plan, trash and recycling plan is required for review and approval.
- 3) A Farmers' Market is permitted to have one temporary sign or banner, which is nonilluminated and no greater than 50 square feet in size. Such sign or banner must be located on the premises and may only be displayed when the market is in operation.
- 4) Hours of operation for farmers' markets shall be restricted from 7 a.m. to sunset.
- 5) Any specific farmers' market may not operate more than two days per calendar week.
- 6) Temporary canopies may be allowed in order to provide protection from the elements for both operators and products.

Gourmet Grocery Store (max. 15,000 s.f.).

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.

A. Standards:

Provide for the screening and buffering along all perimeters of area(s) designated for any outdoor storage of equipment or merchandise on an approved site plan except where the site itself abuts an adjacent zoning district requiring the provision buffer in accordance with this Ordinance.

Government Building.

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.

A. Standards:

- 1) Overflow parking (in addition to required parking) must be designed on the site plan and be kept available to handle all traffic from special events such as outdoor concerts.

Public Park/Open Space.

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.

A. Standards:

- 1) Overflow parking (in addition to required parking) must be designed on the site plan and be kept available to handle all traffic from special events such as softball tournaments and outdoor concerts.
- 2) All parks greater than ten (10) acres shall have primary access to a collector or higher capacity street.
- 3) Lighting, with the exception of lighting for ball fields and tennis courts, shall be full cut-off fixtures.

Restaurant Serving Alcohol.

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.

A. Standards:

- 1) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a restaurant which serves alcohol establishment, is transferred to a new owner by sale or other means, the new owner shall sign and file with the Planning and Zoning Administrator

an acknowledgment of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgment shall be made on forms provided by the Planning Department.

- 2) The owner(s) and operator(s) of the restaurant shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 a.m. each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public rights-of-way or other adjacent public property open to the public.
- 3) Exterior guest areas shall not have amplified music.
- 4) A lighting plan shall be submitted to the Planning and Zoning Administrator for review and approval, and lighting fixtures shall be installed and maintained pursuant to the approved plan which illuminates all exterior portions of the building, lot area and parking lot as determined appropriate by the Planning and Zoning Administrator. Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling.

Veterinary Clinic (without boarding).

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.

A. Standards:

- 1) Pens, runs, and/or other facility for the outdoor containment of animals shall be at least 400 feet from abutting property located in a residential or mixed-use district.
- 2) Pens, runs, and/or other facility for the outdoor containment of animals shall be buffered from abutting property in a residential or mixed-use district with two staggered rows of evergreens with 2 inch calipers upon planting 6 feet on center and an opaque fence.

SUBDISTRICT STANDARDS, BUILDING TYPES, GENERAL STANDARDS AND USES

Subdistrict Classifications

Minimum design standards were carefully selected from current and historic characteristics of the Marvin area for each subdistrict. Additional standards that apply to all subdistricts in the Heritage District are located at the end of this subsection.

Each of the four subdistrict design standards set forth specifications related to building placement (lot size, lot width, setbacks, and building size) and building type illustrated on the following pages. All new buildings and modifications to existing buildings in the Marvin Heritage District must meet the criteria of a designated building type outlined in this Section, and therefore must follow the prescribed minimum design standards set forth for that type, within the respective subdistricts.

The Planning and Zoning Administrator may consider alternative architectural style and details of residential building types when proposed alternatives meet or exceed the intent of the subdistrict design standards. The minimum design standards contain regulations for properties in the Marvin Heritage District, based upon the following subdistricts:

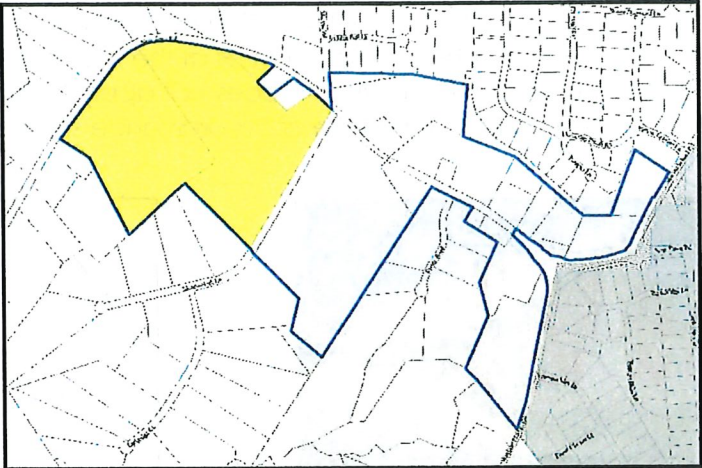
- A. Heritage District-Residential Only (HD-RO);
- B. Heritage District-Mixed Use (HD-MU);
- C. Heritage District-Commercial Only (HD-CO); and
- D. Heritage District-Civic Heritage District (HD-Civic).

A. Heritage District-Residential Only (HD-RO)

Heritage District-Residential Only (HD-RO): A subdistrict intended for solely residential buildings. This subdistrict is intended to provide additional housing to boost the vibrancy and walkability of the District as a whole, and must have 100% residential uses.



(HD-RO) Precedent Imagery



(HD-RO) Regulating Plan

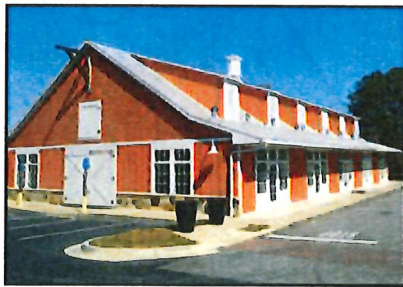
**Residential Only
Building Type
Requirements:**

Min. Lot Size (s.f.)	Lot Width	Front Setback	Rear Setback	Side Setback
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Large Lot Home/ Village House	43,560	130'	50'	75'	20'
Medium Lot Homes	20,000	100'	40'	40'	10'
Small Lot Homes	10,000	70'	25'	25'	5'

B. Heritage District-Mixed Use (MU-HD)

Heritage District-Mixed Use (HD-MU): A subdistrict intended to be the bulk of the central area of the District. These parcels have residential in the back and commercial on the major road side. Developments in this district must meet the intent of Mixed-Use and shall have no more than 30% of the total area be residential uses, which shall be defined as the total area that consists of a private residential lot. The 30% residential maximum does not apply to the two parcels on New Town Road, which had existing homes at the time of this ordinance's adoption. Due to their small lot size, this residential maximum does not apply to the two parcels on New Town Road, which had existing homes at the time of this ordinance's adoption.



(HD-MU) Precedent Imagery



(HD-MU) Regulating Plan

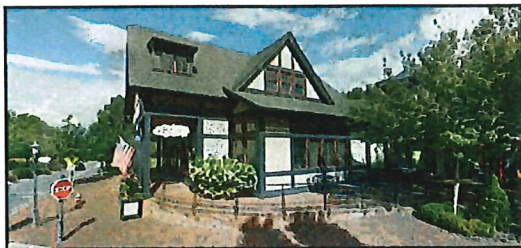
Mixed Use Building Type Requirements:

	Min. Lot Size (s.f.)	Lot Width	Front Setback	Rear Setback	Side Setback	Building Size (s.f.)
Large Lot Home	43,560	130'	50'	75'	20'	No min. No max.
Medium Lot Homes	20,000	100'	40'	40'	10'	No min. No max.
Small Lot Homes	10,000	70'	25'	25'	5'	No min. No max.
Village house • Commercial Uses Only	10,000	57'	10'	20'	5'	1,000- 5,000
Cottage Commercial	8,000	57'	10'	20'	5'	600- 3,000
Greek Revival / Southern Colonial • Commercial Uses Only	21,780	110'	10'	40'	5'	3,000- 7,000
Conventional Square Commercial*	None	None	85'	100'	50'	10,000- 15,000

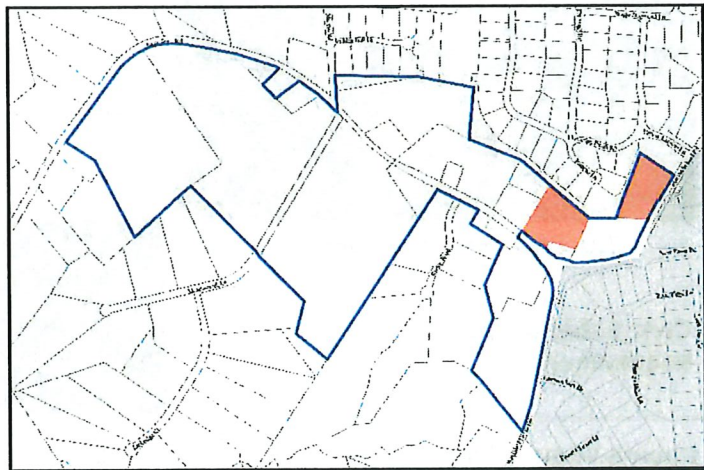
This Heritage District-Mixed Use (HD-MU) subdistrict also includes two small properties whose location tends to support commercial use, but are too small to provide a 100-foot buffer from existing uses. These properties shall be allowed to have commercial, but shall have more limited commercial uses allowed and a different approach to buffering than the other subdistricts that allow commercial uses. Developments in this district must meet the intent of Mixed-Use and shall have no more than 30% of the total area be residential uses, which shall be defined as the total area that consists of a private residential lot.

C. Heritage District-Commercial Only (HD-CO)

Heritage District-Commercial Only (HD-CO): A subdistrict intended to host only commercial uses. The proximity to Village Hall and narrow properties tend to favor commercial uses, and these uses shall be buffered significantly from existing residential uses.



(HD-CO) Precedent Imagery



(HD-CO) Regulating Plan

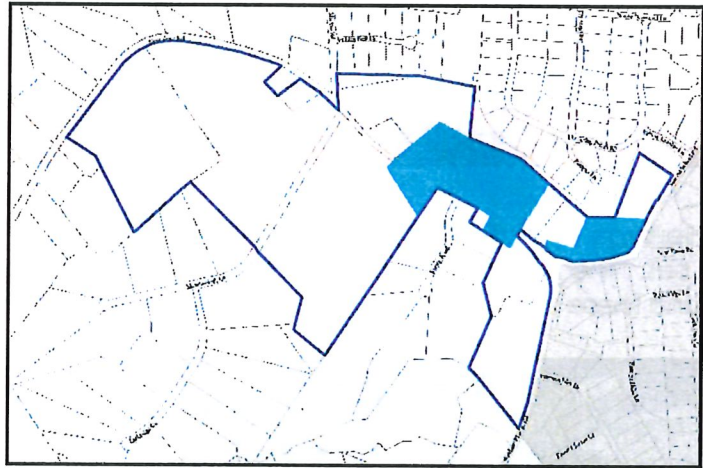
Commercial Only Building Type Requirements:	Min. Lot Size (s.f.)	Lot Width	Front Setback	Rear Setback	Side Setback	Building Size (s.f.)
Village house	8,000	57'	10'	20'	5'	1,000-5,000
Cottage Commercial	8,000	57'	10'	20'	5'	600-3,000
Greek Revival / Southern Colonial	21,780	110'	10'	40'	5'	3,000-7,000

D. Heritage District-Civic (HD-Civic)

Heritage District-Civic Heritage District (HD-Civic): This subdistrict holds the historic churches and site of the new Marvin Village Hall. These properties shall be limited to civic uses and similar building vernacular to the churches and Village Hall or other similarly civic vernacular.



(HD-Civic) Precedent Imagery



(HD-Civic) Regulating Plan

Civic Building Type Requirements:

Min. Lot Size (s.f.)	Lot Width	Front Setback	Rear Setback	Side Setback	Building Size (s.f.)
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Church Vernacular*	130,680	130'	75'	40'	50'	1,000-10,000
Government Vernacular*	43,560	130'	75'	40'	50'	1,000-10,000
	*All new buildings shall match the character of the existing buildings on the property. Any architectural proposal shall be reviewed by the Design Review Board.					

Building Types

The house types were carefully selected from the current and historic character of the Marvin area. Characteristics of the Large Lot-Estate House and Medium Lot-Suburban House type were derived from homes currently in the Heritage District and neighborhoods such as Weddington Chase, Providence Downs South, and Ladera. The Cluster House type was derived from the Amber Meadows and Courtyards at Marvin neighborhoods, (but this is not intended to convey that houses of these types must be age-restricted), Ardrey and Ardrey Commons off of Wade Ardrey Road. The Greek Revival/Southern Colonial House type uses the same dimensions of the Estate House type, but emphasize the architectural significance of former and existing houses along New Town Road, such as the McIlwain-Suggs House and the J. J. Rone House. The Cottage and Bungalow House types reflect existing buildings in the District, and similar buildings in the region.

General Standards for All Buildings:

- All districts shall have a 50' building setback minimum along Major Roads and from the District's rear boundary
- All buildings shall have a maximum height of 35'
- The primary façade of the building shall face the main pedestrian travelway whenever possible, with a secondary façade facing the parking lot. Buildings are encouraged to have two entrances if the parking lot and pedestrian routes are on different sides of the building. (Example: Five Guys, Cold Stone in Blakeney)
- Special Consideration must be given to the "Terminate Vista" Locations, which are across from the Southbound Marvin Road approach, the Northbound Waxhaw-Marvin Road approach, and the Westbound and Eastbound New Town Road Approaches. See Exhibit D for the locations of Terminate Vistas
- Only Larger Lot Houses (Colonial, and Village House Building Types) can be built adjacent to existing Rural Neighborhoods
- ADA-Accessible entrances shall be available on all buildings intended for commercial use
- Residential Buildings shall be one dwelling unit. Additional Dwelling Units that are accessory to a primary dwelling unit, whether attached or detached, shall be prohibited. Dwelling Units that are accessory to a building whose primary use is commercial may be considered with a Special Use Permit.
- Accessory Use Structures shall be permitted per 151.054(B). Outdoor Swimming Pools for individual houses and Agricultural Buildings intended to house animals shall not be permitted on lots less than half an acre in size.
- Equipment and outdoor storage shall be screened to be fully opaque from every reasonable pedestrian travelway and public right-of-way. Mechanicals and waste collection shall not be located in the front yard of any building or between the building and a major road.

Large Lot – Estate House

General: Detached Residential Building.

Size Range: 7,000 sq. ft. Maximum

Footprint (No max., No min.)

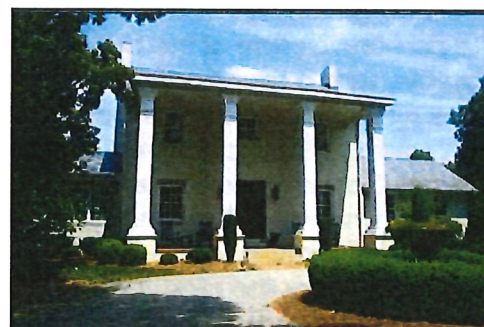
Height: 2 – 2.5 stories.

Notes:
 Modeled after homes in and adjacent to the district, and Marvin at large
 Varying roof pitches, wall offsets, and façade materials.
 Can be in residential or commercial zones
 Should avoid front-facing garages



HD-MU ●
HD-CO
HD-RO ●
HD-CIVIC

Large Lot Building Precedent Imagery



*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

Medium Lot - Suburban House

General: Detached Mixed Use Building.

Size Range: [redacted] sq. ft. Maximum

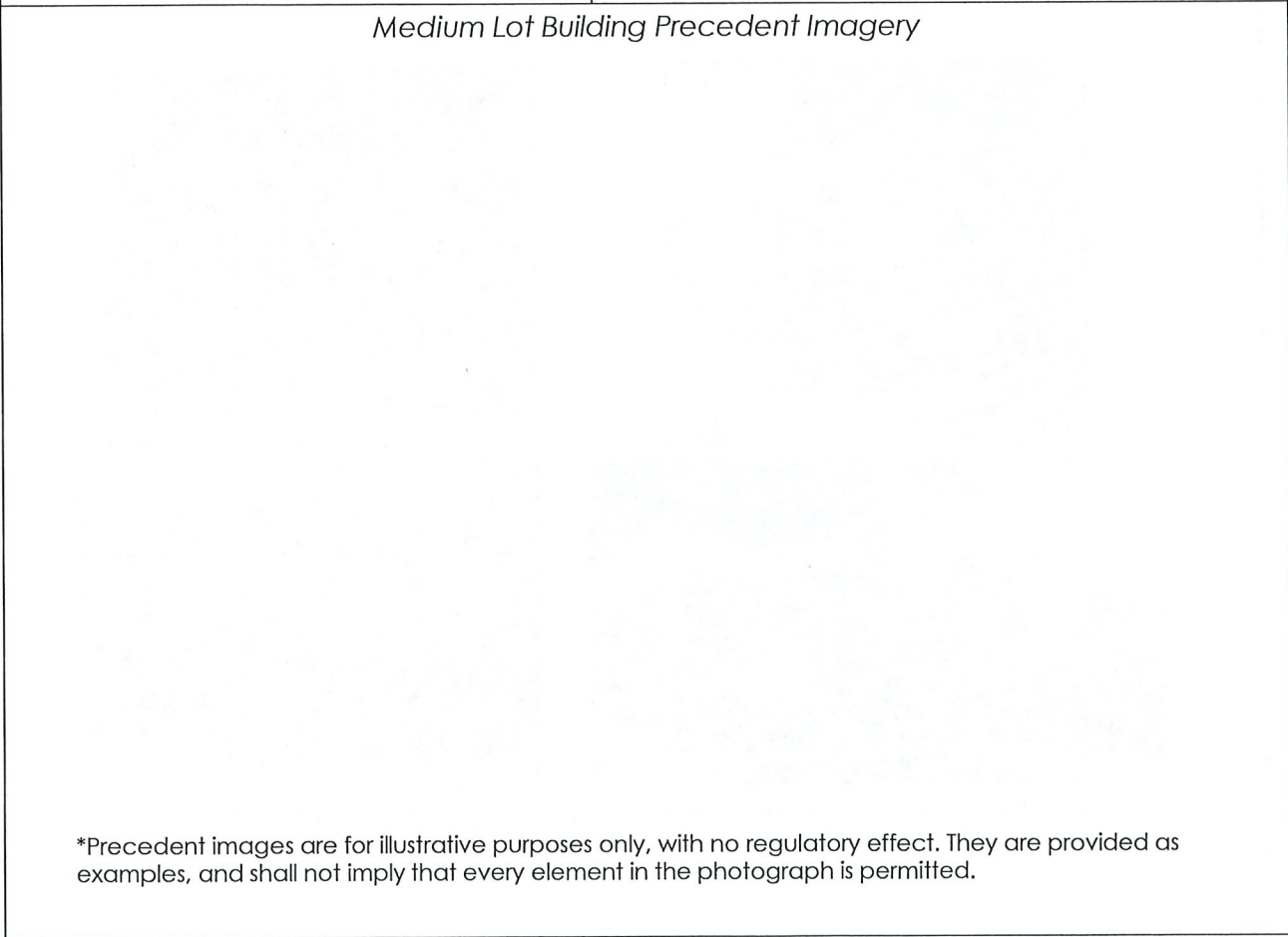
Maximum Footprint: No Max./No. Min.

Height: 1.5-2.5 stories.

Notes:
 Modeled after homes adjacent /located in [redacted] Marvin with a small total footprint
 Varying roof pitches, wall offsets, and façade materials.
 Can be in residential or commercial zones
 Should avoid front-facing garages

HD-MU ●
HD-CO
HD-RO ●
HD-CIVIC

Medium Lot Building Precedent Imagery



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Small Lot – Cluster House

General: Detached Residential Building.

Size Range: 5,000 sq. ft. Maximum

Maximum Footprint (not including porches):
3,000 sq. ft.

Height: 1-2 stories.

Notes:

Modeled after a Marvin area small lot home;
can be bungalow or cottage style

Can have porches

Can have 1, 1.5, or 2 stories



HD-MU



HD-CO

HD-RO



HD-CIVIC

Small Lot Home Precedent Imagery



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Cottage Commercial

General: Detached Commercial Building.

Size Range: 600 – 3,000 sq. ft.

Maximum Footprint (not including porches):
3,000 sq. ft.

Height: 1 – 1.5 stories.

Notes:

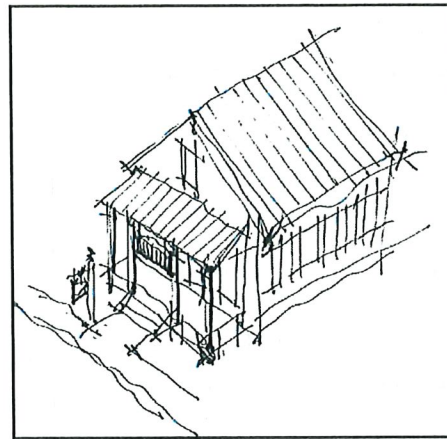
A shopfront building.

Similar to the historic Crane Store on New
Town Road (top left).

Typically 18' – 30' wide, but may vary.

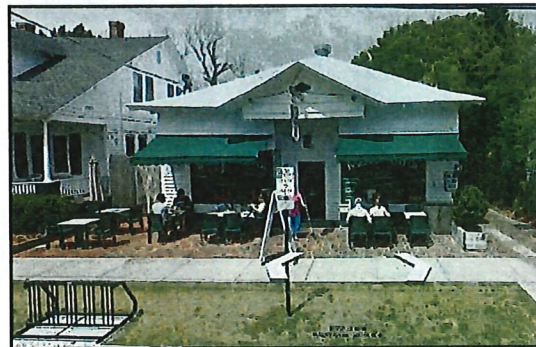
Unenclosed arcades, porches, awnings
and/or similar are required.

Characterized by front gable roof.

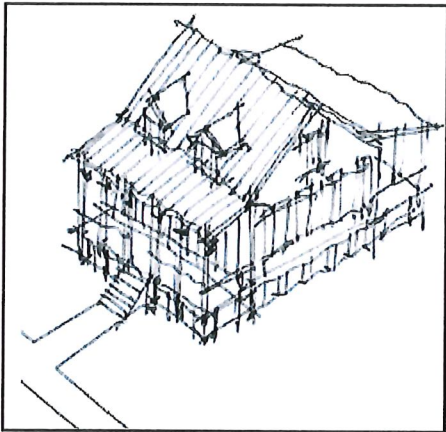


HD-MU ●
HD-CO ●
HD-RO
HD-CIVIC

Commercial Cottage Precedent Imagery



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Village House		
General: Detached Commercial Building.		HD-MU ●
Size Range: 1,000 – 5,000 sq. ft.		HD-CO ●
Maximum Footprint (not including porches): 5,000 sq. ft.		HD-RO
Height: 1 – 2.5 stories.		HD-CIVIC
Notes: A shopfront building, can have multiple "fronts". Porches, arcades, varying pitch directions, and Tudor or Victorian features are typical.		

Village House Precedent Imagery



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Greek Revival/Southern Colonial

General: Detached Mixed Use Building.

Size Range: 3,000 – 7,000 sq. ft.

Maximum Footprint (not including porches):
5,000 sq. ft.

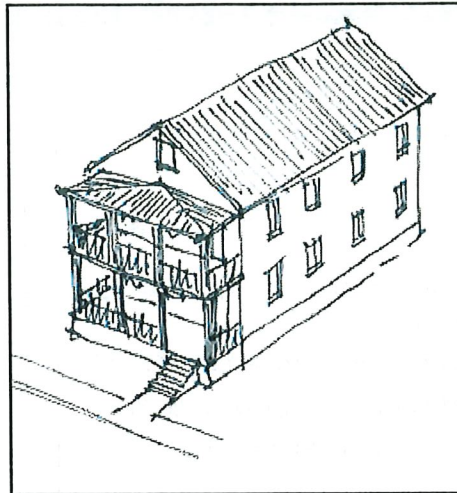
Height: 2 – 2.5 stories.

Notes:

Modeled after the McIlwain-Suggs house (bottom left) and Rone House on Marvin Road (top right)

Typically two stories with a flat front, columns, porch, and balcony on second floor.

May have external staircase to access second floor commercial.



HD-MU



HD-CO



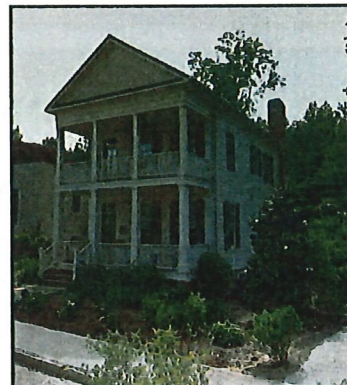
HD-RO



HD-CIVIC

HD-CIVIC

Greek Revival/Southern Colonial Precedent Imagery



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Bungalow

General: Detached Mixed Use Building.

Size Range: 1,000 – 1,500 sq. ft.

Maximum Footprint (not including porches): 1,500 sq. ft.

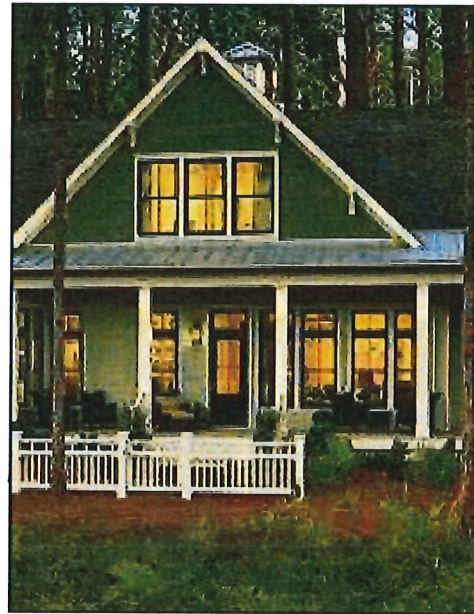
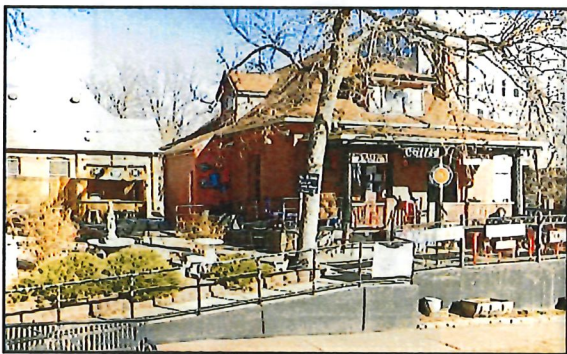
Height: 1 – 1.5 stories.

Notes:
 Modeled after the 1900's bungalow on New Town Road (top right)
 Characteristics include a small footprint, full front porch, side gable or hip roof, dormers, verandas, and an open floor plan.
 Second story built into the sloped roof.
 This housing type is intentionally generic.



HD-MU	●
HD-CO	●
HD-RO	●
HD-CIVIC	

Bungalow Precedent Imagery



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Conventional Square Commercial

General: Detached Commercial Building.
Size Range: up to 15,000 sq. ft.
Maximum Footprint (not including porches): 15,000 sq. ft.
Height: 1 – 1.5 stories.



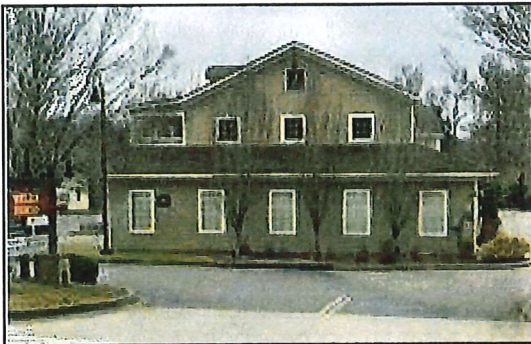
Notes:
 This building is meant to facilitate limited 10,000-15,000 s.f. uses.
 Must be 3 or 4-sided, with varying wall depths, windows, and limited blank massing
 Pitched roof and barn vernacular is required

HD-MU ●
HD-CO
HD-RO
HD-CIVIC

Square Commercial Precedent Imagery



(Example used for architecture, not size)



*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

GENERAL STANDARDS

In addition to subdistrict standards, the following general standards are applicable to all properties and subdistricts within the Heritage District.

Allowable Adjacent Uses and Buffer Standards Between Existing and Proposed Uses

Generally, This section serves the two purposes of:

- Defining which uses in the Heritage District are allowed or not allowed to be adjacent to existing uses, and
- Defining the minimum landscape buffer or viewshed plaza depth between these uses.

Adjacent uses are defined as the use whose property line shares a border. In the context of this district, uses across the major road are not considered adjacent, but rather, the major road itself is the adjacent use. If a proposed use is separated from an existing use by a natural or created public open space of at least 100' depth, then the proposed use shall not be considered adjacent. See precedent imagery in Exhibit G for examples of buffer types.

The existing uses immediately adjacent to the district are divided into three categories as outlined below. The buffers and allowable adjacent uses are defined by considering the different characters of these existing uses and the transitional density/intensity of uses needed to preserve that character. Three categories and their character needs are defined as follows and depicted in the map below.

- a. Rural Residential. The "Rural Residential" use consists of the Meadowlark and Three Pond Acres neighborhoods as well as properties on New Town Road to the west and south-east of the District. A no cut tree/vegetation buffer width of 75 feet shall be preserved. If existing trees do not provide a fully opaque buffer, vegetative screening must be installed and maintained to enhance the buffer within the 75 foot buffer width. The following items shall be the required implementation for any no cut buffer considered.
 1. Identified no cut buffer areas shall be clearly provided on any plans. Metes and Bounds shall be required for any proposed no cut buffer. Proposed easement, deed restriction or general restrictions language shall be provided on the proposed plan as well as any required separate documentation. Any adjacent clearing and grading limits shall be provided in concert with the no-cut buffer upon plans provided for final review.
 2. Upon any approval, no but buffers shall be clearly delineated on site by installing orange 4ft. tall heavy duty plastic snow or safety fencing securely attached to steel (14 gauge min.) U channel fence posts spaced no greater than 25 ft. apart at all clearing facing or publicly accessible frontage prior to commencing any grading or construction and shall remain through completion of construction. The location of fencing shall be established on plan prior to any action.
 3. Signage printed on laminate or otherwise protected from weather of at least 8 1/2"x 11" noting "No tree cutting or disturbance permitted at any point. More information can be obtained from the Village of Marvin Planning and Zoning Administrator." The

signage shall be posted at minimum every 50 feet along all fencing.

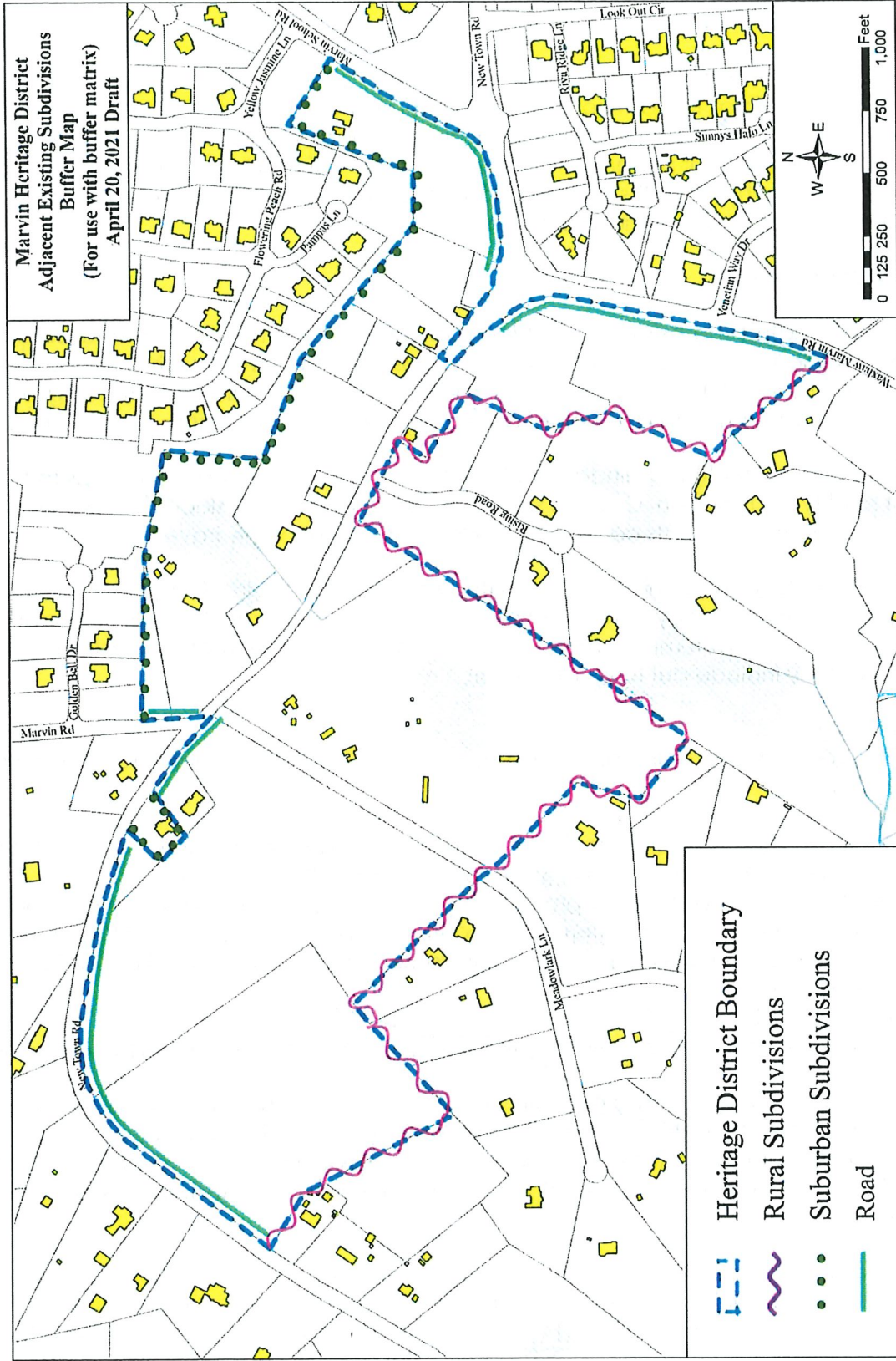
4. The no cut buffer shall be shown on final site plans and/or subdivision plats.
 5. Should a site with a no cut buffer be sold or conveyed to another party, proof of the new owner's acceptance of the requirement to preserve the no cut buffer is required to be provided to the Planning and Zoning Administrator. Such correspondence should include all relevant project information including Tax Parcel ID and a copy of the most recent plans as an attachment.
 6. Refer to the section entitled, "General Standards, Tree Protection and Mitigation" for penalties when trees are removed in the no cut buffer that are 30" or more in diameter at breast height (dbh) without consultation with the Urban Forester.
- b. Suburban Residential: The "Suburban Residential" existing use consists of the Preserve at Marvin neighborhood and the Coates' House at 10213 New Town Road. The properties in this use can have cluster residential adjacent, but that cluster residential must serve as a buffer between this existing use and commercial in the MU subdistrict. This use is buffered from commercial in the CO subdistrict by a 100' buffer as it is consistent with the buffer from other commercial Zoning Districts in Marvin.
- c. Major Road. Most properties in the District front a major road. Downtown districts typically have commercial buildings abutting the road with just a sidewalk in between, however, there is a prevailing sentiment to preserve the rural feeling while driving down the major roads. Therefore, the viewshed buffer/viewshed plaza depth shall be at least 50' and the residential viewshed shall be at least 85' deep for suburban-size lots and 100' deep for cluster-style lots.

Allowable Adjacent Uses and Buffer Matrix

PROPOSED USE	EXISTING USE		
	Rural Residential	Suburban Residential	Major Road
MU & RO Large Lot Suburban Residential (1 acre lot minimum)	25 foot tree buffer	25 foot tree buffer	85 foot tree buffer
MU & RO Medium Lot Residential (20,000 s.f. lot minimum)	50 foot tree buffer	25 foot tree buffer	85 foot tree buffer
MU & RO Small Lot Cluster Residential (10,000 s.f. lot minimum)	A No-Cut tree/vegetation buffer width of 75 feet shall be preserved. If existing trees do not provide a fully opaque buffer, vegetative screening must be installed and maintained to enhance the buffer within the 75 foot buffer width.	25 foot tree buffer	100 foot tree buffer
MU – Commercial	<i>Not Allowed to be Directly Adjacent</i>	<i>Not allowed to be Directly Adjacent</i>	50 foot viewshed/ public plaza space
CO – Commercial	<i>Not Allowed to be Directly Adjacent</i>	100 foot tree buffer from new buildings and as much depth as possible for existing buildings and 1 row of evergreens	50 foot viewshed/ public plaza space (existing buildings exempt from min. depth)
MU – Existing	2+ Rows of Evergreens and Opaque Fence	1 Rows of Evergreens and Opaque Fence	1 row of canopy trees 40' apart
Civic – All Uses	50 foot tree buffer	50 foot tree buffer, more may be considered as minimum for special uses	50 foot viewshed/ public plaza space
All Districts – Open Spaces	25 foot tree buffer	25 foot tree buffer	25 foot tree buffer

Notes:

- Tree species for landscaping shall be chosen from the Appendices of Chapter 93 or reviewed by the Planning and Zoning Administrator or Urban Forester.
- Fences shall be between 5' and 8' in height and have natural themes (brick, wood, no chain-link) and variation in relief and height across the expanse.



Streetscape:

The streetscape is a vital component of the District, and so the construction of amenities and features along the Major Roads should be coordinated between the Village and potential developers. At minimum, the typical streetscape of the Major Road shall have at least 50' of depth between the edge of pavement and the front face of buildings, and shall consist of the components below, whose widths can be negotiated beyond the ranges listed by at most 50% width up or down based on special circumstances.

Major Road Cross Section.

Travel Lane (10' width): The existing 10' wide travel lanes should not be widened, so as not to encourage vehicle users to drive faster. Travel Lanes may be paved with different materials either throughout the district or at pedestrian crossings. Signs or banners extending over and above the lanes are permitted at a height appropriate for vehicular traffic to pass safely.

Drainage Ditch (5' – 8' width): Drainage ditches are required along the major roads to preserve the current rural typical section. Grassed shoulders with at most a 1:2 slope shall be required for a few feet to prevent accidents caused by drivers straying out of the travel lane.

Street Furniture and Landscaping (6' – 10' width): This area of the streetscape is meant to both buffer the pedestrian travelway from the vehicle travel lane, and provide amenities to enhance the experience. The street furniture must include landscaping and trees at least one every 40 linear feet and may include but is not limited to:

- Benches
- Planters/other landscaping approved by the Parks, Recreation, and Greenways Board
- Trash Cans
- Lamp posts
 - seasonal/event signage/flags/banners hanging from lamp posts allowed if approved by the Planning Board or relevant MHD Review Board
- Wayfinding signs and kiosks, approved by the Planning Board or MHD Review Board
 - Electronic, digital, or interactive wayfinding kiosks are permitted if designed with muted materials and inward facing lighting and dimmed or off past midnight
- Bike repair station
- Drinking Fountain
- Historical Marker Signs, approved by the Planning Board or relevant MHD Review Board

Trail or Sidewalk (6' – 10' width): The pedestrian trail is a crucial part of the streetscape and shall be designed with the pedestrian experience in mind. This experience involves distance and buffer from the travel lane, interaction with street furniture, avoidance of utilities, access to viewshed plazas and other pedestrian paths, proper alignment of pedestrian crossings and curb cuts, for example.

Street furniture and the front of the viewshed plaza shall be designed to interface with the trail. The trail may also meander around existing heritage trees, signs, and buildings in such a manner that the widths of the street furniture and viewshed plaza areas can be negotiated for the sake

of preservation and improvement of the pedestrian experience. This is intended to be a multi-use path that can comfortably fit pedestrians and slow cyclists simultaneously.

Viewshed Plaza (12' – 20' width): The area between the sidewalk and the face of the building shall provide direct pedestrian paths from the trail and the buildings. Public Spaces along a major road must be visible from the road but buffered with distance, street furniture, and landscaping. The Viewshed Plaza shall be activated for outdoor enhancement and enjoyment of the building's use, in ways including but not limited to:

- Seating for restaurants
- Playground or passive park
- Limited display of merchandise (displays that are intended to advertise and draw attention but are not related to the products sold, such as animated machines or inflatables are prohibited)
- Landscaped lawn
- Temporary outdoor dining enclosures can be in the front by Special Use Permit

Balcony, Patio, Awnings, Arcades, etc. (up to 15' from the face of building, can extend into the viewshed plaza): This section refers to any covered or open architectural feature attached to the building and intended to provide a space for enjoyment of the use in the building. These features can extend and overlap the depth of the viewshed plaza up to 15'.

Residential and Internal Commercial Cross Section.

The Residential and Internal Commercial Cross Sections can be flexible depending on the needs and design of the development but shall consist generally of the components below.

Travel Lane (10' – 12' width): The travel way can be one-way or two-way depending on the design of the neighborhood. There shall only be one lane per direction on any street in the district unless specified by NCDOT or the Village Engineer.

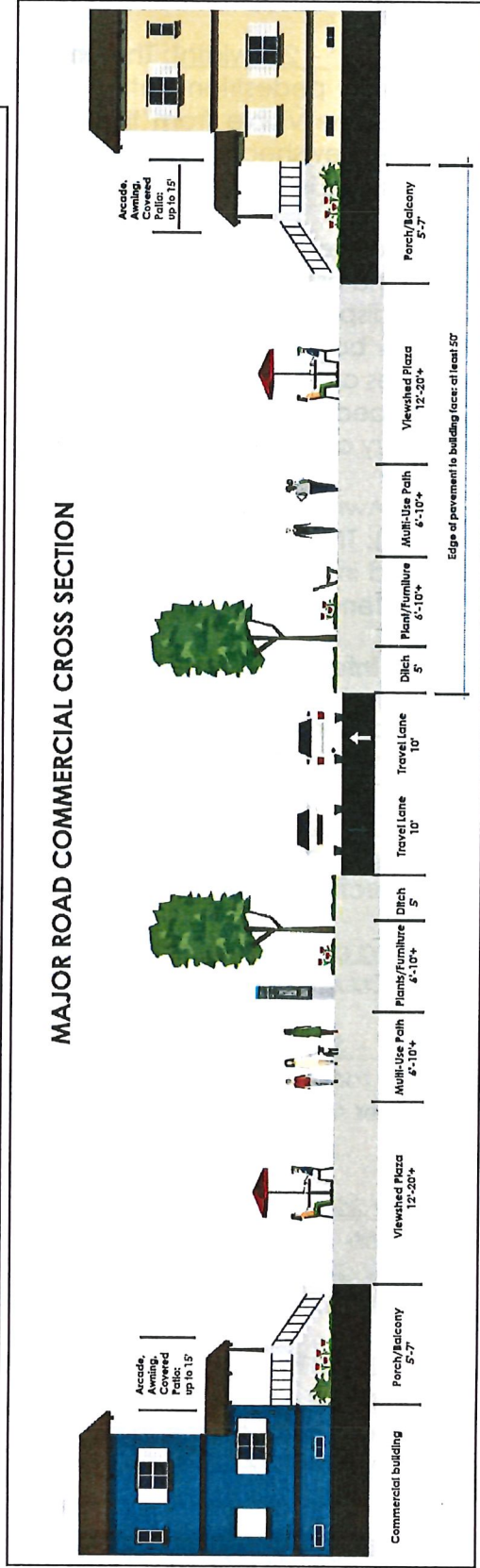
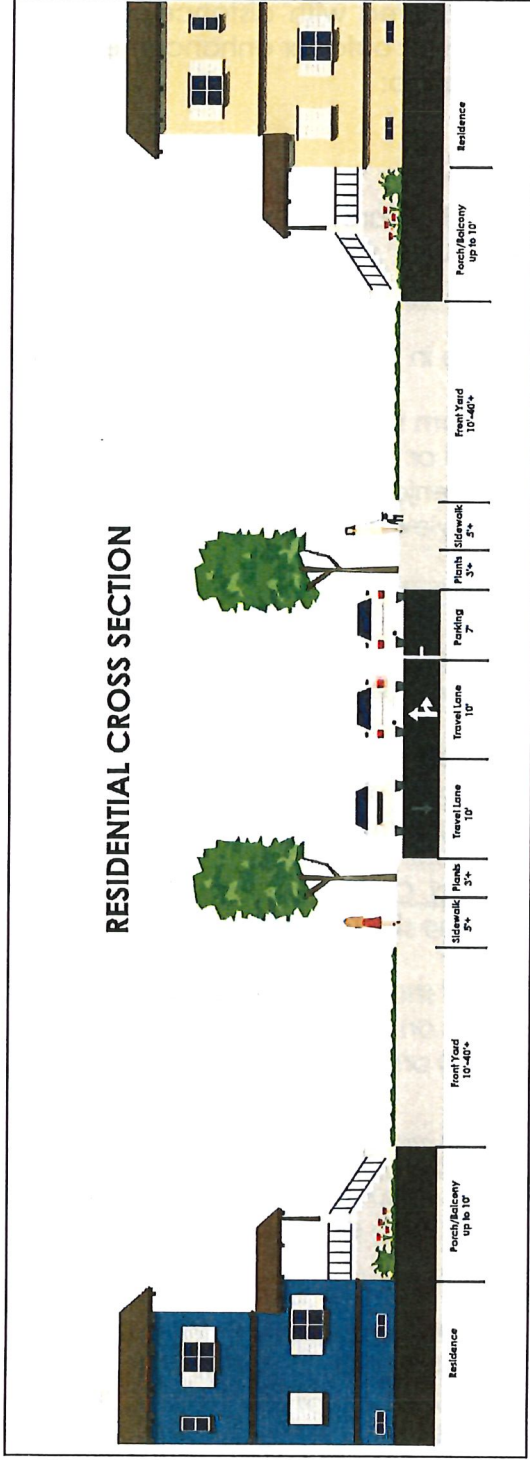
On street parking on one side only (7' – 9' width incl. Curb and Gutter (1' – 2')). This is optional and can be encouraged based on the design of the site to help with traffic calming.

Planting Strip (2' – 5'): Trees and planting strip width should be considered in tandem such that there is enough room for roots to grow depending on the species. Tree pits, Rubbery asphalt, pavers, and other methods should be considered to protect the long-term health of trees in the planting strip.

Sidewalk on any side of the street that has buildings (5' – 8'): The pedestrian experience shall be considered when deliberating the cross section and pedestrian travel routes. Materials, minimized crossings, landscaping, raised crossings, etc. shall all be considered in the design phase to maximize pedestrian safety and comfort.

Lawns and Porches. There shall be no minimum or maximum depth for lawns and balconies in this section, however, the building type front setback shall still apply. For the purposes of this district, the setback shall be measured from the front face of the building to the edge of the right-of-way. Any porch or balcony may extend past the building front setback line.

The following cross sections are representative of acceptable cross sections, but not the exact or only allowed cross section.



Parking

Minimum Parking Spaces by Land Use. In significant contrast to a conventional zoning district, this form-based code shall not regulate a minimum number of parking spaces by land use throughout the Heritage District, except to have Americans with Disability Act (ADA) compliance. This District is envisioned to host unique types and combinations of land uses and development patterns in a rural-type environment, which does not lend itself to an otherwise conventional suburban-type minimum parking space requirement. Therefore, the minimum number of parking space proposed for development is voluntary. Instead, the parking regulations shall focus on the appearance and functionality.

ADA Compliance minimum spaces. To achieve compliance with the ADA, the number of parking spaces required to comply with ADA must be in accordance with the table below based on the number of parking spaces proposed.

Accessible Parking Space Requirements				
Total Parking Spaces Provided	Min. No. of Accessible Spaces Required	Minimum Number Required By Type		
		Regular (8 ft. + 5 ft.)	Van (8 ft. + 8 ft.)	Side-Loading Van
1 to 025	1	0	1	0
26 to 050	2	1	1	0
51 to 075	3	2	1	0
76 to 100	4	3	1	0
101 to 150	5	3	2	0
151 to 200	6	4	2	0
201 to 300	7	5	2	0
301 to 400	8	6	2	0
401 to 500	9	6	2	1
501 to 1000	2% of total	Required total less van spaces	1 in 4 total accessible spaces	1 for every 3 van spaces
1001 and Over	20 plus 1 for each 100 over 1000	Required total less van spaces	1 in 4 total accessible spaces	1 for every 3 van spaces

Note: Refer to 4.1.2(5) of the American with Disabilities Act (ADA) and 4.1.2(5)(d) for medical care facilities

Maximum Number of Parking Spaces. The maximum number of parking spaces that can be proposed is 1 parking space per 200 s.f. of buildings in total. Additional parking spaces can be

considered up to 1 space per 150 s.f. with a shared parking agreement with different developments.

Location of Parking Lots. Parking lots (including stacking lanes, loading areas, service areas and parking stalls) shall be located behind the established front building line of the structure closest to the major road. Parking is only allowed on the side or rear of buildings.

Parking Surfaces. Parking surfaces of parking lots having more than 10 parking spaces must be paved. To achieve compliance with the ADA, accessible parking spaces and accessibility routes to buildings must be paved. When pavement is not used for the remainder of the parking lot, gravel, stone or turf may be used, but parking stalls must be delineated with wheel stops at the outer limit of each intended parking space. If an unpaved surface is shown to cause issues with materials spreading out of the property, the Village may require the property owner to pave the parking lot.

Screening Parking Lots. All parking lots shall be screened with 95% opaque landscaping and agriculturally themed fencing to screen lots from view of major roads and all existing uses. Parking lots must be screened from view of existing and planned greenway trails with landscaping and/or fencing.

Internal Landscaping. Parking Lots with vast expanses shall be avoided. Parking lots and stalls shall be designed and divided by landscaping per the standards in §151.165(H) and (I).

Connection of Parking to Buildings. Walkways shall be installed between parking areas and building entrances through the installation of hardscape surfaces such as concrete and/or pavers. ADA accessible routes from accessible parking spaces to main entrances must not exceed a distance of distance 200 feet.

Bicycle Racks. Bicycle racks that are designed to accommodate four bicycles are required at each retail land use near main entrances.

Plug-in Electric Vehicle (PEV) Charging Stations. The installation of PEV charging stations are encouraged in restaurant parking lots within a designated parking space.

Shared Parking and Ownership. All Parking spaces not on the lot of a commercial use building shall be shared parking and on a common-ownership lot.

Street Network Design

The following design factors shall be incorporated into the street network design and traffic patterns to mitigate for increased traffic and improve pedestrian and vehicular flow.

No Left Turns in or out on New Town Road between Marvin Road and Marvin School Road: Traffic wanting to turn into a driveway on their left must go to the next roundabout for a U-Turn and turn right into that driveway. Also, traffic exiting a driveway wanting to turn left must turn right and take a U-Turn at the next roundabout. Rising Road and Church driveways may be exempted from No Lefts In and Out.

Comment from NCDOT: "If the driveway will be right-in/right-out only it could be within about 100 feet [from a roundabout]. If the driveway will be full movement, several hundred feet (400-600' minimum) would be typical.

Shared driveway of Old Crane Store, Scott White's Property, Vasireddy property, and future Village Hall should be **considered as a fourth leg of Waxhaw-Marvin Roundabout:** Driveways to these properties where they currently are would be too close to the roundabouts for full-movement given commercial use. The site plan for each of these properties should show connectivity between their parking lots in the rear to reduce the number of individual driveways on New Town Road and prevent driveways too close to the roundabouts.

Sidewalks on both sides of New Town Road, Commercial Area: Will increase trips generated by walking/biking, thus reducing trips generated by vehicle

Trails built around lakes: Shall provide pedestrian access and feature two beautiful lakes in our Village Center area and further incentivize people to walk to Heritage District instead of drive. Houses may front the lake behind the trail, but must not have driveways that cross the trails that encircle lakes.

No Public Driveway from Private Roads; Meadowlark Lane and Rising Road: To protect Meadowlark and Three Pond Acres neighborhoods' rural character and prevent external vehicular traffic on those streets, there shall be no public driveway to any MHD property from the Private portion of Meadowlark Lane or Rising Road. However, pedestrian connectivity shall be encouraged. A turnaround/cul-de-sac built shortly down the road from the roundabout on Meadowlark Lane may be encouraged to allow people to turn around without intruding in private property.

Request NCDOT to Reduce the speed limit on New Town Road to 25 MPH. Then, consider speed humps.

Cross walks shall be added at roundabouts.

Viewshed depth, streetscape, and speed limit should be coordinated together.

Parks and Greenways Master Plan must be fulfilled: Not necessarily along the exact route drawn on the plan, but the end-to-end connections must be satisfied using a path of at least 6' width and asphalt material.

Site plans shall anticipate connectivity to adjacent plans. Both vehicular and pedestrian stub outs shall be incorporated where applicable to connect development proposals to adjacent HD properties, even if that adjacent property is not developed or developing.

Signage

The regulations outlined herein pertain to nonresidential developments in the Heritage District. Signs in residential-only areas must be built in accordance with the relevant sign ordinance in Sections 151.140 through 151.152 and, if for a Home Occupation, per Section 151.045(J).

- a. Freestanding signs shall be no higher than eight (8) feet.
- b. Signs attached to buildings shall be no higher than twelve (12) feet.
- c. Signs shall be constructed of natural materials (such as wood, brick, or stone) or constructed of materials that successfully simulate these natural materials.
- d. Signs must not be internally lit and the bulb(s) of proposed lighting must not be seen directly by motorists or adjacent residential property owners.
- e. The maximum area of freestanding signs is calculated as twenty-five percent (25%) of the linear property frontage. For example, a property that is 60' wide may have a freestanding sign up to 15 sf. Freestanding signs shall not exceed twenty (20) square feet. Total signage area shall not exceed fifty (50) square feet regardless of property frontage.

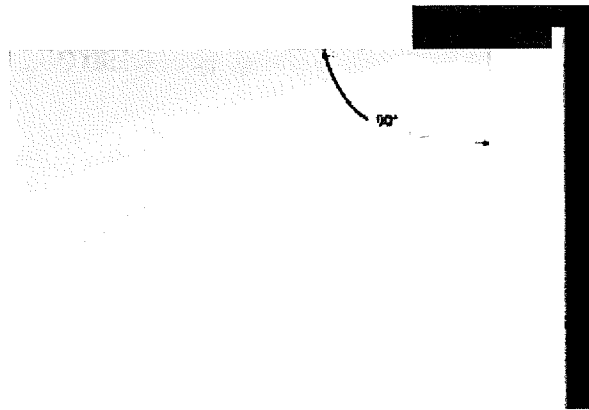


Miss Olivia's Table in Maryville, TN Historic District demonstrates the above sign regulations.

Lighting

Outdoor lighting requirements applicable throughout the Village of Marvin, including property within the Heritage District shall comply with Chapter 152: Outdoor Lighting. In addition, to requirements in Chapter 152, the following outdoor lighting requirements are applicable to property within the Heritage District.

- a. (Light posts: Light posts that will be visible from adjacent residential properties shall not exceed fifteen (15) feet in height and shall have a dark finished paint color such as dark gray, dark brown, dark green or black.
- b. Light fixtures that permit light to project up are prohibited. All outdoor light fixtures should be full-cutoff fixtures which do not allow light to be emitted above ninety degrees (90°) (see illustration below).



- c. Light fixtures used for architectural lighting, such as I, feature, landscape and sign lighting, shall be aimed or directed to preclude light projection beyond immediate objects intended to be illuminated.
- d. External wall or roof mounted flood lights shall not be installed on walls that face abutting residential uses without landscaping or other means to shield the view of such lights from residential properties.
- e. Neon and bare fluorescent light tubes in any form on the exterior of a building or any other structure is prohibited.
- f. Animated lights: Flashing, blinking, strobe, neon, and searchlights are prohibited. Neon lights that are located either inside and/or outside of windows and doors are prohibited. Temporary Seasonal or Holiday lighting is permitted which meets Marvin's Outdoor Lighting ordinance, not to be installed for more than 30 days.
- g. Photometric plans shall be required by the Planning and Zoning Administrator to ensure lighting shall not affect surrounding residential uses. Light trespassing shall not exceed one (1.0) foot-candle at any property line that adjoins residential uses or property zoned for residential uses.

Historic Preservation

Applicability. This section includes all existing structures fronting New Town Road at the time of adoption of this Form-Based Code.

Requirements.

- a. Property owners of buildings that front New Town Road which have historic character are encouraged to retain, renovate, and where appropriate, repurpose the buildings' use to uses permitted within the Heritage District.
- b. Exteriors of alterations and additions shall be consistent and reinforce the historic architectural character of the entire structure and shall comply with standards herein.
- c. New additions and exterior alterations shall not destroy historic materials that characterize the property. New work may be differentiated from the old. To protect historic integrity, any new work shall be compatible with the massing, size, scale and architectural features of the property.
- d. The removal of distinctive materials or alteration of features that characterize a structure shall be avoided.
- e. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design.
- f. Existing churches are to be emphasized in connectivity, adjacent infill, and open space.
- g. Property owners of existing buildings and places having historically-contributing character are encouraged to apply for National Historic Landmark (NHL) or National Register of Historic Places (NR) designation with the National Trust for Historic Preservation managed by the National Park Service.
- h. The Current Village Hall at 10004 New Town Road is exempted from the historic preservation requirements of this section, as the proposal to demolish the building upon completion of the construction of the new Village Hall precedes the adoption of the Heritage District.

Tree Protection and Mitigation

All requirements and procedures of tree preservation provisions in Chapter 93 are applicable throughout the Village of Marvin Heritage District along with additional requirements in this Form-Based Code. Trees in the Heritage District that have been determined by the Village of Marvin Urban Forester to be healthy trees that are 30" or more in diameter at breast height (dbh) shall not be removed unless a fee-in-lieu is paid of \$5,000 plus \$500 per inch dbh greater than 30". If the Urban Forester is not consulted before the removal of trees that are 30" dbh or more, the fee shall be doubled. The fee-in-lieu shall be used for the preservation and creation of open spaces in the Village of Marvin. Refer to additional no cut tree buffer protection requirements in the General Standards section.

Exceptions

The following general exceptions are to be considered when reviewing a development proposal:

- All existing buildings shall not be subject to new setback requirements, and additions may be permitted so long as the addition does not increase any nonconformity.

PUBLIC SPACE STANDARDS

Public Open Space Standards and Requirements.

All developed parcels shall provide at least 30% common open space for each parcel or where there are multiple parcels developed as a single project, provided on each parcel or on common open space areas.

The acreage of unique and vast natural areas, such as lakes, shall be counted as part of the 30% requirement because of their value as a natural asset, so long as the site plan incorporates public accessibility and enjoyment of these areas.

The land dedicated as open space shall be platted as such with permanent conservation. Areas platted to meet the open space requirement shall be on a property owned by a common entity (such as an HOA or local non-profit) or dedicated to the Village, and thus cannot be used to meet the minimum lot sizes of commercial or residential buildings.

All public open spaces, parks, and trails must be constructed at minimum to the standards of the Parks and Greenways Master Plan. Additional amenities and wider trails are encouraged.

All public open spaces throughout the district must be accessible and connected by pedestrian trails or sidewalks, and from parking lots where applicable.

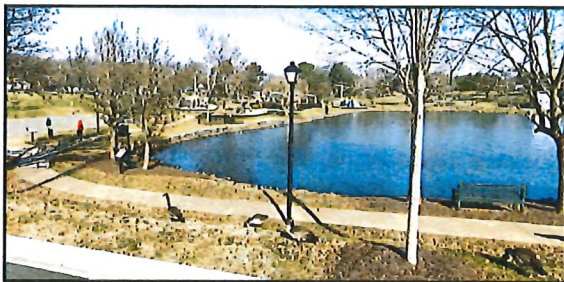
All open spaces with amenities shall be either free to access or the membership fee is equal in cost for both the residents of the neighborhood and all residents of Marvin.

A fee-in-lieu shall be considered at no less than \$70,000 per acre to reduce the 30% open space requirement. The open space requirement shall not be reduced to any less than 25% of the parcel of the proposed development.

The following spaces shall be counted as open space if the respective condition is met:

- **Viewshed Buffers:** Must be designed as plaza spaces in the MU and CO districts, which can be enjoyed either independently or in conjunction with commercial uses.
- **Lake areas:** Must be accessible to the public, for example having an encircling trail and/or fishing pier.

- **Wetland areas:** Must be designed to be accessible to the public having for example boardwalk trails and/or a wetland park or nature preserve park. See for example McAlpine Creek and McMullen Creek Greenways in Charlotte.
- **Stormwater Detention Pond Trail/Park:** Must have a trail encircling the Detention Pond, and have a park area designed to enjoy the view of the pond, and the pond must be designed with decorative features such as retaining walls, fountains, and other features that may be proposed to meet this requirement. See for example Pineville Lake Park.
- **Cemeteries and Native Burial Grounds:** The Village shall commit to build sidewalks to access the Banks Presbyterian Church and Marvin UMC Cemeteries. Historic existing features such as graves, fences, landscaping, and plaza areas shall not be disturbed.
- **Church Groves:** These are currently open space but they may be developed into related religious/civic uses later.
- **Unbuilt areas of Village Hall property:** Must be developed as an active and flexible public open space use such as a Farmer's Market or Outdoor Amphitheater.
- **Neighborhood Clubhouse/Amenity Center:** Shall not be counted as public open space unless it is fully accessible by the general public. Reservations of facilities for private events are permitted so long as that ability is available to all Marvin residents.
- **Any other created or natural open space listed in the Open Space Type Matrix:** Shall be accessible by pedestrians from the edge of the property without obstruction (during reasonable hours of the day). Linear Parks and Trails shall count towards the requirement as the acreage (length x width) of the trail and surrounding landscaping.



Example of trail around stormwater detention pond at Pineville Lake



Example of a Wetland Trail/Park at McAlpine Creek Greenway Lake Park

Open Space Type Matrix

R- Required where applicable

P- Permitted

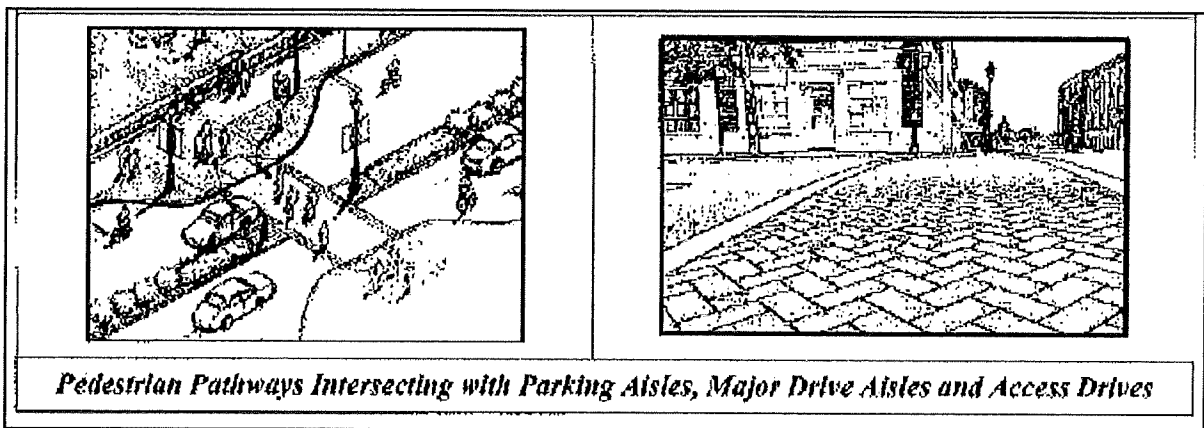
S- Special Use Permit

Open Space Type	HD-RO	HD-MU	HD-CO	HD-Civic
Playground	P	P	P	P
Pocket Park	P	P	P	P
Viewshed Plaza		R	R	P
Large Passive Park	R	P	P	P
Wetland Park/ Lake Trail Park	P	R	P	P
Stormwater Detention Pond Trail/Park	P	P	P	P
Linear Park / Greenway Park	P	P	P	P
Dog Park	P	S	S	
Active Park		S	S	
Farmer's Market		S	S	S
Amphitheater		S	S	S
Neighborhood Clubhouse/Amenity Center	S	S		
Food Truck Plaza				S
Cemetery (Existing do not require special permit)	S	S	S	S

Pedestrian Amenities and Connectivity (funding, phasing, operation and maintenance)

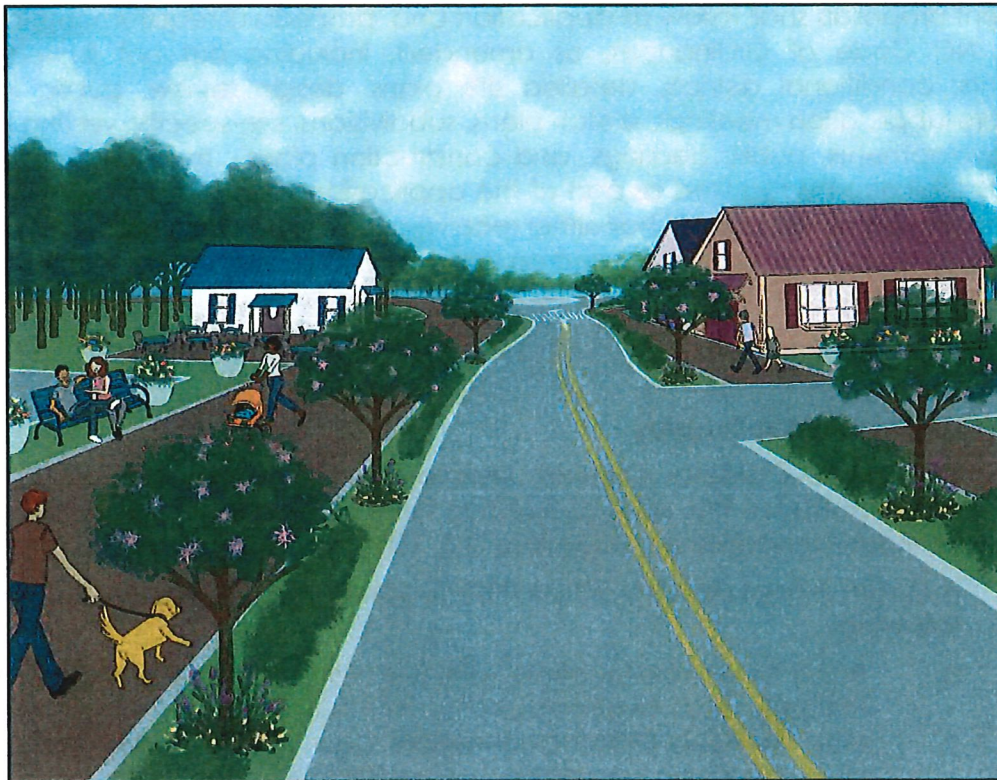
- Connectivity Standards
 - Developments with trail networks on the Parks and Greenways Master Plan must provide the trail connection from one side of the property to the other.
 - Developments must provide stubs for driveways and trails to neighboring properties wherever reasonable to maintain continuity of travel through properties that have not been developed yet.
 - Pedestrian travel routes must be prioritized from each entryway and parking lot to each use, and the number of driveways that cross pedestrian travelways must be minimized.

- Amenity Standards
 - The Pedestrian and Cyclist experience shall be prioritized over driving, and that experience must be considered when deliberating site specific design plans.
 - Traffic Calming methods shall be considered and included in roads, drive aisles, and parking aisles within the site plan, and along the major road, including but not limited to:
 - Speed humps,
 - Raised Crosswalks and raised intersections,
 - Pedestrian beacons/push-buttons (on major roads, not within developments)
 - Pedestrian-friendly materials. Materials used in pedestrian-oriented spaces shall be attractive, durable and slip-resistant. Materials must be compatible in terms of themes, colors, textures and patterns with a development project's design. Surfaces in pedestrian circulation areas shall be constructed from materials that provide a hard, stable surface and permit comfortable maneuverability for people of all abilities.
 - Pedestrian walkways separating parking from on-site buildings. All vehicular use areas shall be separated at least ten feet from building façades by sidewalks and landscaping.
 - Where pedestrian pathways intersect drive aisles. Wherever a pedestrian pathway crosses vehicular pavement the pathway shall be made identifiable with a grading change at required curbs, curb ramps, the installation of colored, textured pavers or stamped surface material. The material used must clearly differentiate the pedestrian pathway from vehicular areas. Unless otherwise specified, pedestrian crossings shall be at least six feet wide.



- Funding and Phasing
 - The Marvin Loop Trail (North side of New Town Road, with crosswalks across New Town Road in some places) is a federally-funded project and shall be incorporated in all applicable site plans in the District. Furthermore, developers shall be required to fund their proportionate portion of the local match or construct that section of the trail. Developments shall be required to create an easement or create a property which shall be dedicated to the Village for the Loop Trail. See Exhibit G for a map of the Marvin Loop Trail alignment.

- Other grants may be pursued by the Village to fund trails and open spaces; developers are invited to assist with the applications for grants as desired.
- Operation and Maintenance
 - The Village shall operate and maintain all trails and public spaces dedicated to the Village.
 - Public Open Spaces not dedicated to the Village must be maintained privately and obligated by a Maintenance Plan and Agreement signed by the owner and the Village.
- Fishing
 - Any natural lake, pond, or stormwater detention pond designed and maintained to have fish shall be open to the public and accessible per the open space standards of this chapter.
 - Areas intended for fishing shall be covered under a Maintenance Plan and Agreement between the property owner and the Village.



Concept Rendering of Major Road Streetscape

ADMINISTRATION

Administration.

The Heritage District (HD) boundary has been adopted on the Official Zoning Map as an eligible area for property owners within the HD boundary to voluntarily apply for rezoning to HD Conditional Zoning District(s) shown on the Regulating Plan. The area within the HD eligible area, already zoned Residential I, shall remain Residential I until rezoning applications for one of the HD conditional zoning subdistricts or any other conventional zoning district listed in the Zoning Ordinance are submitted and adopted. This HD boundary does not invoke additional regulations on properties within the HD eligible area prior to rezoning to one of the HD subdistricts.

Application Procedure and Requirements.

Voluntary rezoning to one of the Marvin Heritage Districts and concurrent and subsequent development proposals shall follow all application and procedural requirements in the Village of Marvin, NC Code of Ordinances, as amended, including but not limited to zoning amendments: conditional districts, detailed site plans, design review, public involvement meetings, pre-application meetings, sketch plans, subdivisions, site-specific vesting plans, multi-phased developments, public hearings, and construction plans. In addition, development agreements shall also be required as part of the application process as set forth in this Code. New or changing commercial uses shall either receive a commercial zoning permit per § 151.182 or a special use permit per § 151.100 based on which permit is needed according to the Table of Use matrix in this section.

Development Agreements.

Authorization and Applicability.

1. The North Carolina General Statutes authorize the use of Development Agreements for the development of land in accordance with the criteria and procedures established in sections G.S. 160D-1001 through G.S. 160D-1012.
2. A Development Agreement shall be required as part of any application for the following:
 - a. Apply to, and concurrently with, submittal of all rezoning applications to the Heritage District-Residential Only (HD-RO), Heritage District-Mixed Use (HD-MU), Heritage District-Commercial Only (HD-CO), and Heritage District-Civic (HD-Civic) conditional zoning districts;
 - b. Apply to, and concurrently with, all new development projects within the Heritage District-Residential Only (HD-RO), Heritage District-Mixed Use (HD-MU), Heritage District-Commercial Only (HD-CO), and Heritage District-Civic (HD-Civic) conditional zoning districts; and
 - c. Apply to, and concurrently with, subdivisions within the Heritage District-Residential Only, Heritage District-Mixed Use, Heritage District-Commercial Only, and Heritage District-Civic conditional zoning districts where new street infrastructure will be developed.

Content of Development Agreement

1. The development agreement shall establish the period of time for completion of the development and construction of the project subject to the agreement.
2. The development agreement shall establish the property to which the agreement shall apply by metes and bounds description attached to the agreement as "Exhibit A".
3. The development agreement shall cite all terms and conditions applicable to the development of the land subject to the agreement including standards and/or specifications that differ from the provisions of this Ordinance.
4. The development agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development.

Procedures for Entering into Development Agreements

1. The development agreement shall be drafted in a format as directed by the Planning and Zoning Administrator. The development agreement shall then be presented to the Planning Board for a formal recommendation at a regularly scheduled meeting. Said meeting shall be held prior to notification for a legislative hearing by the Village Council.
2. The development agreement and the Planning Board recommendation shall be published for public inspection and notification shall be made in accordance with the provisions of G.S. 160D-601.
3. The notice for the legislative hearing must specify the location of the property subject to the development agreement, the development uses proposed on the property, and must specify a place where a copy of the proposed development agreement can be obtained.
4. The development agreement shall be presented at a legislative hearing allowing an opportunity for the public to comment on the proposed development agreement. The information presented at the legislative hearing shall be considered by the Village Council in formulating its decision on the approval of an ordinance authorizing approval of said agreement.
5. Upon finding that said agreement is in the best interest of the Village of Marvin, the Village Council may by adoption of an ordinance adopting the development agreement and authorizing its execution by the Mayor, approve such agreement to be administered in full force and effect by the Planning and Zoning Administrator.
6. The development agreement shall be recorded in the office of the Union County Register of Deeds within fourteen (14) days of execution and prior to the issuance of any development permits authorizing development activities to commence.

Administration of Development Agreements and Termination for Material Breach

1. The development agreement shall run with the land obligating the parties to the agreement to any and all stipulations therein and may only be amended in accordance with the laws of North Carolina governing such agreements.
2. The Planning and Zoning Administrator shall conduct a periodic review at least every 12 months, at which time the developer is required to demonstrate good faith compliance with the terms of the development agreement. If, as a result of a periodic review, the Planning and Zoning Administrator finds and determines that the developer has committed a material breach of the terms or conditions of the agreement, the Planning and Zoning Administrator shall serve notice in writing, within a reasonable time after the periodic review, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the developer a reasonable time in which to cure the material breach.
3. If the developer fails to cure the material breach within the time given, then the Village of Marvin may unilaterally terminate or modify the development agreement. In accordance with G.S. 160D-1008(c) the notice of termination or modification may be appealed to the Board of Adjustment in the manner provided by G.S. 160D-405.
4. A development agreement adopted pursuant to this Section shall not exempt the property owner or developer from compliance with the State Building Code or State or local housing codes that are not part of this Ordinance.

Additional Requirements. In addition to the application requirements of the Sketch Plan and Construction Plan, the following shall be required in Sketch Plans and Construction Plans:

1. Elevations of all sides of proposed buildings, where precedent imagery is acceptable in the Sketch Plan phase;
2. Setbacks of all parking facilities from all property lines and description of materials proposed for surface and wheel stops;
3. Samples of exterior materials proposed for all structures;
4. Locations and schematics showing dimensions, appearance, and landscaping for all signs and fences proposed;
5. Clearly depicted pedestrian routes from all entrance points and parking areas to all buildings.

Amendments to the District. Amendments to approved construction plans shall follow the process outlined in Section §151.251(F). The Planning and Zoning Administrator shall use their discretion to determine whether the amendment can be processed as an Administrative Amendment or shall require review and approval by the Planning Board and Village Council based on, but not limited to, factors such as:

1. Materials and features of buildings, landscaping, pedestrian connectivity, utility locations, or any amendments proposed based on requirements from other governmental agencies being equal or superior to the original plans in relation to factors addressed in the Land Use Plan;
2. Setbacks of buildings, vehicular use areas, and appurtenances not being reduced from the original plans; and/or
3. Minor changes to commercial uses approved by special use permit which do not noticeably alter the feel or function of the use.

GLOSSARY

This section provides definitions of terms, phrases, and land uses for application in the Heritage District Form-Based Code and that are technical or specialized, or that may not reflect common usage. For all other definitions, see the Village of Marvin Zoning Ordinance, Chapter 93 Trees, Section 93.06, Chapter 150 Subdivisions, Section 150.015, and Chapter 151 Zoning, Section 151.016.

ABC Store (Listed in Table of Prohibited Uses). An establishment primarily engaged in the retail sale of alcoholic spirits, beer or wine.

Adult Bookstore, entertainment, novelty shop (Listed in Table of Prohibited Uses). A bookstore which: (A.) receives a majority of its gross income during any calendar year from the sale of publications (including books, magazines and other periodicals) which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or anatomical area; or (B.) has a preponderance of its publications, books, magazines and other periodicals distinguished or characterized by their emphasis on matter depicting or relating to sexual activities or anatomical areas.

Amusement gallery, electronic gaming operation (Listed in Table of Prohibited Uses). Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including, but not limited to computers and gaming terminals to conduct games including but not limited to sweepstakes, lotteries, games, and/or games of chance, and where cash or merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds, which have a finite pool of winners. The term includes, but is not limited to internet sweepstakes, video sweepstakes, or cybercafés. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina, or arcade games of skill.

Architectural Feature. An architectural element, which alone or as part of a pattern, embodies the style, design, or general arrangement of the exterior of a building or structure, including but not limited to the kind, color, and texture of building materials, and style and type of windows, doors, lights, porches, and signs.

Auto parts or service store (Listed in Table of Prohibited Uses). An establishment primarily engaged in one or more of the following activities: 1) retail sales of automobile parts, or 2)

diagnostic service, tune-ups, and repair of automobiles.

Auto sale, lease or rent (exclusive of auto lease by a travel agency, not kept on site) (Listed in Table of Prohibited Uses). An establishment primarily engaged retail sales, lease or rent of automobiles.

Awning. A roof or cover that projects from the wall of a building over a door or window, and made of canvas, aluminum or a similar material, which may be fixed in place or retractable for the purpose of shielding a doorway or window from the elements.

Balcony. A platform that projects from the wall of a building and is enclosed by a parapet or railing.

Brewery, Microbrewery. A facility that prepares handcrafted natural beer with consumption on the premises.

Building Entrance. The place of pedestrian ingress and egress to a building most frequently used by the public.

Building Form. The overall shape and dimensions of a building.

Building, Main Body. The primary massing of a building.

Building Type. A structure defined by a combination of its configuration, placement on a lot, and function.

Civic. A term defining not-for-profit organizations that are dedicated to arts, culture, education, recreation, government, transit, and public parking facilities.

Common Open Space. Open space that is (1) owned in common and maintained by the owners of lots in a subdivision (i. e., a homeowner's association), or (2) owned by a private individual or entity but managed and maintained for common use by residents, occupants or customers of the development.

Courtyard. An unroofed area that is completely or partially enclosed by walls or buildings and often shared by multiple residential units or commercial spaces.

Dark Skies. To minimize the light pollution impacts of artificial lighting by selecting light fixtures that point light downward and use shields to reduce lighting beyond their intended areas.

Development Agreement. An agreement between the Village of Marvin and a developer pursuant to Article 10 of G.S. 160D for a large-scale development with a lengthy build-out period and having a public-private partnership component involving mutual financial interests.

Façade, Primary. The exterior wall of a building facing a primary street.

Façade, Secondary. The exterior wall of a building facing a secondary street or side street.

Form-Based Code. A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards are presented in both words and diagrams keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types. This approach contrasts with conventional zoning's focus on the micromanagement and segregation of land uses, and the control of development intensity through abstract and uncoordinated parameters (e.g., floor area ratios, dwellings per acre, setbacks, parking ratios, traffic levels of service), to the neglect of an integrated built form. Not to be confused with design guidelines or general statements of policy, form-based codes are regulatory, not advisory.

Electronic Gaming Operation (Listed in Table of Prohibited Uses). Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including, but not limited to computers and gaming terminals to conduct games including but not limited to sweepstakes, lotteries, games, and/or games of chance, and where cash or merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds, which have a finite pool of winners. The term includes, but is not limited to internet sweepstakes, video sweepstakes, or cybercafés. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina, or arcade games of skill.

Glazing. The windows and other openings in a building in which glass is installed.

Greenway. A linear space that may be defined by tree-lined streets, which tends to have narrow dimensions that support passive use and can serve as a green connector between destinations.

Ground Floor. The floor of a building located nearest to the level of the ground around the building.

Mixed-Use. A single building containing more than one type of land use or a single development of more than one building and use including, but not limited to, residential, office, retail, recreation, public, or entertainment uses, where the different land use types are in close proximity, planned as a unified complementary whole, and shared pedestrian and vehicular access and parking areas are functionally integrated. Mixed-uses may be integrated vertically (i.e. two or more different uses occupy the same building usually on different floors) or horizontally (i.e. two or more different types of uses are placed next to each other on the same parcel, planned as a unit, and connected together with pedestrian and vehicular access).

Night Club (Listed in Table of Prohibited Uses). An establishment primarily engaged in the retail sale of alcoholic spirits, beer or wine for consumption on the premises.

Parapet. A low wall along the edge of a roof or the portion of a wall that extends above the roof line.

Public Facilities. Major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

Regulating Plan. The map of an area designating the locations of subdistrict zones and identifying key elements such as required retail frontages and civic spaces. A regulating plan is typically incorporated into the Village's official Zoning Map.

Restaurant serving alcohol. An establishment primarily engaged in the retail sale of prepared food for on-premises consumption and holds ABC permits for on-premises sale consumption of alcoholic spirits, beer or wine.

Shopfront. A type of frontage, typically for commercial and retail use, where the façade is aligned close to the frontage line with the building entrance at the level of the sidewalk.

Sidewalk. The portion of a right-of-way that is paved and intended exclusively for pedestrian use, and often installed between the curb and adjacent property lines.

Street Frontage. The lot line(s) of a lot fronting a thoroughfare or other public way, or a civic space.

Thoroughfares. A right-of-way for use by vehicular, pedestrian, and bicycle traffic that provides access to lots and open spaces, and that incorporates vehicular lanes and public frontages.

Utility Equipment. Electric transformers, switch cabinets, traffic signal cabinets, telephone or television/ cable cabinets, heating and cooling equipment, and similar devices.

Walkway. A paved way located on one or more lots used for pedestrians and for the exclusive use of the lot owner(s), their guests, and invitees.

EXHIBITS

- Exhibit A: Photos of Existing Building in Marvin Heritage District
- Exhibit B: Photos of Bluffton, S.C.
- Exhibit C: Photos of Other Examples
- Exhibit D: Terminate Vistas Map
- Exhibit E: Pedestrian and Greenway Map
- Exhibit F: Alignment of the Marvin Loop Trail
- Exhibit G: Precedent Imagery of Buffer Types

EXHIBIT A: Photos of Existing Buildings in Marvin Heritage District



McIlwain-Suggs House (Windle House)



Crane General Store



Wilma and William Crane House (Owens House)



Philbrick House



Reasons (Rajan) Barn



J.J. Rone House

EXHIBIT B: Photos of Bluffton, S.C.



Commercial Cottage Style

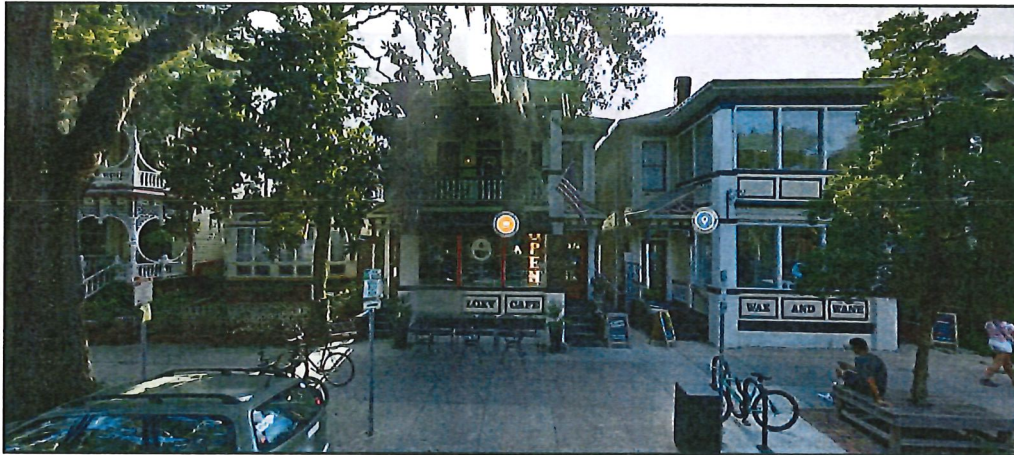


Commercial Bungalow Style



Village House with Professional Office

EXHIBIT C: Photos of Other Examples



Savannah, GA

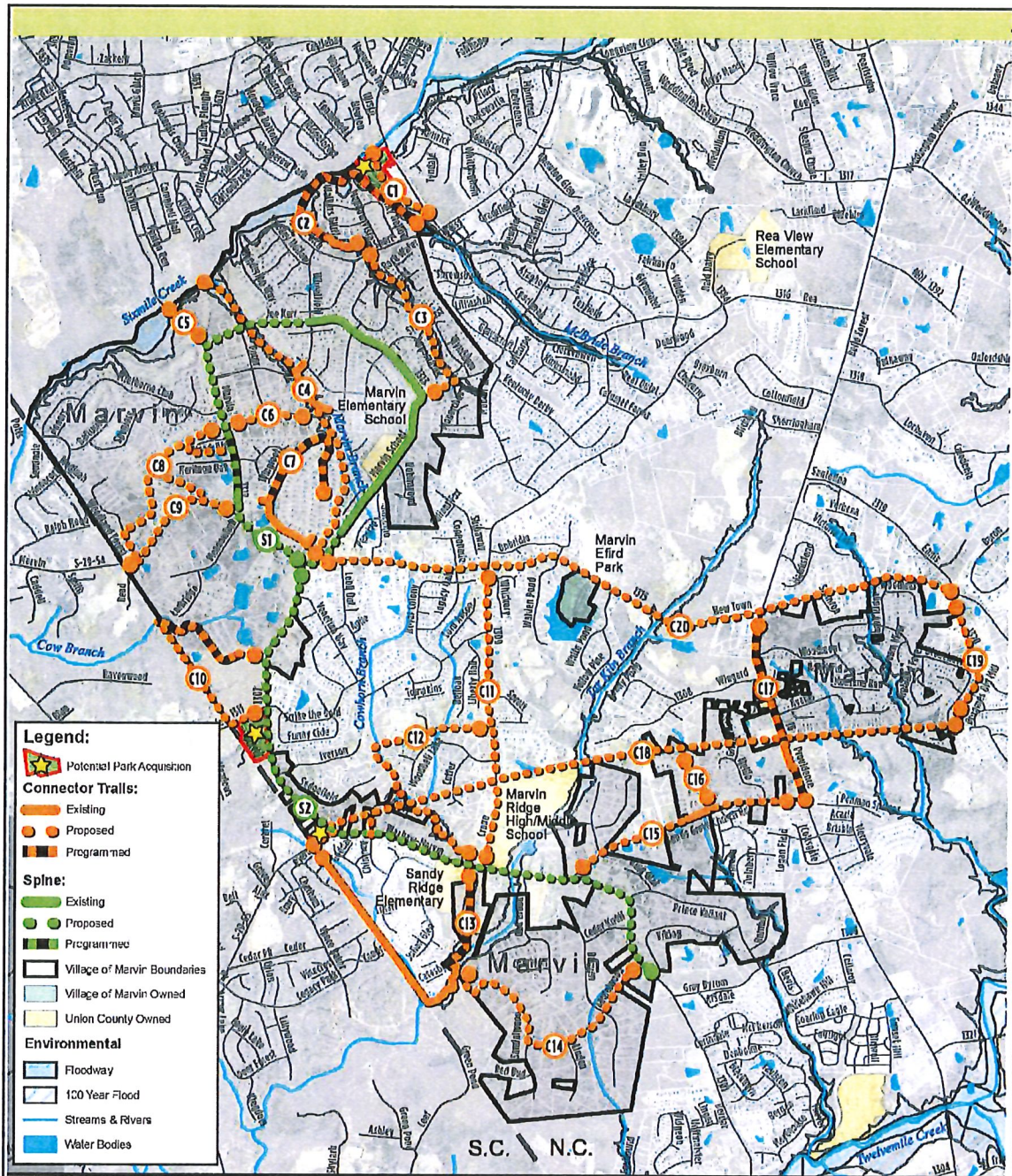


Middle: Long Grove, IL



Kennebunkport, ME

EXHIBIT E: Pedestrian and Greenway Plan



Conceptual Greenway Plan Village of Marvin Union County, North Carolina

0 0.5 1 Miles

**DESTINATION
BY DESIGN**
PLANNING ENGINEERING COMMUNICATIONS



ROUTE SUMMARY MATRIX

Trail Segment	Name	Trail Type	Length (linear feet)	Length (miles)	Location
S1	Marvin Loop	DOT Sidepath/ Typical Greenway	19,715	3.73	Along Marvin School, Joe Kerr, Marvin, and New Town Roads
S2	Waxhaw Marvin Greenway	DOT Sidepath/ Typical Greenway	18,676	3.54	Along Waxhaw Marvin Road
C1	North McBride Branch Greenway	Crushed Stone Path	2,337	0.44	Along north side of McBride Branch
C2	Tullamore Trail	Crushed Stone Path	6,568	1.25	Off road
C3	Wyndham Hall Greenway	DOT Sidepath/ Crushed Stone Path	6,042	1.14	Riparian corridor and along Marvin School Road
C4	Marvin Branch Greenway	Crushed Stone Path	10,252	1.94	Along Marvin Branch
C5	Six Mile Creek Connector	DOT Sidepath	1,508	0.29	Along Marvin Road
C6	Saddle Avenue Connector	Sharrow - on road	2,521	0.48	Along/on Saddle Avenue
C7	Preserve Trail	Crushed Stone Path	6,408	1.22	Off road
C8	Woodland Forest Connector	DOT Sidepath/ Typical Greenway/ Crushed Stone Path	8,622	1.63	Off road and along Woodland Forest Road
C9	Marvin Loop Connector	DOT Sidepath/ Typical Greenway	4,201	0.80	Along New Town Road
C10	Broadmoor Greenway	DOT Sidepath/ Typical Greenway/ Crushed Stone Path	8,169	1.55	Off road and along Stacy Howie Road
C11	Crane Road Greenway	DOT Sidepath	8,277	1.57	Along Crane Road
C12	Cowhorn Branch Greenway	Crushed Stone Path	8,788	1.66	Off road
C13	Chimneys Trail	Natural Surface Trail	9,823	1.86	Off road
C14	Tar Klin Branch Connector	Natural Surface Trail/ Sharrow - on road	7,556	1.43	Off road and along Sandalwood and Laurelwood Lanes
C15	Bonds Grove Church Greenway	DOT Sidepath and Typical Greenway	6,753	1.29	Along Bonds Grove Church Road
C16	Belle Grove Trail	Crushed Stone Path	2,052	0.39	Off road
C17	Providence Road Greenway	DOT Sidepath and Typical Greenway	5,525	1.04	Along Providence Road
C18	Powerline Trail	Natural Surface Trail	18,530	3.51	Duke Power ROW and along Henry Nesbit Road
C19	Broomes Old Mill Connector	DOT Sidepath	3,852	0.73	Along Broomes Old Mill Road
C20	New Town Road Greenway	DOT Sidepath	17,827	3.38	Along New Town Road

Total Length (miles)

34.86

EXHIBIT F: Alignment of the Marvin Loop Trail

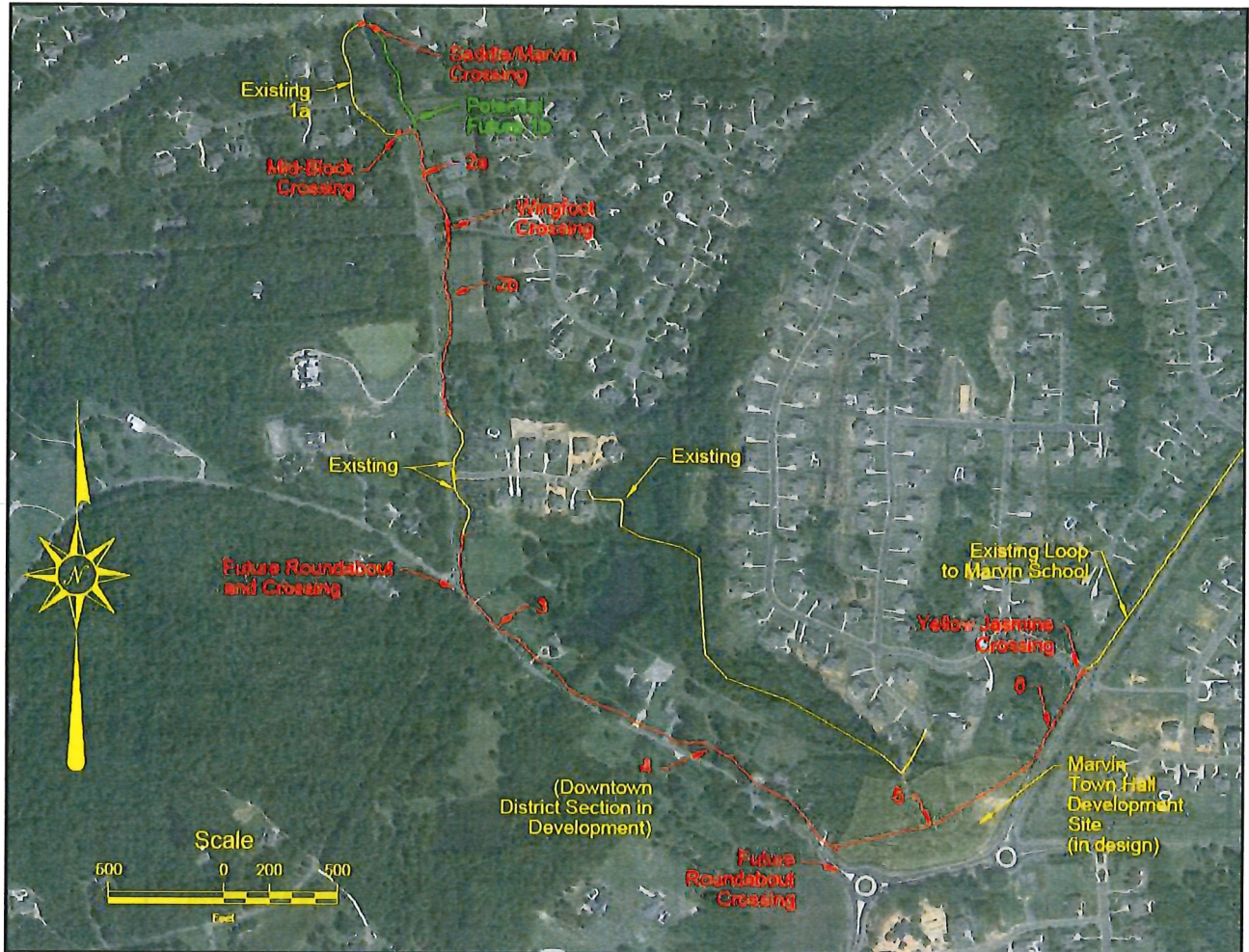
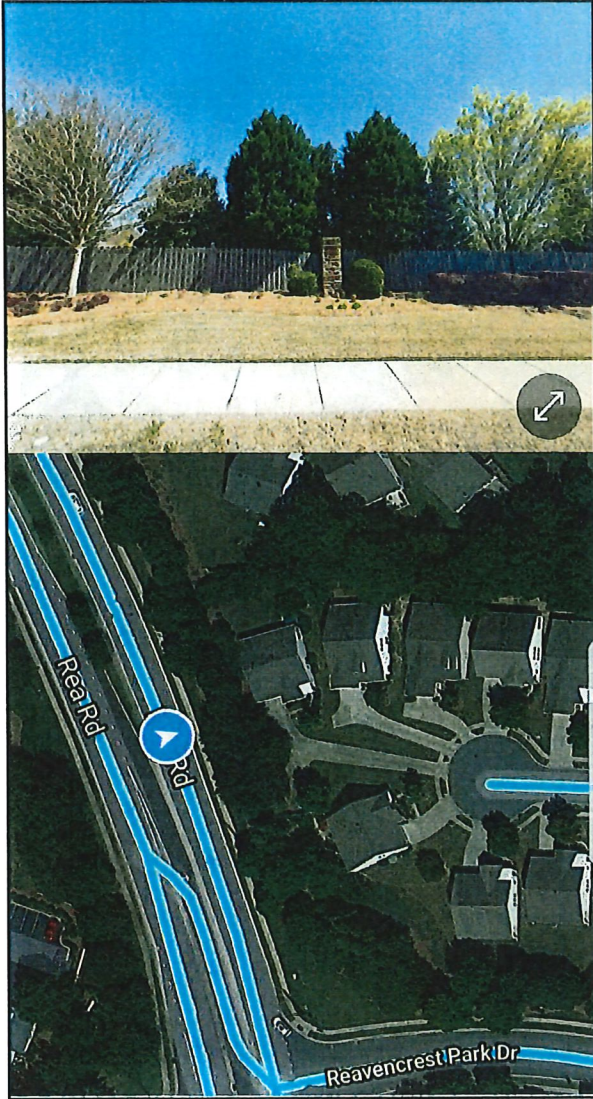
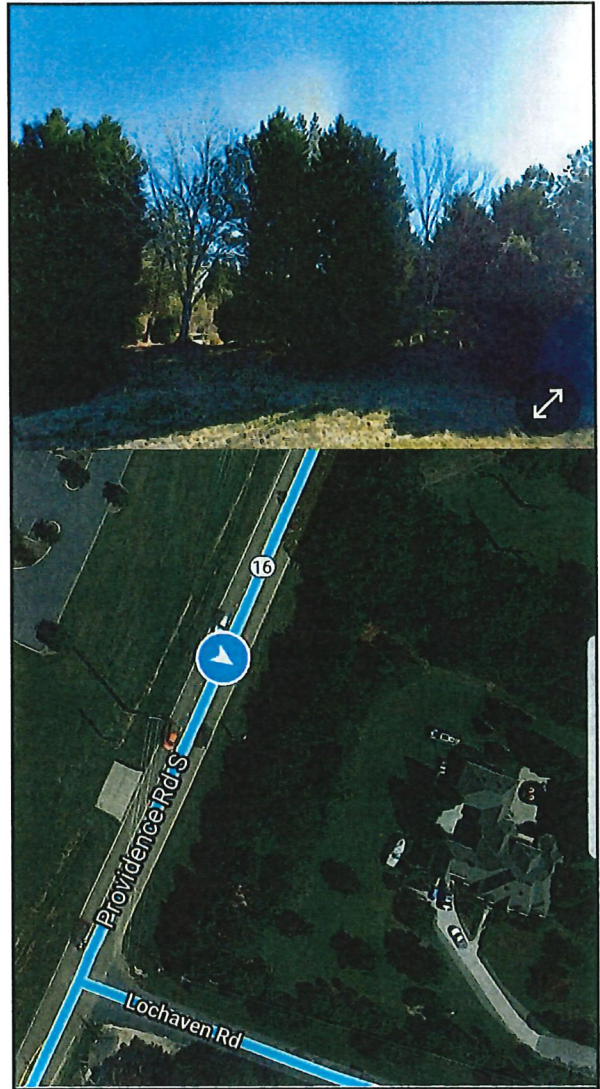


EXHIBIT G: Precedent Imagery of Buffer Types

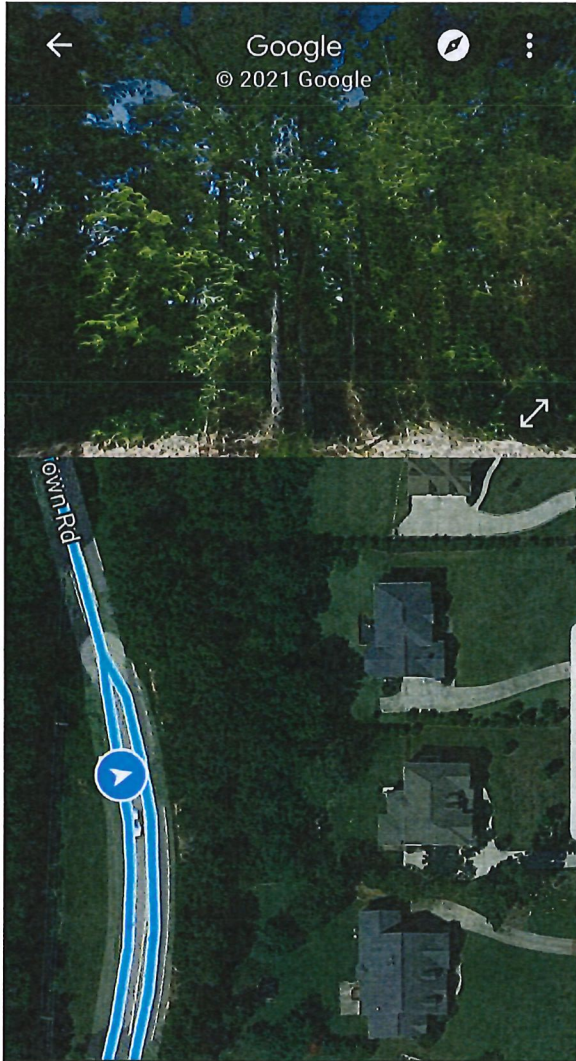


Fence + Rows of Evergreens and Canopies

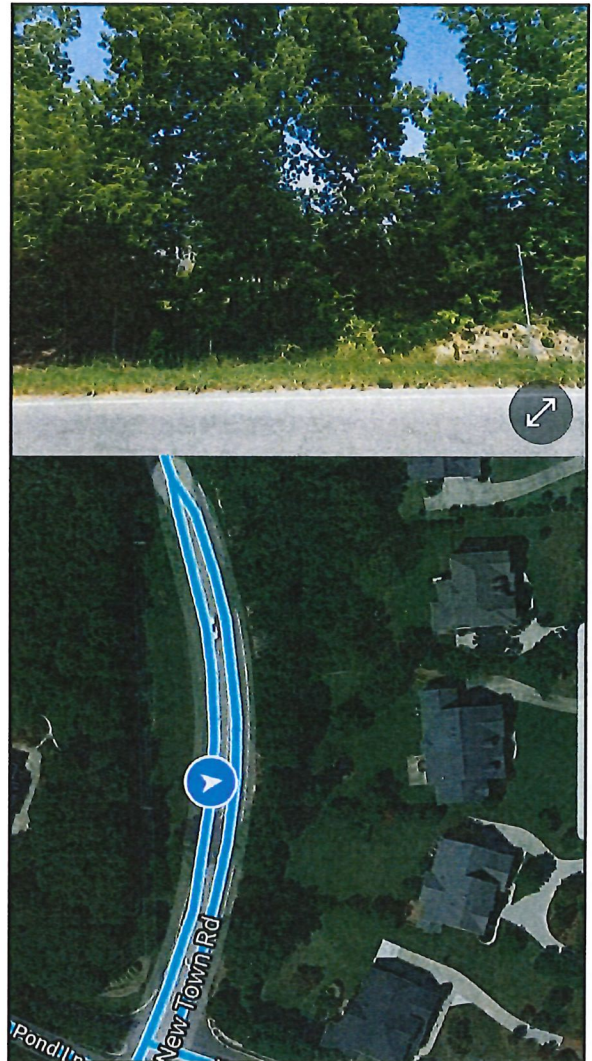


Two Rows of Evergreen Trees

EXHIBIT G (Continued): Precedent Imagery of Buffer Types



100 foot depth of mature trees



~60 feet depth of mature trees



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

DATE: December 6, 2021

TO: Village Council

FROM: Hunter Nestor, Planner and Zoning Administrator

SUBJECT: Consider Call for Public Hearing for Consideration of The Estates at Marvin Branch Preliminary Plat and Construction Plans

Actions Requested by Village Council

Staff request the Village Council Call for Public Hearing on January 11th at 6PM at Village Hall for Consideration of The Estates at Marvin Branch Preliminary Plat and Construction Plans. A Public Hearing is required to approve the Preliminary Plat and Construction Plans for the Rural Subdivision.

Background

Jones Homes USA has submitted their preliminary plat and construction plans for the Estates at Marvin Branch.

LOCATION:

The subject property is a 28.48 acre property on Joe Kerr Road, across from Elysian Fields/Helaina Court, and adjacent to Wandering Way Drive in Marvin Creek. It is just ¼-mile east of Marvin Road, and bordered by the Marvin Branch to the west and Six-Mile Creek to the north.





VILLAGE OF MARVIN

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Analysis

	Existing Land Use	Zoning Designations
Subject Property	Vacant, Field	R-Marvin Residential
North	Residential/Wetland (Ardrey Chase)	R-3 Charlotte-Mecklenburg
South	Residential/Unbuilt (Elysian Fields)	R-Marvin Residential
East	Residential (Marvin Creek)	R-Marvin Residential
West	Residential/Farm (Brantley Farm)	R-Marvin Residential

General: The subdivision application is for 16 homes on 28.48 acres, yielding a density of 0.56 units/acre. There is 37% conservation area, and the subdivision is designed per the conservation/large tract standards in §151.081. This allows 20% of the lots to be at least 25,000 s.f. and the remaining lots to be at least 30,000 s.f.

Greenways: A greenway easement will connect the future Six-Mile Creek greenway to the north, the Marvin Creek Sidewalk if desired by their HOA, and the Elysian Fields Green way to the south. There will be a sidewalk in front of all houses.

Tree Preservation: There is near-zero tree disturbance as the property is currently a pasture. A tree perimeter exists on site which will not be disturbed, and less than 10 trees would need to be removed in the middle area if any. Trees must be planted around Lot 16 to seclude it from view and maintain the minimum tree density of the perimeter buffer (1 tree per 2,500 s.f. i.e. 1 tree per 100 linear feet of the 25' wide buffer). With the intended tree planting, mitigation will be more than satisfied.

Lot Characteristics: The lot characteristics are as follows:

- 50' front yard setback
- 20' side yard setback
- 75' rear yard buffer
- On the east side, the 25' tree perimeter buffer is incorporated into the properties as permitted in §93.22(C)(3). On the west and north, the buffer is outside the lots, at the edge of the property.
- Lot sizes ranging from 29,662 s.f. to 39,903 s.f. with 1/16 lots being between 25,000 – 30,000 s.f. (6%)
- 130' minimum lot width at building front
- 50' minimum road frontage

Drainage: There will be no underground pipes, as the natural property grading lends itself to drainage sheet-flow into the creek and branch. In addition, the development is less than 24% impervious surface, so stormwater detention facilities are not required.



VILLAGE OF MARVIN

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Water and Sewer: This development will utilize Union County Water and Sewer. The sewer will flow into Mecklenburg County, thus avoiding the current sewer capacity issues in Union County.

Viewshed: Council approved the requested exemption to reduce the viewshed buffer to 85' on the east side of the main cul-de-sac while having a 285' viewshed on the west side during the June 8th 2021 meeting. This request is allowable through the subdivision process with a proven hardship per §151.081(E)(1)(a). Elysian Fields was designed in the same way, with an 85' buffer on the east side of the road and a greater-than minimum viewshed on the west side of the road. The developer of Elysian Fields petitioned to the council the hardship that the 200' DEQ buffer reduced the buildability on the west side, and was granted that exemption. Lots 15 and 16, which would lie in the reduced viewshed must be sheltered from view of the neighbors and road per the same ordinance above.

Other agency notes (Plans will be sent out to outside agency for review):

NCDOT: May require a right turn lane west bound on Joe Kerr Road

Union County Public Schools: The subdivision would add approximately 16 schoolkids Pre-K -12

NC DEQ: 200' buffer on both North and West borders are satisfied

Public Involvement Meeting: Approximately 9 people attended each of the on-site portion and the Village Hall portion on May 5, 2021. Questions posed included tree preservation, rear buffers on the side adjacent to Marvin Creek, greenway alignments, road curvature, house model information, traffic, and school impact. Most residents were satisfied to the answers to their questions. Some comments caused revisions to the plans, most significantly a revision to the road alignment to allow an increase in rear buffer from 40' to 75' on all lots.

Sketch Plan: The Village Council discussed and unanimously approved the sketch plan for the Estates at Marvin Branch Subdivision during the June 8th, 2021 meeting, as presented with the recommendations of the Planning Board: to keep the boulders, to not disturb the trees in the buffer, to plant trees to increase density and around lots with insufficient screening; and to include supplemental screening on lot 16. This also included the reduced viewshed buffer.

Currently

Currently, everything in the submitted construction plan, have been reviewed by the Village Engineer and approved other than the Stormwater detention. The Village Engineer has provided those comments and those comments have been sent to the applicant for revisions. The applicant is revising the plan and will have a final updated set of plans prior to the hearing.

Following the hearing and review of the plat and plans, Council will vote to approve or deny or request additional relative information and changes to the submitted documents. The final approved Construction Plans will then be reviewed by the Staff, the Village Engineer and all applicable outside agencies again if any changes are made. So long as those revisions do not affect the zoning regulations in a way that reduces the quality, the construction plan need not be reviewed again by the Planning Board and Council.



VILLAGE OF MARVIN

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Recommendation

Planner's Recommendation: Staff recommends Village Council call for Public Hearing on January 11th 2022 at 6PM at Village Hall for Consideration of The Estates at Marvin Branch Preliminary Plat and Construction Plans. A Public Hearing is required to approve the Preliminary Plat and Construction Plans for the Major Subdivision.

Planning Board Recommendation:

The Planning Board will review and discuss The Estates at Marvin Branch Preliminary Plat and Construction Plans during their regular scheduled Planning Board meeting on December 21st. Their recommendation will be provided during the January 11th.

For Estate Comments - send Email

1. According to the Village of Marvin Code of Ordinance Title XV: Land Usage, Chapter 150: Subdivisions, Section 150.065 Stormwater, Item A.2, 'In order to prevent flooding and damage to properties, all developments shall provide stormwater detention to control the peak runoff from the two-, ten-, 25-, 50-, and 100-year, 24-hour storm events to pre-development levels;' It does not appear the current design provide any control for these storm events to pre-development levels.
2. The drainage areas for CC#1 through CC#4 need to extend onto the adjacent properties behind the proposed lots as the contours clearly show runoff being sent toward this development.
3. The drainage areas for CC#5 through CC#10 appear to extend too far and can be reduced based on the contours shown.
4. The design calls for drainage swales to convey runoff from the road through channels to the stream buffer. There is no provision made for erosion protection within the swale or at the end of the swale to diffuse the flow before entering the stream buffer.
5. The plan shows the anticipated flow rate for each swale but does not provide the calculation identifying how the flow rate was derived.
6. While not a stormwater comment, the plan shows the greenway running roughly parallel with the stream so each drainage swale will cross it but no provisions to convey the water over or under the greenway, likely resulting in erosion issues with the greenway.

Please let me know if you have any questions or want to discuss these issues further. Thanks.

**Village of Marvin
FY 2022-23 Budget Timeline**

- 12/14/21 (non-meeting day): Council Priorities Sent
- 1/5/22 (non-meeting day): Council Priorities Back to Staff
- 1/11/22 (Regular meeting): Discuss FY22 Council Priorities
- 2/18/22 (Retreat): Present CIP
- 2/24/22 (Work Session): Adopt CIP
- 3/1/22 (Staff only): Operational Budget Requests Due to Budget Officer
- 3/15/22 (Staff only): Rough Estimates on Revenue
- 4/12/22: Budget Work Session: GOAL: Revenues/Initial Budget Presented
- 5/10/22 (Regular Meeting): Budget Message/Presentation and Call for Public Hearing for Budget (note: budget message to be submitted to council and copy filed with clerk *(must be done at least 10 days before the budget is adopted)*).
- 5/26/22 (Work Session 6:00 p.m.): Public Hearing on Budget/Adopt Budget

*******NOTES TO COMPLY WITH LEGAL REQUIREMENTS*******

- *April 30*
 - *Last day for departmental requests to be submitted to budget officer*
- *June 1*
 - *Last day to submit final proposed budget and message to Council*
 - *On same day, a copy must be filed in the clerk's office and a copy must be made available to news media. The clerk must publish a notice that the budget has been submitted to the governing body, it is available for public inspection in the clerk's office, and the time and place of the budget public hearing must be published.*
 - *After the public hearing is held, and not earlier than 10 days after the proposed budget is submitted and not later than July 1, Council must adopt budget ordinance.*
- *July 1*
 - *Deadline for budget ordinance adoption.*
 - *Budget ordinance must be entered into the minutes of the governing body. Within 5 days after adoption, copies must be filed with the finance officer, budget officer and clerk.*

Item F.1.



VILLAGE OF MARVIN

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DATE: December 6, 2021

TO: Village Council

FROM: Hunter Nestor, Planner and Zoning Administrator

SUBJECT: Discuss and Consider Adoption of the Marvin Heritage District Small Area Plan

Actions Requested by Village Council

Staff request the Village Council to discuss and consider Adoption of the Marvin Heritage District Small Area Plan. A Public Hearing is required to approve/amend the Village of Marvin Land Use Plan.

Background

Earlier this summer, the Village Council scheduled a public hearing to consider adoption of the proposed Marvin Heritage District (MHD) Form-Based Code (amendment to Marvin’s Zoning Ordinance) and then the rezoning of the properties in the district which had been vetted through the Marvin Planning Board and the MHD Strategic Plan Committee throughout a citizen engagement process. One of a few prerequisites to adoption of the proposed Form-Based Code Zoning Ordinance amendment identified during the meeting was the need to update content of Village Center Development: Polices and Goals references in the Village of Marvin 2020 Land Use Plan through a proposed plan amendment process.

Review and Discussion

The Village of Marvin 2020 Land Use Plan, adopted November 10, 2020, provided: the Heritage District’s vision, goals, and policies; and identified the general location and future land uses of the Heritage District (referenced as the “Village Center”). Through nearly nine months of work by Village staff, property owners, Marvin residents, the Strategic Plan Committee, the Planning Board, and the Village Council, the Village of Marvin Heritage District Form-Based Code (Zoning Ordinance amendment) was drafted. Before the Code could be adopted, Village staff realized that creation of a small area plan for the Marvin Heritage District became necessary as a proposed amendment to the Village of Marvin 2020 Land Use Plan. The proposed Form-Based Code has guided the principles of the Heritage District to mature to the point where supporting guidelines and goals for the District was needed. This small area plan expands data and planning principles refined throughout this year to reinforce existing policies in the Marvin 2020 Land Use Plan.

Although the Marvin 2020 Land Use Plan, and the addition of this small area plan shall be advisory in nature, without regulatory effect pursuant to North Carolina General Statutes (NCGS) Section 160D-501, plans shall be considered by the Planning Board and Village Council when considering proposed amendments to Marvin’s Zoning Ordinance pursuant to NCGS Sections 160D-604 and 160D-605. The creation of this small area plan strengthens the foundation on the Marvin Heritage District Form-Based Code and captures the goals



VILLAGE OF MARVIN

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and visions that have been gathered from input from the property owners in the proposed district and surround areas, citizens, the Strategic Plan Committee, the Planning Board, and the Village Council.

In other words, the recently changed state planning law (Chapter 160D) dictates local governments consider the consistency of proposed amendments to the zoning ordinances and zoning map to all their adopted comprehensive plans. The proposed amendment of this small area plan to the Village of Marvin Land Use Plan 2020 will help fulfill the required basis for a finding of consistency by the Planning Board and Village Council when considering adoption of the Marvin Heritage District Form-Based Code as an amendment to the Village of Marvin Code of Ordinances, Title XV, Land Usage, Chapter 151, Zoning [Ordinance].

NEW STAFF COMMENTS AND HIGHLIGHT REVISIONS TO DRAFT #1:

During the Planning Board meeting on September 21, 2021, Staff presented the Marvin Heritage District Small Area Plan, cover page dated September 2, 2021, Draft #1 for discussion and review. Refer to meeting minutes for details of the discussion. In summary, the Planning Board had questions that required research and asked staff to return with answers and provide a more expanded presentation during two Planning Board sessions.

Revisions to Draft #1 have been made and highlighted yellow in the attached Draft #2, dated October 14, 2021 for the Planning Board's discussion and review:

- References to two new maps were added;
- A paragraph was added under the section "Citizen Engagement" to state two documents are to be adopted as part of this Small Area Plan;
- A new map was added titled "Marvin Heritage District Small Area Plan General Boundary Map;"
- A new map was added titled "Marvin Heritage District Small Area Plan Existing Land Use Map;"
- A map that appeared in Draft #1 was edited. The map is titled "Marvin Heritage District Small Area Plan Future Land Use Map;"
- References to a Municipal Service District for the Heritage District were revised; and
- A new goal (Goal D.12) was added regarding a Municipal Service District.

Recommendation

Planner's Recommendation: Staff recommends Village Council adopt the Marvin Heritage District Small Area Plan.

Planning Board Recommendation:

The Planning Board reviewed and discussed the Marvin Heritage District Small Area Plan at their September 21st and October 19th Meeting. The Planning voted 5-2 to recommend approval of the MHD Small Area Plan.

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Marvin Heritage District Small Area Plan

Note (to be removed upon adoption): This document (including appendices), once adopted will become part of the Village of Marvin 2020 Land Use Plan and will be located at the back of the 2020 Land Use Plan. The map in this document, entitled, "Marvin Heritage District Small Area Plan – Future Land Use Map," once adopted, will amend and replace the "Village of Marvin Future Land Use Map" inset, currently labeled "Possible Village Center Subzones")

Note (to remain after adoption): This adopted Small Area Plan (including appendices), is part of the adopted Village of Marvin 2020 Land Use Plan. The adopted map included in this Small Area Plan entitled, "Marvin Heritage District Small Area Plan – Future Land Use Map," replaced the "Village of Marvin Future Land Use Map" inset, currently labeled "Possible Village Center Subzones"

Adopted: _____

FINAL DRAFT
October 14, 2021

Prepared by the Village of Marvin Planning Department

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PURPOSE

One of eight goals adopted in the Village of Marvin 2020 Land Use Plan is to ***“Facilitate a Uniquely Identifiable Village Center that Promotes Marvin’s Heritage.”*** (Reference Goal D). Since the November 10, 2020 adoption of the 2020 Land Use Plan, Planning Staff through proactive citizen engagement began to create the official Marvin Heritage District through adopting language into the Village of Marvin Zoning Ordinance. During that process the Marvin Village Council directed Planning Staff to create the Marvin Heritage District small plan area during the Village Council Work Session on July 29, 2021.

The purpose of the Marvin Heritage District Small Area Plan is to set forth goals, policies, and implementation strategies intended to guide the present and future physical, social, and economic development of the Marvin Heritage District based upon data collected and analyses conducted addressing:

1. Inventory of existing conditions;
2. Values expressed by Citizens,
3. Citizen engagement to formulate a community vision;
4. Guiding principles for growth and development;
5. Pattern of desired growth and development and civic design, including the location, distribution, and characteristics of future land uses, form of land development and preservation, utilities, and transportation networks;
6. Plans and policies for provision of and financing of public infrastructure;
7. Recreation and open space;
8. Analysis and evaluation of implementation measures, including regulations and public investments

Applicable Excerpt of North Carolina General Statutes Regarding Adoption and Effect of Local Governments’ Comprehensive Plans, Including Their Small Area Plans

NC General Statutes, Chapter 160D, ‘Local Planning and Development,’ Article 5, ‘Planning,’ Section 160D-501, ‘Plans,’ Subsection (c), ‘Adoption and Effect of Plans,’ states, ***“...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...”***

Note Regarding Boundary Lines on the Heritage District Small Area Plan’s Future Land Use Map

Boundaries of the Marvin Heritage District (external) and Future Land Uses (internal) shown on the Heritage District Small Area Plan’s Future Land Use Map are not zoning districts and are advisory in nature, without independent regulatory effect. These boundaries will be considered by the Planning Board and Village Council when considering map amendments (rezonings) to the Official Zoning Map. When the Planning Board and Village Council consider proposed rezonings, this map will be consulted. These boundary lines (external and internal) are generalized, and as such, are not intended to be precisely aligned with parcel lines.

DATA AND ANALYSIS

Existing Conditions

The general boundary of the Heritage District is shown on the Marvin Heritage District, Small Area Plan, General Boundary Map. Existing land uses in the general boundary of the Heritage District are shown on the Marvin Heritage District, Small Area Plan, Existing Land Use Map. The Marvin Campus of the Weddington United Methodist Church lies at the heart of the proposed Heritage District.



Weddington United Methodist Church



Aerial View of Weddington United Methodist Church and Cemetery
Source: Google Earth

The Banks Presbyterian Church property is next to the current Village of Marvin Village Hall.



Banks Presbyterian Church



Banks Presbyterian Church Cemetery



Aerial View of Banks Presbyterian Church and Cemetery
Source: Google Earth

The proposed Heritage District includes the White residence and the general store.



The White Residence



Crane General Store

Citizen Engagement

NC General Statutes Section 160D-501, Plans, (a1), Plans, states, ***“The planning process shall include opportunities for citizen engagement in plan preparation and adoption.”*** Planning during the development of the original version of the Village of Marvin 2020 Land Use Plan, adopted November 10, 2020, provided ample opportunities for citizen engagement. Over the two years leading up to the Land Use Plan’s 2020 adoption in October of 2020 and since then, numerous citizen engagement opportunities have been provided throughout the development of this small area plan.

As allowed by §N.C.G.S. 160D501(a1), two documents, Village of Marvin, 2019 Community Survey Report and Building a Village Center and Creating Intentional Growth in the Village of Marvin, NC shall be adopted by the Village of Marvin Village Council concurrent with adoption of this Small Area Plan, and in doing so, these two document are made a part of this Village of Marvin 2020 Land Use Plan – Marvin Heritage Small Area Plan. This Small Area Plan, including these two documents, shall be referenced by Planning Department staff, and appointed and elected officials when considering land use decisions to guide the present and future physical, social, and economic development within the Village of Marvin. Planning processes for these plans included opportunities for citizen engagement in document preparation.

The community’s support for creation of a Heritage District was expressed in the [Village of Marvin, 2019 Community Survey Report](#) which was carried into the Land Use Plan. (Appendix A, provides key excerpts from the [Village of Marvin 2020 Land Use Plan](#).) Prior to the adoption of the 2020 Land Use Plan, the Village of Marvin hosted a two-day public workshop on June 11th and 12th with Village staff, officials, consulting land development and design experts (Construction Professionals Network Institute and NCGrowth-SmartUp), residents, and community members to study and formulate more focused recommendations for the Heritage District. This workshop would aid in the formation of a report from CPNI and NCGrowth-SmartUp entitled, [Building a Village Center and Creating Intentional Growth in the Village of Marvin, NC](#) (hereinafter, “Village Center Report”). The Village Center Report recommended the Village prepare a form-based code as a strategy to help accommodate the growth of mixed-use development, allowing some retail, commercial, and office

space, while maintaining the aesthetic qualities that makes Marvin unique.

On November 10, 2020, the Village Council established and appointed members to the Village Center District Strategic Plan Committee (which would later be renamed as the Marvin Heritage District Strategic Plan Committee) with the primary objective, *“to create a strategic plan to guide and facilitate the development of the Marvin Heritage District.”* Over the course of its tenure, the Committee has been composed of between seven and nine members, including three members of the Planning Board. In early 2021, the Committee agreed with recommendation of the Village Center Report, that the creation of a form-based code to guide development in the Heritage District would be an appropriate tool as opposed to a conventional zoning ordinance.

Local governments in North Carolina are allowed to develop and implement form-based codes. Chapter 160D of the North Carolina General Statutes, Local Planning and Development Regulation, Article 1 authorizes local governments to divide its territorial jurisdiction into zoning districts of any number, shape, and area deemed best suited to carry out the purposes of 160D, which may regulate zoning districts through conventional as well as *“form-based districts, or development form controls, that address the physical form, mass, and density of structures, public spaces and streetscapes.”* Source of N.C.G.S Quote: [N.C.G.S. Section 160D-703\(a\)\(3\)](#)

Guiding Principles for Growth and Development

Pattern of Design, Growth, and Development.

Community participation in the [2019 Community Survey](#) provided guidance and consistency for a desired pattern of design, growth, and development within the Marvin Heritage District. This input was incorporated in the initially adopted [2020 Land Use Plan](#), and the [Village Center Report](#). The Village Center Report noted suggested strategies for ensuring “homegrown, context-sensitive, commercial development as opposed to development of large chains.” Commercial building types should mimic the allowable housing types without much deviation, to preserve the residential visual character of the Village. The Cottage Commercial Type draws upon the character of the Crane General Store (photograph above) and encourages infill of that nature. The conventional commercial square is included with the limitation of one per parent tract, which will yield at most three in total in the district. The Conventional Square Commercial will be very limited in size, having provisions to require visual variation along the frontage.

Throughout the Heritage District, pedestrian connectivity and the preservation of open space will be maximized. This is reflective of the 2019 Community Survey which showed strong support for an increase in walkability and open space, and concern that traffic is the most pressing issue in Marvin. Design standards for subdistricts protect adjacent existing neighborhoods by requiring transitional density of residential areas, and large, opaque buffers between commercial areas.

Employment Opportunities and Economic Development.

The economic development implications of the Heritage District largely depend on how Marvin decides to develop. Marvin residents and officials have expressed a desire for limited commercial development and local business development. This context is important in shaping the economic development considerations for the Village. In addition to the feasibility studies completed by the UNC’s School of Government’s Development Finance Initiative, further research may be necessary to better understand the economic development impacts of the Heritage District.

Plans and Policies for Public Infrastructure.

Limited Traffic Impact. It is difficult to predict the traffic impacts of the development of the Heritage District without a full traffic impact analysis. However, based on the current traffic situation and experience from similar cases, traffic impacts will likely be limited, especially relative to the current volumes of traffic.

Traffic impact is something that can be managed by thoughtful development of the Heritage District and adjacent neighborhoods. For example, as it stands, the Heritage District is only accessible by vehicle, meaning that any increased development in the Heritage District would likely increase traffic as residents would have to drive out of their subdivision to access the Heritage District. On the other hand, constructing sidewalks and nature trails adjacent to the subdivisions would promote walking and biking, which would have a minimal impact on traffic and could lead to a greater push for more active transportation throughout Marvin. These services could also appeal to neighboring subdivisions who are currently outside of Marvin's corporate limits.

Population Growth and Schools. The Heritage District's effect on population growth and Marvin schools will largely depend on the amount of residential development included in the district. Commercial development will have minimal impact on population growth and the school system, especially if the commercial development focuses on lower-wage work, such as food service, as employees will likely be unable to afford units in the existing housing stock.

Regarding residential development, specifically in the Marvin Heritage District, there is consensus among the community that the approximate number of residential dwelling units that could be developed under a conditional zoning district **does not exceed the remain the same** approximate number **of dwelling units that could be constructed** as the standards in the existing R-Marvin residential zoning district.

Recreation and Open Space.

Connectivity for pedestrians and cyclists should be planned throughout the Heritage District with pedestrian access to existing and future sidewalks and trails. Developments with trail networks on the Parks & Greenways Master Plan should provide trail connections from one side of the property to the other. These developments should provide connectivity to neighboring properties whenever possible to maintain continuity of travel through properties that currently remain vacant but are located where development is certain to occur. Pedestrian travel routes should be prioritized from each entryway and parking lots to each use, and the number of driveways that cross pedestrian routes should be minimized.

The pedestrian and cyclist should be prioritized over motorists when deliberating site specific design plans and amenities such as traffic calming methods, speed humps, raised crosswalks and raised intersections, pedestrian beacons/pushbuttons, and pedestrian-friendly materials.

Fishing within natural lakes, ponds, or stormwater detention ponds that are stocked could serve as another form of recreational use within the Heritage District. A catch and release fishing ordinance could help reduce maintenance costs associated with stocking water sources. Areas intended for fishing could be covered under a maintenance plan and agreement between the property owner and the Village.

Land dedicated as open space within the Heritage District as part of development proposals should be platted as such with permanent conservation. Areas platted to meet an open space requirement

should be on a property owned by a common entity (such as an HOA or local non-profit) or be dedicated to the Village, and thus cannot be used to meet the minimum lot sizes of commercial or residential buildings.

All public open spaces, parks, and trails should be constructed at minimum to the standards of the Parks & Greenways Master Plan. Additional amenities and wider trails are encouraged. All public open spaces throughout the district should be accessible and connected by pedestrian trails or sidewalks, as well as to parking lots whenever possible. Open spaces with amenities should be either free to access or the membership fee is equal in cost for both the residents of the neighborhood and all residents of Marvin.

A fee-in-lieu program could be developed for consideration as part of development standards within the Heritage District. Specifically, this program would be for when a proposed development cannot provide the required minimum percentage of open space; the fee, as well as the limit of open space that the fee could be paid in lieu of should be established by the Village Council after receiving recommendations from the Planning Board and Marvin Heritage District Strategic Plan Committee, not to reduce open space beyond a minimum percentage of the tract of the proposed development.

The following types of areas could be counted as open space with qualifying thresholds prepared for the Heritage District's design and development standards: viewshed buffers, lake areas, wetland areas, stormwater detention ponds with attractive amenities, cemeteries and native burial grounds, church groves, undeveloped areas of the Village Hall property, neighborhood clubhouses/amenities and other created or natural open spaces the Heritage District design and development standards could include.

Analysis and Evaluation of Implementation Measures

Proposed Design and Development Standards

A Form-Based Code should be prepared and adopted to provide guidance and consistency for required standards and specifications for all properties located within the Marvin Heritage District in response to the 2019 Community Survey Report and to implement the 2020 Land Use Plan and the Village Center Report. The Form-based Code should provide a blueprint for future infill development, adaptive reuse, and preservation of structures within the Marvin Heritage District that reflects the character of the area.

The Village Center Report identified key opportunity parcels for infill development, redevelopment, conservation, and preservation. During the development of the Village Center Report, the community and design team arrived at a series of basic urban design and policy principles to guide appropriate infill development in the Heritage District to promote responsible growth, planning, and development.

The Form-based Code should recognize that rural patterns of development and some building types help perpetuate the character that makes Marvin distinctive. The Code will identify a set of principles to maintain the environment that has made Marvin so desirable, as well as to encourage infill to follow the desired pattern.

The Form-Based Code should include guidelines for design and materials like that of existing structures within the Heritage District boundary.

Sub-districts, house types, and lot characteristics should be carefully selected from the current and

historic character of the Marvin area. Design and development standards should be crafted from current and historic characteristics of the Marvin area for each sub-district along with additional standards that apply to all sub-districts within the Heritage District.

Each of the four sub-district design standards set forth specifications related to building placement (lot size, lot width, setbacks, and building size) and building type. All new buildings in the Marvin Heritage District should meet the criteria of a designated building type to be provided in a Form-Based Code, and therefore should follow the prescribed minimum design standards set forth for that type, within the respective sub-districts. The Code should provide the Zoning Administrator flexibility to consider alternative architectural styles and details of residential building types when proposed alternatives meet or exceed the intent of the sub-district design standards. The minimum design standards should contain regulations for properties in the Marvin Heritage District, based upon the following sub-districts:

Residential Only Heritage District (RO-HD): A sub-district intended for solely residential buildings. This sub-district is intended to provide additional housing to boost the vibrancy and walkability of the district as a whole and should have 100% residential uses.

Mixed Use Heritage District (MU-HD): A sub-district intended to be the bulk of the central area of the district. These parcels include properties that are larger and deeper or include smaller properties that adjoin larger properties, and thus are situated to have residential in the back and commercial in the front. Developments in this district should meet the intent of Mixed-Use and should all have no more than 30% of the total area as residential uses.

Commercial Only Heritage District (CO-HD): A sub-district intended to host only commercial uses. The proximity to Village Hall and narrow properties tend to favor commercial uses, and these uses should be buffered significantly from existing residential uses.

Civic Heritage District (Civic-HD): This sub-district holds the historic churches and site of the new Marvin Village Hall. These properties should be limited to civic uses and similar building vernacular to the churches and Village Hall or other similarly civic vernacular.

Parking space standards should be prepared for the Heritage District to include minimum parking spaces by development type, location of parking lots, parking surfaces, screening of parking lots, internal landscaping, connection of parking to buildings, bicycle racks, and plug-in electric vehicle (PEV) charging stations.

Phased Steps of Public Investments.

The streetscape is a vital component of the Heritage District, and so the construction of amenities and features along major roads should be coordinated between the Village and potential developers. Typical streetscapes along major roads should be carefully considered and addressed in the Heritage District's design and development standards, regarding the width between the edge of pavement and the front face of buildings.

During the Heritage District charrette, many participants raised concerns about the heavy traffic along New Town Road. This heavy traffic presents safety and pedestrian accessibility concerns as well as concerns about future congestion on New Town Road. Additionally, there are two traffic circles in the Heritage District with a third planned for 2022 at Marvin and New Town Road, which could potentially contribute to heavier traffic.

The Village should explore enactment of a Municipal Service District (MSD) for all properties within the Heritage District, having an additional tax rate that is yet to be determined. Property owners who currently reside on the property in the district may request to be exempted from the initial boundary of the MSD, but their property should be added into the MSD boundary before an application for development may be submitted.

The Marvin Loop Trail (North side of New Town Road, with crosswalks across New Town Road in some places) is a federally funded project and should be incorporated in all applicable site plans in the Heritage District. The Village should consider a requirement to have developers fund their proportionate portion of the local match of the trail or construct that section of the trail. Developments should create an easement or create a property which will be dedicated to the Village for the Loop Trail. Other grants may be pursued by the Village to fund trails and open spaces while developers could be invited to assist with the applications for grants as desired.

Municipal Service District (MSD) revenue should be used to fund the development of trails and open spaces. The Village should operate and maintain all trails and public spaces dedicated to the Village. Public open spaces not dedicated to the Village should be maintained privately and obligated by a maintenance plan and agreement.

It is recommended that a Municipal Service District is established to create revenue to use funds for certain installation and maintenance of infrastructure and amenities in the Marvin Heritage District. Article 23 of North Carolina General Statutes 160A sets forth certain requirements and conditions for the establishment of Municipal Service Districts (MSD's). Upon finding that an area within a local government is in need of certain services and that a proposed MSD area meets the specific standards of NCGS 160A - 536 and 537, local governments may define by ordinance a district within their corporate jurisdiction where the local government can levy property taxes in addition to those levied in the rest of the corporate jurisdiction. In the case of the Village of Marvin, the Village Council must determine that a proposed MSD area, to a demonstrably greater extent than the rest of the Village, is in need of one or more services, facilities, or functions listed in NCGS 160A-536 to generate additional revenue collected by establishing the MSD to focus additional financial resources on maintaining and improving the Marvin Heritage District area.

GOALS AND OBJECTIVES

Core Land Use Policy

CORE LAND USE POLICY D. VILLAGE CENTER DEVELOPMENT: FACILITATE A UNIQUELY IDENTIFIABLE VILLAGE CENTER THAT PROMOTES MARVIN'S HERITAGE

Goals and Objectives

PRINCIPLE GOAL: Foster a Village center (hereinafter named the “Marvin Heritage District”, “MHD” or “Heritage District”) that pays tribute to our rural heritage, incorporates pedestrian-oriented design, neighborhood uses and inter-connected greenways; all arranged to highlight Marvin’s rural character.

D.1. Goal 1: ESTABLISH THE PURPOSE, LOCATION, PHYSICAL ELEMENTS AND SCOPE OF DEVELOPMENT STANDARDS TO GUIDE CREATION OF THE HERITAGE DISTRICT

D.1.1 Objective 1: Facilitate a local destination of the Heritage District for residents, families and the community.

D.1.2 Objective 2: Develop a Heritage District between Marvin School Road and Marvin Road, along New Town Road.

D.1.3 Objective 3: Delineate the Heritage District using streetscapes, pedestrian-oriented travelways, furnishings and architecture.

D.1.4 Objective 4: Create Overlay Standards which would guide the creation of the Heritage District.

2. Goal 2: PREPARE STANDARDS AND SPECIFICATIONS TO GUIDE THE CHARACTER AND DESIGN THEMES FOR THE HERITAGE DISTRICT

D.2.1 Objective 1: Facilitate the creation of an identifiable Heritage District designed to give Marvin a uniquely identifiable character.

D.2.2 Objective 2: Require that signs and fixtures reflect rural themes.

D.2.3 Objective 3: Preserve, protect or enhance historically significant sites, buildings and natural scenic areas in the Heritage District.

D.2.4 Objective 4: Establish standards for distinct architecture that exhibits Marvin’s rural character.

D.3. Goal 3: PREPARE PLANNING, DESIGN AND DEVELOPMENT STANDARDS FOR THE HERITAGE DISTRICT

D.3.1 Objective 1: Create a walkable, compact core of neighborhood-friendly commercial, civic and public uses and spaces.

- D.3.2 Objective 2: Require usable open space and recreational amenities in conjunction with development within the Heritage District.
- D.3.3 Objective 3: Protect and highlight Marvin's tree lines and the stands o heritage trees located in the Heritage District.
- D.4. Goal 4: PREPARE PEDESTRIAN-FRIENDLY DESIGN STANDARDS FOR THE HERITAGE DISTRICT
- D.4.1 Objective 1: Require the development of safe pedestrian travelways, recreation areas and greenspaces with each new use in the Heritage District.
- D.4.2 Objective 2: Provide a network of greenways that connect green spaces and destinations in the Heritage District.
- D.4.3 Objective 3: Provide pedestrian furnishings along landscaped buffers that line Heritage District roadways.
- D.5. Goal 5: SUPPORT REDEVELOPMENT AND INFILL DEVELOPMENT IN THE HERITAGE DISTRICT
- D.5.1 Objective 1: Support infill development that is architecturally compatible with design them for the Heritage District.
- D.5.2 Objective 2: Support adaptive reuse of single-family units architecturally consistent with new and old development in the Heritage District.
- D.5.3 Objective 3: Promote adaptive reuse or preservation of buildings and sites with historic value in the Heritage District.
- D.6. Goal 6: PREPARE DESIGN AND DEVELOPMENT STANDARDS FOR THE HERITAGE DISTRICT THAT ENSURE THE SCALE AND LAND USES OF NONRESIDENTIAL USES ARE APPROPRIATE FOR NEIGHBORHOOD NEEDS OF LOCAL RESIDENTS
- D.6.1 Objective 1: Prepare design and development standards specifications for nonresidential uses to establish architectural style, maximum building size and height limits in the Heritage District.
- D.6.2 Objective 2: Ensure the scale of nonresidential development is appropriate for neighborhood needs of local residents.
- D.6.3 Objective 3: Prohibit large-scale uses and high-volume traffic generators in the Heritage District.

- D.7. Goal 7: *PREPARE A TABLE OF PERMITTED USES FOR THE HERITAGE DISTRICT*
- D.7.1 Objective 1: Permit residential uses in the Heritage District.
- D.7.2 Objective 2: Permit low-impact specialty shops, services, restaurants, office and civic uses.
- D.7.3 Objective 3: Permit civic and institutional-type uses that encourage community gathering (e.g. libraries and parks).
- D.7.4 Objective 4: Encourage desirable, small-scale uses.
- D.8. Goal 8: *MINIMIZE TRAFFIC IMPACTS AND MANAGE TRAFFIC CONCERNS*
- D.8.1 Objective 1: Carefully consider traffic and other potential impacts on adjacent neighborhoods and the Heritage District area.
- D.8.2 Objective 2: Minimize any high-traffic Permit low-impact specialty shops, services, restaurants, office and civic uses.
- D.8.3 Objective 3: Permit civic and institutional-type uses that encourage community gathering (e.g. libraries and parks).
- D.8.4 Objective 4: Encourage desirable, small-scale uses.
- D.9. Goal 9: *PARKING*
- D.9.1 Objective 1: Ensure parking areas are well-lit and well-screened from adjacent roadways.
- D.9.2 Objective 2: Locate parking and other utilitarian uses behind building façade lines, streetscapes and landscaping.
- D.9.3 Objective 3: Encourage and provide incentives for shared parking solutions within the Heritage District.
- D.10. Goal 10: *PARKING*
- D.10.1 Objective 1: Limit impact on the natural environment, adjacent neighborhoods, and surrounding roads.
- D.10.2 Objective 2: Require buffers between nonresidential structures, adjacent neighborhoods and along roadways.
- D.10.3 Objective 3: Ensure the protection of trees and appropriate landscaping.

D.11. Goal 11: PUBLIC INVOLVEMENT AND HERITAGE DISTRICT CONCEPT CREATION

D.11.1 Objective 1: Utilize and rely on resident opinions provided in the Land Use Plan Survey to draft the Heritage District design and development standards.

D.11.2 Objective 2: Draft Standards and provide preliminary sketches, idea boards and opportunities for resident input.

D.11.3 Objective 3: Encourage citizen participation, invite inspired ideas, listen to concerns and troubleshoot prospective challenges.

D.12. Goal 12: ESTABLISH A MUNICIPAL SERVICE DISTRICT FOR THE HERITAGE DISTRICT

It is recommended that a Municipal Service District is established to create revenue to use funds for certain installation and maintenance of infrastructure and amenities in the Marvin Heritage District.

Article 23 of North Carolina General Statutes 160A sets forth certain requirements and conditions for the establishment of Municipal Service Districts (MSD's). Upon finding that an area within a local government is in need of certain services and that a proposed MSD area meets the specific standards of NCGS 160A - 536 and 537, local governments may define by ordinance a district within their corporate jurisdiction where the local government can levy property taxes in addition to those levied in the rest of the corporate jurisdiction. In the case of the Village of Marvin, the Village Council must determine that a proposed MSD area, to a demonstrably greater extent than the rest of the Village, is in need of one or more services, facilities, or functions listed in NCGS 160A-536 to generate additional revenue collected by establishing the MSD to focus additional financial resources on maintaining and improving the Marvin Heritage District area.

MARVIN HERITAGE DISTRICT SMALL AREA PLAN – FUTURE LAND USE MAP

While the Marvin Heritage District is envisioned as an integrated seamless grouping of land uses and building types, the geographic area of the overall district to be regulated by future design and development standards, are organized into the following four future land use designations within the general boundary of the Heritage District depicted in the map entitled, “Marvin Heritage District Small Area Plan – Future Land Use Map.”

- Residential Only Heritage District (RO-HD);
- Mixed Use Heritage District (MU-HD);
- Commercial Only Heritage District (CO-HD); and
- Civic Heritage District (Civic-HD).

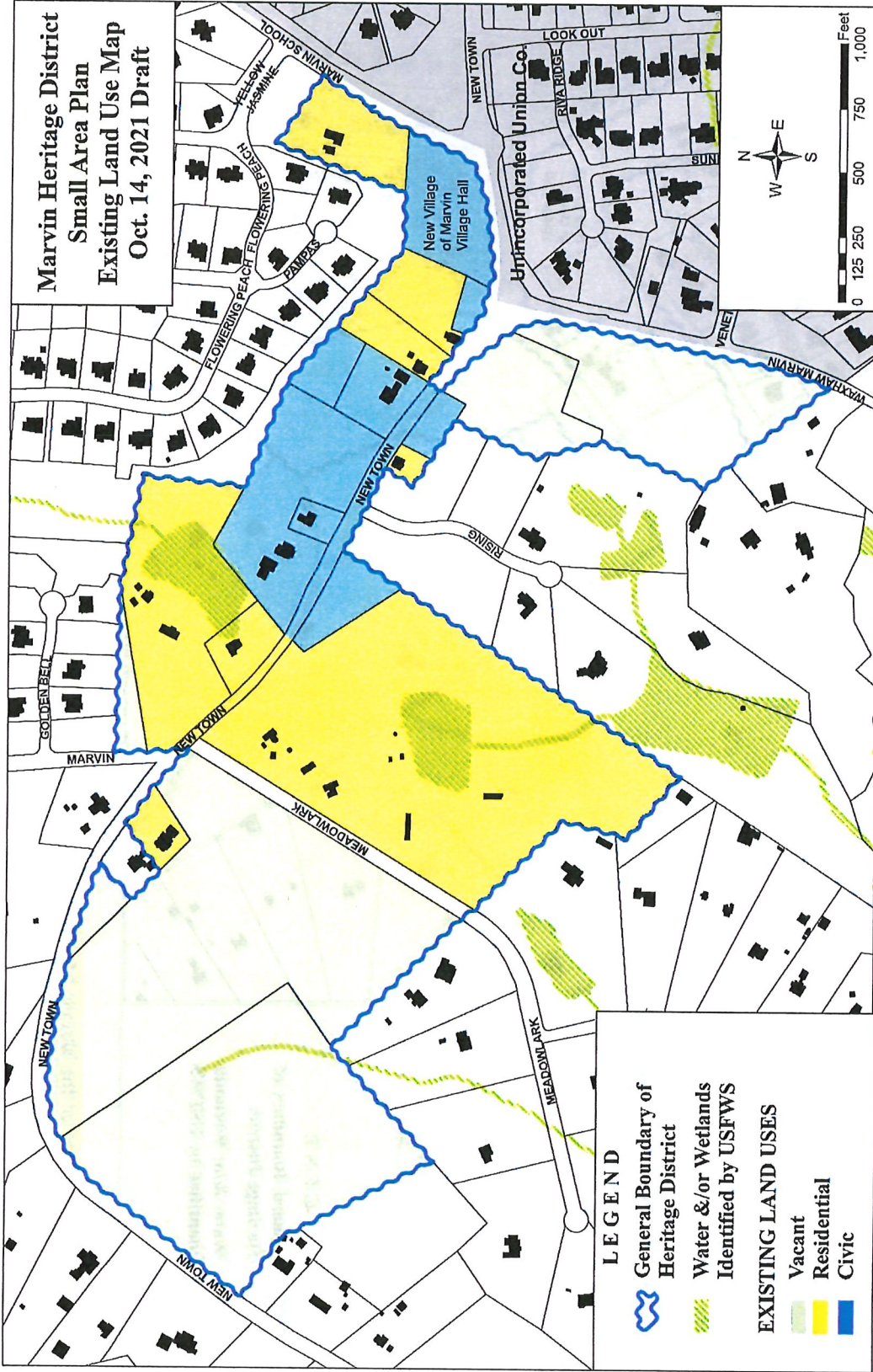
Residential Only Heritage District (RO-HD): The future land use for this designation is intended for solely residential buildings. This future land use is intended to provide additional housing to boost the vibrancy and walkability of the District as a whole, and should have 100% residential uses.

Mixed Use Heritage District (MU-HD): Future land uses for this designation are intended to be the bulk of the central area of the District. This designation is envisioned to provide parcels that are larger and deeper and thus are situated to have residential in the back and commercial in the front. Developments in this district should meet the intent of Mixed-Use and should all have no more than 30% of the total area as residential uses.

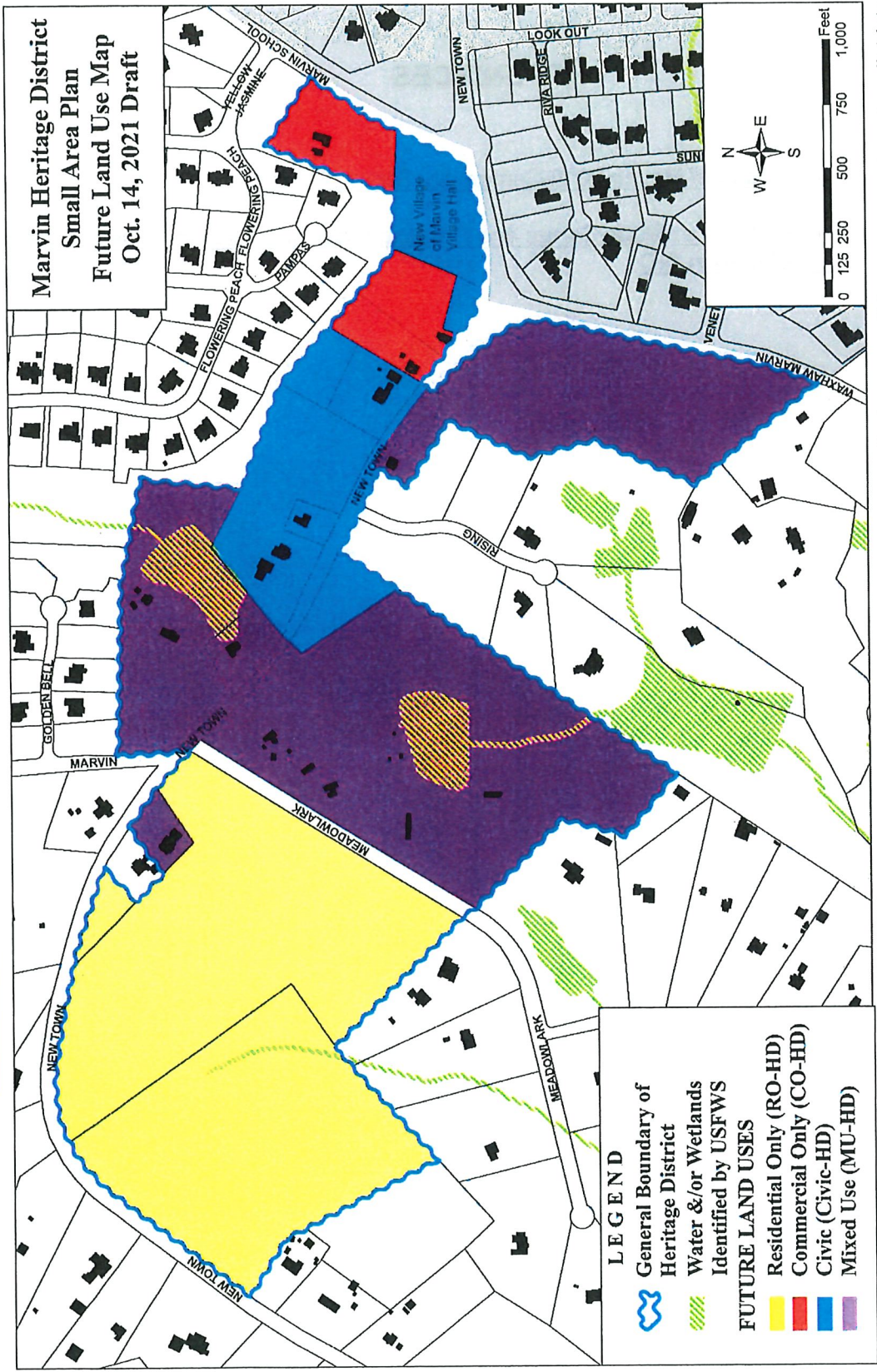
Commercial Only Heritage District (CO-HD): The future land use for this designation is intended to host only commercial uses. The proximity to Village Hall and narrow properties tend to favor commercial uses, and these uses should be buffered significantly from existing residential uses.

Civic Heritage District (Civic-HD): The future land use for this designation is intended to include the historic churches and site of the new Marvin Village Hall. Properties in this future land use designation should be limited to civic uses and similar building vernacular to churches and the Village Hall or other similarly civic uses.

[This map was added in Draft #2]



[This map was edited in Draft #2 to add the water/wetlands and Village Hall note]



Note: Boundaries of the Marvin Heritage District (external) and Future Land Uses (internal) shown on this map are not zoning districts and are advisory in nature, without independent regulatory effect. These boundaries will be considered by the Planning Board and Village Council when considering map amendments (rezonings) to the Official Zoning Map. When the Planning Board and Village Council consider proposed rezonings, this map will be consulted. These boundary lines (external and internal) are generalized, and as such, are not intended to be precisely aligned with parcel lines.

APPENDICES

Appendix A: [Village of Marvin 2019 Community Survey Report](#)

Appendix B: [Building a Village Center and Creating Intentional Growth in the Village of Marvin, NC](#)

Appendix A

Village of Marvin 2019 Community Survey Report

Appendix B

Building a Village Center and Creating Intentional Growth in the Village of Marvin, NC



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

TO: Mayor and Village Council
FROM: Christina Amos, Village Manager
SUBJECT: Solid Waste Contract
DATE: December 6, 2021

Background

Village Council began exploring Solid Waste as a municipal service in December of 2020. The decision to proceed with negotiations with Active Waste was made at the June 8, 2021. Since, the Village adopted an ordinance establishing a solid waste fee to be implemented on Union County Tax Bills for months of April, May, and June of 2022. At the time this fee was calculated, a **\$244 annual collection fee** was intended for weekly solid waste and recycling collection; once a year curbside electronics event; once a year bulk/white goods drop off at Village Hall (assisted). It is important to note that yard waste was NOT included, which was an increase of \$3/unit per month. Since this first year of implementation was for a quarter of the year, citizens were only charged a prorated share, which calculated out to \$61 for April, May, and June of 2022 ($\$244/12=\$20.33/\text{month}$ AND $\$20.33*\text{April, May, June}=\61).

Current

VERY IMPORTANT-PLEASE MAKE SURE TO READ BEFORE MEETING

According to staff research, current consumers are paying anywhere from \$336-\$372/year for just solid waste and recycling; however, we did find that some HOAs were paying slightly less. Overall, the Village will be saving most consumers \$110 or more per year AND will be able to provide more services AND a better quality of service. The Village intends to dedicate Village staff to promptly process customer issues with the vendor; the Village will pride itself in providing a much better customer service experience.

I want to reiterate the initial calculations provided in the formation of the fees did NOT include yard waste, which is a very important service to residents based on feedback received. Since we have added yard waste to the services to be provided, the cost of this service will have to be absorbed by the Village for months of April, May, and June of 2022. Staff did include a first-year contingency of \$10,000, due to unknowns when implementing a service. This should cover the majority of the overage expected from adding Yard Waste for the first three months; however the annual proposed fee of \$244 will have to be reassessed before tax bills go out in the Fall of 2022 (which has to be approved in the FY 23 budget). There are several unknowns in implementing a first year service; this fee may need to be higher due to yard waste addition, which is an annual total increase of \$75,000; though it could be less based of recouped penalties of the vendor and/or reduced need of customer service staff. In addition, due the timing of a new fiscal year and the period in which tax bills go out and are actually submitted, there is a period of time where the Village will pay for services before revenues are collected from residents. To illustrate, the 2021 tax bills went out in late summer of 2021 with the \$61 solid waste fee for April, May, June of 2022; these revenues will come in from fall 2021 up to January 2022. In 2022, tax bills will go out in late summer 2022 and collected from fall 2022 to as late as January 2023; by that time,

July-December 2022 would have surpassed before all revenues are collected. The Village is in a strong financial stance, so this will have no major issues on cash flow; I just want Council to be aware.

At the time of this writing, Active's attorney was still reviewing the agreement; therefore, I am requesting the ability to make minor changes to the agreement as attached, if needed. Once the agreement is executed, staff will prepare an ordinance to support a franchise for solid waste services.

Requested Action

Consider Approval of Solid Waste Contract with Active Waste for Services Beginning on April 1, 2022
Allowing Manager to Make Minor Modification Pending Attorney's Reviews and Allow Manager to Execute Agreement Pending Village Attorney Review



Village of Marvin

This Contract for Services (this "Contract") is made and entered into _____, 2021 ("Effective Date") between The Village of Marvin ("Village") and Active Waste Solutions, LLC ("Contractor").

For and in consideration of the mutual promises set forth in this Contract, the parties do mutually agree as follows:

1. Obligations of Contractor. The Contractor agrees to provide for the collection and disposal of Solid Waste, Recyclables, Bulk Waste, Yard Waste, and Storm Debris and other additional collection and disposal Services (collectively the "Services"), as more particularly described and in accordance with the terms and conditions stated herein including the Cost/Fee Proposal ("Proposal") attached hereto and incorporated herein as Exhibit 1, Scope of Services and Terms ("Scope of Services") attached hereto and incorporated herein by reference as Exhibit 2; and the Solid Waste Services Request for Proposals dated April 1, 2021 with Addendum No. 1 dated April 22, 2021 and Addendum No. 2 dated April 27, 2021 (collectively, the "RFP"), a copy of which is attached hereto and incorporated herein by reference as Exhibit 3. The specific Services and options chosen by the Village are set forth on the Scope of Services. The Contract includes Exhibits 1, 2 and 3 along with Attachment A. Many of the terms and provisions for the Services are set forth in the RFP. In the event of any conflict between any terms and conditions of the Contract (including Exhibits and Attachments), the terms and conditions most favorable to the Village shall control.

The Contractor shall begin collection Services on April 1, 2022 ("Commencement Date").

The Term of this Contract is set forth below.

The Contractor agrees to perform the Services in a timely, complete, and professional manner and in accordance with the terms and conditions of this Contract. Furthermore, the Contractor represents and warrants that (i) it is duly qualified and licensed to provide the Services and has the qualifications submitted to the Village in its proposal, (ii) it will provide the Services in a manner consistent with the level of care and skill ordinarily exercised by Contractors providing similar services under similar conditions, (iii) it possesses sufficient experience, personnel, and resources to complete the Services, (iv) it shall perform the Services in compliance with applicable laws, statutes, ordinances, codes, orders,

rules and regulations, and (v) its reports, if any, shall be complete, accurate, and unambiguous.

2. Obligations of Village. Village agrees to pay the Contractor for the Services properly performed in accordance with this Contract for the selected Services described in the Scope of Services. The parties acknowledge that Village operates on a July 1-June 30 fiscal year and that operating funds are made available to Village on a year-to-year basis. Accordingly, see Section 14 of the Standard Terms and Conditions on Attachment A. As more particularly set forth in Section 4 of the RFP, liquidated damages may be deducted from the monthly payment to Contractor. Village will inform Contractor by telephone or email of the intent to impose liquidated damages and offer Contractor an opportunity to respond. Village shall set forth the amount of and reason for any deduction with the monthly payment to Contractor on the month of such deduction and no further notification is required.
3. Initial Term and Village Options to Extend. The term of this Contract and performance shall commence on the Commencement Date and terminate on March 30, 2027 (the "Initial Term") unless this Contract is terminated earlier by Village as herein provided. This Contract may be renewed by the Village for two (2), two (2) year terms under the terms set forth herein, renewable one term at a time. The decision to renew will be solely the Village's. Notice of the intent to renew will be made at least sixty (60) days prior to the expiration of the initial term or the then current renewal term. In the event the Village does not opt to renew the Contract or the Village and Contractor are unable to reconfirm or renegotiate unit rates for another term, the Village shall have the option of extending this Contract under the terms set forth herein for a period of six months total for the purpose of completion of Services started prior to current Contract expiration or until a new Contract can be established.
4. Project Coordinator. Christina Amos is designated as the Project Coordinator for the Village. The Project Coordinator shall be the Village's representative in connection with the Contractor's performance under this Contract. The Village has complete discretion in replacing the Project Coordinator with another person of its choosing. The Village may change the Project Coordinator by providing written notice to the Contractor.
5. Contractor Supervisor. _____ is designated as the Contractor Supervisor for the Contractor. The Contractor Supervisor is fully authorized to act on behalf of the Contractor in connection with this Contract. The Contractor may change the Contractor Supervisor by providing written notice to the Village.
6. Methods of Payment. Village will make payment after invoices are approved on a net 30-day basis. Promptly after the Commencement Date, and in no event later than thirty (30) days of the Commencement Date, the Contractor shall submit copies of standard billing forms and coordinate with the Village's Finance Department to establish mutually acceptable billing documents. The Village will retain full auditing rights of Contractor's accounting records as they pertain to the

Contract. Village will not pay for any Services in advance without the prior approval of its Finance Officer and may deduct for liquidated damages as set forth in the RFP. After commencement of Services, Contractor shall submit invoices on the following schedule: by the fifteenth (15th) day of the month, beginning April 15, 2022.

7. Notice. All notices, consents, waivers, and other communications under this Contract must be in writing and will be deemed to have been duly given (a) when delivered by hand (with written confirmation of receipt), (b) by electronic transmission to the email listed below, effective on confirmation of receipt by the sender of such transmission; or (c) when received by the addressee, if sent by a nationally recognized overnight delivery service (receipt requested), in each case to the appropriate address set forth below (or to such other address as a party may designate by notice to the other party):

Village of Marvin
Attn: Village Manager
10004 New Town Road
Marvin, NC 28173
Email: manager@marvinncc.gov
Phone: 704.843-1680

To Contractor:

8. Standard Terms and Conditions: Contractor agrees to the Standard Terms and Conditions set forth as Attachment A, attached hereto and incorporated herein by reference.
9. Counterpart Execution. This Contract may be executed and recorded in two or more counterparts, each of which shall be deemed an original and all of which, when taken together, shall constitute one and the same instrument. Each party shall be entitled to rely upon executed copies of this Contract transmitted by facsimile or electronic "PDF" to the same and full extent as the originals.

Attachment and Exhibit List:

Attachment A: Standard Terms and Conditions
Exhibit 1: Cost/Fee Proposal
Exhibit 2: Scope of Services and Terms
Exhibit 3: RFP

[SIGNATURES ON FOLLOWING PAGE]

VILLAGE OF MARVIN

Village Manager Date

Mayor Date

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Village Finance Officer Date

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals at the Village of Marvin, North Carolina, this ____ day of _____, 2021

Contractor

Name: Active Waste Solutions, LLC
Name of Contractor (type or print)

By: _____
(Signature)

Title: _____

Attest: _____
(Secretary, if a corporation)

ATTACHMENT A

Standard Terms and Conditions

1. Entire Agreement. The terms and provisions set forth in the Contract, the Cost/Fee Proposal, the Scope of Services, the Standard Terms and Conditions and the RFP (collectively, the "Contract Documents") shall constitute the entire agreement between Contractor and Village with respect to the purchase by Village of the Services provided or work performed as described in the Contract Documents. The agreements set forth in the Contract Documents are sometimes referred to herein as the "Contract." In the event of any conflict between any terms and conditions of the Contract Documents, the terms and conditions most favorable to Village shall control. No additional or supplemental provision or provisions in variance herewith that may appear in Contractor's quotation, acknowledgment, invoice, or in any other communication from Contractor to Village shall be deemed accepted by or binding on Village. Village hereby expressly rejects all such provisions which supplement, modify or otherwise vary from the terms of the Contract Documents, and such provisions are superseded by the terms and conditions stated in the Contract Documents, unless and until Village's authorized representatives expressly assent, in writing, to such provisions. Stenographic and clerical errors and omissions by Village are subject to correction.
2. Invoices. It is understood and agreed that Services will be provided at the established Contract prices in effect on dates orders are placed. Invoicing at variance with this provision may subject the Contract to cancellation. Applicable North Carolina sales tax shall be invoiced as a separate item. Invoices shall be sent to Village's accounts payable department with a copy to the Village Project Coordinator.
3. Compliance with All Laws. Contractor warrants that all performance hereunder shall be in accordance with all applicable federal, state and local laws, regulations and orders.
4. Nondiscrimination. During the performance of the Contract, Contractor shall not discriminate against or deny the Contract's benefits to any person on the basis of sexual orientation, national origin, race, ethnic background, color, religion, gender, age or disability.
5. Conflict of Interest. Contractor represents and warrants that no member of Village or any of its employees or officers who may obtain a direct benefit, personal gain or advantage for themselves or a relative or associate as a result of the Contract, subcontract or other agreement related to the Contract is in a position to influence or has attempted to influence the making of the Contract, has been involved in making the Contract, or will be involved in administering the Contract. Contractor shall cause this paragraph to be included in all Contracts, subcontracts and other agreements related to the Contract.
6. Gratuities to Village. The right of Contractor to proceed may be terminated by written notice if Village determines that Contractor, its agent or another representative offered or gave a gratuity to an official or employee of Village in violation of policies of Village.
7. No Kickbacks to Contractor. Contractor shall not permit any kickbacks or gratuities to be provided, directly or indirectly, to itself, its employees, subcontractors or subcontractor employees for the purpose of improperly obtaining or rewarding favorable treatment in connection with a Village Contract or in connection with a subcontract relating to a Village Contract. When Contractor has grounds to believe that a violation of this clause may have occurred, Contractor shall promptly report to Village in writing the possible violation.
8. E-Verification. Contractor shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes.
9. Indemnification. Contractor shall indemnify and hold harmless Village, its officers, agents, employees and assigns from and against all claims, losses, costs, damages, expenses, attorneys' fees and liability that any of them may sustain (a) arising out of Contractor's failure to comply with any applicable law, ordinance, regulation, or industry standard or (b) arising directly or indirectly out of Contractor's breach of the terms and conditions of the Contract. In the event Contractor, its employees, agents, subcontractors and or lower-tier subcontractors enter premises occupied by or under the control of Village in the performance of the Contract Documents, Contractor agrees that it will indemnify and hold harmless Village, its officers, agents, employees and assigns, from any loss, costs, damage, expense or liability by reason of property damage or personal injury of whatsoever nature or kind arising out of, as a result of, or in connection with such entry.
10. Insurance. Intentionally deleted. [See RFP]

11. ~~Termination for Convenience. In addition to all of the other rights which Village may have to cancel this Contract, Village shall have the further right, without assigning any reason therefor, to terminate the Contract, in whole or in part, at any time at its complete discretion by providing 180 days' notice in writing from Village to Contractor. If the Contract is terminated by Village in accordance with this paragraph, Contractor will be paid for Services actually performed through the date of termination. Intentionally deleted.~~
12. Termination for Default. Village may terminate the Contract, in whole or in part, immediately and without prior notice upon breach of the Contract by Contractor. In addition to any other remedies available to Village at law or in equity, Village may procure upon such terms as Village shall deem appropriate, Services substantially similar to those so terminated, in which case Contractor shall be liable to Village for any excess costs for such similar goods, supplies, or Services and any expenses incurred in connection therewith.
13. Transition in Service. In the event Services are terminated under this Agreement, either by reason of convenience, default or end of term, Contractor agrees to comply with all reasonable requests of the Village intended to effect a smooth transition of Services and minimal inconvenience to customers served.
14. Contract Funding. It is understood and agreed between Contractor and Village that Village's obligation under the Contract is contingent upon the availability of appropriated funds from which payment for Contract purposes can be made. No legal liability on the part of Village for any payment may arise until funds are made available to Village's Finance Officer and until Contractor receives notice of such availability. Should such funds not be appropriated or allocated, the Contract shall immediately be terminated. Village shall not be liable to Contractor for damages of any kind (general, special, consequential or exemplary) as a result of such termination.
15. Accounting Procedures. Contractor shall comply with any accounting and fiscal management procedures prescribed by Village to apply to the Contract and shall assure such fiscal control and accounting procedures as may be necessary for proper disbursement of and accounting for all Project funds.
16. Improper Payments. Contractor shall assume all risks attendant to any improper expenditure of funds under the Contract. Contractor shall refund to Village any payment made pursuant to the Contract if it is subsequently determined by audit that such payment was improper under any applicable law, regulation or procedure. Contractor shall make such refunds within 30 days after Village notifies Contractor in writing that a payment has been determined to be improper.
17. Contract Transfer. Contractor shall not assign, subcontract or otherwise transfer any interest in the Contract without the prior written approval of Village.
18. Contract Personnel. Contractor agrees that it has, or will secure at its own expense, all personnel required to provide the Services set forth in the Contract.
19. Contract Modifications. The Contract may be amended only by written amendment duly executed by both Village and Contractor.
20. Relationship of Parties. Contractor is an independent contractor and not an employee of Village. The conduct and control of the work will lie solely with Contractor. The Contract shall not be construed as establishing a joint venture, partnership or any principal-agent relationship for any purpose between Contractor and Village. Employees of Contractor shall remain subject to the exclusive control and supervision of Contractor, which is solely responsible for their compensation.
21. Advertisement. The Contract will not be used in connection with any advertising by Contractor without prior written approval by Village.
22. Financial Responsibility. Contractor is financially solvent and able to perform under the Contract. If requested by Village, Contractor agrees to provide a copy of its latest audited annual financial statements or other financial statements as deemed acceptable by Village's Finance Officer. In the event of any proceedings, voluntary or involuntary, in bankruptcy or insolvency by or against Contractor, in the event of the inability of Contractor to meet its debts as they become due or in the event of the appointment, with or without Contractor's consent, of an assignee for the benefit of creditors or of a receiver, then Village shall be entitled, at its sole option, to cancel any unfilled part of the Contract without any liability whatsoever.
23. No Pre-Judgment or Post-Judgment Interest. In the event of any action by Contractor for breach of contract in connection with the Contract, any amount awarded shall not bear interest either before or after any judgment, and Contractor specifically waives any claim for interest.

24. Background Checks. At the request of Village's Project Coordinator, Contractor (if an individual) or any individual employees of Contractor shall submit to Village criminal background check and drug testing procedures.
25. Mediation. If a dispute arises out of or relates to the Contract, or the breach of the Contract, and if the dispute cannot be settled through negotiation, the parties agree to try in good faith to settle the dispute by mediation administered by the American Arbitration Association under its Commercial Mediation Rules before resorting to litigation.
26. No Third-Party Benefits. The Contract shall not be considered by Contractor to create any benefits on behalf of any third party. Contractor shall include in all contracts, subcontracts or other agreements relating to the Contract an acknowledgment by the contracting parties that the Contract creates no third-party benefits.
27. Force Majeure. If Village is unable to perform its obligations or to accept the Services because of Force Majeure (as hereinafter defined), the time for such performance by Village or acceptance of Services will be equitably adjusted by allowing additional time for performance or acceptance of Services equal to any periods of Force Majeure. "Force Majeure" shall mean any delays caused by acts of God, riot, war, terrorism, inclement weather, labor strikes, material shortages and other causes beyond the reasonable control of Village.
28. Strict Compliance. Village may at any time insist upon strict compliance with these terms and conditions notwithstanding any previous course of dealing or course of performance between the parties to the contrary.
29. General Provisions. Village's remedies as set forth herein are not exclusive. Any delay or omission in exercising any right hereunder, or any waiver of any single breach or default hereunder, shall not be deemed to be a waiver of such right or of any other right, breach, or default. If action be instituted by Contractor hereunder, Village shall be entitled to recover costs and reasonable attorney's fees. Contractor may not assign, pledge, or in any manner encumber Contractor's rights under this Contract or delegate the performance of any of its obligations hereunder, without Village's prior, express written consent.
30. Contract Situs. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation and enforcement of the Contract, will be determined in Union County, North Carolina. North Carolina law will govern the interpretation and construction of the Contract.
31. Monitoring and Evaluation. Contractor shall cooperate with Village, or with any other person or agency as directed by Village, in monitoring, inspecting, auditing or investigating activities related to the Contract. Contractor shall permit Village to evaluate all activities conducted under the Contract. Village has the right at its sole discretion to require that Contractor remove any employee of Contractor from Village Property and from performing Services under the Contract following provision of notice to Contractor of the reasons for Village's dissatisfaction with the Services of Contractor's employee.
32. Governmental Restrictions. In the event any governmental restrictions are imposed which necessitate alteration of the material, quality, workmanship or performance of the items offered prior to their delivery, it shall be the responsibility of the Contractor to notify, in writing, the issuing purchasing office at once, indicating the specific regulation which required such alterations. Village reserves the right to accept any such alterations, including any price adjustments occasioned thereby, or to cancel the Contract.
33. Inspection at Contractor's Site. Village reserves the right to inspect, at a reasonable time, the equipment/item, plant or other facilities of a prospective contractor prior to Contract award, and during the Contract term as necessary for Village determination that such equipment/item, plant or other facilities conform with the specifications/requirements and are adequate and suitable for the proper and effective performance of the Contract.

Exhibit 2

Scope of Services and Terms

The Village selected the following Services and Options, along with the supplemental descriptive terms set forth herein.

Services and Options

- | | |
|---|---------------------------------------|
| 1. Base Bid for Household Weekly Curbside: | \$8.20 / month |
| a. Includes services to Village facilities and Village events as described in the RFP | |
| b. Flat Hourly Fee for Storm Debris removal (when needed as directed): \$275 / hour (plus tipping costs) | |
| 2. Weekly Curbside Recycling (Option #1): | \$5.50 / month |
| 3. Containerized/Bagged Yard Waste (Option #6): | \$3.00 / month |
| 4. Seasonal Christmas Tree Collection (Option #8): | \$0.00 / month (no additional charge) |
| 5. Municipal Specific Logos on Trucks (Option #11): | \$1,500 / per year |
| 6. Municipal Logos on Trash and Recycling Cans (Option #12): | \$0.00 / month (no additional charge) |
| 7. Annual Electronic, Bulk, White Goods Collection | \$1,000 / per year |
| a. Date and location to be determined | |
| <u>b. See A(c) of Supplemental Explanatory Terms for price increase</u> | |
| <u>b.c. Tipping costs for electronics are not included and based upon Union County's pricing with third-party vendors. Company will provide this service and pass-through Union County tipping charges.</u> | |

Supplemental Explanatory Terms and RFP Modifications

- A. Modification to rates and fees are set forth in the RFP (Section 4 and bid forms) but such terms are further modified or explained as follows:
- a. No increases until ~~July~~April 1, 2023
 - b. CPI modifications are governed by RFP to the extent of conflict with Proposal. Annual increases or decreases to CPI will commence April 1, 2023.
 - c. In addition to increases set forth above, the annual price for Annual Electronic, Bulk, White Goods Collection may be increased annually commencing July 1, 2022 to cover Company's actual costs above the annual fee provided that (i) Company submits written justification of cost increases to the reasonable satisfaction of Village at least 60 days prior to the July 1 increase date and (ii) the Village has the right to decline such services by providing Company written notice of such decline at least 30 days prior to the July 1

increase date. Annual increases under this section shall not exceed 20% above the then current rate.

B. Current Fuel Costs are \$2.95 / gallon

- a. Section 4 of the RFP governs surcharges if fuel cost ~~increases~~change more than 10% in a six (6) month period, to include the time between the contract award and contract start date. Village and Company will verify pricing and make any agreed upon adjustments at least 30 days prior to the April 1, 2022 Commencement Date. The 10% adjustment for fuel surcharges shall apply to both increases and decreases in fuel costs.

C. Village not responsible for supplemental services requested by individual residents which shall be billed directly to such residents. Pricing will be at Village's rates/ prices set forth herein.

D. Liquidated Damages and Negative Adjustments may be deducted from monthly invoice payments. Liquidated Damages "Incident" description and "Cost Schedule" provisions from pages 21-22 of the RFP are modified as follows:

- a. Number 1: add the following to the end of the Incident description: "unless governed by the Emergency Plan described in Section 5 of the RFP or other emergencies outside of Company's control."
- b. Number 2: revise the Incident description by replacing the word "notification" with email and adding the following at the end: "by 7:00 p.m. whether responded to our not."
- c. Number 4: revise the Incident description by deleting "or resolve" in the first line; delete "or reporting unresolved complaints as having been resolved and replace with: "and resolve within 48 hours; complaint must be substantiated with a photo or video."
- d. Number 6: replace Incident description in its entirety with: "Failure to notify the Village of failure to collect items recorded in Company system so that reasoning can be communicated with the resident."
- e. Number 7: replace Incident description in its entirety with: "Failure to deliver a container within 2 business days of request. New service, or replacement of lost, stolen or damaged containers are expected to have carts within 2 days of request; however when exigent circumstances exist that may prohibit a new cart, a temporary cart will be allowed upon written notice from the Village representative, but under no circumstances shall a used cart be allowed more than 3 months."
- f. Number 8 revise the Incident description by replacing the words "hazardous" with "uniform" and "requirements" with "apparel."
- g. Number 9:
 - i. replace the Incident description in its entirety with: "Failure to clean up small pieces of trash or debris that fall or fly out of the collection vehicle within 24 hours of written notification from the Village. Failure to remove spillage (oil, hydraulic fluid, garbage, trash, recyclables, etc.) within 24 hours of written notification from the Village or failure to clean any residue from such spillage within 48 hours of written notification from the Village, subject to additional time for any clearance from the fire department. "
 - ii. Replace the Cost Schedule in its entirety with: "For small trash or debris falling or flying out of collection vehicle: \$100 per incident; \$250 for 2nd incident and \$500 for 3rd, and each and every subsequent incident in any 30-calendar-day

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period. For failure to remove or clean residue from spillage: \$3,000 per incident; \$4,000 for 2nd incident; \$5,000 for each and every incident thereafter in any 30-calender-day period."

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h. Number 17 add the following to the Incident description: "unless governed by the Emergency Plan described in Section 5 of the RFP or other emergencies outside of Company's control."

i. Number 23 add the following to the end Incident description: "as described in the paragraph titled "Customer Service " in Section 3 of the RFP."

j. Number 24 revise the Incident description by replacing the word "general" with "Equipment" and adding the following to the end "as described in the Paragraph entitled "Equipment" in Section 6 of the RFP and in the Proposal."

D. _____

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E. Company will coordinate and confirm with the Village the address and initial number of residential customers prior to the Commencement Date. Subsequent updates will be provided by Company in the monthly reports in accordance with Section 9 of the RFP.

F. Section 5, Holiday Collection of the RFP is replaced in its entirety with the following:

"Customers will be notified of holiday collection schedules via collection calendars and again through publication in media(s) of the municipalities choice as outlined in the request for proposals. Affected customers will experience a one-day delay except for Christmas Eve and Christmas Day which may result in a 2-day delay depending on the days of the week the holidays fall upon. Union County transfer station and local landfills are closed on both Christmas Eve and Christmas Day."

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The following is a list of holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Contractor may decide to observe any or all of the above mentioned holidays by suspension of collection service on the holiday, but the Contractor must meet its obligations as required."

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G. Section 6, Emergency Unloading of the RFP is replaced in its entirety with:

"While Municipalities recognize that an occasional emergency such as a hot load may require unloading a collection vehicle in the field, the Contractor shall recollect this material (the "Unloaded Material") within two (2) hours of the unloading or, if delayed by the local fire department, within two (2) hours of allowing such recollection to occur. Contractor will notify the municipality of the acceptable time to safely reload such material with the name of the individual within the fire department who issued such acceptable time. Contractor shall promptly notify municipality of such event and when the Unloaded Material has been collected.

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If the Unloaded Material is not collected in a timely manner, the respective municipality may, in addition to assessing damages for time delays, assess damages of \$2,000 to collect the Unloaded Material, and will invoice the Contractor the cost to repair any damage to the respective municipality 's streets, sidewalks or other infrastructure as soon as the respective

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municipality can assess the costs of such damages to infrastructure. Should fire investigators determine that the cause of the hot load was a result of a customer of the municipality putting hazardous materials into the waste stream to cause such damage, the Contractor shall not bear such repair costs."

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H. Section 6, Vehicle Leaks and Spills of the RFP is replaced in its entirety with the following:

"Contractor's collection vehicles shall be repaired or removed from service immediately if any spill or leak is a result of a mechanical problem. For spills more than 12 inches in diameter, the Contractor shall be responsible for applying absorbent materials, clean up, and disposal in a manner which complies with all federal, state, and local laws and regulations, of all oil spills and hydraulic fluid or other leaks associated with its provision of Services. In the event of a spill or leak, the Contractor shall immediately notify the respective municipality and shall send a representative to the location of the incident. If the spill or leak is in a street location and/or is a public safety hazard, the Contractor shall also immediately request the Public Safety and notify the appropriate personnel within the Union County to dispatch traffic control and any other required public safety personnel. The respective municipality and the Contractor will evaluate the spill or leak to determine proper handling. The respective municipality must approve the Contractor's recommended clean-up plan, which may require steam cleaning. For major spills as agreed to by both parties, the cleanup must commence as soon as possible but no later than two (2) hours following the spill or leak or when responding agencies allow such cleanup to commence. For minor spills the contractor has 48 hours during normal business days, not including weekends, to provide remedial action."

I. Section 9 Recordkeeping, Monthly subsection (8) regarding recyclables is replaced in its entirety with the following:

"Contractor shall provide the Municipality with a monthly report indicating any monies received for recyclable materials collected under the contract: by type of material sold, its unit price and weight less any costs incurred by the Contractor for processing materials to market specifications including, but not limited to sorting and baling costs and transportation from any facility owned by the Contractor to the marketplace. This report should reflect the amount shown as a recycle credit on the Municipality's monthly invoice

Contractor shall keep accurate records of recyclable collections made from residential units and report to the respective Municipality quarterly the total tonnage collected during the previous quarter."

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E-J. All RFP provisions not expressly modified or explained as set forth in this Exhibit 2, Scope of Services and Terms shall remain in full force and effect.