

**TOWN OF WEDDINGTON
SPECIAL TOWN COUNCIL WORK SESSION
THURSDAY, JANUARY 24, 2013 – 4:00 P.M.
MINUTES**

The Town Council of the Town of Weddington, North Carolina, met in a Special Work Session at the Weddington Town Hall, 1924 Weddington Road, Weddington, NC 28104 on January 24, 2013, with Mayor Walker F. Davidson presiding.

Present: Mayor Walker F. Davidson, Mayor Pro Tem Daniel Barry, Councilmembers Werner Thomisser, Pamela Hadley and Barbara Harrison, Town Planner Jordan Cook and Town Administrator Amy S. McCollum

Absent: None

Visitors: Dorine Sharp, Jim Vivian, Judy Johnston, Paisley Gordon, Jr., John Wilson, Bill D., Nancy Anderson and Michael Sealy

Item No. 1. Open the Meeting. Mayor Walker F. Davidson called the January 24, 2013 Special Town Council Work Session to order at 4:01 p.m. There was a quorum.

Item No. 2. Review and Consideration of Updating the Weddington 2002 Land Use Plan. The Town Council received a copy of the following:

- Current Use Map with a legend outlining specific uses
- Land Use Map
- Zoning Map
- Western Union County LARTP Map for Weddington
- Union County Future Land Use Plan Map
- Union County Zoning Map
- Land Use Plan – Chapters I, II and III
- Sections 38-23 through 38-25 of the Code of Ordinances

Mayor Davidson discussed the objectives of the meeting and the following list of items were developed that the Council wanted to accomplish in updating the Land Use Plan:

- Getting the facts correct – Dorine Sharp and Town Planner Cook have been reviewing the first three chapters of the Land Use Plan. Town Planner Cook has advised that the next two chapters are longer and may take additional time. Town Planner Cook advised that he and Dorine only changed information as it dealt with dates or numbers. Councilmembers requested additional time to review the changes since they got this information late today.
- Attorney Fox is reviewing the Land Use Plan for legal compliance and to note the protected legal language in the document.
- Document to be clear and consistent.
- Remove contradictions.
- Restate goals and objectives.
- Land Use Plan to correlate to the Land Use Plan Map.
- Ordinances and Land Use Plan to match when completed with review.

Councilwoman Barbara Harrison questioned when the public was going to be given an opportunity to speak and wanted to discuss whether the March 31 deadline is able to be met and whether additional meetings would be needed to accomplish that goal.

Town Planner Cook advised that the Land Use Plan is as important or more important than the actual Zoning Ordinance. He stated, "I am in the process of meeting with a developer or two per week. Having this document accurate and concise is what I need to talk with these developers or real estate agents. This is an everyday document to me and I lean on the Zoning Ordinance to talk about the process. I want a document that is not 11 years old, has teeth to it and is accurate. I do not want people going through the process if our Land Use Plan does not call for something like they are proposing. If it is strong enough you do not need to go through this process and spend all this time and money. It is a day-to-day tool for me."

Mayor Davidson – During the Polivka hearing, I heard comments that people want to do what they want with their property. They do not want the government to tell them what to do with their property. Does everyone on the Council believe that the Town Council has the right to tell people what they can or cannot do with their property?

Councilwoman Harrison – That is a loaded question. I just met with three different landowners in this community. What they have told me is that it appears that the Council does not consider anybody that has anything over an acre and what it is like for them to try to sell their property with the way that we are structured right now. All three of these people are aging and need to do something and they feel like we are not allowing them to sell their property to get the money that they need to continue living. I do not know how to answer that now. Personally, if you tell me that I have to cut trees in my back yard, I am going to tell you to take a flying leap because it is my property. Maybe you need to qualify that more.

Mayor Davidson - The Land Use Plan by definition, whether we like it or not tells people what they can or cannot do with their land.

Councilwoman Harrison - There is also legal language that is in there to say exactly what that means. If somebody wants R-40 and they want to sell 100 acres and someone comes in and says they are going to put 100 homes we have minimal input into that as a Council.

Mayor Davidson - The statement is not that we can tell them everything they can or cannot do with their property.

Councilwoman Harrison - I think it has to say we have the right based on the laws that govern us.

Mayor Pro Tem Barry - It is a guide. It is not a dictate. I think where you were going is saying commercial versus residential.

Mayor Davidson -You put it into terms that we will limit them.

Mayor Pro Tem Barry - We will set the condition but we are not going to say what they can do with it.

Mayor Davidson - But the condition is the limit. We get to tell them where they get to stop.

Mayor Pro Tem Barry - I am looking at form and the style at which they put their houses together.

Mayor Davidson - But it is limitations none the less. With the Land Use Plan, we have the right to put limitations on property owners. I want to get past this so we can develop this Land Use Plan so we do not

get to the point that every time somebody comes up they say, “How dare you tell me what I can do with my land.” As a Council we are writing this Land Use Plan and we acknowledge that we have the right to do this.

Mayor Pro Tem Barry - That sets a guide for development on land uses. It is a guide and not a dictate and not State Statutes. It is a guide subject to the interpretation of the Council that is elected.

Mayor Davidson – It still limits.

Councilmember Thomisser - People do have the right to develop their property but I do think there is a difference when they do residential versus something other than residential.

The Council discussed what year does the Council plan for the Land Use Plan to go through – 5 years, 10 years? Council asked that staff ask Attorney Fox if a date is needed for the plan. Members discussed that they want the plan to be reviewed annually by the Planning Board. Councilwoman Harrison preferred five years due to changes in social and economic conditions if a date is required.

Councilwoman Harrison requested that definitions of certain terms possibly be added to the Land Use Plan to provide for further clarity.

The Town Council reviewed the map developed by Town Planner Cook showing the non-residential uses within the Town. He also went through and noted the R-CD subdivisions for land use purposes. Town Planner Cook also added for development and non development purposes lakes and FEMA floodplains. He advised that the next step is to get Union County’s water and sewer shape files and transmission lines and add to the map. The conditional use permits listed on the map only go back as far as 2000. Staff will review back to 1983 to find all conditional use permits. Ms. Dorine Sharp thought it would be useful to also include cell tower locations.

Council discussed that the Town has the ability to restrict development in the FEMA Floodplain. Councilwoman Harrison asked that the map show the location of the duplexes and trailer parks in the Town. Councilmember Thomisser also felt that it would be beneficial to show commercial development on the Town’s borders. Mayor Pro Tem Barry also suggested that pending projects that are being discussed or are in the queue be added to the map to show the Council what is coming down the path.

Town Planner Cook will have an updated map to the Council on Monday. The exercise is to give the Council a template to draw their individual maps and vision and to add additional land use boxes/buffers. Town Planner Cook advised that the Town has three land use designations at this time.

The Council talked about numerous dates to meet and receive public comment. Councilmembers are to send Amy a list of Saturday dates that would work. The Council will also possibly meet with the Planning Board to discuss updating the plan. A public hearing on the updated Land Use Plan may be held in April.

Mayor Davidson will work on a list of dates and send to everyone.

Items for January 31 Meeting

- Review Land Use Maps developed by each Councilmember
- Public Comment Period of 30 minutes – Individuals to speak 3 minutes each
- Discuss and Consider Planning Board’s Role in the process of updating the Land Use Plan

Item No. 3. Adjournment. Mayor Pro Tem Barry moved to adjourn the January 24, 2013 Special Town Council Work Session. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser, Hadley, Harrison and Mayor Pro Tem Barry
NAYS: None

The meeting adjourned at 5:41 p.m.

Walker F. Davidson, Mayor

Amy S. McCollum, Town Clerk