

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, FEBRUARY 11, 2013 - 7:00 P.M.
MINUTES**

The Town Council of the Town of Weddington, North Carolina, met in a Regular Session at the Weddington Town Hall, 1924 Weddington Road, Weddington, NC 28104 on February 11, 2013, with Mayor Walker F. Davidson presiding.

Present: Mayor Walker F. Davidson (Arrived at 7:11 p.m.), Mayor Pro Tem Daniel Barry, Councilmembers Werner Thomisser, Pamela Hadley and Barbara Harrison, Town Attorney Anthony Fox, Finance Officer Leslie Gaylord, Town Planner Jordan Cook and Town Administrator Amy S. McCollum

Absent: None

Visitors: Nancy Anderson, Don Titherington, Bruce Klink, Anthony Burman, Jim Vivian, Clare Meyer, Steven Carow, Daryl Matthews, Joshua Dye, Jennifer Madaris, Dennis Taylor, Bill Snider, Monica Snider, John Giattino, Bill Price and Genny Reid

Mayor Pro Tem Daniel Barry offered the Invocation prior to the opening of the meeting.

Item No. 1. Call to Order. Mayor Pro Tem Barry called the February 11, 2013 Regular Town Council Meeting to order at 7:05 p.m.

Item No. 2. Pledge of Allegiance. Mayor Pro Tem Barry led in the Pledge of Allegiance.

Item No. 3. Determination of Quorum. There was a quorum.

Item No. 4. Presentations.

A. Presentation of Weddington Audit – Tinsley and Terry. The Town Council received a copy of the Audited Financial Statements for the year ending June 30, 2012 for the Town.

Ms. Clare Meyer – I am here to report on the audit for the Town of Weddington’s financial statements for the year ending June 30, 2012. I am happy to announce that we have issued an unqualified opinion on the financial statements which is our highest level of assurance. In our letter regarding your system of internal controls we found no deficiencies or material weaknesses. This is very common for you guys. Amy, Kim and Leslie do a really good job. They are extremely professional. They are very conscientious of what they do and they make the audit much easier for us.

B. Presentation of Providence VFD Audit – Tinsley and Terry and Jack Parks. The Town Council received a copy of the Report on the Audit of Financial Statements for the year ending June 30, 2012 for the Providence VFD.

Ms. Meyer - I am also happy to issue an unqualified opinion for the Providence VFD audit. It is very rare that we do an initial audit and we do not find some sort of deficiency within the system of internal controls that needs to be reported on. There were a few clean up items that you may have noticed in a separate management letter that we issued. There was nothing of significance. Steve was extremely helpful to my staff. Initial audits are extremely painful because we ask for every piece of data that they have historically and they have been around since the 1950s. They handled it very well. For the year ending June 30, 2013, the fire department will be a component unit of the Town of Weddington which means that we will

actually merge their financial data into your financial statements. But it will still be two separate audits and two separate legal entities.

Councilwoman Pamela Hadley - How often do you do fire departments?

Ms. Meyer - We did have another fire department that is a component unit of another Town. Anytime the Town is funding something like a separate entity to the extent that you are it is a good idea for you to have their financial statements audited. It is strongly suggested by law if you give them more than \$100,000 that you want some kind of accounting back from them. It is not required it is just suggested within the statutes.

Mayor Pro Tem Barry moved to accept the Weddington and Providence VFD audits. All were in favor, with votes recorded as follows:

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

Item No. 5. Public Comments.

Ms. Nancy Anderson – I would like to thank the Council for your service and congratulate you again on a great job that you all did in working through the fire department issue. I think we just got more affirmation that the decisions were correct and right and moved through in a seamless way. I do not think any of the customers even noticed that there was a change. I was able to attend the farewell party for Congresswoman Sue Myrick on Saturday. She retired after 38 years of public service – the last 12 of which have been on our behalf representing us in Congress. I ask that you consider passing a resolution in appreciation for her service. She was quite an amazing trail blazer for the City of Charlotte, for the 9th district and our whole region. Many of the things that she accomplished will never be traced back to her because she does not have her name on it but she did an outstanding job for us and I would like for our Town to recognize her.

Mr. Jim Vivian – My comment is about the Polivka tract and the situation on a lone tree. It is not a lone tree - it is part of a ridge forming one of the highest parts of this portion of Western Union County. I have a map that I am sure everyone has seen. For the public it shows there is a considerable sized tree that is over there. You are going to vote on this tonight. In spite of the arborists' reports and other reports that have been done on it, I have trouble understanding the validity of the position that this tree has to go. I do not understand the position of taking that tree out of there. When you are at the Harris Teeter looking across the road that tree has a lot of value I think to the overall upsweep of that slope and I think it would enhance their building to keep this tree.

Item No. 6. Additions, Deletions and/or Adoption of the Agenda. Mayor Walker Davidson asked that the Council add to the agenda to discuss the Providence VFD Capital Improvement Plan.

Mayor Pro Tem Barry thought that this item was going to be discussed at the retreat.

Mayor Davidson - What I am trying to do is to have the discussion of what we would like to see from them and I have a question for our attorney.

Mayor Davidson did not get a motion to add this item to the agenda.

Councilwoman Hadley moved to adopt the agenda as presented. All were in favor, with votes recorded as follows:

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

Item No. 7. Approval of Minutes.

A. December 10, 2012 Regular Town Council Meeting Minutes. Councilwoman Hadley moved to approve the December 10, 2012 Regular Town Council Meeting Minutes. All were in favor, with votes recorded as follows:

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

B. January 14, 2013 Regular Town Council Meeting Minutes. Councilwoman Hadley moved to approve the January 14, 2013 Regular Town Council Meeting Minutes. All were in favor, with votes recorded as follows:

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

C. January 24, 2013 Special Town Council Work Session Minutes. Councilwoman Hadley moved to approve the January 24, 2013 Special Town Council Work Session Minutes. All were in favor, with votes recorded as follows:

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

D. January 28, 2013 Special Town Council and Planning Board Training Session Minutes. Councilwoman Hadley moved to approve the January 28, 2013 Special Town Council and Planning Board Training Session Minutes. All were in favor, with votes recorded as follows:

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

Item No. 8. Consent Agenda.

A. Consideration of Authorizing Tax Collector to Advertise Unpaid Real Property. Mayor Pro Tem Barry moved to authorize the Tax Collector to advertise the unpaid real property.

In accordance with North Carolina General Statute 105.369(a), the following represents the total of unpaid 2012 taxes that are liens on real property to date: \$79,128.49. In accordance with General Statutes 105.369(a), I am hereby requesting authorization to advertise unpaid 2012 taxes that are liens on real property.

State of North Carolina
Town of Weddington
To the Tax Collector of the Town of Weddington

The Town of Weddington Tax Collector is ordered to advertise all unpaid 2012 taxes that are liens on real property, pursuant to North Carolina General Statute 105-369(a), -369(c).

Witness my hand and official seal this 11th day of February, 2013.

The Town Council also received a copy of the 2012 Unpaid Property Tax List.

All were in favor, with votes recorded as follows:

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

B. Consideration of Approval of Resolution of Consideration Identifying Areas as Being Under Consideration for Annexation. The Town Council received a copy of the following memo from Town Administrator Amy McCollum and a copy of the annexation map:

Please find attached a map showing areas that the Town has identified as areas for possible future annexation. The original Resolution and Map identifying this area was adopted in 1998. It is recommended that the Town adopt this Resolution every year. By adopting the Resolution, it allows the Town in the future to proceed with involuntary annexation of these areas without having to wait one year before the annexation would become effective. Approval of this Resolution and map only helps to facilitate future annexations.

This is further information from Bill Duston of COG regarding Resolution of Considerations (ROC):

Adoption of an ROC does not necessitate notification to affected and/or adjacent property owners. There is no obligation for a community to actually go forward with an annexation if an ROC is adopted. If an ROC is adopted and is not renewed within the initial two-year period post adoption, the ROC is null and void. Having an ROC in place does not preclude another community from adopting a Resolution of Intent (ROI) in any portion of the ROC territory. The advantage for a community to have an ROC adopted and kept in place is that once the initial one-year waiting period is met, a community can at any time thereafter adopt an ROI and formally begin annexation proceedings. Without an active ROC in place (i.e., one that has been in place for at least one year), there will be a one year hiatus in the effective date of an adopted annexation ordinance.

Mayor Pro Tem Barry moved to approve Resolution R-2013-02:

**RESOLUTION OF CONSIDERATION
TOWN OF WEDDINGTON
A RESOLUTION IDENTIFYING THE AREA DESCRIBED HEREIN AS BEING UNDER
CONSIDERATION FOR ANNEXATION
R-2013-02**

BE IT RESOLVED by the Town Council of the Town of Weddington:

Section 1. That pursuant to G.S. 160A-37 (i), the following area is hereby identified as being under consideration for future annexation by the Town of Weddington, under the provisions of Chapter 160A, Article 4A, Part 2 of the General Statutes of North Carolina.

All properties within the boundaries as shown on the attached map are incorporated by reference.

Section 2. That a copy of this resolution shall be filed with the Town Clerk.

Section 3. This resolution shall remain in effect as provided by G.S. 160A-37(i).

Section 4. Owners of agricultural land, horticultural land and forestland within the area under consideration for annexation as described in Section 1 above are hereby notified that they may have rights to a delayed effective date of annexation. G.S. § 160A-49(f1) and (f2) provide that land being taxed

at present-use value qualifies for delayed annexation, and land that is eligible for present-use value taxation but which has not been in actual production for the time period required by G.S. § 105-277.3 may qualify for delayed annexation by making application to the Union County Tax Assessor for certification. For qualified tracts, the annexation will not become effective for most purposes until the last day of the month in which the tract or part thereof becomes ineligible for present-use value classification under G.S. § 105-227.4 or no longer meets the requirements of G.S. § 160A-49(f1)(2). Until annexation of a tract becomes effective, the tract will not be taxed by the Town of Weddington and will not be entitled to services from the Town.

Adopted this 11th day of February, 2013.

- Adopted: June 8, 1998
- Renewed: May 8, 2000
- Renewed: April 8, 2002
- Renewed: March 8, 2004
- Renewed: February 13, 2006
- Renewed: January 14, 2008
- Renewed: January 12, 2009
- Renewed: February 8, 2010
- Renewed: January 17, 2011
- Renewed: February 9, 2012

All were in favor, with votes recorded as follows:

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

C. Consideration of Municipal Speed Limit Ordinances Enacting Speed Zones on SR 2810 (Hunter Lane) and SR 2811 (Keegan Court) in the Weddington Woods Subdivision. The Town Council received a copy of a letter dated January 24, 2013 from Louis L. Mitchell, PE, Division Engineer with NCDOT requesting a Municipal Speed Limit Ordinance for this request:

Mayor Pro Tem Barry moved to adopt Ordinance O-2013-04:

**TOWN OF WEDDINGTON
 MUNICIPAL DECLARATION TO ENACT SPEED LIMITS
 AND REQUEST FOR CONCURRENCE
 O-2013-04**

BE IT ORDAINED by the Town of Weddington Town Council that the speed limit modification on the following described portion of the State Highway System Street be adopted:

SPEED LIMIT	ROUTE AND DESCRIPTION
25	(Keegan Court) from SR 2810 (Hunter Lane) to a point approximately .09 mile east of SR 2810, subdivisionwide (Weddington Woods)
25	(Hunter Lane) from SR 1346 (Hemby Road) to a point approximately .30 mile southeast of SR 1346, subdivisionwide (Weddington Woods)

Adopted this 11th day of February, 2013.

All were in favor, with votes recorded as follows:

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

D. Call for Public Hearing to Review and Consider Proposed Text Amendments to Section 58-60 – M-X Review Process (Public Hearing to be held March 11, 2013 at 7:00 p.m. at the Weddington Town Hall). The Town Council received a copy of the proposed text amendment. Mayor Pro Tem Barry moved to call for a public hearing to review and consider a proposed text amendment to Section 58-60 of the Code of Ordinances. The public hearing is to be held March 11, 2013 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

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

Item No. 9. Public Hearings and Consideration of Public Hearings.

A. Public Hearing to Review and Consider - Proposed Text Amendments to Section 58-9-Entry Monuments. The Town Council received a copy of the proposed text amendment. Mayor Davidson opened the public hearing.

Town Planner Jordan Cook reviewed the proposed text amendment with the Town Council. He stated, “Bromley just added two entry monument signs for a couple of lots that they have fronting Hemby Road. Throughout that process the Planning Board and I noticed that the text was confusing. This just clarifies that entry monuments are excluded from typical sign regulations.”

With there being no one wishing to speak regarding the amendment, Mayor Davidson closed the public hearing.

B. Consideration of Ordinance Adopting Proposed Text Amendments to Section 58-9 - Entry Monuments. Councilwoman Hadley moved to adopt Ordinance O-2013-01:

**AN ORDINANCE TO AMEND SECTION 58-9
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2013-01**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-9 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 58-9. - Fences and walls permitted within yard areas and at subdivision entrances.

Unless otherwise noted in this chapter, fences or walls are permitted in the various districts subject to the following regulations:

- (1) *Residential districts.*
 - a. Within the required rear and side yard areas, the maximum height of a fence (except court perimeter fences) or wall shall be eight feet.
 - b. Within the required front yard area, the maximum height of a fence or wall shall be five feet.

- c. No portion on any fence or wall may be located within the established right-of-way of any publicly maintained road unless an encroachment agreement has first been obtained from the governing body maintaining said road.
- d. Subdivision entry and perimeter walls **and entry monuments** are not required to be of any specific height or style, but are subject to review and approval of the planning board prior to the start of construction.

(2) *Business districts.*

- a. Within the required rear and side yard areas, the maximum height of a fence or wall shall be eight feet.
- b. Within the required front yard area, the maximum height of a fence shall

Adopted this 11th day of February, 2013.

All were in favor, with votes recorded as follows:

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

C. Public Hearing to Review and Consider - Proposed Text Amendments to Section 58-152 - Subdivision Identification Signs. The Town Council received a copy of the proposed text amendment. Mayor Davidson opened the public hearing.

Town Planner Cook – This goes hand-in-hand with the last text amendment. This clarifies that the sign in the entry monuments are two different items. These entry monuments are like the stone monument at the entrance of Highgate. That is an entire monument. We are not regulating the size of those actual stone brick monuments. We still do regulate the size that is on the monument. It is a maximum of 20 square feet.

With there being no one wishing to speak regarding the amendment, Mayor Davidson closed the public hearing.

D. Consideration of Ordinance Adopting Proposed Text Amendments to Section 58-152 – Subdivision Identification Signs. Councilmember Thomisser moved to adopt O-2013-02:

**AN ORDINANCE TO AMEND SECTION 58-152
 OF THE CODE OF ORDINANCES
 OF THE TOWN OF WEDDINGTON
 O-2013-02**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-152 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 58-152. – Signs permitted in all R residential districts

- (f) Subdivision identification signs (**included on entry monuments**) shall be regulated as follows:

(1)	Types of signs permitted:	Identification.
(2)	Permitted number of signs:	Two signs per subdivision entrance.
(3)	Maximum area of signs:	No sign shall be greater than 20 square feet in area.
(4)	Permitted location:	Behind right-of-way line.

Adopted this 11th day of February, 2013.

All were in favor, with votes recorded as follows:

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

E. Public Hearing to Review and Consider Proposed Text Amendments - Appendix 1-List of Acceptable Plant Species. The Town Council received a copy of the proposed text amendment. Mayor Davidson opened the public hearing. Town Planner Cook reviewed the proposed text amendment with the Town Council. With there being no one wishing to speak regarding the amendment, Mayor Davidson closed the public hearing.

F. Consideration of Ordinance Adopting Proposed Text Amendments to Appendix 1 – List of Acceptable Plant Species. Mayor Pro Tem Barry moved to adopt O-2013-03:

**AN ORDINANCE TO AMEND APPENDIX I
 OF THE CODE OF ORDINANCES
 OF THE TOWN OF WEDDINGTON
 O-2013-03**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT APPENDIX I OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

APPENDIX I. LIST OF ACCEPTABLE PLANT SPECIES

TABLE INSET:

Botanical Name	Common Name
LARGE MATURING TREES	
Abies firma	Japanese fir
Acer platanoides	Norway Maple
Acer rubrum	Red Maple
Acer saccharinum	Silver Maple
Saccharum	Sugar Maple
Altis laevigata	Sugar hackberry
Amelanchier Canadensis	Serviceberry
Betula negra	River Birch

<i>Carya illinoensis</i>	Pecan
<i>Carya glabra</i>	Shagbark hickory
<i>Carya cordiformis</i>	Pignut hickory
<i>Cedrus deodara</i>	Deodar cedar
<i>Celtis occidentalis</i>	Hackberry
<i>Cryptoeria japonica</i>	Japanese cryptomeria
<i>Cupressocyparis leylandii</i>	Leyland cypress
<i>Diospyros virginiana</i>	Persimmon
<i>Fagus grandiflora</i>	American beech
<i>Fraxinus americana</i>	White ash
<i>Fraxinus pennsylvanica</i>	Green ash
<i>Ginkgo biloba</i>	Ginkgo
<i>Gleditsia triacanthos inermis</i>	Thornless honeylocust
<i>Gymnocladus dioicus</i>	Kentucky coffee tree
<i>Juniperus virginiana</i>	Eastern red cedar
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Liriodendron tulipifera</i>	Tulip poplar
<i>Magnolia acuminata</i>	Cucumber tree
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Nyssa sylvatica</i>	Black gum
<i>Picea abies</i>	Norway spruce
<i>Picea orientalis</i>	Oriental spruce
<i>Picea pungens</i>	Colorado spruce
<i>Pinus bungeana</i>	Lacebark pine
<i>Pinus echinata</i>	Short leaf pine
<i>Pinus nigra</i>	Austrian pine
<i>Pinus sylvestris</i>	Scotch pine
<i>Pinus thunbergi</i>	Japanese black pine
<i>Pinus taeda</i>	Loblolly pine
<i>Pinus virginiana</i>	Virginia pine
<i>Platanus acerifolia</i>	London planetree
<i>Platanus occidentalis</i>	Sycamore

<i>Pseudotsuga menziesii</i>	Douglas Fir
<i>Quercus acutissima</i>	Sawtooth oak
<i>Quercus alba</i>	White oak
<i>Quercus bicolor</i>	Swamp white oak
<i>Quercus borealis</i>	Northern red oak
<i>Quercus coccinea</i>	Scarlet oak
<i>Quercus falcata</i>	Southern red oak
<i>Quercus laurifolia</i>	Laurel oak
<i>Quercus macrocarpa</i>	Bur oak
<i>Quercus nigra</i>	Water oak
<i>Quercus phellos</i>	Willow oak
<i>Quercus rubra maxima</i>	Eastern red oak
<i>Quercus shumardi</i>	Shumard oak
<i>Quercus velutina</i>	Black oak
<i>Quercus virginiana</i>	Live oak
<i>Salix babylonica</i>	Weeping willow
<i>Sophora japonica regent</i>	Japanese pagoda tree
<i>Taxodium distichum</i>	Bald cypress
<i>Tilia cordata</i>	Littleleaf linden
<i>Tsuga caroliniana</i>	Carolina hemlock
<i>Tsuga Canadensis</i>	Eastern hemlock
<i>Ulmus alata</i>	Winged elm
<i>Ulmus Americana</i>	American elm
<i>Ulmus parvifolia</i>	Lacebark elm
<i>Zelkova serrata</i>	Japanese zelkova
SMALL MATURING TREES	
<i>Acer buergeranum</i>	Trident maple
<i>Acer campestre</i>	Hedge maple
<i>Acer ginnala</i>	Amur maple
<i>Acer griseum</i>	Paperbark maple
<i>Amelanchier arborea</i>	Service berry

<i>Betula platyphylla japonica</i>	Japanese white birch
<i>Carpinus betulus</i>	European hornbeam
<i>Carpinus carolinana</i>	American hornbeam
<i>Catalpa bignonioides</i>	Southern catalpa
<i>Cornus florida</i>	Flowering dogwood
<i>Cornus kousa</i>	Kousa dogwood
<i>Cornus mas</i>	Cornelian-cherry dogwood
<i>Cercis candensis</i>	Eastern redbud
<i>Crataegus phaenopyrum</i>	Washington hawthorne
<i>Cupressus arizonica</i>	Arizona cypress
<i>Eleganus angustifolia</i>	Russian olive
<i>Eriobotrya japonica</i>	Loquat
<i>Halesia carolina</i>	Carolina siverbell
<i>Hammamelis mollis</i>	Chinese witch-hazel Ilex
<i>Fagus sylvatica</i>	European beech
<i>Fosteri</i>	Foster holly
<i>Ilex opaca</i>	American holly
<i>Ilex opaca hume</i>	Hume holly
<i>Ilex x attenuata 'Fosteri'</i>	Foster hybrid holly
<i>Ilex x attenuata savannah</i>	Savannah holly
<i>Kowlrwuteria bipinnata</i>	Chinese flame tree
<i>Koelreutraria paniculata</i>	Golden raintree
<i>Lagerstroemia indica</i>	Crepe myrtle
<i>Magnolia soulangeana</i>	Saucer magnolia
<i>Magnolia stellata</i>	Star magnolia
<i>Malus floribunda</i>	Flowering crabapple
<i>Malus hybrida</i>	Flowering crabapple
<i>Morus alba</i>	White mulberry
<i>Morus alba 'Pendula'</i>	Weeping white mulberry
<i>Osmanthus americanus</i>	Devilwood
<i>Ostrya virginiana</i>	Ironwood
<i>Oxydendrum arboreum</i>	Sourwood

Paulownia tomentosa	Empress tree
Prunus carolinana	Carolina cherry laurel
Prunus cerasifera 'Atropurpurea'	Pissard plum
Prunus cerasifera pissardii	Purpleleaf plum
Prunus cerasus	Sour cherry
Prunus serrulata kwanzan	Kwanzan cherry
Prunus subhirtella pendula	Weeping cherry
Prunus yedoensis	Yoshino cherry
Pyrus calleryana	Callery pear
Pyrus calleryana Bradfordi	Bradford pear
Pyrus calleryana 'Redspire'	Redspire pear
Pyrus calleryana 'Capital'	Capital pear
Quercus acuta	Japanese evergreen oak
Quercus glauca	Ring cupped oak
Ulmus parvifolia	Chinese elm
Viburnum rufidulum	Southern blackhaw
SHRUBS	
Abelia grandiflora	Glossy abelia
<u>Abelia x grandiflora</u>	<u>Kaleidoscope abelia</u>
Aucuba japonica	Japanese aucuba
Azalea hybrida	Glendale azalea
Azalea indica	Indian azalea
Azalea obtusum Kaempferi	Kaempferi azalea
Bambusa multiplex	Hedge bamboo
Berberis julianae	Wintergreen barberry
Berberis thunbergii	Japanese barberry
Camellia japonica	Camellia
Camellia sasanqua	Sasanqua camellia
Chaenomeles speciosa	Flowering quince
Cleyera japonica	Cleyera
Euonymus alatus	Winged euonymus

<i>Euonymus japonicus</i>	Evergreen euonymus
<i>Eleagnus pungens</i>	Eleagnus
<i>Forsythia intermedia</i>	Forsythia
<i>Hammamelis virginiana</i>	Witch-hazel
<i>Hydrangea quercifolia</i>	Oakleaf hydrangea
<i>Ilex aquifolium</i>	English holly
<i>Ilex cornuta</i>	Chinese holly
<i>Ilex cornuta burfordi</i>	Burford holly
<i>Ilex cornuta burfordi nana</i>	Dwarf burford holly
<i>Ilex crenata 'convexa'</i>	Convex japanese holly
<i>Ilex crenata 'hetzi'</i>	Hetzi japanese holly
<i>Ilex crenata 'roundifolia'</i>	Roundleaf japanese holly
<i>Ilex 'Emily Brunner'</i>	Emily brunner holly
<i>Ilex glabra</i>	Inkberry holly
<i>Ilex latifolia</i>	Lusterleaf holly
<i>Ilex pernyi</i>	Perny holly
<i>Ilex vomitoria</i>	Yaupon holly
<i>Jumperus chinesis pfitzeriana</i>	Pfitzer jumper
<i>Jumperus chinesis hetzi</i>	Hetzi jumper
<i>Laurus nobilis</i>	Laurel
<i>Ligustrum japonicum</i>	Japanese privet
<i>Ligustrum lucidum</i>	Glossy privet
<i>Ligustrum vicaryi</i>	Vicary goldern privet
<i>Loropetalum chinense</i>	Loropetalum
<i>Mahonia lealei</i>	Leatherleaf mahonia
<i>Myrica cerifera</i>	Wax myrtle
<i>Nandina domestica</i>	Nandina
<i>Osmanthus fortunei</i>	Fortune tea olive
<i>Osmanthus fragrans</i>	Fragrant tea olive
<i>Osmanthus heterophyllus</i>	Holly osmanthus
<i>Osmanthus heterophyllus roundifolius</i>	Curly leaf tea olive
<i>Photinia fraseri</i>	Fraser photinia

Photinia serrulata	Chinese photinia
Pieris floribunda	Mountain andromeda
Pieris japonica	Japanese andromeda
Pittosporum tobira	Pittosporum
Prunus laurocerasus	English laurel
Prunus laurocerasus angustifolia	Narrow leaf english laurel
Podocarpus macrophyllus maki	Podocarpus
Pyracantha coccinea	Scarlet firethorn
Raphiolepis umbellata	Yeddo-hawthorn
Spirea cantoniensis	Reves spirea
Spirea thunbergi	Thunberg spirea
Spirea prunifolia plena	Bridalwreath spirea
Spirea vanhouttei	Vanhoutte spirea
Taxus cuspidata	Japanese yew
Viburnum prunifolium	Blackhaw viburnum
Viburnum rhytidophyllum	Leatherleaf viburnum
Viburnum tinus	Laurestinus viburnum

Adopted this 11th day of February, 2013.

All were in favor, with votes recorded as follows:

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

Item No. 10. Old Business.

A. Discussion and Consideration of Polivka Condition of Approval Regarding Tree – Mayor Davidson. The Town Council received a copy of the following:

- November 13, 2012 Memo from Town Planner Cook regarding the Polivka International MX Rezoning Request
- Letter dated December 7, 2012 from Bartlett Tree Experts regarding the Inspection of the 56” Willow Oak at 13700 Providence Road, Weddington, NC
- Letter dated January 24, 2013 from the Union County Urban Forester regarding the 56” Willow Oak

Condition

Save the large tree near the house if at all possible, if not possible provide Zoning Administrator written documentation of why the tree cannot be saved.

Mayor Davidson – The condition does not state who is going to decide this. They are waiting to hear from the Town regarding the tree. They need an answer. Can I get a motion that they did or did not meet the condition based on the reports that we received?

Mayor Pro Tem Barry moved that the applicant did meet the condition.

Councilmember Thomisser - Everyone knows that Weddington has a lot of history. This house was built in 1894 and the banners on Providence Road say 1899 which was when the church was started. As you ride around Weddington you see a lot of heritage trees. That tree was planted when that house was built in 1946 by a World War II veteran. He is no longer with us but his family still is. The tree is significant to me because it speaks toward that generation. They sacrificed a lot for us and we have an opportunity to perpetuate something a member of the greatest generation did a long time ago. I have also talked with some constituents and they have told me stories that they used to climb in that tree. It has a lot of history. The owners of the property provided us with an arborist report that they hired and then we went and got the Union County Arborist's review. I saw nothing in the Union County report that indicated that tree was in trouble with the exception of one limb which was perhaps hollow. There is nothing in the Union County Arborist's report that says the tree will die in 5 or 10 years. I got the impression that the tree could possibly be around for a number of years and it is part of the history of Weddington. If you stand in front of the Harris Teeter it is a magnificent tree and if you get up close to it, it is a huge tree. It is a willow oak tree. The tree happens to be to the right side of the property. From looking at the site plan there are two roads and two entrances and it happens to be in the middle of the two roads. That could be an obstacle. This is a picture of the Waxhaw Main Street and there is a tree in the middle of the street or pretty close to the street. You can see how they built around the tree in Waxhaw. I have not seen anything again that would indicate that the tree could not survive. I also heard that it is in the way of the utilities which are going to be underground. I think an effort could be made to put the ditch that carries the underground utilities around the tree. Another idea would be a roundabout around the tree. That is possible. My deceased mother once said, "Where there is a will, there is a way." I do not see a will to save the tree. I would like to see some will by the owners of the property to try to save this tree. We don't have that many magnificent 67 year old willow oak trees left in Weddington.

Councilwoman Hadley - I think the Urban Forester said you would have to build a wall of protection .23 acres around the tree. What would be the consequence of having to do that and reroute and reengineer the driveway?

Town Planner Cook - I have the authority to approve administrative amendments to conditional zoning approvals or conditional zoning site plans. Rerouting driveways is something I could approve. It would not have to go through a process. The applicant can answer the question as far as reengineering costs and that type of stuff. I know they would not have to go all the way through our process. The grading may change if they have to reroute the driveway.

Mayor Davidson - The condition that we gave them was to do everything they could to save the tree.

Town Planner Cook – We said if at all possible and if not possible provide the Zoning Administrator written documentation of why it cannot be saved. It is possible. They can change the entire plan. That is why it is being discussed here and I am not making the decision.

Mayor Davidson - I do not want to see us get in a particular situation where they come back and say we have a way to do it and we tell them no. It is pretty open ended.

Attorney Fox – It will require the cooperation of the owner to participate in the revision of the plan. The owner would have to buy into that.

Councilmember Thomisser - Has the applicant provided documentation as to why the tree cannot be saved?

Town Planner Cook - I do not think that the arborists' reports say that it cannot be saved.

Mayor Davidson - Jordan has received two reports and the Council needs to decide if the applicant has met that condition.

Councilmember Thomisser – Would you accept a friendly amendment that we defer a decision on this and let the owners of the property tell us whether they can save the tree or not and give us more information.

Mayor Pro Tem Barry did not accept the friendly amendment.

The vote on Mayor Pro Tem's motion is as follows:

AYES: Councilmember Harrison, Hadley and Mayor Pro Tem Barry
NAYS: Councilmember Thomisser

B. Land Use Plan Update – Mayor Davidson and Attorney Fox. Attorney Fox - I spent some time going through the Land Use Plan and a lot of the comments really make it a tighter document. There is not much legal consequence to the Land Use Plan. There are no legal words or things that you have to carry forth in the plan. It is really a statement of the Town's vision of what they see as a guide for growth in the future in this community. It provides a resource of things that the governing body values and it will go forth and say what geographical areas are sought to be developed in a certain pattern.

Councilwoman Harrison – Do we have to put a date?

Attorney Fox – It does have in it that it will be effective to a certain date. I think some people do it to make sure that this plan is for a vision of a certain term of years and force the community to go back and revisit the plan within that period because circumstances change. A lot of these plans are ten-year plans.

Mayor Davidson - We could put five years but we are not legally bound.

Mayor Pro Tem Barry – If we say it is good through 2023 and five years from now a Council wants to revisit the plan there is nothing to prevent them from this doing again.

Attorney Fox - One body cannot bind another body.

Mayor Davidson - We can put language in there that we recommend it be done. We don't control the next Council.

Attorney Fox advised that he has only reviewed Sections 4 and 5.

Council felt that Attorney Fox should review the ETJ and Annexation language in the plan. Attorney Fox advised that he thinks the Town should still address annexation and ETJ in the plan because they are still options and he can create in the plan the flexibility to deal with changing law.

C. Update on Water Tower Location – Mayor Davidson. Mayor Davidson asked if anyone had any new information regarding the water tower. No one advised that they did. Mayor Davidson asked if Councilmember Thomisser had received the information he requested regarding water pressures in the

Town of Weddington. Councilmember Thomisser advised that he has not and Mayor Davidson asked that the Town's liaison work with Union County to get that information.

Councilmember Thomisser - I would like to also get the static and residual pressure that Chief Dye did to get a better indication of the fire flow in Weddington in the subdivisions that have fire hydrants.

Councilwoman Hadley advised that she would get that information.

Mayor Davidson – Barbara, you had concern that they were going to take revenue out of the enterprise fund and use it for general tax purposes. Do you want our liaison to check that out?

Councilwoman Harrison said no.

D. Discussion and Consideration of Extending the Land Use Plan to April 8, 2013. The Town Council received a copy of the proposed amendment to Pages 6 and 24 of the Land Use Plan to extend the plan to April 8, 2013. Mayor Pro Tem Barry moved to approve extending the Land Use Plan to April 8, 2013. All were in favor, with votes recorded as follows:

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

Item No. 11. New Business.

A. Discussion and Consideration of Revising the Public Safety Committee Rules of Procedures to Change the Town Council Seats to Citizen Seats – Mayor Davidson. Mayor Pro Tem Daniel moved to change the Rules of Procedures for the Public Safety Committee to change the role of the Town Councilmembers on the Committee to non-voting members.

Councilmember Thomisser made a friendly amendment that Town Councilmembers would not count toward the quorum. Mayor Pro Tem Barry accepted the amendment.

All were in favor of the motion, with votes recorded as follows:

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

Item No. 12. Update from Town Planner. The Town Council received the following update from Town Planner Jordan Cook:

- Polivka International has submitted a portion of their construction documents. They plan to have all of their construction documents submitted by the end of February. Therefore, they will be on the March 25th Planning Board agenda for Design Review Board approval and possibly the April 8th Town Council agenda. They would like to begin construction May 1st. The Planning Board will act as the Design Review Board for the elevations and construction document review.
- Vintage Creek has submitted their Preliminary Plat. They have asked that I delay in sending it to the Planning Board. They are still working with Union County on obtaining sewer approval. The Preliminary Plat should be on the Planning Board agenda in either March or April.
- Planning related items that will be discussed at the Retreat are:
 - Temporary Use Permits
 - Agritourism and Agricultural Uses
 - Annexation Agreement Renewal
 - Land Use Plan

- The following items were on the January 28th Planning Board agenda:
 - MX Review Process Text Amendments
 - Bromley Map 6 Final Plat
- The following items will be on the February 25th Planning Board agenda:
 - Beulah Church Road Minor Subdivision

Town Planner Cook also advised that the Board of Adjustment issued a 6-foot front yard setback for True Homes for a home located in the Sanctuary at Weddington subdivision and that he received an M-X zoning application from Todd Alexander for a banquet, reception and wedding facility to be located at 7112 New Town Road.

Item No. 13. Update from Town Administrator. The Town Council received the following update from Town Administrator McCollum:

- Our Minimum Housing Inspector has notified the property owner of Parcel #06-120-016 on Weddington-Matthews Road of housing and building code violations that exist.
- The 3rd Annual Easter Egg Hunt for children ages 11 and younger is scheduled for March 23, 2013 from 2 to 4 with a rain date of March 24. The hunt will be held at the Town Hall. Games and refreshments will be available and a picture with the Easter Bunny can be purchased for \$5.00. Citizens are asked to bring a canned good to be donated to a local food shelter to be entered to win a prize.
- The 2013 Town Hall Day is being held on March 27 in Raleigh. Please let me know if you are interested in attending.
- Staff has been testing our documents and programs through the VC3 Hosted Environment. Testing will be completed this week. Everything is going well and once testing is completed VC3 will schedule a Go Live date.
- Bizwell was not able to secure enough advertisements for the 2013 Welcome Magazine. They will contact the Town at the end of the year to see if there is interest to do a 2014 magazine.
- The 2013 Retreat is scheduled for Friday, February 22 beginning at 9:00 a.m. The retreat will be held at the Firethorne Country Club. Dorine Sharp, Rob Dow and Jim Vivian will be attending from the Planning Board.
- A Special Work Session is scheduled for February 13 to continue updating the Weddington Land Use Plan. A Special Open House is scheduled for February 23 from 9 to 12 to give citizens the opportunity to give input regarding the update to the Land Use Plan.
- The Union County Board of Commissioners named eight representatives to the governing board of the new Monroe-Union County economic development group. All county municipalities were asked to appoint a representative on the board in exchange for a \$7,500 fee – only Fairview chose to take the opportunity and nominated Tony Helms as its representative. Commission-chosen nominees were appointed to the remaining at-large county positions - Bonnie Griffin, Gary Summerfield and Scott Byrum to 3-year terms; Michael Lutes, Ray Black and Tony Helms to 2-year terms and John Hendley and Sam Starnes to 1-year terms. The usual process for seeking individuals (County website, announcing vacancies at a meeting and posting at the County) were followed.

Save the Date:

Weddington Country Festival – September 21, 2013

Item No. 14. Public Safety Report.

PROVIDENCE VFD

13 UNION EMS CALLS
 27 UNION FIRE CALLS
 03 MECK EMS CALLS
 06 MECK FIRE CALLS

61.5 TRAINING HRS

The Town Council also received Providence VFD's Income and Expense Budget Performance and Balance Sheet for January 2013.

Weddington Deputies – 760 Calls.

Councilmember Thomisser gave a brief update from the last Public Safety Committee meeting.

Item No. 15. Update from Finance Officer and Tax Collector.

A. Finance Officer's Report. The Town Council received the Revenue and Expenditure Statement by Department and the Balance Sheet for January 1, 2013 to January 31, 2013.

B. Tax Collector's Report. Monthly Report – January 2013.

Transactions:	
Adjust Under \$5.00	\$(106.21)
Balance Adjustment	\$51.02
Interest Charges	\$1,787.00
Overpayments	\$(182.58)
Refunds	\$2,355.28
Releases	\$(8.75)
Penalty and Interest Payments	\$(137.88)
Taxes Collected:	
2012	\$(146,029.08)
As of January 31, 2013; the following taxes remain Outstanding:	
2002	\$82.07
2003	\$129.05
2004	\$122.90
2005	\$252.74
2006	\$150.20
2007	\$144.42
2008	\$1,832.44
2009	\$2,548.25
2010	\$4,365.26
2011	\$6,607.04
2012	\$79,795.26
Total Outstanding:	\$96,029.63

Item No. 16. Transportation Report. Councilwoman Harrison gave an update from her last MUMPO Meeting.

Item No. 17. Council Comments. There were no Council Comments.

Item No. 18. Adjournment. Mayor Pro Tem Barry moved to adjourn the February 11, 2013 Regular Town Council Meeting. 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 8:11 p.m.

Walker F. Davidson, Mayor

Amy S. McCollum, Town Clerk