

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, APRIL 8, 2013 - 6:00 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 April 8, 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 Attorney Anthony Fox, Finance Officer Leslie Gaylord, Town Planner Jordan Cook and Town Administrator Amy S. McCollum

Absent: None

Visitors: Jan Taylor, Dennis Taylor, Nancy Anderson, Bill Price, Jim Vivian, Bruce Klink, Genny Reid, Bill Deter, Abe Marmer, Craig Hazeltine, Pat Harrison, Walt Hogan and Carol Hogan

Mayor Walker F. Davidson offered the Invocation prior to the opening of the meeting.

Item No. 1. Call to Order. Mayor Davidson called the April 8, 2013 Regular Town Council Meeting to order at 6:02 p.m.

Item No. 2. Pledge of Allegiance. Mayor Davidson led in the Pledge of Allegiance.

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

Item No. 4. Public Comments. Nancy Anderson – I noticed that there was an item on the agenda regarding the 2013 Weddington Festival. First, I would like to thank the Council for the Easter Egg Hunt. I know that the weather was terrible but I understand that it went well anyway. I know that it is a lot of hard work. I would like to encourage the Council to consider having professional people come in to help. This is way too much work for just a few Councilmembers to try to do. You are overloaded with other things right now. Perhaps even consider getting the Parks and Recreation Committee started back up again. I have not looked at the contract. I am sure that Barbara has done all of her homework and then some. I would encourage you if you do not go with this particular group go with someone. It is too hard for a couple of Councilmembers to try to do.

Item No. 5. Additions, Deletions and/or Adoption of the Agenda. Councilwoman Pamela Hadley asked to delete the following item from the agenda because the Fire Department has not put the project out for bid yet and they do not know the exact cost:

Call for a Public Hearing Regarding an Offer to Providence VFD of \$700,000 for Land and Buildings and a Lease Contract of \$0.00 Per Year (Public Hearing to be Held May 13, 2013 at 7:00 p.m. at the Weddington Town Hall) – Mayor Davidson

Mayor Pro Tem Daniel Barry moved to approve the agenda as amended. All were in favor, with votes recorded as follows:

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

Item No. 6. Approval of Minutes.

A. February 23, 2013 Town Council Open House. Councilmember Werner Thomisser moved to approve the February 23, 2013 Town Council Open House minutes. All were in favor, with votes recorded as follows:

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

B. March 11, 2013 Special Town Council Meeting. Councilmember Thomisser moved to approve the March 11, 2013 Special 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. March 14, 2013 Special Town Council Work Session. Councilmember Thomisser moved to approve the March 14, 2013 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. March 18, 2013 Special Town Council Meeting. Councilmember Thomisser moved to approve the March 18, 2013 Special 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

E. March 18, 2013 Special Town Council Work Session. Councilmember Thomisser moved to approve the March 18, 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

F. March 25, 2013 Special Town Council and Planning Board Work Session. Councilmember Thomisser moved to approve the March 25, 2013 Special Town Council and Planning Board Work 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. 7. Consent Agenda.

A. Call for Public Hearing to Review and Consider the Preliminary Plat for the Vintage Creek Subdivision (Public Hearing to be Held May 13, 2013 at 7:00 p.m. at the Weddington Town Hall). The Town Council received a copy of the Application for Submittal of Subdivision Preliminary Plat for Vintage Creek. Councilwoman Barbara Harrison moved to call for a public hearing to review and consider the preliminary plat for the Vintage Creek Subdivision. The public hearing is to be held May 13, 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

B. Consideration of Proclamation Proclaiming April as Child Abuse and Sexual Assault Awareness Month. Councilwoman Harrison moved to approve Proclamation P-2013-01:

**TOWN OF WEDDINGTON
PROCLAMATION PROCLAIMING APRIL 2013
AS CHILD ABUSE PREVENTION MONTH AND**

**SEXUAL ASSAULT AWARENESS MONTH
P-2013-01**

WHEREAS, preventing child abuse and neglect, and sexual violence is a community problem affecting both the current and future quality of life of our community;

WHEREAS, Union County Department of Social Services accepted 1,293 reports of child abuse representing over 2851 children in 2012;

WHEREAS, more than 635 victims and family members were served through Safe Alliance's Victim Advocacy and Clinical Services during FY2012;

WHEREAS, 98% of the children served by the Tree House Children's Advocacy Center were sexually abused by a trusted relative or other known person and 15% of the children served were sexually abused by other children in FY2012;

WHEREAS, 89% of sexual assault victims were under the age of 19; 63% of children served were under the age of 13; 23% were under the age of 5.

WHEREAS, child abuse and neglect not only cause immediate harm to children, but are also proven to increase the likelihood of criminal behavior, substance abuse, health problems, and risky behavior thereby increasing the cost of community support services;

WHEREAS, all citizens should be protected from sexual and physical violence;

WHEREAS, Safe Alliance's Victim and Clinical Services programs exists because of partnerships created among social service and healthcare agencies, schools, faith communities, civic organizations, law enforcement agencies, and supportive members of Union County;

THEREFORE, I DO HEREBY PROCLAIM April as Child Abuse Prevention Month & Sexual Assault Awareness Month and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in efforts to support families, thereby preventing & reporting child abuse and sexual violence thereby strengthening the communities in which we live.

Adopted this 8th day of April, 2013.

All were in favor, with votes recorded as follows:

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

C. Review and Consideration of COG Code Enforcement Proposal. The Town Council received a copy of a letter dated February 26, 2013 from Victoria Rittenhouse, Coordinator for Community and Economic Development for CCOG, regarding a revised contract for Code Enforcement technical assistance services, Scope of Services and a Service Agreement Memorandum for Code Enforcement Services for Weddington. The cost of the contract is \$1,800.00. Councilwoman Harrison moved to approve the COG Code Enforcement Proposal. All were in favor, with votes recorded as follows:

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

D. Review and Consideration of Approving the Municipal Records Retention and Disposition Schedule. The Town Council received the following memo from Town Administrator Amy McCollum:

According to G.S. 121-5 and G.S. 132-3, we may only destroy public records with the consent of the Department of Cultural Resources (DCR). The State Archives of North Carolina is the division of DCR charged with administering a records management program. This schedule is the primary way the State Archives of North Carolina gives its consent. Without approving this schedule, Weddington is obligated to obtain the State Archives of North Carolina's permission to destroy any record, no matter how insignificant.

Each record series listed on the schedule has specific disposition instructions which will indicate how long that series must be kept in our offices. In some cases, the disposition instructions are simply "Retain in office permanently," which means that those records must be kept forever. In other cases, the retention period may be "destroy in office when administrative value ends." Administrative value is defined as, "the usefulness of records to support ancillary operations and the routine management of an organization." We must establish and enforce internal policies by setting minimum retention period for the records that the State Archives of North Carolina has scheduled with the disposition instructions, "destroy when administrative value ends."

This document is a tool for the employees of municipal governments across the state to use when managing the records in their offices. It lists records commonly found in municipal offices and gives an assessment of their value by indicating when (and if) those records should be destroyed. This schedule is also an agreement between Weddington and the State Archives of North Carolina.

This schedule must be approved by the governing body for use in Weddington. A copy of the schedule is located in the Town Clerk's office.

§ 132-1. "Public records" defined.

(a) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

Please let me know if you have any questions.

Councilwoman Harrison moved to approve the Municipal Records Retention and Disposition Schedule. All were in favor, with votes recorded as follows:

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

Item No. 8. Public Hearing and Consideration of Public Hearing.

A. Public Hearing - Weddington Land Use Plan Update. The Town Council received a copy of the proposed update to the Weddington Land Use Plan. Mayor Davidson opened the public hearing on the Weddington Land Use Plan Update.

Ms. Jan Taylor – I want to thank you for the Easter Celebration. Our grandchildren really loved it. Thank you to all the sponsors as well. I have been a resident of Weddington all my life. I have a passion for this Town to evolve into a quaint, unique and charming community that has a plan for all ages. I spent several years on the Downtown Development Committee. I have sat in this room listening to many town developer experts and have played in this room when I was a little girl. I would like to take a moment to share a little history of this Town with you. It was incorporated with hard efforts of the first Town Mayor Mark Teal. Several of us in the community wanted to incorporate solely to keep Charlotte, Mecklenburg from crossing the County lines. At

that time we had a wonderful community. Our fathers and mothers had left us a legacy of community with a true heart. We were leaders in the County. We had a park with basketball, tennis courts, playground equipment and even a skating rink. We had the first lighted ball field in the County behind the Weddington UMC. We had the first pop warner football team that played in the championship at Memorial Stadium. We had a fair, we had square dances and we had ball tournaments. We were told that we did not have enough students in our schools so our parents raised the money and paid for a teacher for an entire year. This is what kind of Town we had in Weddington. I was told that the zoning of R-40 started under John Feezor's leadership. This Town then went from more of a community to more of a suburb with a lot of development at that time. Tonight I ask you as you are finalizing your Land Use Plan to put the heart back into Weddington by including space for a park, walking trails, library and restaurants and a place for our seniors to retire. In other words I am truly asking you to return to a community with a heart and a Town center like it was when we founded this. This can be accomplished with vision and careful planning so that we can keep our small quaint feel and restore the heart of community that led many to Weddington originally. I pray for God's wisdom in your decision making. Thank you for your time.

Mr. Bill Deter –

PAGE 16

Goal 6: To insure that the type, location, and scale of existing commercial and future commercial development in the Town (**Center**) provides ~~essential~~ goods and services for the residents of Weddington, ~~and through the development process, preserve open space~~ and neighboring communities.

Add the word "**center**" so it is clear that future business/commercial development takes place at the TOWN CENTER and is not spread across the town of Weddington.

I noted this report says that we have over 7.5 million sq. ft. of retail/commercial within 15 minutes of Weddington, so I would think restricting commercial development to the Town Center should not be a problem and it supports the survey as noted on page 69 of this report that limiting non-residential growth is important or very important to 85% of respondents to the survey.

PAGE 17

Goal 7: Through the conditional zoning process provide smaller lot sizes to accommodate a variety of age and income groups, and broader residential preferences, so the communities population diversity may be enhanced.

We already have diversity of the Weddington population and it is not "caused" by smaller lot sizes. The Town already has R-CD that can allow a lot size of 12,000 sq. ft. (just over a quarter of an acre). I recommend that you strike Goal 7 completely.

LAND USE POLICIES

PAGE 17

Policy #7 Ensure that the scale and design of commercial development (**at the Town Center**) is consistent with the unique small-town character of Weddington. Limit such development to small-scale retail and service businesses, ~~primarily~~ serving Town residents and surrounding communities, particularly specialty shops and restaurants and prohibit regional scale retail and service commercial establishments. Provide for open space preservation in new or expanded commercial developments.

To enhance the clarity of this policy I ask that you add the words "**at the Town Center**" to the first sentence. This is to make it clear that business/commercial development will be restricted to this area in this land Use Plan. As I mentioned previously, this is important or very important to 85% of respondents.

PAGE 19

Policy #13 Through the conditional zoning process, provide for alternative smaller lot sizes to accommodate a variety of age and income groups, which promotes community, residential and population diversity.

Policy #14 Allowing alternative smaller lots to promote residential and population diversity in the community.

Delete these two policies supporting Goal 7 that I previously mentioned should be deleted.

#1 They are redundant.

#2 We already have diversity: age, income, family stage [children, no children, going to have children, empty nesters], religion, ethnicity, race and yes even sexual preference. As I said previously, small lots are not “causal” to diversity and the town already (thru R-CD developments) has a framework in place to have smaller lots yet still maintain the low density (1 home/acre) which is the primary goal listed in the 2nd paragraph on page 10 of this Land Use Plan.

COMMUNITY DESIGN AND IMAGE GOALS

PAGE 23

Goal 2: To retain a single ~~commercial~~ business center within the Town that occupies the same area as the existing ~~Town commercial~~ core. While businesses in the center will maintain the small town-town scale needed to serve local residents, the design of the center should become more pedestrian-oriented.

What does this mean? “.....*that occupies the same area as the existing town core*”.

Does the wording Town Center and Town Core mean the same thing? I feel that this can be worded better to convey the purpose and intent of Goal #2

OTHER

PAGE 55

The last sentence on page 55 says “*Allowing alternative smaller lots in future growth will contribute to community diversity.*”

I don't want to beat this dead horse again but smaller lots (12k Sq. Ft.) are already allowed under RCD framework. Small lots are not the cause of diversity. I propose that you strike this sentence.

PAGE 56

At the end of the 3rd paragraph it states “However, the survey also showed a preference for innovative commercial uses that blend in, rather than are differentiated from, adjacent ~~residential~~ areas. Such land uses, such as limited retail and office, if properly designed, can be both appealing and harmonious with adjacent land uses.”

Is this a description of mixed use? Survey results on page 71 of this document show that 65.6% of respondents are opposed to this. I don't think that can be described as a “preference”

Mr. Craig Hazeltine – I am a 20-year resident of Weddington. I agree with everything that gentleman said. I reviewed the Land Use Plan. I guess I would call it addition but by subtraction. Basically I am as concerned with what is coming out as what is going in. On Page 11 what is coming out is limiting commercial development outside of the Town center. You are not defining where commercial development is anymore. Something needs to be put back in that limits the commercial development into a certain area which I think the plan as it has been rewritten does not. On Page 11 - residents believe that the Town should maintain a single commercial center. That was also taken out. Also taken out on Page 16 is to preserve open spaces and scenic views while providing opportunities for low-density development. Once a landowner or developer comes in and wants to rezone property it allows you in my opinion to basically rezone anywhere you want commercial. Let's talk about what you put in. On Page 16, to ensure the type, location and scale of existing and the word “commercial” was put into that in Goal 6. On Page 17 the words “in additional commercial development” were put at the end of the section. The most alarming thing that was put in is on Page 10 that there are those that favor continued mixed use development. I did not get anyone at the meetings that I came to that favored anything about mixed use development. I do not think the residents of this community in any way support mixed use development anywhere in our community. I think the Land Use Plan was watered down/dumbed down and I think it basically allows the Council more free range on what goes where and is not restricted by a plan. That is a concern. I would recommend that a commercial district be defined and anything referring to mixed use development be taken out.

Ms. Nancy Anderson – I am here to talk about a Storm Water Master Plan that needs to be a part of the Land Use Plan. I am asking you to enact a plan. We do not have one. We did not trigger the criteria that required us to have one. Before you approve anymore commercial development anywhere in the Town I would like for us to have a master plan. Every project is looked at individually. The problem that we get into is the cumulative effect and for those of us located downstream where all the water will eventually come. That creates a problem. I would just refer you to the problem at the Optimist Park. One single entity is being asked to clean up the mess of the ones before. That is what happens when you do not have a plan for storm water runoff. I have been in contact with NCDOT, DENR, and the Catawba Lands Conservancy and I am hoping that we can resolve the issues that have happened on Providence Road. Normally NCDOT's storm water regulations work for them and all the engineers said that they would work. Before we had curb and gutter the water was running off the side and into the ditch with the grass to slow it down and it was like a spray and could be absorbed in the grass. Now it is a like a pressure washer because all this water comes through three pipes and it all comes down to my property and causes great erosion. As soon as the water starts to slow down it drops the silt which is filling up our irrigation pond which may look like a retention pond but it is really a reservoir. DENR has said that these are closed files and they cannot fix it. I am going to try to fix it but no one else is going to help me. Please try to avoid that in the future. I applaud Jan Taylor's comments. When people say they want to keep Weddington the way it is I am with her. I want it to be the way it used to be.

With there being no further comments or questions, Mayor Davidson closed the public hearing.

B. Consideration of the Proposed Weddington Land Use Plan Update. Mayor Davidson – We started this process with a survey. We hired COG and spent at least \$1,000 to do a survey, we laid out the questions and sent it out and agreed on the format. The Council chose not to recognize the survey and did not use the survey in the Land Use Plan. That was a big gap for me. The last Land Use Plan talked about the survey and incorporated the results of the survey into the language of the Land Use Plan. A group of citizens presented a petition. We have done petitions for other things such as fire service. There were 60 signatures on the petition. The emails that I have gotten have been asking for the two things on this petition – 1) one house per acre and 2) confine commercial development to the existing boundaries. The comments at the podium throughout the meetings have mostly wanted those two things with the exception of a few one acre property owners and developers and large landowners that will benefit from the higher price of commercial throughout Town. So we have multiple ways that we have gotten input from the citizens - a survey, petitions, public comment, emails and they wanted these things. We look to the elections and how people have run in the past. A question in the newspaper during the election asked if you were assured that the Council would vote your way on a single issue what would you propose? I ran in 2009 and lost but we all answered this question. The answer that Dan Barry gave was: Strengthen the Land Use Plan to prevent the current commercial district from expanding beyond its current borders and maintain the practice of low density residential development. I ran this way. People that run for office use the data in the survey because they know it is what the people want. Then when they get in they start making new friends such as landowners and developers. This is why people hate politics. I do not know how we can take someone who ran and told us that and then write an article in the paper inviting us to participate in the process. The article states, "Weddington has announced that for the first time in 10 years there will be a formal review of the Land Use Plan. Land Use Planning is a difficult and often heated process. Real conservatives and true capitalists believe that each individual should be able to use their property to its greatest use as long as that use does not negatively impact adjoining properties. What is the point of the Land Use Plan?" If you believe that real conservatives and true capitalists are who you want running this Town then run that way. It goes on to say, "In Weddington we have severely limited applicable land uses and a very small commercial core with the balance being set aside for certain limited uses and residential development. The effect has been the destruction of green space and loss of our rural character through the ever increasing fields of rooftops. Residential development puts stress on our great schools, our water and sewer systems and our natural resources. Zoning for single family puts enormous stress on infrastructure. Each new home will add two cars to the roads. Each new home will add rooftop surface area creating more runoff to our streets and pollution of our streams. Your input is wanted, needed and necessary." He goes on to ask some questions. He is encouraging us to fill out the survey so he can get our opinions. At the end it says, "For our current plan almost our entire town is zoned for single family one acre houses. There is no room for mixed use commercial or retail. How do

we address these tough issues? We face them together as a Town. The no development folks are already motivated. The developers are already calling members of the Council. So if you do not participate only one side of the story will be told. Be on the lookout for the survey.” We turned the survey in. One of the reasons that the Council said that they did not accept the survey was because the participation was low. I would love to see what the participation rate will be next time. When we went through all this trouble, made the promise that we were going to listen and then we don’t. If it was 600 this time what do you think it is going to be next time? Apathy is going to kick in. I am fixing to lose a vote 4 to 0 but I did my job. I ran this way, I have fought this way the whole time. I have been accused of having secret meetings with citizens. I don’t know how you have secret meetings with citizens.

Councilwoman Hadley - I am confused that the survey was not accepted. I thought we voted to accept the survey but we voted not to validate it. I thought we talked about the survey on numerous occasions during the process.

Mayor Davidson - Council clearly did not use the survey results during the writing of the Land Use Plan. You can use semantics. Barbara said multiple times that it was not valid. Are you telling me that you used the survey? I bet I can find in the minutes where we said we are not going to use the survey.

Councilmember Thomisser – I do recall that on more than one occasion we did specifically read from the survey almost to the point that we memorized it. The number one thing that people wanted in the survey was public safety. Over 95% of the people said that is what they wanted us to pay attention to. I think the Council has demonstrated that is the most important thing. I know I have repeated many times the surprise from the data that we gathered as far as the people saying that greenways was very important. It has never been that high on the list. I think this Council recognized that it is important and understand that it is important. Let me talk about the survey. The Land Use Plan is not an ordinance, it is not zoning it is a guide. It is a 10-year document that can be amended and changed. The Council of Governments said that a 20% participation rate was really good according to the experts. Just because we did a survey one time and it was a 40% response rate and another time we get a 35% response rate that does not mean that a 20% response rate is no good. I pay attention to the survey and I think it was a valid survey. I think I went on the record saying that. I do agree with the survey that one acre zoning does put a tremendous amount of stress on infrastructure relative to roads, schools and we all know what happened in 2005 and 2007 when our children were in overcrowded schools and trailers. That is something that we always have to think about. Do we want to go back to the old days or do we want to find a way to encourage that not to happen and one of the best ways is to encourage empty nesters to stay in Weddington and take advantage of their experience and their volunteerism. As far as what an individual said when they ran for office two to three years ago we all know that as we grow in this job we evolve and we understand it better and we are able to look at it differently. I do not put that much emphasis on what was said two to three years ago although I pretty much said what you said. I am flexible enough to look at and see what could possibly happen going forward 10 years. We keep hearing a single core commercial area. Suppose Harris Teeter was sold and they do not put another grocery store there. We have seen in the past 10 years one business after another in the shopping center leave. We had a design shop that stayed vacant for almost two to three years before the hamburger/milkshake people decided to move in. I have great concerns for the viability of this shopping center. I hope that it survives. I talked with some of the business people and they complain that there is not enough business. You made a statement at the last meeting about do we want to handcuff future councilmembers on a set of policies. I would much rather let future Town Councils make the decision because we have to sit and listen to every one that owns property and wants to develop it either residential or as mixed-use. They have every right to sit here and present their project. That does not mean that we are going to approve it. That does not mean we are going to put a shopping center on every corner. Every situation is different whether someone wants to do something and it creates an unsafe environment because there is a school nearby but it has to be evaluated on its own merits. Realizing the Land Use Plan is strictly a guide and it can be amended at any time by future Town Councils we have to be careful that we do not handcuff ourselves to a single area and what if this area does not survive. Then what are we going to do. Then we are going to have to look elsewhere. As far as mixed use is concerned we have not taken mixed use out of the Land Use Plan. We have mixed use. It is right in the Weddington Corners Shopping Center. I think I know this Town Council. It

hurts me to get all these emails with all these rumors floating around that we were going to put a shopping center on every corner. Not a single person on this Town Council ever talked about putting a shopping center on a specific corner. We had a meeting and we had people come in and we did our job. We listened to what they had to say. That does not mean that we agreed with them. We had a public hearing and we had a member state a concern about the storm water runoff. Whether we do that tonight or we amend it in the future time we do have a storm water runoff problem. My suggestion is that we need to put something in the Land Use Plan which would prohibit something like that from happening because we have Providence Road now which is widened to four lanes and water is running down and entering Six Mile Creek. Every time we get a major rain it overflows and I see water coming halfway up people's backyards in Highgate almost to their swimming pools. That is a problem. The more we develop the worse it is going to get.

Mayor Pro Tem Barry moved to adopt the revised Land Use Plan effective 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 9. Old Business

A. Review and Consideration of Resolution of Support for a Weddington Elevated Water Tank – Mayor Pro Tem Barry. Mayor Pro Tem Barry moved to approve Resolution R-2013-05:

**TOWN OF WEDDINGTON
RESOLUTION DECLARING SUPPORT OF THE
CONSTRUCTION OF AN ELEVATED WATER TANK
WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF WEDDINGTON
R-2013-05**

WHEREAS, the Town of Weddington does not maintain a public water system; and

WHEREAS, the County of Union, through the Union County Public Works Department (UCPW) maintains a public water system that serves a portion of the residences located in the Town of Weddington, as well as other areas in the vicinity of Weddington; and

WHEREAS, the water system maintained by UCPW provides water for residences and for fire protection; and

WHEREAS, UCPW has determined that it is necessary to construct an elevated water tank in the municipal limits of the Town of Weddington in order to:

- Provide a more reliable water supply to the Town of Weddington and the surrounding community;
- Improve capacity to meet existing and future water demands for the Town of Weddington and the surrounding community;
- Create a new pressure gradient which will increase water pressure and provide a higher level of service for those areas situated along higher ground elevations where current water pressure is sometimes marginal; and
- Increase fire flow capability which is critical to protecting property and life in the area serviced by the proposed tank, and

WHEREAS, the construction of an elevated water tank within the municipal limits of Weddington is necessary for the health, safety and welfare of the residents of the Town of Weddington and the surrounding community; and

WHEREAS, Union County has requested that Weddington pass a resolution of support for the construction of an elevated water tank within the municipal limits of the Town of Weddington.

NOW, THEREFORE, the Town Council of the Town of Weddington hereby declares its support of the construction of an elevated water tank within the municipal limits of the Town of Weddington.

ADOPTED, this the 8th day of April, 2013.

All were in favor, with votes recorded as follows:

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

B. Call for a Public Hearing Regarding an Offer to Providence VFD of \$700,000 for Land and Buildings and a Lease Contract of \$0.00 Per Year (Public Hearing to be Held May 13, 2013 at 7:00 p.m. at the Weddington Town Hall) – Mayor Davidson. This item was removed from the agenda at the beginning of the meeting.

C. Review of Preliminary Budget for Fiscal Year 2013-2014 and Discussion of Scheduling Budget Workshops – Finance Officer Gaylord. The Town Council received a copy of the preliminary budget for Fiscal Year 2013-2014 and a worksheet detailing non-operating expenditures. Finance Officer Gaylord reviewed the proposed budget with the Council and advised that a budget work session needed to be scheduled to review the budget in greater detail. Finance Officer Gaylord informed the Council that if they approved everything on their list that the Town would be in a deficit. She also advised the Council that she had received communication from Union County that our amount for the Urban Forester was increasing. Council asked that Town Planner Cook give input on the benefits of continuing to fund the Forester position.

Mayor Davidson advised that Ms. Gaylord could remove the 5 cents tax rate from her documents that he had requested.

Finance Officer Gaylord reviewed a proposed bill that may do away with some of the municipal revenues that the Town receives from the State which may be replaced by an additional sales tax. She will look into the impact of that bill to the Town.

Council gave the date of April 23 as a possible date for a budget work session.

D. Review and Consideration of the Final Plat for Bromley, Map 6. The Town Council received a copy of the following memo from Town Planner Jordan Cook:

Toll Brothers submitted an application on December 12, 2012 for approval of the Final Plat of Map 6 and a revision to Map 2 (Lot 89) in the Bromley subdivision located off of Hemby Road.

Project Information:

The Bromley subdivision is an approved 120 lot subdivision on 151.60 acres. The subdivision is located on Hemby Road. Bromley is being developed by Toll Brothers as a Conventional subdivision.

Map 6 is comprised of eight lots, lots 81-83 and lots 85-89 (tax parcel 06-147-007) and was given Preliminary Plat approval on January 10, 2006. Included on Map 6 is Lot 89 that was previously recorded on Map 2. Lot 84 has been removed and dispersed into Lots 81, 82 and 83.

The original deadline to submit the Final Plat was January 10, 2008. However, the Permit Extension Act of 2009 and 2010 essentially “froze time” from 2007 to 2010 giving Toll Brothers until January 10, 2014 to submit their Final Plat(s). The submitted Final Plat for Map 6 is similar to the approved Map 6 Preliminary Plat. The

approved Preliminary Plat has been included in the packet.

The Planning Board recommended approval of this Final Plat at their February 25th meeting. Planning Board member Rob Dow recused himself from voting as an adjacent property owner. At their March 11th Town Council meeting the Town Council asked that the Town Attorney revise the conditions of approval.

Map 6 Information:

- Map 6 is eight lots and 9.567 acres.
- Map 6 is not required open space on its own. The Bromley subdivision has provided 15.84 acres or 10.5% open space in accordance with the *Weddington Zoning Ordinance*.
- Development standards are as follows:
 - Minimum lot size- 40,000 sq. feet
 - Minimum lot width- 120 feet
 - Minimum front yard setback- 50 feet
 - Minimum rear yard setback – 40 feet
 - Minimum side yard setback – 15 feet
 - Minimum corner side yard setback – 25 feet
- Lot 87 is the smallest lot within Map 6 at 40,170 square feet.
- Water and sewer services are provided by Union County Public Works (approvals on file).
- A copy of the approved Declared Covenants, Conditions and Restrictions (CCR's) for Bromley are on file at Town Hall.
- US Infrastructure has previously reviewed and approved the Preliminary Plat.
- All roads are built to NCDOT standards (final 1" layer of asphalt to be added after construction). Road names and addresses have been approved by Union County E911.
- The Applicant has stated that the timber bridge, Fernhurst Terrace and Pondmeade Lane will be maintained by the Bromley HOA in perpetuity or until NCDOT accepts maintenance.
- All NCDENR, NCDOT and Union County approvals and permits are on file with the Town. These approvals were required during the Preliminary Plat process.

The Bromley Map 6 Final Plat has been found to be in general compliance with the Town of Weddington Zoning and Subdivision Ordinances with the following conditions. The revisions made by the Town Attorney are bold and underlined below.

1. Performance and Maintenance Bonds to be approved the Town Council and approval of guarantee document by Town Attorney;
2. Previous lot lines of Lot 84 must be depicted on Final Plat;
3. Town Attorney to review Bromley Covenants, Conditions and Restrictions;
4. Each **unsold lot and all** remaining lots to be recorded in the Bromley subdivision shall include on **each** Deed a statement that Fernhurst Terrace and Pondmeade Lane are private and not the responsibility of the Town of Weddington and shall be maintained by the Bromley Homeowners Association or its Developer;
5. Each **unsold lot and all** remaining lots to be recorded in the Bromley subdivision shall include on **each** Deed a statement that the existing timber bridge constructed in the right of way of Fernhurst Terrace is private and not the responsibility of the Town of Weddington and shall be maintained by the Bromley Homeowners Association or its Developer; **unless and until the timber bridge has been accepted for maintenance by NCDOT and the Town;**
6. The "Timber Bridge Maintenance Note" shall be revised to state: **"The existing timber bridge constructed within the right-of-way of Fernhurst Terrace and shown on this plat and also applicable to Map 2 is not deemed constructed to NCDOT standards without a required culvert and until the timber bridge is determined to meet or exceed NCDOT standards and is accepted for maintenance by NCDOT, its perpetual maintenance shall be the sole responsibility of the Bromley Homeowners Association or it's Developer. Unless and until the timber bridge is**

determined to meet or exceed NCDOT standards and has been accepted for maintenance by NCDOT and the Town, the Town shall have no responsibility whatsoever for its maintenance or operation. The bridge will be subject to the conditions of an encroachment permit with NCDOT.”

7. The previously recorded Map 2 Final Plat shall be revised to reflect the “Timber Bridge Maintenance Note” and the “Public Right-of-Way Maintenance Note” shown on the Map 6 Final Plat.

The Town Council also received a copy of the following documentation:

- Application for Submittal of Subdivision Preliminary Plat for Bromley
- Final Plat (9.567 Acres) – Bromley Map 6 and a revision of Bromley Map 2 (Lot 89)
- The approved Preliminary Plat
- Bromley, Map 2 Final Plat (24.093 Acres)
- Bond Estimates

Town Attorney Fox reviewed the proposed language to be added to make sure that anyone who purchases property in the subdivision would know of the bridge issue. He stated, “If this language is approved it would provide that each unsold and all remaining lots to be recorded in the subdivision shall include on each deed a statement as it relates to Fernhurst Terrace and Pondmeade Lane that they are private and not the responsibility of the Town of Weddington and shall be maintained by the Bromley HOA or its developer.”

Councilmember Thomisser questioned whether the bridge would be the responsibility of the entire HOA.

Town Attorney Fox – The HOA or the developer. I think there are still conversations occurring with NCDOT with regards to the timber bridge and whether or not a culvert would be required.

Town Planner Cook - Typically NCDOT would require a culvert under a bridge like that. The applicant and NCDOT are still going back and forth through paperwork from the previous developers on whether the previous developer applied for a culvert. That previous developer may have built the previous bridge and may not have asked for a culvert or the Army Corps of Engineers did not allow the culvert.

Mayor Davidson - My understanding is that this language will make it as tight as it can get so the taxpayers of Weddington will not be on the hook. I do understand that people can still come to this podium in ten years wanting help but I want us to have documentation that says when they come here in ten years that we can say it is in your deed.

Attorney Fox – If in ten years from now a resident from that area comes up and requests that the Town take over this timber bridge you will have a plat that has a note on it that references the timber bridge which notifies anyone purchasing that property to know that the Town has not accepted that for maintenance or operation until it is determined to meet NCDOT standards and until the Town agrees to it. The deed also contains language that the Town is not responsible for the timber bridge and the Town did not agree to accept any obligations for maintenance or operation of the timber bridge until such time as that bridge was determined by NCDOT to meet their standards and is accepted by the Town.

Town Planner Cook reviewed the bond amounts with the Council.

Mayor Pro Tem Barry moved to approve the final plat for Bromley, Map 6 with the list of conditions stated in Town Planner Cook’s memo. All were in favor, with votes recorded as follows:

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

Item No. 10. New Business.

A. Review and Consideration of Contract with Miracle Amusements, Inc. for the 2013 Weddington Festival – Councilwoman Harrison. The Town Council received a copy of the proposed contract from Miracle Amusements, Inc. for the Weddington Festival. The total cost of the contract is \$5,250.00.

Councilwoman Harrison – We used Miracle Amusements last year along with another company. We started this process in November where I sat down with them to see what we needed for the 2013 Festival.

Councilwoman Harrison discussed what Miracle Amusements would be providing at the Festival for \$5,250.00. She stated, “They are going to have people run the equipment so not as many volunteers would be needed. He is bonded. He has everything he needs. He knows the different laws that he has to follow with the equipment. The entire price is \$5,250. Last year I probably spent close to that between two companies. This contract requires a down payment of \$1,250.00. My understanding is that I made a profit of \$1,450 from the last festival which can pay the down payment. I have a commitment so far for another \$3,500 from some of the sponsors. I have not really started going out to a lot of my sponsors yet but I anticipate I will have this sponsored by a variety of people. The money that I want for the festival will all deal with the 30th year celebration.”

Finance Officer Gaylord - The Council did decide to use that profit towards this year’s festival. Just in case there is not sponsorship money to cover it we wanted to make sure that the Town approves the contract because we would be liable for that.

Mayor Davidson - The process part for me is that we are going to approve a contract that binds us for a budget item for next year.

Councilwoman Harrison – The issue is that I have to get this contract signed now or I am going to lose them.

Councilwoman Harrison moved to approve the contract with Miracle Amusements. All were in favor, with votes recorded as follows:

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

Item No. 11. Update from Town Planner. The Town Council received a copy of the following update memo from Town Planner Cook:

- A draft copy of the Land Use Plan was posted online and was made available at Town Hall on March 27th. The Plan should be finalized and adopted on Monday, April 8th.
- Polivka International has submitted a portion of their construction documents. The Planning Board will act as the Design Review Board for the elevations and construction document review. These plans should be on the May 27th Planning Board agenda.
- At their March 25th meeting, the Planning Board gave the Vintage Creek their Preliminary Plat a favorable recommendation. The Public Hearing and Consideration for the Preliminary Plat will be on the May 13 Town Council agenda.
- I have received an MX Rezoning Application for a Wedding/Banquet/Reception facility located at 7112 New Town Road. The Public Involvement Meetings are scheduled for Monday, April 15th from 1-3pm on-site and Thursday, April 18th from 4:30-6:30pm at Town Hall. This proposed plan will be on the April 22nd Planning Board agenda.
- I have received an MX Rezoning Application for a Church located at the intersection of Providence Road and Old Mill Road. This plan should be on the May 27th Planning Board agenda.
- The Town and NCDOT have executed the right-of-way agreements for the roundabout located at NC 84 and Weddington-Matthews Road. Construction is planned for this summer.
- The following item was on the March 25th Planning Board agenda: Vintage Creek Preliminary Plat
- The following items will be on the April 22nd Planning Board agenda: DrumSTRONG TUP and 7112 New Town Road MX Rezoning

Item No. 12. Update from Town Administrator. The Town Council received the following update memo from Town Administrator McCollum:

The 3rd Annual Easter Egg Hunt was a success even though it was very cold outside. Thank you to everyone who helped volunteer at the event and for the sponsors who helped make the event possible.

The house that I had our Minimum Housing Inspector review on Matthews-Weddington Road has been demolished by the owner.

The upgrade to GIS has been completed. I have reached out to VC3 to find out when the transition can be made to the Cloud.

The Spring Litter Sweep has been cancelled but one will be scheduled in the fall.

The 2013 National Day of Prayer Event is scheduled for May 2 at 12:00 p.m. here at the Weddington Town Hall.

The electrical work for the Town Hall has been completed. An inspection was made today and one minor item is to be corrected.

If there are no objections from the Council, the presentation by YMCA Representatives will be at 7:00 p.m. on Monday, May 13 instead of at 6:00 p.m.

We are working on the next newsletter. If you have any story ideas, please let me know.

There is a Public Safety Advisory Committee Meeting tomorrow at 10:00 a.m. here at the Weddington Town Hall.

The next Planning Board Meeting is scheduled for April 22 and there will also be a Historic Preservation Commission Meeting the same night.

I have been requested by the Union County Sheriff's Office for the Town to consider adopting an ordinance regulating recordkeeping requirements for cash converter businesses, pawnbrokers, precious metal dealers and secondary metals recyclers. This will be on your agenda in May.

Save the Date:

Weddington Country Festival – September 21, 2013

Item No. 13. Public Safety Report.

Wesley Chapel VFD – 108 Calls

Providence VFD

12 Union Fire
12 Union EMS
00 Meck Fire
00 Meck EMS

Training Hours 162.00

The Town Council also received the Income and Expense Budget Performance and Balance Sheet for March 2013.

Weddington Deputies – 644 calls

Item No. 14. Update from Finance Officer and Tax Collector.

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

B. Tax Collector’s Report. Monthly Report – March 2013.

Transactions:	
Adjust Under \$5.00	\$(60.64)
Balance Adjustment	\$(52.39)
Interest Charges	\$229.74
Refunds	\$91.30
Penalty and Interest Payments	\$(259.45)
Taxes Collected:	
2010	\$(69.43)
2011	\$(165.22)
2012	\$(9,231.89)
As of March 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	\$2,241.03
2010	\$3,657.98
2011	\$5,749.29
2012	\$25,051.48
Total Outstanding:	\$39,413.60

Item No. 15. Transportation Report. Councilwoman Harrison and Councilman Thomisser spoke regarding a meeting they attending regarding the Monroe Bypass.

Item No. 16. Council Comments. Councilwoman Hadley – Thank you to Barbara for her work on the Easter Egg Hunt. She stated, “The Town appreciates it and you are bringing back heart to the Town.”

Councilmember Thomisser advised that the event was well organized and thanked Councilwoman Harrison for her hard work.

Mayor Pro Tem Barry echoed everyone’s comments and thanked Councilwoman Harrison for her work.

Mayor Davidson - I had an agenda item on here tonight that was taken off by the Town Council. It was to call for a public hearing regarding an offer to the Providence VFD for \$700,000 for land and buildings and a lease

contract for \$0 per year. I have been talking with Providence VFD for several years. We had talked about a land/building swap during the perils of this whole fire service thing. I was trying to help carry that out. I was trying to stay on the timeline with the building because I was told if we don't get something approved in May that we will start holding up the process. On March 20, 2012 the Town Council approved a letter that had my name on it which we sent out to the citizens trying to explain the benefits of this fire service model that we created. It says, "It is our goal to create a fire service model where the citizens of Weddington can freely choose the level and cost of fire service that they deem to be the most appropriate for Weddington." We had a part in that letter with the heading "Citizen Control." It stated, "Under a Municipal Fire Service Model citizens who wish to influence the level and cost of fire service in Weddington may do so in participating in the open election process in Weddington every two years. They may also participate in the election process with the Board of Directors with the fire departments serving Weddington." A year later March 28, 2013, the Town of Weddington requested a Local Act by the State Legislature so that the Town of Weddington may enter into agreements with one or more organized volunteer fire departments including Providence VFD, Stallings VFD and Wesley Chapel VFD to provide fire protection services to the citizens of the Town. The term of any individual agreement under this act shall not exceed 10 years. Any agreement under this act is a continuing agreement and is binding on and enforceable against the current and future members of the City Council of the Town during the full term of the agreement. These are two different things. Here we promised that you could participate in the election process every two years to determine how much fire service you wanted and what you wanted to pay for it. A year later we are looking at binding up to five Town Councils. It will be five elections before you get to determine what service and cost you want to pay for fire service. Some may call that evolving and the Town Council is learning and things have changed. I do not think anything has changed and I did not sign the Resolution for this Local Bill. I signed the letter that made this commitment to the people of Weddington. We have plenty of money. I have asked Leslie if we give \$700,000 are we in fine shape financially? We are not dangerously low on funds. We have \$450,000 for Rea Road and the Library put together. We have another \$400,000 unallocated towards anything and we have close to \$900,000 in Leslie's safety net. Giving \$700,000 to buy this land and buildings does not put us dangerously low in our funds. I do have some other news. I have changed jobs and my priorities and schedule has all changed. I will not file to run in the summer. I will just go back to doing what I was doing and do what I can in this new job.

Item No. 17. Adjournment. Mayor Pro Tem Barry moved to adjourn the April 8, 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 7:38 p.m.

Walker F. Davidson, Mayor

Amy S. McCollum, Town Clerk