

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, JULY 9, 2012 - 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 July 9, 2012, 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: Stephen F. Overcash, John Temple, Judy Johnston, Ed Howie, Jack Parks, Jerry McKee, Nancy Anderson, John Houston, Pat Harrison and Genny Reid.

Mayor Walker F. Davidson offered the Invocation.

Item No. 1. Call to Order. Mayor Davidson called the July 9, 2012 Regular Town Council Meeting to order at 7:03 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. There were no Public Comments.

Item No. 5. Additions, Deletions and/or Adoption of the Agenda. Councilwoman Barbara Harrison moved to approve 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. 6. Approval of Minutes.

A. June 11, 2012 Special Town Council Meeting Minutes. Councilwoman Pamela Hadley moved to approve the June 11, 2012 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

B. June 11, 2012 Regular Town Council Meeting Minutes. Councilwoman Hadley moved to approve the June 11, 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

Item No. 7. Consent Agenda.

A. Call for Public Hearing to Review Union Power’s Proposed Text Amendment to Section 58-4 – Definitions (Public Hearing to be held August 13, 2012 at 7:00 p.m. at the Weddington Town Hall).

The Town Council received a copy of a letter dated June 7, 2012 from Susan W. Matthews, Attorney with Patrick, Harper & Dixon, LLP, regarding Union Power’s Proposed Text Amendment to Section 58-4 and a copy of the proposed text amendment. Mayor Pro Tem Daniel Barry moved to call for a public hearing to review Union Power’s proposed text amendment to Section 58-4. The public hearing is to be held August 13, 2012 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 Code Enforcement Technical Assistance Services Proposal from CCOG. The Town Council received the following memo from Town Administrator Amy McCollum and a copy of the proposal from CCOG:

Centralina Council of Governments currently performs code enforcement technical assistance services for the Town of Weddington on an as needed basis. Attached is a proposal for these services for Fiscal Year 2012-2013 in the amount of \$5,071 plus 15 member hours. The Town spent \$686.50 for these services in Fiscal Year 2011/2012. The scope of services includes the following:

- Inspection of Residential/Commercial Structures
- Management/Nuisance Review
- Issuance of Notices to the Owners of Substandard Residential Properties
- Schedule and Hold Hearings Related to Code Enforcement Violations
- Completion of Follow-up – Compliance Inspections
- Provide Consultation (upon request) for Town Staff Regarding Code Enforcement

Mayor Pro Tem Barry moved to approve the Code Enforcement Technical Assistance Services Proposal with CCOG. 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 Hearings and Consideration of Public Hearings.

A. Public Hearing to Review the Polivka Land Use Map Amendment. Mayor Davidson opened the public hearing to review the Polivka Land Use Map Amendment. The Town Council received the following memo from Town Planner Jordan Cook:

Mr. A. Basil Polivka requests a Land Use Map Amendment on his property located at 13700 Providence Road.

Application Information:

Date of Application: April 25, 2012
Applicant Name: Polivka International
Owner Name: Polivka Parking Solutions LLC
Parcel ID#: 06-150-045
Property Location: 13700 Providence Road
Existing Zoning: R-40
Proposed Zoning: R-40 (No proposed zoning change at this time)

Existing Land Use: Traditional Residential
Proposed Land Use: Business
Existing Use: Single Family Home (vacant)
Parcel Size: 5.064 Acres

General Information:

- Parcel 06-150-045 currently has a Land Use designation of Traditional Residential. The applicant proposes that this designation be changed to Neighborhood Business or Business as shown on the Land Use Map.
- The Land Use Plan is a document used to promote the Town’s vision and shall be used as a guide for future development.
- The Land Use Plan may be amended at any time by the Town Council; however, the Land Use Plan does state on Page 25 (attached) that “land use amendments may occur more frequently than policy changes but should not occur more than twice per year.” The last Land Use Map amendment was approved by the Town Council on October 10, 2011.
- The October 10, 2011 Land Use Map amendment changed the Spittle and Matthews properties, located along Weddington-Matthews Road property from Traditional Residential and Residential Conservation to Business. On June 14, 2010 a portion of Mike Treske’s property was changed to Business.
- The Planning Board gave this land use map amendment application a favorable recommendation by way of a 4-2 vote. The Planning Boards May 21, 2012 minutes are included in your packet.
- Included in your packet are the following items:
 - Land Use Map Amendment request from A. Basil Polivka dated April 25, 2012
 - Land Use Map created by Overcash Demmit for Polivka International
 - Official Town of Weddington Land Use Map
 - Pages 6-8 of the Weddington Land Use Plan
 - Page 18 of the Weddington Land Use Plan
 - Page 25 of the Weddington Land Use Plan
 - May 21, 2012 Planning Board minutes

Town Planner Cook presented the following synopsis giving some of the “for” and “against” comments from the Planning Board Meeting.

Arguments for the Land Use Plan Change

- The property fronts Highway 16 and is between a church and a farm that operates as a business.
- It is five acres fronting a gas station and the existing shopping center that will never be used as residential.
- The property is within the center core/downtown commercial area.
- Common sense says that it should be commercial when driving down Highway 16.
- Increased capacity of Highway 16 allows for more commercial.
- Two properties were added in October 2011.

Arguments against the Land Use Plan Change

- Land use change opens it up to any commercial use listed in the M-X zoning district.
- The Planning Board is bound by the goals and objectives of the current Land Use Plan and the current plan does not allow the Planning Board to make these recommendations or change the current goals and objectives. That is the Town Council’s decision.
- The Town is in the process of amending the Land Use Plan – no need to change prior to the Town Council’s direction or amendments.
- Increased traffic on Highway 16.

- The two properties added in 2011 fit within the Land Use Plan's northeast quadrant commercial area.

Councilwoman Hadley - Regardless of the type of zoning, business or residential, once you receive the plat and it is determined by the engineer that the development of this property presents an environmental impact that cannot be overcome or corrected – what happens?

Town Planner Cook - Any non-residential development would be reviewed by our Town engineer. Our engineer does not get involved if it is residential. All they would need at that point is a building permit.

Mayor Pro Tem Barry - Even though they could end up with more square footage and rooftops in residential than commercial.

Town Planner Cook - That is how we have done it. We would require something for a major subdivision - three or more lots. If someone wanted to come in and build two 10,000 square foot houses, we would issue them a zoning permit and the County would issue them a building permit. They would see if it perked and they would see if they could get sewer and water.

Councilmember Thomisser - This is a big difference when you have residential and you have lawns. Lawns can absorb the water versus a parking lot and a large building. Would you agree?

Town Planner Cook - There is definitely more parking in a commercial establishment.

Councilwoman Harrison – As a homeowner, how much concrete can I put in?

Town Planner Cook – We do not have a maximum.

Councilwoman Harrison – I could build a 10,000 square foot home and put concrete on the rest of those four acres. Would the Town have any options?

Town Planner Cook - No.

Mayor Pro Tem Barry - When we made the change to go to conditional zoning, it made it a legislative process so we have almost absolute authority over what can be built, what materials it is built out of and the architectural design.

Town Planner Cook - The Town Council will be able to review the actual site plan. If the initial conditional zoning rezoning application is approved, there is a set of construction documents that come after that which contain elevations, materials, etc.

Attorney Fox – And you would have the ability to impose reasonable conditions.

Mayor Pro Tem Barry - It is more restrictive than the conditional use process than we used before.

Town Planner Cook - Yes I believe you have more control.

Mr. John Temple - I just literally got out of the hospital to attend the meeting tonight. I stand before the Council tonight in favor of this land use amendment for several reasons. My top priority is to work with the Town of Weddington and to build complementary relationships together. The use of that land with the change on Providence Road dictates looking at this property in a different light from residential. We are not prepared to build a home there across the street from a gas station or the commercial buildings across

the street. We also feel that this is the time to come forward with this because there have been other amendments or changes that have taken place in your town in the last couple of years with other properties on the east side. We realize we are across the street but we feel that it is all really together. When you look at this corner it all blends together. We respectfully ask for the Town's vote of confidence to allow us to have an amendment to the land use from residential to business. Our ultimate objective is simple. Mr. Polivka wants to build his corporate office here. He is prepared to invest several million dollars in this process. He has already cooperated fully with Jordan and the Town with all the fees and the studies. We understand the rules of the building process. Mr. Polivka would like to have just his corporate office here. Mr. Overcash can answer any questions regarding that and any other uses with the property. I do not work for Polivka International. I am not on their payroll. I am a pastor. I pastor a church in Warren, Ohio. I have known Basil Polivka for 17 years. He has sat under my ministry for 12 of those years. I serve as a board member for the corporation. I am on the Board of Advisors. Mr. Polivka has asked me to tackle this project for him. After meeting with my church leaders, they released me to do this to help my friend. I am committed to following this process from the beginning to the end. If there are any questions or problems, between myself and Mr. Overcash we are willing to work with you. We are very much committed to this community. I shared privately with some others and since no one from my church is here tonight, if successful, Mr. Polivka has asked me to consider moving to Weddington with my family. We are willing to do whatever we need to do. I wanted you to know I do not receive a paycheck for being here tonight. I just got out of the hospital fighting a crazy series of events. I am glad to be here. I respect you as a Town Council and I would ask you to consider this land use amendment for us.

Mr. Ed Howie – I was on the Council for 13 years. I served as Mayor for nine years. I served on the Planning Board for four or so years. I am a native of Charlotte and we bought property in Weddington in 1971. I was closely involved with the founders of the Town who wrote the document that you are looking at tonight. I came to Weddington fleeing what was going on in Charlotte – rapid commercial and high density development. I worked with the Planning Board and the Councilmembers and expressed interest in helping the Town to pursue the Town's vision. The reason that this Town was formed was to protect itself from that which I was fleeing. The sole purpose for forming the Town of Weddington was to protect ourselves from commercial development and high density development. What we wanted was a sanctuary from that which was taking place all around us. Wesley Chapel and Marvin did not exist at the time. I do not think this Council has been involved in a citizen survey of any sort. A previous survey asked, "What are the most important development issues facing Weddington?" Ninety-eight percent of those who responded said preserving the rural atmosphere. One of the things that brought a lot of us to this Town was the rural farmland and open land. One of the things that we wanted to do was to protect property rights and allow property owners to develop their land but we wanted to develop it in such a manner that preserved the rural community. When the Town was formed the only commercial development in Town was a little country store here on the corner and a business called Endless Endeavors which was an antique kind of shop. It was located on the shopping center property. When the original Land Use Plan was formed, they looked at this and felt that if there is commercial development that is where it ought to take place in the area that has been defined in the Land Use Plan. One of the other questions on the surveys was what is the greatest threat to the quality of life in Weddington? Forty-four percent of those that responded said rapid development. Twenty-nine percent of those who responded said more commercial development and 16% said more traffic. One of the questions was, "Should Weddington encourage more commercial development?" Eighty-five percent of those that responded said no. Since I left office, I have tried to stay out of Town business. The decision that you make with regards to Land Use is your decision. What I am trying to do is give you some historical perspective in my view of what has made this a great Town. We just celebrated 236 years of a great country. We still look back to our founding fathers to make decisions about what we do on a national level. What I am suggesting you do is look back 25 years on what the founding fathers of this Town envisioned and pushed hard to preserve the rural atmosphere, to preserve the quality of life and to create a sanctuary for the residents. Thank you for your service. I appreciate your willingness to serve.

Ms. Nancy Anderson – I grew up here. The sole purpose of incorporating Weddington was to protect ourselves from Charlotte. Things have changed here with lots and lots of new people and people have gotten older. I am an adjoining property owner to the proposed land use map amendment. I think the question before you is - What is the appropriate zoning? When we were incorporated, we had the church and The Hunter Farm and everything was residential and everyone assumed that when Jim Hunter died that the property would become Phase IV of Highgate and be R-40 zoning. Instead it is a permanent farm. It has been in operation as a farm since the 1860s. It is not ever going to be anything but a farm. When you are making your decision on what is appropriate I want you to remember that part of it. It is not ever going to change and it will always be a farm. I want you to consider the impact of commercial backing up to a farm. I am very ambivalent about this. I know something at some point will be there. I have had conversations with some of you individually on what would be appropriate and what would not be. My husband and I do not always agree on this. We would like to see it stay as it is. If I wanted to have control over that decision, I should have my name on the deed of that property and it is not. When we have gully washers like we had today, the storm water runoff is unbelievable. Between the orange house on Providence Road and where that power pole is that land belongs to the Catawba Lands Conservancy and their name is on the deed. That is different from the farm - my name is on that deed but the CLC has an easement over it. All of that land is conservation land. Our main irrigation pond gets filled up. I would hope that there would be some consideration on how to remedy that. The sewer line is going to have to go through there. I have not talked with Mr. Polivka on how that is going to go through. The sewer line will have to go through the farm which is okay. The CLC allows for underground infrastructure to be put in but no aboveground. There will be 18 manholes between Providence Road and where it attaches and it will have to go through Steeplechase as well. When this was brought up before, the Steeplechase people were very unhappy about it. There is increased traffic on Providence Road but access there has to be carefully engineered. Storm water management, the sewer line and the traffic are going to have to be addressed very carefully. I would emphasize what Former Mayor Howie said about why people came here in the first place. I know that people think that it should automatically be commercial because it is stuck there now. You represent the townspeople of Weddington and the portfolio of Mr. Polivka should not be what enters into your decision. You were elected to represent Weddington. I do think a review of the land use is something that should be undertaken. I do not think you need to hurry this.

Mr. Jerry McKee – I am against this amendment to the Land Use Map. When I was on the Town Council, we approved the Matthews and Spittle properties because they abutted the existing shopping center. It was natural for them to be considered. This is across from Providence Road which the Land Use Plan never said anything about developing anything on the other side of Providence Road. You spoke about being across from a gas station. The old owners of that property lived there for 30 to 40 years and there was a gas station across from them then. There has always been a gas station there since the early 70s. The last time that the applicant was here requesting a change they had other developments proposed which they would never disclose other than an office building. I think we deduced it through conversation that there was going to be a Walgreens there. Mr. Temple's statement is on the record that all he wants is an office building and nothing else. I hope you will remember that if this proceeds any further that only an office building is going to be put there. If you change this and he wants to put something else, then that means his testimony here was incorrect. As far as traffic is concerned, there will no left in or left out on that property. Several years ago I had several conversations with Allen Tate and he stated that you should not develop anything around the churches. Always leave the churches vacant on both sides. At the Weddington UMC there is a preschool with 300+ kids there and an academy there with 150 to 200 kids. To add more congestion and cars trying to get out of that place would be very difficult and could cause safety problems. Weddington Corners has some office space available. Just to have an office building there to me sounds more like an ego trip. It puts the foot in the door for everyone from Hemby Road to Rea Road. In talking with other councilpersons before the election, they stated that they would like to see a master plan. If you want to do a master plan – do it all in one step.

Mayor Davidson - I am going to read parts of the letter from Mr. Polivka, "It is my desire to work with the Town of Weddington in enhancing the quality of life in the community and have my property complement the adjacent properties which are listed as commercial and business." You did not write this letter. Do you understand what he means by enhancing the quality of life for our community and having the property complement the adjacent properties?

Mr. Temple – My father and grandfather were firemen so I did not grow up on a farm. I have always been a firm believer that if it is grey, has a bushy tail and eats nuts it is probably a squirrel. The property across the street to one side is a church. As we just heard there are 600 students there and it is really a business in the sense that there is a service provided for a fee. To the other side is a farm but likewise there is a business that runs off that property. They do not operate that farm for free and people do not come there for free and they do not walk away with things for free. On both sides of us even though technically they are not zoned or identified as business on the Land Use Plan, there are businesses operating on both sides of us. We simply want to operate our corporate office. It is silly to think that we are building a Wal-Mart there. My testimony is true and I am a man of my word. I will never have my word questioned. We would like to build today as we stand before you our corporate office. We believe it will enhance the Town. Our building is a southern colonial look and it is not an ego trip. It is a building that I believe will enhance the quality of life. When people come in the Town, they see a dilapidated house that sits on five acres. We would like to build something there that would bring jobs to the community. We presently only have seven people who work out of Mr. Polivka's office. This building would house those seven people perhaps even up to 10 people. We believe that it would complement the Town because we believe it does fit into a long range plan because you have a business district here and you are putting in a roundabout. As you look at it, it just makes sense to us to pull it all together. I am not Mr. Polivka and I cannot answer directly for him but I have the heart of Mr. Polivka on the matter.

Mayor Davidson – Amy tells me I have trust issues. I want to get on the record what you stated about that building an office is your intent. What we are doing tonight is giving you the opportunity to move forward with the next step which includes a whole list of things that could be done. In the past in many communities they have heard the story from the applicant, the property can be sold at any time and nothing is bound. Then there is a whole list of things that you can come in and ask for. People change their mind. Based on your opening comments, it looks like you come in peace. I assume you would rather have the consent of five people than less than five people.

Mr. Temple – That is a loaded question. From what I understand the majority would rule and I would be happy with the majority vote.

Mayor Davidson – The second paragraph in the letter states, "It is my understanding that in the past year the Planning Board has amended the land use for three other parcels near my property from residential to business. I am trusting that the Planning Board will provide me with the same consideration in amending the present land use of my property from traditional residential to business to enable my business to build and locate its corporate office in Weddington.

Mr. Temple – I think he is referring to the map of the other parcels that were referred to earlier on the east side that have been changed from residential to business. I think he is simply asking for the same consideration that they were given.

Councilmember Thomisser - Polivka International is a very large company. I went to their website. They have a big office in Ohio and they are attempting to put an office across the street. I do not understand if you are a large company why would you not want to put your corporate office near the Monroe airport so you could get corporate jets in and out? I do not understand the site selection.

Mr. Temple – Polivka International has three offices. There is an office in Charlotte which they have leased there for almost six years. There are seven people that work out of that office. They are all professionals. The Warren, Ohio office houses three employees. There is another office in Fort Worth, Texas which was leased. Polivka International is a large corporation. They work exclusively for Class I railroads in the United States and Canada. They build the intermodal facilities as well as other railroad enterprises. The Fort Worth office was opened because of an intermodal site that Polivka did two years ago. They want to keep an office in Fort Worth, Texas because what is happening in the United States is that railroads are growing and the work is expanding. He is developing into the west and he is regionalizing his company into the four parts of the country at this point. As far as having one central location for corporate jets - Mr. Polivka does not own a corporate jet. We all fly commercial. He moved here six years ago from Warren, Ohio. He was in business with his father for many years. He is a licensed civil engineer. Basil moved here because he was working on some major jobs in the Charlotte area. He fell in love with this area. He lives right down the street. When he came in this Town he saw that piece of property. I was with him. He had in his mind an office building there. The office in Fort Worth has one person, the office in Ohio is the accounting part of the company which has three people and the office here has seven people. He has about 85 employees but none of the employees live here. They all travel. He does not own any construction equipment.

Councilmember Thomisser - Do you have clients that come to see Mr. Polivka here in Charlotte and do they have corporate jets?

Mr. Temple – We do have clients. Our number one client is CSX Railroad. We are presently in negotiations of building an \$85 million intermodal for CSX in Montreal, Canada. CSX this year has 13 major projects mainly in the southeast and Polivka International has contractual agreements to do 9 of those 13 projects. They range from \$6 to \$85 million. The clients as far as coming to Town, they meet in a corporate office and we entertain them with dinner and golf but they do not have corporate jets that I am aware of.

Mayor Davidson - During the Planning Board meeting, the architect stated that, “We generated the Land Use Plan in your packet because planning people have advised that you should not jump across the highway with commercial.”

Mr. Overcash – We have heard that previously you have been advised by ULI to not jump across the highway.

Mayor Davidson - Is that in the Land Use Plan?

Town Planner Cook – Yes, I reference the Land Use Map when looking at the Land Use Plan.

Mayor Davidson - I am assuming you are talking about Page 46 where it says commercial development in Weddington is confined to that area located at the northeast quadrant of the intersection of NC 16 and NC 84 in other words the Town center.

Town Planner Cook - The Land Use Plan is 10 years old but it is the future guide to development. It does not indicate that there is business any where on the other side of Highway 16.

Mayor Davidson - This change is a little bit different than Matthews, Spittle, and Treske for the fact that was a change to the Land Use Map solely. This would be a change to the Land Use Map and the Land Use Plan because we would have to change that northeast quadrant.

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

B. Consideration of Polivka Land Use Map Amendment. Councilmember Thomisser - I would like to talk about the Land Use Plan. It is a document that is a statement of the community's vision for its own future. This document was written 10 years ago; however, it has been amended due to the surveys that Former Mayor Ed Howie addressed earlier. We had a survey in 2001, 2006 and 2007 and also Hadenstanziale in 2009. In every one of those surveys, more than 50% of the people said that they do not want any additional commercial development. With that being said, I would like to move that we not consider the Polivka Land Use Map Amendment for the following reasons.

Mayor Davidson - Can you clarify what you mean by not consider?

Councilmember Thomisser - Not change it. Keep it as is.

Mayor Pro Tem Barry - Your motion is to decline their request.

Councilmember Thomisser – Correct. There has been some conversation about the Spittle and the Matthews property and also the Treske property. They are all on this side of Providence Road and it makes a whole lot of sense some time in the future to put that all together. On Page 12 of the Land Use Plan it states – “Prohibit additional commercial development outside of the Town center particularly in the form of a linear strip development along roadways.” With all due respect to Mr. Temple, this is nothing more than a strip mall. Next - residents believe that the Town should maintain a single commercial center. To try to call this commercial center across four lanes of traffic part of the one on this side to me just does not compute. You are talking about two commercial centers divided by four lanes of traffic. On Page 46 of the Land Use Plan it states, “The only commercial area in Weddington is located at the intersection of NC 16 and NC 84. Commercial development in Weddington is confined to that area located at the northeast quadrant of the intersection of NC 16 and NC 84.” It is very clear. We have addressed this during the hearing. On Page 46 it states, “Further commercial development in the Town should therefore be limited due to existing traffic volumes on major thoroughfares and overall community sentiment as reflected in the 2001 public opinion surveys.” Every single one of the surveys indicated that the majority of the people of Weddington did not want any additional commercial development. They wanted it confined to this side of the road. On Page 17 (Community Design and Image Goals) it states, “Goal 2 - to retain a single commercial center within the Town that occupies the same area as the existing commercial core.” That does not mean something across the street. This is the commercial core on this side. On Page 17 of the Land Use Plan under Land Use Polices – Policy 3 states to limit development to areas of the Town that has suitable soil and topography characteristics for development. Policy 4 states limit development in design to 100 year floodplain, wetlands and along natural waterways to reduce the risk of significant damage and injury to life and property. Former Mayor Anderson spoke about this earlier. When you have a rain like today, where does the water go? The water goes toward Steeplechase and eventually winds up going through Highgate. We already have a serious and critical growing issue with flooding and drainage and this will only exacerbate it more. During a hard rain, I have seen the water ¼ to ½ of the way to the back yards of people that own homes on Kings Manor Drive. I have had a lot of residents bring this to my attention. In closing this is not good for Weddington. Commercial development should be on this side of the street.

Councilwoman Harrison - At the end of February, we voted on a piece of property that clearly was not in the Town core, that clearly was going to be developed commercial and you were absolutely for that along with two of the speakers here tonight. What is the difference? If it changes the rule, it changes it everywhere. I can remember distinctly hearing after we made that we were making the biggest mistake of our life. Now you sit here and tell me because there is a four lane highway there that the property should not ever be considered commercial. I sit in that parking lot when there are pumpkins to be had and there

are eight to ten buses lined up to get to the farm. That is causing traffic and let's talk about how many cars line up off of Providence through the church all sitting there idling to pick up their children. Seven people are not going to cause a traffic jam. As far as the water issue, the first council meeting that I attended in 2006 former Mayor Anderson's husband got up and he talked about the flooding on Providence Road and what was NCDOT going to do about it when it got widened. The flooding has been happening for a long time. I took pictures today of what happens to my back yard and my next door neighbor's back yard when it rains because I have a storm drain that comes through my back yard. I asked a question of Jordan if the Polivkas could build a 30,000 square foot building, not put a sign up and we would have no say in it and wouldn't it have as much rain water coming down as an office building. My concern is in one case let's do something and the Land Use Plan does not matter and on the other case we are talking about water run off. I agree with Nancy that something else should be done. I absolutely agree that there is runoff. I cannot buy that there is going to be additional runoff if a building is put there.

Councilmember Thomisser - This location is totally different than the one that we reviewed which was south of Rea Road. We all understood that situation was such that a large landowner was going to give Weddington 100 acres free for a park, a library and for a YMCA. We did not have any storm water issues in that situation. It was a totally different thing.

Councilwoman Harrison - We would not have known. Then you are saying to me if someone gives up something then we look the other way regarding the Land Use Plan.

Councilmember Thomisser - We look at it in terms of how it is going to improve the quality of life for the people of Weddington. A library, a full service YMCA and a park certainly would improve the quality of life for Weddington.

Councilwoman Harrison - The 2002 survey asked if you want to have a library and 70% of the people said no. If we are going to use the survey, 70% of the people do not want a library.

Mayor Davidson - Do you want to use the survey?

Councilmember Thomisser – There is a big difference in a 30,000 square foot house/building. You also have to consider asphalt and the water coming down whether it runs down the CLC's land or whether it runs down Providence Road. There is more water being dumped into Six Mile Creek which exacerbates the problems that the people of Highgate already have.

Councilwoman Hadley – What should we do about that? You are having that situation right now.

Councilmember Thomisser - You can vote against this today. We do not want to make it worse.

Mayor Pro Tem Barry – For the audience I think it is important to point out a couple of things. My opinion on this is plain and simple because I have already voted in favor of it at the earlier hearing. Subsequent to that I ran for Congress. Basil is a very good friend of mine and he supported my campaign. For transparency and disclosure purposes, I wanted to make sure everybody in the audience and for the record were aware of that. It is public record. You can go to fec.gov and punch in my name and see all 375 people - a lot of whom are real estate developers in Union County.

Mayor Davidson passed the gavel to Councilwoman Hadley so that he could participate in the debate.

Mayor Davidson – I will go back to my campaign. I am the only one that put this on my literature. I put in there that I support a Land Use Plan approved by the citizens of Weddington and adhered to by the Town Council. The reason that was on there was I did not like the changes to the Land Use Plan by

property owners in the case of Matthews and Spittle. I know that Matthews did not ask for the change. I think we have a Land Use Plan that is outdated and we are getting ready to redo it. The applicant deserves a decision. I think we ought to turn them down and go through the Land Use Plan process. Jordan said that they do not need to wait a year to reapply if this is not approved tonight. Everyone questions the surveys. We need to go through this process and really stop doing this with the Land Use Plan. I want to adhere to it. That is why I pointed out in the letter that it says, "It is my desire to work with the Town of Weddington in enhancing the quality of life." In the second paragraph it says that, "It is my understanding that in the past few years the Planning Board has amended the Land Use of three other parcels near my property from residential to business." If we do not get some discipline in this process, the next letter we are going to get will state, "It is my understanding that over the last few years the Planning Board has amended the land use of four other parcels." There has been an argument that we have a farm and a church and that you consider those businesses. While you can consider that for your piece of property, I can go to the map and find other pieces of property that are next to a church and a farm and are we going to make all of those businesses? We need to take the time to do this right before we move forward with this. There has been debate regarding language in here that you can interpret differently. My interpretation is that it is that northeast quadrant. It is confirmed by the Land Use Map. There are no other commercial areas outside the northeast quadrant. I do not think anyone in Town is screaming for the Polivka Headquarters to come to Weddington. I do not think we have received any phone calls for that. Obviously, it is not a huge issue one way or the other. When we turned down Polivka last time the phones did not ring off the hook. We got more phone calls on miniature horses and water towers. To me it is a big deal because we have people constantly calling Jordan and saying, "What do you think my odds are to get this switched?" I think the odds go up the more times we just do not adhere to this Land Use Plan. I would like us to stop and do the Land Use Plan right and come back and see if it is appropriate.

Councilwoman Hadley gave the gavel back to Mayor Davidson.

Councilmember Thomisser – I believe what you just said is that you would like us to reconsider this after we revise the Land Use Plan.

Mayor Davidson – Technically what I am asking for is the Council to vote no. The applicant deserves an answer tonight. We need to look at the Land Use Plan. We are getting ready to do that and then come back and they can reapply again.

Councilwoman Hadley – Would all the manholes be in residential as well?

Town Planner Cook – I think that residential could do septic tanks. That is a County issue. If it is a residential subdivision it would be different but on five acres I am not sure you could get more than three lots on five acres.

Councilwoman Hadley – I thought we talked about this and if they are on the main, don't they have to connect?

Town Planner Cook – with water.

Councilmember Thomisser restated his motion to decline the Polivka Land Use Map Amendment request. The vote on the motion is as follows:

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

The motion failed.

Councilwoman Harrison moved to approve the Land Use Map Change for Polivka as requested. The vote on the motion is as follows:

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

The motion passed.

C. Public Hearing to Review the Subdivision Sales Signs Text Amendment. Mayor Davidson opened the public hearing to review the subdivision sales signs text amendment. The Town Council received the following proposed text amendment and photographs showing existing subdivision sales signs in the Town of Weddington:

Subdivision Sales Signs-All New Text Below:

Section 58-4. - Definitions

Sign, subdivision sales, means a sign located at the entrance of a subdivision, identifying lots and/or homes for sale. Subdivision sales signs may be permitted only after the Final Plat is approved by the Town Council.

Sec. 58-151. - Temporary signs.

- (c) *Subdivision sales signs.* One subdivision sales sign per entrance shall be permitted and shall require a sign permit, valid for one year and renewable annually as long as 10% (rounded up) or 10 lots, (excluding septic and unbuildable lots) whichever is less, continue to be marketed for sale. Subdivision sales signs may be no greater than 20 square feet (including text and support structure) in area and six feet in height, measured from grade, and must be located behind the right-of-way line and out of the sight triangle at the subdivision entrance. No lighting of subdivision sales signs shall be permitted.

Town Planner Cook - What you have in front of you is all new text. I have received numerous requests from many subdivisions throughout Town for subdivision sales signs. These signs are not allowed per our ordinance. Previous planners have allowed these in the past. You see plenty of them at the entrances of subdivisions. While I do agree that developers should be allowed to market their property, I do believe that we should regulate them like we do other signs in our ordinance. We have added the definition of subdivision sales signs. Section 58-151 is the actual standards and regulations for the subdivision sales signs. I have also included pictures showing some of those signs that already exist in Weddington. Those were permitted without any regulations. If the existing signs are not compliant, they will need to be replaced if this text is approved.

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

D. Consideration of Ordinance to Adopt the Subdivision Sales Signs Text Amendment. Mayor Pro Tem Barry moved to adopt Ordinance O-2012-11:

**AN ORDINANCE TO AMEND SECTIONS 58-4 AND 58-151
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2012-11**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTIONS 58-4 AND 58-151 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Subdivision Sales Signs - All New Text Below:

Section 58-4. - Definitions

Sign, subdivision sales, means a sign located at the entrance of a subdivision, identifying lots and/or homes for sale. Subdivision sales signs may be permitted only after the Final Plat is approved by the Town Council.

Sec. 58-151. - Temporary signs.

(d) *Subdivision sales signs*. One subdivision sales sign per entrance shall be permitted and shall require a sign permit, valid for one year and renewable annually as long as 10% (rounded up) or 10 lots, (excluding septic and unbuildable lots) whichever is less, continue to be marketed for sale. Subdivision sales signs may be no greater than 20 square feet (including text and support structure) in area and six feet in height, measured from grade, and must be located behind the right-of-way line and out of the sight triangle at the subdivision entrance. No lighting of subdivision sales signs shall be permitted.

Adopted this 9th day of July, 2012.

All were in favor, with votes recorded as follows:

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

Item No. 9. Old Business. There was no Old Business.

Item No. 10. New Business.

A. Consideration of Appointment to the Planning Board. The Town Council received the following memo from Town Administrator McCollum and a copy of applications on file for this appointment:

There is a vacancy on the Planning Board due to the resignation of Jack Steele. His term was due to expire December 2012. Planning Board members also serve on the Board of Adjustment and Historic Preservation Commission. I have included in your packet applications of individuals interested in serving on the Planning Board.

The person that the Town Council appoints needs to be appointed as an alternate to the Board of Adjustment. The Town Council will need to make Jim Vivian a regular member to the Board of Adjustment. This would make the person you appoint tonight and John Giattino alternate members to the Board of Adjustment.

Councilmember Thomisser nominated Linda Nugent. He stated, "I think it is healthy to get new people on our boards and committees. I know there are a couple of people on the list that have had the opportunity to serve on the Planning Board. Ms. Nugent has a Bachelor of Science in Civil Engineering."

Councilwoman Harrison nominated Ms. Jennifer Romaine.

Councilwoman Hadley moved to close the nominations. All were in favor, with votes recorded as follows:

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

Councilwoman Harrison - There were eight applications. The only people that I did not talk to were Scott Buzzard, Beth Masurat and Michael Smith. Scott and Beth based on the fact that they had 8 to 10 years on the Planning Board and I too wanted to see some new people on the Planning Board. Michael with his background as a retired State Trooper being on the Public Safety Committee was the right place for him. I called Linda and left her a message last week. I also talked to the other applicants as well. I asked them if they have ever attended a Planning Board meeting or a Town Council Meeting. What do you think the number one item that the Town Council and the Planning Board should work on the next year? I also asked if a Town Council member would call a Planning Board member and asked them to vote a certain way how would they react. I got some very good answers. Some of the people that actually applied had no idea what a Planning Board did. I did like Linda Nugent. She has not attended a Planning Board Meeting. Most of our Planning Board members live in one area. That is one of the reasons why I nominated Jennifer based on where she lives. She thought the Town should be working on updating the Land Use Plan and making sure that if we do commercial development that it is in the appropriate location. Ms. Nugent discussed trying to blend the old with the new. Jennifer is currently on the Public Safety Committee and she did help with the historic tea. Having her located in the southern portion also gives us a little more mix instead of having everyone in the same area. Both people when I asked the last question they said that they understand that sometimes the Council knows more than they know and they would be willing to listen to the data but that they would make their own decision.

Mayor Pro Tem Barry - Does it give you any heartburn of having a realtor on the Planning Board?

Councilwoman Harrison answered no.

Councilwoman Hadley - I had a conversation with our attorney about a realtor if that was a conflict of interest. He said no more so an engineer. She mostly works in the Southpark area.

Attorney Fox - The profession lends the opportunity for a potential conflict of interest. The fact that the person does residential is a greater potential than commercial because that person may be in the bidding of the market of a subdivision and that may create the potential.

Mayor Pro Tem Barry - There is knowledge, experience and expertise that you want to take advantage of. Any of those individuals that operate in that business bring their own biases of course but they also bring knowledge, experience and expertise.

Councilmember Thomisser - I am familiar with Jennifer Romaine since I serve with her on the Public Safety Committee. Is there any advantage of spreading out the duties since she is the Vice-Chairman of the Public Safety Committee?

Mayor Pro Tem Barry - I think it is to our advantage to have more people participating in the process.

Councilmember Hadley - The Public Safety Committee has voted to meet on as needed basis.

Mayor Davidson - She will resign from the Public Safety Advisory Committee if she is appointed to the Planning Board.

The vote on Councilwoman Harrison’s nomination of Jennifer Romaine is as follows:

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

Mayor Davidson voted in the affirmative; therefore the motion passed.

B. Consideration of Dissolving the Parks and Recreation Advisory Board. Mayor Davidson - We do not have a park and this committee turned into an events planning committee. When I went to the School of Government training, I went over some scenarios of how we could do Parks and Recreation with all these events without being tied to the Open Meetings Laws. They have to get together, minutes have to be taken and subcommittees could not be formed. I anticipated it would be difficult. I think we can continue the same activities without being constrained by the laws.

Mayor Pro Tem Barry - If we are abolishing the committee to skirt transparency then we are abolishing it for the wrong reason. If we are disbanding any committee and one of the arguments is that I do not want to jump through all the disclosure hoops, I think it violates the spirit of the Open Meetings Law.

Councilwoman Harrison - My biggest issue is we are going to be having a festival and I am spending five hours a day seven days a week by myself working on this because I cannot ask Amy to come in and take minutes nor can I ask two people would you be a Subcommittee and help me.

Attorney Fox - As opposed to a committee effort, the work of the committee could be assigned to a councilmember and that councilmember may utilize volunteers to get the work done.

Councilmember Thomisser - Is it in the best interest of the Town to have one person do all the work? What do we do when you move on?

Mayor Davidson - I think it is constricting to anyone to get these events going. There is no benefit to having a Parks and Recreation Committee.

Attorney Fox - There is nothing that prohibits the Town from adopting or establishing a new committee in the future.

Councilwoman Harrison moved to abolish the Parks and Recreation Advisory Board. The vote on the motion is as follows:

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

Council asked that the Town thank the committee members for their service to the Town.

C. Review and Consideration of Land Use Plan. The Town Council received the following schedule developed by Town Planner Cook:

Date	Event	Action
July 9	Town Council Meeting	Discuss future steps and set deadline for comments
July 13		Deadline for Comments on Previous Surveys

July 13- August 13		Centralina COG developing Survey
August 13	Town Council Meeting	Council to receive/review COG Survey
August 24		Deadline for Comments on Survey
August 24-Sept. 10		COG revising survey
September 10	Town Council Meeting	Update Council on COG's progress
September 14		Deadline for Survey to be mailed
September 28		Due Date for Surveys
October 1		Survey Results sent to Town Council and COG
October 8	Town Council Meeting	Council discussion on Survey Results
October 8-Nov. 5		Workshops/Meetings to revise Land Use Map
October 22	Planning Board Meeting	Planning Board to make recommendation on Land Use Map
November 5	Town Council Meeting	Discussion of Land Use Map amendments (Public Hearings)
December 10	Town Council Meeting	Deadline for Land Use Map amendments and discussion of Land Use Plan text amendments

Town Planner Cook - I have put together a rough timeline for the amendment of our Land Use Plan. This Friday is the deadline for receiving comments on previous surveys. I will send the comments to COG. I do not know how long it will take for them to develop a survey. Hopefully by next month's meeting, the Town Council can review the survey. I hope to have the surveys mailed out in September and getting them back late September to early October. The first step may be amending the Land Use Plan Map. There is text in the Land Use Plan that is outdated. I would like to have the map changed by the end of this year.

Councilwoman Hadley referred to the planning process for the past Land Use Plan Update and asked if the Town was going to do the survey first as opposed to conducting workshops and getting citizen input.

Town Planner Cook - I am going to leave that up to the Council. There are towns that go into these land use plan updates that spend \$50,000 with 15 public workshops for a year. We can do this in house with a little help from COG with the survey and one or two meetings.

The Council discussed how many rooftops existed in 2002 versus now.

Councilwoman Hadley discussed how to develop some type of ownership/partnership or dialogue with citizens before they get the survey.

Councilmember Thomisser instructed Town Planner Cook to come up with the best plan and timeline to move forward with the Land Use Plan Update. All were in favor, with votes recorded as follows:

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

D. Consideration of Appointing the Town Administrator as Deputy Finance Officer for Check Signing Purposes Only. The Town Council received the following memo from Town Administrator McCollum:

The Town currently has to have two signatures on all checks. One signature is either Councilwoman Hadley or Mayor Pro Tem Barry. The other signature is Finance Officer Gaylord. Staff would like to have a backup for the Finance Officer in case of an emergency situation where the Finance Officer is not available. I have talked with the Town's auditors and they are comfortable with this arrangement of the Town appointing the Town Administrator as Deputy Finance Officer and backup signatory for the Finance Officer but request that this option only be used in emergency situations due to the fact that the Town Administrator also prepares the bank reconciliations.

Councilwoman Harrison moved to appoint the Town Administrator as Deputy Finance Officer for Check Signing Purposes. 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 the following update from Town Planner Cook:

- NCDOT is still acquiring right-of-way for the roundabout. DOT plans to let the project this year but may have to wait until school is out next year to begin construction.
- Construction of the Weddington Church Road relocation project began on June 27th. Many preliminary engineering items in and around the pond have been installed. The completion date from this project is September 14, 2012 and the total cost of the project is \$513,175.50.
- I am meeting with the engineering and consultant group hired by NCDOT to work on the Rea Road Extension project this Wednesday. This meeting is just for preliminary discussion and fact finding. Please let me know if you have any specific items you would like me to discuss with them.
- Clay Burch with GreenTek has installed additional landscaping to the medians along Providence Road, Hemby Road and Rea Road. All landscaping should be done by the end of this week.
- The Agritourism and Agricultural Use Definition text amendments were on the February 27th Planning Board agenda (both received a favorable recommendation). These text amendments have been amended since that February Planning Board meeting. These text amendments will be on the July 23rd Planning Board agenda.
- Stillwell NC, LLC has submitted a Sketch Plan for a 90 lot conservation subdivision called Vintage Creek on parcels 060-90-004, 060-90-007 and 060-93-011. The site 115.3 acres and fronts Weddington-Matthews Road. The Public Involvement Meetings for this project are Monday, July 9th from 2:00-4:00pm on-site and Wednesday, July 11th from 6:00-8:00pm at Town Hall. If the Sketch Plan is approved by the Planning Board the applicant can begin work on the Preliminary Plat.
- Polivka International Company submitted their MX Conditional Zoning Application along with a Land Use Map Amendment request on April 25, 2012. The Land Use Map Amendment must occur before the rezoning can take place per *Section 58-60* of the *Weddington Zoning Ordinance*. The Land Use Amendment was on the May 21st Planning Board agenda where it received a favorable recommendation with a 4-2 vote. If the Town Council approves the Land Use Map Amendment the MX Rezoning will be on the August 27th Planning Board agenda. If the Land Use Map amendment is approved, Public Involvement Meetings for this rezoning will occur on July 25th from 10:00-12:00pm on-site and on August 16th from 6:00-8:00pm at Town Hall.
- The following items were on the June 25th Planning Board agenda: Union Power Text Amendment
- The following items will be on the July 23rd Planning Board agenda: Vintage Creek Sketch Plan and Agricultural Uses/Agritourism Text Amendments

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

- We are working on the next newsletter that will go out by the end of July or the first week in August.
- A letter to the Post Office was sent requesting a Weddington Zip Code. I have received a letter dated June 14, 2012 from the Post Office advising that they will do a ZIP Code Boundary Review for Weddington and it is scheduled to begin August 14, 2012. They have requested a current map of the Town along with a list of all residents by current mailing address and ZIP Code in the area. Councilwoman Hadley has also given me additional supporting information that I will forward with the map and address list.
- I have spoken with representatives of the Providence VFD to work on getting reports of False Fire Alarms to start tracking these false alarms and giving the proper citations. False fire alarms are not recorded through the reports currently received by the Town deputies. Chief Dye is reviewing the ordinance and will be talking with the Chiefs of Wesley Chapel VFD and Stallings VFD regarding this issue.
- We are working with God Bless the USA garbage service to arrange a pick up two times a year of small non-hazardous waste such as computers, printers, etc. They do have plans to open a recycling center for the county on or about October 1 of this year. That facility will accept these items, with the exception of hazardous waste, every business day. It will be located in close proximity to Sun Valley High School.
- Staff will be ordering the defibrillator this week to be kept at the Town Hall.
- Centralina Council of Governments has quoted \$400.00 for two hours of training for planning related topics for the Planning Board, Town Council and Staff. Please let me know if you would like for me to proceed with scheduling a training date.
- VC3 has begun working on the transition to the new computer software approved in the budget for Fiscal Year 2012-2013.
- I have sent an invoice to NCDOT requesting payment for the mowing of the medians and shoulders.

Upcoming Meeting Dates:

July 23 - Regular Planning Board Meeting and Historic Preservation Commission Meeting

Item No. 13. Public Safety Report.

The Town Council received the Income and Expense Budget Performance and Balance Sheet for Providence VFD for June 2012.

Weddington Deputies – 489 calls

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

A. Finance Officer’s Reports. The Town Council received the Revenue and Expenditure Statement and Balance Sheet dated June 1, 2012 to June 30, 2012.

B. Tax Collector’s Reports. Monthly Report – June 2012

Transactions:	
<\$5.00 Adjustments	\$(13.30)
Interest Charges	\$97.54
Penalty and Interest Payments	\$(545.64)

Refunds	\$331.65
Releases	\$(71.83)
Taxes Collected:	
2011	\$(4,402.94)
2010	\$(261.47)
2009	\$(14.51)
2008	\$(14.10)
2007	\$(10.97)
As of June 30, 2012; the following taxes remain Outstanding:	
2002	\$82.07
2003	\$129.05
2004	\$122.90
2005	\$252.74
2006	\$157.87
2007	\$154.53
2008	\$1,971.60
2009	\$2,777.85
2010	\$4,918.94
2011	\$8,709.74
Total Outstanding:	\$19,277.29

2012 Tax Collection Percentage 98.5%

Annual Settlement Statement – Fiscal Year 2011-2012

2011 Tax Charge	\$639,144.72
Balance Adjustments	\$(45.03)
Discoveries	\$602.18
Interest Charges	\$1,976.39
Refunds	\$5,673.76
Late List Penalties	\$78.15
Adjustments Under \$5.00	\$(304.48)
2011 Tax Exemptions	\$(31,287.55)
2011 Tax Deferments	\$(37,306.08)
2011 Tax Write-offs (<\$5.00)	\$(790.79)
Overpayments	\$(766.50)
Interest Payments	\$(1,245.33)
Penalty Payments	\$(43.46)
Releases	\$(1,819.18)
2011 Taxes Collected:	\$(565,157.06)
2011 Unpaid Balance	\$8,709.74

Item No. 15. Transportation Report. There was no Transportation Report.

Item No. 16. Council Comments. There were no Council Comments.

Item No. 17. Adjournment. Mayor Pro Tem Barry moved to adjourn the July 9, 2012 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 9:26 p.m.

Walker F. Davidson, Mayor

Amy S. McCollum, Town Clerk