

**TOWN OF WEDDINGTON  
REGULAR TOWN COUNCIL MEETING  
MONDAY, AUGUST 13, 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 August 13, 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: Brad Guerin, Chris Rea, William Price, Susan Matthews and Tom Slusher

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

**Item No. 1. Call to Order.** Mayor Davidson called the August 13, 2012 Regular Town Council Meeting to order at 7:01 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.** Mayor Pro Tem Daniel Barry 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. July 9, 2012 Regular Town Council Meeting.** Councilwoman Pamela Hadley moved to approve the July 9, 2012 Regular Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

**B. July 23, 2012 Special Town Council and Planning Board Training Session.** Councilwoman Hadley moved to approve the July 23, 2012 Special Town Council and Planning Board Training Session minutes. All were in favor, with votes recorded as follows:

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

**Item No. 7. Consent Agenda.**

**A. Review and Consideration of Bromley Subdivision Sales Trailer Permit and Construction Trailer Extension.** The Town Council received the following memo from Town Planner Jordan Cook and a copy of the application and plot plan for the sales trailer office:

Toll NC II, LP (Toll Brothers) requests an extension for a temporary sales office located on Lot 1 in the Bromley Subdivision. The address of Lot 1 is 1049 Bromley Drive, Weddington, NC 28104.

**General Information**

- A renewal for the temporary sales office is required per *Section 58-13 (4)* of the *Town of Weddington Zoning Ordinance*.
- The applicant is required to apply for a renewal every 12 months.
- The first permit was approved by Town Staff in 2007 for a one year period. The Town Council has granted an extension every year thereafter. The last extension was granted on February 14, 2011.
- Every extension after the initial two years must be approved by the Town Council.
- *Section 58-13 (4)* of the *Town of Weddington Zoning Ordinance* states that three or more lots must be remaining to grant the extension. The Bromley Subdivision currently has 110 lots remaining, therefore complying with the *Town of Weddington Zoning Ordinance*.

**Conclusion**

Staff has reviewed the application and submitted documents and finds the Sales Office Renewal Permit Application is in compliance with the *Town of Weddington Zoning Ordinance*.

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The Town Council received the following memo from Town Planner Cook and a copy of the application and plot plan for the construction trailer:

Toll NC II, LP (Toll Brothers) requests an extension for a temporary construction trailer located on Lot 121 in the Bromley Subdivision. The address of Lot 121 is 6067 Hemby Road, Weddington, NC 28104.

**General Information**

- A renewal for the temporary sales office is required per *Section 58-13 (4)* of the *Town of Weddington Zoning Ordinance*.
- The applicant is required to apply for a renewal every 12 months.
- The first permit was approved by Town Staff in 2007 for a one year period. The Town Council has granted an extension every year thereafter. The last extension was granted on April 11, 2011.
- Every extension after the initial two years must be approved by the Town Council.
- *Section 58-13 (4)* of the *Town of Weddington Zoning Ordinance* states that three or more lots must be remaining to grant the extension. The Bromley Subdivision currently has 110 lots remaining, therefore complying with the *Town of Weddington Zoning Ordinance*.

**Conclusion**

Staff has reviewed the application and submitted documents and finds the Construction Trailer Renewal Permit Application is in compliance with the *Town of Weddington Zoning Ordinance*.

Councilwoman Harrison moved to approve the extension of the Bromley Subdivision Sales Trailer Permit and Construction Trailer Permit. 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 – Constitution Week.** The Town Council received the following letter dated August 1, 2012 from Elizabeth R. Gibson with the John Foster Chapter of the NCS DAR and the History of Constitution Week:

The John Foster Chapter Daughters of the American Revolution, Monroe, North Carolina works to promote patriotism in our community. The week of September 17-23 is designated as Constitution Week by Public Law 915 which was signed by President Dwight D. Eisenhower on August 2, 1956. Therefore every year we want to bring to the attention of our citizens this anniversary of the signing of the Constitution of the United States of America. I am sending everything by e-mail again this year and have included an attachment of a sample Proclamation that I hope you will complete, sign, and impress with the Seal of the Town of Weddington. After the Proclamation has been signed, we encourage you to add it to your Home Page or perhaps add just a simple statement that says “Celebrate Constitution Week Sept. 17-23”. Your town hall is an excellent place to display this document for visitors to see, and I know that you are faithful in doing that.

I have included with this Proclamation a short history of the origin of Constitution Week for you to read. I hope you enjoy it.

The John Foster Chapter is most appreciative of your cooperation as we work to remind the public of the importance of this document.

Councilwoman Harrison moved to approve Proclamation P-2012-07:

**TOWN OF WEDDINGTON  
PROCLAMATION PROCLAIMING  
SEPTEMBER 17 THROUGH SEPTEMBER 23  
AS CONSTITUTION WEEK  
P-2012-07**

**WHEREAS,** The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

**WHEREAS,** September 17, 2012, marks the two hundred twenty-fifth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS,** It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

**WHEREAS,** Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

**NOW, THEREFORE I,** Walker F. Davidson by virtue of the authority vested in me as Mayor of the Town of Weddington do hereby proclaim the week of September 17 through 23 as

**CONSTITUTION WEEK**

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the Town of Weddington to be affixed this 13<sup>th</sup> day of August of the year of our Lord two thousand twelve.

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 to Review Union Power’s Proposed Text Amendment to Section 58-4 – Definitions.** Mayor Davidson opened the public hearing to review the proposed text amendment to Section 58-4. The Town Council received a copy of a letter dated June 7, 2012 from Susan W. Matthews with Patrick, Harper & Dixon, LLP regarding the proposed text amendment and a copy of the following amendment:

*Essential services* means publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse, the transmission of communications, or similar functions necessary for the provision of public services. The term "essential services" is divided into the following classes:

- (1) *Class I.* Transmission lines, whether subterranean or overhead, including electrical, natural gas and water distribution lines, sewer gravity lines and pressure mains, underground septic tanks and drainfields, cable television and telephone transmission lines or similar utility lines. **Electrical lines and electrical transmission towers, except for non-monopole structures such as steel lattice towers, are exempt from all setbacks that would otherwise be required by this Ordinance.**
- (2) *Class II.* Booster stations, pumping stations, switching facilities, substations, lift stations or other similarly required facilities in connection with telephone, nonwire communications, electricity, steam, water, water storage, sewer or other similar utilities. This classification is not intended to govern apparatus and functions set out in essential services class IV, more particularly defined below.
- (3) *Class III.* Generation, production, or treatment facilities such as power plants, sewage treatment plants or similar utilities.
- (4) *Class IV.* Subterranean neighborhood or cabinet-style switching facilities designed to handle telephone transmissions within the immediate vicinity of the town.

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Town Planner Jordan Cook – Union Power proposes a text amendment to the definition of a Class I Essential Service. This definition would exempt monopole towers and electrical lines from our setback requirements. I did meet with and discussed this project in its entirety with Union Power representatives on two occasions. The first meeting was here in the office and the second meeting was in the field off of Beulah Church Road at one of their substations. At those meetings it became evident to me that their only options for building these new transmission towers and/or lines was either a variance or a text amendment to our current ordinance. A variance is not a viable option. You would have to post every property for a variance and they have to be notified. It is a variance for every property. They have decided to move forward with the text amendment. After reviewing this text amendment and seeing the transmission lines

and towers in the field, I fully support Union Power's proposed text amendment to Section 58-4 and feel that it is necessary. The Wesley Chapel Planning Board and Council also approved similar text. What our previous text would do would make them erect the towers and the lines compliant with our setbacks. Our front yard setback for a Class I Essential Service is 75 feet. Our rear setback is 60 feet. Those towers and lines would pretty much go right through the middle of properties. It makes more sense to eliminate setbacks so they can straddle property lines or even roadways. The Planning Board did give the proposed amendment a favorable recommendation. They also suggested at their meeting that if this is approved that we may also look at cable and TV poles and lines to see if that would apply as well.

Attorney Susan Matthews – I am here on behalf of Union Power. This is what we believe to be a very simple and straightforward text amendment to your Class I Essential Services. It applies only to monopole structures and lines. It does not involve steel lattice towers. We are asking that you adopt the amendment and exempt these monopole structures and lines from setback requirements. We think this is beneficial not only for Union Power but also for the Town and residents. As Jordan indicated if right now new towers were to be constructed or lines expanded Union Power or any electrical company would have to comply with the current setback requirements which means that these lines and towers would be built well inside the property line as opposed to going along the side of them. The necessary implication would be that the lines and towers would come up close to or adjacent to buildings and homes which is not only disruptive to the property owner but it also produces aesthetic issues. Allowing this amendment to pass would actually be more uniform with the way the lines are currently built in the Town. After speaking with Jordan, we believe that they were built prior to the adoption of the ordinance. For that reason, we think this is a very minimal change that is necessary both for the Town and for Union Power. It is not that great of a deviation from the current ordinance. If the Town were to adopt this tonight, it would not be the first Town to do so. Wesley Chapel did so last year. In addition the Town of China Grove has adopted something very similar except that change actually applied to all essential services not just electrical towers and lines. Tom Slusher is here on behalf of Union Power. He is the VP of Engineering and Operations.

Councilmember Werner Thomisser – The attorney mentioned the aesthetics aspect. Are there any health issues here as far as having a power line too close to a residence? I understand the reasons why we need to do this.

Mr. Tom Slusher – I do not believe there are. There have been numerous articles written over the years particularly as it relates to electromagnetic fields. It has been a source of discussion for decades. There has not been any real conclusive evidence presented that I am aware of or have read that indicates there is any harm from the power line.

Mayor Davidson - Do you know why we wrote such language in the first place?

Town Planner Cook – This is one of those perfect examples of you write the code on paper and it has probably been in place for five to six years and you go in the field and realize that it does not work. These will actually be farther away from houses based on the new language.

Mayor Davidson – What brings this tonight?

Mr. Slusher – This is something that we noticed in the Wesley Chapel ordinances two or three years ago. We do anticipate that at some time in the future we will have to do some work like this and it will allow us to do a better job at siting the line.

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

**B. Consideration of Ordinance Adopting Union Power’s Proposed Text Amendment to Section 58-**

**4.** Councilwoman Harrison moved to adopt Ordinance O-2012-12:

**AN ORDINANCE TO AMEND SECTION 58-4  
OF THE CODE OF ORDINANCES  
OF THE TOWN OF WEDDINGTON  
O-2012-12**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-4 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

*Essential services* means publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse, the transmission of communications, or similar functions necessary for the provision of public services. The term "essential services" is divided into the following classes:

(1) *Class I.* Transmission lines, whether subterranean or overhead, including electrical, natural gas and water distribution lines, sewer gravity lines and pressure mains, underground septic tanks and drainfields, cable television and telephone transmission lines or similar utility lines. **Electrical lines and electrical transmission towers, except for non-monopole structures such as steel lattice towers, are exempt from all setbacks that would otherwise be required by this Ordinance.**

(2) *Class II.* Booster stations, pumping stations, switching facilities, substations, lift stations or other similarly required facilities in connection with telephone, nonwire communications, electricity, steam, water, water storage, sewer or other similar utilities. This classification is not intended to govern apparatus and functions set out in essential services class IV, more particularly defined below.

(3) *Class III.* Generation, production, or treatment facilities such as power plants, sewage treatment plants or similar utilities.

(4) *Class IV.* Subterranean neighborhood or cabinet-style switching facilities designed to handle telephone transmissions within the immediate vicinity of the town.

Adopted this 13<sup>th</sup> day of August, 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.**

**A. Discussion and Consideration of 2013 Weddington Land Use Plan.** Mayor Davidson – We had our first meeting Thursday night. The one question we had out there was the issue of asking large landowners if they wanted or have any plans for their property and ask them something different than just on the regular survey. After that discussion, I may agree that it is part of the survey that goes out to everyone. Something to the extent - Do you have any plans to request any changes to the Land Use Plan in the next five years? Give them an opportunity but we are not doing anything special. We are opening it up to everybody.

Councilmember Thomisser – During the July Town Council Meeting, you stated that the Land Use Plan should be approved by the citizens of Weddington and adhered to by the Town Council. In my opinion,

the Land Use Plan is not the Town Council's plan or the Planning Board's plan. It belongs to the citizens of Weddington. Are we putting the cart before the horse? Should we not wait until we get the results of what the people want and then we would have the option of contacting the large landowners? Everyone will get a survey. By inviting at this stage of the game are we creating a situation where perhaps we may be giving them some false hope? I do not know what the results are going to be. We had unbelievable growth between 2000 and 2007. The County does not have the money to provide infrastructure for water and sewer. It could be a wish list but we have to be realistic as to what we can deliver to the citizens.

Mayor Davidson - I look at it like we should do our budget where there is a timeframe in March and if you are going to ask for money from the Town go ahead and ask for it now. Do not come in July and August. This would be a similar window for the next five years; we are going to declare our vision for Weddington. If there is something that you want to tell us, tell us now because we are going to try to adhere to what we pass. It may be to have two to three questions on the survey just saying that you have the right to give us input and here is your opportunity.

Councilmember Thomisser - It is no big secret that Weddington is addressing the Land Use Plan. If I own 50 to 100 acres the onus is on me to pay attention to know what is going on. They should be taking the initiative and coming to us.

Mayor Davidson - I am suggesting that we send one survey out but just add a couple of questions that are targeted to large landowners. Two or three questions that get to the idea of do you have plans for your property over the next five years.

Mayor Pro Tem Barry – We need to communicate in the cover letter of the survey to make sure that everyone understands the Land Use Plan is a guide and it is not an absolute and it is an election away from being changed. I think the letter needs to say, “We are soliciting your input, please get engaged.” If they want to make a change, they are going to show up. I do not want to say we are going to rezone Weddington. That is not our intent.

Mayor Davidson - The farthest you are willing to go is the invitation to participate in the process to all landowners.

Councilmember Thomisser – There are two different ways to approach this – please tell us what you want to do with your land versus please come, we would like to solicit your opinion. When we ask for opinions we are not guaranteeing anything.

Councilwoman Hadley – I had originally wanted the letter to go out to the landowners and even more a little broader than come show me your plan. But broader and say this is what we are doing, you are a valued landowner in Weddington and I wanted to give you a heads up. I am okay with having that as part of the survey. At what part of the process if someone does have an idea or objection – when are we going to hear that and provide something longer than three minutes?

Mayor Davidson - Do we want more open meetings of discussion where people get up and talk? Every parcel owner is going to get something from us. I think people get uncomfortable when they start looking like it is an invitation for change. Until we get input we should not send an invitation out to change the property when we have not gotten the temperature of the citizens yet.

Mayor Pro Tem Barry - I think there is a fear that there is an expectation that we become creative. It is not our responsibility to be creative. The landowners and their developers are going to be desirous of participating because they are going to want to hear what the community wants because then they are

going to be able to say as part of this process we heard that this is what the citizens of Weddington said they were looking for and I have a great idea.

Mayor Davidson – Are we are going to write the Land Use Plan based on what we get back from the survey? They have to come with a project that is not a stretch but fits in with the published Land Use Plan. That is what I want after this is done until the election when it could be done all over again. We have to present that opportunity for the citizens to say what they want and collect the information, figure out what we think it means and then allow a little time for anybody to come in that meets this stuff.

Councilwoman Hadley – I do not have a lot of faith in the survey. There is no way that I can put my vision in a survey. How do people know that they do not want something if they have not seen it? When are we going to give the opportunity to be able to hear some of these ideas?

Mayor Pro Tem Barry – So your advice would be to invite all of these landowners to give their best plan and present it to the people and then as we build our Land Use Plan and before we survey we will have seen what the ideas are.

Councilwoman Hadley – I wanted it to be Part B of the survey. These are some ideas that have been put before us. What do you think? What do you like? They may see something creative that is not being done anywhere around here and would be unique to Weddington. I do not like the process of doing this first and then seeing the ideas and then it being on our shoulders to marry the two.

Councilwoman Harrison – I want a survey. We have a responsibility to the citizens to make sure that they understand that we cannot stop residential growth. There is the Smart Plan Growth Act and a Historic Preservation Act that have come into play since 2005. When you have over 4,000 people versus 1,100 we may get a different tone to what people want. How many farms were there in 2002 versus now? People said that they did not want monuments, street lights and they got them anyway. I want a survey that we are not going to lead them on in this process.

Council agreed that they felt they could put together a survey that when it comes back that they would believe the answers that they received. Council asked that as part of the survey that a cover letter also be included. Council will also work in getting the word out about the Land Use Plan review through attending homeowners' association meetings and PTA meetings.

Councilwoman Hadley advised that she would like to offer some type of visualization with the survey.

Mayor Pro Tem Barry - We can build a survey that is interactive so that you can either take the survey in printed form and mail it back or you can log in with your number that you got mailed and it will pop up and we can upload some of the PDFs that we have received and say this is a picture of what somebody is thinking about doing and ask if this would be acceptable. You can have the long form and the short form on the survey. You can go to the website if you want to do the long form.

Mayor Davidson - If you have a bias on your side that this is the picture and it looks good but the survey has to say the downside also. It is important to have public involvement meetings.

Councilmember Thomisser - There is not going to be a survey that is absolutely perfect. During the survey if we ask people what they want, we need to be fair with them and say that for some of the things we may have to raise taxes.

Mayor Davidson - At some point we have got to stop citing what the last survey said and our opinions of what people want. Our job is to ask them again. At this point we need a contract with COG to start preparing the survey.

Mayor Pro Tem Barry moved to approve the use of COG at a cost not to exceed \$10,000 plus the use of member hours to develop, implement and facilitate the data collection for a Town survey. The contract is to be reviewed by the Town Attorney and the survey is subject to Council’s approval. 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 Amendment to Schedule of Fees.** Town Planner Cook reviewed the proposed amendment to the Schedule of Fees with the Town Council. Councilwoman Harrison moved to approve the amendment:

<b>SCHEDULE OF FEES ZONING AND SUBDIVISION ADMINISTRATION</b>	
Code of Ordinances	\$175.00 plus shipping and handling
Zoning Confirmation	\$5.00
Floodplain Development Review	Reimbursement of Engineering Fees
Application for temporary structure permit (Section 58-13(1) & 58-13(2))	\$50.00
Application for temporary use permit for sales for civic organizations, etc... (Section 58-13(3)a)	\$25.00
Application for temporary use permit for public events (Section 58-13(3)b)	\$100.00
Application for permit for subdivision sales office	\$100.00
Application for conditional use permit in hardship cases (Section 58-14a)	\$250.00
Application for conditional use permit for mobile classrooms (Section 58-14c)	\$350.00 + Notification
Application for conditional zoning district (Section 58-271)	\$1,500.00
Application for conditional zoning district minor amendment	\$500.00
Application for temporary sign permit <b>including temporary banners, off-premise special event signs, construction announcement signs and subdivision sales signs</b> (Section 58-151)	\$25.00 – Non-profit organizations as recognized by the IRS are exempt
Application for permanent sign permit (Section 58-147 thru 58-153)	\$35.00
Land Use Plan or Map Amendment	\$250.00
<b>APPLICATION FOR ZONING PERMIT(S)</b>	
a. Residential	\$100.00
b. Non-residential	\$250.00
c. Non-residential – up-fit	\$50.00
d. Accessory or Agricultural	\$25.00
e. Additions	
1. Minor, no more than 25% or 500 square feet total (unheated)	\$25.00
2. Minor, no more than 25% or 500 square feet total (heated)	\$50.00
3. Major	\$100.00

Application for renewal of zoning permit:	\$100.00
<b>APPLICATION FOR CERTIFICATE OF COMPLIANCE</b>	
a. Residential	\$100.00
b. Non-residential	\$250.00
c. Accessory or Agricultural	No Charge
d. Additions	
1. Minor, no more than 25% or 500 square feet total	No Charge
Application for variance (Section 58-234) and Modification of Subdivision Ordinance (Section 46-15)	\$650.00 + Notification
Appeal of decision of zoning officer to Board of Adjustment (Section 58-208(6), 58-209(4)) and Application to Board of Adjustment for interpretation of ordinance)	\$200.00
Application for amendment to zoning ordinance/Zoning Map Change	\$650.00 + Notification
Approval of changes to subdivision lots	
Per each subdivision	
a. 1 to 2 lots	\$100.00
b. 3 to 5 lots	\$200.00
c. 6 to 10 lots	\$300.00
Telecommunication Tower Engineering and Surveying Fee	Cost to Town + \$650.00 administrative fee
Annual Biosolids Land Application Permit Fee	\$30.00 for the first acre and \$20.00 for each additional acre
Notification of Affected Property Owners	
21-50	\$50.00
51-100	\$100.00
Over 100	\$200.00
<b>SUBDIVISION FEES</b>	
<b><u>MINOR SUBDIVISION</u></b>	
Preliminary Plat Submittal - Subdivision Containing Up to 3 Lots	\$150.00 per Lot
Pre-Submittal Sketch for Easement Lot	\$100.00
Final Plat Submittal - Subdivision Containing Up to 3 Lots	\$50.00 per Lot
<b><u>MAJOR SUBDIVISIONS</u></b>	
<i>Residential Conservation District (R-CD) Pre-Sketch Plan Conference</i>	\$150.00
Sketch Plan Review	\$250.00 per Lot
Preliminary Plat Submittal	\$250.00 per Lot
Final Plat Submittal	\$100.00 per Lot
Site or Field Inspection	\$70.00/hr.
Copying Fee	\$.05 per copy

All were in favor, with votes recorded as follows:

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

**B. Review and Consideration of Amendments to the Appointment Policy.** Mayor Davidson reviewed the proposed amendment to the Appointment Policy. He stated, “The idea here is to get rid of term limits and let the Council have the freedom to pick who they want on there and if they do not want someone on there then they do not appoint them again.”

Mayor Pro Tem Barry – I would like members to reapply and not be automatically reappointed. I also want the attendance part of the policy to be enforced. We need to make sure we have active participation by all on the committee.

Town Administrator McCollum advised that she requires current members to reapply as part of the process and Councilwoman Hadley mentioned that the policy states that Council will only consider individuals that have a current application on file.

Councilwoman Hadley questioned the appointment process and felt that it was not the process that the Town Council has been following.

Attorney Fox advised that generally you open the floor for nominations and consider the nominations in reverse order.

Mayor Davidson encouraged the Council if they had changes to the Rules of Procedure to bring them forward at the next meeting but asked the Council to consider the amendment that is before them.

Mayor Pro Tem Barry moved to defer consideration of the amendments to the Appointment Policy until next month to allow time to see if other items needed to be changed. The vote on the motion is as follows:

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

Councilwoman Hadley moved to approve the amendment to the Appointment Policy as presented. The vote on the motion is as follows:

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

**TOWN OF WEDDINGTON  
APPOINTMENT POLICY**

**PURPOSE**

The council or the mayor, as appropriate, may establish and appoint members for such temporary and standing committees and boards as are needed to help carry on the work of town government. Any specific provisions of law relating to particular committees and boards shall be followed. The purpose of this policy statement is to develop a preferred process for the Town Council to follow for the board/committee appointments to ensure that all Councilmembers operate under the same process. This written process will clearly outline and show citizens the process the Town Council uses for board appointments. The Town Council may, by majority vote, decide to waive, vary, or otherwise modify the process outlined in this policy.

The requirements of the open meetings law shall apply to all committees and boards that either (a) are established by the council, or (b) are comprised of council members.

The Council may consider and make appointments to other bodies, including its own committees, if any, only in open session. The Council may not consider or fill a vacancy among its own membership except in open session.

### **APPOINTMENT TERMS**

Appointments to Boards and Committees shall not exceed a four-(4) year term. ~~A person shall serve no more than two (2) consecutive full terms on the same board. After serving two (2) consecutive full terms, a committee member must sit out one (1) year before applying to serve again on the same committee.~~

Terms on all boards shall be staggered and insofar as is possible, there shall always be one or more members with experience on each board.

The term of office of the chair of each board shall be one (1) year.

The Town Council shall generally avoid appointment of any one person to more than two bodies unless that person is serving in their role as Town Councilmember or Planning Board Member.

### **RECOMMENDED PROCESS**

Application. In order to be eligible for appointment to a board and continue to serve, a person must be an adult (21 years or older) permanently residing inside the town limits and file an application on a form provided by the Town Clerk. Non-residents could be appointed as a non-voting member. Their attendance is not included when determining a quorum. All applications will be kept on file for a period of two (2) years from the date of submission. The Council will only consider citizens for which there is a current application on file. The Town Clerk may be instructed to investigate and verify all statements contained in the application.

Publication-posting. The Town Clerk shall advertise vacancies in the Town newsletter, website, and using Constant Contact to solicit written applications from interested individuals.

Distribution of applications. The Town Clerk will provide a list of the applicants along with the applications to the Nominating Committee for their consideration.

Unexpired terms. The Town Council intends to make appointments to fill unexpired portions of terms created by vacancies as expeditiously as needed.

Removal. All members of all boards shall, unless in conflict with State Statute, serve at the pleasure of the Town Council, regardless of the terms for which appointed. The Town Council may in its discretion at any time remove any members of any board when it is determined to be in the best interest of the Town.

Resignations. If a member concludes that he or she will have difficulty fulfilling their volunteer commitment, the member may in his or her discretion voluntarily resign from the board. Notice should be communicated in writing by letter or e-mail to the Town Clerk.

### **SELECTION AND APPOINTMENTS**

The Town Council may form a standing "Nominating Committee" to review applications. The committee will be comprised of one (1) Councilmember and the Chairman, Vice-Chairman or designee of the Board or Committee that has the vacancy. The Town Clerk or designee will serve as staff representative to the Nominating Committee. The Nominating Committee will review applications to ensure that the applicants are eligible to serve on each board or committee for which the applicant has expressed interest. The Nominating Committee will forward a recommended list of appointments along with comments to the Town Council for their review prior to placement on agenda for consideration.

The Town Council may vote on the list of appointments as submitted by the Nominating Committee, but upon request of any board member, may nominate additional applicants.

Any Councilmember may request that applicants for a body be present at the Council meeting during which the appointment is expected to be made so that the applicant may be questioned by members of the Council as to the applicant's qualifications. Even if no such request is made, it shall be proper for Council members to directly contact applicants to discuss the applicant's interest in and qualification for the appointment.

Appointments shall proceed as follows. The mayor shall open the floor to nominations. Any member, including the mayor, may put forward a nominee. Any member, including the mayor, may also move that the Council appoint a nominee to the position. When a motion is made to appoint a nominee, that nominee shall be debated. When the debate ends, the mayor shall call the roll of the members, and each member shall cast an affirmative or negative vote for the nominee. The mayor may vote to break any tie.

If a majority of votes cast are in the affirmative, the nominee shall be appointed. If the majority of votes cast are not in the affirmative, the mayor shall open the floor to further nominations.

If the Council wishes to fill multiple positions, each position shall be considered and voted upon separately.

### **ATTENDANCE EXPECTATIONS**

Regular attendance on any Board or Committee is important. Attendance less than the standards established for any such body is cause for removal except for excused illness, or other extraordinary circumstances. Lacking any written standards for attendance by any Board or Committee, attendance of at least 75% of all meetings during any one calendar year will be expected to maintain a seat on any Board or Committee. The chair of each board shall notify the Town Council of any member whose absences exceed 25% of the regular meetings. Members not meeting this 75% attendance expectation may be removed by action of the Town Council and replaced by another interested individual.

Adopted on December 13, 2010.

Amended on February 14, 2011.

**C. Weddington Country Festival Update – Councilwoman Barbara Harrison.** Councilwoman Harrison gave the following update regarding the Weddington Country Festival featuring “Art at the Corners” to be held September 22, 2012 from 9 a.m. to 7:00 p.m.:

### **History**

- Started talks in January
- Met with the surrounding towns and the Waxhaw Art Council twice in March
- By May only Marvin and the Waxhaw Art Council were interested
- End of June, just the Waxhaw Art Council was interested

### **Activities**

- Got permission from property owners to have a festival and juried art show at Weddington Corners
- All permits for the town and Union County Environmental Health have been applied for
- Business Plan and budget developed
- Seeking Sponsors
- Seeking Judges and Volunteers
- Filled out all necessary paperwork for additional Union County deputies
- Applications for the artist and chili cook off have been written and posted on the Town's Webpage and Facebook page
- Rules pertaining to the above events have been written and posted also

- Other contest rules are being developed and will be available by the beginning of next week at Town Hall
- Have made arrangements for additional trash receptacles, Port-o-Jon's, wash stations and electricity

### **Events**

- “Kids Corner” featuring bouncy castle, arts & crafts, petting zoo, variety of games (i.e. ring toss, lawn bowling, croquet, magnate fishing), puppet show, & face painting. Will have hula hoop and sack races
- Scavenger Hunt for ages 5 – 14 around Weddington Corners with 1st, 2nd and 3rd place prizes
- “Battle of the Fire Stations” tug of war with a 1st place prize valued at over \$1200
- Senior Citizen Picnic free to anyone over the age of 65
- Contests:
  - Baking (breads, cookies, cakes, pies & candy)
  - Vegetable decorating (2 -4, 5-7, 8-14, 15 and older)
  - Cupcake challenge (2-4, 5-7, 8-14, 15 and older )
  - Scare Crow building ( 5-10, 11-14 and 15 and older)
  - (1st, 2nd and 3rd place prizes will be given out)
- Dunking Booth – Mayor Walker Davidson has graciously agreed to be dunked
- Chili Cook Off – winner to be determined by “People’s Choice” 1st and 2nd place prizes
- Hospitality Booth – open to all Weddington Corners Businesses and all the festival sponsors
- Juried Art Show
  - Featuring artists from Waxhaw Art Council and surrounding counties

### **Progress to date**

- I have personally called, emailed and/or stopped by 45 businesses and/or friends seeking sponsorships and/or in-kind donations
- An email has gone out to all the fire chiefs in Union County inviting them to the tug of war game and letting them know what the 1st place prize is
- Have gotten pricing on everything else
- Committed to the Waxhaw Art Council that we would pre-sell \$600 worth of art pieces and we were able to pre-sell \$1225 worth
- Have 8 people who are willing to be judges, 25 people who have volunteered to help and Weddington’s 3 fire fighter volunteers willing to cook for the picnic and do demonstrations and be available during the day
- Anyone who would like to be a judge or volunteer just let me know
- Anyone who would like to be a sponsor just let me know
- Want to thank Janice Propst and Melissa Manning for all their guidance and help and to the Weddington Town staff who have had to endure a lot of questions from me and for their guidance and help

Council thanked Ms. Harrison for all her hard work on this event.

**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 27<sup>th</sup>. Many preliminary engineering items in and around the pond have been installed. The completion date for this project is September 14, 2012 and the total cost of the project is \$513,175.50.

- I met with the engineering and consultant group hired by NCDOT to work on the Rea Road Extension project several weeks ago. This meeting was just for preliminary discussion and fact finding. NCDOT plans to have the Environmental Impact Analysis completed by 2014.
- Clay Burch with GreenTek has completed the installation of additional landscaping to the medians along Providence Road, Hemby Road and Rea Road. The Town has budgeted waterings for the remainder of the summer months.
- The Agritourism and Agricultural Use Definition text amendments were on the February 27<sup>th</sup> 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 August 27<sup>th</sup> Planning Board agenda.
- Stillwell NC, LLC's Sketch Plan for a 90 lot conservation subdivision called Vintage Creek on parcels 060-90-004, 060-90-007 and 060-93-011 was approved by the Planning Board. The site is 115.3 acres and fronts Weddington-Matthews Road. The applicant can now begin preparing the Preliminary Plat.
- Polivka International Company submitted their MX Conditional Zoning Application along with a Land Use Map Amendment request. The Land Use Map Amendment was approved by the Town Council at the last meeting. The applicant will now proceed with the MX rezoning. The first Public Involvement Meeting for this rezoning occurred on July 25<sup>th</sup> from 10:00-12:00pm on-site and the next one will occur on August 16<sup>th</sup> from 6:00-8:00pm at Town Hall.
- Orleans Homebuilders has submitted a Final Plat application for Lake Forest Preserve Phase 3A. Phase 3A is a 23 lot phase located along Twin Lakes Drive in the previously approved subdivision.
- The following items were on the July 23<sup>rd</sup> Planning Board agenda:
  - Vintage Creek RCD Sketch Plan-approved
- The following items will be on the August 27<sup>th</sup> Planning Board agenda:
  - Agricultural Uses/Agritourism Text Amendments
  - Polivka MX Rezoning
  - Weddington Country Festival TUP
  - Lake Forest Preserve Phase 3A Final Plat

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

- The August newsletter will be mailed to residents by our printer on Wednesday of this week.
- Kim Woods our Tax Collector is scheduling to mail out tax bills next week.
- The Union County Sheriff's Office has notified the Town that they are purchasing two new computers for the Weddington Deputies.
- A letter to the Post Office was sent requesting a Weddington Zip Code. We have received communication from the Post Office representatives requesting additional information. Jordan has provided all of the requested items for this review and we are awaiting the results of their study.
- I have given Providence VFD Chief Dye a copy of the Town's False Alarm Ordinance. He advised that he was going to speak with the chiefs of Wesley Chapel VFD and Stallings VFD regarding the best way to move forward on assisting the Town in the tracking of false fire alarms.
- We have scheduled the Fall Litter Sweep for October 6. We are working with God Bless the USA to have containers on that day for residents to recycle small non-hazardous waste such as computers, printers, etc. here at the Town Hall.
- The defibrillator has been purchased and we are waiting on direction for the placement of the equipment at Town Hall and getting the necessary training for staff and Council.
- May 2013 will be the Town's 30 year anniversary. Please let the staff know if the Council wishes to make plans for some type of celebration/event.
- I will be at a conference on Thursday and Friday of this week in Winston-Salem.

- Plans for this year's Tree Lighting are underway. The event is scheduled for Friday, November 30.
- We currently have a vacancy on the Public Safety Committee due to the resignation of Jennifer Romaine. Staff will start advertising for this vacancy.
- Public Safety Committee has voted to meet on an as needed basis instead of monthly and will take direction from Town Council on items to be reviewed or researched.
- I have the deed from NCDOT for the Mayor's signature regarding the right-of-way given from the Town for the roundabout; however, I am waiting for confirmation from NCDOT regarding them relieving the Town of the money still owed for the construction of the sidewalks on Providence Road.
- The Town of Mint Hill is planning to host a Quasi-Judicial Training session late October or early November 2012. The training will be conducted by Bill Duston. Please let me know if you are interested in attending this training. Once they know how many people are attending, they will let us know the cost to the Town.
- We have provided all of the licenses and keys for VC3 to finalize the transition to our new software. We should begin the test period within the next two weeks.

**Upcoming Meeting Dates:**

August 16 - Polivka Public Involvement Meeting at the Town Hall (6:00 to 8:00 p.m.)  
 August 27 - Planning Board Meeting at 7:00 p.m.  
 August 27 - Auditors  
 September 3 - Town Hall Closed for Labor Day

**Item No. 13. Public Safety Report.**

**PROVIDENCE VFD - JULY**

Training Hours 161.00

Union Fire Call 26  
 Union EMS CALLS 22  
 Meck Fire CALLS 4  
 TOTAL CALLS 52

The Town Council also received the Income and Expense Budget Performance and Balance Sheet for July 2012.

Councilmember Thomisser reported that the defibrillator has been ordered and the Town is working with Providence VFD for training and installation.

Councilwoman Hadley gave the following update to the Town Council: At our January 5, 2012 Town Council Meeting the following item was discussed - Citizens Emergency Response Team (CERT) Presentation and Consideration of Direction on How to Proceed. It was determined that the first step would be to see if there is community interest. Mayor Pro Tem Barry moved to support investigating if there is citizen interest in developing a Weddington CERT Team through the normal means of communication that the Town staff uses (website, newsletter, Constant Contact, etc.). All were in favor with the motion passing 4-0. I believe that the Town received responses from seven (7) individuals and that information was given to members of the Public Safety Advisory Board. On a related subject, there have been several structure fires on the outskirts of Weddington that required shutting down different intersections. One fire event required closing three (3) separate intersections (16/New Town, 16/Ennis and Ennis/New Town.) Traffic control in that situation would have required 6/8 persons. With limited law

enforcement manpower and every firefighter engaged, this obviously creates a challenge and an opportunity. I talked to Captain Luke with the Union County Sheriff's Office and Larry Brinker the Director of Emergency Communications. They have a Review Committee meeting next week and they have agreed to put this on the agenda. I have talked to Deputy Tyler Mills and several Chiefs of VFDs and we are in the process of looking at creating a Traffic Squad under the umbrella of PVFD that could possibly work in conjunction with a CERT Team. I would like to add this discussion to the September agenda for an update as to the status.

**Weddington Deputies – 609 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 and Balance Sheet for July 1, 2012 to July 31, 2012.

**B. Tax Collector's Report.** Monthly Report – July 2012

<b>Transactions:</b>	
<\$5.00 Adjustments	\$(7.95)
Penalty and Interest Payments	\$(37.36)
<b>Taxes Collected:</b>	
2011	\$(1,073.30)
<b>As of July 31, 2012; the following taxes remain Outstanding:</b>	
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	\$7,591.13
<b>Total Outstanding:</b>	<b>\$18,158.68</b>

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

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

**Item No. 17. Closed Session – Consideration of Approval of Minutes and Pursuant to NCGS 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body and (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.** Mayor Pro Tem Barry moved to go into Closed Session to

consider approval of Closed Session minutes and pursuant to NCGS 143-318.11 (a)(3) and (a)(6). All were in favor, with votes recorded as follows:

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

**Item No. 18. Adjournment.** Mayor Pro Tem Barry moved to adjourn the August 13, 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 10:00 p.m.

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Walker F. Davidson, Mayor

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Amy S. McCollum, Town Clerk