

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, SEPTEMBER 10, 2012 - 6:00 P.M.
MINUTES**

The Town Council of the Town of Weddington, North Carolina, met in a Regular Session at the Weddington Town Hall, 1924 Weddington Road, Weddington, NC 28104 on September 10, 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: Richard Natale, Rob Dow, Bill Price, Genny Reid, Ken Evans and Alan Kerley

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

Item No. 1. Call to Order. Mayor Davidson called the September 10, 2012 Regular Town Council Meeting to order at 6:01 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.

Mr. Richard Natale – When you ran for office you said that you were going to help keep Weddington rural. Two of you that were recently elected voted to allow the Polivka property to go from residential to commercial. If you can show me on your platform that when you were elected you were going to do that then I can understand you doing it. But if you did not, then this screams sleazy politics. I believe in keeping Weddington rural. I believe in the downtown area and the Polivka property is part of that if it stays residential. They paid \$550,000 for that property. They got \$270,000 from NCDOT for their right-of-way. That means their investment has been cut down. They can take that money and write it off and that property can stay residential. Mr. Barry called me the Saturday after the Thursday night meeting because he said I was accusing him of being a felon because he took money from the Polivkas to run for office. That was not true as far as him taking money to run for office. As far as I am concerned he is still in their pocket. He told me that he has been to their house. He also tells me that he parked over at the Harris Teeter lot viewing the site and discussing it with Polivka. I do not think he should be allowed to vote on the issue for that reason.

Mr. Rob Dow – I am on the Planning Board. I signed the original petition for Weddington to incorporate. At that time the reasons for Weddington incorporating were to stop Charlotte from gobbling us up, taxes, urban sprawl and to retain our rural character. Several years later, Weddington took over its own zoning and planning from the County to better control the area in our Town and what it looked like. From the very start, Weddington's past Councils and Planning Boards have fought to maintain a low density, open space, rural character with limited commercial. This focus has served Weddington well making it one of the most desirable places to live. I wanted to speak tonight because I am afraid that a few recent decisions which may seem isolated and insignificant are laying the groundwork for Weddington's inability to maintain the goals of its citizens. One of the strongest tools for a Town to determine its goals and control

its growth and character is the Land Use Plan. The Land Use Plan is a comprehensive plan for the future of a Town assembled from feedback from its citizens and serves as a roadmap for Planning Boards and Councilmembers to steer growth and development. Since our current Land Use Plan may be out of date, our Mayor has wisely embarked to update the current plan which will include fresh feedback from the citizenry. My concern is that our current plan calls for commercial development in the northeast quadrant of Highway 16 and Highway 84. This was a conscious decision of past councils based on feedback from citizens to control commercial growth and stop urban sprawl along Highway 16. I speak first hand that the current Land Use Plan has been the tool and has enabled us several times in the past to turn down commercial applications that we thought were unfair. The addition of commercial on the west side of Highway 16 changes all of that. In some recent discussions I have heard that the northeast quadrant is vague. I am concerned that there is a dangerous precedent set that we are not sticking to our Land Use Plan.

Item No. 5. Additions, Deletions and/or Adoption of the Agenda. Councilwoman Barbara Harrison moved to approve the September 10, 2012 Regular Town Council Meeting agenda. 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. August 13, 2012 Regular Town Council Meeting. Mayor Pro Tem Daniel Barry moved to approve the August 13, 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. August 24, 2012 Special Town Council Meeting. Mayor Pro Tem Daniel Barry moved to approve the August 24, 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

Item No. 7. Consent Agenda.

A. Call for Public Hearing to Review and Consider – Cable and Telephone Lines Text Amendment (Public Hearing to be held October 8, 2012 at 7:00 p.m. at the Weddington Town Hall). The Town Council received a copy of the proposed text amendment. Councilwoman Harrison moved to call for a public hearing to review and consider the cable and telephone lines text amendment. The public hearing is to be held October 8, 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

Item No. 8. Old Business. There was no Old Business.

Item No. 9. New Business.

A. Review and Consideration of the Final Plat for Lake Forest Preserve Phase 3A. The Town Council received the following memo from Town Planner Jordan Cook:

Orleans Homebuilders submitted an application on July 11, 2012 for approval of the Final Plat of Phase 3A in the Lake Forest Preserve subdivision located on Weddington Road.

Project Information:

The Lake Forest Preserve Subdivision is an approved 211 lot subdivision on 260.61 acres. The subdivision is located at the intersection of Weddington Road (NC 84) and Cox Road. Lake Forest Preserve is being developed by Orleans Homebuilders as an R-CD conservation subdivision.

Phase 3A is comprised of 23 lots (tax parcel 06-099-009) and was given Preliminary Plat approval on May 9, 2005. The original deadline to submit the Final Plat was May 9, 2007. However, the Permit Extension Act of 2009 and 2010 essentially “froze time” from 2007 to 2010 giving Orleans Homebuilders until May 9, 2013 to submit their Final Plat(s). The submitted Final Plat for Phase 3A is identical to the approved Preliminary Plat showing Phase 3A.

Phase 3A Information:

- Phase 3A is 23 lots and 12.388 acres.
- Phase 3A is not required open space on its own. The Lake Forest Subdivision has provided 138.81 acres of conservation land in accordance with *Section 58-58 (4) of the Weddington Zoning Ordinance*.
- Development standards are as follows:
 - Minimum lot size- 12,000 sq. feet
 - Minimum lot width- 80 feet
 - Minimum front yard setback- 20 feet
 - Minimum rear yard setback – 30 feet
 - Minimum side yard setback – 15 foot separation of structures
 - Minimum corner side yard setback – 25 feet
- Lot 59 is the smallest lot within Phase 3A at 17,903 square feet.
- All adjacent parcels either owned or maintained by Lake Forest Preserve Homeowners Association.
- Water and sewer services are to be provided by Union County Public Works (approvals on file).
- A copy of the approved Declared Covenants, Conditions and Restrictions (CCR’s) for Lake Forest Preserve are on file at Town Hall. Those CCR’s address ownership and maintenance of all conservation lands and have been approved by the Town Attorney.
- US Infrastructure has previously reviewed and approved the Preliminary Plat.
- All roads are built to NCDOT standards (final layer of asphalt to be added after construction). Road names and addresses have been approved by Union County E911.
- All NCDENR, NCDOT and Union County approvals and permits are on file with the Town. These approvals were required during the Preliminary Plat process.
- At their August 27th meeting the Planning Board gave this project a unanimous favorable recommendation.

The Lake Forest Preserve Phase 3A Final Plat has been found to be in general compliance with the Town of Weddington Zoning and Subdivision Ordinances with the following conditions:

- Seal of Professional Engineer and Surveyor as specified in *Section 46-46 of the Weddington Subdivision Ordinance*.
- Performance and Maintenance Bonds to be approved by the Town Council and Town Attorney. USI has reviewed the bond estimates.

The Town Council also received the following:

- Phase 3A Final Plat
- Bond Estimates
- Approved Preliminary Plat

Mayor Pro Tem Barry moved to approve the Final Plat for Lake Forest Preserve Phase 3A contingent upon the bond documents being reviewed and approved by the Town Attorney and the addition of the seal of the professional engineer and surveyor as specified in Section 46-46 of the Weddington Subdivision Ordinance. All were in favor, with votes recorded as follows:

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

Item No. 10. Update from Town Planner. The Town Council received the following update memo 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. *Town Planner Cook reported that he had received an email today regarding the roundabout. They plan to talk with Lewis Mitchell who is the new Division Engineer about the swap of payments for the remaining sidewalk on Highway 16 and the right-of-way costs for the roundabout project. Barry Moose felt that it would be cleaner to pay each other what is due rather than trying to ratify the agreement. We are waiting for the new Division Engineer to get in place and get familiar with this before we move on.*
- 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. *Town Planner Cook reported further that NCDOT plans to move traffic to the new alignment this week. They are trying to work out the signal installation so that can be accomplished.*
- 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. Daryl's Lawn Care has sprayed for weeds and can spray once a month as needed.
- 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. Town Attorney Anthony Fox is currently reviewing these text amendments.
- 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 has been approved by the Town Council. The MX rezoning will be on the September 24th Planning Board agenda.
- 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 Planning Board gave this final plat a unanimous favorable recommendation at their last meeting.

- The Planning Board approved the Temporary Use Permit for the Weddington Country Festival to be held at Town Hall, Weddington Corners and Dr. Pinsak’s property on Saturday, September 22nd.
- Centralina COG is currently working on the Land Use Plan survey. They will have a draft survey done by Friday, September 14th, which will be sent to the Council for initial review. COG will then make corrections and present the revised survey at the Thursday, September 20th Special Meeting.
- The following items were on the August 27th Planning Board agenda:
 - Lake Forest Preserve Phase 3A Final Plat
 - Weddington Country Festival TUP
 - Cable and Telephone Lines Text Amendment
- The following items will be on the September 24th Planning Board agenda:
 - Polivka MX Rezoning

Councilmember Thomisser requested that Town Planner Cook determine from GreenTek how many weekly waterings are left for the medians.

Item No. 11. Update from Town Administrator/Clerk. The Town Council received the following update memo from Town Administrator Amy McCollum:

- The Union County Sheriff’s Office is purchasing two new computers for the Weddington Deputies.
- The Weddington Country Festival is Saturday, September 22, 2012 from 9 a.m. to 7 p.m. Please see Councilwoman Harrison for volunteer opportunities.
- A review is currently being done by the Post Office regarding the Town’s request for a Weddington Zip Code. We are waiting for the results of the study.
- The Fall Litter Sweep is October 6 here at the Weddington Town Hall beginning at 9:00 a.m. We are working with God Bless the USA to have containers for residents to recycle small non-hazardous waste.
- The defibrillator has been purchased and we are waiting on direction for the installation and training.
- May 2013 will be the Town’s 30 year anniversary. Details on plans for an event will begin within the next two months.
- 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.
- Requests for citizens wishing to participate in a Traffic Squad were put on the Town website, Facebook and the Constant Contact list.

Upcoming Meeting Dates:

September 10	-	6:00 p.m. (Regular Town Council Meeting)
September 10	-	7:00 p.m. (Joint Public Hearing with the UCBOCC)
September 20	-	6:00 p.m. (Land Use Plan Meeting)
September 22	-	9 a.m. to 7 p.m. (Weddington Country Festival)
September 24	-	7:00 p.m. (Planning Board Meeting)

Item No. 12. Public Safety Report. Councilmember Thomisser questioned when the defibrillator would be installed and staff and Council trained on how to use. Councilwoman Hadley advised that she was working on that and would have direction on this matter soon.

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

Wesley Chapel VFD – 106 Calls

Weddington Deputies – 524 Calls

Item No. 13. 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 8/1/2012 to 8/31/2012.

Finance Officer Leslie Gaylord discussed the issue of using a credit card device during the festival on September 22. She advised that the Town would need to be very careful on how that would work to avoid any statute violation. Councilwoman Harrison expressed that she was concerned that some people would not bring enough cash the day of the event. Mayor Pro Tem Barry advised that there was an ATM located at the bank. Mayor Davidson and Councilwoman Harrison will meet to discuss the details of the event to determine whether the credit card device would be needed.

B. Tax Collector’s Report. Monthly Report – August 2012

Transactions:	
Advertising Fees	\$394.40
Balance Adjustment	\$(5.80)
Interest Charges	\$56.99
Refund	\$746.66
Penalty and Interest Payments	\$(2.65)
Taxes Collected:	
2011	\$(821.41)
As of August 31, 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	\$7,959.32
Total Outstanding:	\$18,526.87

2012 Tax Notices Mailed 08/22/2012

Item No. 14. Transportation Report. There was no Transportation Report.

Item No. 15. Council Comments. Councilmember Thomisser stated, “I totally agree with what Rob Dow said. As we move forward on developing the Land Use Plan, we need to stick to the northeast quadrant. I know you are going to bring up the item that we tried to do near Rea Road but that was a gift and a different basket of oranges. We were going to get 100 acres and we had the opportunity to put a full-service YMCA there plus get land for a library.”

Item No. 16. Adjournment. Mayor Pro Tem Barry moved to adjourn the September 10, 2012 Regular Town Council Meeting. The vote was as follows:

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

The meeting adjourned at 6:29 p.m.

Walker F. Davidson, Mayor

Amy S. McCollum, Town Clerk