

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
TUESDAY, NOVEMBER 13, 2012 – 7:00 P.M.
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD
WEDDINGTON, NC 28104
AGENDA**

Prayer – Mayor Walker F. Davidson

1. Call to Order
2. Pledge of Allegiance
3. Determination of Quorum
4. Public Comments
5. Additions, Deletions and/or Adoption of the Agenda
6. Approval of Minutes
 - A. September 10, 2012 Special Town Council Meeting
 - B. October 8, 2012 Regular Town Council Meeting
 - C. October 11, 2012 Special Town Council Meeting
7. Consent Agenda (Public Hearings to be Held December 10, 2012 at 7:00 p.m. at the Weddington Town Hall)
 - A. Call for Public Hearing to Review and Consider Proposed Text Amendment – Section 46-46 (Fire Hydrants)
 - B. Call for Public Hearing to Review and Consider Proposed Text Amendment – Section 58-60 (Mixed Use Conditional District)
 - C. Call for Public Hearing to Review and Consider Land Use Plan Text Amendments – Changes to Pages 24 and 25
 - D. Consideration of Resolution Adopting the Union County, North Carolina Multi-Jurisdictional Hazard Mitigation Plan
 - E. Consideration of Municipal Speed Limit Ordinances
8. Public Hearing and Consideration of Public Hearing
 - A. Public Hearing - Polivka Mixed Use Conditional Zoning Rezoning Application for a 15,000 Square Foot Office Building Located at 13700 Providence Road – Parcel Number 06-150-045 (5.06 Acres)
 - B. Consideration of Public Hearing – Polivka Mixed Use Conditional Zoning Rezoning Application
9. Old Business
10. New Business
 - A. Review and Consideration of Amendments to the Town Council Rules of Procedures and Policies
 1. Town Council Rules of Procedures
 2. Policy Regarding Invitations to Address the Public
 3. Policy Regarding Request for Support

4. Policy Regarding Staff Utilization
B. Review and Consideration of Instructing Town Clerk to Only Record Votes in Minutes

11. Update from Town Planner
12. Update from Town Administrator
13. Public Safety Report
14. Update from Finance Officer and Tax Collector
15. Transportation Report
16. Council Comments
17. Adjournment

**TOWN OF WEDDINGTON
JOINT PUBLIC HEARING OF THE WEDDINGTON TOWN COUNCIL
AND THE UNION COUNTY BOARD OF COMMISSIONERS
CONCERNING THE APPLICATION OF THE WESLEY CHAPEL WEDDINGTON
ATHLETIC ASSOCIATION FOR MITIGATION OF VIOLATION
OF FLOODPLAIN MANAGEMENT ORDINANCE AND RELATED MATTERS
MONDAY, SEPTEMBER 10, 2012 - 7:00 P.M.
MINUTES**

The Town Council of the Town of Weddington, North Carolina, met in a Joint Session with the Union County Board of Commissioners at the Weddington High School Auditorium, 4901 Monroe-Weddington Road, Matthews, NC 28104 on September 10, 2012, with Mayor Walker F. Davidson presiding.

Weddington Town Council

Present: Mayor Walker F. Davidson, Mayor Pro Tem Daniel Barry, Councilmembers Werner Thomisser, Pamela Hadley and Barbara Harrison, Town Attorney Anthony Fox, Town Planner Jordan Cook and Town Administrator Amy S. McCollum

Absent: None

Union County Commissioners

Present: Chairman Jerry B. Simpson, Vice Chairman Todd Johnson, Commissioner Tracy Kuehler, and Commissioner Jonathan Thomas, County Manager Cynthia A. Coto, Clerk to the Board of Commissioners Lynn G. West, Senior Staff Attorney Jeff Crook, County Attorney H. Ligon Bundy

Absent: Commissioner Rogers

Item No. 1. Weddington Town Council Opens its Meeting. Mayor Walker F. Davidson called the September 10, 2012 Special Town Council Meeting to order at 7:06 p.m. There was a quorum.

Item No. 2. Union County Board of Commissioners Opens its Meeting. Chairman Jerry Simpson called the September 10, 2012 Special Union County Board of Commissioners Meeting to order at 7:07 p.m. There was a quorum.

Item No. 3. Governing Bodies Determine Rules of Procedure Governing Conduct of Meeting. Both Boards received a copy of the Rules of Procedure governing the conduct of the meeting. Mayor Pro Tem Daniel Barry moved to approve the Rules of Procedure governing the conduct of the meeting. All were in favor, with votes recorded as follows:

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

Vice-Chairman Todd Johnson moved to approve the Rules of Procedure governing the conduct of the meeting. The vote was 4/0 – Commissioner Rogers was absent.

Item No. 4. Adoption of Agenda. Councilwoman Pamela Hadley 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

Chairman Simpson moved to approve the agenda as presented. The vote was 4/0 – Commissioner Rogers was absent.

Item No. 5. Presentation of background of Floodplain Management Ordinance Violation at the Optimist Park. County Attorney Ligon Bundy gave the following presentation:

I am going to give you some background information concerning the floodplain violation at the Optimist Park, in order to help you understand the history of this matter and to put what you are about to hear into context. This is a very complicated issue, and, due to time constraints, this presentation is intended to be only a summary of the history of this matter.

In 2001, the Wesley Chapel Weddington Athletic Association, which I will refer to as WCWAA, wanted to develop the property now known as the Optimist Park into a Youth Athletic Complex. The property was in unincorporated Union County, and the County had zoning jurisdiction. In order to develop the Park in compliance with the County zoning ordinance, WCWAA applied for a Special Use Permit from the Union County Board of Adjustment.

The Park is bordered on the West by the West Fork of the 12 Mile Creek. Part of the Park property was in the floodplain and the floodway. The County's zoning ordinance requires property owners, when developing their property, to comply with floodplain management standards that meet the regulations of the Federal Emergency Management Agency, or FEMA, which oversees the National Flood Insurance Program. FEMA regulations generally prohibit placing fill in a floodway unless the developer gets prior approval from FEMA.

As part of the materials that WCWAA provided to the Union County Board of Adjustment in support of its application for the Special Use Permit, it provided a letter from its engineer, Yarbrough-Williams & Houle, Inc., dated October 11, 2001 that addressed the plans to develop that portion of the property next to the creek. The letter stated the following:

This letter is written to inform you that the proposed grading plan for the Weddington Optimist Park shall be in accordance with FEMA regulations which allow additional fill material to be placed within the area between the floodplain and the floodway boundaries. As part of our plan permitting process, we will be requesting authorization from FEMA to grade within the floodway with the stipulation that the cut/fill analysis will verify that no additional material has been added to the floodway. Please call me if you need additional information.

Relying upon the letter from WCWAA's engineer that FEMA regulations would be complied with, the Union County Board of Adjustment granted the request for a Special Use Permit on December 3, 2001. The WCWAA then began construction activities, including placing fill in the floodplain and floodway of the creek.

In late 2004 and early 2005, Union County began to receive complaints about flooding from the owners of residences on the other side of the creek from the Park, and County staff began to investigate these complaints. The County staff determined that fill had been placed into the floodplain and floodway, and asked the WCWAA's engineer for a flood study, verifying that no increase in the base flood elevations had occurred as a result of the development activities. After the WCWAA's engineer failed to produce the requested flood study, the County's zoning enforcement officer issued a notice of violation to the WCWAA on July 7, 2005. The stated violation was the failure on the part of the WCWAA to provide the requested flood study.

After the Notice of Violation was issued, the WCWAA's engineer provided numerous engineering studies over the period of several years concerning the Park to the County's engineer. These studies generally showed that there was no rise in the base flood elevations due to construction activities in the Park. These studies were rejected by the County's engineer, who stated that the methodology of the studies was incorrect. Engineers in the office of the NC Office of Geospatial and Technology Management, (I will refer to this office as the "State of North Carolina" from now on) which oversees the enforcement of FEMA regulations in NC, got involved and determined that the County's engineer was correct, and that the WCWAA's engineer was not using the correct methodology in its studies.

During the time that the WCWAA's engineer was providing the engineering studies to the County, the Town of Weddington involuntarily annexed the Park and the property of the residents who were complaining about the flooding. The annexation was complete on November 20, 2007. The Town of Weddington has a zoning ordinance that, like the County's ordinance, states that owners and developers of property within the town limits of Weddington must meet standards that in turn comply with FEMA regulations.

A disagreement occurred between the County and the Town of Weddington as to who had responsibility to resolve the FEMA violation. In March of 2009, the State of North Carolina determined that the Town and County both had the responsibility to resolve the violation. As a result of this determination, the Town and County entered into an interlocal agreement in April of 2009, in which they agreed to work together to resolve the violation.

USI, an engineering firm that Weddington had an existing relationship with, began to work on this matter on behalf of Weddington. The County's engineer and USI began to work with the WCWAA's engineer, Yarbrough-Williams & Houle, in order to determine the extent of the FEMA violation. At this time, the WCWAA's engineer was maintaining either that there was no violation of the FEMA regulations or that the violation was minor and could be easily remedied.

In 2009, the WCWAA's engineer submitted an engineering model of the Park, addressing the flooding issue. Both USI and the County's engineers rejected the model upon the grounds that the methodology was incorrect. The model was sent to the State of North Carolina for review. The State sent a letter in September, 2009, which stated that since the engineers couldn't agree, it was up to the Town and County to prepare an engineering model to identify the extent of the problem.

The County and Town then amended the interlocal agreement, and agreed that USI would model the problem. USI prepared a modeling report that showed that the flooding problem was much greater than originally suspected.

USI's findings were presented to WCWAA representatives at a meeting in 2010. WCWAA representatives stated that if it had to fully mitigate the problem in accordance with FEMA regulations, it would go bankrupt and would not be able to do any mitigation at all. In June of 2010, the WCWAA discharged its engineer, Yarbrough-Williams & Houle, Inc., and filed suit against it in Union County Superior Court. The lawsuit is still pending, and it is not known whether the WCWAA can or will recover any money as a result of these events that would be available to assist it in mitigating this problem.

The WCWAA acknowledges that there is a FEMA violation at its facility. It has hired a different engineering firm, The Isaacs Group, to assist it in resolving this situation. The Isaacs Group has prepared a proposed mitigation plan, which it will submit to you in a few minutes. The proposed mitigation plan does not return the base flood elevation of the West Fork of the 12 Mile Creek to conditions that existed before the Park was built, but both the Isaacs Group and USI agree that it has the effect of reducing the

flooding problem. The mitigation plan has not yet been submitted to either the State of North Carolina or FEMA for their consideration.

The Isaacs Group and WCWAA have previously met with the owners of property affected by the flooding. They presented a draft of the mitigation plan to the owners. The owners have been notified of tonight's hearing by notice mailed to their last known address, and also by notice published in the newspapers. They have been told that the final mitigation plan is available for their review and that it will not be submitted to the State or to FEMA until they have had an opportunity to be heard. Many of these owners are probably present tonight, and will probably speak to you concerning their property and the mitigation plan.

The County and Town have jointly hired an expert in FEMA law, Mr. Ernest B. Abbott, in order to assist in this matter. After the WCWAA presents its mitigation plan, he will address you concerning this matter. He will discuss issues such as the regulatory background of FEMA, how this mitigation plan fits into that regulatory background, and what your options are. Mr. Abbott previously addressed the owners of the property affected by the flooding when the Isaacs Group presented the draft mitigation plan to them.

Let me briefly introduce Mr. Abbott to you. He is an attorney in Washington, DC. He graduated Magna Cum Laude from Harvard Law School in 1976. He was the general counsel to FEMA from July, 1997 to January, 2001. His areas of practice include the FEMA Public Assistance Program, Land Use and Zoning, and the National Flood Insurance Program. His clients include local governments, public authorities and non-profit organizations eligible for FEMA assistance, flood insurance policy holders, land owners and land developers.

Now, WCWAA and its engineer, The Isaacs Group, will present the mitigation plan.

Item No. 6. Presentation of Mitigation Plan by the WCWAA. Attorney Chris Duggan spoke to the group:

I represent the WCWAA. I would like to thank you for the opportunity to speak to you and allow my client to submit this proposed mitigation plan which we believe is the greatest extent practicable which the park can accomplish in mitigation. As Mr. Bundy as told you this parcel has been through a long sordid tale since 2001 at its purchase through the violation in 2005 and the seven years that leads us here to today. All sides at this point have expended significant amounts of money, time and energy in an attempt to find a resolution to this very difficult situation. It is such a difficult situation that we have had to enlist the services of Mr. Abbott to assist us through this regulatory process. When my client first contemplated purchasing the property, it was owned by Bill Nolan. My clients had a vision of expanding the park to take in more kids and families to utilize its facilities. It offers these facilities not at the County or Town's expense – it is member financed. When my client had contemplated building the property, they wanted to make sure they complied with all the rules and regulations. They enlisted the services of an engineer to assist them in providing a special use permit relying upon those engineers' expertise to guide them through this process. The engineers assisted them, the park filed for their special use permit and they were granted a special use permit in November 2001. While Mr. Bundy has read to you the letter from Yarbrough-Williams and Houle, which is a significant letter, the parks contention is that according to the FEMA regulations the flood study should have been in the file before any permit was issued. Why is that significant? We might not be here today if that had taken place. What took place in the next four years is the park began construction figuring that they were in total compliance with all the rules and regulations. They had inspectors come out to the property. These inspectors were from the State on the erosion control issue. Anytime there was an issue with the permit the park diligently and quickly complied with any of those issues. During the construction phase, there was no notice of any

problems that may have been developing. Certainly our engineers did not tell us that there was a problem that was going to be looming on the horizon. In fact based on the engineers' representations we went forward. The park was built. Then in late 2004 early 2005 when the park is substantially completed and when significant funds are expended by the park through its members to construct this new facility that is going to benefit a whole host of additional population in both the County and in the Town; that is when we get notice of a problem. The park thought it had gone through everything it had to do but apparently the park was wrong. There is arguably a violation and the park acknowledges that. But what happened after that notice of violation is that the park had its former engineers take a look at it. Again this led to nine submissions over the course of these many years from the park's former engineer to attempt to remedy the alleged violation. Each time those submissions were made my clients relied on their engineers' expertise. The engineers telling them that it was okay and they were not in violation and they will submit it and it will be okay. They thought that was taking place and could be rectified. Again, my clients were wrong. It was in the January 2010 meeting that my clients first realized the full extent of the alleged violation. Once my clients were made aware of the significant violation they worked immediately to try to find a solution. They let go the services of their former engineer and hired the Isaacs Group to assist them in trying to find a solution. There were two proposals made at the January 2010 meeting by US Infrastructure which is the firm that Mr. Bundy spoke about. One was to lower all the fields some of them by six feet. The second proposal was to create an overflow channel that would run essentially parallel to the existing Twelve Mile Creek. The problem with that is two fold. One is the cost and second is the impact on the park. The first mitigation proposal to lower all of the fields has a significant effect because there is a short time frame for the park to conduct this mitigation. The park has a season that essentially allows for a construction period at the end of November through late January early February before things get ramped back up again. That is a significant area to lower all of those fields and to have it accomplished in a short period of time without affecting any of the programs. What is going to happen is the park is then going to lose its income source/revenue stream and potentially its participants – its kids. If they cannot get in the park they are going to look somewhere else. We estimated the cost of the first proposal to be approximately \$3.5 million. That is a lot of money. It is a lot more than this park has to commit to the mitigation. This includes the lowering of the fields and the cost to rebuild the fields, put back up the fencing and lights, take care all of the irrigation - everything that is needed and associated with construction of fields. Clearly we believe the first option would leave the park with absolutely no finances and if forced to engage in that mitigation would result in the park trying to satisfy its debts and obligations currently on the books with no money left over to try to accomplish the mitigation. The second proposal is the overflow channel. That too is cost prohibitive for my clients. We estimate that to be \$780,000 give or take. What that does not include is the cost to purchase new land for the fields that are not going to be replaced. When you have that overflow channel you are going to be cutting through two of the baseball fields that have to be moved somewhere else. The cost for purchasing new property in Weddington would end up costing the park close to a \$1 million to get sufficient enough space to put in new fields. We would need the Town to approve us to develop these new fields - a new park close to our park so it could continue on. Again we think this is cost prohibitive for my client. What we do have is a mitigation plan that we feel is the greatest extent practicable that the park can accomplish. Currently the park has an obligation that we should all keep in mind. It has an obligation for two loans. These loans are associated with the upper portion of the park - the portion of the park that is outside of the floodplain. These obligations for the loans amount to roughly \$728,000 as of the end of July. That is a lot of obligations that the park and the bank would like to have back if it ever got down to it. The park takes a look at what we can do. Again it worked with the engineers, worked with US Infrastructure through submissions, worked with the County and the Town to figure out what exactly could be done and how can we accomplish this. What we came up with is a mitigation plan that would expend significant money on the part of the park to accomplish this mitigation. Right now we have that estimated at approximately \$345,000 for the park to spend to mitigate this property. Again that is a significant amount of money. The park has approximately that amount of money to mitigate. That \$345,000 does not take into account unforeseen circumstances. We have not put this out to bid. We do not know the exact construction

dollars. These are the best estimates that we are able to ascertain of what it will cost to do this mitigation. Also there are significant costs that are going to be attached to it - the engineering costs and permitting costs. It is likely going to be increased by \$100,000 by the time it is all said and done. What is the park to do? The park hired the Isaacs Group that will give a presentation in a moment here to mitigate this property to the greatest extent practicable. What the park has done is looked at a way that they can accomplish the greatest mitigation possible without affecting the revenue stream. It is not something that the park is saying we are doing this solely to not touch the fields because we do not want our precious fields to be hurt. They need that revenue stream in order to continue to operate. They have to meet their obligations. They have obligations for each of the nine sports. Each of them has their own separate budget. Some operating at a loss as you saw in the packet and some operating at a profit. Some of these sports have specific set asides for instance some money was raised by baseball for a playground. There are a lot of things that go into how we came up with the amount that the park is able to spend. We are left with more than half of the park's current finances would be spent on this mitigation plan. We have this \$728,000 loan out there from a bank that is going to want their money back at some point. We have these fields and these kids that want to play on these fields. If we lose some of these fields some of the programs, even if we continue to operate some of the programs, would have to be cut because we just do not have the sufficient field space to continue to operate as we are. We were looking to grow and to expand but based on this current issue with the FEMA violation the park has to put off all expansion plans. They cannot grow right now until they figure out what we can do to fix the program to the greatest extent practicable. The park recognizes that the neighbors are not going to be happy. All the park asks is that the neighbors and the participants understand that the park was acting in good faith. It did everything that it thought it had to do in order to build this parcel. It got an engineer, special use permit, and erosion control permit. It complied with any inspections. It did everything it thought it had to do. Some of that lay at the feet of the former engineer. The park as the property owner acknowledges that there is a violation and that it is incumbent upon the park as the property owner to mitigate that violation. In an attempt to mitigate that violation, I will have Chris Isaacs from the Isaacs Group to stand up here and present the mitigation plan at this time.

Councilmember Werner Thomisser – US Infrastructure said in order to fix this problem there would have to be a no rise. You went out and got your engineer and they came back and said that the best they could do is reducing it by one third. What guarantee do we have that that will fix the problem? I have walked this property and given each County Commissioner and Councilmember pictures of this flooding. You are talking about an enormous amount of water. What guarantee do we have that these affected homeowners will not have water coming to their back door?

Attorney Duggan – We have proposed a mitigation plan that would reduce the elevations and floodplain lines so that no structures are impacted according to the FEMA mapping. That is the best guarantee that I can do for you.

Councilmember Thomisser – Are you aware that the homeowners that are affected have water wells and septic systems?

Attorney Duggan – I am not.

Councilmember Thomisser – What is important is the contamination of the drinking water and the effect that it has on the septic systems. Obviously that has not been taken into consideration.

Attorney Duggan – I do not know where the wells or the septic tanks are located on the individual properties. I am not aware of whether they were within the floodplain originally and if based on the modeling it has decreased it out of that floodplain. In my understanding that the engineers will be looking at that going forward and a resubmission on that will be done.

Councilmember Thomisser – You gave us three options. Where is the \$345,000 coming from for option 3?

Attorney Duggan – the Park’s finances.

Councilmember Thomisser – Has the athletic association considered assessing each one of the 2,600 families that use this park in order to mitigate this situation? If you assessed everybody \$500 you would raise \$1.3 million. We had a Bath and Racquet Club in Charlotte where we had a flooding problem and that is exactly what happened. Any one that has belonged to a country club knows that when a country club wants to do something they assess their members. Has any consideration been given by the Board of Directors of the Athletic Association as to assessing the people that use it? Only 54% of the people that use that park are from Weddington.

Attorney Duggan – I do not believe there has been any consideration of assessing the members. I am not sure of the finances of the members as a whole. These are people from all walks of life most of whom I would dare to say do not belong to a country club. If you tell each family we are going to assess you \$500 per family to play here, I am not sure how many families would stick around.

Item No. 7. Presentation of report acknowledging receipt of the Mitigation Plan by the Town of Weddington.

Mr. Chris Isaacs – I am a registered engineer with the Isaacs Group. My firm was hired by WCWAA back in the fall of 2010 to assist with the preparation of mitigation plan alternatives to help remedy the FEMA violation that occurred. We were provided previous studies that had been performed by US Infrastructure including field observations and existing surveys that had been previously prepared. We conducted independent surveys and verification of the information that we were given as needed to incorporate that into our modeling. We were given the modeling that USI prepared that was associated with the mitigation alternatives that were provided and proven to be cost prohibitive. The plan that I have given you is an overview. It shows the area of mitigation. It shows the FEMA cross sections that were used to conduct the study and to do the modeling. The cross sections are shown in the heavy dash lines and there is yellow text representing two sets of data. At the time of the violation in 2001, the FEMA flood study in place was a 1994 study. That flood study was revised in 2008. There is a 2008 flood insurance study and a 1994 flood insurance study. We have evaluated the impacts of the mitigation based upon both those flood studies relative to the change in elevations as a result of the mitigation that we are proposing. The heavy dashed yellow lines are the cross section locations per the FEMA study in addition to additional cross sections that were added to better define the existing conditions at the park. The red shaded area represents the change in the 100-year floodplain limits based on the 2008 study. The red is a reduction in land as a result of the proposed mitigation to the current flood elevations. The red area on the map is the area that will no longer be in the floodplain per the current 2008 flood insurance study based upon the implementation of the mitigation plan. There are two areas that we are proposing to remove fill material that had been placed in the floodplain. Area 1 is an existing gravel parking area to the south of the existing ball fields and it is shown right in here (pointing to map) just south of the existing baseball fields. We are proposing in that area approximately 2 to 2 ½ feet which is 9,000 to 10,000 cubic yards of dirt that will be removed from that area and taken out of the floodplain and disposed of offsite. There is a second mitigation area which is to the north of an existing football field that we are proposing grading to remove fill that was placed and move that material outside of the floodplain and dispose of at some offsite location. The total volume of material that we are removing is approximately 18,000 cubic yards which is 470,000 cubic feet of dirt that had been placed in the floodplain in 2001 that contributed to an increase in the base flood elevations based on the flood studies. The yellow box shows the water surface elevation reduction that is the reduction to the water surface

elevations based on the 2008 study that will result from the mitigation plan. Based on the 2008 flood insurance study, the mitigation plan will lower water surface elevations over several hundred feet beginning around the baseball fields all the way to about half way between Antioch Church Road and the baseball fields. The water surface elevations will go down anywhere from 0 feet to about 1.8 feet which results in the 100 year floodplain boundary contracting since the water surface goes down. The impact is up to 1.8 feet reduction based on the 2008 study. Based on the 1994 flood insurance study which was the study in place at the time of the violation the water surface elevations increased as a result of the fill approximately up to 1.2 feet in one particular area that is just upstream of the baseball fields. Our mitigation plan that we are proposing consistently lowers water surface elevations relative to the location of the cross sections that saw an increase. The reduction is anywhere from 3 inches to 8 inches. The net result is that we still have an increase in the water surface elevations compared to the 1994 study that was in place at the time of the violation; however, the increase based on our analysis is less than a foot which is within the parameters of what FEMA has the ability to approve. We will be seeking a grading permit to perform this work from the State. We have applied for a Floodplain Development Permit from the Town of Weddington. We have received comments from USI on that submittal. We have reviewed those comments. We find those comments to be acceptable. We intend to revise our plans as needed to address those comments. There are no structures that are being impacted. In the flood study that we prepared based on the 2008 study that is in place as of today there are three structures that are currently impacted. Those are shown on the drawing. It is in the report that we prepared. Based on the mitigation, we will be lowering the water surface elevations adjacent to those structures to the point where the home will no longer have water up on the foundation. We are not impacting existing structures - we are actually improving the condition of three existing homes that during a 100 year storm event have water on the foundation. In all three of those areas we are improving the condition based on lowering the water surface elevation. The discharge shown on the 2008 study for a 100 year storm event is approximately 60% higher flow than the 1994 study. The upstream drainage area from Highway 84 upstream in the West Fork of the Twelve Mile Creek based upon development that occurred in the 1994 study showed approximately 3,000 cubic feet per second of flow for the 100 year storm. In the 2008 study there is 5,000 cubic feet per second. There is a change over time with flood elevations. In 1994 you had predominately farmland, large parcels and a substantial amount of undeveloped vacant property upstream of Highway 84 which in turn lowers the discharge because you do not have as much impervious area and as many buildings or driveways, storm drainage curb and gutter. As development occurs in the upstream watershed there is noticeably more flow and you have a difference of a 70% increase just in the discharge. In no regard to what WCWAA did at the park, this was just a change based upon the hydrologic and hydraulic conditions of the upstream basin. The increase in flow had nothing to do with what the park did. It was purely based upon the watershed conditions that resulted in 3,000 cubic feet per second in 1994 versus 5,000 cubic feet per second in the 2008 study. There is a substantial difference in stormwater discharge that has an impact on the surface elevations. The more flow you have the higher the water surface is. It is not terribly unusual if the park had done nothing you will have an increase in elevations over time just based upon upstream development.

Councilmember Thomisser – What are you proposing to do – dig two holes? The water goes into the holes and then what happens to it?

Mr. Isaacs – We are proposing to lower the existing ground elevations which provide additional storage capacity for the 100-year storm event. The more storage you have the lower your water surface elevations are. If you take material out of the floodplain, the effect is that there is more storage capacity for the 100 year storm event which lowers the water surface elevation. As you start adding fill into the floodplain like what happened in 2001, the levels can go up. We are mitigating by removing a portion of the material that was placed in the floodplain. What we are proposing to do if we are approved and we can move forward is to submit plans, calculations to FEMA, have them review our proposal to ensure

compliance with their requirements and then modify the flood insurance study to show the contracted limits in the lower elevations based on our proposed mitigation plan.

Commissioner Kuehler – You are talking about the CLOMR Process being that FEMA makes that decision and they have not done that yet. You are given an area that is a finite area for that study. I would imagine that you have that same area in the no rise. Is it different between going and getting a CLOMR and if you are doing a no rise study the two points between which you have to do the base flood elevation calculations and the cross section?

Mr. Isaacs – Our down stream point of analysis was just to the south of Highway 84. We extended the analysis up to a cross section just to the north of Antioch Church Road. That was the limit of our analysis. We followed FEMA protocol in regards to confirming that our starting point and our ending point was within a ½ foot of published elevations.

Commissioner Kuehler – You feel that the area that is represented in this mitigation plan is the area you are going to be required to provide those numbers for to FEMA.

Mr. Isaacs – Yes.

Commissioner Kuehler – I do not want anyone to say that my area was excluded for your study or that I am upstream and I was not included. You are saying that there are rules that govern where you have to study and you believe as the engineer for the project that you have complied with that.

Mr. Isaacs – Yes we have.

Item No. 8. Discussion of FEMA requirements by Ernest B. Abbott of FEMA Law Associates,

PLLC. Attorney Ernie Abbott - As you know, I have been retained to assist the Town and the County with FEMA compliance issues raised by the illegal placement of fill during the construction of the Optimist Park more than a decade ago. I want to review briefly how FEMA and FEMA compliance issues are involved in the mitigation plan and approval of the mitigation plan submitted by WCWAA. Basically, under the National Flood Insurance Program, the federal government agreed through this program to provide insurance in communities across the country. Because flooding is such a big risk and it depends so much where people build relative to water sources Congress included a requirement that says that only communities can be part of this program if they adopt and enforce floodplain management regulations which will mean that any new buildings or developments are built in a manner that reduces flood risk and allows flood insurance premiums to be lower and more affordable. Thus, FEMA does not directly engage in the enforcement of these floodplain management regulations as it relates to property owners. What FEMA regulates is the communities who have agreed to adopt and enforce ordinances which meet the FEMA requirements. The County for example had an ordinance that prohibited the placement of fill in floodways. A permit was granted. We are here tonight because for whatever the reason there was the illegal placement of fill. What is FEMA's role in this? FEMA's role is to determine whether this action is such that the Town or the County or both have not shown themselves to be enforcing their floodplain management regulations and therefore might need to be put on probation or suspended from the program. What probation means is every flood insurance policy holder in the community has a \$50.00 increase in their flood insurance premiums to get the attention of the community that this is serious. If the community does not take whatever steps to enforce floodplain management regulations and to remedy past violations the best they can to the maximum extent practicable, then the community can be suspended from the National Flood Insurance Program. When that happens, no flood insurance is available and no existing flood insurance can be renewed. Federal disaster assistance for flooding in special flood hazard areas is extremely limited and premiums will go up. There may even be

some issues with respect to financing of homes. If there is a federally regulated loan that requirement may still be there despite the fact that the flood insurance is no longer available.

Both Union County and the Town of Weddington joined the NFIP a number of years ago so they both have adopted and enforced floodplain management ordinances and as a result your residents and businesses have flood insurance available to them. However, the question is what do you do and what will FEMA do with the fact that there was this violation and placement of fill a decade ago? As Mr. Bundy's brief chronology of events makes clear, the State of North Carolina's Floodplain Management office is very aware of this violation and has been waiting for the County and the Town – which now has floodplain management jurisdiction over the park property – to take and complete enforcement action. This violation has been sufficiently prominent and is so long-standing that FEMA and its floodplain management staff in Atlanta are aware of it and is waiting for the floodplain management violation matter to be resolved.

If the WCWAA had proposed a mitigation plan that would reduce the amount of flood rise from placement of fill to zero or they were able to afford all of the work that would lead to a no rise then I would not be here and the issue would be easy. However, the original analysis of mitigation alternatives by the County and the Town's engineer indicated that the construction of such a no-rise would be very extension and very expensive. This analysis was confirmed in the more detailed analysis that the Isaacs Group did in putting together the WCWAA's mitigation plan. Since it does not achieve a 'no-rise', there is going to be this outstanding violation and the question is how will FEMA deal with that? It is going to be reviewed by FEMA as part of a CLOMR application that has been mentioned. I have heard officials at FEMA make this statement generically in a situation where there is mitigation being proposed. In floodplain management violations one of the things to watch carefully is if the mitigation does not actually remedy the whole thing does it at least get all of the structures that are in the standard flood hazard area that became in the standard flood hazard area because of a violation out of the floodplain. That is what the Isaacs Group just indicated their plan would do and that is something that FEMA would review very carefully in my view.

The current effective flood insurance map in the area is a 2008 map which when the flood study for it was put together basically reflects the existence of the fill and reflects the construction of the park. With the construction of the mitigation plan as proposed there will be a reduction of the area that is the standard flood hazard area. The way you implement the map changes is through the filing first of the CLOMR to get approval of the concept that they agreed with the modeling and mapping and this is the way they would revise the plan if the construction was to take place as proposed. Then at the completion of construction FEMA would again look at the demonstration that the construction which was proposed actually did happen to make sure they actually did in fact build what they said they were going to build before they then revise the map itself. They also look to see whether there is an issue of past violations that are involved and will generally withhold issuance of a CLOMR (Conditional Letter of Map Revision) unless they have determined in their view that past violations have been remedied to the maximum extent practical. That gives you the sense of the FEMA framework. What the County and the Town from a FEMA perspective are doing is demonstrating that they do in fact adopt and enforce floodplain management requirements so that they can continue to be part of the National Flood Insurance Program and therefore so that flood insurance and flood disaster assistance can be available.

The Weddington Town Council and Union County Commissioners took a 10 minute recess.

Item No. 9. Public Comment. Chairman Jerry Simpson discussed the Proposed Rules for Public Comment that was approved.

Tom Schwartz – For the past 60 days I have been a resident of Mecklenburg County but for 22 years prior to that I was a resident of Union County and over the last 12 years lived in Weddington and my five children were all raised here and went through Weddington schools and have spent time at WCWAA. I am currently the Athletic Director at Weddington High School. I wanted to speak briefly about what I see as the tremendous benefit that WCWAA has provided both families and children in this community. We have over 600 athletes at the High School about the same amount of athletes at Marvin Ridge and I would venture that the vast majority of those athletes have spent a good bit of their childhood over in those fields at WCWAA. While they are over there, they are developing a lot more than just athletic ability. They are developing things like character, the ability to work as a team, integrity, determination and a commitment to excellence and we feel that here at the high school when these kids walk in the door. Last year the NC High School Athletic Association gave Weddington High School the Exemplary Award. They give to one high school in the state regardless of size. It is based not only on athletics but on sportsmanship, academics and a commitment to excellence. At the high school we like to think we developed that in the kids – that is not the truth. They walk in the door with that. We thank the folks at WCWAA because a lot of that was fostered on those fields. I wanted to thank WCWAA for the significant contribution they have made to the kids here in our community.

Scott Wahlers – I am a six year resident of Waxhaw, Union County. I am currently the Basketball Commissioner on the Board of WCWAA. We have hired the professionals and this was not done with Weekend Warriors. The park serves so many people. It is not just a Western Union County park. We are interacting with the folks at Piedmont and Wingate. We work hand in hand with all of them in a lot of our different programs. There is a lot of blame to go along. That has been happening for the six years. It seems like the people that lose all the time are the kids. It is time for us to come together with the best resolution and move forward for not only for the Town, Union County and Western Union County but most definitely for the kids. They should not be the ones who suffer for some mistakes that someone has made. It is not time to blame. It is time to move forward for the kids.

Ethan Troub – I am a resident of Union County for all of my 11 years and I am from Marvin. I am a 6th grader and I have played baseball at Weddington for four years. My teams have been very successful and I enjoy playing at Weddington because the baseball is very competitive and lots of my friends play at Weddington. I am happy to say that I played for the 9th largest little league in the world. I also like playing with the community that cares for baseball and being friends. When our team plays in tournaments away from Weddington, I want to represent Weddington's little league well and ensure that we respect the game. This will be my last year playing for little league. I hope that I can come back some day to the Town of Weddington and see my name on a banner that hung many years from now and see the same great lower fields with so many memories.

Michael Corrigan – I live on Wedgewood Drive. I am one of the adjacent property owners of the Weddington Optimist Park. My children have played at that field. I have coached on that field and I want to see that field be successful. Unfortunately for me, when they show these highlighted areas over here, these structures that were impacted, that is my home. My home is at the tax value at which the Optimist Park is proposing to make these remediations. In that house I have three children and two dogs. That is my life right there. While I applaud the Optimist Park, I have volunteered with them and I completely agree with their concepts and philosophies and I will support them any way that I can. Unfortunately that is my home. That is where I live. That is what I have been working for for the past 30 years. That is where my children have been raised. Unfortunately I have no option but to oppose this. I ask you to consider something a little bit different. I wonder sometimes if the remediation that has been identified might have been done on purpose to highlight significant areas that would have the most dramatic impact to these folks. I would personally volunteer to go over there and help with this remediation. Am I going to have to worry every time that we get a major storm that one of my kids will be out there or the dog will be missing? It gets pretty rough and pretty nasty back there. I cannot

completely agree with some of the statements that were made earlier by some of the legal advice. There are three different kinds of fields out there – football, baseball and soccer fields. We do not play those fields all the time. I do not see why we could not do this in phases. I think that the revenue stream could still be adequately addressed yet we could also come to some kind of compromise. Right now what this proposal is doing is putting the flood waters instead of in front of my house, my well and over my septic system, it is putting it right at my back door. When I purchased this house in 2001 the flood area was a lot further down. I can concede to some of the comments that as development continues that flood line is going to rise. Until we live in downtown Charlotte where we have that much asphalt it is going to continue to happen but what this plan does is it removes any kind of a buffer that I may have. It could have taken 200 years for that flood to get up to my house. As it stands right now as I walk out my back door it is right there. I am friends of the previous owners. They were there for Hurricane Gloria. The house has been there since 1991. The floods that we get now with an inch of rain do not compare to the water that we have seen. They are equivalent to the waters that they saw with Hurricane Gloria is what we are getting right now with a typical three-quarter of an inch in an hour rain. We do not want the park to fail. I need to protect my investment and my family.

Russ Brasher – I am resident of Union County since 1994 and now a proud resident of Weddington as of a few years ago. I am here to request that the mitigation plan as it stands now be rejected in favor of complete remediation back to the way it was whenever the WCWAA started putting fill dirt into the park. The fill dirt that the Weddington Athletic Association placed there violates the FEMA regulations which are threatening the availability of flood insurance to everyone in Union County not just the people that live on the other side. The rise in the 100 year flood plain caused by the Athletic Associations constitutes water trespass on the neighboring properties and a legal situation. The rise in the 100-year floodplain caused by the Athletic Association threatens and reduces the values of several homes on the other side of the creek. The proposed mitigation plan does not fully restore the floodplain to the level prior to the illegal filling of dirt and that is the standard to which any law violation should be held - put people whole back where they were to start with. Two of the wronged property owners in this situation are hydrologists that have presented lots of data and calculations to show that these studies along the way have not been accurate – they have been smoking mirrors and less than honest. I find this one dubious as well. The tax paying property owners and citizens of the whole county count on you our County leaders to look out for us in situations like this. Everybody here is probably a resident and probably a property owner and whenever this fire storm dies down of all the propaganda – all of us love kids and we want the park to continue. None of us want the park to discontinue but we want our rights protected. Every single one of us here would want our properties protected – the biggest investment in our lives and we look to you to help us with that. I am definitely not against the park. I spent five years on the Board and three years as President. I have sacrificed a lot of time on that board volunteering helping in many ways with that park that I should not be required to sacrifice my home, value and integrity of my home. I ask you to stand up tonight for all of the property owners in Union County and especially those affected by this fill dirt and insist on complete and full remediation.

Wayne Griffin – I am a resident of Weddington for 17 years. I am against this also. I raised my kids on this ballpark. I sponsored teams, donated building materials to build scoring booths. I am in favor of the ballpark. I love to hear them playing. I live on Antioch Church Road at the corner of High Meadow where the horses are. A lot of the kids will come over at times and pet the horses which I enjoy seeing. This is not against the kids. I hope my grandkids can play over there in the next two years. The biggest thing is the fill dirt that was brought in. Commissioners and Councilmembers – you have received all of our emails and pictures. I appreciate the responses I received. We feel like we have had our property taken away. I have 630+ feet on the creek. Back in 1995 the water would come 15 feet to 20 feet out of the creek. If you look at this map now my barn which is 175 feet from the creek with 2 ½ inches of rain we have to bring the horses up into our front yard. That is the amount of water that we have coming through there. All of you on the Council and Commissioners today had nothing to do with this. It was

your predecessors. They approved permits that should not have been approved. You cannot get a permit for a well or septic tank in Union County if it is in a floodplain. Right now they could condemn a few of our septic systems and wells. That is our drinking water. Somebody mentioned about assessments. That is a good way to raise money – not \$500.00 – maybe \$50.00. If you start removing this fill dirt I would like to get the Isaacs Group to put some of that dirt to on my property to raise my area up and stay out of the floodplain. I am willing to help. I cannot give up 4 ½ acres every time we have a massive storm. Mr. Bundy – like the water tower, we do not get used to it.

Brooke Dunwoody – I live in the Wedgewood Neighborhood. I have lived in Union County for 21 years. I do not want to repeat what everyone else has said. I support the park. My child played at Weddington – played soccer and baseball. That is not the issue. The issue is the fill that has been put in the floodplain. When I first moved into my house, the flood would come up to the creek bank and it would go both ways. Now it comes up - there is a three to six foot wall on the park side of it. Where does that water go? It comes our way. If you look at the map referenced Mr. Corrigan and I are probably the two most impacted homes. The proposed mitigation plan shows the existing 100-year floodplain. The proposed mitigation plan is going to make it even closer to my home. When I moved into my home in 1991, the 100 year floodplain was 50 feet from my home. Now it is less than 12 feet from my home, according to this plan. This is my house. I have worked hard for it. You have worked hard for your houses. Put yourself in my shoes. I am not against the ball park. I am all for you playing. My biggest issue is that I have had flood insurance since 1996. Am I going to lose my flood insurance? If I do, who is going to pay for it when the flood does get up that extra foot or so and floods out my house? I have been active in this since day one during the first initial hearing. I expressed my concern about the flood insurance. I constantly call Union County. Union County dropped the ball. They knew about this issue. We told them about the fill being brought in and they just ignored it. We need some help. It may not be all WCWAA's responsibility. The County needs to step up on this too as well as the engineer. Where is their responsibility in this whole thing? I feel like a heathen to a lot of people. I am not a terrible person. It is my home. I am trying to protect what is mine. I have not added one shovel of dirt on my side but there is 80,000 cubic yards of dirt on your side.

Tracey Clinton – I am currently the President of WCWAA. We are a non-profit organization providing youth athletic programs to children of Western Union County. Because of the service that we and other organizations like us provide to the County, your citizens do not complain to you about the lack of recreation programs provided by local government. WCWAA and other athletic associations in Union County are a great example of how privatization of a government service can be successful. We are funded through registration fees paid for by our members, business sponsorships and donations. We offer scholarships to those in need. We have over 1,100 people that volunteer their time to help make our programs successful. Let's talk about growth. Ten years ago in 2003 when our lower fields were under development there were slightly over 3,000 kids in three elementary schools and one middle school in this area of Union County - 41% of those kids at that time participated in our programs. Over the past 10 years Union County has opened five new elementary schools and two middle schools to serve the 9,000+ elementary and middle school kids that live in this area today. WCWAA still serves 41% of that current population of those schools. So we have grown just as fast as the schools have. Last year WCWAA had over 6,800 registrations across our nine different sports. In addition to providing athletic opportunities to our youth our association benefits the community in lots of other ways. We feed into highly successful middle and high school sports teams. We partner with the local schools to provide field space when they do not have any. We rent their gym space and provide them with some revenue to fund the schools. Our association helps support many local businesses in the purchase of their goods and services to run our park. Our members frequent many local restaurants and retail stores on the way to and from practice and games. As the numbers of businesses serving youth athletics increases, WCWAA continues to grow and is one of the few that will not turn away kids based on their skill level. Our recreational level programs are still the core foundation of our association. We do not want to get into a situation where we have to

say no to the kids in our community because of the lack of field space. With our growth the last few years, our limited field space and our inability to resolve this flood issue we have been forced to find creative ways to continue to provide our programs to all who wish to participate. We cannot afford to lose any of our existing fields. In the plan we have submitted to you, we are committing to spend our financial reserves to mitigate the flood issue to the greatest extent we can without losing our fields. These reserves were originally planned for future expansion and improvements. The plan is financially and logistically the best we can do without additional financial help and availability of alternative field space to run our programs. Eleven years ago the leadership of WCWAA did all the right things. They hired an engineer to develop plans for the park. They received approval from the County to develop the park. They developed the park according to the plans. After the park was completed only then were we notified of the floodplain issue. As adult leaders in this community, we have to look out for our children. Do not allow a series of errors made by adults to negatively impact our kids. It is within your power tonight to send this plan to FEMA for technical review. Please help us to continue to serve the youth in our community. They are counting on you.

Susan Harvey – I am a resident of Union County. I live in Weddington and am one of the adjacent property owners. My husband and I worked very hard for our home. It is the single most expensive investment that you will ever make and because the WCWAA has put in the fill and had all of the flooding our property values decline every single day. We have not been able to sell our home because of WCWAA. The only plan that will work is if the WCWAA is made to take the property back to its original state.

Dennis DelValle – I am a Union County resident and I reside in the Town of Waxhaw for the past six years. I am a homeowner and like these other homeowners I have plenty of sympathy for them. This is a problem that just does not begin and end with WCWAA. There is plenty of blame to go along. If it is something that is going to be resolved, I think it should be incumbent upon the Town and also Union County to help fix the problem. I am for the mitigation plan that we have proposed. For the first time in my 43 years, this is the first time I have ever felt part of a community. I coach in WCWAA. My son participates in three different sports. My youngest daughter participates in two different sports. This is an important resource for the community. It begins in these children learning life lessons. This is where we build character and where we begin to teach them to deal with adversity. It is about inclusion. As our president has said we do not turn away kids because of ability. We take everybody. The goal that we have is to develop everybody. It builds confidence and success.

Michael Babcock – I am a resident of Waxhaw for the last five years. I am the Vice President of Administration for Weddington Little League. I wanted to talk about the impact of not approving this mitigation plan would have on our program. Losing the two fields that are in question here would force us to cut our program by 25%. That means that in any season we are talking about 300 kids that would not be allowed to be part of our program. I am not sure how we would ever decide who those 300 are but that is the impact. That is a significant impact to everybody's community and it is not something that we want to see and hope that you will be able to help us fix that problem.

Kevin Qualls – I have been a homeowner here in Union County since 2007 living in Waxhaw. I want to thank you as Town Council and Board of Commissioners the opportunity to share tonight. My family has been a part of WCWAA since 2009 with my two sons playing baseball, football and soccer. We found out very quickly that WCWAA was a class organization. We are so proud to be a part of it so much so that my wife and I begin to volunteer in many different roles. One role that I volunteered for that has been so rewarding was to be a head coach in baseball. One of the true blessings of my life has been the opportunity to pour into the lives of children and families as a head coach in baseball the last five seasons. My hope is that I and others like me will continue to have the opportunity to instruct kids in the area of sports but more importantly model for them and teach them life principals that will help and guide them

as they become young men and women in our community. I am afraid that a decision to downsize the recreational fields in any way will greatly diminish that opportunity. It is obvious that some mistakes were made in the past to bring us where we are today. This is not the time to blame any group or any one person. As a senior pastor the last 10 years in some large churches in North Carolina and South Carolina, I realize personally how it is impossible to please everyone with every decision that you make. For me this has been an especially difficult thing to learn personally as I want to befriend all people and do not want to have anyone upset with me. Now as a 41 year old pastor at First Baptist Church in Charlotte with a little more maturity and experience there is one filter that helps me in decision making and especially controversial issues. That is to do as much research and study as possible making sure as to not make a decision that is best for me and what I can gain from personally but to spend time on my knees in prayer and seeking what is pleasing and honorable to God. As I do that I know that I can lay my head on my pillow at night that I have honored God in what I have done and felt what was right. Serving in the position of leadership can be a blessing and at other times it can be very agonizing. I want to thank you as a citizen of this County and on behalf of WCWAA for all you do as the Town of Weddington and Union County and my prayer is that we can come to a peaceful resolution that will result in the homeowners being satisfied and WCWAA continuing to be a growing and positive influence for kids and families in the future.

Mark Hudson – I have been a resident of Waxhaw, Union County for the past seven years. Sometimes to see the value in something is to take a look in from the outside. The outside is referring to how other organizations function in their effective outcomes. It is my intent to help the WCWAA as well as Councilmembers to see the need for these ball fields and to see from that perspective. I am a proud part of the WCWAA organization. My son has received invitations to join travel teams but we have remained at WCWAA all due to the objectives that this organization stands for and the equal opportunity that it offers these kids from the highest skilled athletes to the brave children who in some way are athletically challenged. I have coached or umpired little league baseball in six different states in eight major cities over the last 30 years. I have seen first hand and can personally attest to the disappointment kids experience due to being turned away for lack of available fields to accommodate the number of interested participants. I can describe the desire of younger siblings to want to play ball like big brother but can't because the lack of fields limits the progress to 10 year olds and above. I have had my son in the little league program at WCWAA since 2007 and can speak to the fact that WCWAA is the best of the best. No kids are turned away regardless of their ability and are given an equal chance to experience baseball at a very early age. At WCWAA, I have seen the joy of recreationally skilled kids playing equal time with all others, those whom in other organizations were being placed in a pool for call up due to a limited number of available teams and roster positions. With other leagues I have experienced seasons where tryouts ended and 50 or more kids stood in the infield and were explained to that they did not make the team and they would be placed in a pool and would be called up if an active player left during the season. I have seen those same kids try out year after year only to be turned down until they aged out of the program. At WCWAA I have seen the difference it makes to the children to make the program available to all not just the pick of the crop in tryouts. I have seen how WCWAA goes to great lengths to not expose any kid to the above mentioned disappointments while instilling the proper values that prepare you for the trials of tomorrow. WCWAA is envied by many for their success for providing the competitive level of play to those who desire as well as the recreational experience to those who are not quite as skilled at the time. Where does this lead? It all has the same basic foundation - the foundation for space and gracious volunteers but mostly available fields for use. Without WCWAA, we will face turning kids away and be forced to work with skill based rosters and a huge waiting list of kids wanting the opportunity to join in.

Joe Tolan – My wife and I own the property at the corner of Highway 84 and Deal Road. I will not go into additional information regarding the engineering studies since my wife will address that situation but I will note the amount of fill that is being proposed to be removed is far less than the substantial 40,000+

yards that were brought in. I doubt that there is anyone in this room that would take a position different than mine if it was their home and property that was being flooded or living with the threat of that possibility every time it rains. Charlotte and Myers Park Country Club golf courses are located in the floodplain, if it rains and high water is expected they do not play golf. What makes this park other than the activities different is if it rains, people go home to non-flooded properties. If our income is reduced and we spend our money on other things such as medical expenses, necessary or frivolous purchases would Union County or the Town of Weddington forgive our taxes because we said we could not afford to pay them. I doubt it. Has Union County or Weddington ever been presented with a certified audit from an independent auditing firm? Why do Union County and Weddington continue to distribute funds after the notice of violation was issued in terms of 10's of 1000's of dollars? This mitigation plan should be a fact not inaccurate misinformed opinions and what ifs. Unless the mitigation plan returns the water surface elevation to the predevelopment elevation it should not be considered for approval.

David Miesse – I live in Weddington, Union County for the past six years. Every good town and county in America has a park to learn sports and practice sports. That is why people move to the towns and the counties. It is a part of life. What you have here is a perfect example of the public and private sector working together so we all do not have to pony it up – I did not see any toll booths up at Colonel Beatty Park lately for the \$500 fee to play up there. It is what towns and counties do – parks. I feel sorry for the homeowners as well but my suggestion is for the County and the Town to move forward and pay for whatever plan that FEMA and everybody agrees on. Buy the property next to the fields so that we can have the park for our kids to learn and practice sports and move forward.

Tom Grommersch – I am against the mitigation. I have sent you emails with pictures attached that showed where Antioch Church Road was closed due to the flooding. I have lived there about nine years and ever since the impact of the fill the water has gotten higher. I have seen kids come down through the road and try to go through the water, their cars stall out and the brakes get wet and it is a dangerous situation. I bought the property knowing it was in a floodplain – 1% chance. It is twice a year at least. Little more extreme than what people seem to think anyway. I pay property taxes. WCWAA does not pay property taxes on a \$2.6 million property and has paid nothing for the past 10 years. I have paid \$38,000 in five years for my property. I feel like I deserve some protection. My kids played soccer there and I coached and volunteered and did all the right things just like everyone else here has. The last thing that I can say is if they go to zero fill why can't the fields still be played on?

Boyd Despard – I have lived in Union County for eight years and I live in the Town of Waxhaw. We have been attending WCWAA for the last eight years. I am speaking as a father on behalf of four kids who enjoy all kinds of different sports as well as a volunteer coach there. If you look at a place that you want to raise your family and grow into a community what Weddington brings is not just a park but a place to really grow as a community. I spend most of my time at the park and the life lessons learned for your kids and as parents the opportunities to give yourself to the community are tremendous. Looking back in history and hearing a lot tonight, I was not aware of the detail and the history. There have been some honest mistakes that have been made. Weddington is trying to come forward with a proposed plan and I am for that. It is not going to make everyone whole but I think we have to look at the best interest of both together. I am for the plan tonight and I hope you vote for that.

Eric Riden – I am a homeowner in Weddington, Union County. I have been coaching baseball at Weddington for the last eight seasons and have four children that all use the park. I came here tonight with an open mind as a coach here at Weddington. I have a vested interest in the park and have developed a lot of great relationships with families there. At the same time I am a homeowner myself. I have empathy for the folks that have been expressing issues with their homes. We have a quandary. What do we do? Every one of the homeowners said that they love kids and I do not doubt that. I appreciate that we have been able to have a nice and open discussion here and they have said that they

hope that their kids and grandkids can play at the park. The reality is that they will not be able to play at the park if we have to go beyond what the park can afford for remediation. At the same time as a homeowner to do nothing and to hear the stories about the flooding I do not like that either. We do not hear compromise. We need to come up with a compromise. As a great philosopher said the good of the many outweighs the good of the few. Pastor Kevin said it better than I could about spending enough time on my knees trying to think about what to do in situations like this. Sometimes the best is the enemy of better. This has been studied for 7 to 8 years and those waters still come. I hear tonight about more studies and it seems like we could go on for another 7 to 8 years whereas the plan that is put forth makes it better. It may not make it perfect. There have been other factors such as how much development there has been in the area. It is a very complicated issue. There is no one here saying that the plan will not make it better. Everyone loves kids and everybody wants these homeowners to be satisfied. The plan that has been put forth will make the situation better if we approve it.

Ryan Clinton – I have lived in Union County all my life and I started playing sports at WCWAA since – I really cannot remember a time that I was not playing at WCWAA. That park really made me who I am today. I would not know half of the people I know and I would not have the same relationships with all the families that I have in the area that I have now. I want to ask all the kids that have played a sport or are currently playing a sport to stand up. All the kids that are not playing a sport right now would not be the same people without WCWAA just like I am. That young man standing up right there participates in the Challenger Program at WCWAA. Once a year when we do Challenger Baseball and we have the Charlotte Knights who are the local AAA team come out and play baseball with the young men and women who are participating in that program. I can tell you that is one of the highlights of their season and they are all smiling from ear to ear. That event takes place on the lower fields because the upper fields cannot handle that many people. We need the lower fields for that and for all the kids that we have playing in the 9th biggest little league program of the world. We can't turn away all of those kids because they could quit baseball and honestly I would hate to see that happen. Everyone knows the story about Michael Jordan and how he got cut and he practiced and practiced. We do not want to turn someone away and make them not want to practice and not be the best baseball player, soccer or football player that they can be. If we do not have that field space it is going to hurt everything that WCWAA is about, equal opportunity and how everyone no matter the skill level gets to play. Try to consider all the kids that play at the park and all the families that participate and how it benefits everything here before you make your decision.

Susan Tolan – I do have a couple of technical things that I want to bring up. I am a registered professional engineer in North Carolina. You heard Mr. Isaacs talk about how the first version of this plan was submitted to USI. They offered some comments and Mr. Isaacs said that they agreed with the comments but when I review this revised version of the plan there is a comment that stands out that I do not think has been addressed. She read the comment that USI made. (USI identified an errant negative channel profile slope used in the study and if not corrected could significantly mask the impacts of the fill placed on the WCWAA property and therefore correcting the downstream channel slope is necessary to actually determine the extent of the impacts and the effectiveness of the mitigation plan.) I do not see where that has been addressed. That is going to have a substantial influence on the results. If that comment was not addressed, the results of the success of the mitigation plan are not going to be the same. The other thing that I want to talk about is something Mr. Abbott talked about and also Mr. Isaacs talked about. They talked about the 1994 study and the 2008 study. We talked about how the flows were higher in 2008. We talked about how the affected maps adopted in 2008 were based on illegally placed fill. That seems to be the benchmark that we are determining the success of this mitigation plan off of. Where is the study that uses the 1994 topo and run the 2008 flows through it? I know the flows went up. The flows increasing have nothing to do with the park. Run the higher flows through the 1994 topo. What are the results? Those results show that the water surface rises almost 2 feet more than the original. Then run the mitigation plan and compare it to the 1994 topo? Use the mitigation topo with the higher flows and

see what are the results are. The results are the mitigation plan lowers it some but it still remains at 1 foot 4 inches in some locations.

Burke McKinney – I live in Waxhaw, Union County and have been a resident for the past two years. A lot of what has been said is extremely repetitive. Same things that I had planned to say many others have said. Many have shown some emotional response. You are drawing young people into a situation to put them in an area around leaders that could potentially be progressive in an outstanding community. I know what it is like to live in a State and an area when we had a meeting like this just four years ago with a Town Council wondering how in the world are we going to maintain youth athletics in a State with one of the highest obesity rates in the country. We have to work really hard to determine which steps we are going to take next to enhance our leaders of the world. There are so many challenges among all these young people that are pulling them in directions that are wrong and right as we try to lead them as coaches and as parents. In all due respect to the homeowners because no one ever wants to see anyone lose value in their home, I do ask based on comments from Mr. Abbott and the other engineers involved let's move the political positioning out of the way make a decision that is at least progressive.

Steve Gertzman – I am a resident of Weddington for 19 years. I want to speak basically to how WCWAA has been a woven fabric of Union County. Through WCWAA's programs I have coached 7 girls that are on Marvin Ridge's softball team, two at Piedmont, two at Parkwood, 6 at Weddington and 3 at Cuthbertson. We tried to instill how to win graciously, how to lose with dignity, social skills and working within a group. The bottom line is if this facility is not able to take care of the kids in the community where do they go and what do they do? These people have the right to have their properties maintained at their current values at least. You are our elected officials of the community. We need your help. Help this facility maintain and help these people to take care of their property. WCWAA has put as much forward as they can. They have gotten pushed back a lot from the Union County Engineering Department 10 years ago. We are here tonight to ask all of you to help these people get whole but do not take away from the kids. We have more kids to come. That is the future and that is your responsibility to make sure these kids have the opportunity to learn, grow, socialize and to be part of the community.

Janice Dunwoody – I have owned our home for 21 years and we are one of the homeowners on the other side of the creek. This is personal to us. I am personally against this plan. When I was looking at the mitigation plan I thought to myself what is the difference between mitigate and remediate? Mitigate is to cause or become less harsh or to make less severe. Remediate is to correct and I think that is what we need to be doing is to correct the problems and actions that have been made over the past few years. Let's play fair.

Gina Fisher – I live in Wesley Chapel since 2003. My family has been involved at WCWAA since we moved here in 2003. In 2007 we started the sports program for the special needs mentally and physically handicapped program and we were totally embraced by those members of the WCWAA and the community at large. My heart goes out to these homeowners. I have sat on the WCWAA board for the last four years and have learned more about floodplains, engineering, FEMA, attorneys than I ever wanted to know about. There has got to be some type of way that we make this all work for a community that has no boundaries. It is not a Weddington property, it is not a Union County property it expands through several jurisdictions, several municipalities and is bringing in people from South Mecklenburg. It is a community program. It does not belong to a municipality or a county. I love this community. Yes, it is a mitigation plan. It is not full remediation. As I understand what I have learned over the past four years and what has been presented tonight it will severely reduce the amount of flooding without impacting all of the lower complex of the WCWAA which would totally erase the opportunity for additional soccer or even maintain the soccer levels that we have and additional baseball for the 9th largest little league in the world. Do you know what a diamond you have out here? It would totally eliminate that if we went with

full mitigation. It would totally eliminate additional football. Do you know you are feeding how many schools here – how many champions? My single most important investment in my life is my children.

Chris Coleman – I had left on the form for or against the mitigation blank because honestly I did not know what side of the issue I would fall on. I am trying to be impartial and put myself in the homeowners’ shoes and the people from WCWAA’s shoes. I think you have heard compelling arguments for both sides. I would be alarmed if I was any of these homeowners and I see water rising and animals being endangered and worried about the safety of my family. I also hear all these compelling arguments for what a great organization this is and what an institution it is becoming. I have come up with this, if I was a homeowner and WCWAA would just say, “Hey, we are just too big to fail, we have become so important in this community and we did all our due diligence, not our problem.” I would be irate. But that is not the case here. They have committed money to a plan and I think you can see that they are trying here and as a non profit organization they cannot move mountains. I have made my decision in favor of this mitigation plan and I hope you will vote for it also.

The group took a five minute recess.

Item No. 10. Presentation of Governing Bodies’ Options by Mr. Abbott. Attorney Abbott - At the moment there is only one mitigation plan that has been presented to the Town and the County. That is a plan that has been engineered and the property owner has agreed to construct it. They have file applications for the necessary conditional letter of map revision from FEMA that if approved would indicate FEMA’s agreement that the plan in fact would reduce the flood risk in the way that it is proposed in the plans and that FEMA would consider that this action is sufficient to allow the County and the Town to be in the National Flood Insurance Program. The plan is not a plan that would remove all of the flood rise. It would make it better. One option would be to allow that plan to go forward for FEMA review. The second option is to send the plan back essentially and ask that the County and the Town Staff work to see if there is another plan that the property owner is both willing and able financially to propose. It is not possible for the County to approve and the Town to disapprove or vice versa. What the County’s approval would do is that we are finding that the notice of violation that was issued 7 years ago in 2005 will be deemed settled upon completion of the construction that is proposed in the plan. The construction that is proposed in the plan cannot start without the Town agreeing to the Floodplain Development Permit and the certification in the application for the conditional letter of map revision that allows it to go to FEMA. Action from one body without the other body is essentially a rejection by both bodies. If the Town and the County decide to go forward there have been draft resolutions prepared for the County and the Town. They set forth the history of how we got here. The County for its part would determine that it would deem the floodplain management violation settled upon completion of construction. This action is subject to FEMA’s approval of the CLOMR which indicates that the County had taken action to protect its status as participating communities in the National Flood Insurance Program. The Town did not issue the notice of violation so it does not say anything about the NOV. The Town would be agreeing to certify that the areas removed from the standard flood hazard area by the proposed mitigation are reasonably safe from flooding. That is the standard part of any condition letter of map revision or letter of map revision application. The Town also would be approving the Flood Plain Development Permit which would be subject to the approval by FEMA of the CLOMR and that approval provides the confirmation that the actions to be taken in resolving this matter are consistent with the Town’s status as members of a participating community in the National Flood Insurance Program. Go forward with this plan because it is better than nothing or hope that another plan can be developed through additional work by the staff in negotiations with WCWAA.

Item No. 11. Joint deliberations and consideration of action by Board and Council. Chairman Simpson made a motion to approve the Resolution that was in front of the Commission with regards to the mitigation plan.

Commissioner Kuehler – I have been involved with this since I took office four years ago. I have heard things tonight about the impacts of rise and I hear a lot about 1 foot to 2 feet based on the fill that was put in the floodplain. Then I hear people get up and talk about increased levels of flooding and how it has come on to their yards and we were talking 200 to 250 yards. I live on a floodplain. I know they are hard to understand. I also live on a floodplain where somebody developed on my creek line and got a CLOMR that legally increased the floodways by a foot. I am very aware of the impact. The impact or the lack of or the mitigation or the correction that is not what this board is being asked to decide. That is the CLOMR process that is up to FEMA and the engineers and the experts that are better equipped to handle those kinds of decisions than we are. What we are being asked to do is to determine whether we believe based on the information that we have been presented from all the parties whether this plan meets the maximum extent practicable given the resources and revenues and bank accounts and the financial wherewithal of the park. We are not approving or disapproving the plan. We are trying to move this forward. I am sure the park is not happy that things were not the way they thought they were going to be and they are expending funds and disrupting their membership and doing the things that they got to do and living on a floodplain I know that everybody would like for it to go back to zero. It is my understanding that people will have the opportunity to talk to FEMA during the CLOMR process as well. I would support the motion.

Commissioner Thomas – I think it is important for you to know that as your elected officials where we stand and the rationalization behind our decision in the positions that we take. Couple of comments that were made tonight that I believe are important to repeat. Mr. Abbott stated that in his FEMA overview that if nothing is done we are looking a \$50.00 increase in order to get our attention. Regardless of where you stand on the issue you realize that we have an issue that is brewing about and if we do not take action then we are looking at suspension, of no flood insurance that would be available and an increase in premiums and the possibility of no national assistance if there is a case of severe flooding. Now is the time to move forward. I know the opportunity to look at a second plan has been put forth. It has taken us 7 years to get here tonight. I have spent time sitting behind this desk here tonight and saying where was I seven years ago? Where were you seven years ago? Probably the majority of us were not in this community. I am not in the WCWAA not by choice but by close proximity. I understand what those property owners that have come forward tonight said and from a parent that has seen the benefit in one's own family and then as a former athlete the impact it has made on my life. You are absolutely right. I learned more lessons of life on the baseball field and the basketball court than I did in the classroom. That is not against our educators. It is just the way that athletics is built you learn how to deal with the issue. Mr. Isaacs said tonight this plan consistently lowers the water elevations and another quote was which is less than a foot which is what FEMA would have approved. I want to reiterate what Commissioner Kuehler said tonight. We are not the jury or the judge. We are simply moving this plan along with a vote to allow those experts to hear from all interested parties and make the best decision based on technicalities and objectivity and not subjectivity because this can be a tremendously polarizing issue. I want to close and say thank you for the spirit in which you spoke tonight, the respect for one another because we are all citizens of the same community and we all share the same values and we all come at it with a different perspective. I want to thank those speakers who spoke and the courage. I thought you did so eloquently particularly little Ethan. I was impressed with the courage that he took. I know his parents are proud and that is an example of tomorrow's community for someone who will stand up tonight as intimidating as that can be. I will support the plan. I made it very clear when I sought public office that I would do anything I possibly could with the leadership of WCWAA to try to be able to determine the solution that mitigated the impact to both parties to be able to move forward. Right after the election I met with the President and the Board of Directors to let them know how willing I was to work with them. I believe tonight we are just a little bit closer in bringing some resolution. Thank you for your attendance here tonight.

Chairman Simpson – Thank you for coming out tonight and I appreciate your passion for both sides of the issue. I would like to express our appreciation for our staffs and attorneys. I do appreciate the time you have given to that.

The vote from the County Commissioner on the Resolution was 4/0 – (Commissioner Rogers was absent).

Mayor Pro Tem Barry moved to approve the Resolution that they were presented:

Councilmember Thomisser - I would like to echo what Commissioner Thomas said. As a former baseball player and football player I understand the benefit of youth sports and we have a lot of people here tonight who talk about the advantages of getting youth involved in sports. I want to ask you to suppose you bought a house in 1993 and paid \$600,000 precession and then attempted to sell the house and kept reducing the house until you got to \$400,000 and today you are still not able to sell that house. That is what these homeowners have experienced – a huge financial loss. I have also heard that the WCWAA is financially unable to remedy the current violation and to return the property to a no rise situation. My deceased mother used to say, “Where there is a will, there is a way.” I cannot tell you what the way is you probably know it better than I do. In my opinion, the mitigation plan is insufficient and must be corrected to a no rise situation. The current plan only addresses one third of the problem and the homeowners will still have flooding. It may not come up to their patio but it will certainly be in their back yard and I remind you 80% of the homes in Weddington are on water wells and on septic systems and do you really want to contaminate people’s wells? I cannot support this.

Mayor Pro Tem Barry - There are no winners. The park has to deal with it and certainly the adjacent homeowners have had to deal with it. I have a whole list of questions but at the end of the day Commissioner Kuehler was right, we are not asked to be the judge and to pick winners and losers. We are to determine if this is the best we got and it is the best we got in a horrible situation. Let the real professionals get involved and hopefully you will have your time with those FEMA engineers as the final plans get drawn.

Mayor Davidson – I want to say this is not an easy decision. No one is a clear winner here and we do not want winners and losers. It has been 7 years and three entities have probably spent \$200,000 and we have not moved any dirt. If we move forward with this and FEMA approves it, we are going to move some dirt and I think it is time to do that. I support this. We do not want to be in the suspension phase of the National Flood Insurance Program. This plan does not violate any of our ordinances and it is up to FEMA to determine if it is going to meet their requirements that we have to enforce. This is merely going on to FEMA and they will decide whether they approve it or not.

Attorney Fox - One point of clarification is that the Resolution that is before you does contemplate that there has been a certification by the Floodplain Administrator but in light of the comments from USI those have to be addressed by the park and that is a continued process. I want to make you aware that the language may be modified slightly to reflect USI comments.

The vote on the motion is as follows:

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

Item No. 12. Adjourn Meetings. Mayor Pro Tem Barry moved to adjourn the September 10, 2012 Special Town Council Meeting. All were in favor, with votes recorded as follows:

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

Chairman Simpson moved to adjourn the Commission Meeting. The vote was 4/0 to adjourn.

The meeting ended at 9:53 p.m.

Walker F. Davidson, Mayor

Attest:

Amy S. McCollum, Town Clerk

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, OCTOBER 8, 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 October 8, 2012, with Mayor Walker F. Davidson presiding.

Present: Mayor Walker F. Davidson, Mayor Pro Tem Daniel Barry (Arrived at 7:22 p.m.), Councilmembers Werner Thomisser, Pamela Hadley and Barbara Harrison, Town Attorney Anthony Fox, Town Planner Jordan Cook and Town Administrator Amy S. McCollum

Absent: None

Visitors: Judy Johnston, Ken Evans, Bill Price, Neil Atkins, Brian Vessels, Paisley Gordon, Jim Vivian, Rob Dow, Nancy Anderson, Chris Rea, Mike Simon, Dot Cooper and Laura Carver.

Mayor Walker F. Davidson offered the Invocation.

Item No. 1. Call to Order. Mayor Walker F. Davidson called the October 8, 2012 Regular Town Council Meeting to order at 7:00 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. Presentation by Citizens for Clear and Consistent Process in Local Government – Stress Test of the Current Weddington Land Use Plan (The Politics and Consequences Relevant to the Land Use Change of Parcel 06-150-045 and the Possible Land Use Change of Other Parcels Such as 06-150-047, 06-150-048, 06-150-148A, 06-147-010, 06-147-011 and 06-147-012) – 20 Minutes. Mayor Davidson gave the gavel to Councilwoman Pamela Hadley. Attorney Anthony Fox advised that the Mayor was handing the gavel over because according to the Town’s Rules of Procedures when the Mayor is engaged in debate they are to designate a person on Council to serve in their capacity.

Mayor Davidson - I have added something to the agenda. It is basically my opinion on where we stand with our Land Use Plan after the Polivka change that we made. The group name for the presentation was developed because I have been sitting in this room for three years and have seen a lot of frustrated people on different issues. I am frustrated and this is how I am going to try to state my case. I feel like I have represented people who like a clear and consistent process and the maddest I think I see people is when they do not think they got a fair shake and it was not clear and consistent. I will leave it up to someone else to represent the unclear and inconsistent process. I now want to state my case on why I think it was unclear and inconsistent.

The Objective of the Land Use Plan – the citizens of Weddington want to maintain or improve their hometown. They have a financial investment in the house that they live in. They have their environment that they have to live here every day. The objective of the developer is to maximize their investment. I hate to say it that way. That is the facts. I am in investments. Maximize and return on investment is their objective. That does not mean that we cannot work together. That does not mean in the Land Use Plan if

there is something that we are missing and we want to improve upon that we cannot work with the developer. You take the developer's plan and you put it together with the Land Use Plan and if they fit and work together that is fine. If changes need to be made in the developer plan that is fine. If we need to make changes in the Land Use Plan that is fine.

The Land Use Plan Process – the Town Council develops a Land Use Plan based on citizen input. We have a Land Use Plan. We are in the middle of updating the Land Use Plan. Our plan is good until 2012 or until we change it. There is a map that goes with the Land Use Plan. If we change the map which we did you need to be able to explain the change within the text of the Land Use Plan. If the map does not match the text then you need to change the text. You have to apply all that text to all the parcels in Town or describe some kind of exception that was made for that parcel.

Elections – The Process - The other thing that you are familiar with is the election process. Some citizen thinks he or she can do it better than the current council and they become a candidate. The candidate develops a platform on the issues to answer the main question why should I vote for you. The voters make the decision based on the information provided by the candidate or recommendation by others. The elected official makes decisions consistent with what they said during the campaign. That is the election process that we would like to see. In reality the election and the land use process are all bundled together – with developers, citizens and the Town Council involved in both processes and they make decisions accordingly. When you look at where you want to put your influence keep in mind that we have 10,000 citizens, 7,000 registered voters, 1,400 active voters, 5 elected officials but it only takes 3 votes to make a decision. The Mayor does not get to vote unless they break the tie. Everyone is going after three votes.

This is the Land Use Plan Map as it stood a few years ago before we made some recent changes. This is the document that supports that map. This is some text in the Land Use Plan that has to do with business/commercial development:

- § Commercial development in Weddington is confined (enclosed or restricted; limited) to that area located at the northeast quadrant of the intersection NC 16 and NC 84 (i.e., “Town Center”) – Page 46.
- § Prohibiting additional commercial development outside of the town center, particularly in the form of linear or strip development along roadways is an important policy that residents feel should be maintained – Page 12.
- § Limit such (commercial) development to small-scale retail and service businesses primarily serving Town residents – Page 17.
- § Residents believe that the Town should maintain a single commercial center. While the existing commercial center should transition to become a more pedestrian-friendly town center, its geographic area should not increase significantly and individual businesses should be limited to the scale needed to serve primarily Weddington residents – Page 12.
- § Limit the number of street curb cuts to avoid traffic congestion and ensure safety – Page 18.

These are the things that should be talked about when you change something from residential to business:

- § Is the parcel within the northeast corner?
- § Will the business serve the needs of Weddington residents?
- § Does the change make the Town Center more pedestrian friendly?
- § Does the change create more curb cuts?

Here is a blow up of the Town Center before all the changes took place. As I listen to these meetings over the last three years, every once in a while people talk about how they were raised, what their parents taught them. I am going to share with you something that my dad used to say to me. I remember asking him

when I wanted something I would go to him and say I want this. He would say that is great. He would tell me that people in hell want ice water. What he meant by that was I know that you want it, that does not mean you are going to get it and that does not mean you deserve it. State your case in terms that are relevant to conversations we have had in the past or a grievance we have had in the past. Stay on topic. The first change we made was the Treske property which changed this parcel to business. The reason was that he wanted to expand his existing business. The parcel is within the NE corner. It currently does service the needs of the Weddington residents. The change does make the Town Center pedestrian friendly. It does not create more curb cuts. That one passed. The next one was the Spittle and Matthews properties. Here is Spittle and as far as I know the reasoning was I am adjacent to business therefore I want business. It is in the NE corner. We do not know what business that is going to be. Does it make the Town Center more pedestrian friendly? It could. Does the change create more curb cuts? Not on Highway 16 but it could make one here. They went ahead and did the Matthews property at the same time so there would not be a donut hole. I remember that Rob Dow on the Planning Board recommended that the Town needed to provide some kind of boundary here. If you keep going with make me business because I am adjacent to business – there is no line and it is going to keep going. Let's go to Polivka that we just did. It is right here. Is the parcel within the northeast corner? It is not. Will the business serve the needs of Weddington residents – we will find out later what they said that they do. Does the change make the Town Center more pedestrian friendly? Not unless you want to walk across Highway 16 – four lanes of traffic with cars going 45 to 50 mph. Does the change create more curb cuts? Yes, in a place that we have had traffic problems before and NCDOT has just now resolved them for us. What I am getting at is that we have a map that is different than the text. We need to decide if we are going to change this text for all parcels or are we going to call out an exception for this property and use some language to tell us what happened so when we get other requests for change we will know what to do.

Why change to Business? This is the applicant's request. This is the letter that they sent. There is no application to do this.

- § Enhance the quality of life in the community.
- § Complement (add to something in a way that enhances or improves it; make perfect) adjacent properties which are listed as commercial and business.
- § Planning Board has amended the land use of three other parcels near my property from residential to business. I am trusting that the Planning Board will provide me with the same consideration.

This concerns me more than anything – other people are doing it and therefore you will give me the right to do it too. Now on this one let's look at these adjacent properties that are listed as commercial and business. That is the property, there is Hunter Farms, there is the church, they are not listed as business but they cited them as a reason. Adjacent is touching or next to. I do not think we are going to allow adjacent meaning jumping across the road.

For the public hearing, the representative for the applicant stated the reasons to change to business.

- § We want to do this to build complementary relationships together
- § Change in Providence Road dictates looking at this property in a different light from residential. *(Mayor Davidson - In this case the Providence Road widening was not a surprise to anyone. In our 2002 survey we asked a question specifically given that the Highway 16 corridor between Hemby Road and Marvin-Weddington Road will be four lanes wide within four years would you like to see development other than single family detached residential units? The answer was that 31% said yes and 69% said no. That was not an issue for the Town or citizens.)*
- § Not prepared to build a home there across the street from a gas station or a commercial building. *(Mayor Davidson - They bought the property with a house on residential property. They have all the property rights that the property came with. They have not been duped. They essentially overpaid for a Honda Accord and they want the Town to turn it into a Lexus.)*

- § Time to come forward because there have been other amendments (other properties on the East Side).
- § We realize we are across the street but we feel it is all really together.
- § Mr. Polivka would like to have just his corporate office here.
- § 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. (*Mayor Davidson - They want us to make churches a business on our Land Use Map.*)
- § To the other side is a farm but likewise there is a business that runs off that property.
- § 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.

Polivka International is a large corporation. They work exclusively for Class 1 railroads in the United States and Canada. They build the intermodal facilities as well as other railroad enterprises. Our definition is neighborhood scale businesses that serve the needs of Weddington residents? I doubt on Saturday morning I am going to go out and run some errands and ask Sally if she needs anything from Polivka International because I can run by there.

This is the Land Use Map before all the changes were made. This is what the Land Use Map will look like if we will take the definitions that have been put in here as far as churches or anything where there are people coming and going and transactions are taking place. If we blow it up and get close, here are three parcels that could make the same argument. I am adjacent to business. I am on Highway 16, who wants to build a house right here? This is before we started all these changes and they can be explained with everything that is in here and it is quickly turned into that and how do we explain that. The only way I can explain it is that you have blown a hole in our Land Use Plan. It is no longer recognizable and we need to make some changes to it.

Why change to business? This is from the public hearing from the people that voted for it.

Barbara Harrison

- § In the past, other councilmembers have voted for things that are inconsistent with the Land Use Plan.
- § Seven people are not going to cause a traffic jam.

Pam Hadley

No reasons stated

Dan Barry

- § I have already voted in favor of it at the earlier hearing.
- § Basil is a very good friend of mine.
- § We have a donut hole of development.
- § It is surrounded by commercial enterprises.
- § What in the world will you put there, because no one in their right mind is going to buy a house for a million dollars because that is what it will cost you to get your money out of it?
- § If not residential what will it be?

Are we going to put these things in our Land Use Plan? We have another example of a house on Providence Road down here on Bluebird Lane. This person tried to sell that house for \$3.2 million in November 2008. Then they lowered to \$2.7 million then \$2.2 and now \$1.9. I do not know why he is not in here asking to be business. What I am asking the Town Council to do is to take a survey to give me some language to put on public record as to what we did.

- § Was this change to the Land Use Map consistent with the Land Use Plan text?
- § If yes, please state the consistencies within the context of the Land Use Plan.
- § If no, what changes or additions should be made to the Land Use Plan to support the goals and objectives of the Land Use Map?
- § Of the 6 proposed parcels, which should be changed to business? Please explain your answer within the context of the Land Use Plan.

Item No. 5. Public Comments. Nancy Anderson – Thank you for your service. I wanted to talk about the public hearing that you are calling for the Polivka property. I would like for you to consider postponing that until after you get the survey back. I am not sure what the rush is for that. I think if you want good public input that would help you more. I want you to consider several other things when you make this decision. You have all seen what the elevation of the front of it looks like from Providence Road. I would like you to see what it looks like from behind from the view point of the Hunter Farm. I think we would all agree from past conversations with people who live here why they came here. People want to preserve the small town rural atmosphere and the agricultural heritage of the Town of Weddington. I want you to be careful not to destroy what everybody wants in favor of something that not too many people want or certainly need. I do think there is a compromise that can be made. Jamming as much in there as there was in the first application was probably not the way to go. Just a quick comment on why the former Councils changed the Land Use Plan for the Treske, Spittle and the Matthews properties is because it does enhance the walkability, the plan would be to connect the parking lots for the shopping center that we have now and those three parcels would all be connected and then NCDOT will help us put a road in and a light. That does two things - it slows traffic down but it also gives much better access.

Rob Dow – I would like to applaud the Mayor’s attempts at maintaining the integrity of the Town’s goals, plans and objectives to the Land Use Plan. A great portion of the time spent as of late has been by the Council and the Planning Board and discussions regarding commercial development. We are embarking on updating our Land Use Plan and if the results from the new survey, focus groups and public workshops generate a new Land Use Plan that shows a reversal of sentiment to favoring more non residential or commercial development, the Town needs to be aware of the very different forms that that can take. The current plan attempts to greatly restrict commercial development and to set a preference for a single downtown core off the highway where pedestrians could walk from area to area with a small town feel and a community versus the commercial strip development along a highway. I wonder if the results of the new Land Use Plan and surveys are consistent with the past. Mayor Davidson used this in his presentation - given the widening of Providence Road and Highway 16 he stated the overall return of 31% for yes for commercial and 69% for no. The next part of the question breaks it down as to of that 31% what do you want. This is astounding - 14% wanted more offices. That is 14% of 31%. That is 4.2% of the total answering the survey which is 95.8% did not want any offices. Approximately 92.25% wanted restaurants and retail. This was the survey for 2002. I am wondering if the Planning Board and Town Council will respond and respect the desires of the citizens that elected them.

Bill Price – I would like to commend Councilwoman Barbara Harrison and staff for the wonderful festival that they put on several weeks ago. I attended and had a wonderful time. There are several concerns. There is evidence from the booths that were displayed that we have a very well rounded talent here within this area. It was amazing. The entertainment was amazing. I have one question about that. Being an elderly person we had about five rocking chairs out here. In the future, I think we should have some additional seating or advertise that people bring chairs. The street into the shopping center is a main artery to get in and out of the shopping center and to also get on Highway 84. There were vehicles parked on either side of the street making it one way traffic. I tried that route four different times before I finally got out. In the future things of that nature and this size I think we should limit parking on both sides of that road for protection services.

Chris Rea – I want to commend the Mayor on his presentation. The thing that occurred to me when I saw that presentation is that the red areas look like a blood stain that was spreading out. My wife and I have lived in Weddington for 18 years and there seems to be a history of people that have gotten elected to Council saying they were going to do one thing and then turning around and doing something else entirely different. I have seen the Town change slowly but surely. The kind of things you brought up really concern me. I wanted to speak in support of you and go on the record that I am opposed to the commercial development.

Mike Simon – This is the first time I have seen this presentation. What concerns me and some other folks that I talk with when I have had discussions with members around this table and with Jordan on things in Weddington is it always came down to “what does the text say?” I have been frustrated by some of those. But I have learned that I have to abide by them. In this case with the land use I see text/rules if that is all true and see decisions being made otherwise or no explanation because of it. I would ask that you at least explain to the residents of Weddington if you are going to go forward with these kinds of decisions with what happened and why. You cannot tell me on one hand that my argument does not make sense because the text says this that was established by a Council and then turn around and say we make this decision regardless of the text. We have to have it consistent or it is not going to mean anything at all. Sure there are exceptions and you can explain it that way. I am also concerned about the process for change. If you have not done a survey of the residents of Weddington recently then how do you know what the residents of Weddington want? Whenever you listen to one person if you act on that decision without thinking about what happens in Weddington and what the future plans of Weddington will be you are setting a precedent. That precedent is just what I heard – more and more people come forward – more and more people want to do the same thing. That worries me. The Council is supposed to be about all the citizens and not just one or two. I respect the time and effort that you put into this and what you do but the rest of us only play this game once in a while and we play it when we hear things and we step up and we learn. I would ask that you be careful with what you are doing. If the Land Use Plan that you established is no longer valid, then change it, explain it and then give the citizens a chance to react to it. If it is valid, then what was the exception made to suit this decision?

Dot Cooper – I want to thank the Mayor also for presenting this. I am concerned about how we got here and how the changes and decisions were made. I know it caused uproar to me and other neighbors with the Polivka property. I want to caution you in how you move forward because I think that you are setting a precedent and we have a certain procedure that needs to be followed. I am real concerned about the decisions being made. I think we need to step back and look at that process and decide what changes need to be made and follow that in due course. I am concerned about the development also for that property. I do not think the church and the farm are a business in the sense that you are talking about. I would be real cautious on what retail development is going to go there if that is what you decide.

Laura Carver – I have participated in every Town survey. I want to let you know that I am one of the 69% that voted not in favor of commercial development except what already exists here which is in the Town plan if you so chose to read it. I am very concerned about the fact that you are interested in changing this. It does not make sense. I do not know who you think you are all of a sudden...

Councilwoman Hadley called for Point of Order. I am more than happy to hear any and everyone’s opinion but not be insulted.

Attorney Fox – This is public comment. She is allowed to just speak. She has three minutes. I did not hear any names being called so I did not associate it with any particular person.

Councilwoman Hadley – I want everyone to have that ability. I want to listen to everyone.

Councilwoman Hadley left the room.

Ms. Carver – The people that elected you are asking that you abide by this Land Use Plan and that is what we expect as voters and that is our constitutional right.

Item No. 6. Additions, Deletions and/or Adoption of the Agenda. Mayor Davidson requested that Council move Old Business until after New Business. Councilwoman Harrison moved to approve the amended agenda. All were in favor of the motion, with votes recorded as follows:

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

Item No. 7. Approval of Minutes.

A. August 9, 2012 Special Town Council and Planning Board Meeting. Councilwoman Harrison moved to approve the August 9, 2012 Special Town Council and Planning Board Meeting minutes. All were in favor of the motion, with votes recorded as follows:

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

B. September 10, 2012 Regular Town Council Meeting. Councilwoman Harrison moved to approve the September 10, 2012 Regular Town Council minutes. All were in favor of the motion, with votes recorded as follows:

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

C. September 20, 2012 Special Town Council and Planning Board Meeting. Councilwoman Harrison moved to approve the September 20, 2012 Special Town Council and Planning Board Meeting minutes. All were in favor of the motion, with votes recorded as follows:

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

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

A. Public Hearing to Review and Consider – Cable and Telephone Lines Text Amendment. Mayor Davidson opened the public hearing to review and consider the cable and telephone lines text amendment. Town Planner Cook reviewed the proposed text amendment with the Town Council:

Section 58-4 “Definitions”

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. **Cable television and telephone**

transmission lines that co-locate on electrical transmission towers that have been exempted from the setback requirements 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.

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

B. Consideration of Ordinance Adopting Cable and Telephone Lines Text Amendment. Mayor Pro Tem Barry moved to adopt Ordinance O-2012-13:

**AN ORDINANCE TO AMEND SECTION 58-4
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2012-13**

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:

Section 58-4 “Definitions”

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. **Cable television and telephone transmission lines that co-locate on electrical transmission towers that have been exempted from the setback requirements 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 8th day of October, 2012.

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

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

Item No. 9. New Business.

A. Call for Public Hearing – Review and Consideration of the Polivka M-X Rezoning (Public Hearing to be Held Tuesday, November 13, 2012 at 7:00 p.m. at the Weddington Town Hall)* Meeting on Tuesday because of Veteran’s Day. The Town Council received a copy of the Conditional Zoning Application dated April 24, 2012.

Councilwoman Harrison moved to call for the public hearing to review and consider Polivka M-X Rezoning to be held November 13, 2012 at 7:00 p.m. at the Weddington Town Hall.

Councilmember Thomisser - I do not think it is a secret I opposed the land use text amendment change for the Polivka property. I was in the minority. I feel like we are moving too fast on this. We have a Land Use Plan in effect and it specifically states in the northeast quadrant. We have a lot of new people who have moved to Weddington. We have no idea how people feel about this now versus 10 years ago. I make a substitute motion that we schedule the public hearing for the Polivka M-X rezoning until after we complete the revisions to the Land Use Plan.

Mayor Davidson questioned Attorney Fox whether the motion was valid under the law.

Attorney Fox – This is just calling for the public hearing - you set the time and date for it. You could move the date if it is the will of the Council.

Mayor Pro Tem Barry - He could say I want to change to the first week in January as an example.

The vote on Councilmember Thomisser’s motion is as follows:

AYES: Councilmember Thomisser
NAYS: Councilwoman Harrison and Mayor Pro Tem Barry

There was a discussion on how to count Councilwoman Hadley’s vote due to the fact that she had left the Council chambers prior to discussion of this matter and returned after the vote was taken. Attorney Fox and Council discussed whether her vote would be counted in the affirmative or with the majority. Attorney Fox felt that her vote would be counted with the majority so the vote would be 3 to 1 with the motion failing. Mayor Pro Tem Barry did not feel that Attorney Fox’s ruling was consistent with rulings in the past.

Councilmember Thomisser made another substitute motion to schedule the public hearing to the first Monday in January of 2013. The vote was as follows:

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

The motion failed.

The vote on Councilwoman Harrison's original motion is as follows:

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

B. Review and Discussion of Union County's Economic Development Program. Town Administrator McCollum reviewed the following information with the Town Council:

Town staff received an email from County Manager Cindy Coto regarding a motion made by Chairman Simpson on August 30, 2012 regarding pursuing an Interlocal Agreement with the City of Monroe for a county-wide economic development program which would include:

- Appointing a 24-member advisory board as follows: eight (8) voting members appointed by the City; eight (8) voting members appointed by the County, and eight (8) ex officio members. In order to give the municipalities an opportunity to buy into the program financially or through strategic planning, no more than six (6) of the County's eight (8) appointees may be representatives of municipalities, with no municipality having more than one (1) seat on the board. The remaining two (2) County appointments shall be at large members.
- Offering the Chairmanship of the Board of Directors to the City of Monroe for the first two years and at the end of that two years, the board would negotiate how to decide the Chairmanship thereafter.
- Exploring the opportunity to establish a 501(c)(3) corporation, which would allow for the use of private funding in support of the economic development program.
- Designing the Interlocal Agreement so that it would sunset on June 30, 2015, which would allow approximately six months to establish the organization, and two (2) full years of operation of the program.
- If a successful negotiation has not been reached with the City of Monroe by October 1, 2012, then consider a program more in line with the town managers' proposal.
- Funding of the program on an annual basis would be \$700,000 with \$400,000 being paid by the County and \$300,000 being paid by the City. The County would pay the \$400,000 annually and then work with the municipalities, who have an interest in contributing financially to the program, on repayment of their proportionate share to the County.
- Employing five staff members who are and would continue to be employees of the City of Monroe.

Current Status – County and City staff have met and are developing an Interlocal Agreement that contains the above bullet points.

Councilwoman Harrison - I do not want to give any of our taxpayer money to Union County for this considering we paid Union County taxes already.

Mayor Pro Tem Barry - I really do not have an opinion on this. The Western Union County Municipalities Coalition has a little bit of interest in this only to make sure where something is not located. The question for this Council is do we want to engage only to be part of the team versus saying you go do what you want to do and we will sit it out.

Mayor Pro Tem Barry moved to defer consideration on this item until the Town receives a formal invitation from Union County. All were in favor of the motion, with votes recorded as follows:

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

C. Consideration of Donating Town Laptop to Providence VFD. Councilwoman Hadley stated, “I was asking the Providence VFD their timetable for doing the inspection of the hydrants. In that conversation I was told about a program that they can utilize to input the pressure from the hydrant at the scene and this program actually does the map, gives the gallons per minutes and creates a PDF. It takes a lot of time and effort off of the manpower needed to write it down at the scene, take it back to the department and to do the math. We are moving towards a new computer system with VC3 and we are going to have some laptops available. I suggested donating one of those laptops to Providence VFD to help with the hydrant inspections.”

Attorney Fox advised that a Resolution would need to be drafted and included in the motion for this donation.

Councilwoman Harrison questioned how old the laptop was. Town staff advised approximately eight years old. Councilwoman Harrison further discussed that in corporate America laptops are written off every three years.

Councilwoman Hadley moved to donate the laptop to the Providence VFD and to instruct staff to prepare a Resolution to declare the property surplus.

Councilmember Thomisser questioned if the computer is going to be solely used for the fire hydrant testing. He stated, “I understand that Providence’s area of responsibility has increased and I do not have a problem with the computer. Does Stallings VFD or Wesley Chapel VFD have any areas that need this computer software program?”

Councilwoman Hadley – They do not in the Town of Weddington. Providence VFD cannot use the program unless they have a laptop. I am sure they will be able to incorporate its use for some of their other duties such as taking minutes, etc.

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

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

Item No. 10. Old Business.

A. Review and Consideration of 2012 Land Use Town Survey. The Town Council received a copy of the proposed Town Survey. Town Council discussed and recommended changes to the proposed land use survey. Council discussed the best way to give the survey to the citizens. The Town Council agreed to allow COG and Town Planner Cook to revise the survey and make recommendations at Thursday’s Land Use Plan Meeting on how to distribute.

Mayor Pro Tem Barry moved to approve the 2012 Land Use Town Survey as amended. All were in favor, with votes recorded as follows:

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

Item No. 11. Update from Town Planner. The Town Council received the following update from Town Planner Jordan Cook:

- Construction of the Weddington Church Road relocation project began on June 27th. The traffic signal has been installed and the intersection construction is nearly complete.
- The Town Council and Planning Board held another joint meeting on Thursday, September 20th to discuss the Land Use Plan Survey. Staff is working with Centralina COG to fine tune this survey based on comments received from the Town Council and Planning Board. The Council will approve a survey at their Monday, October 8th meeting.
- 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 applicant is now working with Union County on finalizing sewer plans. Once finalized, the applicant can submit the Preliminary Plat.
- The Planning Board gave the Polivka MX Conditional Zoning Rezoning application a favorable recommendation at their September 24th meeting. This rezoning will be on the November 13th Town Council agenda for Public Hearing and Consideration.
- The Planning Board approved the Temporary Use Permit for the Weddington Country Festival. That event took place on Saturday, September 22nd.
- The following items were on the September 24th Planning Board agenda: Polivka MX Conditional Zoning Rezoning
- The following items will be on the October 22nd Planning Board agenda:
 - Section 58-60 MX Zoning Text Amendment
 - Land Use Plan/Map Text Amendment
 - Section 46-46 Subdivision Checklist Text Amendments: requirements for fire hydrants and Traffic Impact Analysis

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

- § The new computers for the Weddington Deputies are up and running.
- § Deputy Tyler Mills will be leaving the UCSO effective next week. They are working on getting his replacement for the Town.
- § The Weddington Country Festival was a success. Councilwoman Harrison will give an update during the November Council Meeting.
- § Mayor Davidson, Mayor Pro Tem Barry and Deputy Black will be attending the HOA Meeting for the Greystone Subdivision at the end of this month.
- § 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.
- § Councilwomen Hadley and Harrison and Town Planner Cook and I have been trained on how to use the defibrillator. Plans are being arranged to train the rest of the Council and staff on how to use the defibrillator.
- § Plans for this year's Tree Lighting are underway. The event is scheduled for Friday, November 30.
- § Applications are being requested to fill the vacant seat on the Public Safety Advisory Committee and for the two seats that are to expire on the Planning Board.
- § The USPS has conducted the ZIP Code Boundary Review. After reviewing the data collected, they believe it would not be in the best interest of the 757 current customers who would have to change their ZIP Code to accommodate our request of a last line address change for all the

annexed areas of Weddington. They believe such a ZIP Code assignment is also unnecessary. Residents who have the last line address of Matthews, NC 28104 can use the alternate name of Weddington, NC 28104. However, the 757 residents who reside in Waxhaw, NC 28173 ZIP Code will not be allowed to use the last line of Weddington, NC as it would create the possibility of mail being disrupted to include return to sender as no such address exists. They are planning to have a staff member from their office to visit the Town to discuss further.

Upcoming Meeting Dates:

- October 6 - 9:00 a.m. (Litter Sweep)
- October 8 - Town Council Meeting at 7:00 p.m.
- October 11 - Town Council and Planning Board Land Use Plan Meeting at 6:00 p.m.
- October 22 - Planning Board and Historic Preservation Commission Meeting at 7:00 p.m.
- November 12 - Town Hall Closed for Veteran’s Day
- November 13 - Regular Town Council Meeting (One Day Later due to Veteran’s Day)

Item No. 13. Public Safety Report.

Weddington Deputies – 485 Calls

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

Item 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 9/1/2012 to 9/30/2012.

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

Transactions:	
Tax Charge 2012	\$1,109,263.29
Tax Exemptions 2012	\$(55,337.20)
Tax Deferments 2012	\$(64,663.87)
Tax Write-offs Under \$5.00	\$(792.29)
Late List Penalties 2012	\$155.60
Adjust Under \$5.00	\$(5.89)
Advertising Fees Paid	\$(53.06)
Refund	\$1,476.77
Penalty and Interest Payments	\$(133.27)
Taxes Collected:	
2008	\$(60.00)
2009	\$(142.48)
2010	\$(222.79)
2011	\$(760.54)
2012	\$(129,487.48)
As of September 30, 2012; the following taxes remain Outstanding:	
2002	\$82.07
2003	\$129.05

2004	\$122.90
2005	\$252.74
2006	\$150.20
2007	\$144.42
2008	\$1,902.02
2009	\$2,616.79
2010	\$4,668.67
2011	\$7,109.82
2012	\$860,584.98
Total Outstanding:	\$877,763.66

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

Item 16. Council Comments. Mayor Davidson thanked Councilwoman Harrison for her work on the Weddington Country Festival.

Item 17. Adjournment. Councilwoman Harrison moved to adjourn the October 8, 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 9:25 p.m.

Walker F. Davidson, Mayor

Amy S. McCollum, Town Clerk

**TOWN OF WEDDINGTON
SPECIAL TOWN COUNCIL AND PLANNING BOARD MEETING
THURSDAY, OCTOBER 11, 2012 - 6:00 P.M.
MINUTES**

The Town Council and Planning Board of the Town of Weddington, North Carolina, met in a Joint Session at the Weddington Town Hall, 1924 Weddington Road, Weddington, NC 28104 on October 11, 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, Planning Board Members Rob Dow, John Giattino (6:20 p.m.), Jennifer Romaine and Jim Vivian, Town Planner Jordan Cook and Town Administrator Amy S. McCollum

Absent: Dorine Sharp, Janice Propst and Jeff Perryman

Visitors: Bob Davis, Matthew Delk, Genny Reid, Ken Evans, Richard Sahlie, Jack Parks, Mike Sealy, Paisley Gordon, Pat Harrison, Monica and Bill Snider, Bob Lockerman, Liz Delk, Angela Curcio, Amy Curcio, Catherine Heath, Elton Hardy, Larry Cravens

Item No. 1. Open the Meeting. Mayor Walker F. Davidson called the October 11, 2012 Special Town Council Meeting to order at 6:01 p.m. There was a quorum.

Vice-Chairman Rob Dow called the October 11, 2012 Special Planning Board Meeting to order at 6:20 p.m. when a quorum arrived.

Item No. 2. Development of the 2013 Weddington Land Use Plan.

A. Presentation by Union County Public Works Director Ed Goscicki. Union County Public Works Director Ed Goscicki gave the following presentation to the Town Council and Planning Board regarding Water and Sewer Line Extension Policy Revisions and discussed Union County's water and sewer approval process.

Background and Purpose

- § Policy has been in place since 1997 with periodic updates
- § Policy addresses developers' responsibilities to design and construct W/S infrastructure to UCPW standards and transfer these assets to Union County to serve the new customers in the proposed development
- § In consideration of contribution of assets we agree to provide capacity to meet the service needs, and to provide the ongoing W/S service to the development
- § Policy assumes all projects are treated with the same degree of priority (no restrictions on the amount of capacity we have)
- § Two workshops with the Board and two meetings with development community for input on this draft

Old Policy was disjointed in its approach

- § Approval of the projects is through NCDENR permit issuance
- § Water and sewer capacity fees are treated differently
- § Capacity allocation is tracked outside this process – through DENR Permits
- § No clear process for acceptance of ownership of the infrastructure
- § Policy is "cluttered" with extraneous issues (Leak credit policy and hydrant use)
- § No defined policy for dealing with off-site improvements.

Features of the New Policy/Ordinance

- § Union County approves the project not NCDENR
- § Capacity is defined in the review process and allocated through a “Standard Agreement” incorporated in this policy
- § Limits the time - capacity will be held for five years.
- § Provides for defined coordination with appropriate planning jurisdictions
- § Water and Sewer capacity fees and capacity allocation are treated the same
- § Policy specifically addresses oversizing and off-site improvements
- § Creates a policy for short line extensions to existing platted lots

New Policy Drivers

- § Discourages Developers from tying up capacity
 - Shifts capacity fee payment up front
 - Put more constraints and conditions on partial acceptance of line extensions
 - Idle projects will forfeit their capacity allocation
- § Levels the playing field
 - Off-site improvements and over sizing responsibilities defined
 - Review and approval processes are clarified
- § Allows developers to lock in zoning (preliminary plat) and phase water and sewer capacity allocation
- § Replaces the Self-help program

Roles and responsibilities are defined

First Step is still sketch plan submittal

- § Purpose is to get an understanding of the project and its impact on the utility system
- § Acceptable plan is not an approval
- § No commitment by either party at this time

Plan review is next step

Plan review and approval stage is when the developer locks down system requirements and may apply for Preliminary Plat approval

Final Approved Plans

- § Defines any off-site improvements needed to serve development
- § Addresses options for over sizing - In 5 year CIP or not
- § Allows developer to obtain preliminary plat for entire plan and then move forward with capacity commitment on a portion of the development

Standard Line Extension Agreement allows project to move to construction

With NCDENR approval we now enter into a Standard Line Extension Agreement

Agreement locks in capacity for all or a portion of the proposed development

- § Capacity Fees paid in full
- § Allocated capacity specified in agreement
- § Off-site improvement (if any) specified
- § Five years to complete development or forfeit capacity and fees
- § Planning agency notified on approval to construct and commitment of capacity

Construction and Acceptance

With Agreement executed developer may proceed with construction of W/S infrastructure

At start of utility construction developer may submit final plat approval request. Public Works should be sent the final plat from the appropriate planning jurisdiction to confirm availability of water and sewer.

We recognize there will be cases that require a partial acceptance of the Project (even given that the “Project” may be a phase of the Development)

Partial Acceptance comes with additional requirements

- § Additional works may be required to assure water quality
- § Portion of the project must on its own meet UCPW specification for partial acceptance
- § Maintenance Bond will be required for the partial acceptance
- § We do not require a separate LOC for completion of the work

First Step is transfer of ownership upon completion of construction

- § Warranty starts with acceptance of the Project
 - § Public Works issuance of CO after receipt of Title and Warranty Letter of Credit
-

Other Items Discussed:

- § Union County has made material changes to their Water and Sewer Line Extension Policy.
- § In September, the County Commissioners rescinded the Water and Sewer Allocation Policy.
- § Union County has achieved additional water capacity.
- § Mr. Goscicki reported that the County is already working on their first amendment to the policy due to issues that were brought up by the developers for the proposed Vintage Creek Subdivision. He advised that Vintage Creek has not submitted a sketch plan to Union County.
- § In July, Union County allocated \$500,000 a year to fund short line extensions for individual property owners or individual businesses that are up to 1,000 feet from an existing line. Union County would pay for the first 1,000 feet on a first-come first-serve basis.
- § Mr. Goscicki informed the Council that developers are concerned if they have a big project that will take 10 to 15 years to build out that they cannot afford to come in up front and pay all of the fees and to try to build the infrastructure in five years. He stated, “We worked up a process with them where we would facilitate them locking in at the preliminary plat phase. The preliminary plat locks in the zoning, land use and they get vested rights.”
- § At the time the developer has an acceptable set of plans, the County would send an “Accessibility Letter” to the planning jurisdiction. Union County is not making any commitment as to capacity. Union County is saying that the plans are acceptable. He stated, “That is usually the trigger for the planning jurisdiction that the developer has satisfied UCPW for water and sewer and this is an acceptable way to move forward. At that point the Town could issue a preliminary plat. We submit the final plans to the State agency for review and approval. When we get those plans, we then move forward with executing an agreement with the developer to move forward on whatever portion of that project they want to move forward on.”
- § Mr. Goscicki advised that the big challenge right now for the Vintage Creek Subdivision is that sewer is quite a distance away. Union County’s policy/ordinance as it is written right now says that the developer is responsible for 100% of the design, construction and permitting of any and all off-site improvements. He stated, “Centerline/Vintage Creek informs us that they are building 90 homes but would have to spend \$1 million on off-site sewer improvements. They have

advised that they cannot do it. The challenge is with the geography. Our roads were typically built on ridge lines. Our sewage lines all run in the drainage ways. Centerline has advised us that economically they could not make their project work under the current ordinance. We are working on a program to allow the developer to contribute money rather than build that entire pipe or have them contribute a proportionate share of that cost. We recognize that is not equitable. We are working through some recommendations for our Board to consider in December or January.”

- § Mr. Goscicki reviewed water and sewer maps for Weddington.
- § The developer would be responsible for acquiring the right-of-way. He stated, “If the property owner does not want to sell, would Union County condemn the property? Nothing in our ordinance says that we will or will not. Our board is not predisposed to doing a lot of condemnation. They will do it when there is a public good, health and public safety.”
- § The only water improvements shown for Weddington in Union County’s Capital Improvement Program are a water tower and two new pressure reducing valves associated with that tower. Everything else is through developer contribution or private citizens doing line extensions.
- § Mr. Goscicki reported that water lines are located everywhere in the Town; however, sewer flows down hill and is much more of a challenge.
- § Union County has identified areas in the Town that have septic issues as reported by the Health Department.
- § Mr. Goscicki discussed the Enterprise Fund and that all revenues come from the users of the system and zero taxes support the water and sewer fund.
- § If Weddington is considering as part of the Land Use Plan Update a redevelopment of the downtown area, the County Commissioners approved a policy as part of the Water and Sewer Master Plan that Union County will work with communities to ensure that there is sewer capacity infrastructure available.
- § Under State Statutes, the Public Works Department is not able to give preferential rates or free service for water or sewer.
- § Union County is not required to be in the utility business and cannot require people to hook up except through local land use ordinances.
- § Antioch Church Road area does not have water. A lot of Weddington is still on wells but water is nearby. Providence VFD President Jack Parks expressed his concern with fire flow in the Antioch Church Road area and asked if Union County would consider extending a line for safety reasons. Mr. Goscicki advised that would be a County Commission decision. He also advised that Union County does not run a water line any longer without also putting in the necessary fire hydrants.

Council thanked Mr. Goscicki for his time to present water and sewer plans for Weddington and Union County.

B. Land Use Plan Survey. Town Planner Jordan Cook advised that COG is finalizing the latest revisions to the Town survey. Town Council agreed to pursue an online survey and to have paper copies at the Town Hall for people that do not have access to a computer. The Town will send out a post card notifying citizens about the survey and give them two to three weeks to complete. Depending on the percentage of residents filling out the survey, Town staff may send out an additional post card to remind people to complete the survey.

Item No. 3. Adjournment. Mayor Pro Tem Barry moved to adjourn the October 11, 2012 Special Town Council and Planning Board Meeting. All were in favor, with votes recorded as follows:

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

Mr. John Giattino moved to adjourn the October 11, 2012 Special Town Council and Planning Board Meeting. Mr. Jim Vivian seconded the motion, with votes recorded as follows:

AYES: Vivian, Giattino, Romaine and Vice-Chairman Dow

The meeting adjourned at 7:19 p.m.

Walker F. Davidson, Mayor

Rob Dow, Vice-Chairman

Attest:

Amy S. McCollum, Town Clerk

Sec. 46-46. - Information to be contained in or depicted on preliminary and final plats.

The preliminary and final plats shall depict or contain the information indicated in the following table. An 'X' indicates that the information is required. Preliminary plat information is only required for major subdivisions.

Information	Preliminary Plat	Final Plat
Title block containing the subdivision name and the name of the owner	X	X
Location (including township, county and state)	X	X
Date or dates survey was conducted and plat prepared	X	X
A scale of drawing in feet per inch listed in words and figures	X	X
A bar graph scale and north arrow	X	X
The name of the subdivider	X	X
A sketch vicinity map with north arrow showing the relationship between the proposed subdivision and surrounding area	X	X
The names, addresses and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects and professional engineers responsible for the subdivision	X	X
The registration numbers and seals of the professional engineers and land surveyors	X	X
Date of plat preparation	X	X
The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	X	
The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands		X
The names of owners of adjoining properties	X	X
The names of any adjoining subdivisions of record or proposed and under review	X	X
Minimum building setback lines	X	X
The zoning classifications of the tract to be subdivided and on adjoining properties	X	
Existing property lines on the tract to be subdivided and on adjoining properties	X	X
Existing buildings or other structures, watercourses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	X	X

Proposed lot lines, lot and block numbers, and approximate dimensions	X	X
The lots numbered consecutively throughout the subdivision		X
Marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site	X	X
The exact location of the flood hazard, floodway and floodway fringe areas from the town's FEMA maps in compliance with chapter 58 , article XIII of the Weddington Code of Ordinances	X	X
Septic tank suitability data furnished by the appropriate county health department	X	
Proposed roads with horizontal and vertical alignment	X	X
Existing and platted roads on adjoining properties and in the proposed subdivision	X	X
Rights-of-way, location and dimensions	X	X
Pavement widths	X	X
Proposed grades (re: Roads)	X	X
Design engineering data for all corners and curves	X	X
Typical road cross-sections	X	X
Road names	X	X
If any road is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as required by the state department of transportation, division of highways' manual on driveway regulations. Evidence that the subdivider has obtained such approval	X	X
<u>Subdivisions which are connected to Union County water systems must show the location of proposed fire hydrants in accordance with Union County Public Works standards.</u>	<u>X</u>	<u>X</u>
The location and dimensions of all utility and other easements	X	X
The location and dimensions of all buffer strips	X	X
The location and dimensions of all pedestrian or bicycle paths	X	X
The location and dimensions of all school sites, both existing and proposed	X	X
The location and dimension of all parks and recreation areas with specific type indicated	X	X
The location and dimensions of areas to be used for purposes other than residential with the purpose of each stated	X	X

The future ownership (dedication or reservation for public use to governmental body, homeowners' association, or for tenants remaining in subdivider's ownership) of recreational and open space lands	X	X
Acreage in total tract to be subdivided	X	
Acreage in parks and recreational areas and other nonresidential uses	X	
Total number of parcels created	X	
Acreage in the smallest lot in the subdivision	X	
Linear feet in streets	X	
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is listed on the U.S. Department of Interior's National Register of Historic Places or is designated as a local historic property by the county	X	X
The accurate locations and descriptions of all monuments, markers and control points		X
A copy of the approved erosion control plan submitted to the appropriate field office of the department of natural resources and community development, land quality division, for any major subdivision	X	X
A copy of any proposed deed restrictions or similar covenants	X	X
A separate map drawn at the same scale as the preliminary plat showing only proposed streets and lot lines, topography with contour intervals of no greater than ten feet (at the discretion of the subdivision administrator, contour intervals of five feet may be required), and an accurate mapping of soil classifications found on the site and general depths thereof	X	
A disk or tape copy of the final plat to be submitted in a format compatible to the town's GIS system. If this can not be supplied, expenses will be charged to the developer for the service to be completed by the town plus 15 percent		X
A copy of the approved roadway plan submitted to the appropriate office of the state department of transportation for any major subdivision	X	
A copy of permits from Army Corps of Engineers, pursuant to section 58-342	X	
The location and dimensions of all drainage easements as defined in article XIII of the chapter 58 , including P.E. certification when required	X	X
Compliance with section 58-338, "setbacks from streams"	X	X
Establishment of flood protection elevation (FPE) in accordance with section 58-338	X	X

Drainage, stormwater management plan and wetland protection plan demonstrating compliance with Chapter 58 , Article XIII, Division 6 of the Weddington Code of Ordinances	X	X
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Sec. 58-60. - MX mixed-use conditional district.

The MX mixed-use conditional district is hereby established in order to accommodate a highly limited type of mixed use development in accordance with the intent described in subsection 58-5(3)b. Development in a MX mixed-use district may only occur in accordance with the requirements for conditional zoning as outlined in section 58-271. ~~Rezoning to a MX district shall only be applicable to areas designated for future retail/office development in the town's land use plan.~~ MX district rezoning's will only be considered for areas designated for future Business in the Land Use Plan.

IV. PLAN ADMINISTRATION AND IMPLEMENTATION STRATEGIES

This element provides for the implementation and ongoing administration of the Land Use Plan by:

- Describing the processes for monitoring and amending the Plan over time;
- Explaining specific strategies required to achieve the Plan's goals and objectives; and
- Scheduling the implementation of plan strategies.

PLAN MONITORING & AMENDMENT

The Land Use Plan is intended to serve as a guide for public and private development and land use decisions through the year 2012. Changes to the Land Use Plan shall only be initiated by the Town Council, Planning Board or Zoning Administrator. As local and regional conditions change, changes to the policies (including maps) and strategies will be required to keep the plan current. While specific procedures for amendment should be adopted by ordinance, the following paragraphs outline the process for monitoring and amending the plan. The Town should conduct an annual review to determine its progress in achieving plan goals, objectives and strategies. During this review, the Town should evaluate development decisions (e.g., zoning changes, subdivisions, building permits and public works projects) that have been made by the Town and other jurisdictions, growth trends and the progress made in accomplishing the strategies listed in this Plan element. The result of the annual review may be to recommend revisions to policies, the future land use map or the implementation program.

POLICY REVISIONS

To ensure that the Land Use Plan remains an effective guide for decision-makers, the Town should conduct periodic evaluations of the Plan policies and strategies. These evaluations should be conducted every three to five years, depending on the rate of change in the community. Should a major review be necessary, the process should encourage input from merchants, neighborhood groups, developers, and other community interests through the creation of a Citizen Review Committee. Any Plan amendments that appear appropriate as a result of this review should be processed according to the adopted Plan amendment process. These evaluations should consider the following:

- Progress in implementing the Plan;
- Changes in community needs and other conditions that form the basis of the Plan;
- Fiscal conditions and the ability to finance public investments recommended by the Plan;
- Community support for the Plan's goals and policies; and
- Changes in State or federal laws that affect the Town's tools for Plan implementation.

LAND USE MAP AMENDMENTS

The future land use map is a guide for development and land use decisions. Changes to the Land Use Map shall only be initiated by the Town Council, Planning Board or Zoning Administrator. Changing conditions (e.g., market conditions, economic development initiatives, redevelopment prospects, etc.) will result in the need to periodically amend the future land use map. While land use amendments may occur more frequently than policy changes, they should not occur more than twice per year. By limiting opportunities to amend the future land use map, the Town will reduce the potential for incremental land use changes that result in unintended policy shifts.

DESCRIPTIONS OF IMPLEMENTATION STRATEGIES

Successful implementation of the Plan results from many individual actions by the Town, other public jurisdictions, and private decision-makers over the course of many years. The vision, goals and objectives describe what the community wants to become and the policies describe how decision-makers should respond to varied circumstances. To accomplish the Plan's goals and objectives, the Town will need to accomplish many tasks throughout the life of the Plan. These key action items will be used to accomplish the Plan's goals in the initial years of plan implementation. While most of the items identified in the following discussion will be carried out by the Town, some items may require coordination with Union County or some other entity.

IMPLEMENTATION PROGRAM

The following list of strategies should be reviewed and updated annually to reflect community accomplishments, new approaches to community issues, changing conditions, shifting priorities and new demands.

This list is not intended to be exhaustive or all inclusive -- the Town, County and other public and private entities will take numerous actions throughout the life of this plan to

achieve the community's goals. This list of strategies is intended to identify those deemed to be of the highest priority that should be pursued by the Town over the next several years. The strategies

Union County Multi-jurisdictional Hazard Mitigation Plan Update Overview

Union County is vulnerable to a wide range of natural hazards, including flooding, tornadoes, tropical storms and hurricanes, winter storms and earthquakes. These hazards threaten the life and safety of county residents, and have the potential to damage or destroy both public and private property and disrupt the local economy and overall quality of life. While the threat from hazardous events may never be fully eliminated, there is much we can do to lessen their potential impact upon our community and our citizens. By minimizing the impact of hazards upon our built environment, we can prevent such events from resulting in disasters. The concept and practice of reducing risks to people and property from known hazards is generally referred to as hazard mitigation.

The original Union County Multi-jurisdictional Hazard Mitigation Plan was adopted in 2004. The plan is multi-jurisdictional and includes the participation of Union County and all of its incorporated municipalities. Each of these jurisdictions are continuing participants of Union County's original Hazard Mitigation Plan.

The update of the plan began with the Mitigation Advisory Committee's meeting on December 4, 2009. The Committee reviewed the process specified in the Maintenance Section of the previously approved plan for monitoring, evaluating and updating the plan, and discussed the goals and methods to be used in the plan update. The Committee decided that Union County Emergency Management would spearhead the effort and coordinate with local leaders to review risks, capabilities, and mitigation strategies in each jurisdiction.

A final meeting of the Mitigation Advisory Committee was held on September 22, 2011. The meeting was open to public comment, and legal notices were placed in local newspapers, directing the public to the online draft for review. No members of the public attended the meeting. During the meeting, the committee reviewed the changes to the plan and suggested minor revisions to a handful of mitigation actions. It was agreed that after these changes were made, the plan was recommended for submittal to state and federal officials.

The plan was submitted to the North Carolina Division of Emergency Management, Hazard Mitigation Planning Section for review, and returned with recommendations for minor revisions. These changes were made and the plan was then sent to FEMA for review. FEMA returned the plan with recommendations for minor revisions. These changes were made as well and FEMA approved the plan on February 01, 2012.

Section 9 of the plan contains the mitigation actions that have been developed for the next plan period. Plan requirements are that there must be a mitigation action to address each hazard that is identified in Section 4 of the plan; Hazard Analysis section. These are the Mitigation Actions for the Town of Weddington.

1. Continue actively participating in the National Flood Insurance program.
2. Regularly calculate / document the amount of flood prone property preserved as open space.
3. Seek and encourage continued training for first responders by coordinating with local fire department.
4. Educate the public about potential natural hazards and safety measures that can be taken.
5. Continue to coordinate with NCEM and FEMA to update the local Flood Insurance Rate Maps through the North Carolina Floodplain Mapping Program.

Together we will work toward accomplishing these mitigation actions over the next five years. It is our intent for the Mitigation Advisory Committee to meet annually to review each mitigation action listed in the plan and to evaluate each action on its progress and its continued applicability.



FEMA

February 1, 2012

Mr. Chris Crew
State Hazard Mitigation Officer
North Carolina Division of Emergency Management
4713 Mail Service Center
Raleigh, North Carolina 27699

Reference: Union County, NC Multi-jurisdictional Hazard Mitigation Plan Update

Dear Mr. Crew:

This is to confirm that we have completed a Federal/State review of the Union County Hazard Mitigation Plan Update for compliance with the federal hazard mitigation planning standards contained in 44 CFR 201/6(b)-(d). Based on our review and comments, Union County developed and submitted all the necessary revisions. We have determined that the Union County Hazard Mitigation Plan is compliant with federal standards, subject to formal community adoption.

In order for our office to issue formal approval of the plan, Union County must submit adoption documentation and document that the final public meeting occurred. Upon submittal of these items to our office, we will issue formal approval of the Union County Hazard Mitigation Plan.

If you have any questions or need any further information, please do not hesitate to contact Victor Geer, of the Hazard Mitigation Assistance (HMA) Branch at (770) 220-5659 or Linda L. Byers, Planning Lead Specialist, at (770) 220-5498.

Sincerely,

A handwritten signature in black ink that reads "Robert E. Lowe". The signature is written in a cursive style with a long horizontal line extending to the right.

Robert E. Lowe, Chief
Risk Analysis Branch
Mitigation Division

**TOWN OF WEDDINGTON
RESOLUTION TO ADOPT THE UNION COUNTY NORTH CAROLINA MULTI-JURISDICTIONAL
HAZARD MITIGATION PLAN
R-2012-09**

WHEREAS, the citizens and property within the Town of Weddington are subject to the effects of an array of natural hazards that can cause loss of life and damages to public and private property; and

WHEREAS, the Town of Weddington desires to seek ways to mitigate the impact of such hazard risks; and

WHEREAS, it is the intent of the Weddington Town Council to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

WHEREAS, N.C. Gen. Stat. § 166A-6.01(b)(2)(a)(3) states: “For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after the deadline established by the Federal Emergency Management Agency pursuant to the Disaster Mitigation Act of 2002, P.L. 106-390, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act;” and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five year cycle; and

WHEREAS, it is the intent of the Weddington Town Council to fulfill its obligation under the aforementioned laws in order that the Town of Weddington will remain eligible to receive state and federal assistance in the event of a declared disaster affecting the Town of Weddington; and

WHEREAS, Union County and the other jurisdictions included in the Plan have performed a comprehensive review and evaluation of each section of the Multi-Jurisdictional Hazard Mitigation Plan approved by the County in 2004, and have updated the plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

NOW, THEREFORE, BE IT RESOLVED that the Weddington Town Council hereby:

1. Adopts the updated Union County North Carolina Multi-Jurisdictional Hazard Mitigation Plan (the “Plan”), which plan shall supersede the Multi-Jurisdictional Hazard Plan adopted by Weddington in 2004; and
2. Agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

Adopted on the 13th day of November, 2012.

Walker F. Davidson, Mayor

ATTEST:

Amy S. McCollum, Town Clerk



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

OCTOBER 25, 2012

EUGENE A. CONTI, JR.
SECRETARY

Weddington Town Hall
Amy McCollum
1924 Weddington Road
Weddington, NC 28104

Dear Ms. McCollum:

Attached are Municipal Speed Limit Ordinances for enacting speed limit zones on:

SR 1358 (Forest Lawn Dr) from SR 1357 (Potter Rd) NW to SR 1338 (Antioch Ch. Rd)

SR 1358 (Forest Lawn Dr) from SR 1357 (Potters Rd) NW to SR 1344 (Weddington-Matthews Rd)

This ordinance will not change the speed limit on this section of road as it is already posted 45 MPH.

If you are in agreement please have the ordinances executed by the proper city officials and returned to this office for further handling. PLEASE DO NOT ALTER OR ADD TO THIS ORDINANCE.

If you have any questions or concerns, please contact Mr. Sean Epperson at 704-983-4400.

Sincerely,

Louis L. Mitchell sme

Louis L. Mitchell, PE
Division Engineer

LLM/sme

Cc: John Underwood, District Engineer
File

Attachment

**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1065742

Division: 10 County: UNION

Municipality: WEDDINGTON

Type: Municipal Speed Zones

Road: SR 1358

Car: 45 MPH

Truck: 45 MPH

Description: (Forest Lawn Drive) from SR 1357 (Potter Road) northwestward to SR 1338 (Antioch Church Road).

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20_____.

(signature)

(municipal seal)

Department of Transportation Approval

Division: State A/C

Title: DTE

Date: 10/22/12

Region: PA/B

Title: BTE

Date: 10/18/12

**Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1042775

Division: 10 County: UNION

Municipality: WEDDINGTON

Type: Municipal Speed Zones

Road: SR 1358

Car: 45 MPH

Truck: 45 MPH

Description: Forest Lawn Drive (SR 1358) from Potters Road (SR 1357), northward to Weddington-Matthews Road (SR 1344).

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20_____.

(signature)

(municipal seal)

Department of Transportation Approval

Division: *J. South Cob*

Title: *DTE*

Date: *10/22/12*

Region: *Pitt*

Title: *PTE*

Date: *10/18/12*

**TOWN OF WEDDINGTON
MUNICIPAL DECLARATION TO ENACT SPEED LIMITS
AND REQUEST FOR CONCURRENCE
O-2012-14**

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

SPEED LIMIT	ROUTE AND DESCRIPTION
45	SR 1358 (Forest Lawn Drive) from SR 1357 (Potter Road) NW to SR 1338 (Antioch Church Road)
45	SR 1358 (Forest Lawn Drive) from SR 1357 (Potters Road) NW to SR 1344 (Weddington-Matthews Road)

Adopted this 13th day of November, 2012.

Walker F. Davidson, Mayor

Attest:

Amy S. McCollum, Town Clerk

TOWN OF W E D D I N G T O N

MEMORANDUM

TO: Walker Davidson, Mayor
Town Council

CC: Amy McCollum, Town Clerk

FROM: Jordan Cook, Zoning Administrator/Planner

DATE: November 13, 2012

SUBJECT: Polivka International MX Rezoning Request

Polivka International Company, Inc. requests a MX (Mixed Use) Conditional Zoning Rezoning for a 15,000 square foot office building located at 13700 Providence Road, Weddington, NC.

Application Information

Date of Application: April 24, 2012
Applicant Name: Polivka International Company, Inc.
Owner Name: Polivka Parking Solutions LLC
Parcel ID#: 06-150-045
Property Location: 13700 Providence Road (Highway 16)
Existing Land Use: Business
Existing Zoning: R-40
Proposed Zoning: MX
Existing Use: Vacant House
Proposed Use: 15,000 square foot office building
Parcel Size: 5.06 Acres

General Information-MX Rezoning

- The applicant proposes a 15,000 square foot, two-story brick office building on Providence Road.
- The office building will be accessed by two driveways along Providence Road. The required Public Involvement Meetings for this project were held on July 25th and August 16th, 2012. The meeting on July 25th was held on site at 13700 Providence Road. The meeting on August 16th was held at Weddington Town Hall.

Minimum Standards for Office Uses in the MX Zoning District:

- Minimum Front Yard Setback-25 feet from any public road right-of-way
- Minimum Side Yard Setbacks-28 foot buffer is required, not a setback
- Minimum Rear Yard Setback-28 foot buffer is required, not a setback
 - Applicant has met these buffer and setback requirements.

Access and Parking:

- The site will be accessed by two driveways from Providence Road. Both driveways will have 18 foot travel lanes with a ten foot landscaped median.
- The southern entrance will serve as the main entrance to the site. A left turn lane, from Providence Road is being proposed at the northern entrance. NCDOT has provided feedback on the proposed plan and Traffic Impact Analysis. NCDOT has stated that the proposal will have no significant impact on surrounding roads and/or intersections. However, Town Transportation Engineer Justin Carroll does not see a need for a left turn lane at the northern driveway.
- The applicant is required 50 parking spaces for the 15,000 square feet of office space (1 space per employee during the shift with greater employment plus 1 space for each 300 square feet of gross floor area.). The applicant has provided 70 parking spaces, therefore complying with *Section 58-175* of the *Weddington Zoning Ordinance*.
- Parking spaces and loading zones meet the minimum size standards set in *Section 58-175* and *58-176* of the *Weddington Zoning Ordinance*.
- A Traffic Impact Analysis was submitted on August 9, 2012 and has been reviewed by the Town Traffic Engineer and NCDOT. The applicant and the Towns Transportation Engineer have exchanged comments and continue to work through the Traffic Impact Analysis. All transportation documents are included in your packet.

Screening and Landscaping:

- Screening and landscaping will be provided by using several types of trees and shrubs. The applicant is required a 28 foot buffer around the perimeter of the property per *Section 58-8* of the *Weddington Zoning Ordinance*. The applicant has provided a 28 foot buffer around the perimeter of the property. The applicant will also provide internal landscaping within parking areas and islands.
- The proposed landscaping plan does comply with *Section 58-8* of the *Weddington Zoning Ordinance*. All proposed plants are permitted in *Section 58-384* of the *Weddington Zoning Ordinance*.
- The MX zoning district requires 10% of the gross acreage of the project to be open space. The applicant is required 21,041 square feet of open space and has provided 66,443 square feet of open space in the form of Village Greens, therefore complying with *Section 58-60 (2) n* of the *Weddington Zoning Ordinance*.

Elevations:

- Elevations of all buildings have been provided. Materials on the building include: hardi-plank siding, brick veneer, fiberglass columns and fiberglass shingles.
- The proposed building is within scale and has similar physical relationship as abutting properties as required in *Section 58-271* of the *Weddington Zoning Ordinance*. Proposed building height also complies with *Section 58-60 (2) f* of the *Weddington Zoning Ordinance*.
- The Planning Board will serve as the Design Review Board for this project.

Additional Information:

- Adjacent Property Uses are as follows:
 - North: Parcels containing single family house and farmland (The Hunter Farm)
 - South: Weddington United Methodist Church
 - East: Providence Road (four lane highway with concrete median)
 - West: Parcels containing single family house and farmland (The Hunter Farm)
- A lighting plan has been submitted and will be reviewed by the Town's Lighting Engineer (plans included).
- Water to be provided by Union County Public Works once rezoning is approved by the Town Council.
- Sewer to be provided by septic tank approved by Union County Health Department (Approvals Included).
- Stormwater management to be handled by sand filter/detention pond in accordance with *Weddington Zoning Ordinance* and NCDENR (Plans and Approvals Included).

Conditions of Approval:

1. Water Plans and Allocation must be approved by Union County Public Works;
2. Lighting Plan must be approved by Town Lighting Engineer;
3. All engineering must be approved by Town Engineer-***Stormwater Management Plan and Calculations approved by Town Engineer;***
4. NCDOT driveway permit must be approved by NCDOT;
5. Traffic Impact Analysis must be approved by Town Traffic Engineer-***Town Traffic Engineer recommendations included in packet;***
6. All signage must comply with *Chapter 58, Article 5* of the *Weddington Zoning Ordinance*;
7. Prior to the commencement of any construction, the Town Council must approve Construction Documents in accordance with *Section 58-271 (h)* of the *Weddington Zoning Ordinance*;
8. Applicant must provide detention volume controls for a 25 year storm-***Applicant has provided detention volume controls for a 25 year storm;***
9. Any future revisions to the approved site plan and other approved documents must comply with *Section 58-271 (i)* of the *Weddington Zoning Ordinance*.
10. Save the large tree near the house if at all possible, if not possible provide Zoning Administrator written documentation of why tree cannot be saved;
11. Any future sewer connection must be made at Providence Road (Highway 16);

12. Pedestrian crosswalks to be added to two driveway entrances along Providence Road-
Crosswalks have been added to site plan (sheet RZ 1);
13. Security lights in the parking lot can be on one hour after the last business closes until one hour before the first business opens.

In addition to the aforementioned conditions, the Planning Board expressed concerns about the following items:

1. Two driveway cuts along recently widened Providence Road;
2. Negative impact of left turn lane into site

The Planning Board gave the proposed MX Rezoning a favorable recommendation with a 5-1 vote. The Planning Board added conditions 10-13 in the above written conditions.

Staff has reviewed the application and submitted documents and finds that the MX Rezoning Application is in compliance with the *Town of Weddington Zoning Ordinance* with the aforementioned Conditions of Approval.

**Town of Weddington
Conditional Zoning Application**

Application Number: C701-12 Application Date: 4-24-12

Applicant's Name: Polivka International Company, Inc.

Applicant's Phone: (704) 321-0802

Applicant's Address: 10700 Sikes Place, Suite 110; Charlotte, NC 28277

Property Owner's Name: Polivka Parking Solutions, LLC

Property Owner's Phone: (704) 321-0802

If applicant is different from the property owner, please provide a notarized authorization from the property owner.

Property Location: West side of Providence Road across from existing Harris Teeter anchored center at Highway 84, immediately north of the Weddington United Methodist Church property.

Parcel Number: 06150045 Deed Book and Page: 4430 and 0860

Total Acreage of Site: 4.84 Existing Zoning: R-40

Application Fee: \$1,500.00 Check Number: 1006

All applications must include a site plan, drawn to scale, and supporting text that, as approved, will become a part of the Ordinance amendment. The site plan, drawn by an architect, landscape architect, or engineer licensed to practice in North Carolina, shall include any supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions in addition to all predetermined Ordinance requirements, will govern the development and use of the property. The applicant acknowledges that he/she will reimburse the Town for all engineering and consulting services associated with the review of the conditional zoning request prior to any zoning permits being issued by the Town for such project. The applicant shall, at a minimum, include as part of the application, each of the items listed below.

Please include the following:

- ✓ A boundary survey showing the total acreage, present zoning classifications, date and north arrow.
(See Survey attached as Exhibit A-1).
- ✓ The owner's names, addresses and the tax parcel numbers of all adjoining properties.
(See Exhibit RZ 1)

- ✓ All existing easements, reservations, and right-of-way on the property(ies) in question.
(See Exhibit RZ 1)
- ✓ Proposed principal uses: A general summary of the uses that will take place, with reference made to the list of uses found in section 58-60(1) of the Weddington Code of Ordinances.
(See Exhibit RZ 1)
- ✓ Traffic impact analysis/study for the proposed service area, as determined by the Town Engineer, shall be required. In addition, traffic, parking and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets including typical parking space dimensions and locations (for all shared parking facilities) along with typical street cross-sections.
(The Petitioner Contracted StanTec Engineering to complete the traffic impact analysis study. Petitioner has initiated discussions with NCDOT regarding access. The access points shown on the site plan are subject to the review and approval of NCDOT and may possible change.)
- ✓ General information on the number, height, size and location of structures.
(See Exhibit RZ 2)
- ✓ All proposed setbacks, buffers, screening and landscaping required by these regulations or otherwise proposed by the petitioner.
(See Exhibit RZ 1)
- ✓ All existing and proposed points of access to public streets.
(See Exhibit RZ 1)
- ✓ Proposed phasing of the project.
(See Exhibit RZ 1)
- ✓ Proposed number, location, type and size of all commercial signs.
(Per Weddington requirements)
- ✓ Exterior treatments of all principal structures.
(See Exhibit RZ 2)
- ✓ Delineation of all marginal lands including areas within the regulatory floodplain as shown on official Flood Hazard Boundary Maps for Union County.
(See Exhibit RZ 1)
- ✓ Existing and proposed topography at five-foot contour intervals or less.
(See Survey)
- ✓ Scale and physical relationship of buildings relative to abutting properties.
(See Exhibit RZ 2)
- ✓ Public Involvement Meeting Labels.

Please Note: The Zoning Administrator requires the petitioner to submit more than one copy of the petition and site plan in order to have enough copies available to circulate to other government agencies for review and comment. The number of copies required shall be determined on a case-by-case basis by the Zoning Administrator.

Zoning Administrator Approval

The Zoning Administrator shall have up to thirty (30) days following any revision of the application to make comments. If the Administrator forwards no comments to the applicant by the end of any such thirty-day period, the application shall be submitted to the Planning Board for their review without any further comment.

Planning Board Review

The applicant shall submit at least ten (10) copies of the application to the Zoning Administrator for transmittal to the Planning Board and other appropriate agencies. The Zoning Administrator shall present any properly completed application to the members of the Planning Board at least fifteen (15) days prior to their next regularly scheduled meeting. The Planning Board by majority vote may shorten or waive the time provided for receipt for a completed application. The Planning Board shall have up to thirty-one (31) days from the date at which they first met to review the application to take action. If such period expires without action taken by the Planning Board, the application shall then be transferred to the Town Council for final action.

Action by Town Council

Conditional Zoning District decisions are a legislative process subject to judicial review using the same procedures and standards of review as apply to general use district zoning decisions. Conditional Zoning District decisions shall be made in consideration of identified relevant adopted Land Use Plans for the area and other adopted land use policy documents and/or ordinances.

Public Hearing Required

Prior to making a decision on rezoning a piece of property to a Conditional Zoning District, the Town Council shall have held a public hearing. Notice of such public hearing shall have been given as prescribed in section 12.1.7 of the Zoning Ordinance. Once the public hearing has been held, the Town Council shall take action on the petition.

The Town Council shall have the authority to:

- a. Approve the application as submitted.
- b. Deny approval of the application
- c. Approve application with modifications that are agreed to by the applicant.
- d. Submit the application to the Planning Board for further study. The Planning Board shall have up to thirty-one (31) days from the date of such submission to make a report to the Town Council. If no report is issued, the Town Council can take final action on the petition. The Town Council reserves the right to schedule and advertise a new public hearing based on the Planning Board's report.

To the best of my knowledge, all information herein submitted is accurate and complete.
Polivka Parking Solutions, LLC

By: [Signature] 4/24/2012
Signature of Property Owner Date

Polivka International Company, Inc.

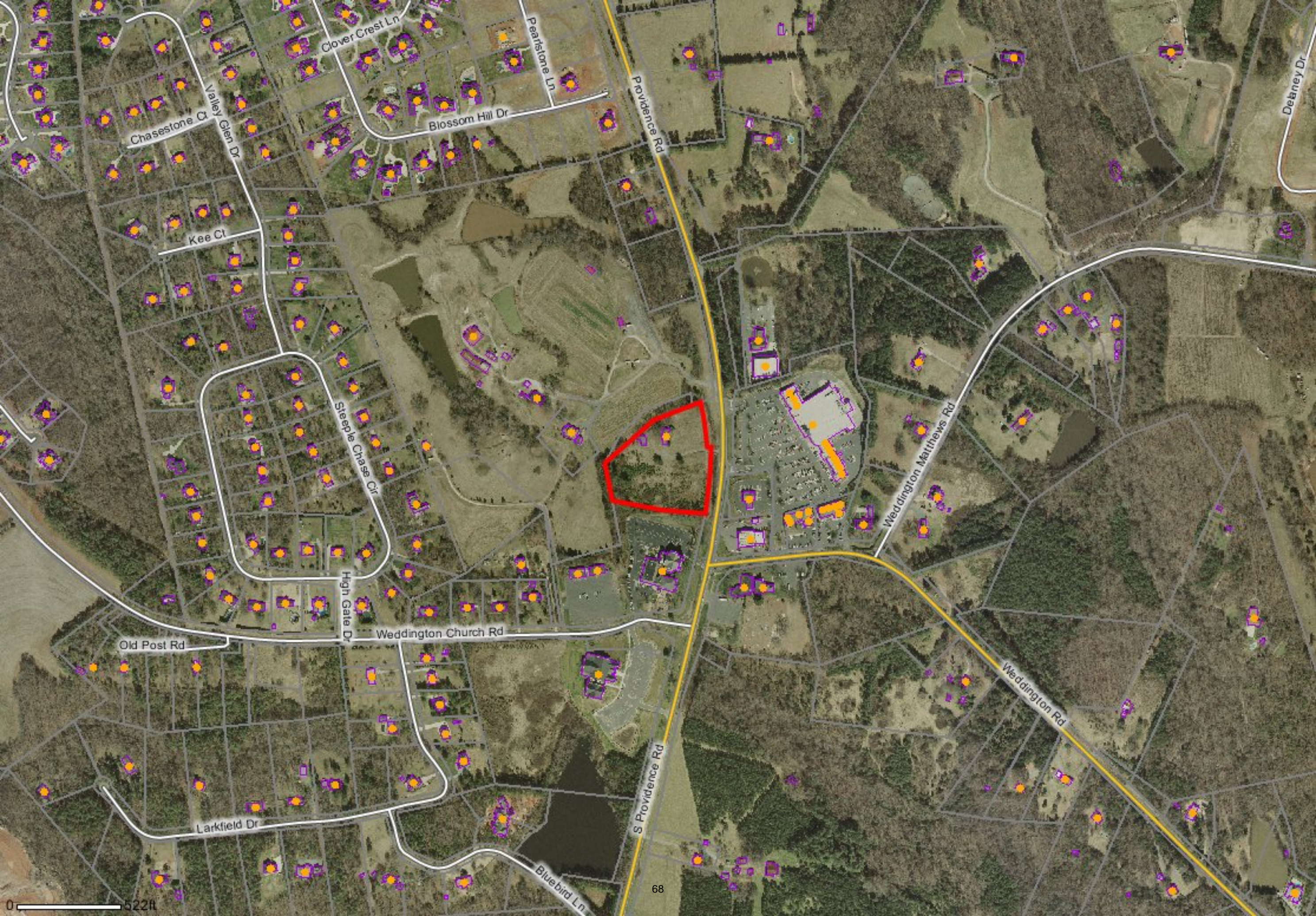
By: [Signature] 4/24/2012
Signature of Applicant Date

Proposed Principle Uses

The following uses are examples of uses typically found in a Class A retail/ office development. The Petitioner proposes these as possible uses for a development on the subject Property.

1. Office Uses such as those listed below:

- a. Doctor's Office**
- b. Insurance Agency**
- c. Real Estate Agency**
- d. Financial Institution**
- e. Stock Brokerage Firm**
- f. Tax Preparation Service**
- g. Travel Agency**
- h. Small Animal Veterinary Clinic**



Chasestone Ct

Valley Glen Dr

Clover Crest Ln

Blossom Hill Dr

Pearnstone Ln

Providence Rd

Kee Ct

Steeple Chase Cir

High Gate Dr

Old Post Rd

Weddington Church Rd

Larkfield Dr

Bluebird Ln

S Providence Rd

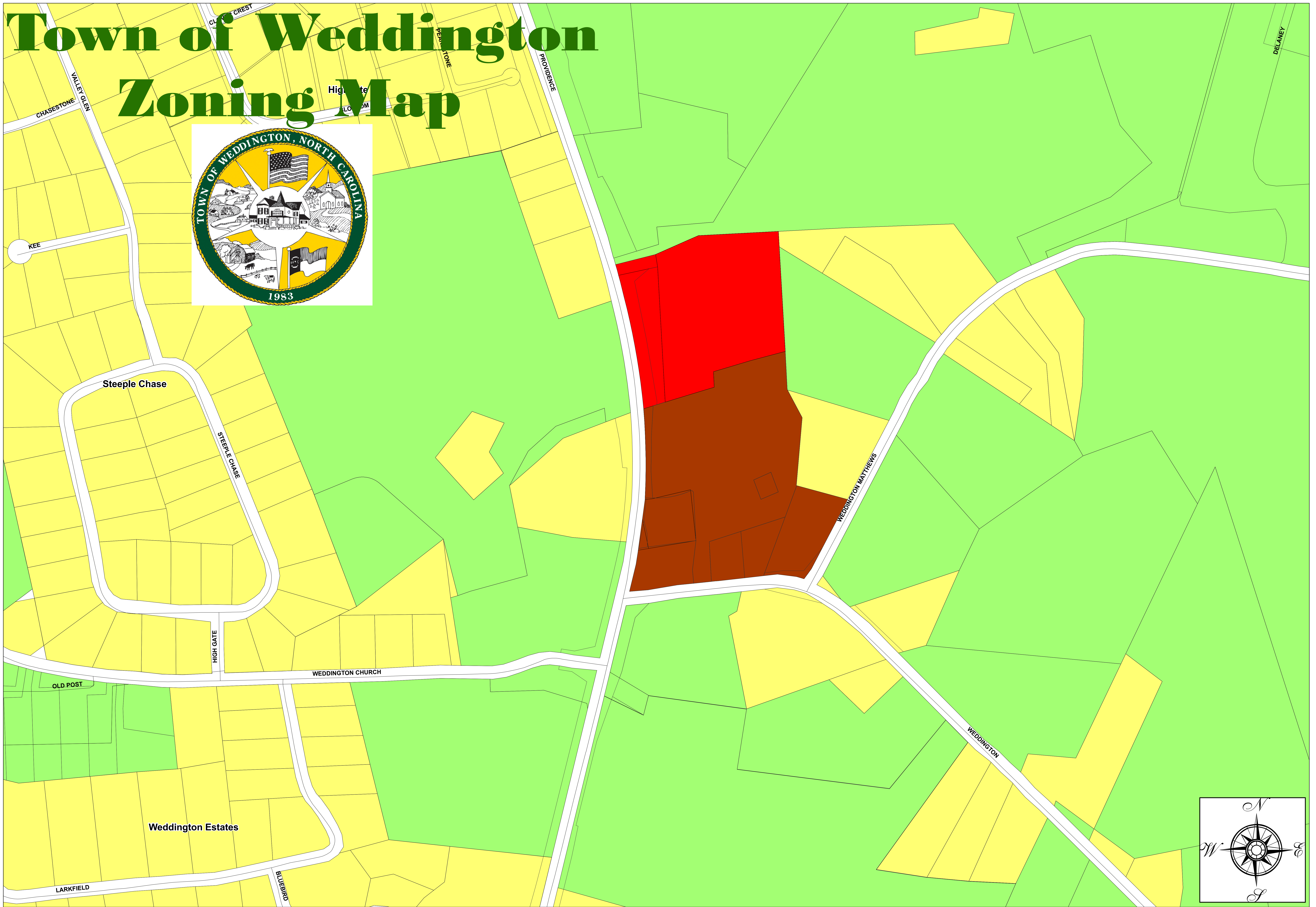
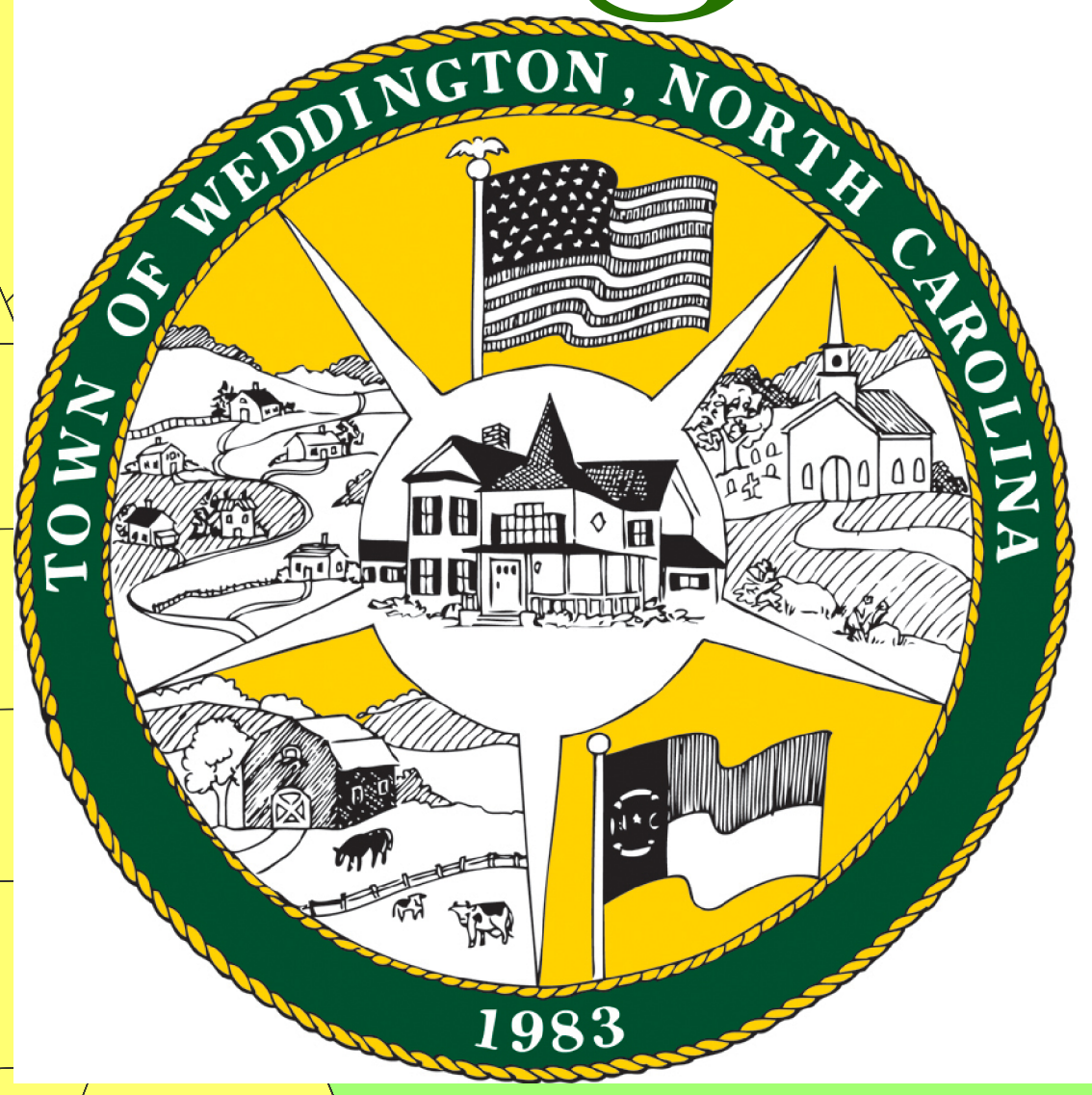
Weddington Matthews Rd

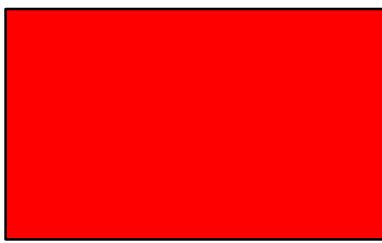


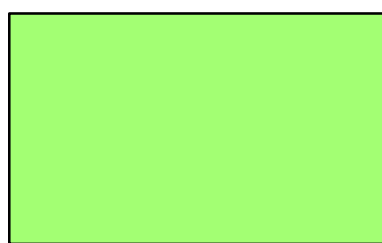






Weddington Rd

Deaney Dr

0 522ft

Town of Weddington Zoning Map

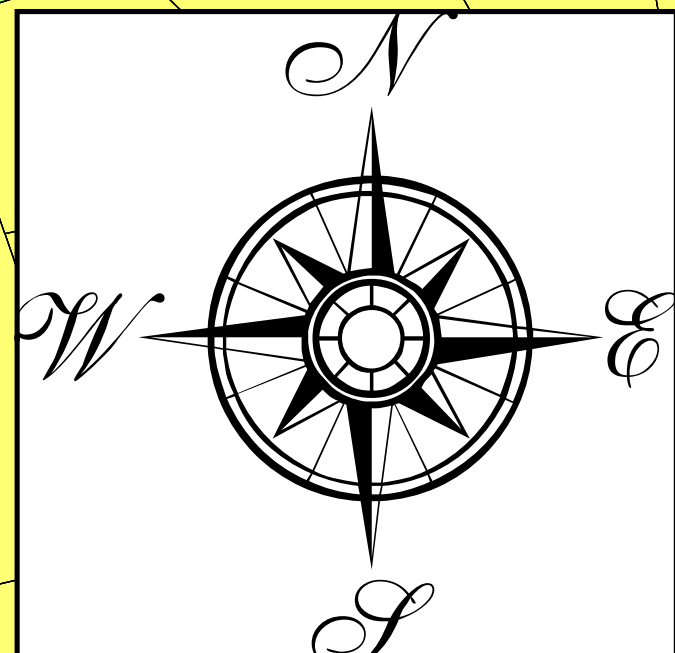
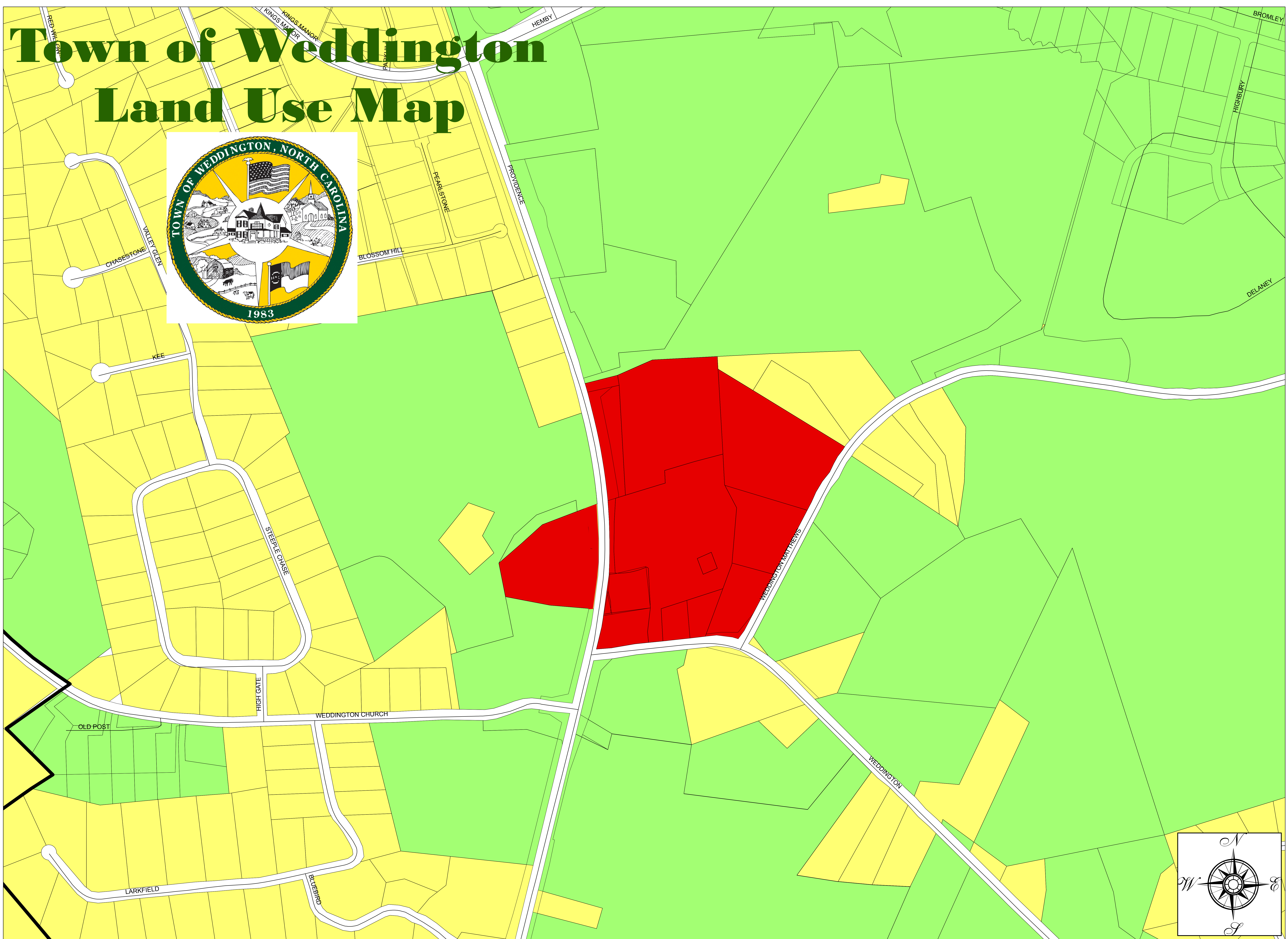
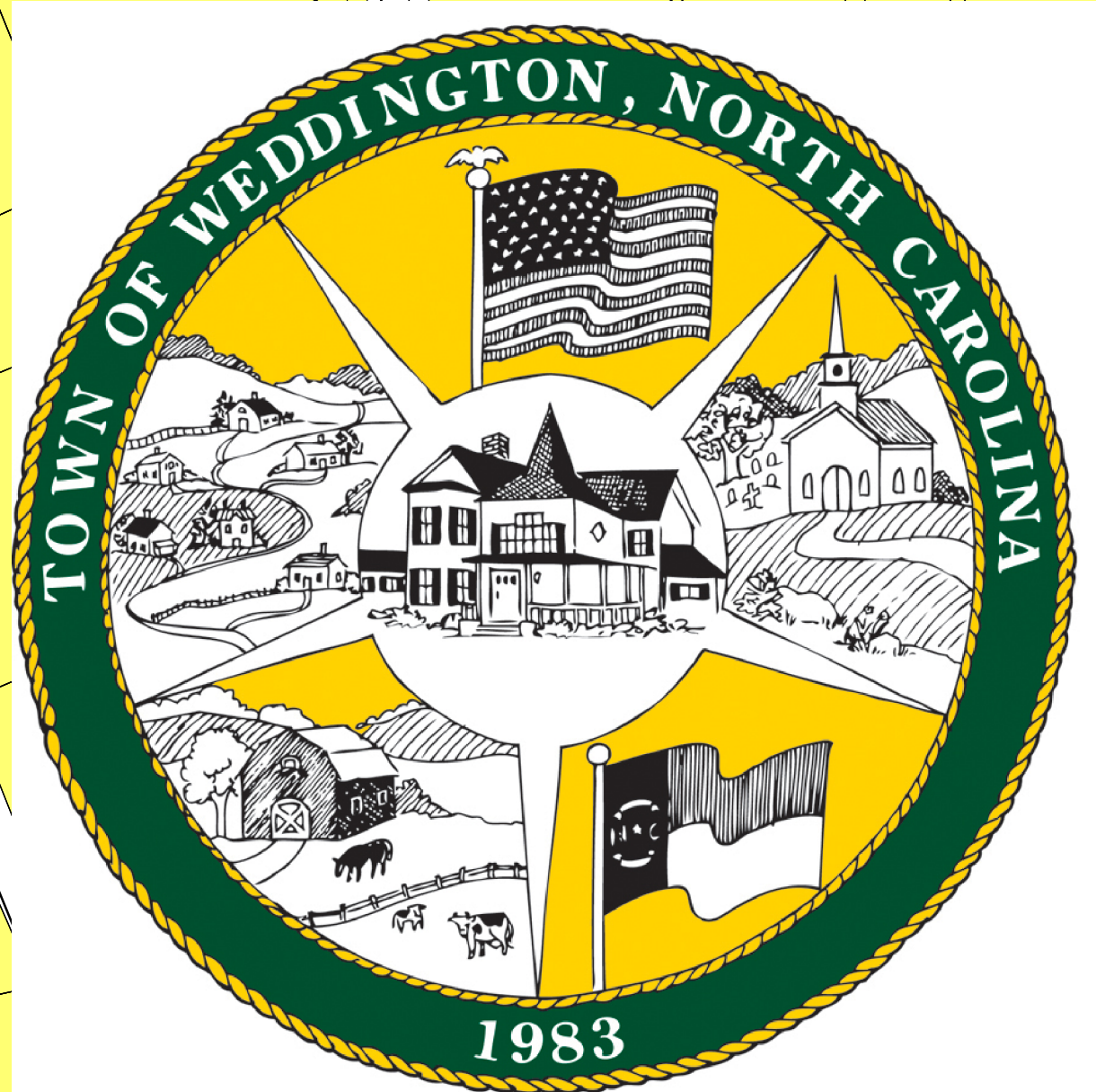


 B-1(CD)	 R-40	 R-60	 RCD	 ED
 B-2(CD)	 R-40D	 R-80	 RE	 Town Limits

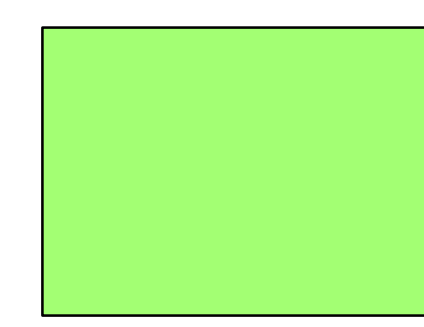
Map Updated
10/25/11

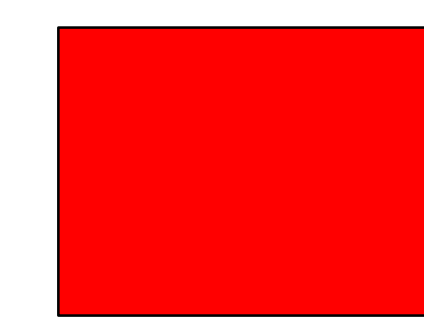


Town of Weddington Land Use Map



 **Traditional Residential**

 **Residential Conservation**

 **Business**

 **Weddington Town Limits***

**Map Adopted 3/11/02
Last Amended 7/09/12**

*Area outside of Town Limits is Study Area Boundary

Conditions of Approval

1. Water Plans and Allocation will be approved by Union County Public Works, prior to construction.
2. Lighting Plan referenced on ES1 will be approved by Town Lighting Engineer.
3. All civil engineering will be approved by Town Engineer.
4. NCDOT driveway permit will be approved by NCDOT.
5. Traffic Impact Analysis has been reviewed by Town Traffic Engineer.
6. All signage will comply with *Chapter 58, Article 5* of the *Weddington Zoning Ordinance*.
7. Prior to the commencement of any construction, the Town Council must approve Construction Documents in accordance with *Section 58-271 (h)* of the *Weddington Zoning Ordinance*.
8. Applicant will provide detention volume controls for a 25 year storm.
9. Any future revisions to the Approved Site Plan and other approved documents must comply with *Section 58-271 (i)* of the *Weddington Zoning Ordinance*.
10. The petitioner has noted the comments by the Planning Board in regards to the large tree.
11. Any future sewer connection will be made at Providence Road (Highway 16).
12. Pedestrian crosswalks have been added to two driveway entrances along Providence Road / Highway 16.
13. Security lights in the parking lot will be turned off one hour after the last business closes and turned on one hour before the first business opens.

Development Summary

Tax Parcel ID#: 06150045
 Total Site Acreage: 5.06 acres (220,413 Sq Ft)
 Existing Zoning: R-40
 Proposed Zoning: MX Mixed Use Conditional
 Existing Land Use: Business
 Proposed Use: 2 Story Office
 Development Totals:
 • Office: 15,000 sf Maximum
 - Any and All office uses allowed shall comply with section 58-60 of the zoning ordinance.
 - No individual tenant will exceed 8,000 sf

Minimum Parking Required: 1 space per 300 sf min = 50 Spaces
 Proposed Parking Provided: 70 Spaces
 *Note: -All parking spaces are at a min. size of 20'x9'.
 -20 Additional parking spaces are provided for employee parking and because exact uses are unknown at this point.

Setback Requirements:
 • 25' from R/W & adjacent land
 • Buffer Required: 28'
 • Buffer Provided: 28'
 • Maximum FAR: .20
 • Current FAR: .01

Flood Certification

This is to certify that the property shown on this drawing is **NOT** located in a special flood hazard area as shown on the maps prepared by the Federal Emergency Management Agency, Federal Insurance Administration. The community number is 370518, the Current FIRM number is 3710447600J, dated October 16, 2008.

NOTE: Per Conditional use Zoning:

Final construction documents to be reviewed in accordance with sec. 58-271 (h).
 Signs will be constructed per Weddington zoning requirements.

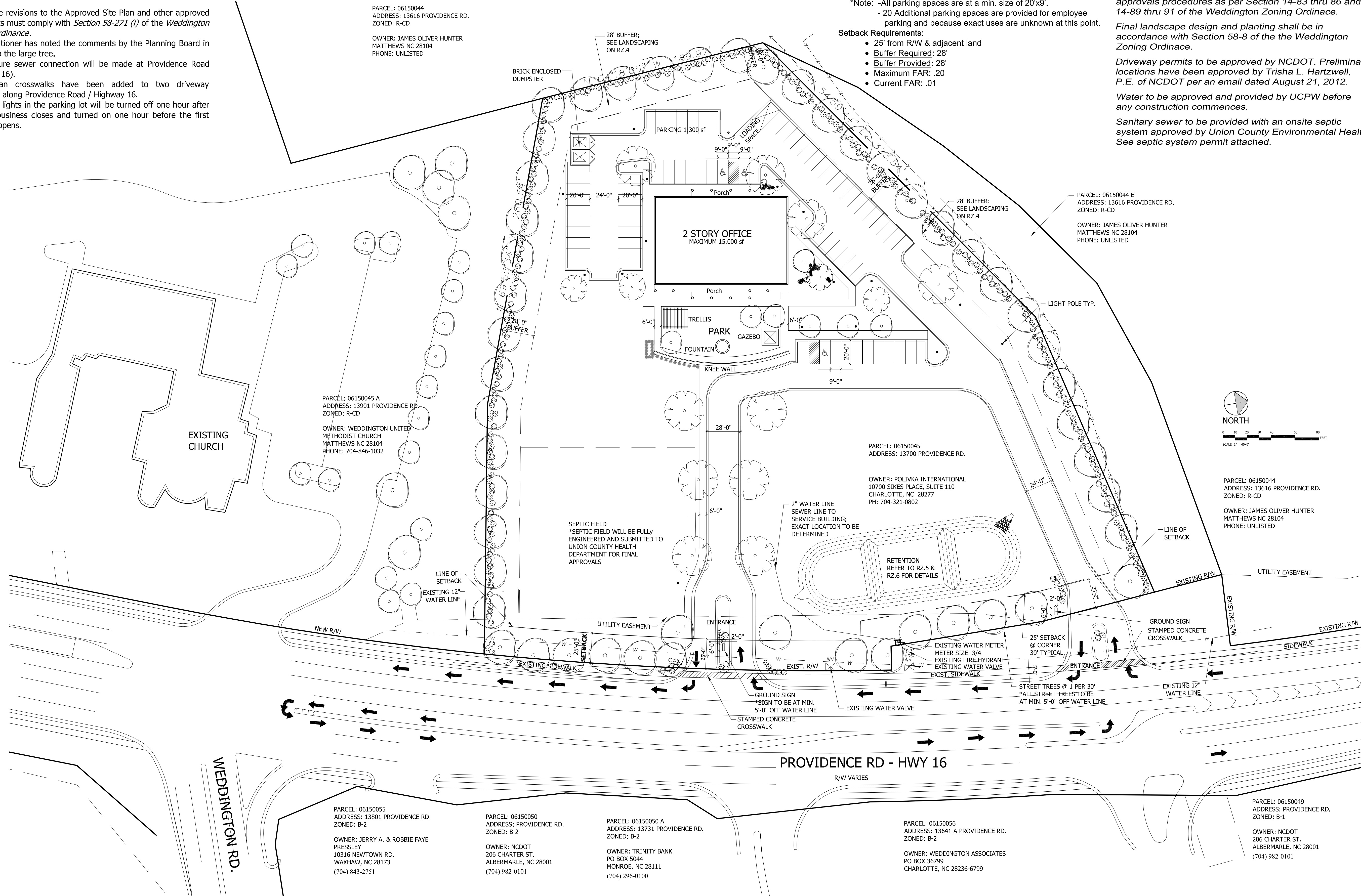
Lighting design shall meet ordinance requirements and approvals procedures as per Section 14-83 thru 86 and 14-89 thru 91 of the Weddington Zoning Ordinance.

Final landscape design and planting shall be in accordance with Section 58-8 of the the Weddington Zoning Ordinance.

Driveway permits to be approved by NCDOT. Preliminary locations have been approved by Trisha L. Hartzwell, P.E. of NCDOT per an email dated August 21, 2012.

Water to be approved and provided by UCPW before any construction commences.

Sanitary sewer to be provided with an onsite septic system approved by Union County Environmental Health. See septic system permit attached.

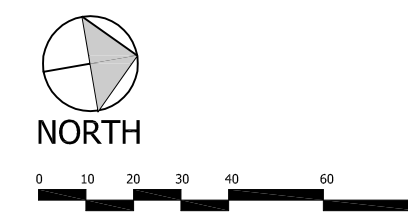


PARCEL: 06150044
 ADDRESS: 13616 PROVIDENCE RD.
 ZONED: R-CD
 OWNER: JAMES OLIVER HUNTER
 MATTHEWS NC 28104
 PHONE: UNLISTED

PARCEL: 06150045 A
 ADDRESS: 13901 PROVIDENCE RD.
 ZONED: R-CD
 OWNER: WEDDINGTON UNITED
 METHODIST CHURCH
 MATTHEWS NC 28104
 PHONE: 704-846-1032

PARCEL: 06150045
 ADDRESS: 13700 PROVIDENCE RD.
 OWNER: POLIVKA INTERNATIONAL
 10700 SIKES PLACE, SUITE 110
 CHARLOTTE, NC 28277
 PH: 704-321-0802

PARCEL: 06150044 E
 ADDRESS: 13616 PROVIDENCE RD.
 ZONED: R-CD
 OWNER: JAMES OLIVER HUNTER
 MATTHEWS NC 28104
 PHONE: UNLISTED



PARCEL: 06150044
 ADDRESS: 13616 PROVIDENCE RD.
 ZONED: R-CD
 OWNER: JAMES OLIVER HUNTER
 MATTHEWS NC 28104
 PHONE: UNLISTED

PARCEL: 06150055
 ADDRESS: 13801 PROVIDENCE RD.
 ZONED: B-2
 OWNER: JERRY A. & ROBBIE FAYE
 PRESSLEY
 10316 NEWTOWN RD.
 WAXHAW, NC 28173
 (704) 843-2751

PARCEL: 06150050
 ADDRESS: PROVIDENCE RD.
 ZONED: B-2
 OWNER: NCDOT
 206 CHARTER ST.
 ALBERMARLE, NC 28001
 (704) 982-0101

PARCEL: 06150050 A
 ADDRESS: 13731 PROVIDENCE RD.
 ZONED: B-2
 OWNER: TRINITY BANK
 PO BOX 5044
 MONROE, NC 28111
 (704) 296-0100

PARCEL: 06150056
 ADDRESS: 13641 A PROVIDENCE RD.
 ZONED: B-2
 OWNER: WEDDINGTON ASSOCIATES
 PO BOX 36799
 CHARLOTTE, NC 28236-6799

PARCEL: 06150049
 ADDRESS: PROVIDENCE RD.
 ZONED: B-1
 OWNER: NCDOT
 206 CHARTER ST.
 ALBERMARLE, NC 28001
 (704) 982-0101



POLIVKA INTERNATIONAL

POLIVKA Parking Solutions, LLC
 10700 Sikes Place, Suite 110
 CHARLOTTE, NORTH CAROLINA 28277
 Phone: 704-321-0802

WEDDINGTON OFFICE

PROVIDENCE ROAD
 WEDDINGTON, NORTH CAROLINA

PARCEL ID NUMBER:
 06150045
 Zoned R-40

PROPOSED:
 MX
 Mixed Use Conditional

PETITION #: 2012-XXX

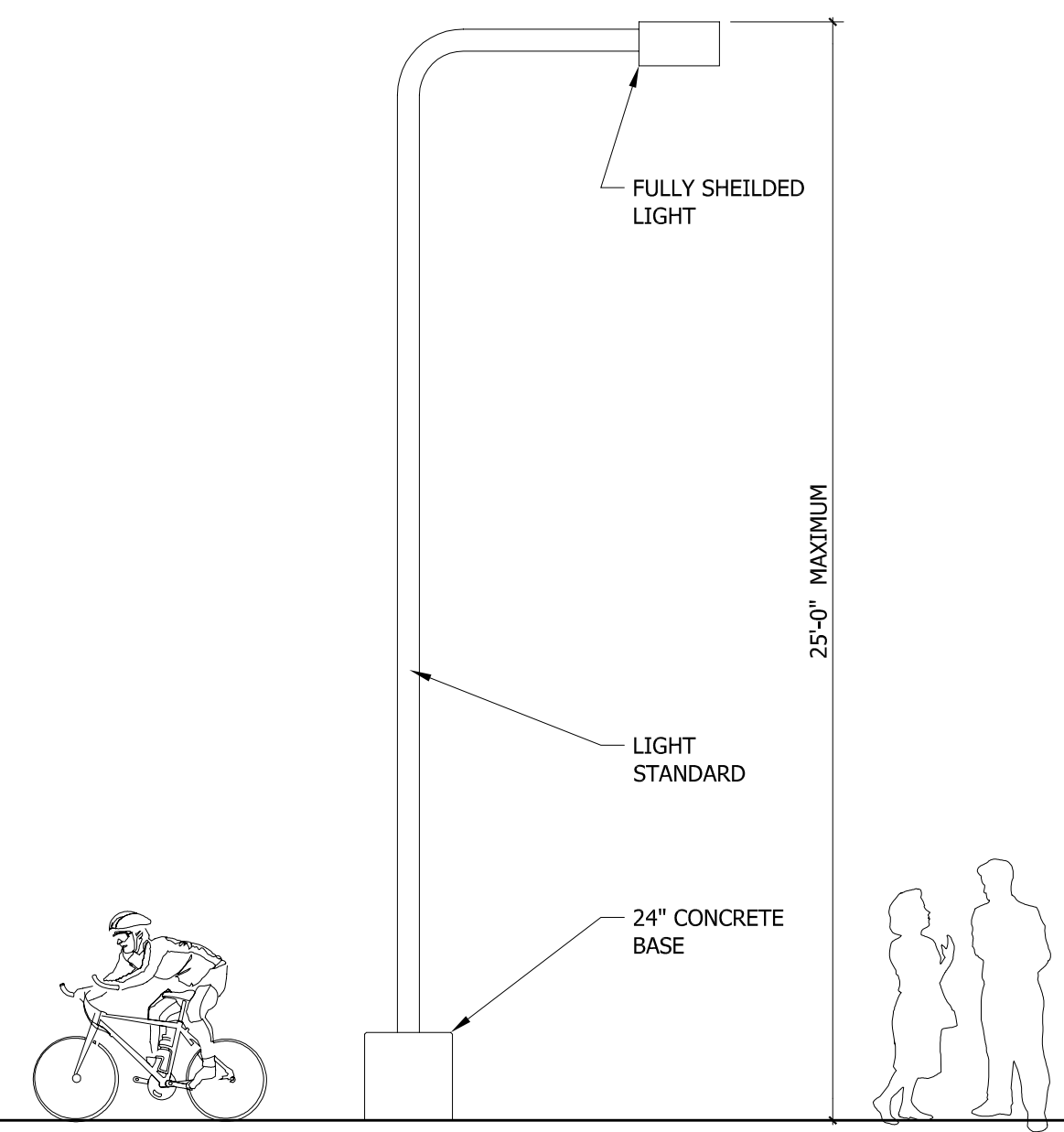
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REZONING	04/24/12
RESUBMITTAL	07/06/12
RESUBMITTAL	08/22/12
RESUBMITTAL	09/15/12
RESUBMITTAL	10/09/12
RESUBMITTAL	10/29/12

ILLUSTRATIVE PLAN & NOTES

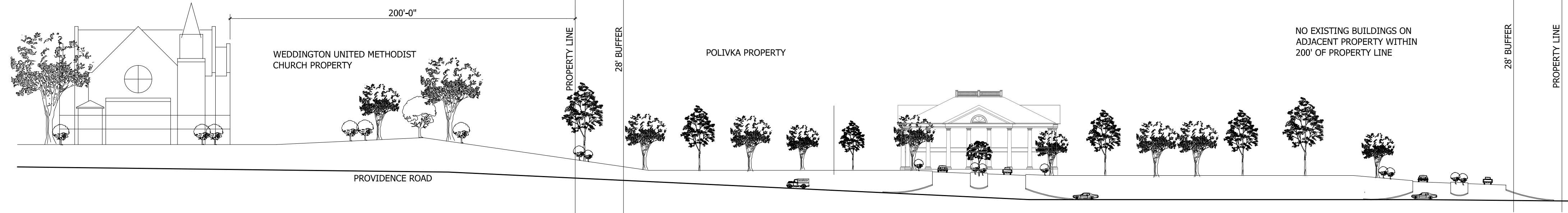
RZ 1

Weddington Town Center Rezoning Notes

1. All outdoor lighting shall be full cut-off type lighting fixtures with the exception of lower, decorative lighting that may be installed along the driveway, sidewalks, and parking areas. Site lighting, if provided, will be limited to 25 feet in height and will be shielded or capped. No "wall pak" lighting will be installed but architectural lighting on building facades will be permitted.

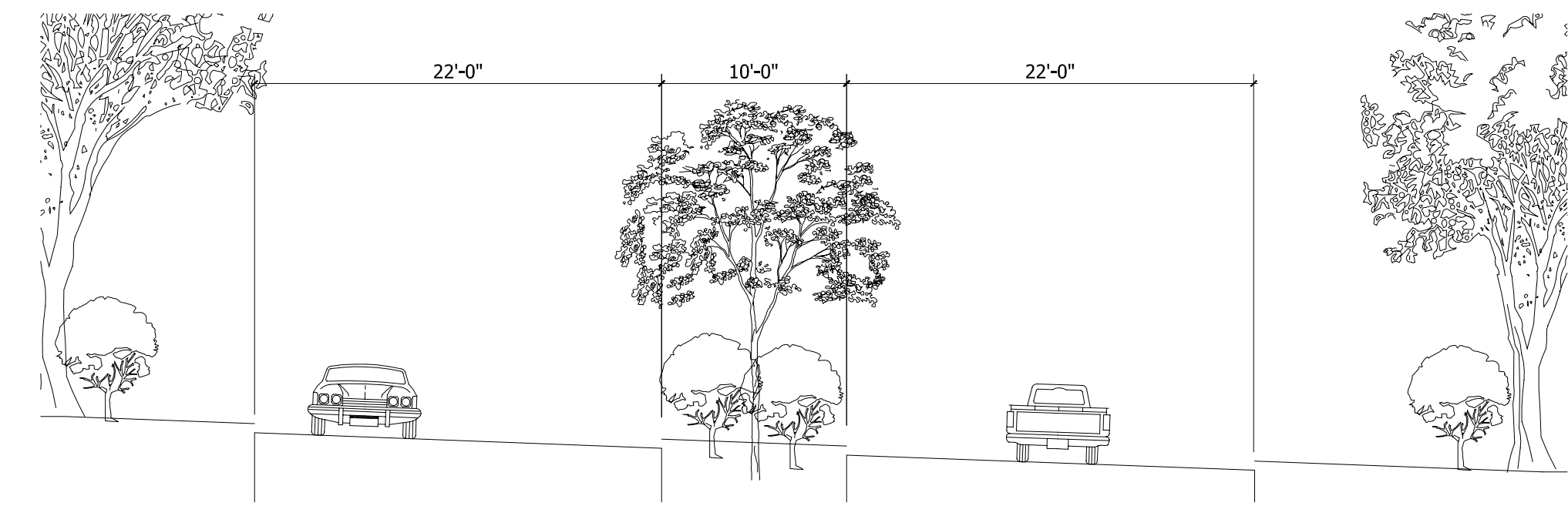


03 LIGHT STANDARD DETAIL scale: 1/4" = 1'-0"



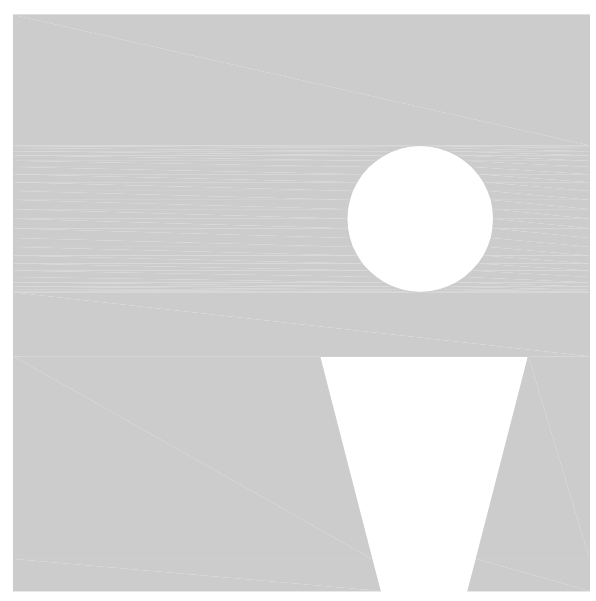
02 SITE SECTION scale: 1" = 40'

04 SECTION AT ENTRY DRIVE scale: 1/8" = 1'-0"



01 BUILDING IMAGES

scale: NONE



ODA
overcash demmitt

2010 south tryon st. suite 1a
charlotte north carolina 28203
office . 704.332.1615
web . www.odarch.com

**POLIVKA
INTERNATIONAL**

**POLIVKA
Parking Solutions, LLC**
10700 Sikes Place, Suite 110
CHARLOTTE, NORTH CAROLINA
28277
Phone: 704-321-0802

**WEDDINGTON
OFFICE**

PROVIDENCE ROAD
WEDDINGTON, NORTH CAROLINA

PARCEL ID NUMBER:
06150045
Zoned R-40

PROPOSED:
MX
Mixed Use Conditional

PETITION #: 2012-XXX

ISSUE	DATE
REZONING	04/24/12
RESUBMITTAL	07/09/12
RESUBMITTAL	08/22/12
RESUBMITTAL	09/15/12
RESUBMITTAL	10/29/2012

**ILLUSTRATIVE
ELEVATIONS**

RZ 2

Copyright 2012 Overcash Demmitt Architects
ODA No. 062066.01 draw/2066_RZ 1.dwg



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overcash demmitt

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office .704.332.1615
web.www.odarch.com

POLIVKA
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POLIVKA
Parking Solutions, LLC
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28277
Phone: 704-321-0802

WEDDINGTON
OFFICE

PROVIDENCE ROAD
WEDDINGTON, NORTH CAROLINA

PARCEL ID NUMBER:
06150045
Zoned R-40

PROPOSED:
MX
Mixed Use Conditional

PETITION #: 2012-XXX

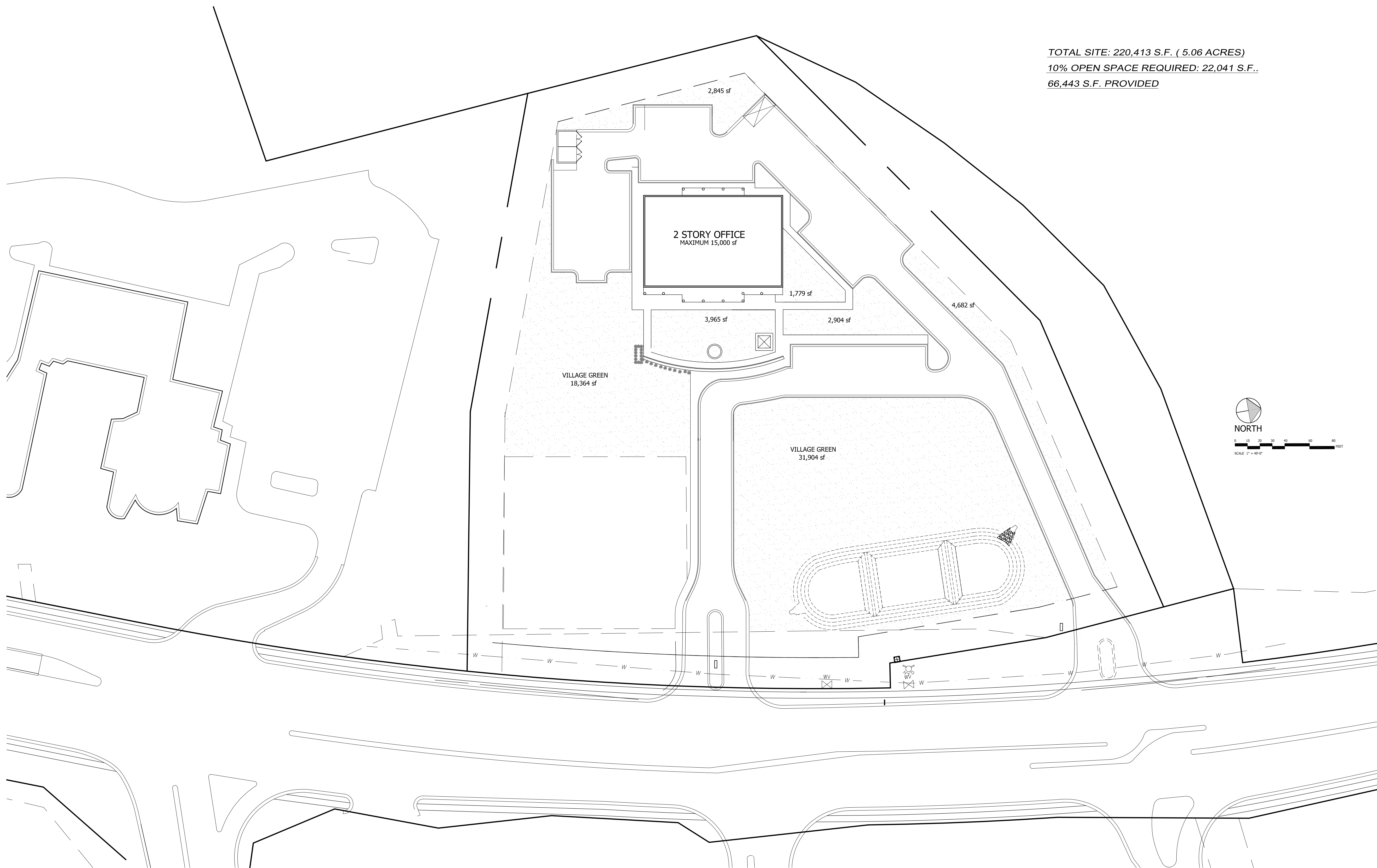
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REZONING	04/24/12
RESUBMITTAL	07/09/12
RESUBMITTAL	08/22/12
RESUBMITTAL	09/15/12
RESUBMITTAL	10/29/12

OPEN SPACE PLAN
& PROPOSED

RZ 3

Copyright 2012 Overcash Demmitt Architects
ODA No. 062066.01 draw/2066_RZ 1.dwg

TOTAL SITE: 220,413 S.F. (5.06 ACRES)
10% OPEN SPACE REQUIRED: 22,041 S.F..
66,443 S.F. PROVIDED





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overcash demmitt

2010 south tryon st. suite 1a
charlotte north carolina 28203
office .704.332.1615
web.www.odarch.com

**POLIVKA
INTERNATIONAL**

**POLIVKA
Parking Solutions, LLC**

10700 Sikes Place, Suite 110
CHARLOTTE, NORTH CAROLINA
28277
Phone: 704-321-0802

**WEDDINGTON
OFFICE**

PROVIDENCE ROAD
WEDDINGTON, NORTH CAROLINA

PARCEL ID NUMBER:
06150045
Zoned R-40

PROPOSED:
MX
Mixed Use Conditional

PETITION #: 2012-XXX

ISSUE	DATE
RESUBMITAL	07/09/12
RESUBMITAL	08/22/12
RESUBMITAL	09/15/12
RESUBMITAL	10/29/12

LANDSCAPING PLAN

RZ 4

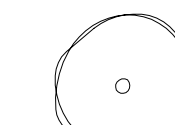

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ODA No. 062066.01 draw/2066_RZ 1.dwg

Landscape Requirements (per table 58-8)

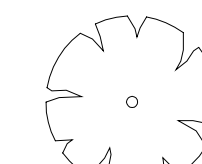
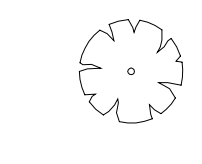
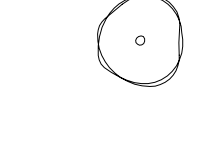
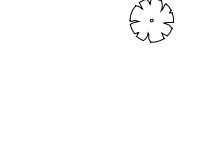

Perimeter Buffer: 6 Trees and 20 Shrubs per 100'
Required Trees: 1821 / 100 = 12.34 (6) = 109 trees
Required Shrubs: 1821 / 100 = 12.34 (20) = 364 shrubs

Legend

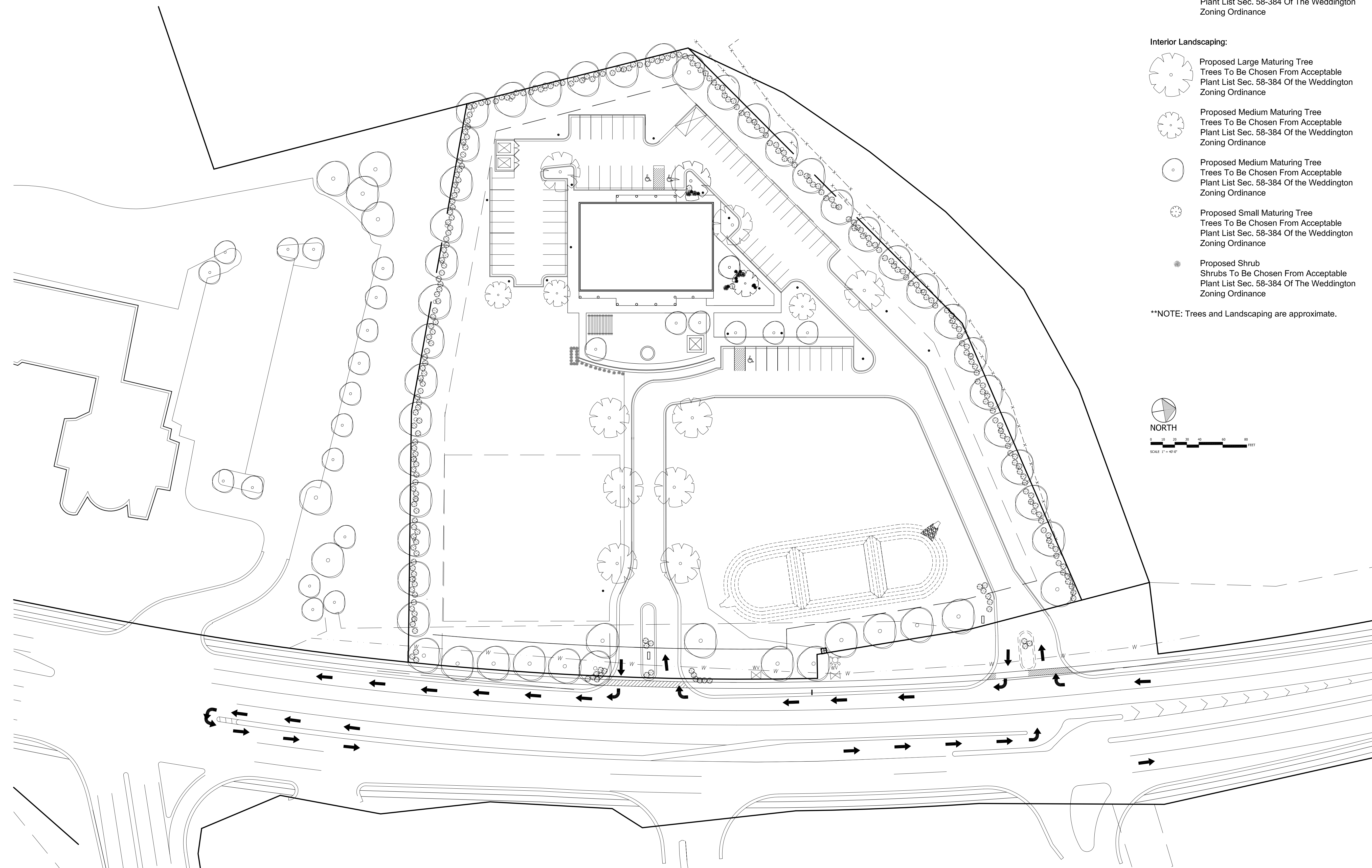
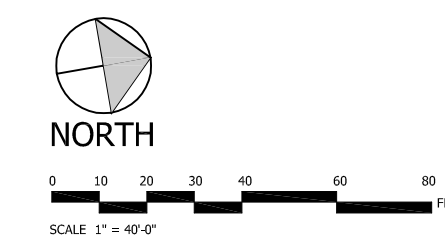
Perimeter Landscaping:

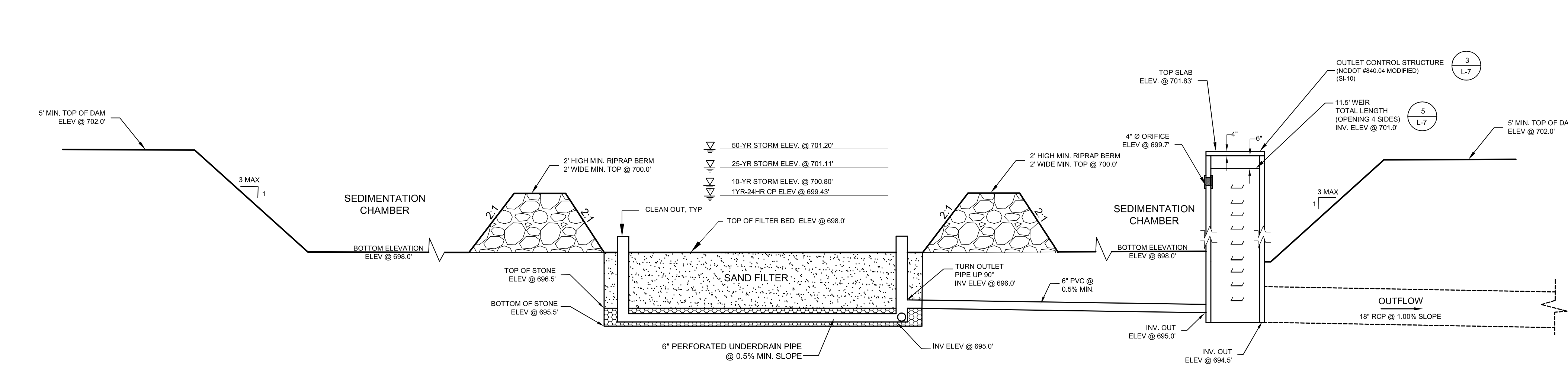
-  Proposed Large Maturing Tree
Trees To Be Chosen From Acceptable
Plant List Sec. 58-384 Of The Weddington
Zoning Ordinance
-  Proposed Shrub
Shrubs To Be Chosen From Acceptable
Plant List Sec. 58-384 Of The Weddington
Zoning Ordinance

Interior Landscaping:

-  Proposed Large Maturing Tree
Trees To Be Chosen From Acceptable
Plant List Sec. 58-384 Of The Weddington
Zoning Ordinance
-  Proposed Medium Maturing Tree
Trees To Be Chosen From Acceptable
Plant List Sec. 58-384 Of The Weddington
Zoning Ordinance
-  Proposed Medium Maturing Tree
Trees To Be Chosen From Acceptable
Plant List Sec. 58-384 Of The Weddington
Zoning Ordinance
-  Proposed Small Maturing Tree
Trees To Be Chosen From Acceptable
Plant List Sec. 58-384 Of The Weddington
Zoning Ordinance
-  Proposed Shrub
Shrubs To Be Chosen From Acceptable
Plant List Sec. 58-384 Of The Weddington
Zoning Ordinance

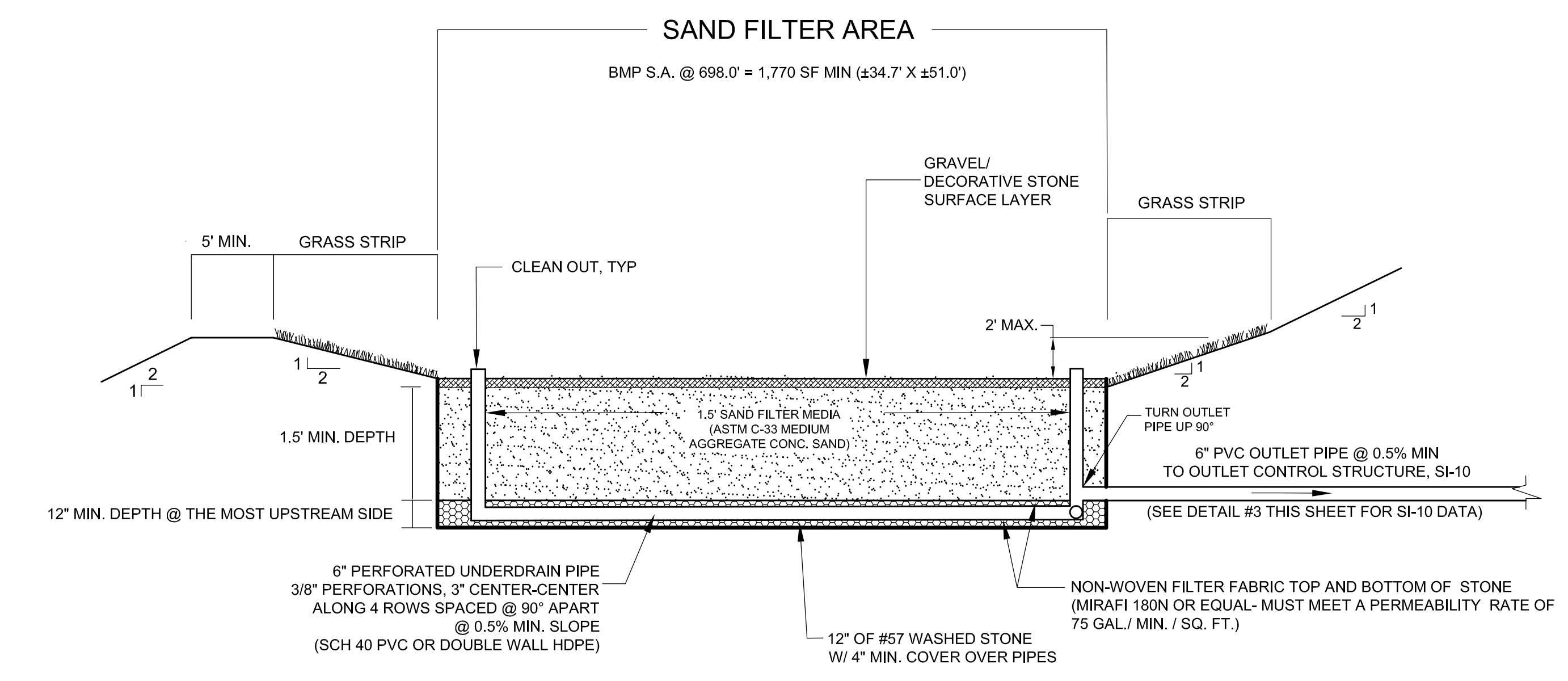
**NOTE: Trees and Landscaping are approximate.



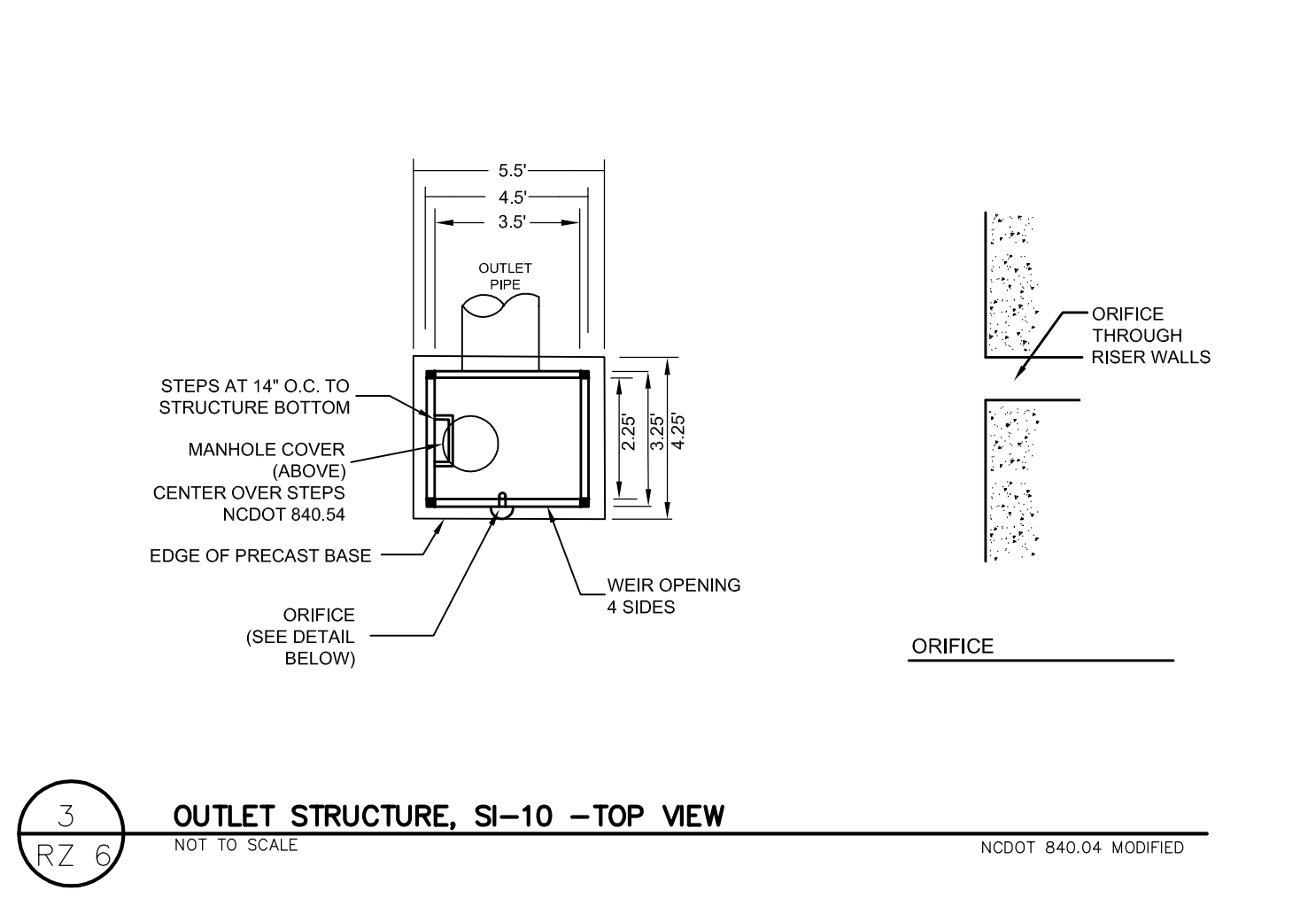


NOTES:
1. THIS CROSS SECTION IS FOR ILLUSTRATIVE PURPOSES ONLY.
2. SEASONAL HIGH WATER TABLE ELEVATION WAS ENCOUNTERED ±13.5 FEET BELOW EXISTING GROUND ELEVATION AT SAND FILTER, PER SUMMIT GEOTECHNICAL INVESTIGATION, DATED 9-14-2012.

1 **BMP 1 – TYPICAL SAND FILTER CROSS SECTION A–A**
RZ 6 SCALE: NTS



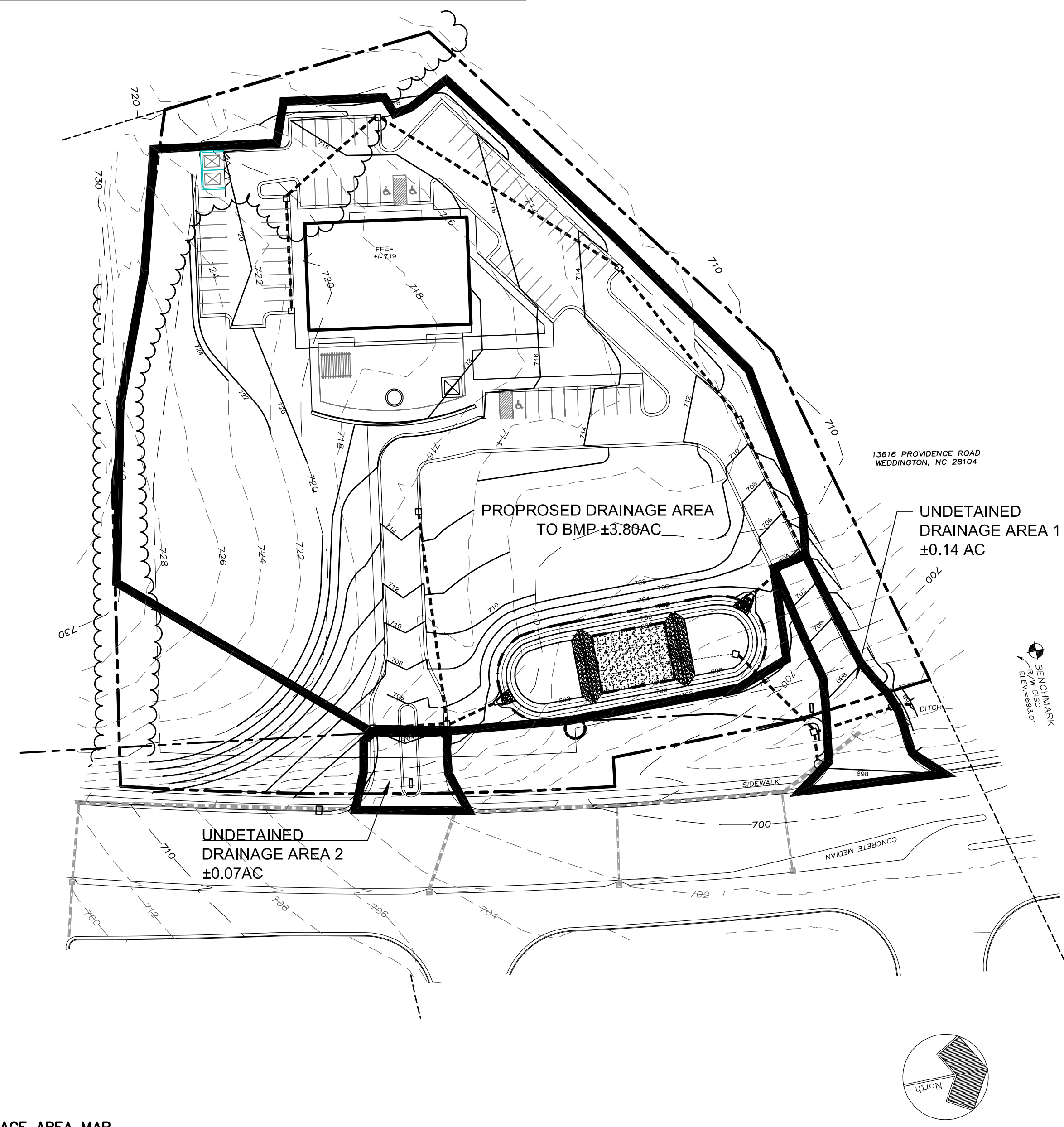
2 **BMP 1 – TYPICAL SAND FILTER CROSS SECTION**
RZ 6 SCALE: NTS



3 **OUTLET STRUCTURE, SI-10 –TOP VIEW**
RZ 6 NOT TO SCALE NCDOT 840.04 MODIFIED

Sand Filter Maintenance Tasks and Schedule

TASK	SCHEDULE
Street sweep parking lot	Quarterly
Trash removal	Monthly
Inspect outlet for obstructions	Monthly
Inspect for clogging	Monthly
Inspect inlet grates	Monthly
Skim sand media	Yearly
Pump oil and grit from sedimentation chamber	Yearly or at 50% full
Replace sand media	As needed (expect 3 years)



4 **BMP DRAINAGE AREA MAP**
RZ 6 SCALE 1" = 60'

NOTES:
1. CONTRACTOR MUST CONSTRUCT ALL BMPs TO THE MINIMUM DESIGN SURFACE AREA AND VOLUME AS SPECIFIED.
2. CONVERT TO BMP SAND FILTER - DETENTION POND FINAL CONDITION ONLY AFTER THE ENTIRE CONTRIBUTING DRAINAGE AREA IS STABILIZED. THE FILTER'S SAND BED MUST ONLY BE CONSTRUCTED AFTER SITE CONSTRUCTION IS COMPLETED AND UPSTREAM DRAINAGE AREA IS COMPLETELY STABILIZED.

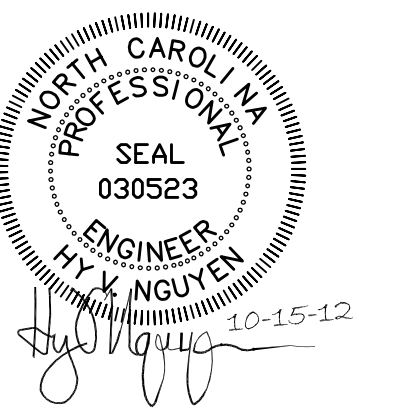
POLIVKA
INTERNATIONAL

POLIVKA
Parking Solutions, LLC

10700 Sikes Place, Suite 110
CHARLOTTE, NORTH CAROLINA
28277
Phone: 704-321-0802

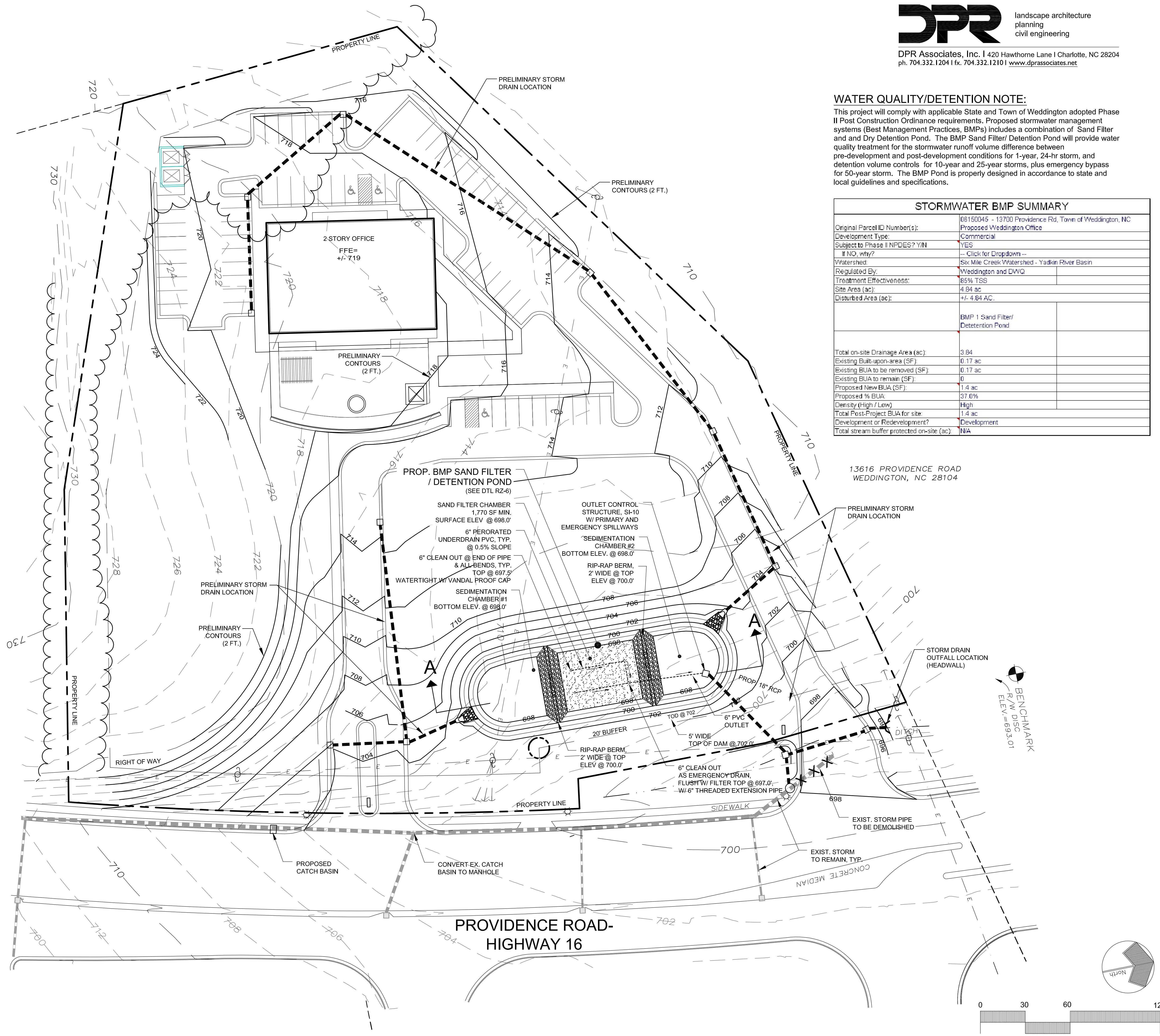
WEDDINGTON
OFFICE

PROVIDENCE ROAD
WEDDINGTON, NORTH CAROLINA



ISSUE	DATE
RE-SUBMITTAL	9-14-12
RE-SUBMITTAL	10-15-12

STORMWATER BMP
DETAILS AND DRAINAGE
MAP



WATER QUALITY/DETENTION NOTE:

This project will comply with applicable State and Town of Weddington adopted Phase II Post Construction Ordinance requirements. Proposed stormwater management systems (Best Management Practices, BMPs) includes a combination of Sand Filter and Dry Detention Pond. The BMP Sand Filter/ Detention Pond will provide water quality treatment for the stormwater runoff volume difference between pre-development and post-development conditions for 1-year, 24-hr storm, and detention volume controls for 10-year and 25-year storms, plus emergency bypass for 50-year storm. The BMP Pond is properly designed in accordance to state and local guidelines and specifications.

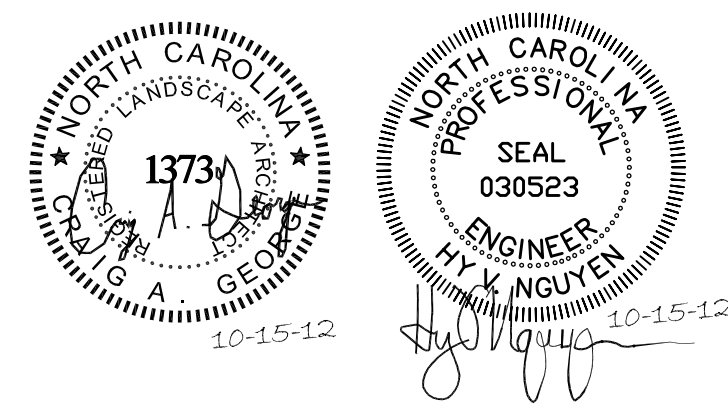
STORMWATER BMP SUMMARY	
Original Parcel ID Number(s):	06150045 - 13700 Providence Rd, Town of Weddington, NC
Development Type:	Proposed Weddington Office
Subject to Phase II NPDES? Y/N	Commercial
If NO, why?	YES
Watershed:	See Mile Creek Watershed - Yadkin River Basin
Regulated By:	Weddington and DWQ
Treatment Effectiveness:	85% TSS
Site Area (ac):	4.84 ac
Disturbed Area (ac):	+/- 4.84 AC
BMP 1 Sand Filter/ Detention Pond	
Total on-site Drainage Area (ac):	3.84
Existing Built-up-area (SF):	0.17 ac
Existing BUA to be removed (SF):	0.17 ac
Existing BUA to remain (SF):	0
Proposed New BUA (SF):	1.4 ac
Proposed % BUA:	37.0%
Density (High / Low):	High
Total Post-Project BUA for site:	1.4 ac
Development or Redevelopment?	Development
Total stream buffer protected on-site (ac):	N/A

13616 PROVIDENCE ROAD
WEDDINGTON, NC 28104

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Phone: 704-321-0802

WEDDINGTON OFFICE
PROVIDENCE ROAD
WEDDINGTON, NORTH CAROLINA



ISSUE	DATE
RE-SUBMITTAL	9-14-12
RE-SUBMITTAL	10-15-12

GRADING, STORM DRAINAGE, AND STORMWATER BMP PLAN



**POLIVKA
INTERNATIONAL**

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CHARLOTTE, NORTH CAROLINA
28277
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**WEDDINGTON
OFFICE**

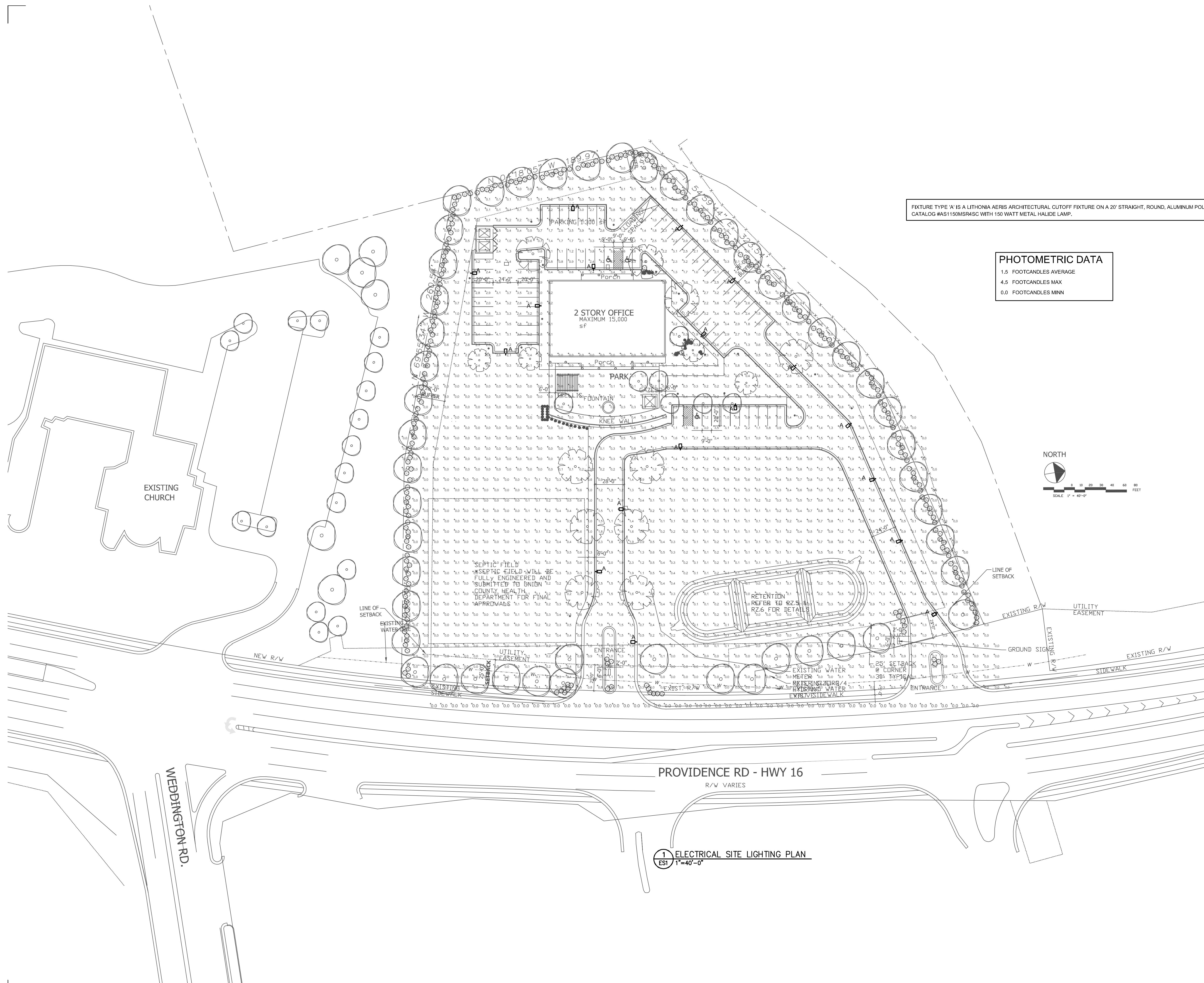
PROVIDENCE ROAD
WEDDINGTON, NORTH CAROLINA

PARCEL ID NUMBER:
06150045
Zoned R-40

PROPOSED:
MX
Mixed Use Conditional
PETITION #: 2012-XXX

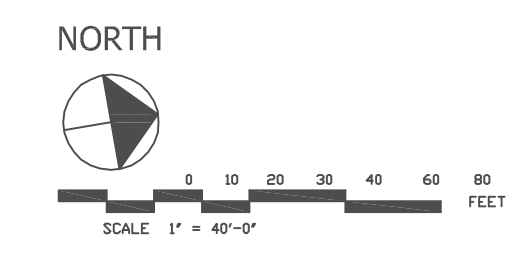
ISSUE	DATE
RESUBMITTAL	08.22.12
RESUBMITTAL	09.14.12
RESUBMITTAL	10.15.12
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**ELECTRICAL
SITE
PLAN**



FIXTURE TYPE 'A' IS A LITHONIA AERIS ARCHITECTURAL CUTOFF FIXTURE ON A 20' STRAIGHT, ROUND, ALUMINUM POLE.
CATALOG #AS1150MSR4SC WITH 150 WATT METAL HALIDE LAMP.

PHOTOMETRIC DATA
1.5 FOOTCANDLES AVERAGE
4.5 FOOTCANDLES MAX
0.0 FOOTCANDLES MINN



1 ELECTRICAL SITE LIGHTING PLAN
ESI 1"=40'-0"



Stantec

**Traffic Impact Analysis for
WEDDINGTON
OFFICE DEVELOPMENT
Weddington, NC**

FOR:

Polivka International Corporation, Inc.
Charlotte, NC

BY:

Stantec Consulting Services Inc.
801 Jones Franklin Rd
Suite 300
Raleigh, North Carolina 27606
(919) 865-8571
Fax: (919) 851-7024

Stantec Project No. 171001338

August 2012



Handwritten scribbles or marks, possibly including the number '51100'.

TRAFFIC IMPACT ANALYSIS

WEDDINGTON OFFICE DEVELOPMENT

**North of NC 16 (Providence Road) at NC 84 (Weddington Road)
Weddington, North Carolina**

Prepared for:

**POLIVKA INTERNATIONAL CORPORTATION, INC.
10700 SIKES PLACE, SUITE 110
CHARLOTTE, NC 28277**

Prepared by:

**Stantec Consulting Services Inc.
801 Jones Franklin Rd
Suite 300
Raleigh, NC 27606
(919) 865-8571
Fax: (919) 851-7024**



Stantec

Stantec Project No. 171001338

August 2012

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- III. Synchro[®] Intersection Capacity Analysis Reports (Weekday AM and PM Peak Periods) and SimTraffic[®] Queuing and Blocking Reports
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EXECUTIVE SUMMARY

Introduction

This report evaluates the existing and future traffic operations for the proposed Weddington Office Development located on the west side of NC 16 (Providence Road) north of the intersection of NC 16 (Providence Road) with NC 84 (Weddington Road) in Weddington, North Carolina. The proposed development will consist of a general office building with a maximum of 15,000 square feet (SF). The estimated project completion date is proposed for the year 2014. Access to the site is provided via two proposed driveways. Site Access 1 is proposed to be a left-over with 100 feet of storage and a right in, right out access. Site Access 2 is proposed to be right-in, right-out access.

Traffic Analysis

The following intersections were analyzed:

- NC 16 (Providence Road) at Hemby Road/Kings Manor Drive (signalized)
- NC 16 (Providence Road) at Site Access 1 (unsignalized)
- NC 16 (Providence Road) at Site Access 2 (unsignalized)
- NC 16 (Providence Road) at NC 84 (Weddington Road) (signalized)

This study evaluates the level-of-service (LOS) and delays at the above intersections for the following scenarios:

- Base Year 2012: Existing Conditions — existing traffic
- Build-out Year 2014: No Build Traffic Conditions — existing traffic + background growth
- Build-out Year 2014: Build Traffic Conditions — existing traffic + background growth + site traffic of the proposed Weddington Office Development

Study Assumptions

1. *Trip Generation:* The traffic generated by the proposed development was calculated using the methodology prescribed in the **ITE Trip Generation Manual, 8th Edition** and the results are presented in Table 1.

Table 1 Trip Generation for Weddington Office Development

Land Use			Daily	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
710	General Office Building	15,000 SF	310	36	5	41	16	79	95
Total External, Non-pass-by Trips			310	36	5	41	16	79	95

Reference: Institute of Transportation Engineers, Trip Generation, 8th Edition, Washington D.C., 2008

2. **Growth Rate:** A background growth rate of 3% per annum for this study area was approved by North Carolina Department of Transportation (NCDOT).

Roadway Improvements

Roadway network improvements for the build out of the Weddington Office Development are recommended below, separated by intersection. All improvements are based on guidelines set forth by the North Carolina Department of Transportation (NCDOT) **Policy on Street and Driveway Access to North Carolina Highways**.

1. *NC 16 (Providence Road) at Hemby Road/Kings Manor Drive:*
 - No improvements are required as part of the Weddington Office Development.

2. *NC 16 (Providence Road) at Site Access 1:*
 - Provide a northbound left turn lane (left-over) with 100' storage
 - Provide access southbound via the existing through lane that will become a through/right turn shared lane.
 - Provide one ingress and egress lane at Site Access 1.

3. *NC 16 (Providence Road) at Site Access 2:*
 - Provide access southbound via the existing through lane that will become a through/right turn shared lane.
 - Provide one ingress and one egress lane at Site Access 2.

4. *NC 16 (Providence Road) at NC 84 (Weddington Road):*
 - No improvements are required as part of the Weddington Office Development.

1.0 Introduction

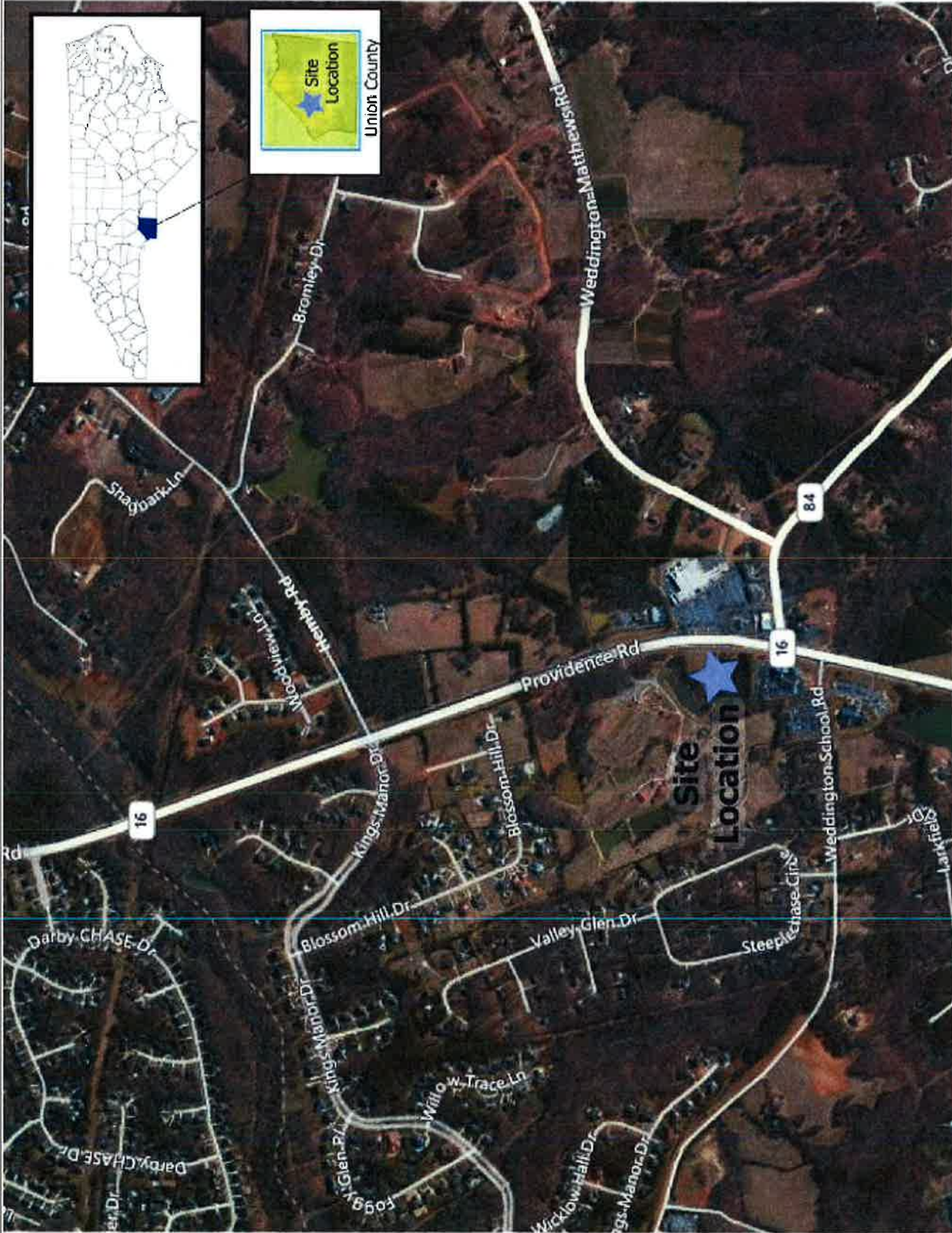
1.1 *Project Description*

This report evaluates the existing and future traffic operations for the proposed Weddington Office Development located on NC 16 (Providence Road) north of the intersection of NC 16 (Providence Road) with NC 84 (Weddington Road) in Weddington, North Carolina, as shown in Exhibit 1.1. The proposed development will consist of a general office building with a maximum of 15,000 square feet (SF). The estimated project completion date is proposed for the year 2014. Access to the site is shown in Exhibit 1.2 on the conceptual site plan. Site Access 1 is proposed to be a left-over with 100 feet of storage and a right in, right out access. Site Access 2 is proposed to be right-in, right-out access.

1.2 *Objective*

The objective of this study is to evaluate the impacts of the proposed development on the operation of the roadway network in the vicinity of the proposed site as well as the site entrances to the development. This study will evaluate the Level of Service (LOS) for each study area intersection under existing (2012) and future (2014) conditions. This report presents the current and projected traffic volumes in the study area, traffic capacity analysis, and a summary of the findings. Any recommended improvements to the roadway network in the vicinity of the proposed site will be summarized at the conclusion of this report. The traffic projections and capacity analysis include the following scenarios:

- Base Year 2012: Existing Conditions — existing traffic
- Build-out Year 2014: No Build Traffic Conditions — existing traffic + background growth
- Build-out Year 2014: Build Traffic Conditions — existing traffic + background growth + site traffic of the proposed Weddington Office Development



Weddington Office Development
Traffic Impact Analysis

Weddington, NC

Project Location Map



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Good Certificates
 This is to certify that the property shown on this drawing as 3507 located in a special flood hazard area as shown on the Flood Insurance Study (FIS) for the community number 370417000, the Community Administration Agency, Federal Insurance Administration, number is 370417000, dated October 16, 2006.

ADDITIONAL INFORMATION
 Signs will be constructed per Weddington zoning requirements.
 Lighting design shall meet ordinance requirements and appropriate procedures as per Section 14-43.1 through 14-43.9 of the Weddington Zoning Ordinance.
 Final landscape design and planting shall be in accordance with Section 20-10 of the Weddington Zoning Ordinance.
 Water & Sewer to be provided by CMUD.

Development Summary

Title Project Data:
 0150045
 0150045
 0150045
 0150045
 0150045

Proposed Zoning:
 R-40

Proposed Use:
 2-Story Office

Development Totals
 16,000 of building
 with within 60' of the zoning ordinance
 - No individual lot will exceed 5,000 sf

Minimum Parking Required: 1 space per 300 of net = 53 Spaces
Site Area: 70 Spaces

Proposed Parking Provided:
 53 Spaces

Other Notes:
 • All other and all other uses allowed and comply with within 60' of the zoning ordinance
 • Buffer required 20'
 • Buffer required 20'
 • Buffer required 20'
 • Buffer required 20'

POLIWKA INTERNATIONAL

POLIWKA
 Parking Solutions, LLC
 10700 Sikes Plaza, Suite 110
 CHARLOTTE, NORTH CAROLINA 28277
 Phone: 704-331-4802

WEDDINGTON OFFICE

PROVIDENCE ROAD
 WEDDINGTON, NORTH CAROLINA

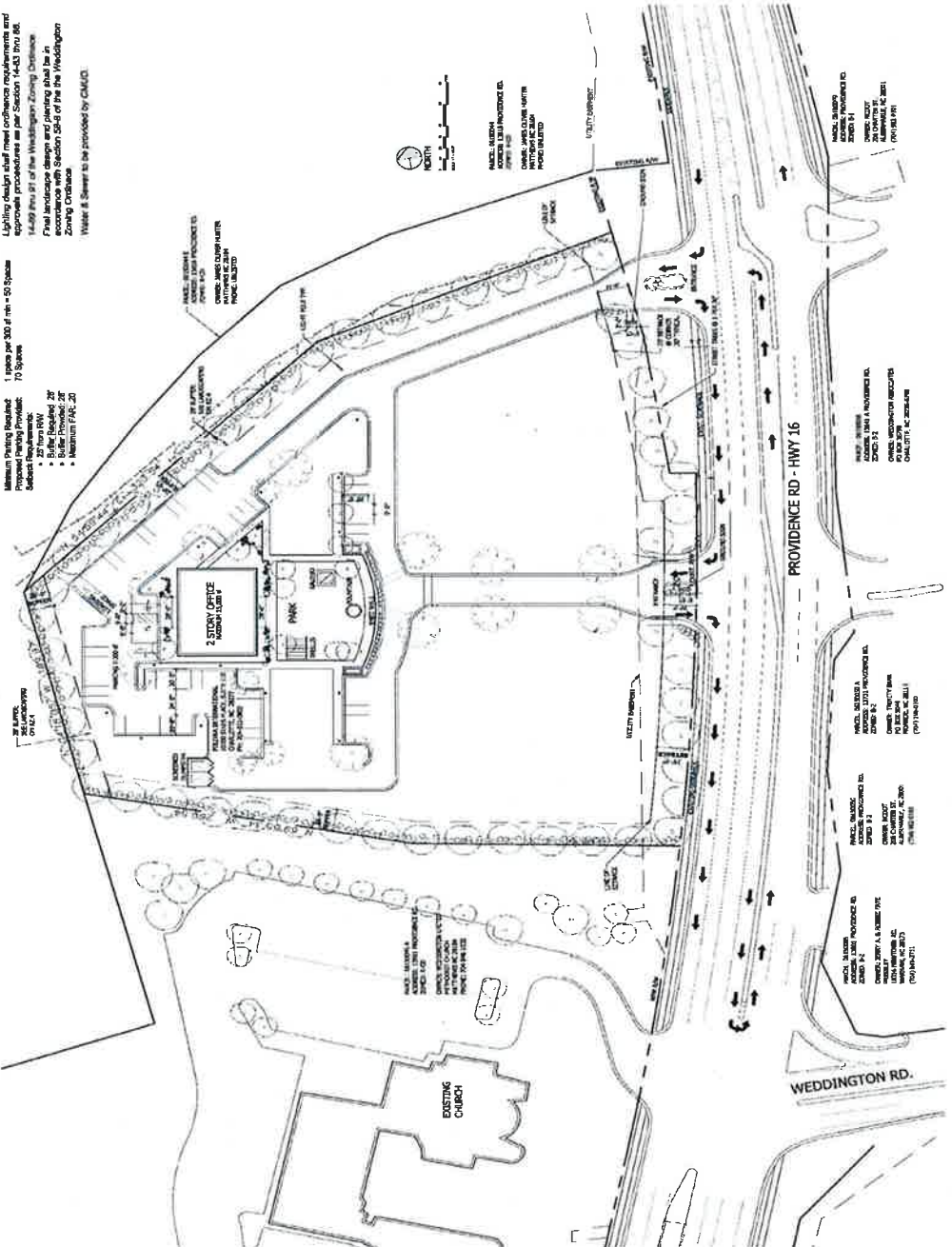
PARCEL ID NUMBER:
 06130045
 Zone: R-40

PROPOSED:
 MK
 Mixed Use Conditional
 PETITION # 2013-004

ILLUSTRATIVE PLAN & NOTES

RZ 1

Copyright 2013, Overcash Demmitt Architects
 2013-0045



01 | SITE PLAN Scale: 1" = 40'

**Weddington Office Development
 Traffic Impact Analysis
 Weddington, NC**

Project Site Plan



2.0 Study Area

2.1 Site Location

The Weddington Office Development is located in Weddington, NC. The proposed site is located on the west side of NC 16 (Providence Rd.) just north of the intersection of NC 16 (Providence Road) at NC 84 (Weddington Road). The following intersections are contained within the area of influence for this analysis:

- NC 16 (Providence Road) at Hemby Road/Kings Manor Drive (signalized)
- NC 16 (Providence Road) at Site Driveway 1 (unsignalized)
- NC 16 (Providence Road) at Site Driveway 2 (unsignalized)
- NC 16 (Providence Road) at NC 84 (Weddington Road) (signalized)

2.2 Existing Roadway Conditions

2.2.1 Roadways

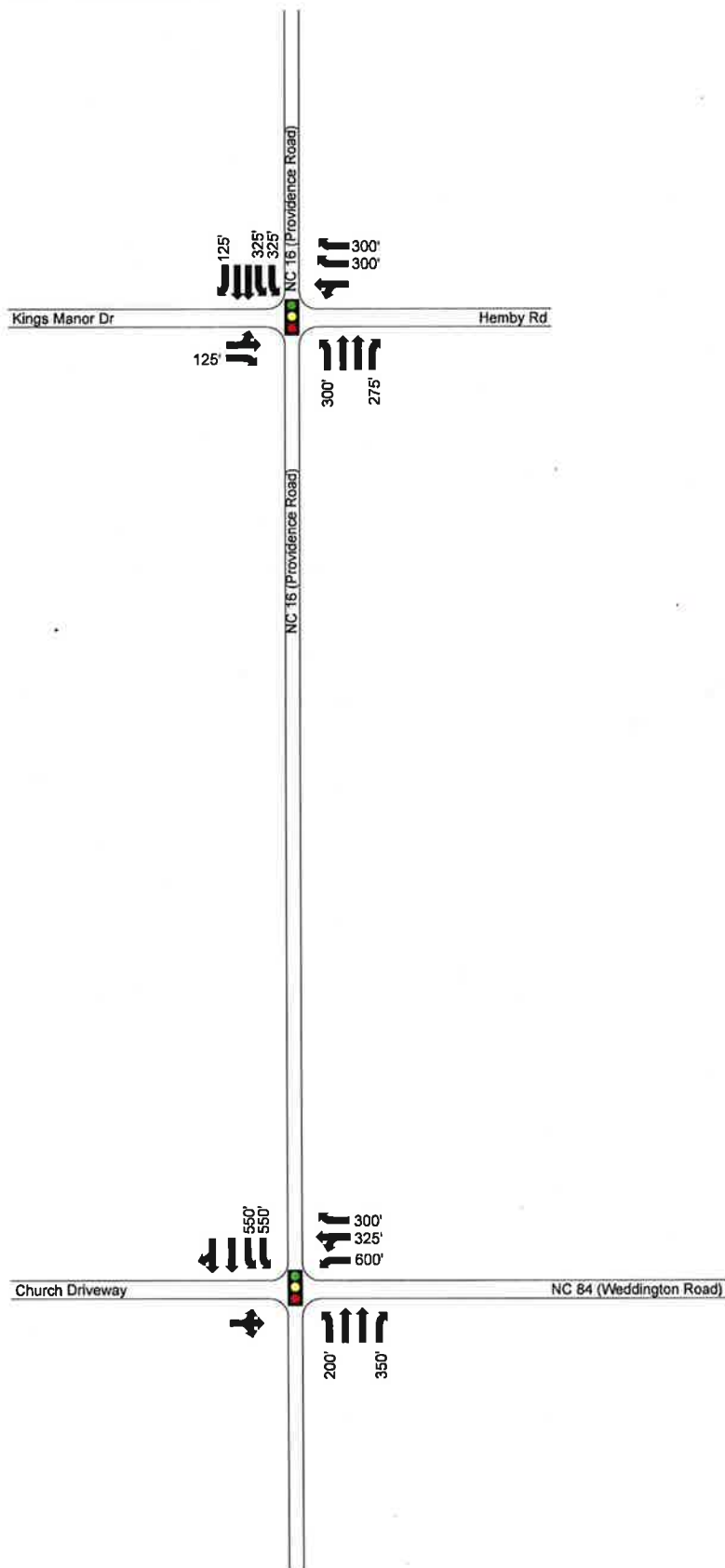
The study area roadways are further described below. Historic Annual Average Daily Traffic (AADT) of these roadways was obtained from the North Carolina Department of Transportation (NCDOT) via the www.ncdot.org website.

NC 16 (Providence Road) is a divided four lane major collector that extends from downtown Charlotte to Waxhaw. The posted speed limit within the vicinity of the site is 45 miles per hour (mph). Year 2011 AADT on NC 16 (Providence Road) south of NC 84 (Weddington Road) was 26,000 vehicles per day (vpd).

NC 84 (Weddington Road) is a two lane minor arterial that extends from NC 16 (Providence Road) to downtown Monroe. Within the vicinity of the site the posted speed limit is 45 mph. In 2011 the AADT on NC 84 (Weddington Road) east of NC 16 (Providence Road) was 15,000 vpd.

Hemby Road is a two lane minor arterial that extends from NC 16 (Providence Road) to Matthews-Weddington Road. The posted speed limit on Hemby Road is 45 mph. In 2011, the AADT on Hemby Road was 4800 vpd.

Existing laneage and traffic control is shown in Exhibit 2.1.



Legend

-  Existing Lane
-  Storage Length



**Weddington Office Development
Traffic Impact Analysis**

Weddington, NC

**Existing (2012) Laneage
and Traffic Control**

Not to Scale

Exhibit 2.1
Page 5

3.0 Projected Traffic Volumes

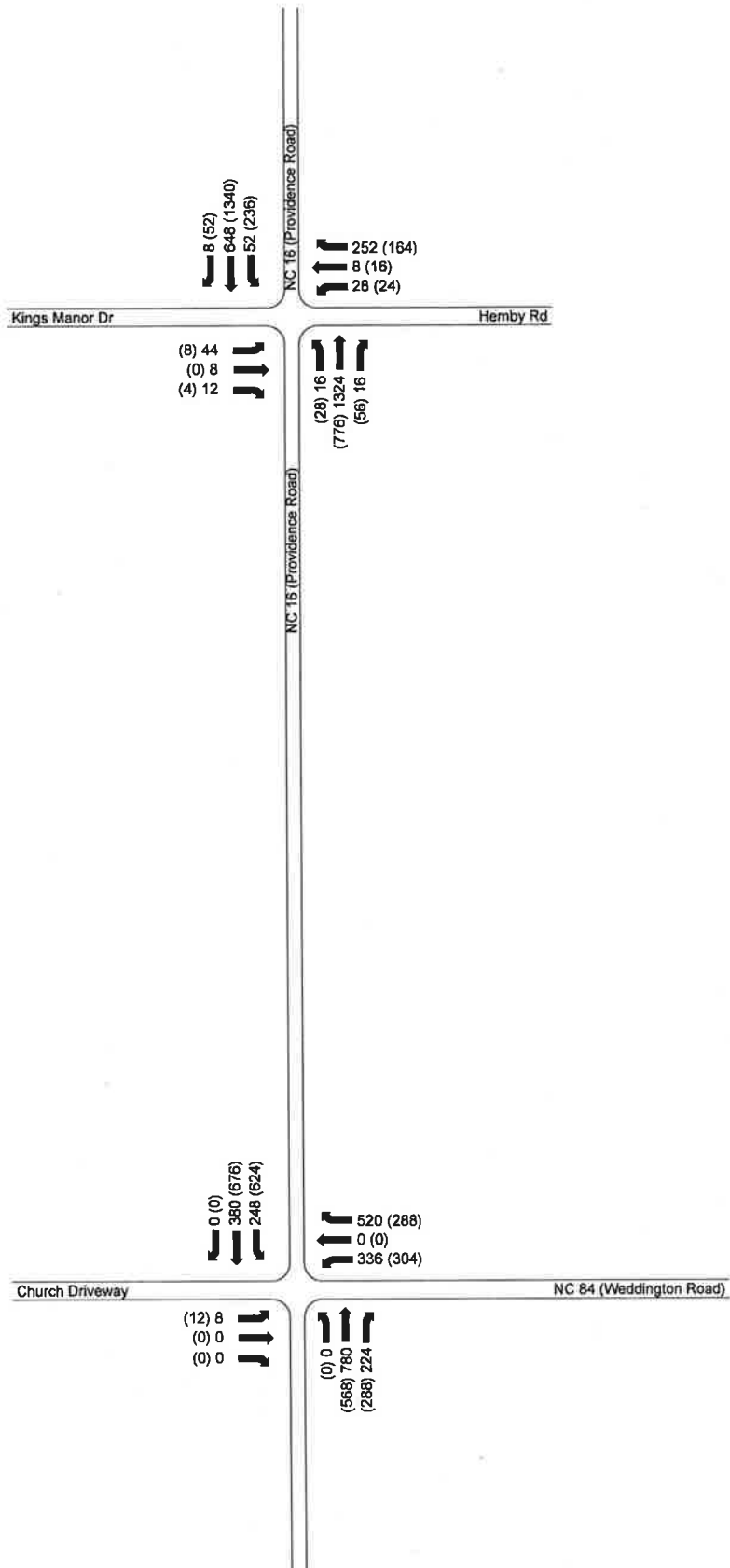
3.1 Existing Peak Hour Traffic Volumes

AM and PM peak hour turning movement intersection counts were obtained in July 2012 for the intersections located within the study area. The imbalances in traffic between intersections for the existing (2012) traffic volumes were less than 10 percent of the total volume. There are retail and residential driveways as well as U-turns in between the two intersections, which may account for the differences. Therefore, the volume imbalances were deemed acceptable for this study. Based on the 2012 traffic counts, heavy vehicle percentages of 6 percent and 3 percent were used for the AM and PM peak hours, respectively. Refer to Appendix I for all count data. Existing (2012) traffic volumes are contained in Exhibit 3.1.


3.2 Future Growth and Projects

A growth rate of 3% per annum was assumed for this study area and approved by NCDOT. Based on the 3% growth rate and the project completion date, base year (2012) traffic volumes were projected to the year 2014 in order to obtain No Build traffic conditions. No Build (2014) traffic volumes are shown in Exhibit 3.2.

There are no planned approved developments that would affect the study area for this development. Therefore, no approved development traffic or improvements are included in the analysis.



Legend

-  Directional Movement
- XX AM Peak Hour Volume
- (XX) PM Peak Hour Volume



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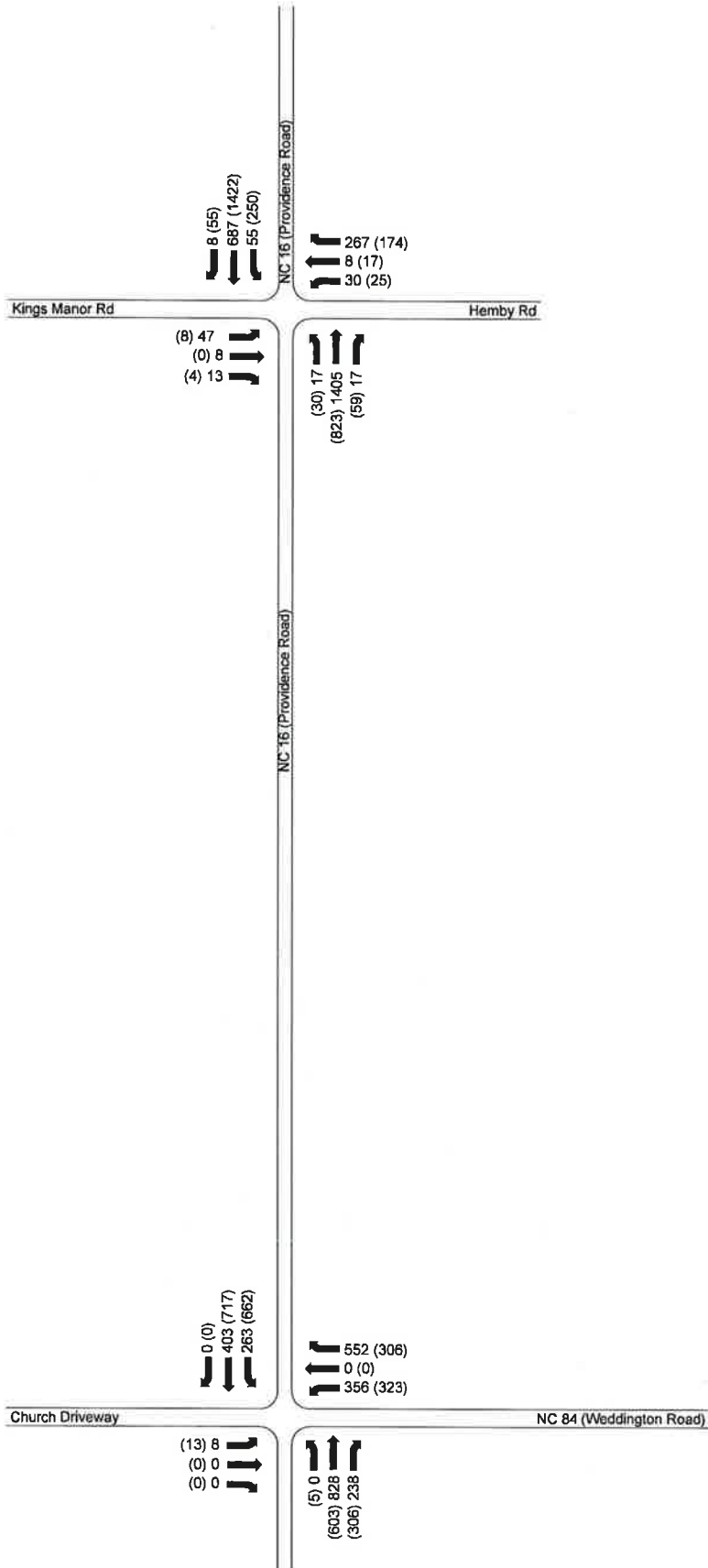
Weddington Office Development
Traffic Impact Analysis

Weddington, NC

Existing (2012)
Traffic Volumes

Not to Scale

Exhibit 3.1
Page 7



Legend

- Directional Movement
- XX AM Peak Hour Volume
- (XX) PM Peak Hour Volume



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**Weddington Office Development
Traffic Impact Analysis**

Weddington, NC

**No Build (2014)
Traffic Volumes**

Not To Scale

Exhibit 3.2
Page 8

3.3 Site Traffic

Trip Generation: The traffic generated by the proposed Weddington Office Development was calculated using rates from ITE Trip Generation, 8th Edition. The trip generation results are presented in Table 3.1.

Table 3.1 Trip Generation for Weddington Office Development

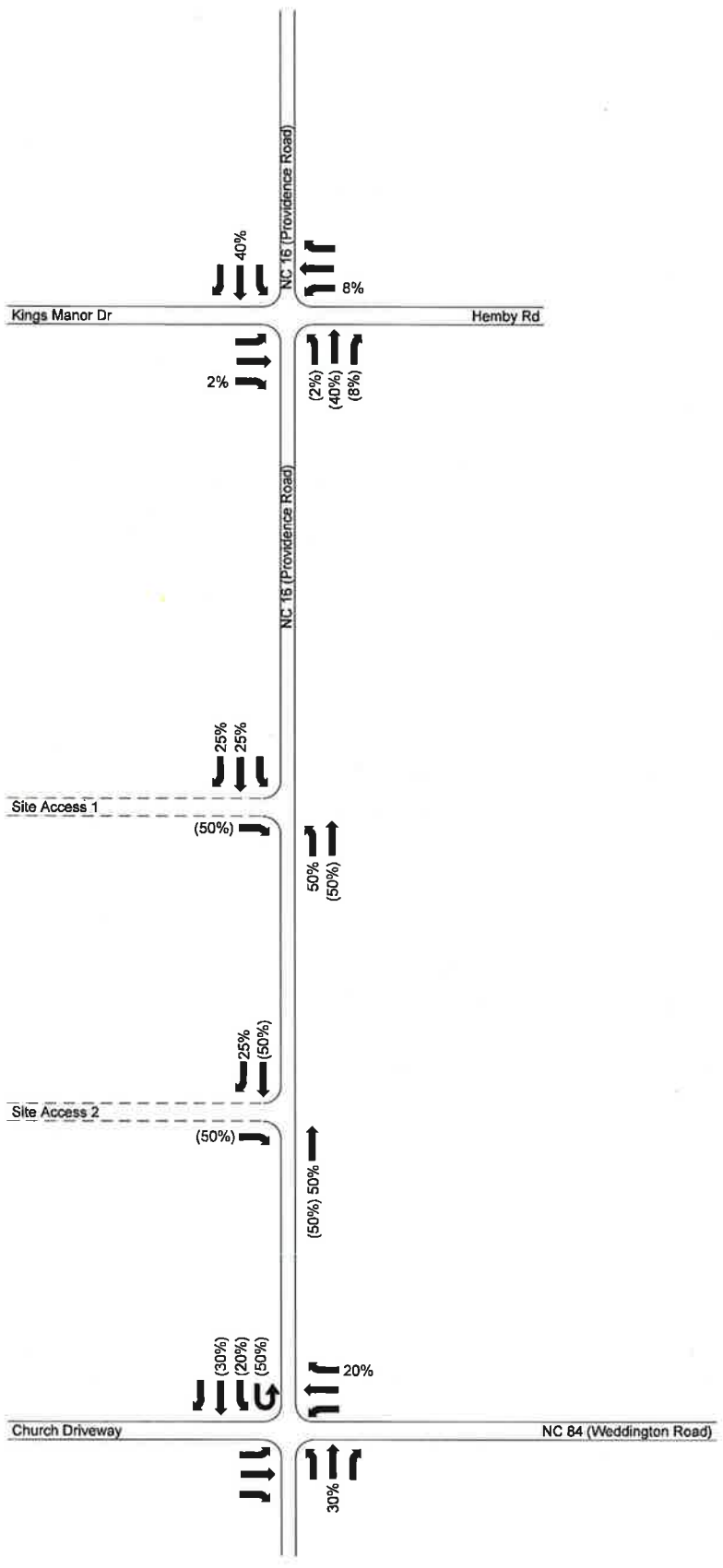
Land Use			Daily	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
710	General Office Building	15,000 SF	310	36	5	41	16	79	95
Total External, Non-pass-by Trips			310	36	5	41	16	79	95

Reference: Institute of Transportation Engineers, Trip Generation, 8th Edition, Washington D.C., 2008

Trip Distribution and Assignment: The directional distribution percentages and assignment of traffic to and from the site were estimated based on existing peak hour traffic patterns and the site layout. Refer to Exhibit 3.3 for the proposed site trip distribution. Exhibit 3.4 shows the site traffic assignment.

3.4 Build (2014) Traffic

The total future traffic volumes for 2014 include the No Build (2014) traffic and the proposed Weddington Office Development trips for the AM and PM peak hours. These volumes are presented in Exhibit 3.5 as the Build (2014) Traffic.



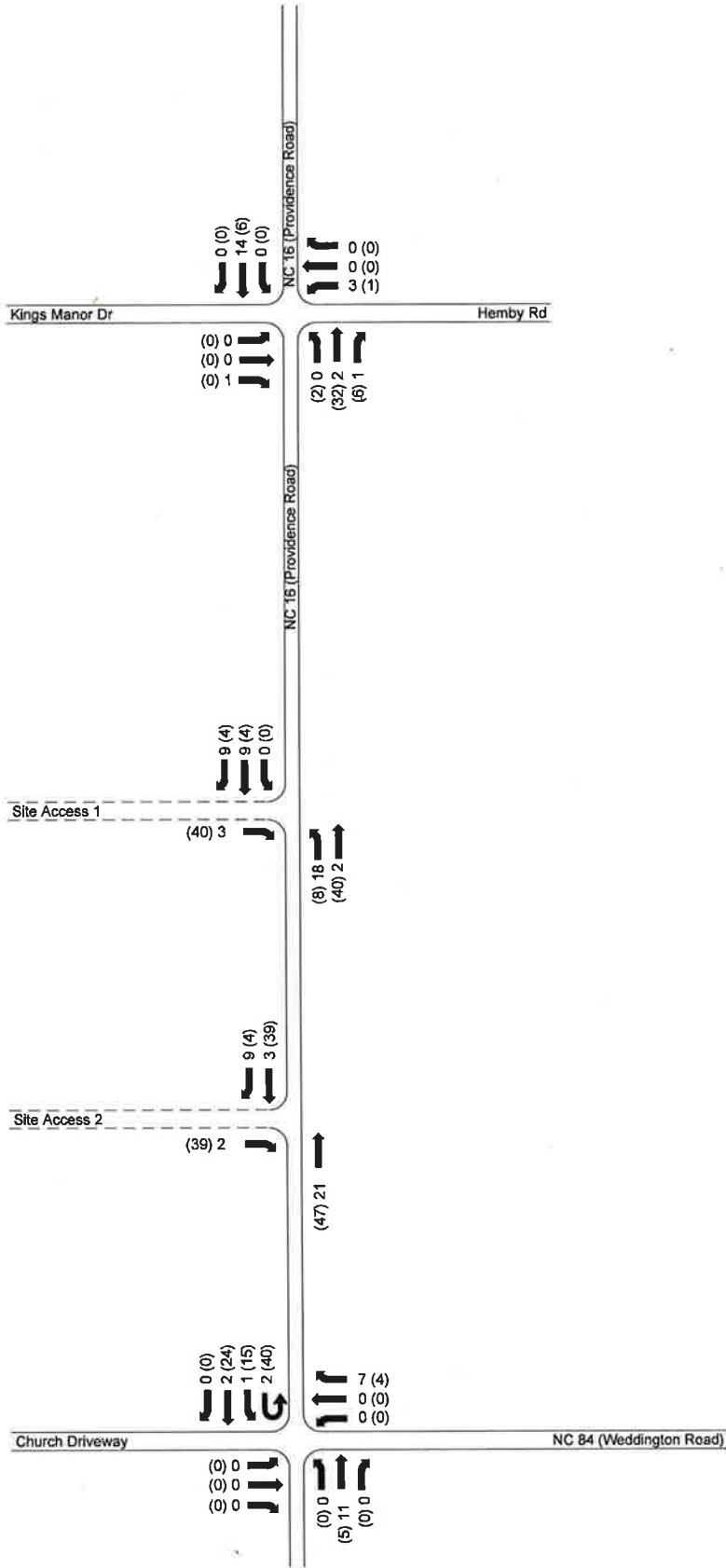
Legend

- Directional Movement
- XX% Entering Percentage
- (XX%) Exiting Percentage
- - - Site Driveway



Weddington Office Development
Traffic Impact Analysis
Weddington, NC

Site Trip Distribution Percentages
Not To Scale



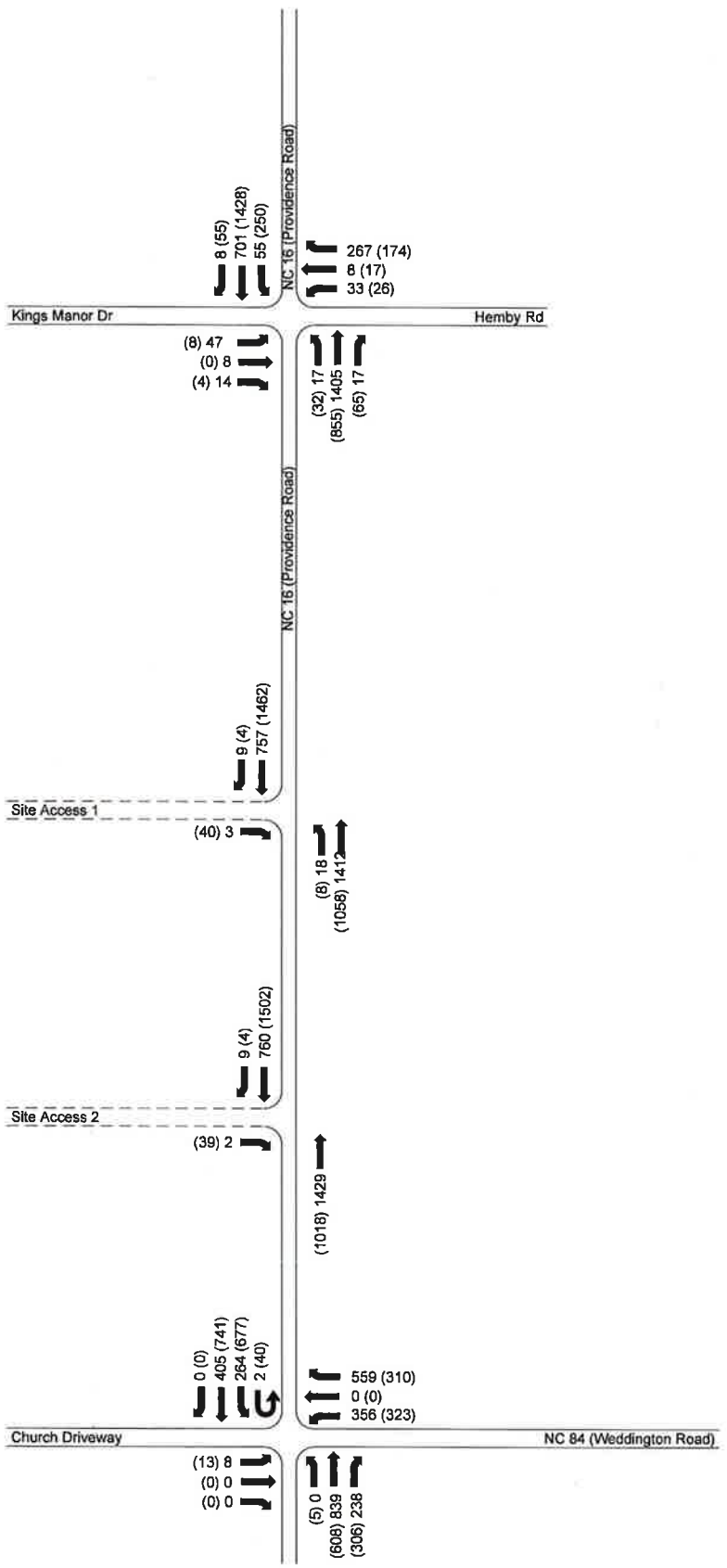
Legend

- Directional Movement
- XX AM Peak Hour Trip
- (XX) PM Peak Hour Trip
- - - Site Driveway



Weddington Office Development
 Traffic Impact Analysis
 Weddington, NC

Total Site Traffic
 Assignment
 Not to Scale



Legend

- Directional Movement
- XX AM Peak Hour Volume
- (XX) PM Peak Hour Volume
- - - Site Driveway



Weddington Office Development
 Traffic Impact Analysis
 Weddington, NC

Build (2014) Traffic Volumes

Not to Scale
 Exhibit 3.5
 Page 12

4.0 Capacity Analysis

4.1 Methodology

A capacity analysis was performed for the roadway network in the project study area. Synchro[®] Version 7 software was utilized to analyze all study area intersections for the current year and build out year according to methods put forth by the Transportation Research Board's Highway Capacity Manual (HCM 2010).

Level-of-service (LOS) is a term used to describe different traffic conditions and is defined as a "qualitative measure describing operational conditions within a traffic stream, and their perception by motorists/ or passengers." LOS varies from Level A, representing free flow, to Level F where traffic breakdown conditions are evident. Traffic conditions with LOS of E or F are deemed unacceptable and represent significant travel delay, increased accident potential, and inefficient motor vehicle operation. At an unsignalized intersection, the primary traffic on the main roadway is virtually uninterrupted. Therefore, the overall delay for the intersection is usually less than what is calculated for the minor street movements. The overall intersection delay and the delay for the intersection's minor street(s) are reported in the summary tables of this report. Generally, LOS D is acceptable for signalized intersections in suburban areas during peak periods. With the current method of reporting LOS for unsignalized intersections, it is not uncommon for some of the minor street movements to be operating at a LOS F during peak hour conditions. Volume-to-capacity (V/C) ratios are often shown to provide some detail on how the demand at an intersection compares to the capacity. In this report, the highest V/C ratio from each intersection is reported for comparison purposes. Exhibits 16-2 and 17-2 from the HCM provide the average delays associated with each LOS for signalized and unsignalized intersections.

Exhibit 16-2 from HCM – LOS Criteria for Signalized Intersections

LOS	Control Delay per Vehicle (s/veh)
A	≤ 10
B	> 10 - 20
C	> 20 - 35
D	> 35 - 55
E	> 55 - 80
F	> 80

Exhibit 17-2 from HCM – LOS Criteria for Unsignalized Intersections

LOS	Control Delay per Vehicle (s/veh)
A	0 - 10
B	> 10 - 15
C	> 15 - 25
D	> 25 - 35
E	> 35 - 50
F	> 50

Synchro[®] was used to analyze LOS and delay at the signalized and unsignalized study area intersections. Tables 4.1, 4.2, 4.3, and 4.4 summarize the results of the analysis, displaying the intersection LOS and delay for the Existing (2012), No Build (2014), Build (2014) scenarios. Signal timing and coordination plans can be found in Appendix II. Detailed Synchro[®] reports and SimTraffic[®] queuing & blocking reports are located in Appendix III.

4.2 NC 16 (Providence Road) at Hemby Road/Kings Manor Road

Table 4.1 presents the LOS, delay and v/c ratio results of the analysis of the signalized intersection of NC 16 (Providence Road) at Hemby Road/Kings Manor Road for the weekday AM and PM peak hours.

Table 4.1 NC 16 (Providence Road) at Hemby Road/Kings Manor Drive: LOS, Delay, and Volume-to-Capacity Ratio

Scenario	Control Type	Weekday AM Peak Hour			Weekday PM Peak Hour		
		LOS	Delay (sec/veh)	Max V/C Ratio	LOS	Delay (sec/veh)	Max V/C Ratio
Existing (2012) Conditions	Signalized	B	17.0	0.60	B	15.7	0.52
No Build (2014) Conditions	Signalized	B	18.6	0.64	B	15.7	0.55
Build (2014) Conditions	Signalized	B	18.2	0.64	B	16.3	0.57

Table 4.1 indicates that the proposed development will have a minimal impact on the operations along NC 16 (Providence Road) and Hemby Road. No improvements are recommended for this intersection due to the Weddington Office Development site traffic.

4.3 NC 16 (Providence Road) at Site Access 1

Table 4.2 presents the LOS, delay and v/c ratio results of the analysis of the intersection of NC 16 (Providence Road) at Site Driveway 1 for the weekday AM and PM peak hours.

As part of the build conditions for the Weddington Office Development, Site Access 1 is proposed to provide a left-over with 100' storage into the site and a right turn lane out of the site. This scenario has stop-sign control for the eastbound approach. According to NCDOT's "Policy on Street and Driveway Access to North Carolina Highways", no exclusive right-turn lane is required based on the volumes generated by the proposed development. The graph showing the threshold for right-turn lanes can be found in Appendix IV.

Table 4.2 NC 16 (Providence Road) at Site Access 1: Approach LOS, Delay, and Volume-to-Capacity Ratio

Scenario	Control Type	Weekday AM Peak Hour			Weekday PM Peak Hour		
		LOS	Delay (sec/veh)	Max V/C Ratio	LOS	Delay (sec/veh)	Max V/C Ratio
Build (2014) Conditions	Stop Sign (Eastbound)	B	11.4	0.46	C	18.6	0.64

Table 4.2 indicates that Site Access 1 will operate with acceptable levels of service during the AM and PM peak hours. NC 16 (Providence Rd.) will operate with virtually no delay.

4.4 NC 16 (Providence Road) at Site Access 2

Table 4.3 presents the LOS, delay and v/c ratio results of the analysis of the stop-sign controlled intersection of NC 16 (Providence Road) at Site Access 2 for the weekday AM and PM peak hours.

As part of the build conditions for the Weddington Office Development, Site Access 2 is proposed as a right-in, right-out only with stop-sign control for the eastbound approach. According to NCDOT's "Policy on Street and Driveway Access to North Carolina Highways", no exclusive right-turn lane is required at this intersection based on the volumes generated by the proposed development. The graph showing the threshold for right-turn lanes can be found in Appendix IV.

Table 4.3 NC 16 (Providence Road) at Site Access 2: Approach LOS, Delay, and Volume-to-Capacity Ratio

Scenario	Control Type	Weekday AM Peak Hour			Weekday PM Peak Hour		
		LOS	Delay (sec/veh)	Max V/C Ratio	LOS	Delay (sec/veh)	Max V/C Ratio
Build (2014) Conditions	Stop Sign (Eastbound)	B	11.4	0.47	C	18.1	0.65

Table 4.3 indicates that Site Access 2 will operate with acceptable levels of service during the AM and PM peak hours. NC 16 (Providence Rd.) will operate with virtually no delay.

4.5 NC 16 (Providence Road) at NC 84 (Weddington Road)

Table 4.4 presents the LOS, delay and v/c ratio results of the analysis of the signalized intersection of NC 16 (Providence Road) at NC 84 (Weddington Road) for the weekday AM and PM peak hours.

It should be noted that in the Synchro[®] build (2014) files, the southbound left-turn/ U-turn (phase 1) and the westbound right-turn overlap (also phase 1) are being shown as a conflict. In the field, this will actually be a conflict, so it is being modeled as such. It is anticipated that a sign would be implemented at the intersection, indicating that the southbound U-turn vehicles shall yield to any westbound right-turning vehicles. SimTraffic[®] models this assumption accurately, where southbound U-turning vehicles must wait for a gap in westbound right-turning traffic during the phase 1 green time before they are able to make their desired movement. Therefore, the "conflict" error shown in Synchro[®] is deemed acceptable.

If background traffic at this intersection continues to grow at a rate of 3 percent per year, as was assumed for this study, it may be necessary to re-evaluate the signal timing at this intersection, in order to mitigate the additional traffic volumes and alleviate queuing and delay.

Table 4.4 NC 16 (Providence Road) at NC 84 (Weddington Road): LOS, Delay, and Volume-to-Capacity Ratio

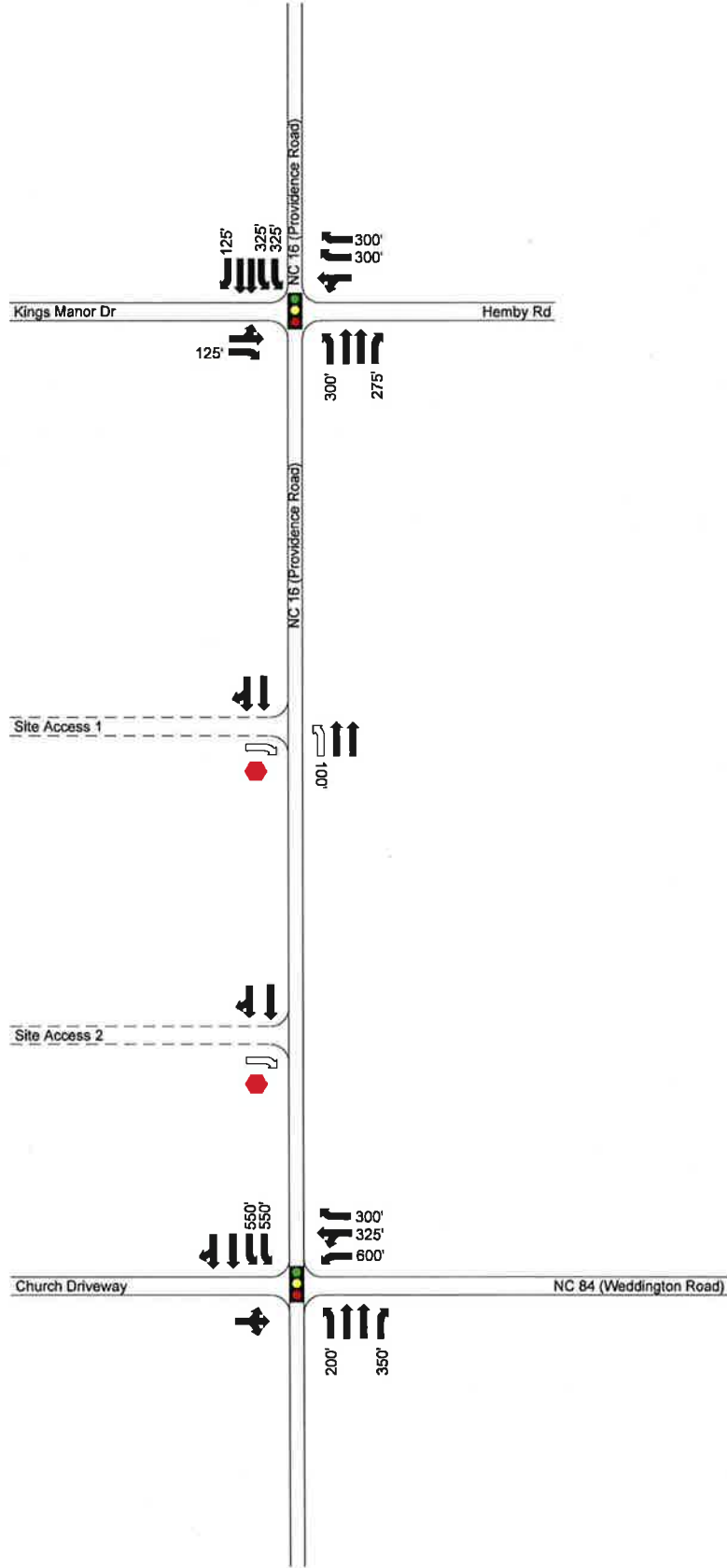
Scenario	Control Type	Weekday AM Peak Hour			Weekday PM Peak Hour		
		LOS	Delay (sec/veh)	Max V/C Ratio	LOS	Delay (sec/veh)	Max V/C Ratio
Existing (2012) Conditions	Signalized	C	31.8	0.73	D	40.9	0.86
No Build (2014) Conditions	Signalized	D	33.0	0.80	D	40.3	0.90
Build (2014) Conditions	Signalized	C	32.8	0.82	D	41.5	0.90

Table 4.4 indicates that the proposed development will have a minimal impact on the operations along NC 16 (Providence Road) and NC 84 (Weddington Rd.). No additional improvements are recommended for this intersection due to the Weddington Office Development site traffic.

5.0 Summary of Findings and Recommendations

Roadway network improvements are recommended below, separated by intersection. All improvements are based on guidelines set forth by the North Carolina Department of Transportation (NCDOT) **Policy on Street and Driveway Access to North Carolina Highways**. Refer to Exhibit 5.1 for the Recommended Build (2014) Laneage and Traffic Control.

1. *NC 16 (Providence Road) at Hemby Road/Kings Manor Drive:*
 - No improvements are required as part of the Weddington Office Development.
2. *NC 16 (Providence Road) at Weddington Corners Access 1/Site Access 1:*
 - Provide a northbound left turn lane (left-over) with 100' storage
 - Provide access southbound via the existing through lane that will become a through/right turn shared lane.
 - Provide one ingress and egress lane at Site Access 1.
3. *NC 16 (Providence Road) at Weddington Corners Access 2/Site Access 2:*
 - Provide access southbound via the existing through lane that will become a through/right turn shared lane.
 - Provide one ingress and one egress lane at Site Access 2.
4. *NC 16 (Providence Road) at NC 84 (Weddington Road):*
 - No improvements are required as part of the Weddington Office Development.



Legend

- Existing Lane
- Site Improvement
- XX' Storage Length



Weddington Office Development
 Traffic Impact Analysis
 Weddington, NC

Build (2014) Recommended
 Laneage and Traffic Control
 Not to Scale
 Exhibit 5.1
 Page 19

6.0 Conclusion

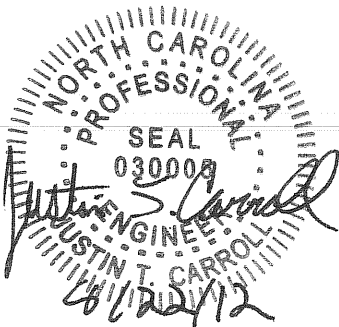
This study shows that NC 16 (Providence Rd.) has more capacity than is required based on vehicular demand. The analysis shows that the level of service for each of the signalized intersections will not be affected significantly by the additional traffic proposed for this development. Therefore, it is believed that the proposed development will not have any significant impact on the surrounding roadways.

**Independent Review of the Traffic Impact Analysis
Conducted by Stantec Consulting Services Inc.
For
WEDDINGTON OFFICE DEVELOPMENT
Weddington, NC**

August 2012

BY:

**Justin T. Carroll, P.E.
Transportation Engineer
7997 Cotton St.
Harrisburg, NC 28075**



Signed: Justin T. Carroll Date: 8/22/12
Justin T. Carroll, P.E.

Development Facts:

This report is an independent review of the Traffic Impact Analysis (TIA) for Weddington Office Development conducted by Stantec Consulting Services Inc. Since this development is being proposed along and near NCDOT facilities (NC 16 and NC 84), my comments are intended to reflect/supplement NCDOT's comments; not replace them.

The report evaluates the existing and future traffic operations for the proposed Weddington Office Development site located on the west side of NC 16 (Providence Road) just north of the intersection of NC 16 with NC 84 (Weddington Road) in Weddington, North Carolina. The report also recommends improvements to mitigate those impacts. The proposed development will consist of a general office building with a maximum of 15,000 square feet (SF). The estimated project completion date is proposed for the year 2014. The proposed access for the development consist of two driveways connecting directly to NC 16.

TIA Recommendations:

Stantec's recommendations for transportation improvements needed to mitigate the proposed mixed use development's traffic are:

1. NC16 at Weddington Corners Access1/Site Access 1:
 - Provide a northbound left turn lane (left-over) with 100' storage.
 - Provide access southbound via the existing through lane that will become a through/right turn shared lane.
 - Provide one ingress and egress lane on Site Access 1.
2. NC 16 at Weddington Corners Access2/Site Access 2:
 - Provide access southbound via the existing through lane that will become a through/right turn shared lane.
 - Provide one ingress and one egress lane on Site Access 2.

Recommended Corrections or Additions:

- 1.1 "Project Description": The submitted sketch plan shows a large amount of undeveloped land associated with the site; will this land be built upon in the future? It's preferred to have a statement to give the intent of this undeveloped land. It would be prudent to also add a statement that says, "additional development would necessitate an update to the traffic impact analysis".
- 2.2 Exhibit 2.1 "Existing (2012) Laneage and Traffic Control": The most recent state Transportation Improvement Project (TIP) constructed a mid-block U-turn intersection between Hemby Road and Proposed Site Access 1. This is not depicted on this exhibit, nor used or referenced in any of the analysis. It is recommended to update all exhibits and analysis to reflect this mid-block U-turn.

- 3.4 Exhibit 3.4: “Total Site Traffic Assignment” needs very minor adjustment. Adjusting the numbers should not affect the outcome of the study. Please see Appendix 1 for corrections.
- 4.3 “NC 16 (Providence Road) at Site Access 1“: There is no mention where the space to fit in a 100’ turn lane and taper comes from. This needs to be discussed in detail due to the impact to the dual SB left turn lanes on NC16 at NC84. The dual SB left turn lanes were built under a state TIP with a 20 yr design life. Compromising this storage is not in the best interest of the traveling public.
- 4.5 “NC 16 (Providence Road) at NC 84 (Weddington Road)”: It is stated that the proposed development will have a minimal impact on the operations along NC 16 and NC 84. When looking at the LOS this may be true, however the reduction of storage for the dual SB left turn lanes due to the installation of the 100’ NBL into the site will cause issues with stacking into the main line, based on the Synchro analysis. The 2014 build analysis shows the 95th % queue exceeding past the storage.

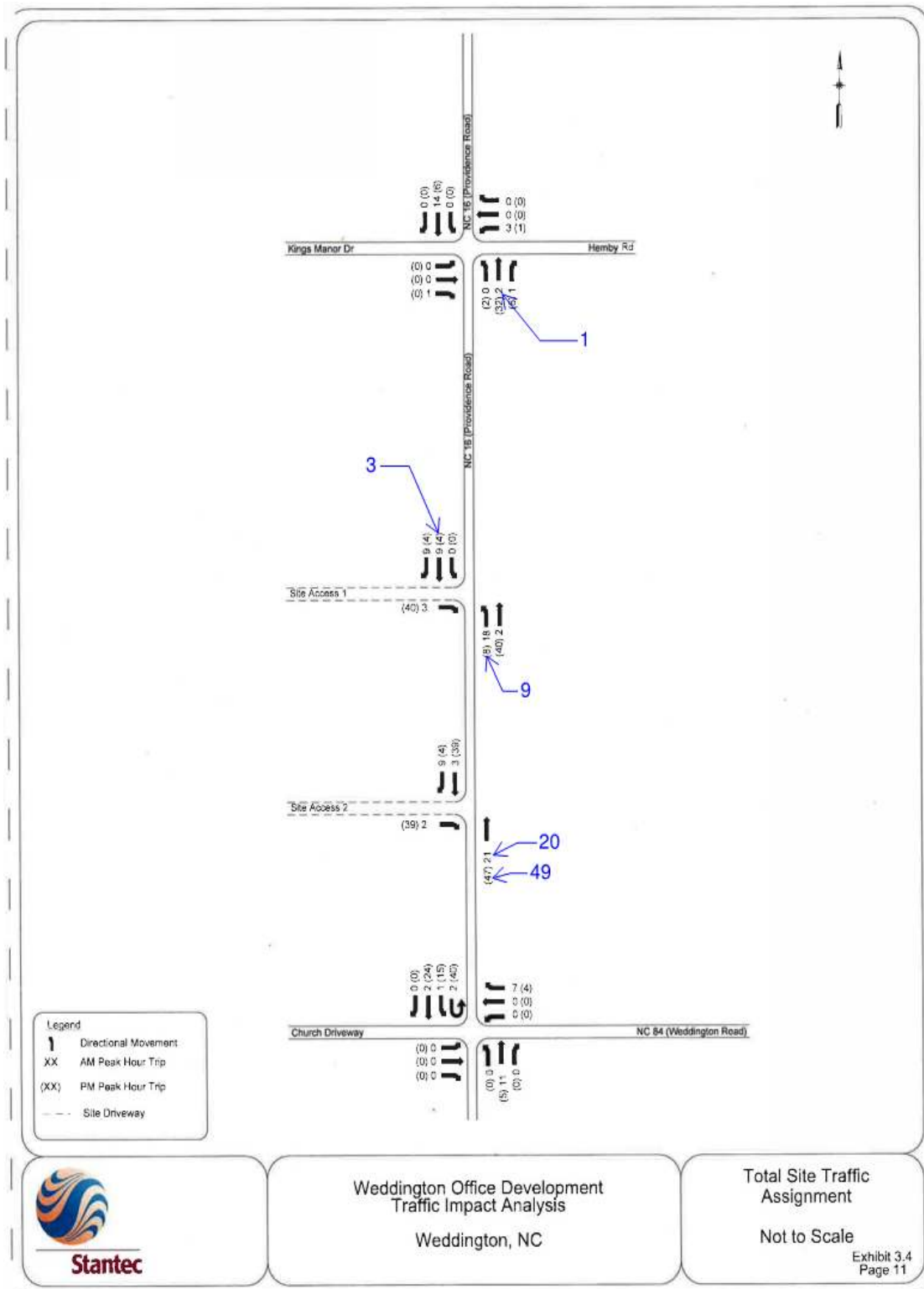
Recommendations:

A thorough review of the TIA has led to several recommendations.

1. I disagree with the recommendation for a left-over at Access 1. The addition of a NB 100’ left turn lane at Access 1 would necessitate the shortening of the dual 600’ SB left turn lanes at NC 84. Based off of the 2030 analysis conducted for the state TIP, both 600’ SB left turn lanes are warranted.
2. An analysis should occur that includes the mid-block U-turn intersection between Hemby Rd and Proposed Site Access 1. This attractive and efficient option will replace the need to have a left-over constructed at Access 1. This will provide adequate access to the site, maintain the integrity of the left turn lane storage, while significantly reducing the cost of construction.
3. Considering the proposed site design and the deletion of the left-over, it would be an option to delete one of the driveways from the site. It appears that one driveway can handle the number of trips for a 15,000 SF general office building. Further analysis can prove if my assumptions are correct. The deletion of a driveway will improve the capacity of NC 16 while also reducing the cost of construction. If a driveway is deleted, it’s preferred the southern most drive go away.

The recommendations above are my professional opinion, ultimately NCDOT has the approval authority over any treatment to these intersections.

Appendix 1:



Weddington Office Development
 Traffic Impact Analysis
 Weddington, NC

Total Site Traffic
 Assignment
 Not to Scale

Exhibit 3.4
 Page 11



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
August 22, 2012

Beverly Eaves Perdue
GOVERNOR

Eugene A. Conti, Jr
SECRETARY

Ms. Christa Greene, P.E.
Senior Traffic Engineer
Stantec
801 Jones Franklin Road, Suite 300
Raleigh, NC 27606

SUBJECT: Weddington Office Development

Dear Ms. Greene,

The NCDOT District Staff has completed our review of the submission of the Weddington Office Development TIA dated August 2012 performed by Stantec. The Weddington Office Development will not have any significant impacts that would result in mitigation at the intersections of NC 16 with NC 84 and Hemby Road/Kings Manor Road. Furthermore, the proposed access plan will not have any impacts along NC 16 and is approved as presented.

Application for access to NC 16 will need to be applied for. All plans, driveway and roadway design along NC 16, should be included with the Access Permit Application Package. Please reference the attached permit application and guidelines.

Should you have any questions or if we can be of further assistance please contact Trisha Hartzell, P.E., Assistant District Engineer, or myself at the number below.

Sincerely yours,

Trisha Hartzell, P.E.

for J. W. Underwood
District Engineer

JWU/tlh

cc: Jordan Cook Town of Weddington
File



Stantec Consulting Services Inc.
801 Jones Franklin Road Suite 300
Raleigh NC 27606
Tel: (919) 851-6866
Fax: (919) 851-7024

Stantec

September 13, 2012

Mr. Jordan Cook, Planner
Town of Weddington
1924 Weddington Road
Weddington, North Carolina 28104

Dear Mr. Cook,

Reference: Response to the Independent Review of the Traffic Impact Analysis for the Weddington Office Development, Weddington, NC

A Traffic Impact Analysis (TIA) was prepared by Stantec Consulting Services on August 9, 2012 and submitted to NCDOT and the Town of Weddington (the Town) for review and/or approval. This study was based on the site plan that was provided by the owner, Polivka International Corporation, Inc (the Owner). As you recall, all assumptions were identified and approved by the Town and NCDOT at the start of the study. On August 22, 2012, a letter indicating that the TIA was accepted and approved by the NCDOT District Office was provided by the Assistant District Engineer, Trisha Hartzell, PE. Following this, an independent review of the TIA (also dated August 22, 2012) was provided by Justin Carroll, PE for the Town. This letter is to address the items identified by Mr. Carroll. The following contains the comments included in the review and a response noted in blue.

Recommended Corrections or Additions:

1.1 "Project Description": The submitted sketch plan shows a large amount of undeveloped land associated with the site; will this land be built upon in the future? It's preferred to have a statement to give the intent of this undeveloped land. It would be prudent to also add a statement that says, "additional development would necessitate an update to the traffic impact analysis".

Response: According to the owner, there are currently no plans for further development on this site. The owner understands that if he does decide to do anything in the future, he could be required to prepare a new traffic study if required by the Town or NCDOT.

2.2 Exhibit 2.1 "Existing (2012) Laneage and Traffic Control": The most recent state Transportation Improvement Project (TIP) constructed a mid-block U-turn intersection between Hemby Road and Proposed Site Access 1. This is not depicted on this exhibit, nor used or referenced in any of the analysis. It is recommended to update all exhibits and analysis to reflect this mid-block U-turn.

Response: This intersection was not included in study area intersections identified in the *List of Assumptions* approved by The Town and NCDOT. We studied the site plan as provided; therefore,

Reference: Weddington Office Development TIA

the midblock u-turn would not be utilized by any site traffic in this scenario; therefore, there would be no impact by the development at this location.

3.4 Exhibit 3.4: "Total Site Traffic Assignment" needs very minor adjustment. Adjusting the numbers should not affect the outcome of the study. Please see Appendix 1 for corrections.

Response: Numerical differences appear to be primarily due to rounding and will not make a notable impact on build-out analyses.

4.3 "NC 16 (Providence Road) at Site Access 1": There is no mention where the space to fit in a 100' turn lane and taper comes from. This needs to be discussed in detail due to the impact to the dual SB left turn lanes on NC16 at NC84. The dual SB left turn lanes were built under a state TIP with a 20 yr design life. Compromising this storage is not in the best interest of the traveling public.

Response: The design for the left over was included in the project site plan. Additional information regarding this access is included in the response to 4.5.

4.5 "NC 16 (Providence Road) at NC 84 (Weddington Road)": It is stated that the proposed development will have a minimal impact on the operations along NC 16 and NC 84. When looking at the LOS this may be true, however the reduction of storage for the dual SB left turn lanes due to the installation of the 100' NBL into the site will cause issues with stacking into the main line, based on the Synchro analysis. The 2014 build analysis shows the 95th % queue exceeding past the storage.

Response: This leftover will be adjacent to the current left over into Harris Teeter. Therefore, a portion of the storage will be in the area where there is currently a concrete median. With approval from the District Engineer, the taper length could be reduced to minimize the impact to the existing left turn lane. Although it will impact the left turn storage for one lane, the adjacent left turn lane will continue to have the existing amount of storage. As noted, there will be some reduction in the total storage for one lane, but it should not be significant if the developer works with NCDOT to develop a mutually beneficial design.

Recommendations:

1. I disagree with the recommendation for a left-over at Access 1. The addition of a NB 100' left turn lane at Access 1 would necessitate the shortening of the dual 600' SB left turn lanes at NC 84. Based off of the 2030 analysis conducted for the state TIP, both 600' SB left turn lanes are warranted.

Response: Included with Response #2.

Reference: Weddington Office Development TIA

2. An analysis should occur that includes the mid-block U-turn intersection between Hemby Rd and Proposed Site Access 1. This attractive and efficient option will replace the need to have a left-over constructed at Access 1. This will provide adequate access to the site, maintain the integrity of the left turn lane storage, while significantly reducing the cost of construction.

Response to 1 & 2: Response: The independent review and recommendations were shared with the Owner. At this time, the Owner prefers the access as illustrated on the current site plan. Additional analyses should not be required for the u-turn option because the results will be virtually the same as the current configuration based on the low site traffic volumes.

3. Considering the proposed site design and the deletion of the left-over, it would be an option to delete one of the driveways from the site. It appears that one driveway can handle the number of trips for a 15,000 SF general office building. Further analysis can prove if my assumptions are correct. The deletion of a driveway will improve the capacity of NC 16 while also reducing the cost of construction. If a driveway is deleted, it's preferred the southern most drive go away.

Response: Although one driveway may be sufficient for capacity, an additional driveway will provide an emergency access point in the event one is blocked. Additionally, the Owner realizes that it will ultimately be the responsibility of the NCDOT to approve or disapprove the number of driveways.

Please feel free to contact me at (919) 865-7588 regarding these responses.

Sincerely,

STANTEC CONSULTING SERVICES INC.



Mrs. Christa A. Greene, PE
Senior Traffic Engineer
Tel: (919) 865-7588
christa.greene@stantec.com

cc: Trisha Hartzell, PE, NCDOT
John Temple
Stephen Overcash

E-mail from Trisha L. Hartzell dated 9/24/12

Jordan,

My sincerest apologies for not getting back with you sooner. My comments are as follows regarding the Stantec Letter Dated 9/13/12.

1.1 – The undeveloped parcels of land were previously discussed between NCDOT, the consultant Stantec and the Town. It was stated by the town that any new additional development would require a new zoning process, which in turn would require an updated TIA.

2.2 – The NCDOT does not concur with the need for this intersection to be analyzed and included in the study. The intersections and driveways were agreed upon by the NCDOT and concurred with by the town for study in this TIA. Furthermore, the driveways were previously approved by NCDOT under a much larger development plan in 2009.

3.4 – I agree that there are a few minor errors in the TIA, but nothing that would impact the results and conclusions and do not feel the consultant should revise the study for this.

4.3 – I feel the consultant should provide some discussion on the impact that the NB directional crossover has to the reduction of the left turn lanes onto NC 84.

4.5 – Required storage for turn lanes is not calculated from the Synchro analysis. An additional analysis performed using SimTraffic and accurate existing/proposed storage and tapers is performed. Then the required storage is determined from the queue reports from these analyses. NCDOT looked at this level of analysis and it was determined that the proposed reductions in storage to 550' each lane would be adequately served by the increase in traffic from the proposed development.

If there are any other questions or if I can be of any further assistance, please do not hesitate to contact me.

Regards,

Trisha L. Hartzell, P.E.

UNION COUNTY
DEPARTMENT OF PUBLIC WORKS



500 North Main Street, Suite 500, Monroe, NC 28112
Phone: (704)296-4210 • Fax: (704)296-4232

September 20, 2012

Mr. Jordan Cook
Town of Weddington
1924 Weddington Road
Matthews, NC 28104

Subject: Site Plan- 13700 Providence Poad

The above mentioned site plan has been reviewed by Union County Public Works. County water is accessible along Providence Road. County sewer is not accessible.

Sincerely;

A handwritten signature in blue ink, appearing to read "Mike Garbark", is written over the typed name.

Mike Garbark
CIP Program Manager

Union County Health Department

On-Site Wastewater Treatment & Disposal System Improvement Permit

Tax Code: 06-150-045 Date: 9/6/12 Permit Number: 004719

This On-Site Wastewater Treatment & Disposal System Improvement Permit is issued in accordance with Article 11 of Chapter 130A of the General Statutes of North Carolina and the Rules adopted pursuant to this article. This On-Site Wastewater Treatment & Disposal System Improvement Permit shall expire on 8-23-2017.

Owner: POLIVKA IMPROVEMENT COMPANY
Mailing Address: 10700 SIKES RACE SUITE 100
Phone (vol): 321-0902
Property Location: Road / Street: Piedmonte Road
Subdivision: _____ **Phase:** _____ **Section:** _____ **Lot #:** _____
Directions: Hwy 84 (R) on Hwy 16 (Providence Rd) Lot on
LEFT SIDEWALK AT (E) OF WILKINSON METHODIST CHURCH TO EXISTING
WALKWAY HOUSE

Type of System: New Addition Replacement
Design Flow: 2750 Gallons Per Day (GPD)
Type of Facility: OFFICE

of Bedrooms: _____
 # of Employees: 110
 # of Seats: _____

System Type (s): Engineered System - 111bg, 111lb, 4A

Issued By: Chris Whitaker (3A16)
Title: Supervisor
Date: 9-23-2012
Issued To: R Porters 00W
Date: 9-6-12

This On-Site Wastewater Treatment and Disposal System Improvement Permit (IP) is issued for the system to serve the specific use as stated on the application for the site evaluation. This permit is subject to revocation if the site plan, plat, or the intended use changes. The Improvement Permit shall not be affected by a change in ownership of the site. Any unauthorized modification of the site or change of the proposed use shall void the Improvement Permit.

A building permit cannot be issued with only an Improvement Permit, it requires a Construction Authorization Permit.

To obtain a Construction Authorization (CA) Permit, the following conditions must be met:

- ⇒ Submit an application for a Construction Authorization Permit.
- ⇒ For an IP with a 5-year expiration date, submit a site plan, hand-drawn or survey, preferably to scale. Include dimensions of the property, the house site, the flagged wastewater system area, the location of driveways, underground storage tanks such as fuel oil tanks or propane gas tanks, existing wells, creeks, ponds, any public water lines, and right-of-ways for public utilities or highway expansions, decks or porches. The distances shall be measured and written on the site plan for the above-mentioned items.
- ⇒ For an IP without an expiration date, submit a recorded plat drawn to a scale of no more than one inch equals sixty feet. The plat shall also include the specific location of the proposed facility and appurtenances, the site for the proposed wastewater system, and the location of water supplies and surface waters.
- ⇒ If a well is needed, a well application with a detailed site plan will need to be submitted. The well application is not required for the issuance of a Construction Authorization permit.
- ⇒ Contact EHS at 704-783-3696 for further assistance.

* Soil evaluation(s) with diagram is available in our office, upon request.

Comments: System will have to be engineered. Soil
LOCATION WAS FRONT LEFT GRADING REPORT FROM HWY 16
TO MIDDLE PORTION OF LOT (WHERE PROPOSED DRIVE IS LOCATED)
CA WILL NOT BE ISSUED UNTIL PROPOSAL IS
SUBMITTED TO ENV. HEALTH.



US INFRASTRUCTURE OF CAROLINA, INC.
CONSULTING ENGINEERS

October 30, 2012

Mr. Jordan Cook, Zoning Administrator/Town Planner
Town of Weddington
1924 Weddington Road
Weddington, NC 28104

SUBJECT: Weddington Office Site Plan
Stormwater Management Plan Review for CUP Application
USI Project No. 120201-05

Dear Jordan:

We have reviewed the Weddington Office stormwater management plans and calculations for their conformance with the Town of Weddington's requirements for CUP applications. The stormwater management plans and calculations provided by the design engineer satisfactorily demonstrate that the proposed site development plan will meet the storm water management requirements of the Town for detention.

Final construction drawings and calculations should be submitted for review after approval of the CUP application.

If you have any questions, please contact us at 704-342-3007.

Sincerely,

US Infrastructure of Carolina, Inc.

Bonnie A. Fisher, P.E.
Project Manager

Attachment

cc: Craig George, DPR Associates, Inc.

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, SEPTEMBER 24, 2012 - 7:00 P.M.
MINUTES**

The Planning Board of the Town of Weddington, North Carolina, met in a Regular Session in the Town Hall Council Chambers, 1924 Weddington Road, Weddington, NC 28104 on September 24, 2012, with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow, Jennifer Romaine, John Giattino, Janice Propst, Jeff Perryman and Jim Vivian, Town Planner Jordan Cook and Town Administrator Amy S. McCollum

Absent: None

Visitors: Barbara Harrison, John Temple, Stephen F. Overcash, Pamela Hadley, Pat Harrison and Robert Wadsworth

Item No. 1. Open the Meeting. Chairman Dorine Sharp called the September 24, 2012 Regular Planning Board Meeting to order at 7:02 p.m.

Item No. 2. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum. There were no additions or deletions to the agenda.

Item No. 3. Approval of Minutes.

A. August 9, 2012 Special Town Council and Planning Board Meeting Minutes. Mr. Jeff Perryman moved to approve the August 9, 2012 Special Town Council and Planning Board Meeting minutes. Vice-Chairman Rob Dow seconded the motion, with votes recorded as follows:

AYES: Vivian, Perryman, Propst, Giattino, Romaine and Vice-Chairman Dow
NAYS: None

B. August 27, 2012 Regular Planning Board Meeting Minutes. Vice-Chairman Dow moved to approve the August 27, 2012 Regular Planning Board Meeting minutes. Mr. Jim Vivian seconded the motion, with votes recorded as follows:

AYES: Vivian, Perryman, Propst, Giattino, Romaine and Vice-Chairman Dow
NAYS: None

Item No. 4. Old Business. There was no Old Business.

Item No. 5. New Business.

A. Review and Consideration of the Polivka M-X Rezoning. The Planning Board received the following memo from Town Planner Jordan Cook:

Polivka International Company, Inc. requests a MX (Mixed Use) Conditional Zoning Rezoning for a 15,000 square foot office building located at 13700 Providence Road, Weddington, NC.

Application Information

Date of Application: April 24, 2012

Applicant Name: Polivka International Company, Inc.

Owner Name: Polivka Parking Solutions LLC
Parcel ID#: 06-150-045
Property Location: 13700 Providence Road (Hwy. 16)
Existing Land Use: Business
Existing Zoning: R-40
Proposed Zoning: MX
Existing Use: Vacant House
Proposed Use: 15,000 square foot office building
Parcel Size: 5.06 Acres

General Information-MX Rezoning

- The applicant proposes a 15,000 square foot, two-story brick office building on Providence Road.
- The office building will be accessed by two driveways along Providence Road. The required Public Involvement Meetings for this project were held on July 25th and August 16th, 2012. The meeting on July 25th was held on site at 13700 Providence Road. The meeting on August 16th was held at Weddington Town Hall.

Minimum Standards for Office Uses in the MX Zoning District:

Minimum Front Yard Setback-25 feet from any public road right-of-way
Minimum Side Yard Setbacks-28 foot buffer is required, not a setback
Minimum Rear Yard Setback-28 foot buffer is required, not a setback

Access and Parking:

- The site will be accessed by two entrances from Providence Road. Both entrances will have 18 foot travel lanes with a ten foot landscaped median. NCDOT has provided feedback on the proposed plan and has stated that the proposal will have no significant impact on surrounding roads and/or intersections.
- The middle entrance will serve as the main entrance to the site. There may be a left hand turn lane going north off of Providence Road if approved by NCDOT.
- The applicant is required 50 parking spaces for the 15,000 square feet of office (1 space per employee during the shift with greater employment plus 1 space for each 300 square feet of gross floor area.). The applicant has provided 70 parking spaces, therefore complying with *Section 58-175* of the *Weddington Zoning Ordinance*.
- Parking spaces and loading zones also meet the minimum size standards set in *Section 58-175* and *58-176* of the *Weddington Zoning Ordinance*.
- A Traffic Impact Analysis was submitted on August 9, 2012 and has been reviewed by the Traffic Engineer hired by the Town and reviewed by NCDOT. The applicant and the Town's traffic engineer have exchanged comments and continue to work through the Traffic Impact Analysis.

Screening and Landscaping:

- Screening and landscaping will be provided by using several types of trees and shrubs. The applicant is required a 28 foot buffer around the perimeter of the property per *Section 58-8* of the *Weddington Zoning Ordinance*. The applicant has provided a 28 foot buffer around the perimeter of the property. The applicant will also provide internal landscaping within parking areas and islands.
- The proposed landscaping plan does comply with *Section 58-8* of the *Weddington Zoning Ordinance*. All proposed plants are permitted in *Section 58-384* of the *Weddington Zoning Ordinance*.

- The MX zoning district requires 10% of the gross acreage of the project to be open space. The applicant is required 21,041 square feet of open space and has provided 74,202 square feet of open space, therefore complying with *Section 58-60 (2) n* of the *Weddington Zoning Ordinance*.

Elevations:

- Elevations of all buildings have been provided. Materials on the building include: hardy plank siding, brick veneer, fiberglass columns and fiberglass shingles.
- Proposed buildings are within scale and have similar physical relationships as abutting properties as required in *Section 58-271* of the *Weddington Zoning Ordinance*. Proposed building height also complies with *Section 58-60 (2) f* of the *Weddington Zoning Ordinance*.
- The Planning Board will serve as the Design Review Board for this project.

Additional Information:

- Adjacent Property Uses are as follows:
 - North: Parcels containing single family house and farmland (The Hunter Farm)
 - South: Weddington United Methodist Church
 - East: Providence Road (four lane highway with concrete median)
 - West: Parcels containing single family houses and farmland (The Hunter Farm)
- A lighting plan has been submitted and will be reviewed by the Town's Lighting Engineer (plans included).
- Water to be provided by Union County Public Works once rezoning is approved by the Town Council.
- Sewer to be provided by septic tank approved by Union County Health Department.
- Stormwater management to be handled by sand filter/detention pond in accordance with *Weddington Zoning Ordinance* and NCDENR.

Conditions of Approval:

1. Water Plans and allocation must be approved by Union County Public Works;
2. Lighting Plan must be approved by Town Lighting Engineer;
3. All engineering must be approved by Town Engineer;
4. NCDOT driveway permit must be approved by NCDOT;
5. Traffic Impact Analysis must be approved by Town Traffic Engineer;
6. All signage must comply with *Chapter 58, Article 5* of the *Weddington Zoning Ordinance*;
7. Prior to the commencement of any construction, the Town Council must approve Construction documents in accordance with *Section 58-271 (h)* of the *Weddington Zoning Ordinance*;
8. Applicant must provide detention volume controls for a 25-year storm; (Town Planner Cook advised that this condition is above and beyond due to the sensitivity of the Highgate neighborhood. He stated, "You have heard some of the complaints from the Highgate neighbors about the water/stormwater runoff. Based on conversations with our engineer they have recommended that the applicant provide these volume controls for a 25-year storm. We typically ask for a 10-year storm.")
9. Any future revisions to the approved site plan and other approved documents must comply with *Section 58-271 (i)* of the *Weddington Zoning Ordinance*.

Staff has reviewed the application and submitted documents and finds that the MX Rezoning Application is in compliance with the *Town of Weddington Zoning Ordinance* with the aforementioned Conditions of Approval.

The Planning Board also received a copy of the following:

- Conditional Zoning Application

- Aerial Map
 - Zoning Map
 - Land Use Map
 - Letter from Mike Garbark with Union County Public Works dated September 20, 2012 advising that the site plan for 13700 Providence Road has been reviewed by Union County Public Works and county water is accessible along Providence Road; however, county sewer is not accessible.
 - Union County Health Department – On-Site Wastewater Treatment and Disposal System Improvement Permit
 - Sets of Plans include Illustrative Plan and Notes, Illustrative Elevations, Open Space Plan and Proposed, Landscaping Plan, Grading, Storm Drainage, and Stormwater BMP Plan, Stormwater BMP Details and Drainage Map and Electrical Site Plan
-

It was advised that any lighting plans would need to be reviewed by a lighting engineer contracted by the Town.

Chairman Sharp – What about hours of operation? We specified lighting restrictions with the Daycare Center that after a certain time of night lighting was only for security purposes and the structure could not be lit up. The Council has approved the change of this parcel on the Land Use Plan Map from residential to business but what we are looking at tonight is a request to rezone this particular parcel. It has not been rezoned to business and it has only been indicated that the Council believes it is appropriate for that parcel to be future business. The advantage of the MX zoning is what you see is what you get. If we recommend the rezoning, we are recommending the rezoning for this particular project and if they decide not to do this project it reverts back if the Town Council does not vote to approve it.

Mr. John Giattino - Are there any changes to the architecture or anything?

Chairman Sharp - The architecture itself will come during the construction phase. The picture is not what we are looking at tonight. We are looking at the site plan and the fact that it will be a 15,000 square foot two story office building.

Town Planner Cook - You can look at the elevations and make some type of determination of what you think the building may look like. You have a comfort level knowing that they are going to have to come back again through the construction document process and the Planning Board is going to serve as the Architectural Review Committee. Those elevations could certainly change but this site plan should not change.

Chairman Sharp - They could change the actual look of the building between now and the time construction documents are submitted.

Mr. John Temple – I represent Polivka International. We have one intention. We just want to build an office building and have our team work out of that building. We also understand that the design process will come through this board. We have an initial design that we like with brick and it has a southern colonial look to the building. We also will work with whatever group we need to work with if we are successful in working through this project. Steven Overcash is our architect.

Mr. Vivian - Is there a set purpose in mind for the two entrances as opposed to one?

Mr. Overcash - It has to do with the one being able to get in a little easier and one is furthest north. The one in the middle the owner really liked this center drive which would be the main drive for most people when you are really focusing on the building as you come up the hill.

Chairman Sharp - NCDOT has not indicated that they have any issues with two curb cuts?

Mr. Overcash – No, they have reviewed it and they said it would have a minimal impact the way it is designed with the left over.

Mr. Vivian - When I went on the subject property, there are two structures there. In talking with Mr. Temple he said that Providence VFD plans to burn one of the structures as practice. There is an unbelievable old tree there and if you are having this campus setting and trying to set it off on the hill, I think it is a shame aesthetically to risk torching that tree.

Mr. Temple – The tree is on the top of the hill to the right. We are definitely taking that into consideration. One of the things that I have really appreciated working through the process is that we have been listening to what people have said to us regarding certain issues. That was an issue that was brought to my attention and I have discussed it with the owner.

Vice-Chairman Dow - The problem with that is on the top the dotted lines are the current. The solid lines are after construction. They are going to move about 4' of dirt. That tree has to come down with this design.

Mr. Overcash - Not necessarily. There are ways to create retaining walls. It looks like it could be very close to being in this courtyard. We could certainly do a retaining wall to maintain the root structure and drip line and save that tree. We need to get it located on the survey accurately.

Mr. Temple - The fire department has asked us for permission to use the house as a burn practice. We are trying to figure out how to do that. What we wanted to do was use the garage to store materials during construction and then after construction that would go. We don't want to leave materials out in the open. We want a neat construction site.

Mr. Perryman read sections from the traffic plan. He questioned if DOT's approval or statement saying that there is no significant impact is contingent on the left turn lane?

Town Planner Cook - DOT has reviewed and provided comments based on the same site plan that we are looking at. DOT has provided their no impact statement based on that left hand turn lane. The traffic impact analysis was prepared by the applicant and was sent to both our traffic engineer and to DOT. There is a little bit of disagreement between our traffic engineer and DOT. DOT does not think there is a huge impact. Our engineer thinks that the left turn lane or the other entrance is not necessarily needed. These are DOT roads. It is going to be up to the Planning Board or Town Council to make those conditions. I am not sure how much our traffic engineer can make all of these recommendations if DOT is not requiring it.

Mr. Perryman - That left turn lane was part of their list?

Town Planner Cook – Yes, they have reviewed that and said there is no impact but they will also have to approve a driveway permit for that driveway cut.

Chairman Sharp - That second bullet says that the middle entrance will serve as the main entrance and Providence Road may have a left turning lane accessing this entrance. It looks to me like the left turn lane is for the north entrance. That bullet needs to be corrected before it goes to the Town Council. The left turn lane is not for the main entrance which is the center one. It's the north entrance.

Town Planner Cook - They have not approved the cut. They have said that based on the site plan there is not a significant impact by putting that left turn lane in or really by putting both of those driveway cuts in.

Mr. Perryman - The final approval on that traffic analysis is the Town Council?

Town Planner Cook - Yes the Town Council can take the traffic engineer's comments and make those conditions.

Mr. Overcash - The Town Engineer recommends to go down the road where there is an existing left over. We felt that there was some danger there because everybody goes so fast. It is a safer maneuver than trying to u-turn it 700 feet north of the site.

Mr. Vivian - Has there been any consideration given for the surface material?

Mr. Overcash - We have talked about it but we have not done an in-depth study. The detention pond was not designed with impervious material. We wanted it designed for the worst case. This is designed to asphalt and concrete. We certainly want to consider those more impervious surfaces.

Chairman Sharp – I think when the applicant was here previously he had indicated that he was planning to use some type of impervious surface.

Mr. Temple - Yes, he has a product that he has developed. Since his product has come out another product has come out as well. He is using it exclusively on some major projects and it allows the water to seep through it. We are very much committed to build it as green as possible.

Chairman Sharp - Would you have a problem with that being a condition? We could make it a certain percentage would need to be impervious.

Mr. Temple - As a Planning Board we are listening to what you are saying but we are very open to going as green as possible.

Mr. Perryman - I know on some previous projects that had come before the Planning Board where they were planning to build using a septic system initially with the plans being that when county sewer became available then there would be a connection option. Is that the intent here?

Mr. Overcash - We have not even discussed that. It is so far out in the future. We are living with the septic system for now. Who knows if you get sewer in 20 years what we will do at that point.

Vice-Chairman Dow - In the beginning I thought this was going to be an office building for Polivka International. Now I understand that a great deal of the space will be leased. I assume now since you have applied for MX office business you are looking at the list in that category office only.

Mr. Overcash - Including potentially medical office which is broken out separately in your list.

Vice-Chairman Dow - You have no idea what they will be obviously. You don't have tenants?

Mr. Temple - We have confidentially talked with people who are interested and they are physicians.

Chairman Sharp - The number of parking spaces was one space per employee. If half the building is going to be leased, how did you come up with a number of employees when calculating parking?

Town Planner Cook - They assumed that 15,000 square feet would be used for office.

Mr. Overcash – The reason we are a little over in parking is to anticipate medical.

Vice-Chairman Dow – How many do you think will be on the top floor with Polivka?

Mr. Temple - There are over 100 employees that work for Polivka but that is all over the United States. At the present location which is just down the road they have seven people working out of there. The objective is to move the accounting office from Ohio to Charlotte which would be another three which would be ten. We are also looking at hiring another potential estimator to help come on the team. You could have 11 to 12 people work out of that office.

Mr. Overcash - Healthcare is usually 1 per 200 which translates into 37-38 spaces.

Vice-Chairman Dow - Jordan you mentioned that our traffic engineer was having some problems. What are the concerns that they have to work through?

Town Planner Cook – The traffic engineer disagrees with the recommendation for a left over at Access 1. The second bullet states, “An analysis should occur that includes the mid block u-turn section between Hemby Road and the proposed site Access 1. This attractive and efficient option will replace the need to have a left over constructed at Access 1. This will provide adequate access to the site maintain the integrity of the left lane storage while significantly reducing the cost of construction. The third item – considering the proposed site design in the deletion of the left over would be an option to delete one of the driveways from the site. It appears that one driveway can handle the number of trips for a 15,000 square foot office building. Further analysis can provide if my assumptions are correct that the deletion of a driveway will improve the capacity of NC 16 while also reducing the cost of construction. If the driveway is deleted is preferred that the southern most driveway go away.”

Mr. Overcash - They went to great length to talk about stacking here at 5:00 p.m. and someone trying to turn left. The beauty of an office building is you are not trying to get into the office building at 5:00 p.m. You are leaving at 5:00 p.m. He just ignored the fact that we don't have coffee shops and restaurants where people are trying to get in there. I see very few people trying to turn left in there at 5:00.

Chairman Sharp - Leaving the office building you would have to turn right?

Ms. Propst - They are going to have more than one option to turn. When they turn right they can turn left at Providence at 84. If they can't make it through those three lanes of traffic to get over they are going to have another light almost 100' down the road.

Mr. Temple - I understood the logic when I read the report except for if you are heading south and if there was a turn lane you could go in there to make that left it would be less dangerous. I have actually tried that myself. People coming out of that light at Weddington pick up speed and you are in the left hand turn lane and if there is traffic coming the other way now they are waiting behind you or they are going around you. I almost got hit the first time. It is a safety issue for me to say that left over further up the road is a better deal. I would question the safety of that decision.

Vice-Chairman Dow – No, it staggers out with a long acceleration lane. You can go 45 miles an hour and get in the left hand lane. The one that is right across from Highgate's second entrance and it has a cutout on the other side so you can make the left hand turn.

Mr. Temple - I stand corrected. I will look at the other one.

Vice-Chairman Dow – On the retention pond - when I look at the topos and I am not an engineer but I know water levels. You are going to have to build up the Providence Road side of that retention pond. How high will that go – six or seven feet?

Mr. Overcash – We are digging down and landscaping. It is not berming up.

Vice-Chairman Dow – So on the top side you are cutting down.

Ms. Propst - It says plus emergency bypass for 50 year storms. You are really saying this pond covers a 50 year storm.

Mr. Overcash – It would. We are designing to the 25 year storm because we were asked to. I talked to the engineer it is up to 50. It is less water leaving the site than it is today. We are bettering the situation.

Vice-Chairman Dow - I see the perimeter lighting and the parking area lighting. Are you going to want lights on the building like flood lights from the ground up at the façade in the evening?

Mr. Overcash - I don't think so. We have that porch so we might leave a couple of lights on that porch for security so it is not so dark up there.

Vice-Chairman Dow - It talks about brick and hardy plank. Am I to assume that the back will be hardy plank?

Mr. Overcash – The whole thing is brick. Sometimes we make the eaves out of the hardy plank. It is 95% brick on four sides.

Vice-Chairman Dow – Back on the topo, I want to make sure that the other members understand and that I understand if I am reading this right. I am on Page RC-5 and it talks about the site area being 4.84. Is that incorrect?

Mr. Overcash – Yes Jordan asked us to correct that. It is 5.06 acres - the difference came between a tax map and a survey.

Vice-Chairman Dow - It talks about a disturbed area plus or minus all of it. I want you to understand that we are clear cutting this entire lot minus anything you can fight for. All of the planting around that will grow hopefully. It looked to me like this flattened up this area through here and you cut into this and steepen that property line bank a good bit.

Mr. Overcash – Yes, at the back.

Vice-Chairman Dow - And then let it flood down through here. What concerned me was that it looked like a lot of the runoff from this high area here was going to come down across your road and there was no catch on this side. What am I missing or is it all going to dump out here?

Mr. Overcash looked at the map with Vice-Chairman Dow and discussed at the table with the members.

Town Planner Cook - USI has looked over the plans twice. I can certainly ask them to look at that.

Mr. Vivian - Has there been recently any conversation with the church to make common connectivity at the rear so that people could come out with the light?

Mr. Overcash - I think that bridge was burned.

Mr. Temple – I do not know if it is burned but the answer is no there hasn't been any conversation.

Mr. Vivian - If it means that we can work with it and avoid some of these left turns are you open to that? I am saying that I could be a part of that conversation. I am a member of that church. It seems that is a perfect way to come out and turn left. It is overflow parking and it is a win-win.

Mr. Temple - No one has approached us and we have not approached them. If they approached us would we engage in conversation? Absolutely - we would listen to what the proposal would be.

Town Planner Cook – The first submittal a year and half ago I did bring that up with them and I know there was some conversation.

Chairman Sharp - I think the church didn't want any extra traffic coming from the office complex through their property especially because they have school children there. They did not want increased traffic on the church property.

Mr. Vivian – Can I try to find out about that?

Mr. Overcash – Connectivity is good. It helps everyone.

Chairman Sharp – Is the school not at the rear of the church.

Mr. Vivian – It is in the new building.

Ms. Propst – There is a nursery school still here which has lots of cars during the middle of the day.

Vice-Chairman Dow - Did our engineer come up for a 15,000 square foot building and this type use what a typical in and out day is?

Town Planner Cook - Their engineer did and NCDOT replied to that and said that is not going to have enough of an impact.

Vice-Chairman Dow – I am not worried from a traffic standpoint. I am just asking trips in and trips out.

Chairman Sharp – A lot of that would depend on who the tenants are.

Town Planner Cook - The study assumptions were taken from ITE trip generation manual 8th edition and a 15,000 square foot office building would generate 310 daily trips.

Chairman Sharp – Jordan has provided us with nine conditions of approval. We have come up with some other ideas that we may want to attach as conditions.

The Board asked that the language be found that was done recently for the daycare center regarding lighting after hours.

Mr. Vivian – Is there a requirement that the lighting has to be can fixtures?

Chairman Sharp – The actual fixtures have to be on the approved list. They have to be hooded and shielded.

Mr. Giattino - Typically office buildings are cleaned after hours.

Chairman Sharp – I am talking about the parking lot not in the building.

Vice-Chairman Dow - Do you have any intended hours of use of this building?

Mr. Overcash – 8-5.

Vice-Chairman Dow - You aren't envisioning putting a 24-hour veterinary office.

Mr. Overcash – We are not planning to have a 24-hour call center.

Ms. Propst – But the vet cannot have overnight care at this vet.

Chairman Sharp – We are not talking about interior lighting.

Chairman Dow - Minimal lighting for security after a certain time of night we can add as a condition.

Mr. Giattino discussed some type of condition that they do not have any type of 24-hour office use.

Chairman Sharp – I do not believe we can restrict who they lease to. If they wanted to have a 24 hour urgent care veterinary or medical clinic we cannot restrict that. If you are concerned about that then you might not want to recommend the rezoning.

Mr. Temple - The people that I am in contact with are just physicians. They want to move from Charlotte to Weddington with their practice. We are not planning to be open 24 hours. To drive by and see black is not healthy. I do not think it should be lit up like Christmas either.

Ms. Propst - I don't think you can ask someone to save a tree. This town is going to build Rea Road and cut down 150 acres of trees. If they can save the tree, that is great.

Chairman Sharp - We could say if they can't save the tree they need to submit documentation to Jordan explaining why not. Also, what about the asphalt being some type of impervious surface.

Mr. Perryman - That is a worthy goal but not sure about the percentage.

Town Planner Cook – I think that is similar to the tree. If possible if it works, I think it is a great idea.

Mr. Propst - We didn't ask the church to do it.

Chairman Sharp – Do we want to make some sort of condition regarding that or do we want to leave that alone.

Mr. Vivian – I think you can have a statement saying every effort will be made.

Chairman Sharp – That is not measurable. The condition needs to be measured.

Mr. Perryman - It would only be helping you if you were able to do that because that would negate the need do all this grading.

Chairman Sharp - Regardless of what they do, they have to follow this plan that would not affect anything.

Gentleman from Audience - The retention pond is so close to Providence Road. That can really become an eye sore and then you have some fencing that would have to go around that?

Chairman Sharp - There is sufficient landscaping between Providence Road and the retention pond.

Gentleman - I live in Steeple Chase Subdivision. Originally there was a sewer line that was going to go across Hunter Farms down through my back yard. Can you make a condition so that in the future that would never happen? A condition that says they must tap in at Providence Road?

Chairman Sharp - A condition that any sewer connections in the future must be at the front of the property.

Mr. Propst - How would it ever happen anyway?

Gentleman - If they come to you guys and want expansion on a property and no longer use the existing septic system and now we have to revisit going through Steeplechase to tie-in at Highgate.

Chairman Sharp - Any future sewer connections to a sewer system must be through the front of the property. You can't cut across Hunter Farms and go to Steeplechase or over to Kings Manor Drive.

Town Planner Cook – In the conditional zoning district of our ordinance it does say that the Planning Board can suggest and the Town Council may request that reasonable and appropriate conditions be attached to the approval of the application. Any such conditions may relate to the relationship with the proposed use to the surrounding property to the proposed support facilities screening, landscaping, etc.

Town Administrator McCollum read information regarding the previous lighting condition placed on the daycare - Security lights in the parking lot can be turned on one hour before starting business and one hour after closing business.

Chairman Sharp - If the office building opens at 8 and closes at 6 then the lighting would go off at 7am and on at 7pm.

Town Administrator McCollum also read the following: The lights will be on from dusk to dawn or approximately between the hours of 5:30 p.m. until 7:30 a.m. during winter months and 7:30 p.m. until 6:30 a.m. during summer months. In the actual approval it says security lights in the parking lots can be turned on 1 hour before starting business and 1 hour after closing business.

Chairman Sharp - Exterior lighting is minimized to security lighting only from one hour after the last business closes until one hour before the first business opens.

Mr. Giattino – That is not what that says. That may be what we want.

Ms. Propst - He doesn't want the place to be totally black all night long. Mr. Overcash talked about having some type of lighting somewhere on the building that is minimal like a porch light.

Chairman Sharp – The porch lights and the parking lights is the only lighting that you can have.

Vice-Chairman Dow - During the construction phase and for the first several years after this is built, I have read that the buffering is going to be predominately new around the perimeter where the buffer is. You can't plant very large trees and hope they will make it. They are going to be smaller trees, correct? What is our biggest tree that goes in the first year?

Town Planner Cook – We have size requirements in our landscaping text. All trees shall have a minimum caliber of 2” measured 6” above the ground at the time of planning.

Vice-Chairman Dow - I walked around the perimeter of the property. The Anderson's house is right behind the building. This is a higher spot than the house. Do you want to try and make use of some of the larger trees that are already growing but I guess because of the grading you may not be able to?

Town Planner Cook - I always prefer that landscaping be met by existing vegetation if possible.

Mr. Temple - Nowhere in our plan did we plant trees this big. We plan to put some significant height to it. We want this to add to the beauty of our building. If we put small trees our building will be dwarfed. It takes time for trees to grow. Mr. Polivka has in his mind bigger trees to plant around the perimeter. We are not planning to clear cut. We are planning on trying to save as much as we can in this project. We only will cut what we need to cut to provide for the septic and building. We would like to keep as many of those pines as we can especially to the south of us.

Town Planner Cook - This is going to come through the construction document process which will also include a grading plan which could also include a tree save area plan.

Vice-Chairman Dow - It is very clear on the topo where they are going to change the elevations by several feet along the border. If you are going to drop down two feet you are going to take a tree down to do that. I was simply wondering if there was a way we could help accelerate the growth of the perimeter border by leaving some of the stuff that was there.

Chairman Sharp – We hope to see some of that during the construction phase. I would like to see a condition. We have a sidewalk going across the front of the property. I would like to see cross walks painted for walking across the entrances on Providence Road where the existing sidewalk is.

Mr. Temple - We will probably use pavers there.

Chairman Sharp – The other condition was to have our engineer examine the runoff on the south side of the property.

Mr. Overcash - We have to come back eventually for them to review anyway.

Chairman Sharp – It would be to determine if some sort of mitigation is going to be needed to keep the runoff from the south side of the property from going over Providence Road especially in the winter time.

Mr. Overcash – These are looked at in Raleigh.

Vice-Chairman Dow – I would be satisfied with our engineer looking at.

Town Planner Cook - I was going to call Bonnie to look at it. I don't think it needs to be a condition.

Chairman Sharp – Satisfying USI comments is a condition already. Does not need to be listed as a separate condition?

Town Planner Cook - We require 10% open space but do not require them to save any trees.

Chairman Sharp – The question is should we make a recommendation to the Town Council to approve or not to approve rezoning this property for this project to create District MX-001 which would have its own zoning classification and set conditions.

Mr. Perryman - I think the project as presented meets our design codes and I think compared to what is on the property currently it would be received favorably by the Town Council. I think that office use is appropriate for that parcel.

Mr. Vivian – I concur with Jeff and my concern is the number of curb cuts and the traffic flow and I do not believe we need that many.

Mr. Giattino – I too would rather have one curb cut than two.

Chairman Sharp – A lot of it depends on who ends up leasing the ground floor. The traffic engineer recommended just having the northern entrance.

Mr. Vivian – The northern one seems to be predicated upon that as soon as you could have a left into it. It is my understanding that when they tried to get one into the Hunter Berry Farm that was turned down and they send you further north and then you turn. That is why in my mind I think it is worth the effort to contact the church and to see if there is any type of connectivity that could be arranged.

Mr. Perryman - I think that if they want two entrances it is his piece of property and they should have it. As long as it does not constitute a major safety hazard or DOT comes back and says no. If it does not violate a DOT traffic parameter and if the property owner wants it I would say let them have it.

Town Planner Cook - NCDOT said they would approve two.

Ms. Propst – NCDOT builds roads.

Chairman Sharp – NCDOT said they would approve two curb cuts or entrances. Our traffic engineer said that the northern entrance should be the only curb cut.

Town Planner Cook - DOT has also looked over this site plan and said this site plan with that left hand turning lane does not create any significant impact on traffic.

Ms. Propst – Two entrances will be easier and safer for all traffic especially since NCDOT said it was fine. NCDOT should be the law.

Mr. Giattino – Ingress and egress would be quicker if there were two.

Vice-Chairman Dow – Maybe I am getting out of touch. We have maybe 310 in and outs a day – roundtrip - probably more like 200 and that will depend and could change based on tenants. I think it is great to give a guy anything he wants and I understand why he would like that very attractive driveway at the front. But I also understand that NCDOT would tell you this that every time he cuts the road you add incrementally to the danger for traffic incidents. While they say they will approve it I don't think that

means that is the way to do it. We hire an engineering firm to look out for what we want. They have questions and I would wait until they settle it.

Mr. Giattino – NCDOT is going to look at the minimum standards.

Vice-Chairman Dow – NCDOT planned the ingress and egress to this shopping center when they widened Providence Road. Great job!

Mr. Overcash – From the engineer memo – they are just saying by the way if you want one you can save yourself some money. Considering the proposed site design and the deletion of the left over it would be an option to delete one of the driveways from the site. It appears that one driveway can handle the number of trips.

Mr. Propst – NCDOT said it is fine and they build roads all over North Carolina.

Town Planner Cook - We hired our engineer to look over this but the applicant does reimburse all engineering costs. They will be paying for this review. Comment #1 the traffic engineer is saying I disagree with the recommendation for a left over at Access 1. The addition of a northbound 100 foot turn lane at Access 1 would necessitate the shortening of the dual 600 southbound left turn lanes at NC 84 based off of the 2030 analysis conducted for the State TIP both 600 foot southbound turn lanes were warranted.

Vice-Chairman Dow – My point is if we have an expert we hired we ought to let them finish their job.

Chairman Sharp - Why not include a comment to Town Council that the Planning Board has some questions about two entrances versus one. The Town Council makes the final decision anyway. If we are not coming to a consensus, let's bring the concerns up to the Town Council. Do we want to recommend that if both entrances are kept that they do not put in the left turn lane? Our engineer said the left turn lane was not necessary but it was on the drawing. If they don't have the left turn lane then they would have to go up and make a u-turn. Our traffic engineer said that would cause issues with traffic at Providence and Highway 84.

Mr. Giattino - I think u-turns are dangerous.

Chairman Sharp - The Planning Board has possible concerns about two entrances versus one and a left turn lane on Providence Road.

Councilwoman Hadley asked how many believe that it would be better for them to have just a single entrance - 4 out of 7 of the Planning Board members had concerns.

Chairman Sharp - How many of you have a concern with the left turn lane into the property?

Vice-Chairman Dow – When NCDOT addressed the widening of Providence Road they went through hours with us advising that u-turns are safer than making left hand turns.

Mr. Temple - If DOT had one ounce of a concern they would have listed that as a bullet.

Vice-Chairman Dow - I am not a traffic engineer that is why we hired the people. Let's just wait and see what they have to say.

Mr. Temple – NCDOT says one thing – engineer who we paid for says that they disagree. I agree earlier with the statement that they are still working on and let them come back.

Chairman Sharp – We are just saying that we believe this is something that should be further studied.

Vice-Chairman Dow – We do not have to make a decision tonight. We can wait until the next meeting. There are nine bullet points on this that we cannot answer.

Town Planner Cook discussed that half of the conditions may be met if the applicant was to wait another month.

Ms. Propst – Are you going to make them have everything exactly perfect before it goes to the Town Council for them to have a discussion? I do not know why we can't work through these things that we discussed tonight. They have all their permits. They have done all of their engineering. Why can't this move forward to the Town Council.

Vice-Chairman Dow – I think we can.

Ms. Propst – I think we should. We put them off last month.

Chairman Sharp – The ordinance says that the application must be complete. Jordan could not bring it to us until the application was complete.

Town Planner Cook – I did not have a complete application last month.

Ms. Propst - We have a property that has a 15,000 square foot building on five acres of land. They saved 74,202 square feet of open space. They could build five houses with asphalt covered all over that property. You would not have any choice of what they do on that property. This is a beautiful asset to our community. If we have it restricted so they can only put office space that is doctors, attorneys or professionals – what an added addition to this community. I feel that we have nit picked them to death. Let's move forward with something that is an asset to this community. I feel bad for the way we treated these people.

Chairman Sharp – It is our job.

Vice-Chairman Dow – I am not going to fight the Land Use Plan battle again. What we are supposed to do is look through the conditions and see that it fits within our community. Those conditions are clearly stated. I am concerned that it is not pedestrian friendly. It begins a crossing of Providence Road that is a safety hazard. I don't think we want to come off as promoting people walking across Providence Road. It is not between two commercial enterprises. It is between two residential enterprises. Don't get confused legally. I am concerned and am interested to hear your renditions to DOT. I sat with NCDOT for hours listening to how dangerous left hand turns were and how they needed to stack up here and they would not give anyone a left hand turn in that area. Why they changed their mind, I have no idea.

Town Planner Cook - Upon making a recommendation the Planning Board shall advise and comment on whether the proposed amendment is consistent with the comprehensive plan that has been adopted and with any other officially adopted plan that is applicable.

Mr. Perryman moved to send a favorable recommendation to the Town Council for the Polivka M-X Rezoning with the following conditions and found the plan to be in compliance with all applicable Town

Codes and Ordinances as contained in the Land Use Plan, Lighting Plan, Noise Plan and Transportation Plan:

Town Planner Cook's Conditions

- Water Plans and allocation must be approved by Union County Public Works;
- Lighting Plan must be approved by Town Lighting Engineer;
- All engineering must be approved by Town Engineer;
- NCDOT driveway permit must be approved by NCDOT;
- Traffic Impact Analysis must be approved by Town Traffic Engineer;
- All signage must comply with *Chapter 58, Article 5* of the *Weddington Zoning Ordinance*;
- Prior to the commencement of any construction, the Town Council must approve Construction documents in accordance with *Section 58-271 (h)* of the *Weddington Zoning Ordinance*;
- Applicant must provide detention volume controls for a 25-year storm; (Town Planner Cook advised that this condition is above and beyond due to the sensitivity of the Highgate neighborhood. He stated, "You have heard some of the complaints from the Highgate neighbors about the water/stormwater runoff. Based on conversations with our engineer they have recommended that the applicant provide these volume controls for a 25-year storm. We typically ask for a 10-year storm.")
- Any future revisions to the approved site plan and other approved documents must comply with *Section 58-271 (i)* of the *Weddington Zoning Ordinance*.

Additional Conditions of the Planning Board:

- Exterior lighting is minimized to security lighting only from one hour after the last business closes until one hour before the first business opens.
- Save the existing old tree on the property or provide to the Zoning Administrator as to why it cannot be saved.
- Any future sewer connections must occur along Providence Road.
- Crosswalks either painted or pavers installed for walking across the entrances on Providence Road where the existing sidewalk is located.

Concerns of Planning Board:

- The Planning Board has possible concerns about two entrances versus one and a left turn lane on Providence Road.

The vote on the motion is as follows:

AYES: Vivian, Perryman, Propst, Giattino and Romaine
NAYS: Vice-Chairman Dow

Item No. 6. Update from Town Planner. The Planning Board received the following update memo from Town Planner Cook:

- Construction of the Weddington Church Road relocation project began on June 27th. The traffic signal has been installed and the intersection construction is nearly complete.
- 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 will spray once a month as needed.
- The Town Council and Planning Board held another joint meeting on Thursday, September 20th to discuss the Land Use Plan Survey. Staff is working with Centralina COG to fine tune this

survey based on comments received from the Town Council and Planning Board. The Council will approve a survey at their Monday, October 8th meeting.

- The Town Council approved Orleans Homebuilders Final Plat for Lake Forest Preserve Phase 3A. Phase 3A is a 23 lot phase located along Twin Lakes Drive in the previously approved subdivision.
- 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 applicant is now working with Union County on finalizing water and sewer plans. Once finalized, the applicant can begin preparing the Preliminary Plat.
- The Planning Board approved the Temporary Use Permit for the Weddington Country Festival. That event took place on Saturday, September 22nd.
- 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.
- The Town Council will hold a public hearing on the following items at their October 8th meeting: Cable and Telephone Lines Text Amendment
- The following items may be on the October 22nd Planning Board agenda for discussion: Agritourism and Agricultural Use Definition text amendments and Land Use Plan related changes and/or Land Use Plan related text amendments

Item No. 7. Other Business.

A. Report from the September Town Council Meeting. The Planning Board received a copy of the September Town Council Meeting agenda as information.

Item No. 8. Adjournment. Vice-Chairman Dow moved to adjourn the September 24, 2012 Regular Planning Board Meeting. Mr. Perryman seconded the motion, with votes recorded as follows:

AYES: Vivian, Perryman, Propst, Giattino, Romaine and Vice-Chairman Dow
NAYS: None

The meeting adjourned at 9:00 p.m.

Dorine Sharp, Chairman

Attest:

Amy S. McCollum, Town Clerk

**WEDDINGTON
TOWN COUNCIL**

RULES

OF

PROCEDURES

**UPDATED ~~DECEMBER 15, 2011~~ November
2012**

RULES OF PROCEDURES

TOWN OF WEDDINGTON, NORTH CAROLINA

RULE 1. APPLICABILITY OF RULES

These rules apply to all meetings of the Town Council of Weddington, North Carolina at which the Town Council is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

COMMENT: On the whole, rules of procedure of a Council are intended to govern formal meetings of the board to exercise any of its executive and legislative powers conferred by law. These rules fulfill that purpose and also are designed to ensure compliance with the open meetings law, G.S. 143-318.9 through 143-318.18, which applies to any gathering of a majority of the board to discuss public business. The rules also apply to regular informal work sessions or committee meetings where public business is discussed but no official action taken.

RULE 2. REGULAR MEETINGS

The Council shall hold a regular meeting on the second Monday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be rescheduled at the Town Council's discretion. The meeting shall be held at the Weddington Town Hall and shall begin at 7:00 p.m. A copy of the Council's current meeting schedule shall be filed with the Town Clerk.

COMMENT: G.S. 160A-71 allows the Council to fix a time and place for regular meetings. If the council does not do so, it is required to meet at least once a month at 10:00 a.m. on the first Monday. Although the general law permits a council to fix a regular meeting time that is less frequent than once a month, many town charters require the council to meet at least monthly. G.S. 143-318.12 (a) {part of the open meetings law} requires the Council's schedule of regular meetings to be kept on file with the Town Clerk.

RULE 3. SPECIAL, EMERGENCY, AND RECESSED MEETINGS

(a) Special Meetings

The mayor, the mayor pro tempore, or any two members of the council may at any time call a special council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least 48 hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) delivered to the mayor and each council member or left at his or her usual dwelling place; (2) posted on the council's principal bulletin board, or if none, at the door of the Council's usual meeting room; and (3) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. Only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice.

A special meeting may also be called or scheduled by vote of the Council in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least 48 hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the council's principal bulletin board, or if none, at the door of the Council's usual meeting room; and (2) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. Such notice shall also be mailed to deliver at least 48 hours before the meeting to each Council member not present at the meeting at which the special meeting was called or scheduled, and to the mayor if he or she was not present at that meeting.

COMMENT: The first paragraph of the "Special Meetings" section of this rule combines the special meeting notice requirements of the open meetings law found in G.S. (143-318.12 (b) with the notice requirements for special meetings called by the mayor, the mayor pro tempore, or any two council members under G.S. 160A-71 (b)(1). While G.S. 160A-71 (b)(1) only requires that the mayor and council members receive six hours notice of special meetings called by the mayor, the mayor pro tempore, or two council members, this rule increases the advance notice requirement for the mayor and council members to 48 hours. This change recognizes that the council will want to be notified of special meetings called by a few of their number at least as far ahead of time (48 hours) as are members of the news media and other persons on the Town's "sunshine list". A discussion of procedures and possible fees for inclusion on the "sunshine list" can be found in G.S. 160A-71 (b)(2). In accordance with the requirements of G.S. 160A-71 (b)(1), only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice.

The second paragraph of the "Special Meetings" section deals with special meetings called during another duly called meeting, as permitted by G.S. 160A-71 (b)(3). Under the open meetings law, 48 hours advance notice of the time, place, and purpose of special meetings called in this manner must be mailed to the news media and other persons on the Town's "sunshine list", just as is required with any other special meeting. Note that G.S. 160A-71 (b)(3) requires no special notice to council members of a special meeting called during another meeting, since they presumably were present or had the opportunity to be present at the meeting where the special meeting was called or scheduled. An optional provision of this rule allows the council to go a bit beyond what the law requires by providing notice to members who were absent from the meeting where the scheduling took place.

Note that G.S. 160A-71 (b)(3) and this rule do not restrict the subjects that may be considered at a special meeting that is called during another meeting. Similarly, while the open meetings law requires that the "purpose" of a special meeting be stated in the meeting notice, it contains no restrictions that would prevent the Council from taking up unannounced subjects at a special meeting called during another meeting, if the Council did so in good faith.

(b) Emergency Meetings

One of the following two (2) procedures must be followed to call an emergency meeting of the Council.

- (1) The mayor, the mayor pro tempore, or any two members of the Council may at any time call an emergency Council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and

each council member or left at his or her usual dwelling place at least six hours before the meeting.

- (2) An emergency meeting may be held at any time when the mayor and all members of the council are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if the council complies with the notice provisions of the next paragraph.

Notice of the meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire service's, or station's telephone number, with the Town Clerk. This notice shall be given either by telephone or by the same method used to notify the mayor and the Councilmembers, and shall be given at the expense of the party notified.

Emergency meetings shall only be called because of generally unexpected circumstances that require immediate consideration by the Town Council. Only business connected with the emergency may be considered at an emergency meeting.

COMMENT: Rule 2(b) states the requirements of the open meetings law concerning emergency meetings [G.S. 143-318.12(b)(3)]. It adds to these requirements the two possible ways that emergency meetings might be called under G.S. 160A-71(b). The Town Council procedural statutes do not mention emergency meetings, so they must be considered a type of special meeting. The first method, described in G.S. 160A-71(b)(1), requires six hours' minimum notice to council members and the mayor. The second method, specified in G.S. 160A-71(b)(2), allows a meeting to be held whenever the entire council can be assembled or written waivers can be obtained from those not present, as long as the emergency meeting notice requirements are satisfied.

The third method for calling special council meetings, see G.S. 160A-71(b)(3), is not allowed for emergency meetings. Because emergency meetings are by their nature unexpected, it is assumed that they will not be called during the course of another meeting, but will be scheduled when needed using one of the other two methods.

(c) Adjourned or Recessed Meetings

A properly called regular, special, or emergency meeting may be adjourned or recessed by a procedural motion made and adopted as provided hereafter in Rule 21 in open session during the regular, special or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of an adjourned or recessed session of a properly called regular, special, or emergency meeting.

COMMENT: Note that a motion to adjourn (or recess) a meeting to a time and place certain must comply with the requirements of Rule 21 concerning procedural motions. It must be made in open session, since under the open meetings law the making of such a motion is not listed as an action that is permitted during an closed session (see Rule 28 concerning closed sessions). As explained in the Comment to Rule 21, Motion 1, the terms "adjourn to a time and place certain" and recess to a time and place certain" are both forms of the motion to adjourn, and are used interchangeably in these rules and in North Carolina law and practice.

The provisions of Rule 27 that concern notice of meetings to consider the budget should also be considered in conjunction with this rule.

(d) Work Sessions and Committee Meetings

The Town Council may schedule work sessions, committee meetings, or other informal meetings of the board or of a majority of its members at such times and concerning such subjects as may be established by resolution or order of the Council. A schedule of any such meetings held regularly shall be held in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held regularly are subject to the same notice requirements as special Council meetings. Town council work session will follow the same rules of procedure as a regular Town Council Meeting with the exception that the council may elect to include the public in the discussion. This will be established at the beginning of each work session.

COMMENT: The open meetings law requires that any “official meeting” where a majority of the Town Council deliberates on public business must be open to the public and notice must be given. The last sentence of this rule embodies that principle. The rule goes beyond the open meetings law in requiring a published schedule of work sessions or committee meetings held regularly.

G.S. 143-318.13 (a) provides that if the Town Council holds any regular, special, emergency, or other official meeting by conference telephone or other electronic means, the clerk shall provide a location and method whereby the public may listen to the meeting and notice of the meeting shall specify that location.

(e) Sunshine List

Any individual and any newspaper, wire service, radio station, and television station may file a written request with the Town Clerk for notice of all special meetings of the board. Requests by individuals must be renewed by the last day of each calendar quarter and are subject to a \$10.00 nonrefundable annual fee; requests by news organizations must be renewed annually by January 1, of each year and are not subject to any fee. Where notices of special meetings are provided electronically by e-mail, no fees shall be charged.

COMMENT: See G.S. 143-318.12 (b)(2).

RULE 4. MEETINGS TO BE OPEN

- (a) The public policy of North Carolina and of the Town of Weddington is that the hearings, deliberations, and actions of the Town Council and its committees be conducted openly.
- (b) Except as otherwise provided in these rules and in accordance with applicable law, each official meeting of the Weddington Town Council shall be open to the public, and any person may attend.

COMMENT: See G.S. 143-318.10 (a)

- (c) For the purposes of the provisions of these rules concerning open meetings, an official meeting of the Town Council is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of board members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the Town Council.

COMMENT: See G.S. 143-318.10 (d). The open meetings law provides that a social meeting or other informal gathering of the members of the Town Council does not constitute an official meeting unless it is “called or held to evade the spirit and purposes” of the laws requiring meetings to be open.

RULE 5. BROADCASTING AND RECORDING OF MINUTES

- (a) Except as provided in this rule, any radio or television station may broadcast all or any part of an official board meeting required to be open to the public. Any person may photograph, film, tape record, or otherwise reproduce any part of a meeting required to be open.
- (b) A radio or television station wishing to broadcast any portion of an official board meeting shall notify the Town Clerk no later than seventy-two hours before the meeting. If the number of requests or the quantity and size of the necessary equipment is such that the meeting cannot be accommodated in the designated meeting room and no suitable alternative site in the Town Hall is available, the Town Clerk may require the news media to either pool equipment and personnel or to secure and pay the costs of an alternative meeting site mutually agreeable to the board and the media representatives.

COMMENT: See G.S. 143.318.14. Notwithstanding the proposed rule, the council probably could not exclude broadcasters simply because they failed to give the suggested seventy-two hour notice.

RULE 6. ORGANIZATIONAL MEETING.

On the date and at the time of the first regular meeting in December following a general election in which council members are elected, or at an earlier date, if any, set by the incumbent Council, the newly elected members shall take and subscribe the oath of office as the first order of business. As the second order of business, the Council shall elect a mayor pro tempore. This organizational meeting shall not be held before the municipal election results are officially determined, certified, and published in accordance with Sub-chapter IX of Chapter 163 of the North Carolina General Statutes.

COMMENT: This rule states the requirements of G.S. 160A-68 (a) and (b). The oath of office used is the one set forth in Article VI, Section 7, of the North Carolina Constitution (see also G.S. 11-7 and 11-7.1). G.S. 160A-68 (b) further provides that the organizational meeting shall take place notwithstanding the absence, death, refusal to serve, failure to qualify, or non-election or one or more members, provided a quorum is present.

Who presides at the organizational meeting until the new mayor is sworn in is a question best resolved by local custom. In some cities the town clerk, manager, or attorney presides, and in others the retiring mayor presides until the new mayor is sworn in.

RULE 7. AGENDA

(a) **Proposed Agenda.** The Town Clerk shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least ~~two~~ five working days before the meeting. Any council member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed ordinances shall be attached to the proposed agenda. Material to be presented under Agenda Item for Special Recognition/Presentation must be included in the Agenda packet. Failure to have this material included in the Agenda Packet for review by the Council in advance will have the item deleted from the Agenda automatically. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each council member shall receive a copy of the proposed agenda and the agenda package and they shall be available for public inspection and distribution or copying when they are distributed to the council members.

The Council may by majority vote add items to the proposed agenda for discussion purposes only. Council may add and consider staff-initiated items by unanimous consent. The Council may by majority vote subtract items from the proposed agenda, except that (a) the council may not subtract items from the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two council members, unless those calling the meeting consent to the deletion, (b) the council may not add items to the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two council members, unless all members are present, or those who are absent sign a written waiver of notice, and (c) only business connected with the emergency may be considered at an emergency meeting. ~~The council may add items to the proposed agenda of a special meeting only if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.~~

The Council may designate certain agenda items "for discussion and possible action." Such designation means that the council intends to discuss the general subject area of that agenda item before making any motion concerning that item.

COMMENT: Because of the volume and complexity of the matters they must consider, most councils use an agenda for their meetings. This rule describes the typical agenda preparation procedure for regular and some special council meetings. Councils should adapt it to accommodate the special circumstances that accompany emergency and many special meetings.

Two uses of agendas are common. Some councils use an agenda only to organize the materials they must consider and to give them an opportunity to study the issues before they meet. These councils generally allow last-minute additions to the agenda by general consent. This rule allows such additions only with the unanimous consent of the Mayor and all council members in attendance. Note, however, that G.S. 160A-71 (b)(1) requires that all council members be present or consent in writing before additions can be made to the subjects listed on the notice of a special meeting called by the mayor, mayor pro tempore, or two council members. Also, since the agenda of such a special meeting is set by those calling it, this rule requires those persons' consent before items may be

deleted from that agenda. Note also that G.S. 143-318.12 (b)(3) limits the agenda of emergency meetings to business connected with the emergency.

Other councils use their agenda to control the length of their meetings. In that case the council will often hold an agenda meeting or a work session before the regular meeting to ask questions and thoroughly explore the proposals that must be voted on at the regular meeting. Note that such an agenda meeting or work session is considered a meeting of the council for purposes of G.S. 160A-71 and the open meetings law and is subject to the regular or special meeting requirements in these rules. Generally, these councils take a stricter approach and do not allow late additions to regular meeting agendas unless an unexpected and pressing matter arises.

As noted above, at special meetings called by the mayor, mayor pro tempore, or two council members, additions may only be made to the agendas of special meetings if all members are present or those not present sign a waiver of notice. These rules also impose an additional requirement for the agendas of all special meetings, regardless of how they are called, because of open meetings law concerns. Under this approach, an item may be added to the agenda of a special meeting only if all members are present and the board determines in good faith that it is essential to discuss or act on the item immediately. This restriction avoids surprises and is consistent with the spirit of the open meetings law, although neither requirement is actually part of the law. See the statement of public policy underlying the law in G.S. 143-318.9. For further discussion of adding items to special meeting agendas, see the Comment to Rule 3(a).

Rule 7(a) requires that longer or more complex proposals be in writing and attached to the agenda, so that council members will have a clear idea of the issues with which they will be dealing. The council may choose what sorts of proposed orders, policies, regulations, resolutions, or other items it wishes to make subject to this requirement. The council may also require that copies of relevant documents be provided to all council members when additions to the agenda are proposed at the meeting.

Town councils frequently desire to discuss an issue informally, attempting to reach a group consensus, before a formal motion is proposed. While standard parliamentary practice requires that a motion be made before any discussion can occur, conducting discussion first can be very useful to a small board such as a council. Such discussion may be especially important if the council does not hold agenda meetings or work sessions at which the members can discuss issues among themselves, before the more formal meetings at which the council generally takes action. This rule authorizes the practice of "discussion before moving" by permitting the council to designate particular agenda items "for discussion and possible action." If a motion is later made, discussion on the motion is then in order.

The Town Clerk or Chief Administrative Officer may find it convenient to maintain a mailing list of interested parties who wish to receive a copy of the proposed agenda and/or agenda package regularly. Since the background materials included with the proposed agenda in the agenda package may be quite voluminous, the council may wish to charge those receiving the full agenda package for the cost of reproduction. At the very least, the council should make provision for the public to inspect and copy the agenda package in the town offices, since the agenda package is generally a matter of public record open to public inspection.

(b) Consent Agenda. The council may designate a part of the agenda as the "consent agenda." Items shall be placed on the consent agenda by those preparing the proposed agenda if they are judged to be non-controversial and routine. Any member may remove an item from the consent

agenda and place it on the regular agenda while the agenda is being discussed and revised prior to its adoption at the beginning of the meeting. All items on the consent agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion and vote on each item.

COMMENT: Many councils use a consent agenda as a device to handle routine business more quickly. The persons preparing the proposed agenda group together on the agenda those items that they think will be non-controversial, routine, and unopposed. As a general rule, ordinances, controversial items, matters in which citizens may be interested, and matters of great substance should probably not be included on the consent agenda.

The council reviews the "consent agenda" as part of its review of the proposed agenda at the beginning of the meeting. Each member is free to remove items from the consent agenda to the regular agenda. A member may wish to do so if, for example, he or she would like to debate the proposal or vote against the item.

Those items remaining on the consent agenda are all handled with a single motion and vote, which is legally a motion and vote on each one of them. In keeping with this understanding, the minutes should reflect separate motions and votes on each of the consent items.

RULE 8. PUBLIC ADDRESS TO THE COUNCIL

Any individual or group who wishes to address the council may do so at the time designated for public comment at each regularly scheduled meeting. Each member of the public wishing to address the council must sign in prior to the meeting. The public will be recognized to speak in the order they signed in.

The council reserves the right to limit each person wishing to make a comment to three minutes should it appear that there are a large number of persons desiring to make public comments.

When publicly addressing the governing body, the public shall obey reasonable standards of courtesy in their remarks. The Mayor ~~has the authority to~~ must maintain order and decorum in the conduct of the hearing. The Mayor may determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks ~~may~~ must entertain and rule on objections from other members of the Council on this ground.

COMMENT: The council shall provide at least one period for public comment per month at a regular meeting of the council. The council may adopt reasonable rules governing the public comment period, including, but not limited to, rules (i) fixing the maximum time allotted to each speaker, (ii) providing for the designation of spokesmen for groups of persons supporting or opposing the same positions, (iii) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall, and (iv) providing for the maintenance of order and decorum in the conduct of the hearing. The council is not required to provide a public comment period under this section if no regular meeting is held during the month. (2005-170, s. 3.)

RULE 9. ORDER OF BUSINESS

Items shall be placed on the agenda according to order of business. The order of business for each regular meeting shall be as follows:

- Open Regularly Scheduled Meeting
- Pledge of Allegiance
- Determination of Quorum
- Special Recognitions/Presentations
- Public Comments
- Additions, Deletions and/or Adoption of the Agenda
- Approval of the Minutes
- Consent Agenda
- Public Hearings
- Consideration of Public Hearings
- Old Business
- New Business
- Reports and Updates
- Comments from the Council Members
- Adjournment

Note: Where there are multiple public hearings, the consideration of the public hearing shall follow each specific hearing.

By general consent of the council, items may be considered out of order.

RULE 10. OFFICE OF MAYOR

The mayor shall preside at all meetings of the council but shall have the right to vote only when there is a tie. In order to address the council, a member must be recognized by the mayor. The mayor shall have the following powers:

- (a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes. The Council by majority vote of the Council may overturn a ruling by the Mayor;
- (b) To determine whether a speaker has gone beyond reasonable standards of courtesy (as discussed in Rule 8) in his remarks and to entertain and rule on objections from other members on this ground. Again, the Council by majority vote of the Council may overturn a ruling by the Mayor;
- (c) To entertain and answer questions of parliamentary law or procedure;
- (d) To call a brief recess at any time;
- (e) To adjourn in an emergency.

COMMENT: G.S. 160A-69 provides that the mayor shall have the right to vote only in cases of a tie among council members, unless the mayor is elected by the council from among its membership and the town charter is silent on the matter. In that case, the mayor has the right to vote on all matters. Many cities have charter provisions dealing with the mayor's voting rights; a special charter rule on mayoral voting takes precedence over the general rule in G.S. 160A-69.

The procedural powers given to the mayor in this rule are intended to replace the question of order and appeal in Robert's Rules of Order (RRO). Also, according to "RRO", a recess can be taken only on a motion and vote by the members. This rule authorizes the mayor to call a brief recess when necessary to "clear the air" and thus reduce friction among the members.

RULE 11. OFFICE OF MAYOR PRO TEMPORE

At the organizational meeting, the council shall elect from among its members a mayor pro tempore to serve at the Council's pleasure. A council member who serves as mayor pro tempore shall be entitled to vote on all matters and shall be considered a council member for all purposes, including the determination of whether a quorum is present. In the mayor's absence, the mayor pro tempore shall assume all of the mayor's powers and duties. If the mayor should become physically or mentally unable to perform the duties of his or her office, the council may by unanimous vote declare that the mayor is incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When a mayor declares that he or she is no longer incapacitated, and a majority of the council concurs, the mayor shall resume the exercise of his or her powers and duties. If both the mayor and the mayor pro tempore are absent from a meeting, the council may elect from among its members a temporary chairman to preside at the meeting.

COMMENT: This is G.S. 160A-70 paraphrased.

RULE 12. PRESIDING OFFICER WHEN THE MAYOR IS IN ACTIVE DEBATE

The mayor shall preside at meetings of the council unless he or she becomes actively engaged in debate on a particular proposal, in which case he or she will ~~designate~~ request for another council member to preside over the debate. The council member agreeing to preside must not have entered into the debate prior to accepting the gavel and thus biasing the process. There is no requirement that a council member be compelled to take the gavel. The mayor shall resume presiding as soon as action on the matter is concluded.

COMMENT: Good leadership depends, to a certain extent, on not taking sides during a debate. On a small board this may not always be feasible or desirable; yet an unfair advantage accrues to the side that advocate controls access to the floor. This rule is designed to insure even-handed treatment to both sides during a heated debate. Ordinarily the mayor should ask the mayor pro tempore to preside in this situation, but if he or she is also engaged in the debate, the mayor should feel free to call on some other council member in order to achieve the purpose of this rule.

RULE 13. ACTION BY THE COUNCIL

The council shall proceed by motion, except as otherwise provided for in Rule 7 and in Rule 33. Any member may make a motion.

COMMENT: Traditionally, if the mayor wishes to have a motion made, instead of making it personally, he or she states, "The Chair will entertain a motion that..." This custom is sound if the mayor may vote only in the case of a tie; if the mayor may vote in all cases, he or she may make a motion as any other member would.

RULE 14. SECOND NOT REQUIRED

A motion shall not require a second.

COMMENT: The philosophy underlying the requirement of a second is that if a proposal is not supported by at least two members, it is not worth the time necessary to consider it. This concept is not applicable to small boards on which consideration of a proposal that initially has the support of only one member would not seriously impair efficient use of the board's time. If the council has seven or more members, the requirement of a second may be desirable.

RULE 15. ONE MOTION AT A TIME

A member may make only one motion at a time.

RULE 16. SUBSTANTIVE MOTIONS

A substantive motion is out of order while another substantive motion is pending.

COMMENT: This rule sets forth the basic principle of parliamentary procedure that distinct issues will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

“RRO” does not refer to substantive motions as such; instead it uses such adjectives as main or principal. The term substantive motion is used here to underscore the distinction between the type of motion and the various procedural motions listed in Rule 21. Basically, a substantive motion is any motion other than the procedural motions listed in Rule 21. The possible subject matter of a substantive motion is coextensive with the council's legal powers, duties, and responsibilities. Indeed, since Rule 13 provides that the council shall proceed by motion, the substantive motion is the only way the council can act. The procedural motions detailed in Rule 21 set forth various options the council has in dealing with substantive motions.

RULE 17. ADOPTION BY MAJORITY VOTE

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.

COMMENT: See Rule 26 concerning the number of votes necessary to adopt an ordinance or approve a contract. Other extraordinary voting requirements imposed by particular statutes are not specified in these rules; the town attorney should be consulted as questions arise.

RULE 18. VOTING BY WRITTEN BALLOT

No vote may be taken by secret ballot. The Council may decide by majority vote to use written ballots in voting on a motion. Members shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, when they may be destroyed.

COMMENT: See G.S. 143-318.13 (b).

RULE 19. DEBATE

The mayor shall state the motion and then open the floor to debate on it.

The mayor shall preside over the debate according to the following general principles:

- (a) The maker of the motion is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- (c) To the extent possible, the debate shall alternate between opponents and proponents of the measure.

RULE 20. RATIFICATION OF ACTIONS

To the extent permitted by law, the council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

COMMENT: Ratification of actions taken on the council's behalf but without its prior approval is permitted under these rules, to the extent that such "after-the-fact" approval of actions is legally allowed. The principle behind the motion to ratify is that an assembly may subsequently approve that which it could have authorized. Unlike "RRO", these rules treat the motion to ratify as a substantive proposal rather than as a procedural motion, since a ratification is in effect an after-the-fact substantive action by the council concerning something that was done without council approval when advance authorization should have been obtained.

RULE 21. PROCEDURAL MOTIONS

In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

COMMENT: This rule is a substantial departure from "RRO". The following enumeration of procedural motions is exhaustive; if a procedural option is not on the list, then it is not available. See, however, Rule 20 concerning the motion to ratify an action. The motion to ratify is a procedural motion under "RRO"; it is treated as substantive rather than procedural under these rules.

While a substantive motion is out of order if another substantive motion is pending, under both "RRO" and these rules several procedural motions can be entertained in succession without necessarily disposing of the immediately pending procedural motion. The order of priority establishes which procedural motion yields to which – that is, which procedural motion may be made and considered while another one is pending.

Some of the main features of the procedural motions set out in this rule are summarized in table form in the appendix to these Rules. Note that the appended table is intended only to provide a quick reference guide to the motions; this rule and its comments should be consulted for a discussion of how each procedural motion is used.

In order of priority (if applicable), the procedural motions are:

- (1) **To adjourn.** The motion may be made only at the conclusion of action on a pending substantive matter; it cannot interrupt deliberation of a pending matter. A motion to adjourn to a time and place certain shall also comply with the requirements of Rule 3.

COMMENT: This motion differs from the RONR motion to adjourn in several respects. The RONR motion to adjourn is not debatable or amendable and can be made at any time, thus interrupting substantive deliberations. Here, however, since the number of members is small and procedures are available to limit debate, Motion 1 allows both debate and amendment, but specifies that the motion is in order only when consideration of a pending matter has concluded.

If the councils wants to adjourn before completing final action on a matter, it must, prior to adjourning, first temporarily conclude its consideration of that matter. This is done with one of three motions: to defer consideration of the matter, to postpone the matter to a certain time or day, or to refer the matter to a committee. Only as a last resort should the council use a motion to suspend the rules, in order to allow the motion to adjourn to interrupt deliberation on the matter.

Another adjournment option is to recess the meeting to reconvene at a specified time and place, in accord with Rule 3. The motion to recess or adjourn to a time and place certain is a form of the motion to adjourn. As explained in the Comment to Rule 3, various North Carolina General Statutes and North Carolina practice refer both to the terminology "recess to a time and place certain" and the phrase "adjourn to a time and place certain," [see, for example, G.S. 160A-71(b1) and 143-318.12(b)(1)]. Thus both "recess" and "adjourn" are provided here as options. The motion has the same meaning regardless of the option chosen.

- (2) **To take a Brief Recess.**

COMMENT: This motion is similar to the motion to recess under "RRO". To avoid confusing this motion with the motion "to recess to a time and place certain", which is a form of the motion to adjourn under these rules and in North Carolina practice (see Rule 21, Motion 1 above); this motion is called a motion "to take a brief recess" rather than a motion "to recess". "RRO" does not allow debate on motions to recess, but since the number of council members is small, and procedures are available to limit debate, debate is allowed on the motion described here. As is the case with the motion to recess in "RRO", a motion to take a brief recess is in order at any time. Under these rules, the mayor also has the power to call a brief recess (see Rule 10).

- (3) **Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order in question.

COMMENT: This motion is patterned on the call for the orders of the day in "RRO". It differs in that it may be debated; also, unless the motion is made at the time an item of business that deviates from the agenda is proposed, the right to insist on following the agenda is waived for that item.

- (4) **To Suspend the Rules.** The motion requires for adoption a vote equal to two-thirds of the actual membership of the council, excluding the mayor, unless he or she may vote in all cases, and vacant seats. The council may not suspend provisions of the rules that state requirements imposed by law on the council.

COMMENT: This motion is generally the same as the motion in “RRO” to suspend the rules, except that it is debatable and amendable. It is in order when the council wishes to do something that it may legally do but cannot accomplish without violating its own rules.

A motion to suspend the rules requires approval by two-thirds of the actual membership of the council to pass. Note that the mayor is counted for purposes of determining two-thirds of the council only if he or she has the right to vote on all questions, and that vacant seats are excluded in making the two-thirds determination.

- (5) **To Go into Closed Session.** The Council may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11 (a)(1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318 (a)(3) shall identify the parties in each existing lawsuit concerning which the council expects to receive advice during the closed session, if in fact such advice is to be received.

COMMENT: The requirements for this motion are found in G.S. 143-318.11 (c). They include extra requirements for motions based on G.S. 143-318.11 (a)(1), and for those motions based on G.S. 143-318.11 (a)(3) that concern a closed session where the council expects to receive advice about an existing lawsuit or lawsuits. G.S. 143-318.11 (a)(1), cited in the rule, allows closed sessions "to prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina or the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes." Part of G.S. 143-318.11 (a)(3), also cited, allows the council in closed session to "consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure."

- (6) **To Leave Closed Session.**

COMMENT: This motion provides a procedural mechanism for returning from closed session to an open meeting. Under the open meetings law, public bodies probably must return to open session once they have concluded their closed session business, even if they have no other business to transact except adjourning the meeting.

- (7) **To Divide a Complex Motion and Consider It by Paragraph.**

The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

COMMENT: This motion is identical to the motion of the same name in “RRO” except that it is debatable.

- (8) **To Defer Consideration.** The Council may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be

introduced while the deferred motion remains pending. A member who wishes to revisit the matter during that time must take action to revive consideration of the original motion, or else move to suspend the rules.

COMMENT: This motion replaces the motion to lay on the table in “RRO” and was renamed in order to avoid confusion. It allows the council temporarily to defer consideration of a proposal. It differs from the “RRO” motion in that it may be debated and amended. It also differs from the provision in “RRO” in that a motion that has been deferred dies if it is not taken up by the council (via motion to revive consideration; see Rule 21, Motion 13) within a specified number of days of the vote to defer consideration, whereas in “RRO” a motion that has been laid on the table dies at the end of the session in which it was introduced.

This motion should also be distinguished from the motion to postpone to a certain time or day (Rule 21, Motion 10). A matter that has been postponed to a certain time or day is brought up again automatically when that time arrives. Affirmative action (a motion to revive consideration) is required, however, before the council may again consider a substantive motion the consideration of which has been deferred. If a deferred motion expires, its subject matter may be brought forward again by a new motion.

(9) **Call of the Previous Question.** The motion is not in order until there have been at least five minutes of debate, and every member that desires to do so has had an opportunity to speak once.

COMMENT: This motion differs from the motion of the same name in “RRO”. The “RRO” motion is always in order, is not debatable or amendable, and requires a two-thirds vote for adoption. Thus, it may be used to compel an immediate vote on a proposal without any debate on the issue. Such a device may be necessary to preserve efficiency in a large assembly. With a small board, however, a minimum period of debate on every proposal that comes before it strikes a better balance between efficiency and effective representative by all council members. Since every member will have an opportunity to speak, the debate may be ended by a majority vote.

(10) **To Postpone to a Certain Time or Day.**

If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules. (Rule 21, Motion 4).

COMMENT: This motion allows the council to postpone consideration to a specified time or day and is appropriate when more information is needed, or the deliberations are likely to be lengthy. It should be distinguished from the motion to defer consideration (see Comment to Rule 21, Motion 8).

(11) **To Refer a Motion to a Committee.** Sixty days or more after a motion had been referred to a committee, the introducer of the motion may compel consideration of the measure by the entire council, whether or not the committee has reported the matter to the council.

COMMENT: This motion is similar to the motion of the same name in “RRO”, except that the right of the introducer to compel consideration by the full council after a specified period of time prevents

using the motion as a mechanism to defeat a proposal by referring it to a committee that is willing to “sit” on it. If the council does not use committees, this motion is unnecessary.

(12) To Amend.

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the amended motion has the same effect as rejection of the original motion.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed ordinance shall be reduced to writing before the vote on the amendment.

COMMENT: This motion is similar to the motion to amend in “RRO”. The restriction on amendments stated in the second sentence should be read narrowly; it is intended only to prevent an amendment that merely negates the provisions of the original motion. The intent of such an amendment can be achieved in a simpler and more straightforward manner by the defeat of the original proposal. Pertinent amendments that make major substantive changes in the original motion are quite proper under this rule.

The second paragraph of the rule limits the number of proposed amendments that may be pending at one time to two. Amendments are voted on in reverse order, that is, the last-offered amendment is voted on first. Once the last-offered of two pending amendments is disposed of, an additional amendment may be offered.

The motion does impose an additional requirement for amendments to proposed ordinances. Amendments to ordinances, like the ordinances themselves, should be in written form before they are voted on, both because of the importance of ordinances and to make it easier to maintain the required ordinance book (see G.S. 160A-78) accurately.

(13) To Revive Consideration. The motion is in order at any time within the 100 days after the date of a vote to defer consideration. A substantive motion on which consideration has been deferred expires after 100 days have elapsed following the deferral unless a motion to revive consideration is adopted.

COMMENT: This motion replaced the motion “to take up from the table” in “RRO” and was renamed in order to avoid confusion. This motion may be debated and amended, whereas the motion in “RRO” may not. If the motion to revive consideration is not successful within the specified number of days after the date on which consideration was deferred, the substantive motion expires. Its subject matter may be brought forward again by a new motion. Ninety days is merely a suggested period of time; the number of days specified here should be the same as in Rule 21, Motion 8.

(14) To Reconsider. The motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken, including any continuation of that meeting through adjournment to a time and place certain. The motion

cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

COMMENT: According to “RRO”, the motion may be made at the same meeting as the vote or on the next legal day and may interrupt deliberation on another matter. To avoid placing a measure in limbo, these rules restrict the availability of the motion to the same meeting as the original vote, including any continuation of that meeting if it is adjourned or recessed to a time and place certain pursuant to Rule 3 and Rule 21, Motion 1. Also, the motion is permitted under these rules only when action on a pending matter concludes.

(15) **To Rescind or Repeal.** The council may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

COMMENT: This motion is in order only for those measures adopted by the council that can legally be repealed or rescinded; it is not intended to suggest that the council can unilaterally rescind a binding contract, or may repeal an action where a person's rights have already vested.

(16) **To Prevent Reconsideration for Six Months.** The motion is in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds of the actual membership of the council, excluding the mayor, unless he or she may vote in all cases, and vacant seats. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the council, whichever occurs first.

COMMENT: This is a “clincher” motion designed to prevent the same motion from being continually introduced when the subject has been thoroughly considered. There is no comparable motion in “RRO”, although the objection to consideration of a question accomplishes much the same purpose. Because this motion curtails a member’s right to bring a matter before the council, the required vote is two-thirds of the actual membership of the council, excluding the mayor, unless he or she is entitled to vote on all matters, and excluding vacant seats. As with most other motions, a clincher motion may be, in effect, dissolved by a motion to suspend the rules. The motion is not effective beyond the next organizational meeting of the council, in order to give a new council a clean slate.

RULE 22. RENEWAL OF MOTION.

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

RULE 23. WITHDRAWAL OF MOTION.

A motion may be withdrawn by the introducer at any time before it is amended or before it is put to a vote.

COMMENT: “RRO” provides that once a motion has been stated by the chair for debate, it cannot be withdrawn with the assembly’s consent. Such a procedure is unnecessary for a small board.

RULE 24. DUTY TO VOTE.

Every member must vote unless excused by the remaining members according to law. A member who wishes to be excused from voting shall so inform the mayor, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his or her own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the council chambers, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

COMMENT: This rule contains most of the requirements of the first paragraph of G.S. 160A-75.

RULE 25. INTRODUCTION OF ORDINANCES.

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the council.

COMMENT: G.S. 160A-75 provides that an ordinance may not be finally adopted at the meeting at which it is introduced except by a two-thirds vote of all the actual membership of the council, excluding vacant seats and not including the mayor unless he or she has the right to vote on all questions before the council. The statute specifies that an ordinance is deemed to be introduced "on the date the subject matter is first voted on by the council". A "vote on the subject matter" is not defined; some authorities think that a vote on the ordinance itself is required, while others think that any vote pertaining to the ordinance's subject matter (for example, a vote to refer the subject of an ordinance to a committee for further study) is sufficient to satisfy the definition. The town attorney should be consulted for guidance on this matter.

RULE 26. ADOPTION OF ORDINANCES AND APPROVAL OF CONTRACTS

(a) Generally an affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue (including the mayor's vote in case of an equal division) shall be required to adopt an ordinance, to take any action that has the effect of an ordinance, or to make, ratify, or authorize any contract on behalf of the town. In addition, no ordinance or action that has the effect of an ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of all the actual membership of the council, excluding vacant seats, and not including the mayor unless he or she has the right to vote on all questions before the council. No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken.

COMMENT: This rule paraphrases the special voting requirements in the second paragraph of G.S. 160A-75 for adoption of ordinances and approval of contracts. Special voting rules for authorizing or committing the expenditure of public funds are also found in this paragraph. In most cases, however, these latter requirements are superseded by the more specific provisions of G.S. 159-17 detailed in Rule 27. See Rule 25 and the accompanying Comment for the definition of "introduction" of an ordinance.

Although it may seem obvious that ordinances should be in writing before they are voted on (see, for example, the requirements of Rule 7 concerning copies of proposed ordinances), an explicit

provision is included in the rules so that there can be no doubt on the matter. See also Procedural Motion 12 in Rule 21 concerning amendment of ordinances, and G.S. 160A-76(a) for requirements for franchises.

- (b) Zoning Protest Petitions. An affirmative vote equal to three-fourths of all the members of the Town Council shall be required for an ordinance making a change in a zoning regulation, restriction, or boundary to become effective, if a valid protest petition is received in accordance with the requirements set out in G.S. 160A-385 (a) and G.S. 160A-386. This rule shall not apply in those cases excepted by G.S. 160A-385 (a).

COMMENT: This paragraph states the three-fourths vote requirement of G.S. 160A-385(a), which applies when neighboring property owners, as defined in the statute, protest a proposed rezoning and file a proper petition with the town clerk in a timely manner under G.S. 160A-386. Some zoning changes such as initial zonings of property added to the ordinance's coverage, and certain amendments to adopted special or conditional use districts, are not covered by the three-fourths vote requirement. These exceptions are specified in G.S. 160A-385 (a). The three-fourths rule applies to zoning ordinances only.

RULE 27. ADOPTION OF THE BUDGET ORDINANCE

Notwithstanding the provisions of any town charter, general law, or local act:

- (a) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the council by a simple majority of those present and voting, a quorum being present.
- (b) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the council; and
- (c) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any town charter or local act concerning initiative or referendum.

During the period beginning with the submission of the budget to the council and ending with the adoption of the budget ordinance, the council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as (a) each member of the board has actual notice of each special meeting called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken up. This rule does not allow, and may not be construed to allow, the holding of closed meetings or closed sessions by the council if it is otherwise prohibited by law from holding such a meeting or session.

COMMENT: This rule is G.S. 159-17 with minor modifications. G.S. 159-17 also provides that no general law, town charter, or local act that is enacted or takes effect after July 11, 1973, may be construed to modify, amend, or repeal any portion of this law unless it expressly so provides by specific reference to it. Since the notice requirements of the open meetings law continue to apply to meetings held to work on the budget ordinance, the only practical effect of the second paragraph of this rule is to eliminate the need for any special notification of council members that might otherwise

be required concerning such meetings. See G.S. 159-8 to 159-13 for other procedures that must be followed in adopting the budget ordinance.

RULE 28. CLOSED SESSIONS

The Council may hold closed sessions as provided by law. The council shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G.S. 143-318.11 (a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11 (a)(3) (consultation with attorney; handling or settling of claims, judicial actions, or administrative procedure); it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The Council shall terminate the Closed Session by a majority vote.

Only those actions authorized by statutes may be taken in Closed Session. A motion to adjourn or recess shall not be in order during a Closed Session.

COMMENT: This rule states some of the requirements of G.S. 143-318.11 (c) for calling closed sessions. In particular, note the special requirements for motions to call closed sessions that are based on G.S. 143-318.11 (a)(1) or, in some cases, on G.S. 143-318.11 (a)(3). No attempt is made here to set forth all of the provisions of the open meetings law concerning the purposes for which closed sessions may be held and the actions that may be taken in closed session; specific information can be found in G.S. 143-318.11 (a). Note, however, that adjournment is not an action authorized by statute to be taken during a closed session. Minutes and general accounts of closed sessions are discussed in Rule 32.

RULE 29. QUORUM

A majority of the actual membership of the council plus the mayor, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

COMMENT: This is G.S. 160A-74. Note that the mayor is counted for quorum purposes regardless of whether he or she had the right to vote on all questions.

RULE 30. PUBLIC HEARINGS

Public Hearings required by law or deemed advisable by the council shall be organized by a special order, adopted by a majority vote, that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time for each speaker, and other pertinent matters. The rules may include, but are not limited, to rules

- (a) fixing the maximum time allotted to each speaker;

- (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions;
- (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall; and
- (d) Providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to council meetings shall also apply to public hearings at which a majority of the council is present. A public hearing for which any notices required by the open meetings law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 3 (c) shall be followed in continuing a hearing at which a majority of the council is present.

At the time appointed for the hearing, the mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

Any individual or group who wishes to address the council may do so. Each member of the public wishing to address the council during the public hearing must sign in prior to the meeting. The public will be recognized to speak in the order they signed in.

The council reserves the right to limit each person wishing to make a comment to three minutes should it appear that there are a large number of persons desiring to make public comments.

When publicly addressing the governing body, the public shall obey reasonable standards of courtesy in their remarks. The Mayor must maintain order and decorum in the conduct of the hearing. The Mayor must determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks must entertain and rule on objections from other members of the Council on this ground. The Mayor may be over ruled by a majority vote by the town council.

COMMENT: G.S. 160A-81 provides that public hearings may be held at any place within the town or within the county where the town is located. It also gives the council the authority to adopt reasonable rules governing the conduct of the hearing (specifically including the type of rules listed here) and to continue public hearings without further advertisement.

Public hearings, like other council meetings, are also subject to the notice, continuation, and other requirements of the open meetings law, if a majority of the council is present at the hearing. Those requirements are reflected in this rule.

RULE 31. QUORUM AT PUBLIC HEARINGS

A quorum of the council shall be required at all public hearings required by state law. If a quorum is not present at such hearing, the hearing shall be continued until the next regular council meeting without further advertisement.

COMMENT: G.S. 160A-81 implies that a quorum of council members is necessary for a public hearing by providing that a hearing shall be deferred to the next regular meeting if a quorum is not present at the originally scheduled time. If, however, the council decided to hold a public hearing that was not required by state law to gather a consensus of public opinion on an issue, it could hold the hearing at several sites, with a few members in attendance at each place. Such a hearing would not be subject to the quorum requirement of G.S. 160A-81. Note also that if a majority of the council were not present at such a hearing, it would not be subject to the notice, continuation, and other requirements of the open meetings law.

RULE 32. MINUTES

Full and accurate minutes of the council proceedings, including closed sessions, shall be kept. The board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the council, the "ayes" and "nos" upon any question shall be taken. Members' and other persons' comments may be included in the minutes if the council approves.

Minutes and general accounts of closed sessions may be sealed by action of the council. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

COMMENT: G.S. 160A-72 requires that full and accurate council minutes be maintained, and G.S. 143-318.10(e) requires that full and accurate minutes be kept of all official meetings of all public bodies, including closed sessions [G.S. 143-318.11(a)]. The minutes are the official legal record of council actions and are a matter of public record. To be "full and accurate," they must include all actions taken by the council and must note the existence of conditions needed to take action, such as the existence of a quorum. However, the minutes need not record the council's discussion. Particular comments by members or other persons may be included in the minutes if the council so desires. Since the council usually takes action by motion (Rule 13), all motions that are made must be included in the minutes, along with a record of the motions' disposition. G.S. 160A-72 also allows any member to request that the minutes included a record of how each member voted (the "ayes and noes").

Under the open meetings law, the council must also keep a "general account" of what transpires in closed sessions, so that a person not in attendance would have a reasonable understanding of what transpired. This wording probably requires that a somewhat more detailed account of these sessions be kept than would typically be found in the minutes, especially if the minutes record only actions and conditions needed to take action. The council should consult the town attorney and the bulletins mentioned in the next paragraph concerning what general accounts of closed sessions should include.

Finally, the rule includes the permission granted in G.S. 143-318.11(e) to withhold minutes and general accounts of closed sessions from public inspection for as long as necessary to avoid frustrating the purpose of the closed session. All closed session minutes are sealed unless stated otherwise. The Town Clerk will review closed session minutes quarterly and recommend to the Town Council that they be unsealed when the closed session's purpose would no longer be frustrated by making these records public. For a discussion of the legal requirements for minutes and general

accounts of closed sessions, see the following publications by David M. Lawrence: "1997 Changes to the Open Meetings and Public Records Laws," *Local Government Law Bulletin* 80 (August 1997) and "The Court of Appeals Addresses Closed Sessions for Attorney-Client Discussions," *Local Government Law Bulletin* 93 (March 2000).

RULE 33. APPOINTMENTS

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.

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.

RULE 34. COMMITTEES AND BOARDS

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 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.

COMMENT: The town council is authorized by G.S. 160A-145 to "create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies of the town government..." subject to certain limitations. It is also customary in many communities for the mayor to appoint various committees to aid the council in its work. Specific statutes govern some of these committees and boards; G.S. 160A-388 (a), for example, regulates establishment of and appointments to boards of adjustment. The general requirements of Rule 33 for appointments by the council should also be kept in mind.

The open meetings law applies to all committees and board established by the council, G.S. 143-318.10 (b)(2)(iv), and to all committees and boards comprised of council members, however established. The latter rule is set out in the last sentence of G.S. 143-318.10 (b).

RULE 35. REFERENCE TO ROBERT'S RULES OF ORDER

To the extent not provided for in these rules and to the extent that it does not conflict with North Carolina law or with the spirit of these rules, the council shall refer to *Robert's Rules of Order, Revised*, to answer unresolved procedural questions.

APPENDIX

MOTION	VOTE REQUIRED	SPECIAL REQUIREMENTS
(1) To adjourn	Majority	May not interrupt deliberation of pending substantive matter. Motion to adjourn to a time and place certain must also comply with Rule 3 (c).
(2) To take a Brief Recess	Majority	None
(3) Call to Follow the Agenda	Majority	Must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.
(4) To Suspend the Rules	Two-Thirds	The council may not suspend provisions of the rules that state requirements imposed by law on the council.
(5) To Go into Closed Session	Majority	Motion must cite one or more of the permissible purposes for closed sessions listed in G.S. 143-318.11(a) and must be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) must also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318.11(a)(3) must identify the parties in each existing lawsuit concerning which the council expects to receive advise during the closed session, if in fact such advise is to be received.
(6) To Leave Closed Session	Majority	
(7) To Divide a Complex Motion and Consider It by Paragraph	Majority	None
(8) To Defer Consideration	Majority	A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration (Motion 13) is adopted. While a deferred motion remains pending, a new motion with the same effect cannot be introduced.
(9) Call of the Previous Question	Majority	Not in order until there have been at least five minutes of debate and every member has had an opportunity to speak once.
(10) To Postpone to a Certain Time or Day	Majority	None. While a postponed motion remains pending, a new motion with the same effect cannot be introduced.
(11) To Refer a Motion to a Committee	Majority	Sixty days or more after a motion is referred to a committee, the introducer may compel consideration of the measure by the council, regardless of whether the committee had reported the matter to the council.

(12) To Amend	Majority	(a) Amendments must be pertinent to the subject matter of the motion being amended. An amendment is improper if adoption of the motion with that amendment added has the same effect as rejection of the original motion. A proposal to substitute a different motion shall be treated as a motion to amend. (b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote. (c) Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.
(13) To Revive Consideration	Majority	In order at any time within 100 days after the day of a vote to defer consideration (Motion 8). Failure to adopt Motion 13 within the 100-day period results in expiration of the deferred substantive motion.
(14) To Reconsider	Majority	Must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "nos" prevail). May only be made at the meeting at which the original vote was taken, including any continuation of that meeting through adjournment to a time and place certain. Cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.
(15) To Rescind or Repeal	Majority	Not in order if rescission or repeal of an action is forbidden by law.
(16) To Prevent Reconsideration for Six Months	Two-Thirds	In order immediately following defeat of a substantive motion and at no other time. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the council, whichever occurs first.

NOTES:

1. Under these rules all procedural motions are debatable, and none requires a second. All may be amended, subject to the state limitations on motions to amend (Motion 12). Except where indicated otherwise, procedural motions may interrupt deliberations on a pending substantive matter.

2. The required vote for adoption of a procedural motion is generally a majority of the votes cast, a quorum being present. In a few cases, the required vote is a vote equal to two-thirds of the actual membership of the council, excluding the mayor, unless he or she may vote in all cases, and vacant seats.

TOWN OF WEDDINGTON

Policy Regarding Invitations to Address the Public

This purpose of this policy is to define who represents the Town of Weddington at the request of other governing bodies or the general public.

The Mayor, Town Council, and staff receive requests for elected officials to meet with groups and other elected bodies regarding current issues and developments in the Town of Weddington. If the Mayor or Councilmember receives the request directly, it must be forwarded to the Town Clerk within three (3) business days.

For Homeowner Associations and smaller groups, the Mayor and the Councilmember representing the district will present. If the Councilmember is unavailable, another Councilmember may appear in their place with general consent of the full Council.

For broader groups and other elected bodies, the Mayor and a member of the Council will present. The Councilmember will be determined through general consent of the Town Council.

The opinions expressed must be the general consensus of the Council or the opinion expressed must be disclosed as their own and not that of the elected body.

TOWN OF WEDDINGTON

Request for Support

This purpose of this policy is to assure the entire Council is included in consideration of letters of support.

The Mayor, Town Council, and staff receive requests for support of funding and special projects from other organizations and elected bodies. If the request is made directly to the Mayor's office, the Mayor must consult the Council and seek approval prior to responding.

In the event of a difference of opinion between the Council and the Mayor, the consensus of the Council will stand. In this case the response will come from the Town Council.

TOWN OF WEDDINGTON

Staff Utilization Policy

This purpose of this policy is to define the access to Town resources by the Mayor and Town Council.

The Mayor and Town Council may use staff resources from time to time on projects in the citizen's interest. If the scope of the work will require more than 3 hours of combined staff time and resources then the Town Council must provide direction to staff by approving the project with a duly made and passed motion by the Weddington Town Council.

Under no circumstances should there be an assumption of confidentiality. All work product will be distributed to the entire Council and made available to the general public.



TOWN OF WEDDINGTON MEMORANDUM

DATE: 11/13/12
TO: MAYOR
TOWN COUNCIL
CC: AMY MCCOLLUM, TOWN CLERK
FROM: JORDAN COOK, ZONING ADMINISTRATOR/PLANNER
RE: UPDATE FROM PLANNING/ZONING OFFICE

- Land Use Plan Surveys have been available to the citizens for two weeks. The deadline for responses is Monday, November 19th. CCOG will compile the data from the survey and report back to the Town Council shortly thereafter.
- 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 has provided feedback on the proposed text amendments and recommends some changes. These can be discussed at a later date.
- 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 applicant is now working with Union County on finalizing sewer plans. Once finalized, the applicant can submit the Preliminary Plat.
- The Planning Board gave the Polivka MX Conditional Zoning Rezoning application a favorable recommendation at their September 24th meeting. This rezoning will be on the November 13th Town Council agenda for Public Hearing and Consideration.
- I have received several inquiries about age restricted developments and commercial development in Weddington over the last month. Many of these developers, property owners, etc. have requested meeting with the Town Council as allowed through our Conditional Zoning process. After talking with Council members it was determined that these meetings should occur after the survey results are back.
- The following items were on the October 22nd Planning Board agenda:
 - Section 58-60 MX Zoning Text Amendment
 - Land Use Plan/Map Text Amendment
 - Section 46-46 Subdivision Checklist Text Amendments: requirements for fire hydrants
- The following items will be on the November 26th Planning Board agenda:
 - Beulah Church Road Minor Subdivision
 - Howie Property Minor Subdivision
 - Bromley Monument Signs

Providence Volunteer Fire Department Income & Expense Budget Performance October 2012

	<u>Oct 12</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>Jul - Oct 12</u>	<u>YTD Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense						
Income						
110 - Subsidies						
111 - Mecklenburg Cty	5,417.33	5,416.66	0.67	27,086.65	21,666.72	5,419.93
113 - Town of Weddington	45,500.00	45,500.00	0.00	182,000.00	182,000.00	0.00
114 - Town of Weddington - Day Staff	0.00			15,705.00		
115 - Town of Weddington - Night Staf	0.00			9,885.00		
117 - Mecklenburg Cty Radio Subsidy	1,300.00	1,300.66	-0.66	6,500.00	5,202.72	1,297.28
Total 110 - Subsidies	52,217.33	52,217.32	0.01	241,176.65	208,869.44	32,307.21
120 - Dues & Fees						
121 - Union County Fire Fees	545.00	833.33	-288.33	1,161.22	3,333.36	-2,172.14
Total 120 - Dues & Fees	545.00	833.33	-288.33	1,161.22	3,333.36	-2,172.14
130 - Vol Donations						
131 - Memorials	0.00	41.66	-41.66	0.00	166.72	-166.72
134 - Other	70.00	250.00	-180.00	654.00	1,000.00	-346.00
Total 130 - Vol Donations	70.00	291.66	-221.66	654.00	1,166.72	-512.72
140 - Other Income						
157 - EMS Stand By Income	0.00			1,780.00		
142 - Fire Fighters' Relief Fund	0.00	416.66	-416.66	5,300.13	1,666.72	3,633.41
143 - Fuel Tax Refund	0.00	83.33	-83.33	0.00	333.36	-333.36
144 - Sales Tax Refund	0.00	250.00	-250.00	0.00	1,000.00	-1,000.00
145 - Interest	0.00	250.00	-250.00	2.49	1,000.00	-997.51
147 - Medic-EMS Reimbursement	41.10	1,000.00	-958.90	3,164.70	4,000.00	-835.30
148 - Firemen Relief Interest	0.00			1.88		
155 - Christmas Fundraising Income	0.00	416.66	-416.66	0.00	1,666.72	-1,666.72
156 - Newsletter Income	720.00	625.00	95.00	720.00	2,500.00	-1,780.00
Total 140 - Other Income	761.10	3,041.65	-2,280.55	10,969.20	12,166.80	-1,197.60
150 - Uncategorized Income	281.34			290.34		
Total Income	53,874.77	56,383.96	-2,509.19	254,251.41	225,536.32	28,715.09
Expense						
200 - Administration						
202 - Legal Fees	967.80	83.33	884.47	9,410.30	333.36	9,076.94
203 - Building Upgrade Fees	0.00			500.00		
209 - Annual Dinner/Award	0.00	500.00	-500.00	0.00	2,000.00	-2,000.00
210 - Fire Chief Discretionary	76.75	166.66	-89.91	333.62	666.72	-333.10
211 - Bank Charges & Credit Card Fees	0.00	20.83	-20.83	77.60	83.36	-5.76
212 - Prof Fees	450.00	333.33	116.67	1,800.00	1,333.36	466.64
213 - Computer Upgrades	0.00	166.66	-166.66	0.00	666.72	-666.72
214 - Off Supplies	308.73	208.33	100.40	890.81	833.36	57.45
215 - Printing/Newsletter	1,186.10	250.00	936.10	1,186.10	1,000.00	186.10
216 - Postage	1,127.95	125.00	1,002.95	1,167.05	500.00	667.05
217 - Dues, Subscriptions, & Internet	107.40	62.50	44.90	307.40	250.00	57.40
218 - Fire Fighters' Association	0.00	41.66	-41.66	0.00	166.72	-166.72
219 - Miscellaneous	527.22	166.66	360.56	958.27	666.72	291.55
Total 200 - Administration	4,751.95	2,124.96	2,626.99	16,631.15	8,500.32	8,130.83
220 - Insurance						

**Providence Volunteer Fire Department
Income & Expense Budget Performance
October 2012**

	<u>Oct 12</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>Jul - Oct 12</u>	<u>YTD Budget</u>	<u>\$ Over Budget</u>
221 - Business Auto	0.00			776.00		
223 - Vol. Fire Fighters' Workers Com	344.00	583.33	-239.33	344.00	2,333.36	-1,989.36
224 - Commercial Package	0.00	1,500.00	-1,500.00	0.00	6,000.00	-6,000.00
Total 220 - Insurance	344.00	2,083.33	-1,739.33	1,120.00	8,333.36	-7,213.36
225 - Drug Testing/Physical Exams	0.00	416.66	-416.66	350.00	1,666.72	-1,316.72
230 - Taxes						
231 - Sales Taxes						
232 - Meck CO.	1,763.53	125.00	1,638.53	2,503.69	500.00	2,003.69
233 - Union County	160.00	33.33	126.67	567.59	133.36	434.23
Total 231 - Sales Taxes	1,923.53	158.33	1,765.20	3,071.28	633.36	2,437.92
236 - Property Tax	0.00	8.33	-8.33	0.00	33.36	-33.36
237 - Freight	0.00	8.33	-8.33	0.00	33.36	-33.36
Total 230 - Taxes	1,923.53	174.99	1,748.54	3,071.28	700.08	2,371.20
300 - Build Maintenance						
310 - Cleaning	0.00	41.66	-41.66	250.00	166.72	83.28
320 - Landscaping & Lawn Care	145.00	208.33	-63.33	620.00	833.36	-213.36
330 - Trash and Landfill	50.00	41.66	8.34	200.00	166.72	33.28
340 - Pest Control	285.00	41.66	243.34	285.00	166.72	118.28
350 - Maintenance Supplies	1,769.50	250.00	1,519.50	2,712.97	1,000.00	1,712.97
351 - Furniture	0.00	166.66	-166.66	2,841.72	666.72	2,175.00
360 - Repairs	208.95	833.33	-624.38	970.88	3,333.36	-2,362.48
Total 300 - Build Maintenance	2,458.45	1,583.30	875.15	7,880.57	6,333.60	1,546.97
400 - Utilities						
410 - Electric	840.24	750.00	90.24	3,861.78	3,000.00	861.78
420 - Natural Gas	47.10	291.66	-244.56	92.66	1,166.72	-1,074.06
430 - Telephone	282.90	375.00	-92.10	1,137.66	1,500.00	-362.34
440 - Water	34.08	41.66	-7.58	132.16	166.72	-34.56
Total 400 - Utilities	1,204.32	1,458.32	-254.00	5,224.26	5,833.44	-609.18
500 - Fire Fighters' Equip/Training						
510 - Clothing						
512 - Dress Uniforms	140.75	166.66	-25.91	140.75	666.72	-525.97
513 - Clothing - Other	0.00	416.66	-416.66	0.00	1,666.72	-1,666.72
Total 510 - Clothing	140.75	583.32	-442.57	140.75	2,333.44	-2,192.69
520 - Equipment						
521 - Radios\ Pagers - New	0.00	250.00	-250.00	0.00	1,000.00	-1,000.00
522 - Radios\ Pagers - Maintenance	0.00	83.33	-83.33	0.00	333.36	-333.36
523 - Equipment - New	9,920.40	750.00	9,170.40	17,132.40	3,000.00	14,132.40
524 - Equipment - Maintenance	4,290.70	416.66	3,874.04	4,339.67	1,666.72	2,672.95
525 - Firefighting Supplies	490.00	416.66	73.34	863.80	1,666.72	-802.92
528 - Mecklenburg Radio Contract	0.00	1,300.00	-1,300.00	0.00	5,200.00	-5,200.00
Total 520 - Equipment	14,701.10	3,216.65	11,484.45	22,335.87	12,866.80	9,469.07
529 - PPE (Personal Protective Equip)	6,724.00	2,916.66	3,807.34	17,881.53	11,666.72	6,214.81
530 - Medical						
532 - Supplies	173.84	208.33	-34.49	1,194.96	833.36	361.60
533 - Waste	169.99	125.00	44.99	628.08	500.00	128.08

Providence Volunteer Fire Department
Income & Expense Budget Performance
October 2012

	<u>Oct 12</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>Jul - Oct 12</u>	<u>YTD Budget</u>	<u>\$ Over Budget</u>
Total 530 - Medical	343.83	333.33	10.50	1,823.04	1,333.36	489.68
540 - Training						
541 - Seminars	1,330.00	1,075.00	255.00	1,330.00	4,300.00	-2,970.00
542 - Books	0.00	125.00	-125.00	158.25	500.00	-341.75
543 - PR Literature	0.00	125.00	-125.00	0.00	500.00	-500.00
544 - Other - Training Bonus	0.00	291.66	-291.66	0.00	1,166.72	-1,166.72
Total 540 - Training	<u>1,330.00</u>	<u>1,616.66</u>	<u>-286.66</u>	<u>1,488.25</u>	<u>6,466.72</u>	<u>-4,978.47</u>
Total 500 - Fire Fighters' Equip/Training	23,239.68	8,666.62	14,573.06	43,669.44	34,667.04	9,002.40
600 - Fire Engines						
620 - '99 Southern Coach Eng #322	567.20	1,250.00	-682.80	4,216.61	5,000.00	-783.39
635 - '93 KME Engine #323	25,380.61			28,250.63		
640 - '03 Red Diamond #324	825.68	500.00	325.68	825.68	2,000.00	-1,174.32
650 - '02 Ford Quesco Brush #326	188.37	166.66	21.71	1,703.25	666.72	1,036.53
660 - '95 Intern\Hackney Squad #32	0.00	416.66	-416.66	5,564.32	1,666.72	3,897.60
680 - '06 KME Pumper #321	0.00	1,333.33	-1,333.33	3,513.69	5,333.36	-1,819.67
681 - Diesel Fuel	2,129.50	1,500.00	629.50	6,934.39	6,000.00	934.39
682 - Gasoline	0.00	16.66	-16.66	65.00	66.72	-1.72
683 - Cleaning Supplies	0.00	83.33	-83.33	0.00	333.36	-333.36
684 - Miscellaneous Parts	75.94	83.33	-7.39	217.02	333.36	-116.34
685 - Fire Engines - Other	0.00	500.00	-500.00	0.00	2,000.00	-2,000.00
Total 600 - Fire Engines	<u>29,167.30</u>	<u>5,849.97</u>	<u>23,317.33</u>	<u>51,290.59</u>	<u>23,400.24</u>	<u>27,890.35</u>
800 - Firefighters Payroll						
801 - Payroll - Day Shift (Hourly)	23,635.50	17,480.00	6,155.50	63,301.57	69,920.00	-6,618.43
809 - Payroll - Day Shift (Stipend)	1,200.00	1,500.00	-300.00	9,660.00	6,000.00	3,660.00
802 - Payroll - Night Shift (Hourly)	11,978.00	9,490.00	2,488.00	37,354.00	37,960.00	-606.00
810 - Payroll - Night Shift (Stipend)	2,460.00	1,825.00	635.00	7,470.00	7,300.00	170.00
815 - EMS Stipend	216.00			2,475.00		
808 - Payroll Expenses						
FICA	3,020.96	1,798.58	1,222.38	9,573.63	7,194.36	2,379.27
FUTA	0.00	125.00	-125.00	0.00	500.00	-500.00
SUTA	394.41	500.00	-105.59	1,235.02	2,000.00	-764.98
808 - Payroll Expenses - Other	110.50			444.55		
Total 808 - Payroll Expenses	<u>3,525.87</u>	<u>2,423.58</u>	<u>1,102.29</u>	<u>11,253.20</u>	<u>9,694.36</u>	<u>1,558.84</u>
Total 800 - Firefighters Payroll	43,015.37	32,718.58	10,296.79	131,513.77	130,874.36	639.41
850 - Christmas Fundraising Expense	0.00	333.33	-333.33	0.00	1,333.36	-1,333.36
Total Expense	<u>106,104.60</u>	<u>55,410.06</u>	<u>50,694.54</u>	<u>260,751.06</u>	<u>221,642.52</u>	<u>39,108.54</u>
Net Ordinary Income	<u>-52,229.83</u>	<u>973.90</u>	<u>-53,203.73</u>	<u>-6,499.65</u>	<u>3,893.80</u>	<u>-10,393.45</u>
Net Income	<u><u>-52,229.83</u></u>	<u><u>973.90</u></u>	<u><u>-53,203.73</u></u>	<u><u>-6,499.65</u></u>	<u><u>3,893.80</u></u>	<u><u>-10,393.45</u></u>

Providence Volunteer Fire Department
Income & Expense Budget Performance
October 2012

	<u>Annual Budget</u>
Ordinary Income/Expense	
Income	
110 - Subsidies	
111 - Mecklenburg Cty	65,000.00
113 - Town of Weddington	546,000.00
114 - Town of Weddington - Day Staff	
115 - Town of Weddington - Night Staf	
117 - Mecklenburg Cty Radio Subsidy	15,608.00
Total 110 - Subsidies	<u>626,608.00</u>
120 - Dues & Fees	
121 - Union County Fire Fees	10,000.00
Total 120 - Dues & Fees	<u>10,000.00</u>
130 - Vol Donations	
131 - Memorials	500.00
134 - Other	3,000.00
Total 130 - Vol Donations	<u>3,500.00</u>
140 - Other Income	
157 - EMS Stand By Income	
142 - Fire Fighters' Relief Fund	5,000.00
143 - Fuel Tax Refund	1,000.00
144 - Sales Tax Refund	3,000.00
145 - Interest	3,000.00
147 - Medic-EMS Reimbursement	12,000.00
148 - Firemen Relief Interest	
155 - Christmas Fundraising Income	5,000.00
156 - Newsletter Income	7,500.00
Total 140 - Other Income	<u>36,500.00</u>
150 - Uncategorized Income	
Total Income	<u>676,608.00</u>
Expense	
200 - Administration	
202 - Legal Fees	1,000.00
203 - Building Upgrade Fees	
209 - Annual Dinner/Award	6,000.00
210 - Fire Chief Discretionary	2,000.00
211 - Bank Charges & Credit Card Fees	250.00
212 - Prof Fees	4,000.00
213 - Computer Upgrades	2,000.00
214 - Off Supplies	2,500.00
215 - Printing/Newsletter	3,000.00
216 - Postage	1,500.00
217 - Dues, Subscriptions, & Internet	750.00
218 - Fire Fighters' Association	500.00
219 - Miscellaneous	2,000.00
Total 200 - Administration	<u>25,500.00</u>
220 - Insurance	

Providence Volunteer Fire Department
Income & Expense Budget Performance
 October 2012

	<u>Annual Budget</u>
221 - Business Auto	
223 - Vol. Fire Fighters' Workers Com	7,000.00
224 - Commercial Package	18,000.00
Total 220 - Insurance	<u>25,000.00</u>
225 - Drug Testing/Physical Exams	5,000.00
230 - Taxes	
231 - Sales Taxes	
232 - Meck CO.	1,500.00
233 - Union County	400.00
Total 231 - Sales Taxes	<u>1,900.00</u>
236 - Property Tax	100.00
237 - Freight	100.00
Total 230 - Taxes	<u>2,100.00</u>
300 - Build Maintenance	
310 - Cleaning	500.00
320 - Landscaping & Lawn Care	2,500.00
330 - Trash and Landfill	500.00
340 - Pest Control	500.00
350 - Maintenance Supplies	3,000.00
351 - Furniture	2,000.00
360 - Repairs	10,000.00
Total 300 - Build Maintenance	<u>19,000.00</u>
400 - Utilities	
410 - Electric	9,000.00
420 - Natural Gas	3,500.00
430 - Telephone	4,500.00
440 - Water	500.00
Total 400 - Utilities	<u>17,500.00</u>
500 - Fire Fighters' Equip/Training	
510 - Clothing	
512 - Dress Uniforms	2,000.00
513 - Clothing - Other	5,000.00
Total 510 - Clothing	<u>7,000.00</u>
520 - Equipment	
521 - Radios\ Pagers - New	3,000.00
522 - Radios\ Pagers - Maintenance	1,000.00
523 - Equipment - New	9,000.00
524 - Equipment - Maintenance	5,000.00
525 - Firefighting Supplies	5,000.00
528 - Mecklenburg Radio Contract	15,600.00
Total 520 - Equipment	<u>38,600.00</u>
529 - PPE (Personal Protective Equip)	35,000.00
530 - Medical	
532 - Supplies	2,500.00
533 - Waste	1,500.00
	<u>1,500.00</u>

Providence Volunteer Fire Department
Income & Expense Budget Performance
 October 2012

	<u>Annual Budget</u>
Total 530 · Medical	4,000.00
540 · Training	
541 · Seminars	12,900.00
542 · Books	1,500.00
543 · PR Literature	1,500.00
544 · Other - Training Bonus	3,500.00
Total 540 · Training	<u>19,400.00</u>
Total 500 · Fire Fighters' Equip/Training	104,000.00
600 · Fire Engines	
620 · '99 Southern Coach Eng #322	15,000.00
635 · '93 KME Engine #323	
640 · '03 Red Diamond #324	6,000.00
650 · '02 Ford Quesco Brush #326	2,000.00
660 · '95 Intern\Hackney Squad #32	5,000.00
680 · '06 KME Pumper #321	16,000.00
681 · Diesel Fuel	18,000.00
682 · Gasoline	200.00
683 · Cleaning Supplies	1,000.00
684 · Miscellaneous Parts	1,000.00
685 · Fire Engines - Other	6,000.00
Total 600 · Fire Engines	<u>70,200.00</u>
800 · Firefighters Payroll	
801 · Payroll - Day Shift (Hourly)	209,760.00
809 · Payroll - Day Shift (Stipend)	18,000.00
802 · Payroll - Night Shift (Hourly)	113,880.00
810 · Payroll - Night Shift (Stipend)	21,900.00
815 · EMS Stipend	
808 · Payroll Expenses	
FICA	21,583.00
FUTA	1,500.00
SUTA	6,000.00
808 · Payroll Expenses - Other	
Total 808 · Payroll Expenses	<u>29,083.00</u>
Total 800 · Firefighters Payroll	392,623.00
850 · Christmas Fundraising Expense	4,000.00
Total Expense	<u>664,923.00</u>
Net Ordinary Income	<u>11,685.00</u>
Net Income	<u><u>11,685.00</u></u>

Providence Volunteer Fire Department Balance Sheet

As of October 31, 2012

Oct 31, 12

ASSETS

Current Assets

Checking/Savings

Checking Accounts

BB&T Checking-5119 81,199.58

BOA Payroll-7449 4,601.01

Total Checking Accounts 85,800.59

CD - BBT - 0094 (02/10/14) 119,487.22

CD - BBT - 0108 (02/10/14) 59,649.81

Firemen Relief-BOA-8254 39,746.85

Total Checking/Savings 304,684.47

Total Current Assets 304,684.47

Fixed Assets

Air Packs 73,087.70

Bauer Vertecon Air Compressor 40,000.00

Commercial Protector System 2,112.50

Dexter T-400 Washer\Extractor 3,611.00

Fire Fighter Main Equipment 18,219.29

Groban Electric Generator 5,000.00

Ladder Truck Building 32,452.08

Total Fixed Assets 174,482.57

Other Assets

1993 KME Engine #323 50,000.00

1996 Internat'l #32 119,365.76

1999 SouthCo #322 274,231.58

2002 Ford #326 44,029.33

2003 Red Diamond #324 240,302.00

2006 KME Pumper #321 400,555.50

Building 346,812.09

Equip 27,615.37

Land 12,590.00

X Accum Depr -1,019,298.00

Total Other Assets 496,203.63

TOTAL ASSETS 975,370.67

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Other Current Liabilities

2100 - Payroll Liabilities 10,098.55

Total Other Current Liabilities 10,098.55

Total Current Liabilities 10,098.55

Total Liabilities 10,098.55

Equity

3900 - Retained Earnings 971,771.77

Net Income -6,499.65

Total Equity 965,272.12

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Cash Basis

Providence Volunteer Fire Department

Balance Sheet

As of October 31, 2012

Oct 31, 12

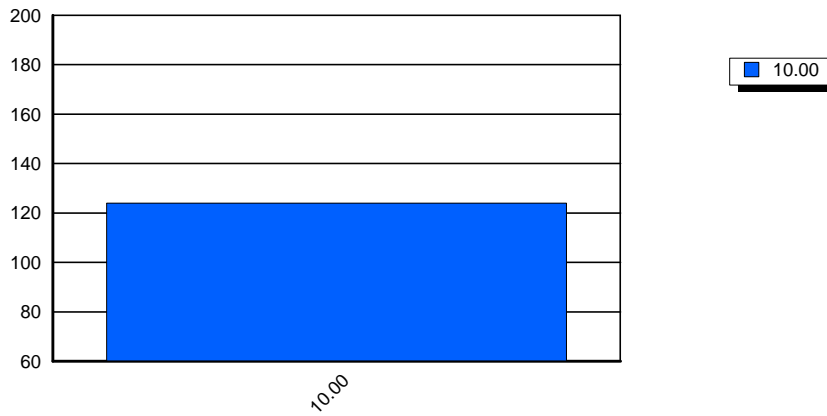
TOTAL LIABILITIES & EQUITY

975,370.67

WESLEY CHAPEL VFD

11/6/2012

Count of Alarms Per Month



<u>FDID</u>	<u>INCIDENT#</u>	<u>EXP</u>	<u>ALARM DATE</u>
09020	1207268	0	10/01/2012
09020	1207270	0	10/01/2012
09020	1207275	0	10/01/2012
09020	1207824	0	10/01/2012
09020	1207297	0	10/02/2012
09020	1207304	0	10/02/2012
09020	1207313	0	10/02/2012
09020	1207315	0	10/02/2012
09020	1207321	0	10/03/2012
09020	1207330	0	10/03/2012
09020	1207331	0	10/03/2012
09020	1207332	0	10/03/2012
09020	1207335	0	10/03/2012
09020	1207339	0	10/04/2012
09020	1207344	0	10/04/2012
09020	1207346	0	10/04/2012
09020	1207352	0	10/04/2012
09020	1207359	0	10/04/2012
09020	1207365	0	10/05/2012
09020	1207370	0	10/05/2012
09020	1207374	0	10/05/2012
09020	1207376	0	10/05/2012
09020	1207377	0	10/05/2012
09020	1207378	0	10/05/2012
09020	1207381	0	10/05/2012

<u>FDID</u>	<u>INCIDENT#</u>	<u>EXP</u>	<u>ALARM DATE</u>
09020	1207388	0	10/06/2012
09020	1207399	0	10/06/2012
09020	1207396	0	10/06/2012
09020	1207392	0	10/06/2012
09020	1207394	0	10/06/2012
09020	1207395	0	10/06/2012
09020	1207412	0	10/07/2012
09020	1207419	0	10/07/2012
09020	1207423	0	10/08/2012
09020	1207427	0	10/08/2012
09020	1207434	0	10/08/2012
09020	1207435	0	10/08/2012
09020	1207438	0	10/09/2012
09020	1207440	0	10/09/2012
09020	1207445	0	10/09/2012
09020	1207447	0	10/09/2012
09020	1207449	0	10/09/2012
09020	1207454	0	10/09/2012
09020	1207458	0	10/09/2012
09020	1207460	0	10/09/2012
09020	1207507	0	10/10/2012
09020	1207469	0	10/10/2012
09020	1207472	0	10/10/2012
09020	1207473	0	10/10/2012
09020	1207488	0	10/11/2012
09020	1207490	0	10/11/2012
09020	1207492	0	10/11/2012
09020	1207500	0	10/11/2012
09020	1207504	0	10/12/2012
09020	1207506	0	10/12/2012
09020	1207510	0	10/12/2012
09020	1207514	0	10/12/2012
09020	1207529	0	10/13/2012
09020	1207549	0	10/13/2012
09020	1207554	0	10/13/2012
09020	1207556	0	10/13/2012
09020	1207570	0	10/14/2012
09020	1207578	0	10/15/2012
09020	1207591	0	10/15/2012
09020	1207590	0	10/15/2012
09020	1207599	0	10/16/2012
09020	1207602	0	10/16/2012
09020	1207610	0	10/16/2012

<u>FDID</u>	<u>INCIDENT#</u>	<u>EXP</u>	<u>ALARM DATE</u>
09020	1207617	0	10/17/2012
09020	1207620	0	10/17/2012
09020	1207623	0	10/18/2012
09020	1207631	0	10/18/2012
09020	1207635	0	10/18/2012
09020	1207637	0	10/18/2012
09020	1207638	0	10/18/2012
09020	1207641	0	10/18/2012
09020	1207640	0	10/18/2012
09020	1207645	0	10/19/2012
09020	1207649	0	10/19/2012
09020	1207665	0	10/19/2012
09020	1207671	0	10/20/2012
09020	1207679	0	10/20/2012
09020	1207688	0	10/20/2012
09020	1207694	0	10/21/2012
09020	1207712	0	10/21/2012
09020	1207716	0	10/22/2012
09020	1207717	0	10/22/2012
09020	1207723	0	10/22/2012
09020	1207731	0	10/23/2012
09020	1207734	0	10/23/2012
09020	1207735	0	10/23/2012
09020	1207736	0	10/23/2012
09020	1207749	0	10/24/2012
09020	1207751	0	10/24/2012
09020	1207761	0	10/24/2012
09020	1207769	0	10/25/2012
09020	1207771	0	10/25/2012
09020	1207772	0	10/25/2012
09020	1207776	0	10/25/2012
09020	1207780	0	10/25/2012
09020	1207779	0	10/25/2012
09020	1207781	0	10/25/2012
09020	1207783	0	10/25/2012
09020	1207796	0	10/26/2012
09020	1207800	0	10/26/2012
09020	1207803	0	10/26/2012
09020	1207816	0	10/27/2012
09020	1207820	0	10/27/2012
09020	1207821	0	10/27/2012
09020	1207835	0	10/27/2012
09020	1207844	0	10/27/2012

<u>FDID</u>	<u>INCIDENT#</u>	<u>EXP</u>	<u>ALARM DATE</u>
09020	1207842	0	10/27/2012
09020	1207853	0	10/28/2012
09020	1207855	0	10/28/2012
09020	1207867	0	10/28/2012
09020	1207872	0	10/29/2012
09020	1207878	0	10/29/2012
09020	1207852	0	10/29/2012
09020	1207886	0	10/29/2012
09020	1207889	0	10/30/2012
09020	1207892	0	10/30/2012
09020	1207900	0	10/30/2012
09020	1207906	0	10/31/2012
09020	1207904	0	10/31/2012

Month Total: **124**

Grand Total: **124**

NFIRS Incident Listing Summary Report

2 total calls for Incident Type 111 **Building fire**
52 total calls for Incident Type 311 **Medical assist, assist EMS crew**
4 total calls for Incident Type 322 **Motor vehicle accident with injuries**
1 total calls for Incident Type 331 **Lock-in (if lock out , use 511)**
2 total calls for Incident Type 381 **Rescue or EMS standby**
2 total calls for Incident Type 412 **Gas leak (natural gas or LPG)**
1 total calls for Incident Type 440 **Electrical wiring/equipment problem, other**
2 total calls for Incident Type 500 **Service Call, other**
1 total calls for Incident Type 511 **Lock-out**
5 total calls for Incident Type 553 **Public service**
2 total calls for Incident Type 600 **Good intent call, other**
17 total calls for Incident Type 611 **Dispatched & canceled en route**
1 total calls for Incident Type 631 **Authorized controlled burning**
1 total calls for Incident Type 651 **Smoke scare, odor of smoke**
1 total calls for Incident Type 700 **False alarm or false call, other**
15 total calls for Incident Type 735 **Alarm system sounded due to malfunction**
5 total calls for Incident Type 736 **CO detector activation due to malfunction**
10 total calls for Incident Type 745 **Alarm system activation, no fire - unintentional**

Total Incidents:

124



Union County Sheriff's Office

Events By Nature

Date of Report

11/2/2012
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For the Month of: October 2012

<u>Event Type</u>	<u>Total</u>
911 ABANDONED CALL	10
911 HANG UP	13
911 MISDIAL	1
911 SILENT OPEN LINE	7
ACCIDENT EMD	3
ACCIDENT PD COUNTY NO EMD	18
ALARMS LAW	54
ANIMAL BITE REPORT LAW	1
ANIMAL COMP SERVICE CALL LAW	7
ANIMAL LOST STRAY UNWNTD LAW	3
ASSAULT SIMPLE LAW	3
ASSIST EMS OR FIRE	1
ATTEMPT TO LOCATE	1
BARKING DOG	1
BOLO	9
BURGLARY HOME OTHER NONBUSNE	3
BURGLARY VEHICLE	5
BUSINESS CHECK	18
CALL BY PHONE	3
COM SERVICE PROGRAM	1
DEBRIS IN ROADWAY	2
DELIVER MESSAGE	1
DISTURBANCE OR NUISANCE	6
DOMESTIC DISTURBANCE	4
ESCORT	1
FOLLOW UP INVESTIGATION	9
FOOT PATROL	1
FRAUD DECEPTION FORGERY	3

<u>Event Type</u>	<u>Total</u>
FUNERAL ESCORT	3
HARASSMENT STALKING THREATS	6
INTOXICATED PEDESTRIAN	1
INVESTIGATION	4
KEEP THE PEACE REQUEST	1
LARCENY THEFT	5
LIVE STOCK ON HIGHWAY	1
LOST OR FOUND PROPERTY	1
MOTORIST ASSIST	4
NC DOT MISCELLANEOUS	1
NOISE COMPLAINT	1
PREVENTATIVE PATROL	267
PROP DAMAGE VANDALISM MISCHIEF	5
PROWLER REPORT	1
PSYCHIATRIC PATIENT EMD	1
PUBLIC SERVICE	1
PUBLIC WORKS CALL	1
RADAR PATROL INCLUDING TRAINIG	16
REFERAL OR INFORMATION CALL	2
RESIDENTIAL CHECK	2
SEARCH CONDUCTED BY LAW AGNC\	1
SERVE CRIMINAL SUBPOENA	2
SERVE WARRANT	6
STRUCTURE FIRE EFD	1
SUPPLEMENTAL REPORT	1
SUSPICIOUS CIRCUMSTANCES	1
SUSPICIOUS PERSON	7
SUSPICIOUS VEHICLE	7
TRAFFIC HAZARD	4
TRAFFIC STOP	35
TRAFFIC VIOLATION COMPLAINT	1
TRESPASSING UNWANTED SUBJ	1

<u>Event Type</u>	<u>Total</u>
UNAUTHORIZED USE	1
UNDERAGE DRINKING ABC VIOL	2
UNLOCK REQUEST	1
VEHICLE DISABLED	2
VEHICLE FIRE EFD	1
WELL BEING CHECK	2

Total Calls for Month: 589

TOWN OF WEDDINGTON
REVENUE & EXPENDITURE STATEMENT BY DEPARTMENT

FY 2012-2013

	10/01/2012 TO 10/31/2012			
	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BUDGETED</u>	<u>% BUDGET REN</u>
REVENUE:				
10-3101-110 AD VALOREM TAX - CURRENT	191,044.42	319,496.88	960,000.00	6
10-3102-110 AD VALOREM TAX - 1ST PRIOR Y	0.00	1,755.38	7,000.00	7
10-3103-110 AD VALOREM TAX - NEXT 8 YRS	0.00	500.02	2,000.00	7
10-3110-121 AD VALOREM TAX - MOTOR VEH	4,797.83	8,565.29	57,000.00	8
10-3110-122 AD VALOREM TAX -MOTOR VEHI	-2,343.76	0.00	0.00	
10-3115-180 TAX INTEREST	2.34	144.54	2,250.00	9
10-3231-220 LOCAL OPTION SALES TAX REV -	12,618.10	26,472.42	157,700.00	8
10-3322-220 BEER & WINE TAX	0.00	0.00	48,750.00	10
10-3324-220 UTILITY FRANCHISE TAX	0.00	92,123.76	450,000.00	8
10-3340-400 ZONING & PERMIT FEES	1,560.00	5,195.00	10,000.00	4
10-3350-400 SUBDIVISION FEES	0.00	25,000.00	62,250.00	6
10-3830-891 MISCELLANEOUS REVENUES	0.00	-2,239.20	1,500.00	24
10-3831-491 INVESTMENT INCOME	95.98	5,880.03	17,500.00	6
TOTAL REVENUE	207,774.91	482,894.12	1,775,950.00	7
AFTER TRANSFERS	207,774.91	482,894.12	1,775,950.00	
4110 GENERAL GOVERNMENT				
EXPENDITURE:				
10-4110-126 FIRE DEPT SUBSIDIES	59,900.00	239,600.00	776,000.00	6
10-4110-128 POLICE PROTECTION	58,040.25	116,080.50	233,000.00	5
10-4110-192 ATTORNEY FEES	16,415.12	16,954.64	110,275.00	8
10-4110-195 ELECTION EXPENSE	0.00	1,899.50	2,000.00	
10-4110-340 EVENTS & PUBLICATIONS	2,901.67	1,689.90	13,500.00	8
10-4110-495 OUTSIDE AGENCY FUNDING	0.00	0.00	3,000.00	10
TOTAL EXPENDITURE	137,257.04	376,224.54	1,137,775.00	6
BEFORE TRANSFERS	-137,257.04	-376,224.54	-1,137,775.00	
AFTER TRANSFERS	-137,257.04	-376,224.54	-1,137,775.00	
4120 ADMINISTRATIVE				
EXPENDITURE:				
10-4120-121 SALARIES - CLERK	5,563.48	22,089.32	69,475.00	6
10-4120-123 SALARIES - TAX COLLECTOR	2,144.14	11,587.48	41,000.00	7
10-4120-124 SALARIES - FINANCE OFFICER	516.78	1,888.92	10,850.00	8
10-4120-125 SALARIES - MAYOR & TOWN COU	1,750.00	7,000.00	21,000.00	6
10-4120-181 FICA EXPENSE	755.05	3,224.17	11,000.00	7
10-4120-182 EMPLOYEE RETIREMENT	1,136.85	4,967.33	18,500.00	7
10-4120-183 EMPLOYEE INSURANCE	1,485.00	5,940.00	18,500.00	6
10-4120-184 EMPLOYEE LIFE INSURANCE	28.56	112.84	350.00	6
10-4120-185 EMPLOYEE S-T DISABILITY	12.00	84.00	325.00	7
10-4120-191 AUDIT FEES	0.00	0.00	8,900.00	10
10-4120-193 CONTRACT LABOR	0.00	2,243.75	5,000.00	5
10-4120-200 OFFICE SUPPLIES - ADMIN	-234.00	3,254.20	37,125.00	9
10-4120-210 PLANNING CONFERENCE	0.00	0.00	2,500.00	10
10-4120-321 TELEPHONE - ADMIN	252.55	765.50	4,500.00	8
10-4120-325 POSTAGE - ADMIN	439.36	1,668.80	4,200.00	6
10-4120-331 UTILITIES - ADMIN	518.91	926.78	4,725.00	8
10-4120-351 REPAIRS & MAINTENANCE - BUIL	300.00	300.00	35,000.00	9
10-4120-352 REPAIRS & MAINTENANCE - EQU	3,703.22	12,209.46	25,000.00	5
10-4120-354 REPAIRS & MAINTENANCE - GRO	2,595.00	8,055.00	36,000.00	7

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**TOWN OF WEDDINGTON
REVENUE & EXPENDITURE STATEMENT BY DEPARTMENT**

FY 2012-2013

	10/01/2012 TO 10/31/2012			
	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BUDGETED</u>	<u>% BUDGET REN</u>
10-4120-355 REPAIRS & MAINTENANCE - PES	110.00	750.00	750.00	
10-4120-356 REPAIRS & MAINTENANCE - CUS	400.00	1,300.00	5,750.00	7
10-4120-370 ADVERTISING - ADMIN	0.00	236.27	1,000.00	7
10-4120-397 TAX LISTING & TAX COLLECTION	94.20	702.49	1,000.00	3
10-4120-400 ADMINISTRATIVE:TRAINING	0.00	370.00	4,100.00	9
10-4120-410 ADMINISTRATIVE:TRAVEL	449.39	1,585.62	6,500.00	7
10-4120-450 INSURANCE	0.00	10,091.35	20,000.00	5
10-4120-491 DUES & SUBSCRIPTIONS	0.00	11,442.00	18,000.00	3
10-4120-498 GIFTS & AWARDS	42.00	92.00	1,500.00	9
10-4120-499 MISCELLANEOUS	718.30	904.27	3,500.00	7
TOTAL EXPENDITURE	22,780.79	113,791.55	416,050.00	7
BEFORE TRANSFERS	-22,780.79	-113,791.55	-416,050.00	
AFTER TRANSFERS	-22,780.79	-113,791.55	-416,050.00	
4130 PLANNING & ZONING				
EXPENDITURE:				
10-4130-121 SALARIES - ZONING ADMINISTR	5,091.62	20,366.48	62,000.00	6
10-4130-122 SALARIES - ASST ZONING ADMIN	92.82	318.24	2,500.00	8
10-4130-123 SALARIES - RECEPTIONIST	1,696.71	6,322.02	22,910.00	7
10-4130-124 SALARIES - PLANNING BOARD	1,450.00	5,600.00	17,500.00	6
10-4130-125 SALARIES - SIGN REMOVAL	373.89	1,602.94	4,500.00	6
10-4130-181 FICA EXPENSE - P&Z	665.93	2,617.01	8,500.00	6
10-4130-182 EMPLOYEE RETIREMENT - P&Z	1,001.28	3,936.56	13,000.00	7
10-4130-183 EMPLOYEE INSURANCE	1,485.00	6,840.00	19,500.00	6
10-4130-184 EMPLOYEE LIFE INSURANCE	22.68	89.88	325.00	7
10-4130-185 EMPLOYEE S-T DISABILITY	12.00	48.00	215.00	7
10-4130-193 CONSULTING	5,608.75	5,901.25	15,000.00	6
10-4130-194 CONSULTING - COG	0.00	0.00	10,000.00	10
10-4130-200 OFFICE SUPPLIES - PLANNING &	484.67	1,305.59	5,000.00	7
10-4130-201 ZONING SPECIFIC OFFICE SUPPLI	0.00	0.00	2,500.00	10
10-4130-215 HISTORIC PRESERVATION	0.00	0.00	500.00	10
10-4130-220 TRANSPORTATION & IMPROVEM	0.00	0.00	23,750.00	10
10-4130-321 TELEPHONE - PLANNING & ZONI	252.55	765.51	4,500.00	8
10-4130-325 POSTAGE - PLANNING & ZONING	439.37	1,581.51	4,200.00	6
10-4130-331 UTILITIES - PLANNING & ZONING	518.91	926.78	4,725.00	8
10-4130-370 ADVERTISING - PLANNING & ZON	0.00	123.73	1,000.00	8
TOTAL EXPENDITURE	19,196.18	58,345.50	222,125.00	7
BEFORE TRANSFERS	-19,196.18	-58,345.50	-222,125.00	
AFTER TRANSFERS	-19,196.18	-58,345.50	-222,125.00	
GRAND TOTAL	28,540.90	-65,467.47	0.00	

TOWN OF WEDDINGTON
BALANCE SHEET

FY 2012-2013

PERIOD ENDING: 10/31/2012

10

ASSETS

ASSETS

10-1120-000 TRINITY CHECKING ACCOUNT	524,989.04
10-1120-001 TRINITY MONEY MARKET	1,176,577.63
10-1120-002 CITIZENS SOUTH CD'S	511,226.71
10-1170-000 NC CASH MGMT TRUST	529,830.88
10-1211-001 A/R PROPERTY TAX	681,654.23
10-1212-001 A/R PROPERTY TAX - 1ST YEAR PRIOR	7,101.68
10-1212-002 A/R PROPERTY TAX - NEXT 8 PRIOR YRS	10,068.86
10-1232-000 SALES TAX RECEIVABLE	927.28
10-1610-001 FIXED ASSETS - LAND & BUILDINGS	828,793.42
10-1610-002 FIXED ASSETS - FURNITURE & FIXTURES	14,022.92
10-1610-003 FIXED ASSETS - EQUIPMENT	127,827.46
10-1610-004 FIXED ASSETS - INFRASTRUCTURE	26,851.01
TOTAL ASSETS	4,439,871.12

LIABILITIES & EQUITY

LIABILITIES

10-2115-000 ACCOUNTS PAYABLE ACCRUAL	13,425.50
10-2120-000 BOND DEPOSIT PAYABLE	262,038.40
10-2155-000 HEALTH INSURANCE PAYABLE	-3,111.00
10-2156-000 LIFE INSURANCE PAYABLE	-53.48
10-2620-000 DEFERRED REVENUE - DELQ TAXES	7,101.68
10-2625-000 DEFERRED REVENUE - CURR YR TAX	681,654.23
10-2630-000 DEFERRED REVENUE-NEXT 8	10,068.86
TOTAL LIABILITIES	971,124.19

TOWN OF WEDDINGTON
BALANCE SHEET

FY 2012-2013

PERIOD ENDING: 10/31/2012

10

EQUITY

10-2620-001 FUND BALANCE - UNDESIGNATED	1,919,413.61
10-2620-003 FUND BALANCE-DESIG FOR CAP PROJECTS	569,629.30
10-2620-004 FUND BALANCE-INVEST IN FIXED ASSETS	997,494.81
10-2620-005 CURRENT YEAR EQUITY YTD	47,676.68
CURRENT FUND BALANCE - YTD NET REV	-65,467.47

TOTAL EQUITY 3,468,746.93

TOTAL LIABILITIES & FUND EQUITY 4,439,871.12

TOWN OF WEDDINGTON

MEMORANDUM

TO: Mayor and Town Council

FROM: Kim Woods, Tax Collector

DATE: November 13, 2012

SUBJECT: Monthly Report – October 2012

Transactions:	
Tax Charge Utilities 2012	\$8466.30
Adjust Under \$5.00	\$1.73
Overpayments	\$(3195.06)
Advertising Fees Paid	\$(5.80)
Refund	\$4173.64
Penalty and Interest Payments	\$(5.07)
Taxes Collected:	
2012	\$(188374.63)
As of October 31 2012; the following taxes remain Outstanding:	
2002	\$82.07
2003	\$129.05
2004	\$122.90
2005	\$252.74
2006	\$150.20
2007	\$144.42
2008	\$1902.02
2009	\$2616.79
2010	\$4668.67
2011	\$7101.68
2012	\$681654.23
Total Outstanding:	\$698824.77