

**TOWN OF WEDDINGTON  
REGULAR TOWN COUNCIL MEETING  
MONDAY, DECEMBER 13, 2010 - 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 December 13, 2010, at 7:00 p.m. with Mayor Nancy D. Anderson presiding.

Present: Mayor Nancy D. Anderson, Mayor Pro Tem Daniel Barry, Councilmembers Werner Thomisser and Jerry McKee, Town Attorney Anthony Fox, Town Planner Jordan Cook, Finance Officer Leslie Gaylord and Town Administrator/Clerk Amy S. McCollum

Absent: Councilmember Robert Gilmartin

Visitors: Walter Staton, Bill Price, Brett Paxton, Chris Owens, Walker Davidson, Kent Hayes, Stephanie Belcher, Richard Natale, Marvin Scruggs, Beth Masurat, Dick Douthwaite, Jane Douthwaite, Jennifer Heath, Judy Jones, Jane F., Jeanine Greene, Rick Helms, Jan Ratterree, Renee Litton and Virginia Franco

Mayor Nancy D. Anderson led the Council in prayer prior to the opening of the meeting.

**Item No. 1. Call to Order.** Mayor Anderson called the December 13, 2010 Regular Town Council Meeting to order at 7:06 p.m.

**Item No. 2. Pledge of Allegiance.** Mayor Anderson led in the Pledge of Allegiance.

**Item No. 3. Determination of Quorum/Additions or Deletions to the Agenda.** There was a quorum.

Mayor Pro Tem Daniel Barry moved to approve the agenda with the following amendments:

- Removal of Item 9.D from the agenda
- Removal of Item 4 from the agenda

All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser, McKee, Mayor Pro Tem Barry  
and Mayor Anderson  
NAYS: None

**Item No. 4. Review and Consideration of Contracts Relative to Downtown Streetscape Plan – Downtown Chairman Scott Buzzard and Mr. Buzz Bizzell.** This item was removed from the agenda.

**Item No. 5. Discussion by Parks and Recreation Advisory Board Vice-Chairman Stephanie Belcher regarding the PARTF Application FY 2010-11.** Parks and Recreation Advisory Board's Vice-Chairman Stephanie Belcher reviewed the following information with the Town Council:

**Review of Requirements for PARTF Application**

The North Carolina Parks and Recreation Trust Fund program provides dollar-for-dollar grants to local governments. Recipients use the grant to acquire land and/or to develop parks and recreational projects that serve the general public. North Carolina counties and incorporated municipalities are eligible for

PARTF grants. The following are the critical components of a PARTF application and the key decisions that are required by the Town of Weddington's Council to proceed with the PARTF grant application.

### **Current Need**

The Town of Weddington does not have any public access green space within its borders.

### **Current Land Status**

The property that the Town of Weddington owns and has immediate access to is the area behind the Town Hall. This property has been discussed as a site for a potential public use/green space on several occasions. With the new road from the Weddington Corners shopping center to Weddington Matthews Road completed, the space can now be considered for development. The area behind the Town Hall is now approximately 54,000 square feet or roughly 1.2 acres.

### **Grant Application Requirements**

- Applicants can buy land to use as a public park.
- Applicants can also request money to build or renovate recreational and support facilities.
- A project must be located on a single site.
- Applicants can request a maximum of \$500,000 with each application. PARTF grant recipients with an active project may not request additional funds to complete the project.
- A site plan and budget must be submitted.
- Proof of ownership or 25 year lease provided, unless the grant is for a land purchase.
- Statements on long range park space planning from council in the form of minutes/discussions.
- Survey demonstrating the population's interest in green space/parks.
- ADA accessibility.
- Green Development.

### **How to qualify for a grant**

A scoring system is used to rank all requests, emphasis on the following:

- Completeness of all requirements of the application.
- First- time park.
- Long range parks planning.
- Public involvement.
- How the park area is used.

### **Resource Requirements to Complete Application by January 31, 2011 deadline**

- Council commitment to the critical requirements for a PARTF grant application including:
  - A maximum dollar amount it is willing to spend on the development of the property.
  - Holding the land in trust for recreational space for 25 years.
  - Agreement to submit the application.
- Resources to complete the application including:
  - Town Clerk
  - Town Planner
  - Town Attorney for attestations/certifications
  - Parks and Recreation Advisory Board members.
- Collection of 2-3 high level proposals, with cost estimates for the development of the property including:

- Renovation/repurposing of garage and storage room
- Restroom facilities
- ADA access and access from the Weddington Corners Shopping Center.
- Pavilion
- Seating
- Landscaping/grading/irrigation
- Retaining walls
- Utilities
- *Council commitment to make swift decisions on any proposals in order to submit the grant application by the deadline.*

#### **Reasons for application of PARTF Grant**

- The Town will need to take some land development action on the back property of Town Hall now that road construction is completed.
- Reduce the direct cost to the Town of developing a public use green space at the back of Town Hall.
- Test- run the application process on a smaller development project.
- Take advantage of state funds in the upcoming 2011 fiscal year. PARTF funding is not guaranteed in future years.

#### **PARTF Grant Requirements/Commitments needed from Town of Weddington**

- Dollar for dollar commitment from the submitting organization - A value must be set that the Town is willing to commit to spend, such as 100K.
- Commitment to hold the area in trust for 25 or more years as a public recreational space – the Town must commit to holding the land in the use planned for 25 years, this will be a part of the grant contract between the Town and the PARTF if the grant is awarded.
- Application submitted by January 31, 2011.

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Ms. Belcher advised that the development of the property behind Town Hall as a green space and picnic area would be a benefit to the community for individuals to use. She stated, “We need the following from the Town Council: commitment to support the project, matching funds up to a certain dollar amount, willingness to come to consensus quickly on the plan that is developed to be submitted by January 31, 2011 and accept that property has to be used as a park for 25 years.”

By consensus, the Town Council deferred consideration on this matter until after the Closed Session later in the meeting.

#### **Item No. 6. Public Hearing.**

**A. Public Hearing to Review and Consider a Proposed Text Amendment regarding Miniature Horses and Yard Requirements for Miniature Horses.** Mayor Anderson opened the public hearing to consider a proposed text amendment regarding miniature horses and yard requirements for miniature horses:

Town Planner Jordan Cook - The Town of Weddington received a formal complaint in July 2010. This complaint was in regard to four horses on roughly 2.5 acres. The current code allows up to 2 horses on 2.5 acres. It was discovered after several conversations and a site visit to the property that three of those four horses on the site were miniature horses weighing less than 350 pounds. A letter was sent to that homeowner in August giving the homeowner the following options: remove two of the horses to come

into compliance with the code, propose a text amendment, or appeal the Zoning Administrator's decision. Later the homeowner submitted a text amendment application. The proposed text amendment would define miniature horses and establish yard regulations for those miniature horses. The Planning Board discussed these text amendments at their September 27 and October 25 Meetings. The text amendment is four parts.

Town Planner Cook reviewed the following text amendments:

#### ***Section 58-4 Definitions***

*Agricultural uses* means the production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including, but not limited to, forages and sod crops, dairy animals and dairy products, poultry and poultry products, livestock, including beef cattle, sheep, swine, horses, **miniature horses**, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals, bees and apiary products, fur animals, trees and forest products, fruits of all kinds, including grapes, nuts and berries, vegetables, nursery, floral and ornamental products, or lands devoted to a soil conservation or forestry management program. The term "agricultural use" does not include a horse farm or academy, as herein defined, or the keeping of any nondomesticated animals. As used herein, the term "nondomesticated animals" shall mean any animal not generally associated with the practice of animal husbandry and which are a threat to humans or are commonly perceived to be a threat to humans. Examples of such animals include great cats, wolves and bears.

*Horse farm or academy* means a site **of five or more acres** where three or more horses are housed, bred, boarded, trained, or sold.

**Miniature Horse means a small horse not to exceed 38 inches in height and a weight of 350 pounds as an adult. For purposes of this section, two miniature horses shall be deemed equal to one horse.**

#### ***Section 58-52, 53, 54 and 58 (R-80, R-60, R-40 and RCD)***

(3) *Yard regulations.*

a. *Minimum lot area.*

1. Single-family dwellings: 80,000 square feet, except five acres on an easement lot not located within a conservation easement, provided; however, that an easement lot may be a minimum of 80,000 square feet when created within a conservation easement of at least 25 acres that is dedicated to a conservation organization.
2. Cemeteries and essential services, class III: Five acres.
3. Churches: Three acres.
4. Public and private schools: Ten acres.
5. Horse farm or academy: Five acres.

6. Agricultural uses: A minimum of 80,000 (R-80), 60,000 (R-60), or 40,000 (R-40) square feet, provided; however, that a minimum of five acres shall be required for any agricultural use containing one or more livestock animals having a mature adult weight of 250 pounds or greater (**this provision shall not apply to miniature horses**). Notwithstanding this requirement, lots whose agricultural use consists exclusively of one horse **or one or two miniature horses** shall be required to have a minimum of 40,000 square feet of contiguous fenced land area designed to accommodate the horse. Such lots containing two horses, **three or four miniature horses, or one horse and up to two miniature horses** shall be required to have a minimum of 80,000 square feet of contiguous fenced land area designed to accommodate the two horses. **A maximum of two horses, four miniature horses, or one horse and two miniature horses may be kept on less than five acres. Any lot containing more than this number must be a minimum of five acres and shall be considered a Horse Farm or Academy.**
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Mayor Pro Tem Barry – Where did the decision come from that two miniature horses equals one full size horse?

Town Planner Cook – We came up with that based on weight. That was the recommendation of the Planning Board. There is an actual error on the fourth part of the text amendment. If you look down at #6, the first underlined area that you see that is in parenthesis that reads: (this provision shall not apply to miniature horses) is in there by mistake. It was in there last time when you called for the public hearing so it needed to stay in there. This part was not a recommendation by the Planning Board nor one of my recommendations. It is important tonight to consider the text amendment that is in front of us as opposed to the formal complaint.

Mayor Pro Tem Barry questioned where the text came from regarding the actual weight and height of a miniature horse.

Chairman Dorine Sharp – I looked up the Miniature Horse Association and that is actually their definition. There are two miniature horse associations. There are two classifications for miniature horses. One group does 200 pounds and the other group does 350 pounds. We covered all miniature horses based on the two associations that existed.

Councilmember Jerry McKee – Where do ponies fit in?

Town Planner Cook – Ponies would fit under agricultural use. They really are no different than a regular horse, mule or goat.

Mayor Anderson – Were any other miniature breeds besides horses discussed such as miniature cows, donkeys or was it simply miniature horses?

Town Planner Cook – That was not discussed. The citizen requested text change was just for miniature horses so that is all we really looked at.

Mayor Pro Tem Barry – I am trying to get in my head the scope of miniature horses and people sometimes compare them to large dogs.

Town Planner Cook – A Great Dane would be taller but skinnier.

Chairman Sharp – A full grown Saint Bernard weighs about 250 pounds.

Mayor Anderson – As the owner of a Percheron, Saddlebred and miniature horses all in the same barn, I have been stepped on by each of them and the hoof and weight is way different. I am not sure that I would consider two minis equal to one saddlebred.

Ms. Jennifer Heath – I live in Charlotte. I am an attorney by trade and I was in private practice when Ms. Jones first came to see me but I have now gone back in house and I work for a corporation. I want to thank the Zoning Commission for their very thoughtful consideration. They really gave this a lot of thought and we appreciate that very much. We want to talk about how miniatures are different from ponies. We would like Weddington to address the differences as we have found that Lancaster, South Carolina and other municipalities throughout the country have actually addressed miniatures in general. We would like to support the text amendment that has been proposed with the exception of how many minis equals one horse. We decided a good compromise, not necessarily four to one as Lancaster, SC has said, but perhaps we could go with 3 to 1. The Zoning Commission specifically stated that the criteria for the lower ratio were based on their concern with not noise, not space, but on erosion. We focused on two factors - hoof size and weight. I own a Percheron. I decided to trace his hoof. I asked Ms. Jones to trace hers. (Ms. Heath presented a diagram showing the hoof of a Percheron and the hoofs of the miniatures.) My horse weighs a little under 2,500 pounds. A Clydesdale would range a minimum of 2,500 pounds up to 3,000 pounds. We wanted to point out the differences when you talk about the size and the difference that makes with erosion. One of the minis is really small and they all weigh under 350 pounds. Based on the hoof size and the weight we hope that you will find it acceptable to increase the ratio not only in the definition of miniature horses but also to change in Sections 58-52, 58-53, and 58-54 to increase from two (2) miniatures to three (3). That would be a good compromise. That would greatly benefit Ms. Jones. If you do not find it acceptable to increase the ratio, I wonder if the Town Council could allow her to keep the third mini. They were adopted from abusive and neglectful homes. They cannot be bred. She does not make money off of them. She moved to this property 34 years ago. She did so because she was a horse owner. She has owned these minis for five years. She is attached to these as her pets. The age of these three orphan minis is unknown. If an exception is not granted, Ms. Jones is left with several undesirable choices which we can all imagine.

Ms. Heath also shared the following information:

Average size horse = 1,100 lbs.

3 miniatures @ 350 lbs. = 1050 lbs.

2 Clydesdales @ 2500 lbs. each = 5,000 lbs.

2 average horses @ 1,100 lbs. = 2200 lbs.

1 average horse + 1 Clydesdale = 3,600 lbs.

2 Clydesdales = 5,000 lbs. or 2 miniatures + average size horse = 1800 lbs.

4 miniatures = 1400 lbs.

Councilmember McKee – Where did you come up with the number three? Is it because your client owns three?

Ms. Heath – The Planning Board was concerned with erosion. We respectfully listened to what they said and we wanted to do our own research. I have seen three on the property and I think that the property sustains three miniatures. The minis do not wear shoes and that causes less erosion.

Mayor Anderson – The only concern that the Planning Board had was erosion and runoff?

Chairman Sharp – That was one of the factors that we talked about. We talked about the manure issue as one of our factors and then again we did talk about the compacting of the dirt creating erosion.

Councilmember Thomisser – How much waste do three miniatures produce and how do you get rid of it?

Ms. Judy Jones – No more than a large dog. It compacts down to great soil. I have people waiting in line to take it for their gardens. I have no problem with manure.

Jane F. – I have lived there 30+ years. I have not noticed erosion. I did not realize that was a problem.

Chairman Sharp – Rob Dow is on our Planning Board and he also deals with horses. Basically what he was talking about that normally when it rains the rain can soak into the dirt. If the dirt gets compacted a certain amount then it cannot seep in then it runs off the side. When we address a text amendment such as this, whatever we do has to apply evenly throughout the whole town and we cannot look at just one property.

Ms. Jeanine Greene – I am a neighbor and friend of Judy Jones. I am in favor of Judy keeping her miniatures as well as her one large horse. In my opinion they do not detract from the ambience of our neighborhood and they add to the concept of retaining the character of our community because that is one of the reasons that we purchased in that area because the minimum acreage is 2 acres. I own 7.5 acres. It certainly was an area when it was first introduced for development as conducive to horses. I also feel that the community and the Town are noted for its horse farms. There is no evidence of any sort of nuisance, of emitting odors or disturbing the peace, creating eyesores or erosion. I really find these charges absurd. I have been in and around her property and with her animals enough times to know the difference. The miniatures and the horse are Judy's pets and they are the only constant in her life for all these years. They are her life and her family. The animals are very close to each other. They care very much for her and they get the best care, attention and love. To ask to remove any one of them is cold.

Mayor Anderson – I want to again remind everyone that we are talking about an ordinance that would be applied Town-wide. We are not talking about a complaint.

Ms. Jan Ratterree – My husband and I are the ones that sent the Council a packet of information over the weekend with different information and pictures showing the conditions on the ground at 109 Oxford Drive. I would like to begin first of all with two statements of people who also live in our neighborhood who were unable to be present tonight but wanted their opinions to be heard. The first is from Larry and Karen Crump who live at 208 Wellington Drive regarding the horses at 109 Oxford Terrace. They stated, *"We can sometimes smell the horses from the street in front of our home at 208 Wellington Drive. Our children regularly complain about the smell while waiting for the school bus at the corner at Wellington Drive and Oxford Terrace when they are walking to and from the school bus stop."* From this letter you can see that this is a problem that not only affects this property but it is also smelled on the road. People who walk regularly in our neighborhood are very aware of this. The other letter comes from Thomas Elkins who also lives in the neighborhood and he lives across the street from us down a house. *"This is regarding the number of horses allowed in a given space. I have been a part of the neighborhood for 25 years and it pains me to write this message. Although my home is not directly adjacent to the lot or house that is in question, I have experienced the smells and have seen the condition of the lot that is in question. Every homeowner that first purchased a lot and built a home in this neighborhood did so for many different reasons - some for privacy, some for the wooded lots and some for other reasons. I cannot imagine not being able to sit on my porch or my deck and enjoy the evening due to the smell and stench that reeks the air. The smell also permeates through the house of our air handler. This is not acceptable. It appears that the condition of the barn and lot have deteriorated over the last several years and has*

*caused great discord within the neighborhood. This has proven not to be a healthy situation. It has caused some people a large sum of money to try to keep some sense of sanctuary. I personally grew up with horses and have a fondness for them; however, I do not want to smell them 24/7. Hopefully some kind of unity can be reached where all parties and not just one can move forward without further pain."*

We actually entered this complaint in June and we asked that the Town of Weddington help us to protect us from the effects of too many horses on this lot next to us. You have to realize that there is one large horse on this lot and also three miniature horses. I have not been given any evidence as to the height or weight of these horses. The horses in my opinion, two especially, are about the size of a small shetland pony which it seems a little ridiculous for us to distinguish between the miniature and a pony which the Town itself has already addressed. We have an adjacent property owner that has also complained to the Town concerning the facts regarding these horses. First of all, there are too many, entirely too much manure on the property and there is certainly dust and dirt. There is runoff during a heavy rain and plenty of odors that we all smell. Regarding dirt on the property, a high powered leaf blower is used to clean the property. The dirt has landed on my property, in my backyard, on my grass, on my back deck and on my windows. This has happened three times and Mr. Douthwaite came over and can attest to that fact. The horse owner in question has not approached us at any time and asked us to explain why we issued our complaint and her behavior is affecting us and others. The President of our HOA, which we have asked on two occasions, has refused to listen to our request and he has made no effort or attempt to mediate this problem. Had he done this, we would not be here tonight. Our District Council Representative has not met with us at our home. He has not contacted us in any way to try to understand the magnitude and seriousness of this problem to us which we find rather concerning. Instead we understand that he has gathered information from someone else. It is not appropriate for you to ignore our problem and worse to change the law in a way that makes the problem more serious and more widespread in the Town of Weddington. For many years Towns have done well by limiting the number of equines, ponies, horses or so forth and they have taken care to define an equine as an equine regardless of the size. The Weddington law as written has a long history and it is consistent with the intent of the restrictive covenants of most of the developments that are in Weddington. It is consistent with the neighboring towns such as Stallings and Wesley Chapel. In fact, those neighboring towns have more strict specifications than what you are asking for tonight. Please protect us and other citizens of Weddington by maintaining standards that have worked well in this community and have proven over a long period of time. The photos of our adjoining property mailed to each of you last week clearly do not meet the high standards of Weddington's image. It would be a shame to tarnish this image that we have all worked for for so long. Please take action to regulate the odors, the dirt, the runoff, the contamination of groundwater and streams and the degrading sites of manure dumps in a residential yard such as this.

Mayor Anderson – Even though we have districts in Weddington, each person here answers to all citizens of Weddington. You voted for all or none of us. Even though you are in a specific district, you have access to each one of us.

Ms. Ratterree – I felt like at least the representative that came from this district would be interested enough to contact and probably ask to see the property. I can show you pictures of the property from Saturday. There are three piles of manure at the present time. A tractor is actually used on this property to move this manure and on Saturday it took approximately 3 hours for a tractor to move this manure. Ms. Jones does have one mature horse on her property that weighs over 1,000 pounds. One study says that a horse over 1,000 pounds has daily amounts of 31 pounds of feces, 2.5 gallons of urine and 8 to 15 pounds of bedding straw. This does not consider the three miniature horses. We are talking about a complete yard practically full of manure. This is not leaving the property as you have been told. It has left the property in small amounts on only several occasions. It is not covered or stored in bins. It is in full view.

Mayor Anderson – Does your Homeowners Association covenants discuss livestock?



Ms. Ratterree – I do not have our Deed of Covenants with me. They state one horse or one pony to one acre of land. When Ms. Jones brought these horses onto the property, she stated to our adjacent neighbor that she knew she was over the limit. These horses came in increments. At that time we were told that she would probably not keep those horses permanently especially the larger horse and our understanding when the miniatures came in was they would be there just until they could regain their health. We were not under any impression that this would be a permanent situation. The other thing that is false is that these horses have not been on this property for five years. They have been there less than 2 years. According to our Deed of Covenants she would be able to have 2 equines on this property. We have lived on this property for over 30 years. We have been neighbors. We have not had any problems. When we moved there Ms. Jones did not have any horses. She had a horse that she owned but the horse was boarded. When she built the horse farm that she now has, that was built for only one horse. We have 2.5 acres. Most of the lots are 2 to 2.5 acres. The horses are housed to the side of her property which meets the back of our back yard. We are 2 feet 3 inches from where her fenced area is located and this is where the horses stay.

Mayor Pro Tem Barry – My name is Daniel Barry and I represent the district that you called on. Are you aware that Bonnie and Tom Wojcik asked me to walk their fence line with them and look at the property?

Ms. Ratterree – I was aware that you had been on the property but for another reason.

Mayor Pro Tem Barry – Were you aware that came up while I was there?

Ms. Ratterree – No, sir.

Mayor Pro Tem Barry – We spent a fair amount of time discussing the issue.

Ms. Renee Litton – I am a neighbor. I feel exactly as Jeanine does. I live right across the street from Judy Jones. I live down wind and we have no issues with odor. I have opened a bag of fertilizer and it has been so bad it almost knocked me out and I have gotten her fertilizer and used it in my front yard and there is not an issue with odor as it relates to my property. The horses are an asset to our community. We have people that ride by to see the horses. There are two sides to a story.

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

**Item No. 7. Public Comment.**

Mr. Walker Davidson – Did I hear you say that you were going to consider the PARTF application tonight?

Mayor Anderson – We are going into Closed Session and then we may make a decision.

Mr. Davidson – I would ask the Town Council to not consider that tonight. It does not look like you have enough information and it looks like the decision is being asked to make the application within a short period of time. To allocate \$200,000 of taxpayer money, unbudgeted, not in a CIP, on a short notice, I would recommend a special meeting, a joint meeting with the Parks and Recreation Advisory Board for consideration of that item.

Kent Hayes - I live at 4309 Horseshoe Bend here in Weddington. I own land here in Town, am an experienced hunter and private property rights advocate. Happy Holidays! I want to thank you for the time, effort and careful thought you employ in governing our Town. I am here tonight to express my objection to any further restrictions on the use of firearms in Weddington. The Firearms Ordinance adequately meets the Town's need to balance urban and rural lifestyles. In fact, it is a common opinion the

ordinance should be expanded to include modern and primitive black powder firearms. Our hunting community, along with local law enforcement, just reviewed, last month, the Firearms Ordinance while approving the UAS. Hunters, as a group, are ethical, safety minded, trained, experienced and licensed by the state of NC. Few others go through this kind of training and scrutiny to pursue a sport. It appears this "Firearms Ordinance Review" is more of an attack on hunters and hunting on private property than a public safety issue. As stated at the last Council meeting, there has never been a firearm or archery related hunting accident recorded in Weddington. There seems to be little cause to open a Firearms Ordinance debate. But if warranted, let's make sure the debate includes the science and facts about the use of firearms in Weddington and is not just someone's irrational, emotional or imaginary rant. There are just a few other points I would like to make. Under the regulations as established by the NC Wildlife Resources Commission, the harvesting and control of wildlife on private property is a private property right. Secondly, persons crossing onto private property uninvited could be considered as trespassers which could be a criminal violation. And finally, a very important NC law: It is unlawful to harass persons taking wildlife resources. In North Carolina, it is unlawful for a person to interfere intentionally with the lawful taking of wildlife resources or to drive, harass, or intentionally disturb any wildlife resources for the purpose of disrupting the lawful taking of wildlife resources on public or private property. Violation of this subsection is a misdemeanor punishable for a first conviction by a fine not to exceed \$1,000, by imprisonment not to exceed 30 days, or by both and punishable for a second or subsequent conviction by a fine left to the discretion of the court (N.C. General Statute §113-295).

Mr. Bill Price – I am against this ordinance regarding miniature horses and all the other nuisance ordinances. I would venture to say that the ones complaining live in a development that has Homeowner Associations' rules and regulations. Let them make a decision and do not burden the rest of the Town. I have heard numerous people get up here before Council and say the reason that they moved here was for the country atmosphere. This is not Charlotte, Atlanta, New York or San Francisco. If they are so dissatisfied with the living conditions here, maybe they should consider moving to where they came from. If you pursue this avenue of regulating, maybe you should consider the number of children per household as this affects the schools, the number of cars per house as this affects congestion and air pollution. The possibilities for these types of regulations are endless. People used to use common sense and respect for others. This seems to be lacking today.

Mr. Chris Owens – I wanted to address the potential wording changes that are being considered regarding the Firearms Ordinance. I do not have a clear understanding of the rationale of the parties that are objecting to the current ordinance and why they need it to be changed. If it is a safety concern, if you look at the statistics from websites, statistically speaking it is one of the safest activities that we have in our community. If you want to look at infringement on personal property rights, that is going to be a big issue. If you want to open the discussion about changing the Firearms Ordinance, statistically speaking the expansion of that ordinance to include other types of weapons would be more justifiable than further restrictions. It is tough for people to enforce the ordinance that we have currently so making it more restrictive is going to be even more unenforceable. The hunters we have here in Weddington are following the rules. The people that are not following the rules we are trying to clamp down on. We are a police force ourselves. Frankly it reflects very poorly on us that hunt ethically here in Weddington.

Ms. Jane F. - I want to talk about the burning ban. We have never had a problem in Weddington. What would we have done during Hurricane Hugo if we had a burning ban then?

Ms. Dorine Sharp – The Planning Board also serves as the Board of Adjustment - five members are regular members and two members are alternates. We generally have two to three hearings per year. It takes several Board of Adjustment hearings as an alternate sitting in to begin to understand the process not to mention all the work that we do on the Planning Board and Historic Preservation Commission. If you are going to put in some term limits, I would really hope that there are some exceptions that would be allowed.

We need this continuity. We need the people that have the background not only with the Planning Board but with the Board of Adjustment as well.

Mr. Walter Staton showed a sign that stated, “Merry Christmas – Hunting and Houses Don’t Mix”. I live at 221 Weddington Road. This sign was made for some people in Walden at Providence next to Longview Country Club. Someone was hunting back there and a bullet got away from them and went through a house. My wife painted this picture for them. I think you have a letter from the President of the Highgate Homeowners Association. They are really concerned about the discharge of firearms in and around Weddington. People that live there have seen people walk around with rifles in their hands and they hear shooting. About 40 years ago, I purchased 22 acres of land on which I built my house, our private park and recreation area and our trails. I had to purchase an orange hat for safety reasons to be able to walk around on my property. I for one have called 911 five times concerning the discharge of firearms within 48 yards of my house in October and November. I have in my hand a letter from a Weddington staff here that said that no written reports for the months of October and November were called in for 221 Weddington Road. When a deputy calls me and says, “Heads up, they will be discharging a firearm next to you up to 8:30 a.m. and after 4 p.m. in the afternoon.” It is legal. Why? Walter Staton wants to know. My family should be able to walk in safety without worrying about being hit by a flying projectile any day or night. All people in Weddington deserve that. We have 73 subdivisions and more coming and the Firearms Ordinance is not working for the growing Town. It is very important that you understand that this is a safety issue. You cannot discharge a firearm in the Town of Marshville and the Town of Wingate. All people have the right under our constitution to bear arms. I have a gun. One of the Councilmembers can be a Weddington leader tonight. Please make a motion to vote for a safe Firearms Ordinance that says it shall be unlawful for any person to discharge any firearm of any type within the corporate Weddington limits except when used to defend off a person or for use by a law enforcement officer. You can do nothing and be a loser on the public safety here in Weddington.

Rick Helms – I am opposed to any change to the Firearms Ordinance. I am a decent size landowner here in Weddington. My family has been in Weddington for 100 years. I was raised here in Weddington and was taught the values of hunting and how to be safe with a firearm. I do not think it is fair for the Town to tell me that we cannot do this anymore. We are a rural community. Tonight when you drive home be careful, for that deer that you did not let me shoot could land in your front seat.

**Item No. 8. Approval of Minutes.**

**A. October 11, 2010 Regular Town Council Meeting Minutes.** Mayor Pro Tem Barry moved to approve the October 11, 2010 Regular Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

**B. November 16, 2010 Special Town Council Meeting Minutes.** Mayor Pro Tem Barry moved to approve the November 16, 2010 Special Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

**Item No. 9. Consent Agenda.**

**A. Consideration of 2011 Meeting Schedule.** Mayor Pro Tem Barry moved to approve the 2011 Meeting Schedule.

DATE	TIME	LOCATION
January 10, 2011	7:00 p.m.	Town Hall Council Chambers
February 14, 2011	7:00 p.m.	Town Hall Council Chambers
March 14, 2011	7:00 p.m.	Town Hall Council Chambers
April 11, 2011	7:00 p.m.	Town Hall Council Chambers
May 9, 2011	7:00 p.m.	Town Hall Council Chambers
June 13, 2011	7:00 p.m.	Town Hall Council Chambers
July 11, 2011	7:00 p.m.	Town Hall Council Chambers
August 8, 2011	7:00 p.m.	Town Hall Council Chambers
September 12, 2011	7:00 p.m.	Town Hall Council Chambers
October 10, 2011	7:00 p.m.	Town Hall Council Chambers
November 14, 2011	7:00 p.m.	Town Hall Council Chambers
December 12, 2011	7:00 p.m.	Town Hall Council Chambers

All were in favor, with votes recorded as follows:

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

**B. Consideration of 2011 Holiday Schedule.** Mayor Pro Tem Barry moved to approve the 2011 Holiday Schedule.

New Year's Day	Friday, December 31, 2010
Martin Luther King, Jr. Day	Monday, January 17
Good Friday	Friday, April 22
Memorial Day	Monday, May 30
Independence Day	Monday, July 4
Labor Day	Monday, September 5
Thanksgiving	Thursday, November 24 and Friday, November 25
Christmas	Friday, December 23 and Monday, December 26

All were in favor, with votes recorded as follows:

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

**C. Consideration of Release of the Water and Sewer Bond for Church of Jesus Christ of Latter Day Saints.** The Town Council received the following memo from Town Administrator/Clerk Amy S. McCollum:

The Town is currently holding a bond in the amount of \$25,393.15 which was requested by Union County Public Works to cover the cost of the water infrastructure for the Church of Jesus Christ of Latter Day Saints. Please see letter dated November 18, 2010 from Mike Garbark with Union County Public Works advising that the water and sewer distribution system has been installed and the project is in substantial compliance of the approved plans and specifications and recommends releasing the letter of credit.

The Town Council received a copy of a letter dated November 18, 2010 from Mike Garbark, P.E., Assistant Director from Union County Public Works:

Union County Public Works Department has inspected the materials and workmanship of the water and sewer distribution systems which has been installed in the above mentioned subdivision. We find this project to be in substantial compliance and intent of the approved plans and specifications and hereby recommend releasing the current letter of credit (\$25,393.15) for this project.

Mayor Pro Tem Barry moved to release the water and sewer bond for the Church of Jesus Christ of Latter Day Saints. All were in favor, with votes recorded as follows:

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

**D. Consideration to Call for a Public Hearing to Consider a Proposed Text Amendment to Minor Subdivisions Definition (Public Hearing to be held January 10, 2011 at 7:00 p.m. at the Weddington Town Hall).** This item was removed from the agenda.

**E. Consideration of a Resolution Requesting that Sherringham Way in The Gardens on Providence Subdivision be Recommended for Addition to the NC State Maintained Road System.** Mayor Pro Tem Barry moved to approve Resolution R-2010-19:

**NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
REQUEST FOR ADDITION TO STATE MAINTAINED SECONDARY ROAD SYSTEM  
TOWN OF WEDDINGTON, NORTH CAROLINA  
R-2010-19**

**North Carolina  
County of Union**

**Road Description: Sherringham Way in The Gardens on Providence Subdivision in the Town of Weddington, North Carolina**

**WHEREAS**, the attached petition has been filed with the Town Council of the Town of Weddington, Union County, requesting that the above described roads, the location of which has been indicated in red on the attached map, be added to the Secondary Road System; and,

**WHEREAS**, the Town of Weddington is of the opinion that the above described roads should be added to the Secondary Road System, if the roads meet minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the System.

**NOW, THEREFORE**, be it resolved by the Town of Weddington of the County of Union that the Division of Highways is hereby requested to review the above-described roads, and to take over the roads for maintenance if it meets established standards and criteria.

Adopted this 13<sup>th</sup> day of December, 2010.

The Town Council received a copy of the letter from Calvin Treadaway, Transportation Technician II with NCDOT, requesting an SR-2 Resolution for Sherringham Way in the Gardens on Providence Subdivision in the Town of Weddington, Union County and a copy of the NCDOT Petition for Road Addition.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser, McKee and Mayor Pro Tem Barry

NAYS: None

**Item No. 10. Consideration of Public Hearing.**

**A. Consideration of Approval of Ordinance Adopting Proposed Text Amendment Regarding Miniature Horses and Yard Requirements for Miniature Horses.** Mayor Pro Tem Barry moved to approve the text amendment with the following change which was read by Town Attorney Fox:

*However, this provision above shall not apply to miniature horses regardless of square footage, acreages, or livestock count where the Zoning Administrator determines in writing that the topography conditions on the property and improvements existing on the property adequately protect the public health, safety and welfare.*

Councilmember Thomisser – Councilmember Barry, can you explain the intent?

Mayor Pro Tem Barry – I felt that we were making a very broad ordinance change to meet a specific issue and rather than to inhibit the Town and the Zoning Administrator, I wanted to liberalize it by putting the decision back on the Zoning Administrator. Why can't we establish an ordinance that says as long as the property is certified by someone in authority that it is being contained, the animals are in good health, it is quasi-sanitary, the by-products are being taken care of appropriately, then let's protect the interest of the landowner? In a meeting earlier today, I asked our attorney about it and I said that I was thinking something like this as an amendment. The requirement to meet those needs falls on the property owner, the expense to take care of that falls on the property owner, the adjudication/examination falls on the Town and if the property owner fails to meet that then they have to meet the balance of the ordinance as it is written. Leave the ordinance as it is written but if you are asking for an exception to the standard, you have to certify through our zoning office that the property is being maintained based on the language that our attorney drafted.

Councilmember McKee - This is such a broad change from what we had in our books. I believe we should delay this to allow Councilmembers to study this proposal. As it stands right now, I do not understand it without getting more detail about it and I will not press forward under present conditions. I have a problem with changing the ordinance for one person. We are supposed to look out for the whole Town and not one individual. I would like to table this until I am more educated on what this proposal is. If we would have had this amendment before hand to study, I could probably make a better decision.

Councilmember Thomisser – We have had conflicting information presented tonight.

Mayor Anderson – It is all subjective and what is acceptable to me may be totally offensive to others.

Councilmember Thomisser – I am uncomfortable in changing the ordinance for one situation.

Mayor Anderson – It seemed to me that several things were brought up and one was the odor and the soil compaction which was producing runoff and it seemed like the odor kept being a recurrent thing that they could not enjoy their property because they were offended by the odor.

Mayor Pro Tem Barry – I have been physically in the gardens adjacent to the property and I have been across the street and I have not smelled a thing and I was standing on the fence line.

Mayor Anderson – What I heard was the disposal of the waste and not necessarily that the animals were on the property. All of those horses in New York City and Central Park are confined to a very small space.

Mayor Pro Tem Barry – We are watching the erosion of property owners being overrun by the authority of the State and I understand that there is an interaction between the community and the property owners and we have to maintain a balance but I am not sure I know where that balance is right now and we are treading down a slippery slope. My solution to that is to try to come up with a solution that maybe it is a fact and circumstances because Dan Barry's piece of property because of its topography and the grade is not going to be able to have three miniature horses and a full size horse even though he has two acres. Hers is flat and maybe it does. Let's allow the opportunity for property owners to be able to use their property the best that they can and have some third party to vet and to examine and make that determination.

Councilmember McKee made a substitute motion to delay consideration until the January 10 Town Council Meeting in order for Council to review Councilmember Barry's motion. He stated, "I need more time to study the proposal."

Mayor Anderson – It is also about all miniature breeds such as cows and donkeys. In our ordinance we talk about 40,000 square feet of contiguous fenced land. I would like to drop that word contiguous. Under the new guidelines for sustainable agricultural and pasture management they encourage you to do pasture rotation.

The vote on Councilmember McKee's substitute motion is as follows:

AYES:	Councilmember McKee
NAYS:	Councilmember Thomisser and Mayor Pro Tem Barry

Councilmember Thomisser – We had a public hearing tonight and I think we should make a decision on it tonight.

Attorney Fox - The equation of miniature horses to one horse would apply but this gives your Zoning Administrator the discretion to broaden that application where he has made a determination that it does not affect public health, safety and welfare. What he will say to you is what limit should he put on the exercise of that discretion? That may be something to think about. Something like in no circumstance shall he vary the provision of this ordinance by increasing the number of horses greater than 3 to 1 or whatever the ratio.

Mayor Anderson – Jordan, do you feel qualified and who will you go to as a consultant to assist you and whose costs would that be?

Town Planner Cook – It is tough for me to answer right now. My concern is the maximum number of miniature horses. There is a lot of discretion. Am I the one that goes to someone's four acre parcel and says that 20 miniature horses are okay? I am not sure that is my area of expertise on whether a miniature horse looks like it is being taken care of well without some type of maximum attached to it.

Councilmember Thomisser – We are asking a lot from our Town Planner to make a major decision considering this issue.

Mayor Anderson – Dorine, do you think we are making matters worse with the new language that is proposed? Is it too ambiguous?

Chairman Sharp – If you want to add something like this, it needs to be worked out in more detail on how it would be done. I think you could come up with something like that with some type of qualified consultant. Does a person have to break the ordinance? Someone wants to have more than the allowed

limit of animals so they actually have to break the ordinance first and then come to Jordan and say, “I am taking care of my animals and they are healthy and I should be allowed to keep them,” or are you going to say, “someone has 2 miniature horses and they want to get a third one so he goes and the two are taken care of so we are going to let them have an extra one but you do not know what will happen when they get a third one.”

Mayor Pro Tem Barry – The greatest challenge that we have sitting around this table is protecting the interests of individual property owners to where they intersect with someone else’s right. Where does Mr. Staton’s right to control his property start and end as it abuts his adjoining property? Where does Dan Barry’s right to have six dogs infringe on the right of my next door neighbor who hates dogs? There is no perfect ordinance. Do I think this current ordinance as it was currently written prior to the public hearing was appropriate? No. There were gaps in the ordinance and that is why we tried to address it. Facts and circumstances ultimately dictate what is going to happen.

Mayor Anderson – We already have an ordinance. The sole question that we have here is what is the ratio? Every single ordinance in our book has to do with every time you do something for the community you do infringe on the personal liberties of the citizenry. Every time we establish a speed limit we are taking away personal liberty. I do not think we need to dig that deeply. I think it deals with what is the appropriate ratio.

Mayor Pro Tem Barry – But if you are passionate about the use then it is that fundamental.

Mayor Anderson – If we do or do not change our regulations, the petitioner is still in violation of her HOA covenants. Whatever we decide here is not about Ms. Jones, it is about the Town. If you wanted to set a ratio on it, 3 to 1 would be a better ratio than two to one.

Councilmember Thomisser made a substitute motion to not approve the proposed text amendments and to leave the language as currently written. He stated, “I keep thinking about the TV show Mr. Ed and it started off by saying, “A horse is a horse is a horse.”

AYES: Councilmembers Thomisser and McKee  
NAYS: Mayor Pro Tem Barry

#### **Item No. 11. Old Business.**

**A. Consideration of Appointment Policy.** The Town Council received a copy of the following proposed Appointment Policy and Town Administrator/Clerk McCollum reviewed with the Town Council.

Mayor Pro Tem Barry moved to approve the Appointment Policy with the underlined changes recommended by the Town Council. The effective date of the policy is January 1, 2011. All were in favor, with votes recorded as follows:

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

### **TOWN OF WEDDINGTON APPOINTMENT POLICY**

#### **PURPOSE**

The council or the mayor, as appropriate, may establish and appoint members for such temporary and standing committees and boards as are needed to help carry on the work of town government. Any specific provisions of law relating to particular committees and boards shall be followed. The purpose of



this policy statement is to develop a preferred process for the Town Council to follow for the board/committee appointments to ensure that all Councilmembers operate under the same process. This written process will clearly outline and show citizens the process the Town Council uses for board appointments. The Town Council may, by majority vote, decide to waive, vary, or otherwise modify the process outlined in this policy.

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

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

### **APPOINTMENT TERMS**

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

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

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

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

### **RECOMMENDED PROCESS**

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

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

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

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

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

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

## **SELECTION AND APPOINTMENTS**

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

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

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

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

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

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

## **ATTENDANCE EXPECTATIONS REQUIREMENTS**

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

**B. Consideration of Appointments to Board and Committees Possible Amendments to the Membership of the Downtown Development Committee and Public Safety Advisory Board.** The Town Council received a copy of the following memo from Town Administrator/Clerk McCollum:

The following appointments need to be made by the Town Council:

**Parks and Recreation Advisory Board** – One vacancy exists due to the resignation of Nancy Pulcini.

**Downtown Development Committee** – Four vacancies exist due to the resignation of Carol Wyant, Dudley Stone, Melissa Emerine and Debra Korb. There has been discussion by the Town Council of reducing the size of the Committee from 11 members to 7.

**Planning Board** – The terms for Beth Masurat and Rob Dow expire in December. They have both advised that they would like to continue to serve on the Planning Board. If you decide to reappoint them to the Planning Board, they also would serve on the Historic Preservation Commission and Board of Adjustment.

**Public Safety Advisory Committee** – According to the outcome of the Appointment Policy, the Town Council may need to consider the recent appointment of Lorri Elliott, since the Policy calls for all members to be citizens of the Town of Weddington.

The Town Council selected the following individuals for further consideration for appointments to the above Boards and Committees.

<b>Planning Board</b>	<b>Parks and Recreation</b>	<b>Downtown Committee</b>
Rob Dow	Barbara Harrison	Brian Anson
Beth Masurat	Walker Davidson***	Stephanie Belcher***
Jim Vivian	Larry Evans	Rocco Caponigro
John Giattino*	Steve Godfrey	John Giattino*
Linda Nugent	Sue Fitch**	Barbara Harrison

\* John Giattino has not confirmed or called back to say that he would like to serve. His application is from 2008.

\*\* Sue Fitch does not live in Town.

\*\*\* Already serves on a Town Committee

Terms were not set when the Town Council appointed individuals to the Parks and Recreation Advisory Board, Downtown Development Committee and Public Safety Advisory Board. Based on the Board or Committee's Rules of Procedure the following terms have been set out for these boards. All terms will expire in the month of December. Please let me know if you have any questions.

### **PARKS AND RECREATION ADVISORY BOARD**

<b>NAME</b>	<b>TERMS</b>
Scott Buzzard, Chairman	2011
Stephanie Belcher, Vice-Chairman	2013
Mike Lee	2012
Robert Gilmartin	2011
Jeff Perryman	2011
Sharon Sanders	2013
Vacant	2012

### **DOWNTOWN DEVELOPMENT COMMITTEE**

<b>NAME</b>	<b>TERMS</b>
Scott Buzzard, Chairman	2011
LA Smith, Vice-Chairman	2013

Jerry McKee	2011
Jan Taylor	2013
Jack Steele	2012
Carolyn Pace	2013
Werner Thomisser	2013
Vacant	2012
Vacant	2012
Vacant	2012
Vacant	2012

### **PUBLIC SAFETY COMMITTEE**

<b>NAME</b>	<b>TERMS</b>
Walker Davidson, Chairman	2013
Jerry McKee, Vice-Chairman	2011
Lorri L. Elliott	2013
John B. Houston	2014
Michael E. Carver	2014
Mary Ann DeSimone	2014
Werner Thomisser	2013

The Town Council received a copy of the applications being considered for appointments.

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Mayor Pro Tem Barry - We have been asked to address the residency requirements.

Mayor Anderson - You can take that into consideration when you make that appointment. You have the discretion to remove someone from a board. They serve at your pleasure.

Councilmember Thomisser – As far as residency requirements are concerned, from time to time there are people that work in the school system, or with the fire department that have a tremendous amount of expertise and they are a real asset to a committee. I understand Councilmember Barry's concern but can we have these people serve in an ex-officio manner?

It was advised that they could serve in that manner per the new Appointment Policy.

Mayor Pro Tem Barry moved to reappoint Mr. Rob Dow to another term to the Planning Board, Board of Adjustment and Historic Preservation Commission. All were in favor, with votes recorded as follows:

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

Councilmember McKee moved to appoint Mr. Jim Vivian to the Planning Board, Board of Adjustment and Historic Preservation Commission. All were in favor, with votes recorded as follows:

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

Mayor Pro Tem Barry moved that Jim Vivian and Janice Propst would be alternates to the Board of Adjustment and Jeff Perryman would now become a regular member on the Board of Adjustment. All were in favor, with votes recorded as follows:

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

Mayor Pro Tem Barry moved to appoint Ms. Barbara Harrison to the Parks and Recreation Advisory Board. All were in favor, with votes recorded as follows:

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

Councilmember McKee moved to change the membership of the Downtown Development Committee from 11 members to 7. All were in favor, with votes recorded as follows:

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

Mayor Pro Tem Barry – Chairman Walker Davidson asked the Council to address the residency requirement. I agree that the Committee Chair should be able to invite experts to participate but that they cannot vote because they are not taxpayers.

Mr. Davidson – I think in our Rules of Procedure it states citizens. We did our Rules of Procedure after the appointments were made. If you approve our Rules of Procedure, we have somebody that is not a citizen.

Mayor Pro Tem Barry - Does that not take care of it by itself?

Mr. Davidson - That will take of it. I think citizens need to get the opportunity first.

Mayor Anderson - If we allow non-citizens to vote and spend taxpayer money it is conceivable that we could have five people on a committee who do not live here. I am not sure that answers well to the citizens who elected us. When we ask for guidance about our Town, I would think it would be best that the people live in the Town.

Mr. Davidson questioned whether the Council knew that Ms. Elliot was not a resident when they appointed her. Mayor Anderson advised that she did not vote and the rest of the Council advised that they did not know.

Councilmember McKee - We do not have a person applying for the Public Safety Committee.

Mayor Anderson – I know Lorri Elliott and she is a great asset and resource. She has no ties to our community. She used to be on the board of the fire department which is how she became known to Mr. Thomisser who graciously nominated her. She is no longer on that board. I would entertain a motion that Ms. Elliott be withdrawn from the Public Safety Committee.

Attorney Fox - I think what the Chair was saying is if you adopt their Rules of Procedure that they require that members of the committee are to be appointed by Council but that the five members shall be citizens of the Town. It does require residency of the Town.

Mayor Pro Tem Barry - So we will need to file an application for a vacancy.

**Item No. 12. New Business.**

**A. Discussion and Consideration of Direction Regarding the Weddington Town Firearms Ordinance.** The Town Council received a copy of the following:

- A map showing eligible properties for hunting which equals 3,165 acres
- Weddington Firearms Ordinance
- Information regarding different types of ammunition
- Newspaper article dated November 22, 2010 regarding 3-year old boy shot to death in Union County
- Firearms/Hunting Regulations in Marshville, Wingate, City of Monroe, Indian Trail, Marvin, Wesley Chapel and Unionville.
- Letter from Michael Simon, President of Highgate Homeowners Association
- Letter from Janet Isenhardt

Councilmember Thomisser – I have received letters from residents and one Homeowners Association President concerning our Firearms Ordinance. The intent of the hunters is training, experience, common sense and respect for other people's property. However there are individuals out there that are not living by that code. After talking with the Homeowners Association President, a shot was fired and 911 was called. The lady called in because there were people walking behind her back yard with flash lights. I understand that there was a deer shot and they were tracking the deer after dark. We talk about responsible hunters. We had a three year old child shot in Hemby Bridge and that family was avid hunters. During public comments tonight individuals said that 73 subdivisions exist today. We had a lot of farms here 25 to 30 years ago. As far as common sense and respect for other people, State hunting allows you to hunt a half hour before sunrise and a half hour after sunset. Picture yourself on Thanksgiving morning, sunrise was at 7:08 a.m. and it was legal to shoot at 6:40 a.m. and yet a family was awakened at 6:17 a.m. I realize that it is 20 minutes before but if you are going to live by the rules and regulations then live by the rules and regulations. I am sure it was not any hunter in this room that violated that but there are people out there that are doing it. This ordinance was written in 1993 - 17 years ago. Monroe recently reworked their ordinance on September 7, 2010. Wesley Chapel did the same thing on September 16, 2008. Indian Trail rewrote theirs in 1998 and Weddington wrote theirs in 1993. Our ordinance states that it shall be unlawful for any person to discharge a firearm within the municipal limits of the Town. There are exceptions to this rule. My concern is the 150 yards and the type of ammunition used. I took the time one weekend and took our ordinance down to the largest gun shop in Charlotte. I showed the owner of that gun shop our ordinance. He said it looked pretty good to him except he was concerned about there was nothing in our ordinance discussing the use of slugs. (Councilmember Thomisser passed out ammunition for review by the Council.) Each one is a multi shot. The number of "bb's" in a shotgun shell vary. But the distance that these things go before they start dropping is less than 100 yards. This is a shotgun shell that has a solid piece of metal in there. It is really a bullet. I went to the Remington website. It says this: "Why stake your hunt on inferior shotgun slugs when the buck of a lifetime steps out 150 yards go ahead and squeeze the trigger." I believe that it is safe to assume that this will go 150 yards and kill a deer. There are different ordinances in your book. I would like to address the one written by the City of Monroe wrote on September 7, 2010. They do allow shotguns, bow and arrows in the corporate limits of the City. You have to go to the Chief of Police to get a permit. They state in the Monroe ordinance that only multi shot load shall be utilized as ammunition. They also go on to say in no event shall a firearm be discharged within 500 feet of any building – 450 feet is 150 yards. Wesley Chapel allows shotguns firing 1,000 feet from the dwelling, 450 feet from a property line. I understand that would be hard to enforce because you would have to have a surveyor or a plat. Unionville has no regulations. Wingate and Marshville, I believe, are the only two municipalities in Union County that do not allow the discharge of firearms within the city limits.

Mayor Anderson - Council, do you feel there is enough concern warranted to ask our Planning Board to review our Firearms Ordinance? Our Councilmember has two concerns – one is distance and the type of ammunition.

Councilmember Thomisser – I move that two Councilmembers work with Jordan over the next month to develop text changes to this and bring it back to the Town Council in January to approve the proposed amendments or send it to the Planning Board for further review.

Mayor Pro Tem Barry - What is the intent of your language going to be?

Councilmember Thomisser – I like what Monroe has in their ordinance. I would like that multi shot load shall be utilized as ammunition and I would like to address the yardage. I think at a minimum we should make it 200 yards based on what Remington's website said this slug will go.

Mayor Anderson – If you change the ammunition to exclude that then why would you need to change the yardage?

Councilmember Thomisser - You are right. Monroe has 500 feet and multi load shot so I would request both.

Mayor Pro Tem Barry - Earlier tonight I expressed my concern when we were talking about horses and it was a precursor to the discussions regarding firearms. I am not sure you can enforce the text. A 12 gauge shotgun going off with buckshot and one with slug sounds about the same. The yardage is different. I would debate a slug at 200 yards being accurate. I think the accuracy is questionable. I think the other piece is unintended consequences. By putting a prohibition on large property owners with 20 to 30 acres who want to harvest deer or take care of our exploding coyote population - we ought to be able to be figuring out ways to enhance their ability to do that. Deer are an enormous hazard for drivers in this community. You may end up with an unintended consequence of people asking for us to allow center fire cartridges to be allowed to be discharged in the Town on large parcels where we do have rampant deer population or becoming overrun with coyote population. Where do the rights of the property owners come into play? Where does my right intersect the neighboring right and how do we protect both of those? I think the ordinance that we have drafted now meets that need. We are reacting to a couple of specific situations where the code was enforceable at the time. I followed up on our conversation this morning and actually got some more clarification. The Charlotte Rifle and Pistol Club is five minutes from here and on Saturday morning last week if you were out working in your yard you could hear shots from my house. I do not support this. I would support broadening our options as they are today.

Councilmember McKee - I do not own guns or do not hunt. I am all for the right to own and bear arms, etc. The only thing that I would like to do is to turn this over to the Public Safety Committee and have them invite experts. I would like to have an expert on both sides of the conversation. I do not know enough about it. I want to get more educated on it. In order for me to consider anything about changing the current policy I would like this procedure to take place.

Councilmember Thomisser - I would accept a friendly amendment. If you feel you want to refer this to the Public Safety Committee, I will accept that.

Mayor Anderson - One of the letters we received is from Michael Simon who is from the Highgate Community and specifically he notes that some of the neighbors have seen men walking around with rifles and have taken down deer stands assembled on their property facing the creek and that they have heard gunfire. I did question some of our deputies about this and Officer Honeycutt is here. It is my

understanding that these deer stands were on the wrong side of the creek and they were in Mecklenburg County and we have zero jurisdiction with that. I know that they feel that there is automatic gunfire going on but sometimes that is an automatic nail gun that is really going on during construction. I do not see how changing our ordinance will help with someone being awakened at 6:17 instead of 6:40 when the official time would have been. Changing our ordinance would not have affected that situation at all and neither would the tragic accident that happened over in the Hemby Bridge area where that child was fatally killed by his family member. No gun ordinance would have prevented that. That was an accidental shooting. The second letter that was written by Janet Isenhardt she talks about bullets traveling fast. We do not allow bullets in Weddington and one of the statements is that they love deer in their area. I would like to refer to what Kent Hayes said earlier about the right to harvest the natural resources particularly off of your own land. They are a public nuisance and a terrible safety hazard for our vehicles traveling on the roads. I have personal knowledge that some of that information that you get from certain members is not accurate and for people to say that gunfire is happening 48 feet or yards from a bedroom window is not accurate.

Councilmember Thomisser - I was the Neighborhood Watch Chairman before being elected as a Councilmember as far as Highgate was concerned and I can tell you there were deer stands that were on Highgate common property. The hunters did remove them, they put them across Six Mile Creek and then they put them up again behind someone else's house in Mecklenburg County. I do agree with you regarding the incident in Hemby Bridge but there were statements made here tonight that hunters are responsible and well trained and I was merely trying to say that those are avid hunters that had an accident and accidents do happen even with a well trained hunter. We are not talking about the Charlotte Rifle and Pistol Club because that place is constructed in such a way that the bullets will not stray. As far as coyotes are concerned our current ordinance states that persons discharging firearms for the purpose of shooting and killing dangerous animals or reptiles is allowed. I would believe that coyotes would qualify for that. The City Council of Monroe through their wisdom felt that it was necessary to identify the type of shot and distance. My question is do they know something that we do not know?

Mayor Anderson - Officer Honeycutt, has there ever been any incidences where this is a need?

Officer Ron Honeycutt - I have not seen anything that would make me feel at this point in time that there was a safety issue. In talking to the residents that have complained, it has been more of a noise or a privacy issue than a safety issue. People feel that they are not able to enjoy their property the way that they feel that they should. We had a meeting with all of the known hunters in Weddington. I wanted to address with them the issues that I have encountered over the last three years such as gun shots at night, etc. I wanted to bring the hunters in to tell them what is being said to me and give them an opportunity to address it. Councilmember Thomisser was there. My issue was safety for the citizens of Weddington. If there is someone out here not doing it right that is where we wanted to get to. I did not want to continue another year of having calls come in and say that shots are being fired and not knowing who has permission to hunt on the land and also trying to find out if they could be a resource to us to find out who these people are to make it safer. I can tell you that by doing that we were able to prove where the shots were coming from, talk to the gentleman and it has stopped. He was using a 7 mm rifle. He did not even know we had an ordinance.

Councilmember Thomisser - We are not talking about discouraging people from hunting and not harvesting deer.

Officer Honeycutt - I have not identified any calls where a house was struck by a stray bullet or where there was an incident of a firearm by a hunter shooting irresponsibly.



Mayor Pro Tem Barry - This is deer season now. Are we getting any calls other than this one incident that you can substantiate?

Officer Honeycutt - That came from one of the hunters who actually called and said we have someone over here that is not doing it right. The only complaints that I get is noise and privacy issues.

Councilmember Thomisser - We are trying to be proactive. There is a potential of someone being shot by one of these shots that go over 200 yards. We are not taking anyone's privilege away. They can still go hunting.

Officer Honeycutt - For the record, I do not hunt and I do not eat deer. I do not have a vested interest. My only thing is the safety of the citizens. That is for you to decide whether you want to change the ordinance. I have worked closely with everyone that has an interest in hunting in the Town of Weddington. I have tried to be open minded to make sure everyone was given the opportunity for fair play and that the Town gets the full story to make a good honest assessment and make a decision based on the facts and not necessarily hearsay. These hunters want to do it right. They do not want hunting to go away. If someone is doing wrong they are going to help us to stop it.

Councilmember Thomisser - There is no doubt that the hunters in this room are abiding by the rules and they are responsible.

Mayor Pro Tem Barry - What I have heard you say is that we do not have a safety problem?

Officer Honeycutt - We have had no incidences that have been reported.

Mayor Pro Tem Barry - We do not have any reported safety problems. The one incident that was self reported by another hunter where they were shooting a high powered rifle has been addressed and resolved. The evidence that I have is that the ordinance we have is accomplishing the objectives to provide a safe environment and to harvest an appropriate number of deer. Is there anything this Council from your perspective should be addressing?

Officer Honeycutt - I have not seen any evidence that would lead me to believe other than a freak accident that we have a safety issue right now with the way that these hunters are doing it. I cannot control if something does happen. I cannot predict the future.

Councilmember McKee - Maybe this matter needs to go to the Planning Board.

Mr. Kent Hayes - I have been hunting all my life. I deer hunt. I am a member of the Charlotte Rifle and Pistol Club. I spend a lot of time trying to understand the trajectory of the bullet and what happens to the buck shot once I fire.

Mr. Hayes discussed reloading of the weapon, the speed at which the ammunition comes out of the weapon, how certain ammunition performs, etc. with the Town Council.

Councilmember Thomisser - Is it possible for someone to sit in a tree stand and have an accidental discharge of their shotgun?

Mr. Hayes - Anything is possible. Today's hunter will strap themselves with a harness. Securing the firearm is also just as important. Usually the firearm is empty when it is on the ground, once the hunter is in the stand set up - that is when they get their gun up there. You have to remember they are doing this right at dark so safety is the ultimate thing with very limited lighting. We have to know our equipment.

We have worked hard to eliminate any possibility of a difficult situation to either the hunter or the public. Once a kid or a dog or a pet or cow comes through my hunting area, the hunt is over. A deer is not going to be there.

Councilmember McKee withdrew his amendments that the issue go to the Planning Board or Public Safety Committee for further review and study.

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

AYES:	Councilmember Thomisser
NAYS:	Councilmembers McKee and Mayor Pro Tem Barry

**B. Review and Consideration of a Request for Proposal for Development Services to Facilitate the Construction of a Mixed Use Development within the Town of Weddington.** Mayor Anderson – This document was drafted by our Attorney and Planner at our request.

Attorney Fox - This is a draft proposal for an RFP. It is intended to invite individuals to present to the Town their proposal for a mixed use development that would include a public facility to house a regional library. The square footage requirements of the library need to be tweaked. The RFP is structured that any individual interested in proposing a plan would attend a pre-proposal conference to talk about the RFP. Once proposals are received, they would be evaluated by either the Council or a Committee appointed by the Council. The proposals could be accepted or dealt with. There is no requirement to accept any proposal once one is presented. There is no requirement to rezone any property to accommodate the mixed use.

Mayor Anderson – What if we go through this process and the County advised that they are not putting a library in Weddington? You are saying this RFP actually requires that the developer work that issue and work through financing.

Attorney Fox - They will coordinate with the County about what it is that they want to see regarding the library. They will need to know that to do the modeling to determine whether or not their approach will work. The burden is on them to figure out what is it that the County desires for a library and what resources the County will have to contribute toward the construction of the library and incorporating those into their proposal. If the County decides not to go forward with a library there would be no requirement with the Town to go forward with the approval of the development. There is also a prohibition in here which places a burden upon the proposers not to contact or lobby any member of Council once the RFP is let. It would subject them to disqualification. If they have a question they can contact the Town Planner. We also anticipate having a pre-proposal conference where proposers that are seeking to bid or present a proposal can come in and talk with Jordan at a date certain where they can come in and ask questions and put forth ideas.

Mayor Pro Tem Barry moved to approve the Request for Proposals with the following changes:

- The Town Council will serve as the governing body to review proposals that are received
- Include language requesting green space be included with the proposal
- Insert 35,000 square feet and 6 acres relative to the library building

All were in favor, with votes recorded as follows:

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

**THE TOWN OF WEDDINGTON  
REQUEST FOR PROPOSALS  
FOR DEVELOPMENT SERVICES  
TO FACILITATE THE CONSTRUCTION OF A  
MIXED USE DEVELOPMENT WITHIN THE TOWN OF WEDDINGTON**

**NOVEMBER \_\_, 2010**

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**TOWN OF WEDDINGTON  
REQUEST FOR PROPOSALS  
FOR DEVELOPMENT SERVICES TO FACILITATE THE CONSTRUCTION OF  
A MIXED USE DEVELOPMENT WITHIN THE TOWN OF WEDDINGTON**

**I. INTRODUCTION**

The Town of Weddington invites proposals to develop a mixed-use development within the Town limits. The proposal should include a site-specific development plan containing building envelopes and dedicated open space components. The proposer is encouraged to provide for the dedication of land to accommodate a 5,000 square foot public facility that would house a public regional library. The proposal may include financing options available to facilitate the immediate construction of the regional library by the developer with a repayment model that anticipates the availability of public funds in 2014. In addition, the proposal may include phasing options for construction and development of various components of the mixed-use development.

The Town will accept proposals from 9:00 a.m. until 1:00 p.m. on \_\_\_\_\_, 2010, (hereinafter referred to as the “Proposal Due Date”). Proposals should be submitted to Jordan Cook, the Planning Director of the Town of Weddington, on the Proposal Due Date.

The Town wishes to enter into a non-exclusive development agreement (“Development Agreement”) with one or more developers and businesses who can demonstrate to the Town’s satisfaction the experience, qualifications and financial ability to develop a viable mixed-use development within the Town of

Weddington containing open space and public infrastructure components. The Town reserves the right to select the successful proposer based upon the experience, qualification and the Town's determination of the proposal that best fits the Town's needs as determined by the Town in its sole and absolute discretion.

Eligible proposers shall be development firms actively engaged in the development of mixed-used developments with a proven track record. The developer may consist of a joint-venture arrangement to ensure the control of the land, financial solvency and the successful development of the property.

This solicitation document should be read carefully and the instructions and requirements contained herein shall be followed in preparing and submitting the proposal. Proposals must be submitted pursuant to all the instructions and requirements of this RFP including without limiting the generality hereof the requirements contained in this RFP.

The Town will hold a pre-proposal conference in the offices of the Town of Weddington, located at 1924 Weddington Road, Weddington, North Carolina at \_\_\_\_\_ on November \_\_, 2010. The purpose of the pre-proposal conference will be to discuss this proposal and to answer questions regarding its requirements. Parties interested in attending the pre-proposal conference should contact Jordan Cook at 704-846-2709 before \_\_\_\_ on November \_\_, 2010, to obtain instructions on how to obtain entrance to the conference.

All parties wishing to have their proposals considered are encouraged to attend this conference.

## **II. CONTACT PERSON, INQUIRIES & PROHIBITED CONTACTS**

Any questions, comments or suggestions regarding this RFP should be submitted in writing to Jordan Cook, Planning Director, Town of Weddington, 1924 Weddington Road, Weddington, N.C. 28104-7389 or by email addressed to jcook@townofweddington.com. All requests must be received at least ten (10) days or more before the Proposal Due Date to be considered. Every interpretation made in response to a request for interpretation will be made in the form of a written Addendum which will be sent by facsimile transmission or by certified mail to all parties to whom the RFP has been issued. Submissions of a proposal shall constitute acknowledgment of the proposer's receipt and opening of any and all Addenda, and any subsequent claim that an Addendum had not been received shall be disregarded accordingly. Proposers may not rely upon any oral representations regarding the RFP.

Except for such contacts as are described herein, all proposers including any and all persons affiliated therewith or acting on their behalf or otherwise interested in this RFP are strictly prohibited from contacting elected or appointed Town officials, officers or employees on or regarding any matter relating to the RFP.

Proposers may be invited to make a presentation of their proposal and to be interviewed by the Town Council or a Committee appointed by the Town Council. The presentation may include, but not be limited to, information regarding the experience, qualifications and details and substance of their proposal. Should a proposer decline an invitation to appear for an interview, his proposal will not be given further consideration.

## **III. MINIMUM THRESHOLD REQUIREMENTS**

### **A. Land Control**

The Town is requiring that each proposer demonstrate its ability to control all lands included in its proposal. For purposes of this section, control shall mean, but not be limited to, enforceable options to purchase the land, joint venture arrangements with the landowner, fee simple ownership or long-term lease

arrangements. The proposal shall indicate the current zoning of all land parcels and whether rezoning of the land will be required. Where rezoning is required, the proposal shall identify the desired rezoning. The Town makes no commitment to rezoning the property to accommodate the desired development. Any required rezoning would be dependent upon the legislative powers of the Town Council and this proposal is not intended to compromise such powers. The Town reserves the right to rezone or not rezone the property to achieve the desired development result. If rezoning is required, the respondent should assume that the rezoning is successful for purposes of structuring its proposal.

#### **B. Minimum Land Mass**

To accommodate the proposed development to include open space and a public building component, the Town anticipates that the minimum land required for such a development should be no less than \_\_\_\_\_ acres. Of the approximate acreage, the Town anticipates that the open space component of the required acreage shall be at least 10 percent. In addition, the development should anticipate that the proposed public regional library shall require at least \_\_\_\_\_ acres and will include a permanent public structure of no less than \_\_\_\_\_ square feet and no greater than 25,000 square feet. Each proposal shall include a building envelop for the proposed public regional library including the acreage to be dedicated for that use and the size of the public library.

#### **C. Mixed Use Component**

The Town intends that the proposed development will establish a mixed use conditional zoning district. This land is intended to have a limited use district with high levels of design control including both site and building features. The Town anticipates a variety of office, commercial, retail, and limited residential uses. The Town, in evaluating each proposal, will consider accessibility, surrounding uses, site design, including building arrangement, aesthetics, landscaping, noise, lighting, pedestrian activity, signage, height, size and elevation design, traffic impact within the proposed development and the surrounding vehicular and pedestrian circulation and parking area design and location, setbacks, buffer effectiveness, compliance with LARTP and LRTP and storm water management.

Each proposal shall identify whether the proposed development can be accomplished under the current ordinances of the Town of Weddington or whether a text amendment will be required. It is anticipated that a land use plan amendment will be required where the proposed development is not currently within the area designated on the Town's land use plan for a mixed-use district. Again, the Town makes no commitment or guarantee that a land use plan amendment or a rezoning will be approved as that will be within the sole discretion of the Council.

#### **D. Scale**

The Town believes that the most feasible building type will be no more than a four story or forty feet, stick frame construction with structured parking. The entire project shall not exceed a Floor Area Ratio of 0.20. The architecture, quality of construction and building materials required will need to conform to or fit with the rural character of the Town of Weddington and established design guidelines.

### **III. PROPOSED CRITERIA**

The developer selected shall provide an implementation plan detailing the approach, plan and financial structure for the proposed development. The specific requirements include:

#### **A. Letter of Interest**

Developer's submittal shall be accompanied by a letter of interest, briefly summarizing the firm's interest and commitment to this effort. The letter of interest shall be limited to two pages.

**B. Developer Qualifications**

Each developer shall provide updated information demonstrating their ability and qualifications to perform the project.

**C. Physical Plan**

Each developer shall describe in detail the physical plan for the proposed land. The plans shall include physical quantities of office, commercial, retail and residential uses. In addition, the plan shall include open space uses and public building uses.

**D. Financing and Development**

The Town will work with selected developers to obtain approximately the \$\_\_\_\_\_ committed to the construction of a public library in Union County. This commitment is anticipated to be funded no later than 20\_\_ and is intended to cover all or a significant portion of the development costs for the library. The Town's preference is for the library to be funded and delivered ahead of the 20\_\_ plan and each developer should provide a model to accomplish this objective.

The model should anticipate reimbursement by Union County of funds dedicated to the regional library. The proposal should not anticipate any independent funding from the Town of Weddington.

The Town may consider a long-term land lease in lieu of a fee simple ownership interest in the land dedicated to open space and public infrastructure improvements.

**E. Management of the Development**

Describe in detail how the developer would organize the management of the development process and how much time key individuals would devote to a development effort.

**IV. SCOPE OF SERVICES**

The selected developer would be expected to perform the following services:

1. Determine a feasible development proposal for the site that accomplishes the Town's desire to expedite the construction of a regional library and to secure permanently dedicated open space. The Town encourages creative alternatives that maximize the dedicated site, achieves the goals of a mixed use development and provides a reasonable return on the investment for the developer.

2. Develop a site-specific building plan including identified building envelopes.

3. Develop a financing plan for the proposed development that includes models for the expedited construction and delivery of a regional library and repayment schemes.

4. Identify all land use, zoning, text, and annexation changes required to accommodate the proposed development and obtain the necessary approvals and permits, if selected.

5. Structure and secure all necessary operating funds.

6. Perform professional services including program planning, obtaining necessary permits and preparing project plans and specifications, organize appropriate ownership entities and prepare applications for funding and/or applications for reimbursement.

## **V. EVALUATION PROCESS AND SELECTION CRITERIA**

### **A. Proposal Review**

The proposal shall be reviewed by the Town Council or a Committee selected by the Town Council. At their discretion, they may contact references and industry sources, investigate previous projects and current commitments, interview some or all the references, visit some or all of the development cited and take any other information into account in their evaluation process. The evaluation panel also reserves the right to request clarification or additional information from residents.

### **B. Evaluation Criteria**

All proposals shall be evaluated based upon the proposal criteria detailed in the outline below. The evaluation panel will determine a competitive range based upon a standard criterion points system. Each respondent that falls within the competitive range will be allowed to proceed to the presentation and/or interview stage. The selection panel may consider unacceptable any proposal for which critical information is lacking or the submission represents a major deviation from the goals of the Town. The Town reserves the right to reject any and all proposals and to award any and all proposals that it determines meets the goals and objectives of the Town.

The following evaluation factors will be used in determining the competitive range, with 100 possible points:

#### **Physical Quality of the Development**

**40 points**

- The architecture, quality of construction and building materials conform to the Town's desire to maintain the rural character of the Town of Weddington.
- The physical plan for development was described in detail including building envelopes, building size, building location, amenities, etc.
- Included a timeline for the development process including key events and phases throughout the project.
- Provided conceptual design alternatives.

#### **Financial Strength of Proposal**

**20 points**

- Proposed financing structure and developer experience with relevant lenders, equity providers
- Demonstrated control of the land and commitment of land owner to the proposal
- Included timely delivery of building component and open space commitment
- Included a sound approach and financing to accommodate the delivery of the public components

**C. Oral Interview**

**20 points**

A phase of the RFP process is to schedule a presentation or interview with one or more of the developers determined to be in the competitive range. The goal of the oral interview is to assess the developer's understanding of the project and the strength of the developer's proposal. Presentations will be conducted on November \_\_\_\_, 2010 and shall address the following:

- Project approach, including program, design and implementation proposal that addresses on-site densities, building and housing types, project budgets, implementation schedules and physical designs
- Project budgets clarifying the timing, type and amount of return to the Town

**D. Negotiations**

**20 points**

At the conclusion of the oral interview, the evaluation panel will select, based on the criteria outlined in the RFP, one or more developers with whom to negotiate best and final offers for the site. Based on these negotiations, the evaluation panel will recommend the selection of a developer for contract award. The developer will be required to develop a memorandum of understanding (MOU) outlining business terms proposed for the agreements and the process of contract award. In the event an acceptable agreement cannot be reached, the Town reserves the right to initiate negotiations with the next most preferred developer. The process will continue until a mutually acceptable agreement has been finalized or until the selection process is completed or terminated.

**RFP Schedule**

<b>Advertise for Bids</b>	<b>12 ____, 2010</b>
<b>Respond to Questions from Developers</b>	<b>12 ____, 2010</b>
<b>Pre-Proposal Conference</b>	<b>12 ____, 2010</b>
<b>Town Response to Interpretation</b>	<b>12 ____, 2010</b>
<b>Proposals due</b>	<b>12 ____, 2010</b>

The Town reserves the right to modify the RFP schedule at the Town's discretion. All times provided are Eastern Standard Times. Proper notification of changes in the response due date will be made to all interested parties.

**C. Discussion of Landscaping Plan for Weddington Town Hall Access Road.** Councilmember McKee advised that Weddington Corners has hired a landscape architect to prepare a landscaping plan for the access road. Mayor Anderson asked that Councilmember McKee, Jan Taylor and Stephanie Belcher help coordinate the landscaping of the Town grounds with that road.

**D. Consideration of Proposed Text Change to Article V. Appointments, Board and Committees.**

The Town Council received the following memo from Town Administrator/Clerk McCollum:

Attached please find a document showing minor text amendments to Article V. Appointments, Boards and Committees of the Code of Ordinances. This text amendment does not require a public hearing. This



amendment corrects the name of several of the committees and adds the Public Safety Advisory Committee under this section.

#### **ARTICLE V. APPOINTMENTS, BOARDS AND COMMITTEES**

Sec. 2-151. Boards and committees.

(a) The following boards and committees have been established by the town:

- (1) The planning board, the responsibilities and duties of which are set forth in chapter 38, pertaining to planning.
- (2) The board of adjustment, the responsibilities and duties of which are set forth in chapter 58, the town zoning ordinance.
- (3) The historic preservation commission, whose responsibilities and duties are set forth in chapter 26, pertaining to historical preservation.
- (4) The parks and recreation **advisory** board.
- (5) The downtown **development** committee.
- (6) **The public safety advisory committee**

(b) The council may establish and appoint members to additional boards and commissions to carry out the work of the town when necessary. This power shall be exercised by the council when it has not been previously delegated to the mayor.

Mayor Pro Tem Barry moved to approve the proposed text changes to Article V. of the Code of Ordinances. All were in favor, with votes recorded as follows:

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

**E. Update on Drafting of Ordinance Regulating Air Quality and the Residential Open Burning of Yard Waste in the Corporate Weddington Town Limits.** Mayor Pro Tem Barry advised that the Union County Sheriff's Attorney is reviewing the text and making recommendations since their office will be enforcing the ordinance and language will be available at the January Town Council Meeting.

**F. Update from December COG Meeting – Councilmember Werner Thomisser.** The Town Council received a packet of the information given at the December 8, 2010 COG Meeting.

**Item No. 13. Update from Town Planner.** The Town Council received the following update from Town Planner Cook:

- The Trust for Public Land has created base maps with proposed trail locations based on the feedback received at the four Listening Sessions. The Steering Committee met on December 1<sup>st</sup> to discuss the base maps and schedule Open House meetings for each community. These Open House meetings will occur in January or February and give citizens the opportunity to discuss the base maps and trail locations. Please see the following website for further information: <http://www.carolinathreadtrail.org/>
- The B-1(CD) and B-2(CD) Rezonings will take place after I have met with all property owners involved in the rezonings. Meetings with the property owners are currently being scheduled.
- NCDOT has completed the access road behind Town Hall and removed all of the berm along Weddington-Matthews Road. Weddington Corners is currently working on hiring a Landscape Architect to develop a landscaping plan for the road. Weddington Corners is also applying for a sign permit to construct a sign at the entrance in accordance with the Driveway Easement.
- NCDOT has acquired the right-of-way needed to install turn lanes and a traffic signal at the intersection of Hemby Road/Beulah Church Road and Weddington-Matthews Road. Installation

of the traffic signals has begun. The turn lanes and signal should be completed by late 2010 or early 2011.

- The Town Council and Planning Board recommended adding private banquet, reception and conference center use(s) as a permitted use in the MX Zoning District rather than adding it as a Conditional Use to all residential zoning districts. This citizen proposed Text Amendment is currently being reviewed by Anthony Fox and will be on an upcoming Town Council agenda.
- Scott Buzzard (Downtown Development Committee Chair), David Grant (Union County Urban Forester) and I will meet with Tim Simpson (NCDOT Roadside Environmental) about the landscaping plan on Providence Road.

**Item No. 14. Update from Town Administrator/Clerk.** The Town Council received the following update from Town Administrator/Clerk McCollum:

The Coat Drive went well with over four bags of coats being delivered to the Union County Christmas Bureau. We are now collecting non-perishable food and new or gently used toys at the Town Hall for the Bureau. We will be accepting donations through December 16.

The 3<sup>rd</sup> Annual Tree Lighting was a huge success with approximately 250 people attending.

List of updated Goals and Objectives from the March Retreat and the WCWAA Costs Worksheet is in the front of your Council Books.

**Upcoming Dates**

- December 20 - Planning Board Meeting (7:00 p.m.)
- December 24 and 27 – Town Hall Closed for Christmas
- December 31 – Town Hall Closed for New Year's

**Item No. 15. Public Safety Report.**

**A. Consideration of Directing Public Safety Advisory Committee to Investigate Strategies to Minimize Speeding on Providence Road.** By consensus the Town Council directed the Public Safety Advisory Committee to investigate strategies to minimize speeding on Providence Road.

**B. Update from Wesley Chapel VFD and Providence VFD on Steering Committee and Meeting Date.** The Town Council received the following memo from Town Administrator/Clerk McCollum:

The Providence VFD Steering Committee consists of the following people:

Steve Cloutier - President  
Jack Parks - Vice President  
Steve Carow - Treasurer/Assistant Chief  
Daryl Matthews - Chief  
Ken Evans - BOD Member

The Wesley Chapel VFD Steering Committee consists of the following people:

Butch Plyler - President  
Terry Byrum - Vice President  
Carolyn Richards - Treasurer  
Chuck Rohland - Secretary  
John Rogers - Chief  
Steven McClenden - Assistant Chief Station # 26

Jimmy Kubach - Assistant Chief Station # 31

Both departments have advised me that the first meeting will occur in January but they do not have a definite date set yet.

**C. Review and Consideration of the Public Safety Advisory Board's Mission Statement and Rules of Procedure.** The Town Council received a copy of the Public Safety Advisory Board's Mission Statement and Rules of Procedure. Mayor Pro Tem Barry moved to approve the Public Safety Advisory Board's Mission Statement and Rules of Procedure recognizing that non-residents are no longer allowed to serve in a voting capacity.

Councilmember McKee – That will put us at an even number.

Mayor Pro Tem Barry – You will need to reappoint someone else.

All were in favor, with votes recorded as follows:

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

**Providence VFD**

Fire Calls – 20

EMS Calls – 9

Total Calls – 29

Training hours for the month - 127

**Wesley Chapel VFD**

October – 145 Calls

November – 93 Calls

**Weddington Deputies**

276 Calls

**Item No. 16. Update from Finance Officer and Tax Collector.**

**A. Finance Officer's Report.** The Town Council received the Revenue and Expenditure Statement and the Balance Sheet for November 1, 2010 through November 30, 2010.

**B. Tax Collector's Report.**

**Monthly Report – November 2010**

Overpayments	\$(2,659.85)
Pay Interest and Penalties	\$(99.73)
Refunds	\$2,659.85
Adjust Under \$5.00	\$5.00
Taxes Collected:	
2010	\$(189,489.00)
2009	\$(305.04)

2008	\$(329.21)
As of November 30, 2010; the following taxes remain outstanding:	
2002	\$82.07
2003	\$196.11
2004	\$159.59
2005	\$320.66
2006	\$218.06
2007	\$511.14
2008	\$4,482.01
2009	\$9,851.95
2010	\$242,923.18
Total Outstanding:	\$258,744.77

The Town Council also received the Unpaid Balance Report by Receipt Number.

**Item No. 17. Transportation Report.** Mayor Pro Tem Barry advised that the Town is moving forward on discussions regarding the Rea Road Extension.

**Item No. 18. Council Comments.** Mayor Pro Tem Barry advised that he had received a phone call regarding one of the agenda items and had been given his first political ultimatum. He stated, "I advised this person that I am a free thinker and will continue to do so."

**Item No. 19. Closed Session.** Mayor Pro Tem Barry moved to go into Closed Session pursuant to the following: Approval of Closed Session Minutes and Pursuant to NCGS 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged and Pursuant to NCGS 143-318.11 (a) (5) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

All were in favor, with votes recorded as follows:

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

**Item No. 20. Consideration of Pursuing PARTF Application FY 2010-11.** No action was taken regarding pursuing the PARTF Application at this time.

**Item No. 21. Adjournment.** Mayor Pro Tem Barry moved to adjourn the December 13, 2010 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

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

The meeting ended at 12:01 a.m.

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Nancy D. Anderson, Mayor

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Amy S. McCollum, Town Clerk