

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, APRIL 11, 2016 – 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 April 11, 2016, with Mayor Bill Deter presiding.

Present: Mayor Bill Deter, Mayor Pro Tem Don Titherington, Councilmembers Scott Buzzard, Janice Propst, Michael Smith, Town Attorney Anthony Fox, Finance Officer Leslie Gaylord, Town Planner Julian Burton, and Administrative Assistant Tonya Goodson

Absent: Town Administrator Peggy Piontek

Visitors: Bill Price, Jonathan Keith, Elton Hardy, Edlyn Niimi, Aislinn Niimi, Sherri Madden, Carlyle Fulton, Laura Schoeck and Anna Marie Smith

Mayor Bill Deter offered the Invocation prior to the opening of the meeting.

Item No. 1. Open the Meeting Mayor Deter opened the April 11, 2016 Regular Town Council Meeting at 7:00 p.m.

Item No. 2. Pledge of Allegiance Mayor Deter led in the Pledge of Allegiance.

Item No. 3. Determination of Quorum There was a quorum.

Item No. 4. Special Presentation

- A. Weddington Classics Week Proclamation – Mayor Deter read the Proclamation and presented it to representatives from the school. **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**
- B. National Day of Prayer Proclamation – Mayor Deter read the Proclamation. **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**

Item No. 5. Public Comments – *None*

Item No. 6. Additions, Deletions and/or Adoption of the Agenda

Councilman Michael Smith made a motion to add Council Staff Liaison Position as item 11D under New Business. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

Town Planner Julian Burton – I would like to suggest that we move Item 11 New Business in front of item 10 Old Business because we have an applicant present.

Mayor Pro Tem Don Titherington made a motion to approve changing the agenda pursuant to staff recommendations. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Item No. 7. Consent Agenda

- A. Call for Public Hearing: Review and Consideration of Text Amendment to Section 58-3 to create enforcement procedure for recurring violations to the zoning ordinance
- B. Roadway and Water/Sewer Performance Bond Reduction for Atherton Estates Phase 2 to \$59,327.88

Mayor Pro Tem Titherington moved to approve the Consent Agenda. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Item No. 8. Approval of Minutes - None

Item No. 9. Public Hearings

Mayor Bill Deter opened and closed the public comments portion of all the public hearings as no one signed up to speak for any of them.

- A. Review and Consideration of a Text Amendment to Section 58-4 to revise the definition of open space and further prioritize view shed protection.

Town Planner Burton – This is for a Text Amendment to Section 58-4 to revise the definition of open spaces and further prioritize view shed protection. Section 58-4 is the section of our Zoning Ordinance that provides definitions for different terms used throughout the Zoning Ordinance. This Text Amendment is specifically for the definition for open space and this puts additional emphasis on using required open space to protect the view shed. It makes protecting that view shed a general requirement while still giving Council flexibility in unique situations.

Town Attorney Fox – For the record the hearing has been opened and closed.

Mayor Pro Tem Titherington moved to approve Text Amendment change to Section 58-4 as stated and recommended by staff. **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**

All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

- B. Review and Consideration of Text Amendments to Section 58-58 to further prioritize the view shed in conservation subdivisions, and to encourage even distribution of conservation land when proposed subdivisions are divided by a thoroughfare.

Town Attorney Fox – For the record the Mayor opened the public hearing, acknowledged that no one signed up for any of the items listed under this section and then closed the public hearings.

Town Planner Burton – This Text Amendment is in Section 58-58 and also deals with view shed and also defines RCD Residential Conservation District. Both of the amendments in this section are related to minimum required conservation length. The first under Roman numeral I makes view shed from the road a top priority for designation of conservation land. Both of these amendments are a result of the Town Retreat. Under Roman number IV this is specifically dealing with Conservation Subdivisions that may be bisected by a minor or major thoroughfare. It generally requires that 50% of each side's gross acreage be designated as Conservation Land. It does still allow the Council flexibility in unique situations.

Mayor Pro Tem Titherington moved to approve Text Amendment change to Section 58-58 as outlined by staff. **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**
All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

- C. Review and Consideration of a Text Amendment to Section 58-146 to further control signs placed on trees within a right-of-way.

Town Planner Burton – This is an Amendment to Section 58-146 that deals with prohibited signs. Currently our Ordinance prohibits signs placed on trees but it was felt that we could add some additional clarity to what we meant by trees. This Amendment specifies that it is trees located on public land or lies within a public road right-of-way.

Mayor Pro Tem Titherington moved to approve Text Amendment change to Section 58-146 as outlined by staff. **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**
All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

Mayor Pro Tem Titherington – Julian, please thank the Planning Board for working through that so quickly as a result of the retreat. I appreciate it.

11. New Business – *This matter was moved up as a result of a motion made in Additions and Deletions by Mayor Pro Tem Titherington.*

A. Update to Town Policies

B. Review and Consideration of Non-smoking Policy

Mayor Deter – This came up at the retreat and we were looking at all the policies being current. A sample is in your packet and after discussion with some of the Council a question that came up regarding the section referring to “buildings owned, leased by the Town”. Obviously we own another building that’s leased. I have been in contact with Wesley Chapel and all of their fire stations are non smoking so as far as they are concerned it’s not an issue. Another question pertains to no reference to E-Cigarettes which is something unique unto itself.

Town Attorney Fox – It’s currently defined as smoking is the use of a lighted cigarette, cigar, pipe or any other lighted tobacco product.

Councilman Buzzard – It is not a lighted product and several employees where I work switched to E-Cigarettes and they are just as bad. Is there a way to have them encompassed in the policy?

Town Attorney Fox – The best approach is to incorporate that now just to clarify the ambiguity.

Councilwoman Propst – So we would just add lighted cigarettes, cigar, pipe and electronic cigarettes or any other lighted tobacco. Will there be designated outside areas for smokers? It says 20 feet away from the building and I’m wondering if we should consider having a specific smoking area on the property.

Mayor Deter – My personal opinion is if someone wants to stand out in the parking lot and smoke its better than directing them to a certain location.

Mayor Pro Tem Titherington – I agree with the common sense approach on that because then we will need to put a receptacle there.

Councilwoman Propst – So just common sense they know its 20 feet away from the building hopefully they know to go out to the parking lot.

Mayor Pro Tem Titherington – Right, and if it becomes an issue we don’t have to renew the policy we can just create a visible smoking area.

Town Finance Officer Leslie Gaylord – How would this work with our events when we have the kids around?

Councilman Buzzard – It might be for special events we designate smoking areas. That could be something you could set up.

Councilwoman Propst – Would we have to state that in our Ordinance?

Town Attorney Fox – This Ordinance enforcement really relates solely to employees. This is only with regards to prohibition with your staff.

Councilman Smith – This is an internal policy - is that what we are putting it under?

Town Attorney Fox – It's a policy with regards to your staff. We also have an Ordinance that we have followed.

Mayor Deter – I'll read the Ordinance because I'm assuming we would want to do the Ordinance the same. *"The smoking of cigarettes, cigars or pipes in buildings, facilities and vehicles or on grounds or property now owned or hereafter acquired by the Town is strictly prohibited" Violation of this section shall be a misdemeanor and shall be subject to enforcement set out in General Statute".* The General Statute is a \$50.00 fine that's from the North Carolina General Statutes.

Councilman Smith – So under the policy are we saying we're going to allow them to smoke 20 feet from the facility but in the same capacity they are not allowed to be on the property?

Mayor Deter – This is an opportunity to get them in sync and because the Ordinance 34-1 doesn't reference E-Cigarettes either, I'm looking for direction from Council whether to update the ordinance to include E-Cigarettes.

Councilman Smith – Wouldn't any ordinance supersede the internal policy?

Town Attorney Fox – The issue we were having with Peggy was whether or not you wanted to do it by ordinance or policy. It was communicated that there was not an agreement on which way Council wanted to go with that. An ordinance is actually broader than a policy statement and it would supersede the policy. I would think that the Council would adopt one or the other and not both. Therefore you wouldn't have a conflict. The ordinance has more force and effect and can be enforced against other people.

Mayor Deter – What I'm hearing is we would probably be better off not to have a company policy; this one is geared strictly to employees but have an ordinance that's more encompassing. We don't need both. We can't address an ordinance at this meeting tonight because it's not on the agenda.

Town Attorney Fox – There are some questions that need to be resolved: What is the scope of the prohibition that you want to apply? Do you want to restrict it? It currently restricts it from this property (the Town Hall) but any property owned by the Town or leased by the Town. That would include the fire station and the building associated with the fire station. I'm hearing that it appears Council is comfortable with that prohibition. Then the issue is do you want to allow the policy to provide a place where smokers who are on those premises an area they can go to and use those for smoking purposes. Some prohibit it all together and some do allow some designated areas.

Mayor Pro Tem Titherington – I take it we are trying to get the existing policy updated is what the objective was out of the retreat. Some of our policies were written a while ago. The second thing-realistically Town property ends at the sidewalk so too if you wanted to use the ordinance definition on Town property it's not to be overly cumbersome to anybody. Either they can walk that way instead of this way 20 feet and be on Town property, that's the reality.

Councilwoman Propst – Unless they are at an event and if they are at the back of the property we could have some issues.

Mayor Pro Tem Titherington – That would be covered by the ordinance, it would say Town property allowing you to say smoking areas of Town property which of course is the parking lot.

Mayor Deter – Something for Council to consider whether it's not at all or whether it's now within 20 feet of an entrance and not at events. That balances it.

Councilman Smith – I think we should make it simple and ban it from the property. Do we really want to get into distance? It makes it complicated. If you look at most of them you are not allowed to do it on the property and I think just to make it simple and easy to enforce you are not allowed to smoke on the property.

Mayor Pro Tem Titherington – If there is an event and they have to smoke they can go to their car. It's right there I don't think it's an overly cumbersome process for anyone.

Mayor Deter – What I'm hearing is not on the property at all. The property will include the fire station.

Town Attorney Fox – Well actually your property would include if you were to do an event and leased that property because it's under lease by you it also would apply to that.

Mayor Deter – What I'm hearing is we are not taking anything on this as a policy but we're saying to give Anthony direction to incorporate that into updating the Ordinance 34-1.

Town Attorney Fox – I'm including E-Cigarettes and there's no carve out for any leased property, owned property for any smokers.

Mayor Pro Tem Titherington – I think that's what I heard, but just to be clear you are going to have to update the policy to say that it's in line with your ordinance. The policy will be very simple; the smoking policy in the Town of Weddington is in alignment with the ordinance.

Town Attorney Fox – We are going to revisit the employee handbook as Council is aware from the retreat. That's being undertaken.

Mayor Deter – I'm going to summarize, Council has given direction to Anthony to incorporate not on the Town property whether it's leased or whatever and to include E-Cigarettes.

Town Attorney Fox – The ordinance can be enforced by a multitude of ways. The draft that has been prepared really just makes it an infraction subjecting the person to a fine of \$50.00.

Mayor Pro Tem Titherington – That's consistent with Union County buildings and Marshville.

Councilwoman Propst – Do we need to post the notice?

Mayor Deter – Will there need to be a public hearing?

Town Attorney Fox – It's not a Zoning Ordinance; you don't have to have a public hearing.

C. Review and Consideration of Final Plat Phase II Map 1 for the major subdivision, the Falls at Weddington –

Town Planner Burton – The Falls at Weddington LLC submitted a Subdivision Final Plat Application for 48 lots of the approved Residential Conservation Subdivision the Falls at Weddington, located off Antioch Church Road. The preliminary plat was approved in 2014 and consists of 185 lots. This is 48 of the approved 185 lots. If you remember this is a subdivision bisected by a thoroughfare. These are the lots located on the east side of Antioch Church Road. One of the major conditions associated with preliminary plat approval is construction document approval by our engineering consultant US Infrastructure (USI). They have partially approved the construction documents for the entire subdivision and we are still waiting on a couple of items for the west side of the Falls at Weddington. However all 48 lots on the east side that you are looking at and reviewing today have been approved in terms of the construction documents. In my staff report I have listed 8 conditions that are standard for final plat approval, mostly making sure that financial guarantees are in place all other documents being recorded have been reviewed by the Attorney. The Planning Board reviewed the final plat on March 28th and recommended approval unanimously. I will be happy to answer any questions and the applicant Jonathan Keith is also available to answer any questions.

Recommended Conditions of Approval:

- 1. Bond estimates to be approved by the Town's engineering consultant.*
- 2. Bond instruments to be reviewed and approved by the Town Attorney, and the final bond instruments must be submitted to the Town prior to recording of the final plat.*
- 3. Declaration of Conservation Easement and Restrictions shall be reviewed (by Town Attorney) and executed prior to recording of the final plat.*
- 4. Maintenance Plan and Maintenance Agreement shall be reviewed (by Town Attorney) and executed prior to recording of the final plat.*
- 5. Covenants, Conditions and Restrictions (CCRs) shall be reviewed (by Town Attorney) and executed prior to recording of the final plat.*
- 6. Each remaining lot to be recorded in the Falls at Weddington subdivision shall include on its Deed a statement that any roads in the subdivision that are not accepted by NCDOT are private and not the responsibility of the Town of Weddington and shall be maintained by the Falls at Weddington Homeowners Association or its Developer.*
- 7. Vehicle control signs including but not limited to stop signs and speed limit signs shall be installed by the Developer and maintained by the Homeowners Association on any roads not accepted by NCDOT. All speed limits within the subdivision shall be no greater than 25mph .*
- 8. Coordinate with USPS and DOT to provide cluster mailboxes within subdivision.*

Councilman Smith – I know we discussed some of the spreading fields. Where do they stand at this point?

Mr. Keith – They are in design right now.

Councilman Smith – Okay. Any issue there that you can see?

Mr. Keith – Not at this particular time. No.

Councilman Smith – Okay.

Town Attorney Fox – This is a conditional final plat approval. I assume it's the intent that the final plat approval will not attach until all the conditions are met.

Town Planner Burton – Correct.

Town Attorney Fox – So there will not be any recordation of any plats until there has been affirmative indication from Julian that these conditions have been met.

Town Planner Burton – Just to clarify correct that all these conditions have been met. I didn't know if you were speaking specifically to the construction document from the other side.

Town Attorney Fox – No.

Town Planner Burton – Okay. Yes, that is correct. We won't have the Mayor sign the Mylar until all of this has been addressed.

Town Attorney Fox – I'm just trying to figure out if there is anything that will require interpretations by staff and if they get to the point where they require direction, if there are gray areas, it's going to need to come back to Council. I just wanted to make sure that's included on the map. If there are objective measurements of compliance and its clear and good it's just that this is a conditional nature of a final plat.

Mayor Deter – So the Council can approve it upon the conditions and if Julian runs into a situation he can bring it back to the Council for clarification?

Town Attorney Fox – Because USI has not finalized its review of the construction documents.

Town Planner Burton – They have for this.

Mayor Pro Tem Titherington – They have for the East side which is what we are doing tonight. I think the west side is getting caught up with the Lake and whatever.

Town Planner Burton – Yes.

Mayor Pro Tem Titherington moved to conditionally approve Final Zoning Plat Phase II Map 1 as outlined by staff subject to 8 conditions as outlined to staff and Council's satisfaction. All were in favor with the votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

D. Council Staff Liaison Position – *This item was added as a result of a motion made in additions and deletions by Councilman Smith.*

Councilman Smith – I have given this consideration for some time and I think Council should consider appointing one Council Member as the Council staff liaison. The reason is to help foster some of the efficient communication between the Council and the staff. I know everyone has different schedules and I think that if we have one focal point it might make communications a little bit easier. Another duty would be to assist the staff with any concerns or issues that they might be having. It would help work through them and help staff implement any new policies set forth by the Council ensuring a smooth transition to those policies. When appropriate the liaison would report back to the Council with any issues or concerns. The one thing I want to stress is that this is not intending to prohibit any Council Member from speaking with any staff member on any issue or visa versa. Hopefully it will make communications more efficient and smoother. It is suggested to assist both the Council and the staff. I know that Scott manages a small business and deals with personnel issues and this is kind of in his wheelhouse. So I have spoken with him about this and I think he might be a good candidate for this. I'm opening it up for discussion.

Mayor Pro Tem Titherington – A scope of the role and responsibilities would make things a little meat on the bone for me I guess.

Councilman Smith – Just what I said - any policies set forth, as the role goes on it can expand or it can get smaller whatever the Council wants it to be. I know there are some new things that we're doing in Council that the liaison can help with. I know that there have been several occasions just due to the way things move I wasn't aware of certain things so it would be the liaison's responsibility to make sure the Council was fully aware of what's going on.

Mayor Pro Tem Titherington – It seems a little gray to me. What's the meeting frequency and objectives?

Councilman Smith – Okay. Well say there's a conflict with staff that liaison would handle that conflict. Bill and I experienced this ourselves, one staff member goes to one Council Member and another staff member goes to a different Council Member. This would eliminate that so if there's any conflict you would go to the liaison. If there are any reviews or stuff like that the liaison could assist the Administrator with that.

Mayor Deter – I kind of view it as a role that I think I've been filling and trying to do. I think you're saying instead of having the Mayor do it have a Council Member do it. The way I see it the whole process is going to continue as it does; it will just be a different person.

Councilman Smith – One of the reasons I was looking at Scott is in addition to his experience as a manager he is just starting a four year term. I went around looking at the most likely candidates and for me it's somebody who will provide continuity for four years along with his background and experience.

Councilwoman Propst – It makes sense to me. It gives the staff a chance to have another person to go to if there is a conflict. They know the person that they should go to who should talk to everyone if there is

an issue. Again, if that liaison needs some assistance obviously he can reach out to all of us as well. So it makes sense to me. If Scott would be willing to do it.

Mayor Deter – I will speak a little bit from the Mayor's perspective. I view it as the same thing that I'm doing now. A lot of the liaison I do with staff is obviously during working hours 8-5. What if there's a call. "Can you come up? I have an issue?" I know Scott works so I'm not sure if he can meet up here during working hours if that's when things come up. Again, it's going to come down to the Council. I think we're talking same thing, same processes. It's just changing the individual and if I'm not doing the job appropriately then fine, that's the Council's prerogative, they can do what they want.

Councilman Smith – It has nothing to do with that. It's never been officially appointed and it's said you've done it to a certain degree but we've all been doing it in one form or another on various occasions. Scott, Bill brings up a very good point with your schedule. Is this something that would be conflicting with your schedule? Would you be able to perform this should you need to come up during business hours? Is this something that would stand in the way of your work schedule?

Councilman Buzzard – For the most part I'm flexible with my work schedule. I don't know that I could spend two or three days in a row sitting up here but certainly bouncing back and forth. I only work over in Stallings so it's not like I'm travelling from afar.

Councilman Smith – This position can change or be eliminated if anyone feels that it's not being useful. It's time for it. I don't want it to be nonflexible.

Mayor Pro Tem Titherington – I like the idea and I think it has been on an ad hoc basis. Bill with his schedule has been able to jump into a lot of these things some of them are momentary. You are up here signing some things and by the way we have this issue. There's a convenience factor of being here. To make sure that there are no unintended consequences or conflicts I guess that's why I'm wondering what the job description is. What are the roles and responsibilities? I'm not clear. I understand the concept of high level but I think clarity of purpose is tremendously important to both the staff and Council. You don't want to get into turf wars and those things. That's why I'm feeling a little gray. We live in gray but I think to me I'd like to see the scope of the role and responsibilities. For example if there is this type of scenario this would be the intent because you don't want to get into a situation where Bill is up here signing something and staff says hey, this just popped and then somebody says I'm not that person - you know what I'm saying.

Councilman Smith – That could happen to any one of us. This then prevents that from happening. That the person that you go to is this if there is conflict. That has happened where Bill's been tapped for something and I've gotten tapped for something. I'm trying to add some consistency and hopefully some assistance to staff. This can change; we can expand the roles as this goes on. These are just my thoughts at first so if Council has some additional responsibilities or doesn't want them to take on certain responsibilities that could be adjusted or discussed as well.

Councilwoman Propst – Then since Scott is in Stallings he can easily say this is the best way to contact me and then we will work out a time to get together with that staff member that has an issue. Whether it's over the phone or whatever.

Mayor Pro Tem Titherington – I just think we need a conception of the issue and its formalizing process would be good. I just think there needs to be clarity. You don't also want staff get that I should have gone to so and so but I didn't because I'm here and there's protocol. There should be some protocol internally too. The way we are set up so I would just like to see a little more of a job description. What do we really intend for this role to do and the important part is clarity for us.

Councilwoman Propst – Didn't you have a list of things?

Councilman Smith – Yes I did, I mean I could send it.

Councilwoman Propst – Yes, send it again.

Mayor Pro Tem Titherington – Well I haven't seen anything.

Councilwoman Propst – Me neither.

Councilman Smith – I just hashed these out because if we're going to do this it's to foster an efficient line of communication between the Council and the staff, assist staff with any issues or concerns personal or work related, help staff with implementing any new policies set forth by the Council for a smooth transition. The liaison would then report back to the Council if needed or would communicate with the Council; that's the whole process to keep the Council informed. This is not intended to limit any Council Member from speaking directly to staff on an issue with any employee or staff or visa versa. I encourage that; it's really just to make sure that the lines of communication are open.

Councilwoman Propst – They can feel comfortable with the person and they have somewhere to go to.

Councilman Smith – Yes, and they know who that person is.

Town Attorney Fox – This item is listed for discussion purposes and what might be a good opportunity. What I'm hearing from this discussion is that this is also a person who is going to be identified to staff as a person that staff goes to and seeks out or inform them of any issues. For that purpose it might be best to reduce it to writing so that you have clarity and staff has clarity of who and what they can bring to the person.

Mayor Deter – I'm assuming staff if they have employment related issues that the first person they are going to go to is the Town Administrator/Clerk who they report to. Then if they feel there's some issue there and I think Peggy's kind of set this up, I'm not sure, then fine you can go a Councilperson or whoever. You don't want to set up a situation where they coming to a Councilperson and yet they report to the Town Administrator.

Mayor Pro Tem Titherington – That's what we're trying to set up.

Councilman Smith – Well and that's exactly part of this intent because on occasion that has happened. This was just brought up and I wanted to give the Council time to provide input into this. I would want to seek everyone's opinion on this, on what is this role and then discuss it at a later date.

Mayor Pro Tem Titherington – I like it; I just think it needs to be formalized and in writing in roles and responsibilities. I don't want to get too corporate but you're right, the first one is your manager and then if you don't feel you have a resolution then here's the appeal process.

Councilman Smith – Right and then we can set structure to it. I feel the whole Council should have input on this.

Mayor Pro Tem Titherington – So this was for consideration, I like the idea. I would make the objective and scope, Mike, and it looks like you did some writing already.

Councilman Smith – That's just some points I wanted to throw out there. I want all of you to write down what you feel this should be.

Mayor Pro Tem Titherington – No, but if you are going to start the process circulate it back.

Councilwoman Propst – Yes, email us all that and then we'll add to that.

Councilman Smith – Sure.

Mayor Deter – I think we'll have to table this. Right now I see it as personnel issues but I think it's probably more than personnel issues so we need to make sure we have clarity on that. One of the roles the Mayor has to do is liaison with staff and the Administrator as agendas are put together and draft agendas are sent out. I don't want to get double tagged.

Councilwoman Propst – It's not about that.

Councilman Smith – No.

Mayor Deter – Well that's the reason I think we need clarity on what this stuff is.

Mayor Pro Tem Titherington – We need the object and scope.

Councilman Smith – I'll send you an email you guys add to what you want and then we'll bring it up again and then turn the new one back to the Council.

10. Old Business– *This matter was moved down as a result of a motion made in Additions and Deletions by Mayor Pro Tem Titherington.*

A. Town Hall Update

Councilman Smith – I know Bill's working on the painters and scraping the building and getting that all fixed up. It looks like it's coming along pretty good. I've been working on trying to find a mason and I didn't think it would be such a difficult task. I spoke with one and asked if he had insurance, he assured me he did and when he arrived advised that he didn't. It's kind of been archived. I'm still working on it and am making some headway. That and I'm also working on getting a handyman. There is work that we need to get done. I found two but only received estimates on one that's going to be calling me back

about installing the drop box and possibly installing the brick. As far as the landscaping, just to make you aware and to put on your radar, in June Daryl's Landscaping contract will be up for renewal. I don't think we've done any competitive bid process in the last couple of years so I've been talking with Janice on this and she's graciously volunteered to help me find some estimates from other companies to be competitive. The landscaping is separated into two contracts - one for the Town Hall and a separate one for the medians. I believe Janice is going to take of both of those for me and I greatly appreciate that.

Mayor Pro Tem Titherington – So the contracts up in June; it's going to roll over because Daryl's done a great job in the Town. I love driving in Western Union County because you know when you're in Weddington and as soon as you leave it you have no idea where you are. It builds a great sense of community too. But if we're thinking that we need to have that bid out again just to be compliant, then we probably need to think about that process now, its mid April.

Councilwoman Propst – That's what I'm going to do. Daryl will submit a new bid and I'm going to get two other companies.

Town Attorney Fox – Daryl's services are a services contract meaning that it's not governed by the Public Bid Statutes - it's just a policy that you bid out most contracts. There you can solicit others and you don't have to put it in a formal document.

B. Review and Discussion of Preliminary Budget for Fiscal Year 2016-2017

Mayor Deter – We will keep this on the agenda until we get an actual approved budget. There was information in the packet.

Finance Officer Gaylord – I wanted to go over some of the modifications from last the version of this for you. The last page of the non-operating discretionary expenditures - the long page - I updated those to where we are to date. We got a letter from the County for the deputies so the number I put in there for the deputies is the increase that they have asked for. It was \$9,945.00 which is a basic 4% increase. I got with Julian to kind of firm up what we might anticipate to be some subdivision and permit fee numbers and I put those in there. I took all of these items that are on this page and put them in the budget that was in the front. It is now a zero balanced budget. Before it was an operating budget. Those numbers are in yellow on the page. The County sent this afternoon their tax valuation. The number that we have in there was our estimate. We estimated it just under a 2% increase; they are coming in at 2.75% so the number I've got, it's only like a \$10,000.00 revenue difference. I don't know that it's worth changing. Since we're below I would leave it the way it is. If you are all good with where we are I don't know that we need to have a budget work session. I think we can just come back in May and hammer out the final details.

Mayor Deter – In May we have to call for the Public Hearing.

Finance Officer Gaylord – I spoke with Steven McLendon and he thinks he can present in May. He's getting me some information; I'll look at it and make sure it's what you want. He will come before the Council and go over his number in a little more detail.

Councilwoman Propst – Since that's our biggest budget item I just feel like we need a little more detail.

Finance Officer Gaylord – If there's anything else you need or you feel like we need to meet again just let me know.

Mayor Pro Tem Titherington – I saw that you put the DOT placeholder in there as well; thank you.

Finance Officer Gaylord – I changed the account headings for spring evnt and infrastructure; I got that in there this time around.

12. Update from Planner

Town Planner Burton – My memo is in your packet. Several subdivision updates: The Falls at Weddington Amenity Center should be on the Planning Board agenda; Graham Allen may also be on the Planning Board agenda; the preliminary plat which is the 25 lot subdivision at Weddington Matthews Road and Antioch Road and Sugar Magnolia is on the brink of submitting their preliminary plat as well. Something newer than those items is we did receive a TIA scoping package for a new 132 lot subdivision located off Providence Road. There is an additional 49 lots that are proposed within Union County but it looks like it will be one Unified Development developed under two Zoning Ordinances potentially. We have asked them to do the TIA for 181 lots and they have agreed to do that.

Mayor Pro Tem Titherington – Before you leave Graham Allen that intersection is kind of like the four corners of the county. You have Stallings, Indian Trail, unincorporated Union County there and then Weddington. So as we look at the TIA and that turn that you went over with Sean and Lee about 3-4 months ago. Since then that property to the north has been sold and I think if you look at the Stallings site they have that mapped out for multi-family. Do we need to get with DOT now and are their assumptions correct still? The main reason I'm asking is that road is backing up pretty heavily and if they are only looking at that impact for Graham Allen and not taking the rest of that into account I get a little nervous.

Town Planner Burton – I can certainly confirm that with NCDOT. I know coming up on Weddington Matthews Road is just a right in, there's no left turn access at all. It's restricted and then on Antioch Road I think there's already room for the turning lane and I think it would be there already.

Mayor Pro Tem Titherington – I can start taking some pictures if you want because it's backing up in the morning all the way back. It's just one of those things that if it made sense six months ago does it still make sense today in light of what Stallings is looking to allow there. If I recall correctly they are under our TIA.

Town Planner Burton – No that's incorrect - they did not have to do a TIA.

Mayor Pro Tem Titherington – That's what I'm saying. They didn't have to do it because they are under that threshold so I just want to make sure we get all that squared away.

Town Planner Burton - Threshold Church is currently working through their TIA for a new Conditional Zoning application for what will be Phase II. I'm predicting it will be on the May Planning Board agenda. A couple of Text Amendments that should be on the next Planning Board agenda. One is some

additions to the Land Use Plan to better incorporate Rea Road and future development along Rea Road to make sure that is clearly discussed. We are also drafting an amendment to deal with blasting in subdivisions to make sure that there are more notifications to both the Town and nearby residents. I'm thinking the easiest way to do it would be to tie it to the preliminary plat approval that they understand as a condition that they need to notify the Town ahead of time and the residents within a certain distance.

Councilman Smith – Thank you, Julian, I appreciate what you are doing.

Town Planner Burton – One final update that Weddington Matthews Road – Tilley Morris Road improvement is still on track for spring construction start.

13. Code Enforcement Report

Mayor Deter – The report is in your packet. Does anyone have any questions for Julian?

Mayor Pro Tem Titherington – Julian, the only one I don't want to lose visibility on is about a year ago we approved Town funds to clean up an abandoned building. If it was ever sold or disposed of we have a lien on it. Do we have that as an occasional check in or is it still in a degrading state?

Town Planner Burton – It is. Everything is still in place and the problem is its still getting overgrown. We did have someone landscape a little bit around there. We've had some complaints from residents but I had Sam send another letter to the owner to remind him. He hasn't been very responsive ever so I don't know that we'll hear anything back but just to remind him of the state of the situation.

Mayor Pro Tem Titherington – Do we at some point have to elevate that, Anthony, or what's the story.

Town Attorney Fox – We certainly can seek enforcement of our lien that's been filed in that case. I think it's merely been a process of seeing how many calls you've gotten before you go and exert the powers of enforcement. But certainly you can seek those right now if the Council wants to pursue that.

Mayor Pro Tem Titherington – So maybe next month we can have an update on that property and the expenditures to date. I just don't want that to get lost. The Town has laid money out and also to make sure it's a safe environment for the neighbors? If Council's okay with that?

Councilwoman Propst – Is this that house you were telling me about in that neighborhood or is this a building?

Mayor Pro Tem Titherington – This one was in a neighborhood.

Councilwoman Propst – Okay I was here for that meeting.

Mayor Deter – It's been abandoned.

Councilwoman Propst – It's been abandoned for years.

Mayor Pro Tem Titherington – We actually had to have a garage door put on.

Councilman Buzzard – Don't we have the authority to demolish that property under Union County? Because I believe, if I'm not mistaken, we took action on the corner plot of Weddington Matthews Road and intersection of Beulah Church Road.

Town Attorney Fox – It has to be confirmed to be dilapidated in order for Union to demolish it. Dilapidated by statute means that it would take 60% of the value of the house to bring it up to code. Then you can follow a process to get it torn down. I think Sam mentioned when he first came they didn't think it was to that point. As I recall this property is an eyesore because it's boarded up and unsightly but it's not deteriorated. Deteriorated means the roof is in.

Councilman Buzzard – I think we might want to talk to an inspector at some point because I believe if they don't have any HVAC and there's a problem with mold situations and whether or not you could even make it livable at some point.

Town Attorney Fox – The statute that deals with minimal housing code which this is under and the statute that deals with this really offers the opportunity to vacate and closed. Closed just means to board it up. You can't live in it because it doesn't have the heating and air. But if you boarded it up under the law provided it's not dilapidated and that house could sit there like that for a while.

Councilwoman Propst – All we did was clean up the yard and put up a garage door. Is that correct? And put a lien on the property.

Mayor Pro Tem Titherington – Why don't we just have Sam do a drive by and get us an update?

14. Update from Finance Officer and Tax Collector

Finance Officer Gaylord – You've got your statements in your packet. We are nine months into the year and we're looking good. The only thing that I would draw your attention to is on the balance sheet. The auditors presented in February so after their presentation I left the fund balance assigned/unassigned as it had been at the end of last year until we accepted their audit. So I took out the \$200,000.00 for the capital for the fire department out of the unassigned line item. Then put that in assigned. So it's just a re-class.

Mayor Pro Tem Titherington – If we go back real quickly on the expense it's like Christmas in April with all that green, it's good. But I was just surprised that you had a couple of items under total expenditure lines like utility repair and maintenance. I'm assuming that has to do with you anticipating our expenses to cover it a little higher. Because you budgeted for projections and they are coming a little close.

Finance Officer Gaylord – Yes. They are a little tight. I think we're fine that's why they are yellow.

Mayor Pro Tem Titherington – Yes. What jumped out was the \$36,419 versus \$63,250. So I'm assuming that's bills that we know will be coming due. 10-4120-354?

Finance Officer Gaylord – That’s the grounds maintenance we had.

Mayor Pro Tem Titherington – We are at \$36,000 year to date and we budgeted \$63,000

Finance Officer Gaylord – Yes, and we have the project going on and we still have the monthly bills which are like \$4,000.

Mayor Pro Tem Titherington – Okay so not to exceed but I’m not going to hold you to it. Okay thank you.

15. Public Safety Report

Councilman Smith – Nothing to report. The Public Safety Committee did not meet this month the meeting was cancelled due to a lack of Quorum.

16. Transportation Report

Councilman Buzzard – Unfortunately I don’t have anything. I was hoping that the State would have their list of projects presented but the CRTPO is still waiting for them. I will get those out as soon as we get them.

17. Council Comments

Councilwoman Propst – Thank you everybody for coming out. We appreciate your attendance.

Councilman Smith – No comments.

Mayor Pro Tem Titherington – Bill, I would just like to thank you and staff for an outstanding Easter Egg Hunt. I think it was great and fortunately I was able to do some pre work but I wasn’t able to make the event itself. When I saw some of those pictures on-line and everything else it was outstanding so I know that’s a lot of work for you guys. You stayed late on a Saturday and I really do appreciate it. It’s a big event for the Town and it gets bigger every year.

Councilman Buzzard – We are a little thin in our attendance but I want to thank those who came out and appreciate you being active and involved.

Mayor Deter – I just want to make a comment again on the Easter Egg Hunt. It was great Julian volunteered his Saturday. He had company in town. We had a lot of good volunteers. I would like to remind everybody the Litter Sweep is Saturday at 9:00 a.m. Hopefully we will get a good turnout. The weather is supposed to be nice 70 degrees trying to keep our Town beautiful. I see Elton Hardy back there - I know he’s got a group working. So we will have gloves, vests and bags for anybody who shows up.

18. Closed Session

[N.C.G.S. 143-318.11(a)(3)]

Consult with the Attorney - To protect the attorney-client privilege.

[N.C.G.S. 143-318.11 (a)(6)] To consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee.

Mayor Pro Tem Titherington moved to enter into Closed Session. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Mayor Pro Tem Titherington moved to enter into Open Session. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

19. Adjournment

Mayor Pro Tem Titherington moved to Adjourn. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

The meeting ended at 9:50 pm.

Bill Deter Mayor

Attest:

Peggy S. Piontek, Town Clerk

Weddington Classics Week

Whereas, the National Junior Classical League (NJCL) was founded in 1936 to encourage an interest in and an appreciation for the language, literature, and culture of the ancient Greeks and Romans; and

Whereas, in North Carolina there are 51 chapters of the NJCL, and 1,734 middle and high school students of Latin, Greek, and the Classics; and

Whereas, North Carolina JCL chapters are involved in the educational needs of its student members and are committed to a better future for their students and the community, through active participation in service and outreach projects; and

Whereas, North Carolina JCL members believe that the Classics still hold great value to modern society and that the spreading of the Classics is vital to the continued appreciation and spreading of interest in the Classics; and

Whereas, Weddington Classics Week is held in commemoration of the traditional anniversary of the founding of ancient Rome (April 21st) and in celebration of the North Carolina Junior Classical League 65th annual state convention (April 15 and 16, 2016); and

Whereas, the Town of Weddington recognizes the relevance of Classical culture in relation to its own history, the great interest that many Weddington residents hold for the Classics, and the countless benefits that studying Classics offers to everyone; and

Now, therefore, I, Bill Deter, do hereby recognize the week of April 15-22, 2016 as Weddington Classics Week and I call this proclamation to the attention of all our citizens.

Mayor Bill Deter

**PROCLAMATION
NATIONAL DAY OF PRAYER**

May 5, 2016

WHEREAS, civic prayers and national days of prayer have a long and venerable history in our constitutional republic, dating back to the First Continental Congress in 1775; and

WHEREAS, the Declaration of Independence, our first statement as Americans of national purpose and identity, made the Laws of Nature and Nature's God the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

WHEREAS, the Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U. S. Congress themselves begin each day with prayer; and

WHEREAS, in 1988, legislation setting aside the first Thursday of May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

WHEREAS, the National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

WHEREAS, it is fitting and proper to give thanks to God by observing a day of prayer in the Town of Weddington when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and nation.

NOW, THEREFORE, I, Bill Deter, Mayor of the Town of Weddington do hereby proclaim Thursday, May 5, 2016, as "**A DAY OF PRAYER IN THE TOWN OF WEDDINGTON**" and urge all citizens of Weddington to observe the day in ways appropriate to its importance and significance.

This the 11th day of April 2016.

Mayor Bill Deter

Attest: _____
Town Clerk Peggy S. Piontek

**AN ORDINANCE TO AMEND SECTION 58-54
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON**

O-2016-02

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-54 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 58-4. - Definitions.

[...]

Mobile home, class B, means a mobile home that meets all of the criteria of a class A mobile home except the width criteria.

Modular home means a dwelling unit constructed in accordance with the standards set forth in state building code (Uniform Residential Code for One- and Two-Family Dwellings), and composed of components substantially assembled in a manufacturing plant and transported to the site for final assembly on a permanent foundation.

Music store means a retail store that is primarily in the business of selling musical instruments, sound and audio recording equipment, music software, and/or audio and videotapes and discs. Music lessons may also be given at a music store.

Nonconforming use means any use of a building or land which does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of the ordinance from which this chapter is derived or as a result of subsequent amendments to this chapter.

Nuisance means an interference with the enjoyment and use of property.

Nursery means the use of land for the growing for sale or selling of grasses, shrubs, trees, or ornamental plants. Plant materials are primarily grown outdoors, but a nursery may include one or more greenhouses incidental to and in support of the nursery operation.

Open-air storage means an unroofed area for the storage of bulk materials or discarded items whether fenced or not but not including items and nonbulk materials openly displayed for the purpose of retail sale.

Open space means a land area or water feature that conserves, enhances, or creates natural or scenic resources and wildlife habitat or that enhances or creates outdoor recreational opportunities. Open space may be dedicated for public use or held under private ownership. The required open space for conventional subdivisions ~~may shall~~ be adjacent to the required roadway buffer unless the open space is protecting a natural feature or stormwater management facility on the property and is approved by the Town. The Town may allow flexibility on the location of open space in unique cases where an alternative purpose is served. All conservation land, as defined in subsection 58-58(4)d is considered open space. However, not all open space is necessarily conservation land. As defined, open space may be land left in its natural state or grass and medians planted with trees in a residential, commercial or nonresidential development.

Orientation sign means an on-premises sign that directs pedestrians and traffic on a property.

Park means a noncommercial, not-for-profit recreational facility. Such facilities could include parks within subdivisions, neighborhood parks, community parks and/or regional parks. Improvements on parks may include passive (e.g., walking trails) and active (e.g., playgrounds, ballfields) facilities. Commercial

amusement facilities such as miniature golf courses, driving ranges, go-cart tracks, water slides, batting ranges, etc., shall not be considered parks.

Parking deck means an off-grade structure used solely for the parking of motor vehicles (other than carport or garage in a residential or agricultural district). No repair, storage or maintenance of vehicles may occur in a parking deck.

Parking space means a storage space of not less than nine feet by 20 feet for one automobile and having access to a road, but not located within a road right-of-way.

Pharmacy means a retail store that sells prescription drugs and which may also sell other items.

Photocopy service means an establishment that makes photocopies of items and which may offer related services, including printing services, the use of in-house computer equipment, and the retail sale of paper goods and other office products.

Planned residential development means a residential community that is planned and developed with internal streets that are privately maintained and developed and may contain a gatehouse. Access to such a development may be restricted via a gate.

Plat means a map or drawing depicting the division of land into blocks, parcels, tracts, sites, or other divisions.

Pond means any inland body of water that, in its natural state, has a surface area of at least 1,000 square feet but less than two acres, and any body of water artificially formed or increased that has a surface area of at least 1,000 square feet but less than two acres.

Post office means a local branch of the United States Postal Service handling the mail for the local area.

Postal store and contract station means a retail establishment that provides post office services (i.e., the vending of stamps, the mailing of items and rental of post office boxes) and which may sell other auxiliary goods, including boxes, envelopes, and other paper products.

Preschool facility means an educational facility for preschool children aged two to six years whose major purpose is to provide educationally-oriented classes and activities, as opposed to child care. Such classes shall be limited in time to five hours or less per day.

Preserve, habitat, means a wooded area of local or state significance that is maintained in a natural state for the preservation of animal and/or plant life.

Principal use means the primary or predominant use on any lot.

Public parks and recreational facilities means recreational facilities owned by the public or by nonprofit organizations. The term "recreational facilities" may include athletic fields, riding or jogging paths, concession stands serving the recreational area, or tennis courts.

Real estate agency means an establishment primarily in the business of representing buyers and/or sellers in a real estate transaction in exchange for commissions.

Restaurant means a commercial establishment, other than a drive-in, drive-through, or fast-food restaurant, where food is prepared, served and consumed on-premises.

Restaurant, drive-in means an establishment where food products are sold in a form ready for consumption and where consumption is designed to take place on-site but outside the confines of a building. At drive-in restaurants, customers may order their food from individual outdoor calling stations rather than at a centrally located drive-in service window commonly found at drive-through or fast-food restaurants.

Restaurant, drive-through means an establishment whose principal business is the sale of precooked or rapidly prepared food directly to the customer in a ready-to-consume state for consumption on the restaurant premises or off-premises. Unlike a fast-food restaurant, a drive-through restaurant does not contain any indoor customer dining areas. Unlike a drive-in restaurant, orders are taken from customers from centrally located drive-in windows rather than from individual calling stations.

Restaurant, fast-food means an establishment whose principal business is the sale of precooked or rapidly prepared food that is sold directly to the customer in a ready-to-consume state for consumption either on the restaurant premises or off-premises. When sold to the customer, food from a fast-food restaurant generally is packaged or wrapped rather than served to the customer on plates or other dishware. Orders for food may be placed either within the restaurant building or from a centrally located outdoor calling station. Such restaurants also have drive-in service windows for pick-up of food orders

Riding academy means an establishment where horses are boarded and cared for and where instruction in riding, jumping, and showing is offered and the general public may, for a fee, hire horses for riding.

Road right-of-way means an area of land occupied or intended to be occupied by a road, including areas offered for dedication for such purposes, areas claimed by the state for such purposes, or actually used for such purposes.

Rock formation means a portion of bedrock or other stratum protruding through the soil level.

School. See Elementary and secondary schools.

School for the arts means an establishment where classes in the various arts (e.g., dance, painting, sculpting, music, yoga, etc.) are taught.

Service station means any building, structure, or land used for the dispensing, selling, or offering for retail sale automotive fuels, oils, or accessories. Service stations may perform general automotive servicing and minor repair work which does not involve major motor repair, drive train work, or other major mechanical repair and body work.

Shared parking means that one or more parking spaces are permitted to simultaneously satisfy the parking requirements of multiple uses. Shared parking is permitted only where, because of the days and/or hours of operation of those uses sharing the parking or for other reasons, drivers associated with one use are unlikely to use the shared parking spaces at the same time those spaces are being used by drivers associated with another use.

Shopping center means a group of (two or more) commercial establishments planned, developed and managed as a unit and related in location, size and type of shop to meet the needs of the trade area which is being serviced.

Sign means any form of publicity, visible from any public highway directing attention to an individual activity, business service, commodity or product and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trademarks or trade names or other pictorial matter designed to convey such information and displayed by means of bills, panels, posters, paints, or other devices erected on an open framework, or attached to or otherwise applied to posts, stakes, poles, trees, buildings, or other structures or supports.

- (1) Nonconforming sign. A sign or advertising structure existing within the town on the effective date of the ordinance from which this chapter is derived, which does not conform to the requirements of this ordinance.
- (2) Off-premises sign. Any advertising sign which advertises goods, products, or services not necessarily sold on the premises on which the sign is located.
- (3) On-premises sign. Any sign identifying or advertising a business, person, activity, foods, products or services located on the same premises as the sign.
- (4) Sign area. Sign area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire advertising copy area. Only one side of a double-faced sign shall be considered.
- (5) Sign setback. The shortest horizontal distance from the property line to the nearest point (leading edge) of the sign or its supporting member whichever is nearer to the property line.

Sign, attached (on-structure), means a sign applied or attached directly to the face of a building and becoming, or appearing to become, a part of the building. These signs are flush to the wall to which they are affixed.

Sign, building-mounted, means any sign attached to and deriving its major support from a building, and including wall or fascia signs, projecting signs, and roof signs. These signs are perpendicular to the wall and protrude from the wall to which they are affixed.

Sign, construction announcement, means a sign located on the premises of a construction site, identifying the purpose of the construction, the name of the architect, engineer, contractor, subcontractor and suppliers of material or equipment on the premises of work under construction.

Sign, directional, means an off-premises sign, which provides directions to a business, commodity, service, or entertainment not conducted, sold or offered on the premises where the sign is located.

Sign, freestanding ground, means any single- or double-sided sign, either monument-style or erected on a supporting structure, mast, post or pole and not attached, supported or suspended to or from any building or structure.

Sign, identification, means a sign used to identify:

- (1) The name of the individual, family, organization or enterprise occupying the premises;
- (2) The profession of the occupant; or
- (3) The name of the building on which the sign is displayed.

Sign, lighted, means a sign illuminated only by light cast upon the sign from an external light source.

Sign, luminous, means a sign lighted by or exposed to artificial lighting either by lights on or in the sign.

Sign, portable, means any sign not permanently attached to the ground or building.

Sign, projecting, means a sign attached to a building or other structure and extending beyond the surface of the supporting structure to which it is attached.

Sign, real estate, means a temporary sign pertaining to the sale, lease or rental of land or building and identifying the selling agent.

Sign, subdivision sales, means a sign located at the entrance of a subdivision, identifying lots and/or homes for sale. Subdivision sales signs may be permitted only after the final plat is approved by the town council.

Sign, temporary, means any sign erected and maintained for a specific length of time.

Sign, time and temperature, means a sign conveying a lighted message of time, temperature, barometric pressure, or similar information by means of electrical impulse or changing intervals.

Slope, steep, means an area having a slope greater than 15 percent.

Small animal veterinary clinic means a facility where small animals or pets of no more than 175 pounds are given medical or surgical treatment and are cared for only while there for treatment and convalescence. The facility must be a completely enclosed building with no outside storage or animal areas and no animals may be kept in the facility overnight except for ongoing veterinary or surgical care and convalescence up to a maximum of ten animals. All buildings for a veterinary clinic, whether for a new or existing structure, must be certified by a registered architect or acoustical engineer that no sounds emitted through the perimeter walls, all common walls and the roof of the clinic will exceed 45 decibels.

Stationery store means a retail business that sells stationery items, including, but not limited to, labels, memos, cards, postcards, business stationery, cups and napkins and other various paper products.

Stock brokerage firm means an establishment that is primarily in the business of executing securities transactions on behalf of customers in exchange for a commission, fee, or other compensation.

Structure means any building, sign, wall, fence, or similar physical obstruction placed or erected on property.

Structure, principal, means a structure in which is conducted the principal use of the lot on which it is located.

Subdivision, conservation, means a residential subdivision six acres or greater in area that is developed pursuant to section 58-58.

Subdivision, conventional, means a residential subdivision that is not a conservation subdivision.

Supermarket means an establishment which may sell a wide variety of fresh produce, canned and packaged food items, small household goods and similar items which are consumed and used off-premises. In addition, the store may contain a delicatessen section in which prepared foods are sold and may be consumed on-premises in a specially designed sitdown area. Unlike convenience stores, gasoline sales are not permitted.

Tailor, dressmaking and millinery shop means a retail establishment that is primarily in the business of making, repairing, or altering articles of clothing.

Tax preparation service means an establishment that is primarily in the business of assisting customers in preparing their tax returns and/or offering tax-related advice or other tax-related services.

Telecommunication tower and facilities means a structure, including any accessory structures to house transmitting or maintenance equipment, designated to support antennae used for transmitting or receiving communication transmissions. The term "telecommunication tower and facilities" does not include ham radio operations, wireless radio towers, or television broadcast station towers.

Thoroughfare means streets which provide for movement of high volumes of traffic throughout the town. In general, thoroughfare streets consist of numbered state roads and other major streets as described in NCDOT, Union County, or Town of Weddington Thoroughfare Plans. Design criteria for thoroughfare streets shall be determined by the NCDOT, and construction plans shall be reviewed and approved by the NCDOT District Engineer.

Toy and hobby shop means a retail store that is primarily in the business of selling toys, games, collectibles, models and/or similar items.

Travel agency means an establishment that is primarily in the business of assisting customers in planning and arranging vacations and other travel, often by finding and booking flights, hotels, cruises or vacation packages.

Use means the specific purpose for which land, a building, or a portion of a building is designed, arranged, intended, occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include a nonconforming use.

Used or occupied means and includes, as applied to any land or building, the terms "intended, arranged or designed to be used or occupied".

Video store means a retail store that is primarily in the business of renting and/or selling videos, DVDs and/or video games. An establishment that sells video and meets the definition of adult establishment, as herein defined, shall not be considered a video store.

Viewshed means a view through or along a road, or opening, including those along the boundaries of a stream, lake or pond, which frames, highlights, or accentuates a prominent structure, scene or panorama.

Wedding, banquet and reception centers are uses and structures that are designed for groups of people to gather for social functions or events, including, but not limited to, weddings and wedding receptions and other gatherings. This definition does not apply to churches.

Wetlands means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a

prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Yard means any area on the same lot with a building or buildings lying between the building or buildings and the nearest lot line.

Yard, front, means an open, unoccupied space between the street right-of-way line, and the front of a building, projected to the side lines of the lot.

Yard, rear, means a yard extending the full width of the lot on which a principal building is located and situated between the rear lot line parallel thereto and passing through the point of the principal building nearest the rear lot line. If a rear yard abuts a buffer area along a major or minor thoroughfare as required by subsection 46-76(d), the rear lot line shall be considered to be the nearest edge of the buffer area.

Yard, side, means a space extending from the front yard to the rear yard between the principal building and the side lot line as measured perpendicular from the side lot line to the closest point of the principal building. If a side yard abuts a buffer area along a major or minor thoroughfare as required by subsection 46-76(d), the side lot line shall be considered to be the nearest edge of the buffer area.

Yield plan means a plan that shows the number of developable lots in a proposed conservation subdivision if such subdivision were to be built as a conventional subdivision in a R-CD zoning district in the town.

(Ord. No. 87-04-08, § 2.2, 4-8-1987; Amd. of 5-9-1994; Ord. No. O-2002-33, 12-9-2002; Ord. No. O-2003-05, 3-10-2003; Ord. No. O-2003-14, 7-14-2003; Ord. No. O-2004-01, 3-8-2004; Ord. No. O-2004-06, 6-14-2004; Ord. No. O-2004-08, 7-12-2004; Ord. No. O-2004-25, 11-18-2004; Ord. No. O-2006-05, 1-9-2006; Ord. No. O-2006-14, 8-14-2006; Ord. No. O-2006-17, 10-9-2006; Ord. No. O-2006-19, 10-9-2006; Ord. No. O-2007-01, 1-8-2007; Ord. No. O-2008-06, 4-14-2008; Ord. No. O-2009-06, 7-13-2009; Ord. No. O-2010-05, 4-12-2010; Ord. No. O-2011-02, 3-14-2011; Ord. No. O-2011-07, 4-11-2011; Ord. No. O-2011-09, 5-9-2011; Ord. No. O-2011-11, 7-11-2011; Ord. No. O-2011-16, 12-12-2011; Ord. No. O-2012-01, 1-9-2012; Ord. No. O-2012-11, 7-9-2012; Ord. No. O-2012-12, 8-13-2012; Ord. No. O-2012-13, 10-8-2012; Ord. No. O-2013-12, 8-12-2013; Ord. No. O-2013-14, 12-9-2013; Ord. No. O-2014-03, 3-10-2014; Ord. No. O-2014-13, 11-10-2014; Ord. No. O-2015-01, 2-9-2015; Ord. No. O-2015-11, 6-8-2015; Ord. No. O-2016-2, 4-11-2016)

Adopted the 11th day of April, 2016

Bill Deter, Mayor

Attest:

Peggy S. Piontek, Town Clerk

**AN ORDINANCE TO AMEND SECTION 58-58
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON**

O-2016-03

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

Sec. 58-58. - R-CD residential conservation district.

[...]

(4) Standards for developments located in conservation subdivisions.

- a. Ownership. When land of a conservation subdivision is held in multiple ownerships, it shall be planned and developed as a single entity for purposes of this chapter.
- b. Conservation lands disturbance. The proposed design of the conservation subdivision shall minimize disturbance of primary conservation and required secondary conservation lands.
- c. Density standards. The actual number of lots suitable for the placement of a principal residential structure may be limited by on-site features as determined by submission and analysis of a yield plan as contained in subsection 46-42(d)(2).
- d. Minimum required conservation land. No lot suitable for the placement of a principal residential structure shall be platted to include within its dimensions any conservation lands as herein required. Conservation land on the tract containing the conservation subdivision shall be calculated as follows:
 1. Tracts containing primary conservation lands. All primary conservation lands within the tract shall be retained as conservation land. Half of all remaining secondary conservation lands, where they exist, shall be retained as conservation land in the order of priority as described below:
 - i. Tier A (high priority).
 - A. Viewshed from the Road
 - B.. Forestlands.
 - ii. Tier B (medium priority).
 - A. Farmlands.
 - B. Historic site.
 - iii. Tier C (lowest priority).
 - A. Steep slopes.
 - B. Rock formations.
 - C. Lands adjacent to parks.
 - iv. At a minimum, 50 percent of the gross acreage of the tract will be required to be retained as conservation land. When a subdivision lies on both sides of a major

or minor thoroughfare, all attempts should be made to have 50 percent of each side's gross acreage designated as conservation land. The Town may allow flexibility on the distribution of conservation land in unique cases where an alternative purpose is served . Conservation land in excess of the 50 percent minimum, while not required by this chapter, may be set aside at the property owner's discretion.

2. Tracts not containing primary conservation lands. At a minimum, 50 percent of the gross area of the tract shall be retained as secondary conservation land if there are no primary conservation lands on the tract. The priority order for retaining secondary conservation lands shall be as described in subsection (4)d.1. of this section.
- e. Dimensional standards.
1. Minimum lot sizes: One of the primary differences between conventional subdivisions and conservation subdivisions is that although the overall allowable density levels between the two are the same, conservation subdivisions allow much smaller lot sizes. Accordingly, lots containing single-family dwellings may have a minimum area of 12,000 square feet. Easement lots are not permitted in a conservation subdivision.
 2. Minimum lot width at building line: 80 feet.
 3. Minimum street frontage: 30 feet.
 4. Yard regulations: Variations in the principal building position and orientation on the lot are encouraged, but shall observe the following minimum standards:
 - i. Front yard: 20 feet.
 - ii. Rear yard: 30 feet.
 - iii. Side yard: 30 feet separation for principal buildings on adjacent lots, with no side yard less than five feet. The streetside side yard on a corner lot (i.e., the lot fronting a street that is not the "front yard") shall be at least 15 feet.

Notwithstanding the provisions of this subsection, all principal dwelling units within a conservation subdivision shall be set back at least 100 feet from all external road rights-of-way (i.e., rights-of-way of roads that are external to the proposed subdivision), as depicted on the most current version of the local thoroughfare plan. In addition, all principal dwelling units shall otherwise be set back a minimum of 50 feet from the external boundaries of the conservation subdivision.
 5. Maximum building height: 35 feet.
 6. Garages with front loading bays shall be recessed a minimum of two feet from the front facade of the house and visually designed to form a secondary building volume.
- f. Design standards. Lot lines shall not encroach upon the designated conservation lands. A minimum of 95 percent of building lots within the subdivision must share at least one lot line with another lot in the subdivision.
- g. Conservation land uses. Except as provided herein, most types of structural development are not allowed on primary conservation lands and required secondary conservation lands.
1. Principal uses permitted outside of primary and required secondary conservation lands. Single-family dwellings.
 2. Principal uses permitted on primary and required secondary conservation lands. No use or development shall be allowed on primary and required secondary conservation lands except as follows:
 - i. Conservation of open land in its natural state (e.g., forestlands, fields or meadows).

- ii. Agricultural uses, including raising crops or livestock, nurseries and associated buildings, excluding residences, provided that such buildings are specifically needed to support an active, viable agricultural or horticultural operation, and are architecturally compatible with the neighborhood setting. Specifically excluded, but not limited to, are commercial livestock operations involving swine, poultry and mink.
 - iii. Pastureland.
 - iv. Horse farms or academies.
 - v. Forestry, in keeping with established best management practices for selective harvesting and sustained yield forestry.
 - vi. Neighborhood uses such as village greens, commons, picnic areas, community gardens, trails and similar low-impact, passive recreational uses.
 - vii. Noncommercial recreational areas, such as playing fields, playgrounds, courts and bikeways, provided such areas do not consume more than half of the minimum required conservation land or five acres, whichever is less. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces. Notwithstanding the above, golf courses, their parking areas, and associated structures, shall not be allowed on any required conservation lands.
 - viii. Water supply and sewage disposal systems and stormwater detention areas designed, landscaped and available for use as an integral part of the conservation area.
 - ix. Easements for drainage, access, sewer or water lines or other public purposes.
 - x. Underground utility rights-of-way. Above ground utility and street rights-of-way may traverse conservation lands but street rights-of-way shall not count toward the minimum required conservation land. Fifty percent of the utility rights-of-way may be counted toward the minimum required conservation land.
- h. Permanent conservation land protection through conservation easements.
- 1. Subject to the provisions of subsections (4)h.2. and (4)h.3. of this section, conservation lands required pursuant to subsection (4)d. of this section may be retained by the applicant or may be conveyed to another party, but must be and remain subject to a conservation easement. Nothing herein shall restrict the legislative zoning authority of the town council.
 - 2. Required conservation land shall be subject to a conservation easement that specifies the range of uses allowable pursuant to subsection (4)g.2. of this section, and which are enforceable in accordance with all applicable laws of the state. There shall be at least two holders of every easement, except as provided in subsection (4)h.3. of this section. The holders of the conservation easement shall be the state or appropriate department or agency thereof, or one or more conservation organizations, in any combination of two or more, except as provided in subsection (4)h.3. of this section. Enforcement of the terms of the conservation easement shall be in accordance with applicable state law. The proposed preliminary plat shall indicate that required conservation lands are subject to a conservation easement being conveyed to specific entities pursuant to this section.
 - 3. Upon demonstration by the applicant that efforts to comply with subsection (4)h.2. of this section have been exhausted and pursued in good faith, but have failed to result in the execution of a valid conservation easement by two qualified holders, the applicant shall enter into either:

- i. A conservation easement to be held by the state or appropriate department or agency thereof;
- ii. Held by a conservation organization approved by the town council, if the state will not agree to be the conservation easement holder;
- iii. Held by a homeowners' association, subject to subsection (4)h.4. of this section; or
- iv. Other appropriate easement holder approved within the discretion of the town council.

To the extent possible, any combination of two or more of the above listed easement holder, is preferable.

- 4. Any homeowners' association that is a holder of a conservation easement as provided in subsection (4)h.3. of this section, shall be subject to and comply with all applicable requirements for homeowners' associations as set forth in state statutes. In addition, the following criteria shall be met:

- i. The applicant for conservation subdivision approval shall provide the town a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance and use restrictions for common facilities;
- ii. The proposed homeowners' association shall be established by the conservation subdivision applicant and shall be operating (with financial underwriting by the applicant, if necessary) before the sale of any dwelling units in the development;
- iii. Membership in the homeowners' association shall be mandatory for all purchasers of lots within the conservation subdivision and their successors in title;
- iv. The homeowners' association bylaws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted;
- v. The homeowners' association shall annually provide to the town a listing of the names, addresses and telephone numbers of all their officers and board members;
- vi. Any proposed changes to the conservation easement that substantively affect the usage, location or maintenance of conservation land within the conservation subdivision must first be consented to and approved by the town council.

- i. Maintenance plans and maintenance agreement.

- 1. The cost and responsibility of maintaining the required conservation lands and associated common facilities shall be borne by the fee simple owner of the required conservation lands, or by another party as specified in an executed, binding and enforceable maintenance agreement, who is a holder of the conservation easement.
- 2. The applicant must submit, with an application for preliminary plat approval, a maintenance agreement that obligates either the property owner of the conservation lands, or other specified party as provided above, to implement the maintenance plan.
- 3. The maintenance plan shall be submitted with an application for preliminary plat approval of a conservation subdivision, and shall be in accordance with the following requirements:
 - i. The maintenance plan shall specify ownership of required conservation lands.

- ii. The maintenance plan shall establish a regular operation and maintenance program appropriate to the uses to be undertaken on the subject conservation lands, pursuant to subsection (4)g.2. of this section.
- iii. The maintenance plan shall specify required insurance and all maintenance and operating costs, and shall define the means for funding the maintenance plan on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- iv. The property owner or other specified party as provided above, shall be required to escrow or bond sufficient funds for the maintenance and operation costs of the conservation lands for two years. The amount of such escrow or bond shall be equal to 1.5 times the biannual estimated maintenance and operational costs, and shall be in a form as provided in subsection 46-45(b).
- v. Any changes to the maintenance plan shall be approved by the town council.
- vi. In the event that conservation lands and associated common facilities are not maintained in accordance with the approved maintenance plan, the town may recover the escrow or bond funds to be used for such maintenance and any development permits and approvals may be revoked or suspended.
- vii. The property owner of the conservation lands and, if utilized, any other maintaining party by agreement, shall execute a release and indemnity of the town, in a form satisfactory to the town, for any claims or damages arising from the maintenance agreement and maintenance plan or performance thereof.

(Ord. No. 87-04-08, § 5.7, 4-8-1987; Ord. No. O-2004-07, 6-14-2004; Ord. No. O-2004-09, 7-12-2004; Ord. No. O-2004-13, 7-12-2004; Ord. No. O-2004-26, 11-18-2004; Ord. No. O-2007-04, 4-9-2007; Ord. No. O-2009-07, 7-13-2009; Ord. No. O-2010-07, 4-12-2010; Ord. No. O-2011-06, 4-11-2011; Ord. No. O-2013-11, 8-12-2013; Ord. No. O-2014-04, 3-10-2014; Ord. No. O-2014-20, 12-8-2014; Ord. No. O-2016-3, 4-11-2016)

Adopted the 11th day of April, 2016

Bill Deter, Mayor

Attest:

Peggy S. Piontek, Town Clerk

**AN ORDINANCE TO AMEND SECTION 58-146
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2016-04**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-146 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 58-146. - Prohibited signs.

The following signs are expressly prohibited within all zoning districts, unless as otherwise specified in this chapter:

- (1) All off-premises signs, including directional signs and billboards. Such prohibition, however, shall not be applicable to temporary signs permitted by section 58-151.
- (2) All portable signs, except as may otherwise be allowed by this chapter.
- (3) Flashing light signs.
- (4) Any sign which the zoning administrator determines obstructs the view of bicyclists or motorists using any street, private driveway, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device or signal.
- (5) Luminous signs.
- (6) Any sign placed upon a traffic control sign, tree that is on public land or lies within a public road right-of-way, or utility pole for any reason whatsoever.
- (7) Building-mounted signs.

(Ord. No. 87-04-08, § 8.3, 4-8-1987; Ord. No. O-2003-06, 3-10-2003; Ord. No. O-2012-01, 1-9-2012; Ord. No. O-2012-03, 3-12-2012; Ord No. O-2016-4, 4-11-2016)

Adopted the 11th day of April, 2016

Bill Deter, Mayor

Attest:

Peggy S. Piontek, Town Clerk