

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, JUNE 8, 2015 - 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 June 8, 2015, with Mayor Bill Deter presiding.

Present: Mayor Bill Deter, Mayor Pro Tem Don Titherington, Councilmembers Michael Smith, Pamela Hadley and Barbara Harrison, Attorney Anthony Fox, Town Planner Julian Burton, Finance Officer Leslie Gaylord and Town Administrator Peggy Piontek

Visitors: Chris Martin, Rhonda Martin, Reese Schuler, John Houston IV, John Houston III, Marianne McKnight, Joyce Armer, Dorothy McKnight, Don & Barbara Sinclair, Locke & Jean Stuart, Kenny Schott, Marcos Bilbao, Charles McClure, Brian Smith, Barbara Gutierrez, Philip Gutierrez, Bill Price, Joe Stuart, Charlotte Woodley, Daniel Barry, Larry Wood, Ken Evans, Mary Knoble, Janice Propst, Alex Micciantuono, Ken Moore, Joe DeSimone, Mary Ann DeSimone, Walton Hogan, Eric Anderson, Frank Bridges, Susan Bridges, Ruth & Tony Pagano, Nancy Anderson, Rob Dow, Scott Buzzard, Tyler Burke, James Burke, Tom Rose, Judy Johnston, Joe Revels, Debbie Ard, Marylu Gibbs, Jack Parks, Andrew Moore, Tony Rolfer, Tyler Uebele, Ben Jones, Robert Anderson, John Reid, David Pitre, Emily Paterson, Bo Ziegler, Brady Moore

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

Item No. 1. Open the Meeting Mayor Deter opened the June 8, 2015 Regular Town Council Meeting at 7:02 p.m.

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

Item No. 3. Determination of Quorum A quorum was present. Mayor Deter introduced the Town's Summer Intern Alex Micciantuono.

Item No. 4. Public Comments

Charlotte Woodley, 1134 Willow Oaks Trail, Weddington, NC stated that she is in favor of keeping the fire department as is. She reminded Mayor Deter and several Councilmembers that when they ran for office they said they were in favor of keeping the fire department. "That was the main reason the people voted for you and the other Councilmembers and why you were elected. Now you and possibly three other members of the Town Council would like to sell our fire department while one member of the Council does not want to sell it. This Council has now created a very contentious issue. Well over 1,000 residents of our town have come forward and have signed a petition to keep the Providence Fire Department as it presently is and to be continually funded by the Town of Weddington. There is absolutely no reason to push forward with this rush decision on this very contentious issue to be decided by four Councilmembers. This issue as to whether to sell or keep our fire department should now be decided by the residents of this Town of Weddington on the next official Election Day. We have more than 1,000 names on

a petition that want to keep our station and to lose our station would be the greatest travesty our town could suffer."

John Houston, 1219 Willow Oaks Trail, Weddington, is almost a 16 year resident of the town and as far as he can tell this matter before the Council is probably one of the most divisive issues that he has seen since he's lived here. "What we need to do is back down from the emotion involved in this and we need to take a look at it with what his Dad used to call "good old fashion horse sense". I'm sure you can identify "horse sense" - it means a common sense approach to things. Let's take a look at where we are right now; we have a 60 year old fire department, 47 highly trained firemen and EMT's, about \$3,000,000 worth of apparatus that is serving this community, a facility that has been appraised at approximately \$1,600,000 and above all we are debt free. That in itself speaks well for how this fire department has done. That's where we are at this moment. What we understand that this will be replaced with: a fire service department which is not in Weddington; the Weddington townspeople will pay our tax money to support another town's fire department for approximately the same amount of money we are now paying to service our own fire department. At the same time, they are, as I understand it, going to use used apparatus which they purchased for \$115,000. That just doesn't make sense. So the taxpayers of Weddington should really be aware of what is going on in that department The residents in this community need to pay attention to what has been going on with this and the previous Council, as I understand it, has approved over 700 new homes to be built in Weddington over the next several months. That will put enormous additional strain on the fire service; taxpayers are going to have to pay for that. I don't think they can service that and it's one thing we have to consider."

Mary Knoble, 1318 Lake Point Drive, Weddington, stated she spoke at the last meeting of the travesty of votes of three Weddington residents costing the rest of the town up to \$5,000,000 - a sum equal to about 2.5 years of total town revenue. "I said we needed to have in place a deterrent to prevent this from ever happening again. Mayor Deter, Mrs. Harrison and Mr. Smith are confident that we will not pay the \$750,000 penalty to PVFD for breaking the contract with them and that our insurance rates will not rise otherwise they would not have voted to cancel the contract, in their own words. We the people of the town see a risk that we will indeed pay the \$750,000 and according to the letters from our state personnel responsible for our fire department ratings our insurance rates will probably raise significantly." Since they deem it a no risk situation she asks Mayor Deter, Mrs. Harrison and Mr. Smith to purchase at their own cost a bond to ensure that this not will occur. "That we as town individuals will not pay these penalties. They may pledge their homes as collateral to reduce the cost of this bond. I would propose that the Town of Weddington supply \$5,000 for the initiation cost of the bond. Again, it is according to our Mayor and two Councilpersons a no risk situation thus they should be most willing to guarantee it to us, the people, with their personal treasures. If they are not willing to guarantee it, we should look on their statements with great skepticism. Furthermore you are proposing that we delay any backup medical services or fire services for up to 20-30 minutes. You have six minutes without oxygen to survive as a human and fire doubles every minute. Under your plan our back up services would come from Marvin, Mineral Springs, Indian Trail, etc. My geography tells me that this is considerably further from my home than PVFD. Further enough to result in a funeral rather than an emergency room. Own your vote or rescind it."

Judy Johnston, Wellington Woods, NC, said she is a resident of Weddington Woods and a member of the Board at Providence. "This issue of fire service is not my or your issue alone. It's the issue affecting all the citizens of Weddington, Waxhaw, Wesley Chapel, Marvin, Indian Trail, Stallings, Mineral Springs and parts of unincorporated Union County. It's time for you to take

off your rubber suit so you can listen and hear what the people want. Step away from your personal agenda, stop fabricating numbers to suit your agenda and stop twisting the truth. The media continues to follow the documents between the attorneys and the legal actions entered into public record. On May 18th a petition was created to ask you to reverse the decision to cancel the Fire Suppression Agreement with Providence; enabling Union County the time necessary to develop a comprehensive Countywide Strategic Plan that will be cost effective. The action you have taken can be reversed, you can stop the train, put it in reverse and save the taxpayers thousands of dollars. Providence wants to continue to serve this community, you have the power to shift gears and allow this to happen. What I will be handing you, from our online signatures totaling over 815 from our area and around in this community. I have 168, so far, signatures collected at Highway 55, Waldenwood and the Providence Fire Station. Almost equivalent to the number of votes you received in the election, it triples the number of supporters protesting the water tower, and it surpasses the margin which elected you into office; this number continues to grow. I have 27 pages of comments from those that signed the petition. Take the time to read them, hear what the people that you represent have to say. She read one: "Public officials have the duty and responsibility to listen to the concerns of the tax payers, examine all avenues, options, and conflicts that impact the tax payers, Town, and residents, and to tread cautiously with prudence and sound reasoning when making decisions that affect the tax payers. No one has the right, especially a public official to work against the interests, concerns and benefit of the tax paying public."

Eric Anderson, 13616 Providence Road, stated "There will be no medical services once this goes through with Providence; they won't have an EMS vehicle. They will only have an engine, tanker and brush truck. Any medical vehicles will have to come from outside the Town of Weddington. Those are between 10 and 20 year old vehicles, most people in this town purchase new vehicles and don't have a lot of experience with this. But from someone who owns three vehicles over 20 years old, maintenance goes a little bit beyond just changing the engine oil. He explained the care and maintenance of older vehicles that require them being pulled out of service for a period of time. Providence has 3 engines and they count on 2, they always have a back up truck to enable them to make the repairs, this new plan does not allow for this scenario. Wesley Chapel doesn't have a back up and that is a disaster. It all boils down to the basic principal of it does not matter if the Mayor is correct that this would save money, but the people don't want to do it; it's our decision, our choice. and we have the consequences to bear. If we have to raise taxes again, then we have to raise taxes, but it's our choice to make. It's our pocketbook not someone else's."

Brady Moore 3650 Fox Run Road, Weddington "I have not seen anything come out of the Council detailing how we're saving the \$200,000." He asked for an explanation to advise whose getting it and where it's going.

Mary Ann DiSimone, 1309 Willow Oaks Trail, Weddington, said "Here we are again gathered together as residents protesting the underhanded appalling tactics of our Mayor in charge. What lies are you going to tell us tonight? That all is fine and good in our quaint little town of Weddington? That you promise to keep open the Hemby Road Station? Trucks that Wesley Chapel bought for a bargain price at the junk yard in Virginia - these are the trucks that will keep us out of harms way? Did Wesley Chapel also buy the horses to pull those antiques to the next fire? I wonder where they are going to store the hay and the oats to feed the newest editions to our fleet. Thanks but no thanks. We are tired of your empty promises. We are more than satisfied with the 47 able bodied dedicated men and women of PVFD who are always there 24/7 365 to serve the needs of the citizens who live here. Wesley Chapel can't promise that. They already said so in their interviews. Wesley Chapel's idea of four people on call means that only 2

are actually on location at the station, the others can come from home, work, doing errands around town, who knows. Of course the two people who are actually at the station can't really do anything until the other two come from parts unknown, since it is dictated that four people must be on the scene to even start the water flowing. How far away is the next department to depend on mutual aid? I'd like to ask the Mayor, by what authority he thinks he has to give away my fire station, our fire station. The station that we the residents spent over \$900,000 to remodel, renovate and bring up to code? A station that is valued at \$1,600,000. How can you even think of giving away something that doesn't belong to you to an entity not even residing in the Town of Weddington? I don't remember you asking me or anyone else in this room or this entire town, permission to spend this money. You wouldn't even hold a public forum. It's not your call to make; it's our money that fills up the coffers of the town treasury and you have no right to just give it away to somebody else. Why are you so beholden to Wesley Chapel? What did they do for you that now in five short month's time you are willing to give away the whole ball of wax? Is what they gave you so valuable that you are willing to endure the animosity that is so obvious in this room and this town? Put the brakes on that little train of yours and make it go in reverse."

Joe DeSimone, 1309 Willow Oaks Trail, Weddington, said "Like so many of the residents the action of this Board with the exception of Pam Hadley has managed to upset the residents of Weddington. It has given you and many of us the opportunity to be part of the Union News. Instead of rehashing everything that's been said and known to be true, I would like to understand the reasons why. Why you and some Councilmembers continue misleading the public stating that the only reason PVFD was fired is money. The numbers have been gone over by many of our residents, many of whom are CPA's and that theory has been punched holes in. On top of which your numbers seem to change each time you're interviewed. What makes you believe that Wesley Chapel can do a better job than PVFD has in the last 60 years? How do you feel living in your gated community, with the knowledge that Wesley Chapel is protecting you with three pieces of used fire trucks that their Chief found at a fire engine fire sale for \$115,000 while \$2,000,000 worth of equipment is sitting just up the road waiting to protect you? Now it's come down to a legal battle that might just cost the town \$750,000 plus legal fees. If the town loses the suit where does the money come from - the town's treasury? What kind of sense does that make? Save money by giving it over to Wesley Chapel, lose money over a lawsuit, where's the sense in that? Where will the money come from to pay Mr. Fox? We know he doesn't work cheap. Will that also come from our taxpayer dollars or will that also be offset by your phantom savings? How can you sit there and not realize we can see through all of this? Mr. Mayor, you keep stating that it's too late, that the train has already left the station. I don't know if that's true; there is one thing I know is true is that your election and that of another person on the Council is heading for derailment. You and this Town Council can put a stop to this lunacy, I urge you to do so."

Andrew Moore 3903 Weddington Matthews Road, Matthews, NC asked how as John Q taxpayer he is going to save any money with this idea. He waited for an answer from Council. Mr. Fox explained the public comments guidelines. He still wants to know how we're going to make out. "You put us from a 4 to a 7 in fire protection, our fire insurance is going to go up. I don't understand what your problem is - are all of you socialists? One lady up there I know she's not; she's got some brains. I can not believe that you people can sit up there when every citizen in this room is against you. I don't see how you figure we can save money. We can't, and our fire tax and homeowners insurance are going up. As soon as the insurance companies find out we are now a 7 and not a 4 yours is going to go up too, Mayor."

Tyler Uebele, 1153 Willow Oaks Trail, said "Thank you for the opportunity to speak. I have heard a lot of reasons financially why we should keep the PVFD. I moved here because there is a very good fire department there and personally I value my home because of that. I'm sure a lot of other people consider a fire department before they purchase a home. Beyond that I feel as those losing the fire department will make our community weaker; only when we help ourselves are we able to help our neighbors. We can no longer take care of ourselves if we rely on our neighbors. We can no longer help our neighbors. I think, therefore, losing the fire department makes the Town of Weddington a weaker town and makes the community and all the towns around us weaker also." He feels like we should keep the department and urged the Council to keep the department.

Chris Martin, 6403 Antioch Court, thanked the PVFD. They responded to his house quickly, did an excellent job taking control of the situation and really alleviated a very scary situation with the parents dealing with an injured child. After his child was transported to the hospital they calmed down his family while he rode in the ambulance with my child and you can not say enough about that. He is willing to pay a lot of money for that. "I would hate to see a situation where the WCVFD is out on another run and we have to wait for lateral service from some other area in hopes that they can get there in time to catch it; this is not something we even want to consider." He believes the Board is not acting transparently on this. We have to trust our government to act in our best interest. He believes they can see from the outcry here that they are not acting in the community's best interest or they would not have this many people upset. "It is something that we have to reconsider; it's not something that three people can make a decision on and then suddenly affects everyone. There was no public discussion on this prior, there has been no real clarification on exactly why this has been done other than it will save us money. It hasn't taken into account what those savings will encompass. If you lose one child or person that could have been saved, anyone would gladly pay whatever the savings are to keep this volunteer fire department. These people are members of our community; we're displacing them from jobs; we're saying you are no longer a member of this community - you can go find somewhere else to work. That is not fair to them and if you had these people respond you know they are a big part of our community and are needed. This is not fair."

Bo Ziegler, 2200 Greenbrook Pkwy, stated he had a homeowners meeting and Mayor Deter attended and explained how our services would be virtually unchanged. The fire captain was at the same meeting and explained that it wasn't true. At that meeting he voiced his concern; he moved from Waxhaw to Weddington and the fire department is located half a mile from his home. He has a daughter with asthma. "We carry an epi pen at the house and school so should she need it she has it. We need emergency services. When I lived in Waxhaw if I had a heart attack we spoke that a family member will be able to take me, by car, over the Mecklenburg line so I can have an ambulance respond for me and any other member of my family. We spoke about the fact that we won't have any changes in our services and I just don't seem to get the feeling that we're getting the straight answer that we're actually getting those services. How many of these people believe that we're getting the services?"

David Pitre, 1116 Greystone Drive, spoke to the audience telling them "to remember these faces and names. They will not get reelected again. They need to know they are one-term wonders and that's why I'm here. I wanted to see the people that support this because they have lost my and all of our votes. My voice would be if there is anything that can be done to remove them from office before their term is finished. Is there such a thing as impeachment? Obviously if they don't represent the community they don't deserve to be here."

Item No. 5. Additions, Deletions and/or Adoption of the Agenda

Councilwoman Barbara Harrison moved to approve as written.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington

NAYS: None

Item No. 6. Approval of Minutes

A. May 4, 2015 Special Town Council Meeting

Councilmember Barbara Harrison moved to approve the May 4, 2015 Special Town Council Meeting minutes. All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington

NAYS: None

B. May 11, 2015 Regular Town Council Meeting

Councilmember Hadley has several modification requests: she referred to Judy Johnston's public comments and requested we listen to the tape again because she believes there is something missing; she advised the name of Mark Mills is actually Mark Knowles; under Council Comments Ms. Harrison referred to the committee she was appointed to as the Fire Commission and it is actually the Fire Community Stakeholders Committee that she was congratulating her on. The Clerk advised she will listen to the recording again to review Ms. Johnston's public comments and will resubmit the minutes for approval at the July Town Council meeting.

Councilmember Barbara Harrison moved to table the May 11, 2015 regular Town Council Meeting minutes to the July meeting.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington

NAYS: None

Item No. 7. Consent Agenda.

A. Approval of Audit Contract and Engagement Letter with Tinsley & Terry CPA

Councilmember Barbara Harrison moved to accept the consent agenda as proposed. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington

NAYS: None

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

A. Public Hearing - Conditional Zoning Application for All Saints Anglican Church

Mayor Deter opened the public hearing, stating that no one had signed up to speak.

Town Planner Burton - This is a conditional rezoning request from All Saints Anglican Church located off Hemby Road. The submitted plan is Phase I of a multi phase plan and it includes a multipurpose building, parking and stormwater facilities. Phase II in the future will include a new worship space and 40 additional parking spaces but that has not been planned or confirmed yet. The applicant was required to provide a Traffic Impact Analysis (TIA). The requirement

preceded our new TIA Ordinance but they did work with Justin Carroll, our new traffic consultant who did work on the TIA, who did not recommend any improvements to Hemby Road or any nearby intersections. Our Zoning Ordinance requires that the church provide a 42' landscaped buffer around the property and that's in Section 58-8. The applicant did propose in that buffer that a portion of it be delayed until Phase II. This matter was discussed at the Planning Board meeting and is addressed in condition 8. As Council is aware this Public Hearing was tabled several times mainly because staff, in coordination with USI (our stormwater consultant), recommended the applicant provide construction documents and calculations for a stormwater management plan so USI could determine if the plan was acceptable and to get the Council additional important information regarding their rezoning decision. Final construction documents and calculations will still be submitted to USI for stormwater management. The site plan did change slightly from the time of Planning Board review as a result of a more engineered management plan. The most notable changes are the orientation of the multi-purpose building on the site plan which shifted 90 degrees to make room for an enlarged detention pond. This change also caused a shift in the parking lot location. Staff does not find it necessary to recommend that this rezoning go back before the Planning Board. Staff's opinion is that their discussion, comments and their conditions remain applicable to the revised plan. There are some portions of grading that infringe on some landscape buffer areas and the Council can ensure that landscaping buffer requirements are met when the construction documents are reviewed at that time. Council will have an opportunity to formally approve the construction documents including stormwater management plan and the landscape buffer at that time to ensure that both requirements are met at that point. I have a long list of conditions and won't go through all of them, but a couple I want to point out. Condition numbers 1 and 6 are both stating that the construction documents will get reviewed and voted on by the Council and that any engineering will be seen by USI. Number 8 is what I referenced earlier, it states: *Landscaping with a southern boundary abutting Tax Parcel 06120012 (as shown on site plan) must be completed concurrent with Phase II, or within 3 years of the Conditional Zoning Approval for Phase I, or when a zoning permit is issued for that adjacent Tax Parcel 06120012, whichever comes first.* That is what was discussed at the Planning Board meeting in reference to the applicant proposing to delay some of the landscape buffering. Basically it would allow them to delay it to an extent up to three years or if anything happens to that adjacent parcel. The logic behind this is it is just a field right now and they wanted to try and save some money up front and not plant a lot of trees there when there is nothing there yet. The Planning Board put in their condition that they would be required to put that landscaping in if anything happened to that parcel. Another condition associated with landscaping is number 11: *Landscaping along the rear property line to be supplemented with evergreen bushes/trees sufficient to provide visual screening.* That is another condition that came out of the Planning Board meeting.

Councilmember Harrison inquired how the Planning Board voted on this. Planner Burton replied unanimously.

Nancy Anderson asked to speak, although she did not sign up. She expressed concern that no changes will be done on Hemby Road because we have north/south corridor in Union County and presently we only have 2 connector roads to get on it and she can not imagine that they will not be required to make road improvements of acceleration and deceleration turn lanes to avoid traffic backing up. She requested that be reconsidered. Ms. Anderson referred to the construction on 485 stating that traffic is going to get worse and not better. The widening of Rea Road to Providence Road will also create traffic. It is her opinion they should be required to put in acceleration and deceleration lanes.

Mayor Deter closed the Public Hearing.

Planner Burton responded to the public comment that we do require a traffic engineer for the TIA and that at least some of the logic behind not requiring any improvements is because when you're looking at the Church's specific impact on Hemby Road it is off peak. There was a requirement that a study was done, but no improvements were required as a result of the study.

Mayor Deter questioned condition 11 asking if that is sufficient to define what's going to be expected in there. It sounds a little fuzzy to me but I'll defer to the Council."

Mayor Pro Tem Titherington stated that there is a difference between winter and spring for that site and in the winter it looks completely different. "There are a series of homes back there - property lines to the house lines are about 75 feet to the back of the house so that parking lot going into that upper right hand quadrant, it should be absolutely critical that it's just not landscaping but we need to think like we did with Pulte where we considered those neighbors where we specified a 9 foot high staggered shrubs with 100% screen."

Attorney Fox stated while discussing landscaping you may want to address condition #8. It gives them a 3 year window to install the landscaping that assumes they will have the funds. Sometimes we cure that with bonding to assure the funds are available to make the improvements at the appropriate time.

Planner Burton responded that it's a condition as a result of the Planning Board meeting; they intentionally left it vague because there are a lot of trees there already, so that we weren't forcing them to plant an entire row of evergreen screen in a place where it wasn't necessary.

Mayor Pro Tem Titherington said we did that with Pulte. We actually took a look at this back line and said from this parcel to this parcel, we can certainly take a look at that again but that's an adamant must have."

Councilwoman Harrison stated we also did it for the Methodist Church.

Mayor Pro Tem Titherington said at the end of the day in the winter that's 5:30-6:00 pm start service. To look at the landscaping, from his perspective, in the back we identify where those houses are at risk, we have a minimum height and staggered shrubs like we did with Pulte. "On the front end of that landscaping, we don't have to put in the 9 footer; they can still put in what meets our requirements. I'm with Attorney Fox on that, I'm concerned about the funds, but the flip side is we have 3 years of growth. My perspective is we do not grant a waiver on this other boundary."

Councilwoman Hadley inquired if there is going to be parking in Phase II.

Planner Burton responded there is still potential proposed parking for Phase II, but the southern boundary they are talking about has no parking.

Mayor Deter recapped the conversation. Are we going to require the planting now or have them post some type of bond?", He was asking Council a preference. Councilpersons responded as follows: Councilwoman Harrison said require planting; Councilwoman Hadley said she has no issues to defer the planting; Councilman Smith said he has no problem deferring with a bond; Councilman Titherington said if that's what the ordinance calls for stick to the ordinance and plant them now.

Mayor Pro Tem Titherington stated on Hemby Road, TIA has statements that concerned him. The TIA lists only Sunday Morning 7a.m.-12p.m. and Wednesday night but when you go on their website and look at their events it's about 6 nights a week that are not mentioned in the TIA. "I'm not so sure the TIA we asked them to do doesn't reflect the outreach." He expressed concerns about the bend. "It's tricky and we've discussed it before with Weddington Woods, as there are two churches within a half mile on Sundays I am very concerned about those turn lanes. The two driveway cuts that have not been approved by NCDOT yet, did they take into account with the other church meeting on Sunday or just their 225 seats?"

Attorney Fox asked if that is a request for the traffic engineer to revisit the TIA that was previously conducted based upon the information that seems to be in conflict with the information based on the website. Council had a lengthy discussion about the TIA report, ultimately deciding that it should be redone at a time when both churches are getting out or put a condition on it that they install left and right hand turn lanes.

Attorney Fox stated he understands what they're saying and left and right hand turn lanes but they have a traffic engineer report that's attached to the record. He is wondering if we need to have the traffic engineer go back and revisit with this new information that will support the determination for left hand right hand turn lanes.

Mayor Pro Tem Titherington stated, to avoid slowing down the process, we can put it down as a condition and they can accept the condition or not, If not then another analysis will have to be done and the process will be slowed down...

Planner Burton inquired if they don't want to meet that condition what's the process for coming back before Council. Attorney Fox replied their request for rezoning will not be approved. Planner Burton clarified they would have to start over if a condition was made and not met.

Councilwoman Hadley ask Planner Burton if he thought it would be more considerate for them if we just sent it back. He replied he believes so.

Mayor Deter recapped: "The planting is not delayed, traffic impact analysis condition for acceleration and deceleration turning lanes; send it back and allow the applicant to determine if they want to consent to the left hand and right hand turning lanes; and if we make it a condition and the applicant refuses to comply, it's not approved; versus having a traffic impact analysis done again considering everything and it comes back still not a requirement Council can express their concerns pertaining to public safety." Mayor Deter asked for Council consensus on this.

Mayor Pro Tem Titherington stated he has no issue sending it back but if it comes back with no left hand turning lane, that's a serious issue so that should be a minimal requirement. Planner Burton responded that also gives us an opportunity to communicate the concerns to DOT.

Mayor Pro Tem Titherington referred to the construction document and asked them to take a look at the retention pond, it will count as their side setbacks but we want to make sure about the plantings there at the foot of the dam; make sure there's a discharge pipe on the side to catch that existing swale; with this plan they will be lowering that field from the upper right hand corner moving dirt out to help build up across and as they did that it looked like they were shifting some of those contour lines for the natural water flow there but we want to make sure they maintain the current contour lines softer and make sure that we're lowering it and the contour is not being changed there.

Councilwoman Hadley asked if we know how much it cost them for the extra retention and stormwater run off. Planner Burton replied he is not able to speak to those numbers.

Mayor Deter commented on condition 12: *No bell shall be installed without an approved amendment to the conditional zoning approval*. He asked if that will that encompass the electronic chimes, requesting that it be revised to include: *No sound emitting*.

Mayor Pro Tem Titherington moved to approve tabling this matter to the next meeting. All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington
NAYS: None

B. Public Hearing to Review Proposed Text Amendments to Section 58-272: Downtown Overlay District – Creation of Overlay District Policy

Mayor Deter opened the Public Hearing.

Planner Burton advised this is a proposed new section of our Zoning Ordinance 59-272 for the creation of a Downtown Overlay District. Council has seen previous drafts of this document and submitted recommendations that guided this document. To summarize it will place additional regulations on approximately 30 acres already designated future business in our Land Use Plan. The main purpose is to help contain commercial development in the area where it's already designated in our Land Use Plan and to encourage connectivity between those two parcels to create a more unified town center. Council and the Town Attorney have reviewed this document and provided comments which are reflected in this document already.

Nancy Anderson stated she was in favor of a plan and appreciates the Council taking this on.

Mayor Deter closed the Public Hearing.

Councilwoman Hadley stated when she read certain sections she had some concern but after reviewing the entire document she was more comfortable with the document.

Council each made a positive statement which summarized states that it goes a long way to contain our commercial district.

Councilwoman Harrison made a motion to approve Section 58-272: Downtown Overlay District as written. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington
NAYS: None

C. Public Hearing: Text Amendment to Sections 58-541 – 58-547: Drainage, Storm Water Management & Wetland Protection – revisions to definitions and applications of impervious area, and creation of stormwater management regulations for the Overlay District

Mayor Deter opened the Public Hearing.

Planner Burton advised most of this ordinance was already approved in November; these are some minor tweaks to help improve the policy effectiveness in the Town. This was looked at and some of which was proposed by USI. The Town Attorney has reviewed it as well.

Planner Burton reviewed some of the sections for Council: 58-543B helps to define new impervious area, resulting from Council comments at a previous meeting it being unclear; a more substantial change is 12, which is related to the Downtown Overlay District that was just approved. Specifically dealing with stormwater management on the parcels within the Downtown Overlay District and encourages construction of a regional and shared stormwater pond, providing a slightly different base line requirement at 25 year storm instead of 100 year storm retention. If the development is serving an area of 9 acres or more, providing an incentive for different property owners to work together to create a regional stormwater pond and the Council would still have final say through the conditional zoning process to go up from that base line. It provides Council with more flexibility when reviewing a pond that would potentially take up less land area and provide an amenity for what could be a town center area.

Planner Burton reviewed Section 58-545 explaining that it pertains to ponds on existing properties. , When you are setting a pond on existing property you need to calculate the impact of future development on that pond to USI or to the Town, who will look at existing conditions and future build out on the properties within that drainage basin. Now that we require detention it's unnecessary to look at that for future development because they have to retain all the stormwater runoff on the property. So this is just a tweak to that; they still have to look at future build out of new property outside the Town's jurisdiction; but for anything within the Town they just have to look at the existing conditions enabling us to streamline the process for the applicant. Planner Burton explained the new definition for new impervious area that's associated with what he mentioned at first.

Mayor Deter closed the Public Hearing as no one had signed up to speak. He asked Council if they had any questions. There were none.

Mayor Pro Tem Titherington made a motion to approve Text Amendment to Sections 58-541 – 58-547 as stated and recommended by staff. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington

NAYS: None

D. Public Hearing: Text Amendment to Section 58-271 to align section with requirements in TIA Ordinance and TIA Process and Procedures Manual

Mayor Deter opened the Public Hearing.

Planner Burton advised that 58-271 pertains to Conditional Rezoning referring the applicants to our new TIA Ordinance and TIA Process and Procedures Manual in that section.

Mayor Deter closed the Public Hearing as no one had signed up to speak. He asked Council if they had any questions. There were none.

Mayor Pro Tem Titherington made a motion to approve Text Amendment to Section 58-271 as noted by staff. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington
NAYS: None

E. Public Hearing: Text Amendment to Section 46-41 to align section with requirements in TIA Ordinance and TIA Process and Procedures Manual

Mayor Deter Opened the Public Hearing.

Planner Burton stated this text amendment refers applicants looking at major subdivisions in our Subdivision Ordinance to our TIA Ordinance and TIA Process and Procedures Manual and lets them know that it is a requirement.

Mayor Deter closed the Public Hearing as no one had signed up to speak. He asked Council if they had any questions. There were none.

Mayor Pro Tem Titherington made a motion to approve Text Amendment to Section 46-41 as noted by staff
(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)
All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington
NAYS: None

F. Public Hearing: Text Amendment to Section 58-4 to define adaptive reuse

Mayor Deter opened the Public Hearing.

Planner Burton explained this is related to our Overlay District. We reference adaptive reuse in regulations for new construction within the Overlay District and we define it here in 58-4 which is our section for definitions. The first is the process of reusing a site for building purpose other than that for which it was originally intended. We are encouraging that in the Overlay District.

Mayor Deter closed the Public Hearing as no one had signed up to speak. He asked Council if they had any questions, none heard.

Mayor Pro Tem Titherington made a motion to approve Text Amendment to Section 58-4 as noted by staff.
(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)
All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington
NAYS: None

G. Public Hearing: Text Amendments to Sections 58-60, 58-56.1, and 58-57.1 to align zoning districts with Section 58-272

Mayor Deter opened the Public Hearing.

Planner Burton advised this is just to point the applicants in the right direction. These are underling sections for commercial development, informing applicants that within the Downtown Overlay District they must meet the requirements in our newly approved Section 58-272.

Mayor Deter closed the Public Hearing as no one had signed up to speak. He asked Council if they had any questions, none heard.

Mayor Pro Tem Titherington made a motion to approve Text Amendment to Section 58-60, 58-56.1 and 58-57.1 as outlined by staff.

(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)

All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington

NAYS: None

H. Public Hearing to Review and Consider Fiscal Year 2015-2016 Budget and to Set the Tax Rate

Mayor Deter opened the Public Hearing.

Finance Officer Leslie Gaylord stated "You have in your packets the proposed budget for Fiscal Year 2015-2016. This is the budget that was approved at the May 11, 2015 meeting. The balanced budget total revenues are \$1,861,825 with expenditures of \$1,861,825. Revenues are divided into Ad Valorem Taxes, State-Collected Revenues, Zoning & Subdivision and Other Revenues. Expenditures are divided into General Government, Administrative and Planning and Zoning. The tax rate will remain unchanged at 5.2 cents."

Mayor Deter called for Dan Barry who signed up to speak but chose not to speak.

Eric Anderson asked when it's broken down, how much in legal fees have we paid this year and last year and if the town loses the lawsuit we could spend well over \$1,000,000. It concerns him that Town Council is making decisions that are getting us sued and we are paying that sum of money for legal fees when we could use it for deputies and road improvements.

Ms. Gaylord replied that for 2016 the attorney fees are budgeted at \$125,000 and for 2014 we spent on general representation \$115,000 and an additional \$25,000 for the water tower litigation.

Mayor Deter closed the Public Hearing and asked Council if they had any questions.

Councilwoman Hadley stated she had asked Ms. Gaylord about the town operations and how that has grown over the past 5-7 years because in 2008 when there was the revaluation, we were at a 3 cent tax rate and to go revenue neutral we could have gone to 1.99 tax rate; so she wanted to know what percentage we are paying today for town operations. It looks like in 2008 we spent \$543,000 to operate the town; in 2016 we will spend \$903,000 to operate the town which is a big growth percentage that causes her concern. With the impending lawsuit we might want to increase our line item for the attorney's fees.

Ms. Gaylord was asked and explained how she got those figures.

Councilwoman Hadley stated "My question is to the Town Attorney. With the impending lawsuit, you can't project the amount or if there will be a significant increase; would it be responsible for us to allocate funds for legal fees?"

Attorney Fox replied the town is in the process of defending themselves on a legal action that was brought against them. He is unable to determine the cost of the litigation and does not think it will entail an extensive discovery therefore those costs should not be significant. He explained what discovery is.

Mayor Deter inquired if can we amend the budget if the fees are higher than budgeted for.

Ms. Gaylord replied that in general, general representation runs about \$8,000 a month and there is a contingency for an additional \$30,000. If we need more we can come back and amend. She assumes some of those fees will come under the current year's budget.

Mayor Pro Tem Titherington made a motion to approve the General Fund Balance Ordinance for Fiscal Year 2015-2016 as presented by Leslie Gaylord with a tax rate of 5.2 cents per 100 as current. **(COPY ATTACHED HERewith AND MADE A PART OF THE RECORD)**

The vote was 3-1, with votes recorded as follows:

AYES: Councilmembers Harrison, Smith and Mayor Pro Tem Titherington

NAYS: Councilwoman Hadley

Item No. 9. Old Business

A. Review and Consideration of Construction Documents for LDS Church

Planner Burton advised that this came before Council at the last meeting where you initially reviewed the Constructions Documents and then tabled the decision to allow the applicant to revise the stormwater management plan because when USI was completing their review they realized that the underground stormwater facility was not quite large enough. They have fixed that issue, and he emailed the letter stating that USI has approved the plan.

Mayor Pro Tem Titherington – "Their current plan has been a source of frustration from the respect of the Town trying to get that squared away. So I'm assuming we will have a conversation with them as they develop the new plan that will be corrected. How do we ensure that is taken care of in this process?" Planner Burton replied it was already a condition of the rezoning approval in May and we can make it a condition to the construction documents, so we have it on record twice.

Mayor Pro Tem Titherington made a motion to approve the Construction Documents for the LDS Church with a condition that they take the existing stormwater retention pond that would be part of the newer retention pond up to standard as approved by USI. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington

NAYS: None

B. Fire Service Update – Councilmember Hadley

"For the record, I'd like to give an update regarding our fire service since our last meeting in May.

As we are all aware, notice has been given to PVFD to terminate their Fire Suppression Contract with the Town. A contract to replace PVFD at Hemby Road has been signed by WCVFD. Notice has been given to Stallings VFD to cancel their FSA contract with the Town. All notices and contracts are effective July 29, 2015.

WCVFD has submitted an Action Plan to the North Carolina Department of Insurance in hopes of receiving feedback from the Department Of Insurance to reduce the possibility of any rating change. "A careful review could typically take 2-4 weeks, and is dependent on several variables - including current staff workloads and how much of the information provided needs verification," Commissioner Wayne Goodwin wrote in a May 15 email.

WCVFD has also purchased three (3) trucks for Hemby Road from a department in Virginia; a 2007 tanker, a 1999 rescue engine and a 2001 brush truck. The price for three was \$115,000. McLendon's action plan states the trucks to be located in the Hemby Road station would have a total water hauling capacity of 5,700 gallons.

WCVFD held a Public Hearing to restructure their debt at station #31 on New Town Road. Last week they submitted a Resolution to the Board of County Commissioners that reduced the rate of the loan saving approximately \$17,000 of interest payments for the year. The Board of County Commissioners approved the restructure of the loan with the condition that the amount not exceed the payoff amount of approximately \$620,000.

Last week Providence Volunteer Fire Department filed a lawsuit against Weddington alleging the town ended the fire service contract with the department without cause. Should it be determined by the courts, the Town could be liable for a \$750,000 penalty payment.

What hasn't been addressed is the status of the real property at Hemby Road; the building and the land is currently an asset of the Town that we; the taxpayers paid \$923,000 to purchase. It's my understanding there are three options. 1) Continue to lease the building 2) Sell the building and 3) Donate the building.

Coupled with the legal costs of defending a lawsuit and possible payment of a \$750,000 penalty is the \$923,000 we have invested in Hemby Road. All the costs associated with the decision made in April to change our fire service model are now closing in on \$2,000,000. I would like to encourage this council to receive community buy-in and support before making a decision about leasing, selling or donating the building on Hemby Road. Regardless, I am committed to finding an amicable solution to what has become an emotional, contentious and financial strain on our Town."

Mayor Deter stated that since a civil suit has been filed against the Town, he proposed that a Litigation Committee be formed comprised of a couple of Councilmembers to provide direction to the Town Attorney as we address this lawsuit that has been filed against us.

Councilwoman Hadley wanted to make note that the agenda item doesn't have anything for consideration.

Mayor Deter referred to the Council's Rules of Procedure, Rule number 34 asking Attorney Fox if he is permitted to create a committee. Attorney Fox replied that Rule 34 provides the Council

or Mayor the ability to create a committee and read Rule 34: *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.* Attorney Fox stated that if this issue is not appropriate here, the Council can amend the agenda to add this item as an action item. Councilwoman Hadley inquired if that should have been done in Item 5. Attorney Fox replied the Council can amend the agenda at any time during a regular meeting. At a Special Meeting you are restricted to the contents of the agenda, but a regular meeting can be changed at any time during the meeting.

Mayor Pro Tem Titherington made a motion to amend the agenda to add Item 9C. - Formation of Litigation Committee due to the fact the Town recently received notification of a civil suit and time is of the essence to create a committee to work with Attorney Anthony Fox. He clarified his reasoning's for the audience and Council: due to the fact that the town was served papers about a week ago it is incumbent that we have the ability to meet with our Town Attorney and proceeding in this manner, it's best that we appoint a committee to do that, so he's asking that be added to the agenda.

Councilwoman Hadley said she didn't mind doing this but why couldn't it be amended for the Department of Insurance Representatives to speak at the special meeting. Mayor Deter replied because that was a special meeting and he assumed Councilwoman Hadley was not aware of them coming down.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington

NAYS: None

Mayor Deter said he wanted to make the following comments while on this agenda item:

"There have been many statements made on social media, on the PVFD web site, in various newspapers & TV stations and flyers put in residents' mailboxes by PVFD Board Members or people associated with them. These statements and comments run the gamut from misleading to totally false. I want to address a few here tonight.

These flyers talk about the level of service or staffing levels at the Hemby road station: The current contract with PVFD does not call for 24/7/365 coverage by 4 fire fighters (2 EMT's). This is called out in the WCVFD contract.

These flyers talk about PVFD being debt free: PVFD is debt free because the town has been incurring all of their debt. From 2007-2012 the town subsidized PVFD by almost \$1 million over & above the fire fee/taxes paid by residents. When the fire service district was created the town still subsidized PVFD in the first year by over a quarter million dollars. This ongoing funding is a burden that is not sustainable by the town. The council must be concerned with all town residents not just one group as we address public safety and the financial issues and viability of PVFD. These flyers talk about PVFD's high ratings with the audit results: High ratings by an auditor do not speak to the financial viability of an organization; it simply means that there is a high probability that what is reflected in the account balances is correct. An organization can be bankrupt or near bankrupt and still pass an audit.

These flyers say \$3,000,000 of equipment goes away: How do you say \$3,000,000 of equipment goes away if PVFD's audited balance sheet lists total assets of approximately \$585,000?

These flyers talk about 6,000 gallons of water hauling capacity going away. The equipment that WCVFD will have at the Hemby road station has the ability to haul 5,700 gallons of water to fires anywhere in the county. Their new 3,500 gallon tanker, the largest in western Union county, has a greater capacity than the tanker currently at the Hemby road station. WCVFD is the only VFD in western Union county with two tankers that have a combined capacity of 6,000 gallons.

These flyers say 47 certified fire fighters will be gone: Many of the certified fire fighters will still have the ability to serve at the Hemby Road station if they truly wish to serve the community. If they only wish to serve PVFD then of course those positions will be gone; it's their individual decisions.

These flyers say there is no assurance from the state fire marshal that insurance ratings won't increase: Sixty days before the current fire district was created in 2012 Chet Hill from the state fire marshal's office told Weddington that rates would increase to a 10 unless a plan was implemented to address certain issues. As part of today's changes an action plan has been submitted and is currently being reviewed by the state fire marshal's office.

On the TV news last night the PVFD chief said *"the town will lose a centrally located fire department and get one that is not even located in our town"*: As stated many times before the Hemby Road station will not go away. It will continue to be fully staffed as it is today. Also, there are actually two fire stations located in the Town of Weddington, one on Hemby road and another on New Town Road.

On the TV news last night the PVFD chief also said *"we don't want the \$750,000. We want to continue to serve and protect the residents in the town of Weddington."* If this is true then PVFD would have participated with good faith in the merger discussions. PVFD is an independent organization and controls their own destiny with the decisions they make. Their destiny is not determined by this Council. They determine their own future.

This has been said many times before but I will say it again. While this is a very emotional event for some people in the town at the end of the day it is a financial decision that was made in the best interest of public safety for all of the town's residents.

Mayor Deter asked if there were any more comments. Having heard none Council went on to the next matter.

C. Formation of a Litigation Committee – *this matter was added as a result of a motion made in 9B by Mayor Pro Tem Titherington*

Councilmember Smith stated that since Mayor Deter and Councilwoman Harrison have represented the town on this matter in the past they should continue to do so on this new committee.

Mayor Pro Tem Titherington stated he supports it. "You two have been in on the conversation that happened 1.5 years ago, you two have been in all the meetings. Because of Attorney Fox's point that we were served with a very tight time frame you both are up to speed and it makes sense."

Councilwoman Hadley advised that they have the majority and she feels inclined to say, "This is not judgmental of your character or person, but it was under your leadership that we were served with this lawsuit." It concerns her if it can be amicably resolved with them on this committee.

Mayor Pro Tem Titherington stated: "To me this is for them to work with the attorney and it takes time to have 3, 4 or 5 people at those meetings. They will not be making decisions or resolutions; they can gather the information and bring it back to Council. So what we need to get done and the time frame in which to do it, with them up to speed on it, the execution will be quicker."

Councilmember Smith stated that it is understood that the decisions will be made by the Council as a whole.

Councilmember Smith made a motion to appoint Mayor Deter and Councilwoman Harrison to the legal committee to work with Town Council on the lawsuit.

The vote was 3-1, with votes recorded as follows:

AYES: Councilmembers Harrison, Smith and Mayor Pro Tem Titherington

NAYS: Councilwoman Hadley

Attorney Fox reminded everyone that as a committee they still have to follow the Open Meeting Laws and provide for appropriate notices. When there is a closed session item for litigation at that time they might just want the litigation committee in there to discuss the matter.

Mayor Deter clarified asking Council if we should have a full closed session or just the committee at the closed session on tonight's agenda.

Item No. 10. New Business

A. Review and Consideration of Entry Monumentation and Landscaping for The Falls at Weddington (Construction Documents)

Planner Burton explained all construction documents for Conditional Rezoning must go before the Council. For a conventional subdivision it would just be the Planning Board approving the monument. This is for the Falls at Weddington for all three entrances on Antioch Church Road. In your packet you have the architectural and landscaping plans for the entry monuments. All the monument structures are outside the right-of-way of the sight triangles and the plants are on the List of Acceptable Plant Species.

The Planning Board heard this matter at their meeting on May 22, 2015 and unanimously recommended approval with the following 2 conditions:

- Any lighting shall meet the requirements of the Town of Weddington Lighting Ordinance.
- All signs must be under the required maximum area of 20 square feet per sign (Section 58-152.f.)

Mayor Deter inquired that the site lines requirements are met at all three entrances; Planner Burton confirmed they do.

Mayor Pro Tem Titherington stated that when we approved the Falls originally there was some shrubbery that came up on Antioch Church Road and the developer agreed to cut those trees back to make it easier to see down Antioch Church Road not to cover up that blind spot. It will be critical to be on the watch for that on the construction documents.

Mayor Pro Tem Titherington made a motion to pass the architectural landscaping plans for entry monuments for the subdivision Falls at Weddington with the two noted conditions of approval from the Planning Board and the clarity that they will maintain lines of sight.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington

NAYS: None

**B. Review and Consideration of Bids for additional paving for Town Hall –
Councilmember Harrison**

Councilwoman Harrison explained that she met with three different paving organizations over the last week or so to do paving in the back to add a couple more parking spaces. "I arrived tonight at 6:15 and all the spots were taken. I met with Countrywide Paving, SMI Paving and RAM Pavement; I even met one of them on a Sunday morning. I specifically asked them to regrade by the storeroom to move the water away from there, to have a trench so the water can go towards the Magnolia and then to do the paving in concrete because that's what we have back there. Additionally I had asked if they could level out the garage, but because it's an open garage if the wind blows it's not going to stop it and how quickly can you do it. I made the same requests from all three vendors and can we get a government discount. SMI provided a quote with asphalt when I specifically asked for concrete for aesthetics purposes." She recommends approving RAM Pavement because he was the only one who came back and did something about moving the water. Councilwoman Harrison provided an explanation of the flooding issues that also create structural concerns informing that it will take approximately four days to complete the project providing 4-5 additional parking spaces.

Councilwoman Hadley asked about the design. Councilwoman Harrison stated they will be diagonal parking spaces so the garage can be used and parking will be available alongside it. It will go to where the cement ends right now where the deputies' cars are on the grass.

Councilwoman Hadley stated that RAM's quote is \$13,920 and asked what the other estimate was.

Councilwoman Harrison replied approximately \$8,500 - \$8,900 and that this topic was discussed at the retreat.

Councilwoman Hadley stated there is a \$4,000 difference between the middle bid and the highest bid.

Councilwoman Harrison confirmed she was correct. "This is up to the Council, not my desire per se. If you want to spend the money later to do the drainage, what is there now is not working." There was general conversation amongst Council about the drainage issues and correction of same, maintaining the bricks and that there is funding in the budget for this fiscal year, the pad being tied into the footer and the fact that they have been in the business over 30 years..

Councilwoman Hadley explained her vote and that she has no problem repairing the area but she feels like we might be close if we haven't already outgrown Town Hall. When she discussed the budget and the increase of \$100,000 for operations, she feels we are spending \$14,000 which is the highest bid and to get four or five additional parking spaces makes her unsure and that's why she's voting against it.

Councilwoman Harrison made a motion to approve the bid for RAM paving with the contingency that the Town Attorney review the contract.

The vote was 3-1, with votes recorded as follows:

AYES: Councilmembers Harrison, Smith and Mayor Pro Tem Titherington

NAYS: Councilwoman Hadley

C. Review and Consideration of speed limit on Tilley Morris Road – Mayor Pro Tem Titherington

Mayor Pro Tem Titherington stated that we have discussed that section between Antioch Church Road and Matthews Weddington Road and the dangers that it brings. We had a fatality in December and another bad accident last month when we lost power. We have discussed this with DOT and he's tired of listening to them asking for more information. We have done the traffic counts, have the information and the realities are when you come into Union County from Mecklenburg the speed limit is 35 mph. That section of Tilley Morris between the County line and 485 is 45 mph and is bad and we've got the record counts to show it. He continued to explain the many concerns with that area of the road with emphasis on the curve, with the changes of schools that are going through there, the additional buses and cars and new developments that are coming in, it's time to lower the speed limit; recommending Council submit a letter to NCDOT that the whole section be lowered to 35 mph.

Mayor Deter explained that he drove out. There is a sign at both ends as you come into the curve the sign says 35 mph and agrees we need to do something. He had the deputies provide a crash report. It might even come down to flashing lights. "I'm uncertain what it's going to take and correspondence the Clerk sent us, I think we're speaking about staff contacting NCDOT or passing a resolution, I'm just trying to get clarification for staff..."

Mayor Pro Tem Titherington said if Council agrees we submit a Resolution to NCDOT requesting the speed limit get lowered from Union County line all the way back out to the Mecklenburg County line, from Tilley Morris/Matthews Weddington Road to 35 mph which is what it is in Mecklenburg and to do it as soon as possible.

Councilmember Smith stated he agrees and that we have asked without any assistance. Would it be prudent as well, adding to that resolution, to see if they will put a guardrail there on the right side towards the Siskey YMCA, so in conjunction with the speed limit, we should ask for a guardrail?

Attorney Fox recapped that you want staff and he to create a resolution requesting DOT to make certain traffic improvements along this corridor to reduce speed limit and add flashing lights and a guardrail.

Mayor Deter agrees, but he doesn't know if NCDOT will - based on their experience if we can force them to do this, suggesting giving direction to the Town Attorney on how to go forward.

Councilwoman Harrison stated we did a resolution to NCDOT to accelerate widening Providence Road, we had residents email them and we were advised from them that we can't do it and those residents that requested the widening by email were asked if they wanted to contribute money towards it. "I'm not sure we don't just let them know we will incur the cost of the signs." She suggested we direct staff to work with NCDOT at the local level letting them know we would like

to have the flashing lights and guardrails. They will probably have to tell us the cost of installation and right-of-way.

Councilmember Smith stated that he is in favor of doing the resolution first and seeing if that works before offering to pay for it.

Councilmember Hadley suggested we send the resolution to Lee Ainsworth with DOT who came to the Town retreat.

Mayor Deter suggested do we do a resolution and have staff concurrently do costing. It is a huge public safety issue.

Mayor Deter recapped again to direct attorney and staff to do a resolution of 35 mph, flashing lights and guardrail.

Councilwoman Hadley said let's direct staff to contact Lee Ainsworth, this is what we told you, this is what we want, how best should we go about doing it.

Mayor Pro Tem Titherington made a motion to direct staff to draft a letter outlining specific requests to NCDOT for the section of Tilley Morris/Weddington Matthews Road from the Union County line to the Mecklenburg County line to reduce speed to 35 mph, look at flashing signs, guardrails and any other deterrents that NCDOT may recommend and that letter be signed by all Council and Mayor. In the meantime, staff should reach out to Lee Ainsworth to start that process.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington
NAYS: None

D. Review and Consideration of Budget Amendment for Fiscal Year 2014-2015

Finance Officer Gaylord advised that Council has in their packet an amendment for the current fiscal year ending June 30, 2015. It is more of a housekeeping item and is required by State Statute that we not be under budget in revenue categories or over budget in expenditure categories. "In light of last week's litigation receipt I would also like to adjust what you have in your packet and add \$45,000 to General Government to up that number from \$1,865,000 to \$1,910,00 to cover any potential fees that might occur before the end of the year. I would offset that by increasing the Ad valorem taxes by \$45,000 making them a total of \$1,100,250 and the net appropriation stays the same."

Mayor Pro Tem Titherington moved to approve the Finance Officer's recommendation to increase Ad Valorem Taxes by \$45,000 and General Government Expense by \$45,000. Budget Amendment for Fiscal Year 2014-2015. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington
NAYS: None

Item No. 11. Update from Town Planner. The Town Council received the following update from Town Planner Burton: We had Public Involvement Meetings for the new proposed subdivision the Enclave at Weddington last week and the Planning Board will review the sketch plan on June 22, 2015. The Falls at Weddington is proposing their amenity site; we have Public Involvement Meetings tomorrow and Wednesday and will be on the Planning Board July 24, 2015 Agenda. Another outstanding item that we have is the sketch plan from The Woods, but we haven't scheduled Public Information Meetings yet.

Mayor Pro Tem Titherington questioned an illegal sign on the corner of Antioch Church Road and Weddington Matthews Road. The sign is in Weddington but the facility is being built in a different jurisdiction. Planner Burton advised he will address it this week with the developer.

Item No. 12. Public Safety Report

Councilmember Smith had nothing to report.

Item No. 13. Update from Finance Officer and Tax Collector.

A. Finance Officer's Report

Finance Officer Gaylord reported the Council has the Town's monthly financials in the packet and to address any questions they may have to her.

B. Tax Collector's Report. Monthly Report – May2015

Transactions:	
Adjustment under \$5.00	\$(18.89)
Balance Adjustments	\$(7.20)
Interest Charges	\$253.53
Penalties and Interest	\$(344.67)
Releases	\$(137.92)
Refunds	\$4.17
Taxes Collected:	
2011	\$(73.82)
2012	\$(127.96)
2013	\$(190.09)
2014	\$(5194.45)
As of May 31, 2015; the following taxes remain Outstanding:	
2005	\$252.74
2006	\$56.80
2007	\$144.42
2008	\$1119.36

2009	\$1069.81
2010	\$1048.40
2011	\$1364.21
2012	\$6059.63
2013	\$6409.26
2014	\$21847.90
Total Outstanding:	\$39372.53

Item No. 14. Transportation Report

Councilwoman Harrison - There was a lot on the I77 toll lanes that came before the MPO. That project was voted on a year before; it wasn't on our agenda but apparently Governor McCrory said if the MPO wants to make a Resolution he might reconsider. Many emails were received resulting in the Transportation Director putting a discussion on the agenda. The MPO has gotten big, there are three different Counties represented. Commissioner from Mecklenburg wants it even though they voted no, the Commissioner from Iredell wants it. But in the end no one wanted to make a Resolution to change what we already overruled.

She received an email of \$150,000 per turn lane on Twelve Mile Creek Road, which includes right-of-way as well. She sent an email to Division 5 of NCDOT asking if we buy one do we get one free, meaning if this is something that's going to get done in the widening of Rea Road/84 if we do it early and choose to pay for it, will they credit us with \$300,000 to be applied towards other road improvements within our jurisdiction and is waiting for a reply..

Attorney Anthony Fox - For the record, when Councilmember Titherington made the motion to approve the Budget Ordinance, there was actually a written copy of the Budget Ordinance before him entitled Town of Weddington, North Carolina 2015 -2016 General Fund Budget Ordinance O2015-06 that was referenced and approved by the Council. Councilmember Titherington replied that's what he read off of.

Item No. 15. Council Comments

Councilmembers Hadley and Smith, Mayor Pro Tem Titherington and Mayor Deter had no comments. Councilmember Harrison wished the Town Attorney a belated Happy Birthday.

Item No. 16 Closed Session - [N.C.G.S. 143-318.11(a)(3)] Consult with the Attorney – to protect the attorney-client privilege

Attorney Fox stated that the closed session is to discuss the litigation that has been filed by PVFD verses the Town Of Weddington seeking the payment to PVFD of \$750,000 based upon their belief that the Town has violated the Fire Suppression Agreement and terminated that agreement without cause and going forward. The issue is whether or not the entire Council will be present or just the Litigation Committee. It was decided that all Councilmembers would be present.

Councilwoman Harrison moved to enter into Closed Session under NCGS 143-318.11(a)(3) to consult with the Attorney, protected by attorney-client privilege.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington
NAYS: None

Councilmember Smith moved to enter back into Open Session.
All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington
NAYS: None


Item No. 17 Adjournment.

Councilmember Smith moved to adjourn.
All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, Smith and Mayor Pro Tem Titherington
NAYS: None

The meeting adjourned at 10:40 p.m.



Bill Deter, Mayor

Attest Peggy Piontek, Town Clerk



System Review Report

August 22, 2012

To the Shareholders

Tinsley & Terry, CPA's, P.A.

and the Peer Review Committee of the North Carolina Association of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Tinsley & Terry, CPA's, P.A. (the firm) in effect for the year ended April 30, 2012. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting auditing practice of Tinsley & Terry, CPA's, P.A. in effect for the year ended April 30, 2012, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Tinsley & Terry, CPA's, P.A. has received a peer review rating of *pass*.


Johnson Price Sprinkle PA

Johnson Price Sprinkle PA

79 Woodfin Place, Suite 300 • Asheville, NC 28801 • 828.254.2374 • Fax 252.9994 • www.jpspa.com

An Independent Member of the BDO Seidman Alliance.

Attachment A

**AN ORDINANCE TO AMEND
THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2015-07**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-272 BE AMENDED TO INCLUDE THE DOWNTOWN OVERLAY DISTRICT ORDINANCE IN THE CODE OF ORDINANCES AS FOLLOWS:

Section 58-272 Downtown Overlay District

(a) Downtown Overlay Boundary

The Downtown Overlay shall apply to those parcels designated as future business in the Town of Weddington 2013 Land Use Plan. The Downtown Overlay shall include the northern edge of Parcels 06150059A and 06150059, the northern boundary; Weddington-Matthews Road, the eastern boundary; Weddington Road (Highway 84), the southern boundary; and Providence Road, the western boundary. All commercial development proposed within any parcels included within this Downtown Overlay shall also be subject to the requirements of with the MX zoning district (Section 58-60), and the Conditional Zoning application process described in Section 58-271. The Downtown Overlay District will supersede any requirements defined in Section 58-60 (MX Zoning District) when there is a conflict in the requirements between the two sections.

(b) Maintenance of shared facilities within the Downtown Overlay

The Council may require that the owners, or applicants, create, participate in, or be a signatory to a Maintenance Agreement with any or all other property owners located within the Downtown Overlay's jurisdiction. The Maintenance Agreement shall provide for the maintenance of any shared facilities or spaces within the Downtown Overlay, potentially including but not limited to shared open space, pathways, roadways, shared entrances, entryway monuments, decorative street lighting, stormwater facilities, and sewer/septic facilities. Existing property owners shall be allowed to join in any maintenance agreements.

(c) Access from Thoroughfares

1. Access to parcels within the Overlay District from Providence Road shall be limited to the existing number of access points. Any existing access point may be shifted or modified to accommodate new development and/or parking, subject to Council approval and provided the total number of access points is not increased.

2. Access to parcels within the Overlay District from Weddington-Matthews Road shall be limited to one shared access point.

3. The Town Council may require all applicants proposing new commercial development within the Downtown Overlay to coordinate with NCDOT and contribute to the cost of construction for the east-west collector road as shown in the Local Area Regional Transportation Plan. The cost of the contribution will be approved by both the Town Council and NCDOT and may be placed

into an escrow account, or a similar account, until sufficient funds are in place for construction of the road.

- a. The Town Council may require that maintenance of the collector road to be the responsibility of any or all of the owners within the Downtown Overlay, until the point that NCDOT takes over maintenance of the road.
- b. If and when the collector road is constructed, it shall be limited to one shared access point to parcels within the Downtown Overlay.

(d) Connectivity within the Town Center

1. Any proposed development site plan must create roadway stubs to connect with any or all adjacent parcels also located within the Downtown Overlay District.
2. Any proposed development site plan must create pedestrian pathway stubs to connect with any or all adjacent parcels also located within the Downtown Overlay District.
3. Any proposed development site plan must include clearly identifiable crosswalks to allow pedestrians to safely cross parking lots and interior streets.
4. Any proposed development site plan must coordinate with NCDOT and include sidewalks along the thoroughfare or the collector road ((c), 3). Maintenance of the sidewalks must be the responsibility of the property owner, or included within a maintenance agreement including several property owners.
5. Any proposed development must include street trees and decorative street lighting to encourage pedestrian activity. All street trees must be included in the Town of Weddington's List of Acceptable Plant Species.

(e) Open Space and Natural Features

1. Any proposed development within the Town Center shall be required to provide 10% open space. The development shall also be required to dedicate an additional 10% of open space to create shared open spaces. The Council will approve the location of any shared open space, and may require that the shared open space be located on the boundary of the parcel so that it can be combined with the shared open space of an adjoining parcel.
2. Any application for a conditional rezoning for property within the Downtown Overlay District shall include an environmental survey locating and detailing all natural features on the property, including but not limited to trees. The Town Council may require that any or all existing natural features on the property be preserved and/or maintained by the property owner as a condition of a Conditional Zoning approval.

(f) Design and Parking

1. New construction should align facades with those of any adjacent structures. Exceptions may be granted if the setback is pedestrian-oriented and contributes to the quality and character of the streetscape. An example would be for outdoor dining.
2. All roof equipment must be screened from public view and shall not be visible from the street.
3. All exterior trash and storage areas, service yards, loading areas, transformers and air conditioning units must be screened from view. Camouflaging air conditioning units is an acceptable screening method. The screening must use the same materials, color and/or style as the primary building in order to be architecturally compatible with the adjacent building.
4. Shared entry monuments located at shared access points shall be predominantly brick and compatible with existing entryway monuments within the Downtown Overlay District. Maintenance of the entry monument structures and any landscaping associated with the monuments shall be the responsibility of property owners within the Downtown Overlay District and/or signatories to the Maintenance Agreement.
5. Decorative street lighting shall be approved by the Town of Weddington, and must be installed within any new development proposed within the Downtown Overlay at the sole cost of the developer. The decorative street lighting should be placed at an appropriate and uniform distance along the roadways or pathways, and shall be coordinated with the spacing and locations of the lighting on adjoining parcels within the Downtown Overlay District.
6. Proposed structures within the Downtown Overlay District must be designed in a manner that promotes adaptive reuse, as defined in Section 58-4.
7. Proposed structures within the Downtown Overlay should be located towards the exterior of the parcels (along the thoroughfares), and contain interior parking. The Town Council may approve structures located towards the interior of the parcels if more than one structure is proposed on the same parcel.
8. The Town Council may reduce parking requirements by up to 50% if proposed development provides shared parking between more than one use or property owner.

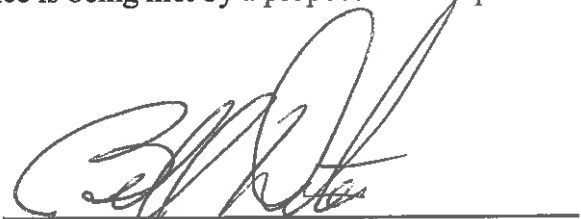
(g) Infrastructure

1. Any new development within the Downtown Overlay must connect to a sewer system, whether private or public, unless it is shown to be unreasonable to make the connection, or unless the applicant provides a suitable alternative.

(h) Planned Unit Development


1. The Overlay District is designed to create a unified town center out of separate development projects. However, a large area could be developed simultaneously by one developer. One major project could allow for development to meet the intent of the Overlay District, while not meeting every specific requirement as stated this ordinance. Therefore, the Town Council may provide exceptions to any requirements within this ordinance if the overall intent of the Ordinance is being met by a proposed development of 9 acres or more.

Adopted this 8th day of June, 2015.



Bill Deter, Mayor

Attest:



Peggy S. Piontek, Town Clerk

**AN ORDINANCE TO AMEND
THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2015-08**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-541 TO 58-547 BE AMENDED TO INCLUDE THE TEXT AMENDMENT TO SECTION 58-541 – 58-547 IN THE CODE OF ORDINANCES AS FOLLOWS:

ARTICLE XIII

**DIVISION 6. DRAINAGE, STORM WATER MANAGEMENT & WETLAND
PROTECTION**

Section 58-541. NATURAL DRAINAGE SYSTEM UTILIZED TO EXTENT FEASIBLE

To the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing manmade drainage ways shall remain undisturbed.

To the extent practicable, lot boundaries shall be made to coincide with natural and pre-existing manmade drainage ways within subdivisions to eliminate the creation of lots that could only be built upon by altering such drainage ways.

Section 58-542. DEVELOPMENTS MUST DRAIN PROPERLY

All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

- A. The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or stormwater runoff control plan; or
- B. The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.

No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from high adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties.

No surface water may be channeled or directed into a sanitary sewer.

Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or adjacent streets.

Private roads and access ways within non-subdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner, or if other sufficient reasons exist to require such construction.

Construction specifications for drainage swales, curbs and gutters, and storm drains shall be reviewed and approved by the Zoning Administrator with the assistance of the Town's Engineering Consultant, as necessary. All systems shall be designed in accordance with the Town's Stormwater Manual, as adopted, for a fully developed basin upstream based on the adopted town land use plan. Design of such systems shall be certified by a registered North Carolina professional engineer as an integral part of any permit application.

Section 58-543. GENERAL STANDARDS FOR STORMWATER MANAGEMENT

A. The Town of Weddington hereby adopts and incorporates herein the provisions contained in the Charlotte-Mecklenburg Stormwater Design Manual, dated January 1, 2014 (as amended) (hereinafter referenced as the "Stormwater Manual"), with the following exceptions:

- 1) Necessary deviations may be necessary to accommodate soil types found in Union County and the Town of Weddington.
- 2) Rainfall data for stormwater management design calculations shall be the most current available and shall be obtained from the National Oceanic and Atmospheric (NOAA) Precipitation Frequency Data Server website.
- 3) When discrepancies are found between the Stormwater Manual and the Town of Weddington zoning or subdivision regulations, the stricter regulation shall apply.
- 4) The Town Engineer, may approve other deviations from the Stormwater Manual in unique cases where hardship is demonstrated. Any deviation is also subject to approval from the Town Council.

B. All developments shall be constructed and maintained so that properties are not unreasonably burdened with storm water runoff as a result of such developments. More specifically:

- 1) All nonresidential development and all major residential development creating more than 20,000 square feet of new impervious area shall provide storm water detention to control the peak stormwater runoff from the 2, 10, 25, 50, and 100 year, 24 hour storm events to pre-development rates. Stormwater volume control shall also be provided for the 1-year, 24 hour storm. Design of facilities shall be consistent with the Stormwater Manual except as stated herein.

- 2) All developments with impervious area existing on or before November 13, 2014 shall provide detention only for any newly created impervious area.

Minor residential subdivisions and individual single-family residences are exempt from requirements of this section.

Stormwater management facilities shall not be located within 20 feet of any property lines.

A registered North Carolina professional engineer shall certify documents demonstrating that construction of the project or subdivision will not increase the rate of runoff from the site nor cause any adverse impacts on downstream facilities or property.

Where stormwater management facilities are proposed to be constructed, the owners, heirs, assigns or successors of the land, including any homeowners associations, will agree to perpetual maintenance of the facility and will release and hold harmless the Town of Weddington from any liability, claims, demands, attorney's fees, and costs or judgments arising from said facility. At a minimum, the facility will be inspected by a registered North Carolina professional engineer on a yearly basis and the annual inspection report submitted by the owner to the Zoning Administrator for purposes of compliance.

An evaluation of any dam that is part of a stormwater management facility shall be made by the designer, in accordance with the Dam Safety Law of 1967, and submitted to the dam safety engineer for review, if required.

No certificate of compliance or release of performance bond funds shall be issued for any development until a registered land surveyor has surveyed the as-built storm drainage and storm water management facilities and the revised calculations have been submitted to and approved by the Town of Weddington. The revised calculations must be sealed by a registered North Carolina professional engineer. In addition, the Town shall not grant final plat approval unless the Town Engineer has approved the plans, and the Town has approved the as-built detention plans and/or a performance bond has been secured.

A permanent drainage easement that encompasses the facility shall be shown on a recorded plat, along with an access easement from the facility to a public right-of-way. This easement will be described by metes and bounds on the plat.

There will be a note placed on the recorded plat that clearly describes who is responsible for maintenance of the stormwater management facilities, pipes, and/or channels located within the permanent facility.

Required drainage easements for streams shall be provided as described in Zoning Ordinance Section 58-338, "Setbacks from Streams"

12) Applicants proposing new development within the Downtown Overlay District (Section 58-272) may propose an alternative stormwater management plan, provided the proposal includes a regional stormwater management pond that serves a development area of 9 acres or more. At a minimum, the proposed plan must detain peak stormwater runoff for the 2 year, 10 year, and 25 year, 6-hour storms, and provide 0.5 feet of freeboard during the 50 and 100 year storm events. The regional stormwater pond must be approved by the Town Council in accordance with the Conditional Zoning approval process described in Section 58-271.

Section 58-543.1 REQUIREMENTS FOR STORMWATER MANAGEMENT PLAN APPROVAL

A. Stormwater Management Plan Required for All Developments

No Conditional Use, Vested Rights, Rezoning, or Zoning application for Non-Residential Uses or Preliminary Subdivision Plat for Residential or Non-Residential Uses will be considered as complete unless it includes a stormwater management plan detailing in concept how runoff resulting from the development will be controlled or managed. Preliminary informational meetings with the Town Zoning Administrator or the Planning Board may be allowed without a complete Stormwater Management Concept Plan.

No Zoning Permit or Final Plat approval shall be issued until a satisfactory final stormwater management plan has been reviewed and approved by the Town upon determination that the plan is consistent with the requirements of this ordinance.

All costs for the Town's engineering review of the storm water management concept plans and final plans shall be borne by the owner/developer.

B. Stormwater Management Concept Plan Requirements

A stormwater management concept plan shall be required with all permit applications and will include sufficient information to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site on water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The information provided shall meet the design requirements of the Stormwater Manual. The following items are required to be submitted for review of the Stormwater Management Concept Plan:

- 1) Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys; boundaries of existing predominant vegetation and proposed limits of clearing and grading; proposed Open Space area; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.
- 2) A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers, and other setbacks. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.
- 3) A written or graphic concept plan of the proposed post-construction stormwater management system including: preliminary selection and location of proposed structural storm water controls; low impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of proposed Open Space areas; location of all floodplain/floodway limits; relationship of the site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.
- 4) Preliminary selection and rationale for any structural stormwater management practices along with sufficient engineering analysis to show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with the Town of Weddington Storm Water Management ordinance and the specifications of the Stormwater Manual.
- 5) A note acknowledging responsibility for the operation and maintenance of any stormwater management facility, and that such obligation shall be disclosed to future owners

C. Final Stormwater Management Plan Requirements

After review of the stormwater management concept plan and modifications to that plan as deemed necessary by the Town, a final stormwater management plan shall be submitted for approval. The final stormwater management plan shall detail how post-construction runoff will be controlled, managed, and maintained in perpetuity, and how the proposed project will meet the requirements of this ordinance. All such plans shall conform to the design requirements of the Stormwater Manual and shall be prepared by a North Carolina licensed professional engineer. The plan submittal shall include all of the information required in the submittal checklist established by the Zoning Administrator

D. Performance Bond/Security

The Town of Weddington may, at its discretion, require the submittal of a performance security or bond prior to issuance of a permit in order to insure that the stormwater management facilities are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved under the permit, plus 50%. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.

The installation performance security shall be released in full only upon submission of "as built plans" and written certification by a registered North Carolina professional engineer that the detention facility has been installed in accordance with the approved plan and other applicable provisions of this ordinance.

Section 58-543.2 MAINTENANCE OF STORMWATER FACILITIES

A. General Standards for Maintenance

The owner, its successors and assigns, including any homeowners association, of a stormwater management facility installed pursuant to this ordinance shall maintain and operate the practice so as to preserve and continue its function in controlling storm water runoff at the degree or amount of function for which the facility was designed.

B. Operation and Maintenance Agreement

Prior to the conveyance or transfer of any lot or building site to be served by a storm water control facility pursuant to this ordinance, and prior to issuance of any permit for development requiring a storm water control facility pursuant to this ordinance, the applicant or owner of the site must execute an operation and maintenance agreement that shall be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the facility. Until the transference of all property, sites, or lots served by facility, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement.

The operation and maintenance agreement shall require the owner or owners to maintain, repair and, if necessary, reconstruct the storm water control facility, and shall state the terms, conditions, and schedule of maintenance for facility. In addition, it shall grant to the Town a right of entry in the event that the Town Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the facility; however, in no case shall the right of entry, of itself, confer an obligation on the Town to assume responsibility for the facility.

A maintenance plan must be attached as an addendum to the operation and maintenance agreement which identifies the specific maintenance activities to be performed for each facility. The operation and maintenance agreement and maintenance plan templates to be completed may be obtained from the Town of Weddington. The operation and maintenance agreement must be approved by the Town Administrator prior to construction plan approval. The agreement shall be referenced on the final plat and recorded with the county Register of Deeds upon final plat approval. A copy of the recorded maintenance agreement shall be given to the Town Administrator within fourteen (14) days following its recordation.

For all stormwater management facilities required pursuant to this ordinance, the required operation and maintenance agreement provided by the owner, homeowner's association, or similar entity, shall include all of the following provisions:

- (1) Acknowledgment that the owner or association shall continuously operate and maintain the stormwater management facilities.
- (2) Establishment of an escrow account, which can be spent solely for sediment removal, structural, biological or vegetative replacement, major repair, or reconstruction of the stormwater management facilities. If stormwater management facilities are not performing adequately or as intended or are not properly maintained, the Town of Weddington, in its sole discretion, may remedy the situation, and in such instances the Town of Weddington shall be fully reimbursed from the escrow account. Escrowed funds may be spent by the owner or association for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the stormwater management facilities provided that the Town of Weddington shall first consent to the expenditure.
- (3) Both developer contribution and annual sinking funds shall fund the escrow account. Prior to plat recordation or issuance of construction permits, whichever shall first occur, the developer shall pay into the escrow account an amount equal to fifteen (15) per cent of the initial construction cost of the stormwater management facilities. Two-thirds (2/3) of the total amount of sinking fund budget shall be deposited into the escrow account within the first five (5) years and the full amount shall be deposited within ten (10) years following initial construction of the stormwater management facilities. Funds shall be deposited each year into the escrow account. A portion of the annual assessments of the owner or association shall include an allocation into the escrow account. Any funds drawn down from the escrow account shall be replaced in accordance with the schedule of anticipated work used to create the sinking fund budget.
- (4) The percent of developer contribution and lengths of time to fund the escrow account may be varied by the Town of Weddington depending on the design and materials of the stormwater control and management facility.
- (5) Granting to the Town of Weddington a right of entry to inspect, monitor, maintain, repair, and reconstruct stormwater management facilities.
- (6) Allowing the Town of Weddington to recover from the owner or association and its members any and all costs the Town of Weddington expends to maintain or repair the stormwater management facilities or to correct any operational

deficiencies. Failure to pay the Town of Weddington all of its expended costs, after forty-five days written notice, shall constitute a breach of the agreement. In case of a deficiency, the Town of Weddington shall thereafter be entitled to bring an action against the owner or the association and its members to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both. Interest, collection costs, and attorney fees shall be added to the recovery.

- (7) A statement that this agreement shall not obligate the Town of Weddington to maintain or repair any stormwater management facilities, and the Town of Weddington shall not be liable to any person for the condition or operation of stormwater management facilities.
- (8) A statement that this agreement shall not in any way diminish, limit, or restrict the right of the Town of Weddington to enforce any of its ordinances as authorized by law.
- (9) A provision indemnifying and holding harmless the Town of Weddington for any costs and injuries arising from or related to the stormwater management facilities, unless the Town of Weddington has agreed in writing to assume the maintenance responsibility for the BMP and has accepted dedication of any and all rights necessary to carry out that maintenance.

C. Maintenance Easement

Prior to approval of the Final Stormwater Management Plan, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land, including any homeowners associations, served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Weddington, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement agreement shall be recorded in the Union County Register of Deeds land records.

D. Inspections

The person responsible for maintenance of any stormwater management facility installed pursuant to this ordinance shall submit to the Zoning Administrator an annual inspection report from a qualified registered North Carolina professional engineer performing services only in their area of competence. The inspection report shall contain all of the following:

- 1) The name and address of the land owner;
- 2) The recorded book and page number of the lot of each stormwater management facility;
- 3) A statement that an inspection was made of all stormwater management facilities;
- 4) The date the inspection was made;

- 5) A statement that all inspected stormwater facilities are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this ordinance; and
- 6) The original signature and seal of the engineer. An original inspection report shall be provided to the Zoning Administrator beginning one year from the date of as-built certification and each year thereafter on or before the anniversary date of the as-built certification.

E. Records of Installation and Maintenance Activities

The owner, its successors and assigns, including any homeowners association, of each storm water management facility shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the Zoning Administrator.

F. Nuisance

The owner, its successors and assigns, including any homeowners association, of each stormwater management facility, shall maintain it so as not to create a nuisance condition.

Section 58-543.3 ENFORCEMENT AND VIOLATIONS

A. General

The provisions of this ordinance shall be enforced by the Zoning Administrator, his or her designee, or any authorized agent of the Town of Weddington. Whenever this Section refers to the Zoning Administrator, it includes his or her designee as well as any authorized agent of the Town of Weddington.

Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this ordinance, or the terms or conditions of any permit or other development or redevelopment approval or authorization granted pursuant to this ordinance, is unlawful and shall constitute a violation of this ordinance.

Each day that a violation continues shall constitute a separate and distinct violation or offense.

Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair or maintain any structure, detention facility, stormwater management facility, practice, or condition in violation of this ordinance, as well as any person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the property on which the violation occurs shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this Section. For the purposes of this article, responsible person(s) shall include but not be limited to:

- 1) Person Maintaining Condition Resulting In or Constituting Violation

- 2) Any person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists.
- 3) Responsibility For Land or Use of Land
- 4) The owner of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for storm water management practices pursuant to a private agreement or public document, and any person, who has control over, or responsibility for, the use, development or redevelopment of the property.

B. Inspections and Investigations by the Town

Inspections by the Town of Weddington may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in detention facility; and evaluating the condition of detention facility.

The Zoning Administrator shall have the authority to conduct such investigation as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting. No Person shall refuse entry or access to the Zoning Administrator who requests entry for purpose of inspection or investigation, and who presents appropriate credentials, nor shall any Person obstruct, hamper, or interfere with the Zoning Administrator while in the process of carrying out official duties.

The Zoning Administrator shall also have the power to require written statements, or the filing of reports under oath as part of an investigation.

58-543.4 REMEDIES AND PENALTIES

General The remedies and penalties provided for violations of this ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

A. Remedies

The Zoning Administrator or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

As long as a violation of this ordinance continues and remains uncorrected, the Zoning Administrator or other authorized agent may withhold, and the Town Planning Board may disapprove, any request for permit or development approval or authorization provided for by this ordinance or the Zoning Ordinance for the land on which the violation occurs.

The Zoning Administrator, with the written authorization of the Town Council, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement

to correct a violation of this ordinance. Any person violating this ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.

If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by North Carolina G.S. § 160A-193, the Zoning Administrator, with the written authorization of the Town Council may cause the violation to be corrected and the costs to be assessed as a lien against the property.

The Zoning Administrator may issue a stop work order to the person(s) violating this ordinance. The stop work order shall remain in effect until the person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to cure such violation or violations.

B. Civil Penalties

Violation of this ordinance may subject the violator to a civil penalty to be recovered in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days after notice of the violation is issued by the Zoning Administrator. Civil penalties may be assessed up to the full allowed by law.

C. Criminal Penalties

Violation of this ordinance may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina law.

Section 58-543.5 PROCEDURES

A. Initiation/Complaint

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the Zoning Administrator, who shall record the complaint. The complaint shall be investigated promptly by the Zoning Administrator.

B. Inspection

The Zoning Administrator shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this ordinance.

C. Notice of Violation and Order to Correct

When the Zoning Administrator finds that any building, structure, or land is in violation of this ordinance, the Zoning Administrator shall notify, in writing, the property *owner* or other person violating this ordinance. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. If civil penalties are to be assessed, the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they must be paid or be subject to collection as a debt.

The Zoning Administrator may deliver the notice of violation and correction order personally, by the (Town of Weddington Code Enforcement Officer), by certified or registered mail, return receipt

requested, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure.

If a violation is not corrected within a reasonable period of time, as provided in the notification, the Zoning Administrator may take appropriate action under this ordinance to correct and abate the violation and to ensure compliance with this ordinance.

D. Extension of Time

A person who receives a notice of violation and correction order, or the *owner* of the land on which the violation occurs, may submit to the Zoning Administrator a written request for an extension of time for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Zoning Administrator may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding 90 days. The Zoning Administrator may grant 30-day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the person violating this ordinance. The Zoning Administrator may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction must be made, after which the violator will be subject to the penalties described in the notice of violation and correction order.

E. Enforcement After Time to Correct

After the time has expired to correct a violation, including any extension(s) if authorized by the Zoning Administrator, the Zoning Administrator shall determine if the violation is corrected. If the violation is not corrected, the Zoning Administrator may act to impose one or more of the remedies and penalties authorized by this ordinance.

F. Emergency Enforcement

If delay in correcting a violation would seriously threaten the effective enforcement of this ordinance or pose an immediate danger to the public health, safety, or welfare, then the Zoning Administrator may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Zoning Administrator may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this article.

Section 58-544. WETLANDS

All developments shall fully comply with the State and Federal requirements of Sections 401 and 404 of the Clean Water Act, related to the protection of wetlands and surface waters. All developments shall obtain any required permits from the United States Army Corps of Engineers, pursuant to section 404 before submitting a permit application. When required, water quality certifications must also be obtained from the North Carolina Department of Environment and Natural Resources, Division of Water Quality, pursuant to section 401 of the Clean Water Act before submitting a permit application.

Section 58-545. POND EVALUATION

All preliminary plats that include proposed permanent ponds, and all preliminary plats that include stormwater runoff to any existing permanent ponds, shall be subject to the review of the state dam safety engineer. An evaluation of the pond dam shall be made by the designer, in accordance with the Dam Safety Law of 1967, and submitted to the dam safety engineer for review.

All existing ponds shall be evaluated and rehabilitated as necessary to ensure that the ponds will safely withstand the 50-year storm with a minimum of 0.50 feet of freeboard at the dam. Design calculations shall be based upon the existing built upon conditions for areas of the drainage basin within the Town's jurisdiction. Design calculations shall assume future buildout conditions for any non-Town jurisdictional areas within the drainage basin.

All proposed ponds which are constructed to meet stormwater detention requirements shall be designed as described in Section 58-543.

All proposed ponds constructed for uses other than complying with detention requirements, such as for recreational use only, shall be designed to withstand the 100-year storm with a minimum of 1.0 feet of freeboard at the dam. Design calculations assumptions shall be the same as the existing pond evaluation criteria as described above.

Section 58-546. NPDES STORMWATER PROGRAM PHASE II
(POST CONSTRUCTION STORMWATER MANAGEMENT)

Development and redevelopment projects within the Town of Weddington must apply to the NC Department of Energy, Mineral, and Land Resources for a State Stormwater permit. Written approval from the State shall be required prior to Town approval of proposed development.

The requirements for post-construction stormwater management apply to developments in which the total land disturbance is one acre or more. The NPDES program classifies development into two categories: low-density and high density. Both categories of projects require a permit. Project design requirements are shown in Section 9 of S.L. (Session Law) 2006-246. Exclusions from Post-Construction Practices are shown in Section 8.

New development activities within the Sixmile Creek Watershed are subject to more stringent requirements as a result of an Administrative Law Judge ruling and Environmental Management Commission (EMC) decisions relating to the protection of the Carolina Heelsplitter, an endangered species. NCDENR policies shall govern development in this watershed and specific requirements should be verified with State personnel.

Section 58-547. DEFINITIONS

When used in this Ordinance, the following words and terms shall have the meaning set forth in this section, unless other provisions of this Ordinance specifically indicate otherwise.

Built-upon area (BUA) - That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon area" does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material

to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.

Detention- The temporary storage of storm water runoff in a stormwater management practice with the goals of controlling peak discharge rates and discharge volume

Development- Any land-disturbing activity that increases the amount of built upon area or that otherwise decreases the infiltration of precipitation into the soil.

Drainage Easement- An area of land dedicated for the purpose of conveying stormwater runoff by means of an open channel or drainage pipe.

Floodplain- The one percent Annual Chance Floodplain as delineated by the North Carolina Floodplain Mapping Program in the Division of Emergency Management.

Freeboard- The elevation difference between the full pond and the crest of the dam embankment. Freeboard protects the bank from wave action and overtopping under high-intensity rainfall.

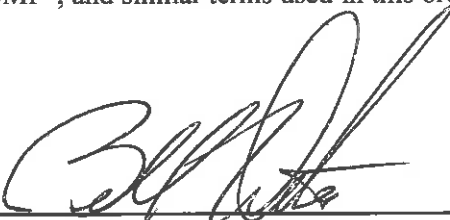
Impervious Area- Surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, gravel surfaces, sidewalks, driveways, etc).

New Impervious Area – Impervious area created after November 13th, 2014.

Runoff- The excess precipitation from rain or snowfall which flows over the ground.

Stormwater Management Facility- A physical device designed to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics to approximate the pre-development hydrology on a developed site. “Stormwater Management Facility” is synonymous with “stormwater control facility”, “stormwater management practice”, “detention facility”, “BMP”, and similar terms used in this ordinance.

Adopted this 8th day of June, 2015.



Bill Deter, Mayor

Attest:



Peggy S. Piontek, Town Clerk

**AN ORDINANCE TO AMEND
THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2015-09**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-271 TO BE AMENDED TO INCLUDE THE TEXT AMENDMENT TO SECTION 58-271 IN THE CODE OF ORDINANCES AS FOLLOWS:

Sec. 58-271. - Conditional zoning district amendment procedure.

(a) Traffic Impact Analysis.

(1) The applicant shall be required to meet the requirements described in both the Traffic Impact Analysis Process and Procedures Manual, and Appendix C: Traffic Impact Analysis.

(a)b) Application.

(1) Petitioning for a conditional zoning district and can be initiated only by the owner of the property or by his authorized agent or the Town of Weddington. All applications must include a site plan, drawn to scale, and supporting text, all of which will, if approved, become a part of the amendment. The site plan, drawn by an architect, landscape architect, or engineer licensed to practice in the state, shall include any supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations and conditions that, in addition to all predetermined requirements of this chapter, will govern the development and use of the property. The applicant shall, at a minimum, include as part of the application each of the items listed below:

- a. A boundary survey showing the total acreage, present zoning classifications, date, and north arrow.
- b. The names, addresses and the tax parcel numbers of the owners of all adjoining properties.
- c. All existing easements, reservations, and rights-of-way on the property to be rezoned.
- d. Proposed principal uses. For residential uses this shall include the number of units and an outline of the areas where the structures will be located. For nonresidential uses, designation of the areas within the development where particular types of uses will occur, with reference made to the list of uses found in subsection 58-60(1).
- ~~e. Traffic impact analysis/study for the proposed service area, as determined by the town engineer, shall be required. In addition, traffic, parking and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets including typical parking space dimensions and locations (for all parking facilities along with typical street cross-sections).~~
- ef. Lot sizes for residential and nonresidential uses and proposed outparcels, as applicable.
- fg. Detailed information on the number, height, size and location of structures.
- gh. All proposed setbacks, buffers, screening and landscaping required by this chapter or otherwise proposed by the applicant.
- hi. All existing and proposed points of access to public streets from the development.

- ij. A detailed description of all proposed phasing of development for the project.
- jk. Number, location, type and size of all signs proposed to be erected by the developer at entrances to the site. Additionally, a general description of other proposed signs including number, location, type and size of all commercial signs. Actual approval of signs shall be a part of the design review provided for in subsection (h)(8) of this section.
- kl. Exterior treatments of all principal structures including proposed materials and general architectural design.
- lm. Delineation of areas within the regulatory floodplain as shown on official flood hazard boundary maps for county.
- mn. Existing and proposed topography at five-foot contour intervals or less.
- no. Scale and physical relationship of buildings relative to abutting properties. This may be accomplished by providing existing and proposed topographic elevation cross-sections of the site showing proposed structures relative to existing adjacent properties.
- op. Lighting plan and proof of conformity to the article IV of chapter 14.

- (2) Said site plan, including all additional information shown on it, shall constitute part of the application for rezoning to a conditional zoning district. The zoning administrator, on a case-by-case basis and at his sole discretion, may specify how many copies of the application the applicant must submit in order to have enough copies for review. No application shall be deemed complete unless accompanied by a fee in accordance with the most recently adopted fee schedule adopted by the town council. Furthermore, the applicant acknowledges that he/she will reimburse the town for all engineering and consulting services associated with the review of the conditional zoning request prior to any zoning permits being issued by the town for such project.

- (3) It is further acknowledged that the town reserves the right to approve a rezoning to a B-1(CD), B-2(CD) or MX conditional district simultaneously with the approval of a sketch plan for a major subdivision, providing that all applicable provisions of this section and article II, chapter 46 are followed. Furthermore, an application to rezone property to a conditional zoning district will also require the applicant to submit all construction plans for infrastructure improvements, individual buildings, and signs as provided in subsection (h)(8) of this section.

(b)(c) Additional requirements. When reviewing an application to rezone property to a conditional zoning district, the planning board and/or town council may request additional information in addition to that required in subsection (a) of this section, as they deem necessary.

(e)(d) Public involvement meeting. Once the requisite copies of the application have been submitted to the town and the requisite fees have been paid, a public involvement meeting (PIM) shall be scheduled and held. Such meetings shall occur prior to any recommendation by the planning staff and approval by the town council. The PIM is designed to provide an opportunity for community involvement in accordance with the following requirements:

- (1) The applicant shall provide an agenda, schedule, location and list of participants such as landscape architects, engineers, etc., to answer questions from citizens and service providers for the project in cooperation with the planning staff.
- (2) The PIM shall be a minimum of four hours. Two hours shall be scheduled during normal business hours to allow service providers (such as the state department of transportation, utilities, or the state department of environment and natural resources) to participate as needed and to allow citizens to appear at a convenient time throughout the period. It is strongly recommended that this portion of the PIM take place at the proposed development site. In addition, a two-hour evening period shall be scheduled at the town hall or other nearby location agreed upon by the applicant and planning staff.
- (3) Notice of public involvement meetings shall, at a minimum, be given as follows:

- a. A public notice shall be sent by the town to a newspaper having general circulation in the town not less than ten days or more than 25 days prior to the date of the PIM.
 - b. A notice shall be sent by first class mail by the town to the owners of all properties that lie within 1,300 feet of the exterior boundaries of the proposed development. The applicant shall furnish the town with mailing labels that depict the names and addresses of all such owners. Such notice shall be mailed to said property owners not less than ten days prior to the date of the PIM. The notification shall contain information regarding the PIM time and location, as well as a general description of the proposal.
 - c. A PIM notification sign shall be posted by the town in a conspicuous place at the property not less than ten days prior to the PIM. The sign shall indicate the date, time and location of the PIM.
 - d. The applicant shall reimburse the town for all expenses incurred to provide the notifications required by this subsection.
- (4) Town staff will keep notes of citizen comments received during the PIM. In addition, all service provider comments shall be recorded by the town, including, but not limited to, all correspondence, reports and oral comments by service providers. After town review, this information will be available at the town hall and at subsequent meetings concerning the project. When practical, comments, ideas and suggestions presented during the PIM should be incorporated by the developer into the proposed development.
- (5) Following the PIM, the applicant shall have the opportunity to make changes to the application to take into account information and comments received. One or more revised copies of the application shall be submitted to the zoning administrator for review. No additional fee shall be required to be paid for making such changes provided the zoning administrator receives the revised application within 30 days following the PIM. If a revised application is not received during said 30-day period, or if the applicant otherwise notifies the zoning administrator in writing that no revised application will be submitted, the zoning administrator shall review the original application.

| ~~(d)~~ (e) Zoning administrator approval. The zoning administrator shall have up to 30 days following any revision of the application (or up to 60 days following the PIM, if no revision is submitted) to make comments. If the administrator forwards no comments to the applicant by the end of said period, the application shall be submitted to the planning board for their review without any further comment. If the zoning administrator provides the applicant with comments on the application, the applicant shall have ten days after receiving the comments to inform the zoning administrator whether the application will be further revised. If the applicant informs the zoning administrator that the application will not be further revised, the zoning administrator shall submit the application to the planning board for their review at the next regularly scheduled meeting. If the applicant informs the zoning administrator that the application will be further revised, the zoning administrator shall not submit the current application to the planning board. Once the applicant submits a revised application, it shall be subject to review in accordance with this section.

| ~~(e)~~ (f) Planning board review. The applicant shall submit at least ten copies of the application to the zoning administrator for transmittal to the planning board and other appropriate agencies. The zoning administrator shall present any properly completed application to the planning board at its next regularly scheduled meeting occurring at least 15 days after the application has been deemed complete and ready for submission to the planning board in accordance with subsection 58-271(c)(4) of this section. The planning board may, by majority vote, shorten or waive the 15-day time period provided in this section for receipt of a completed application. The planning board shall have 30 days from the date that the application is presented to it to review the application and to take action. If such period expires without action taken by the planning board, the application shall then be transferred to the town council without a planning board recommendation.

- (1) A planning board member shall not vote on any conditional zoning amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (2) Upon making a recommendation, the planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and with any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the town council that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the town council.

~~(f)~~(g) Action by town council. Conditional zoning district decisions are a legislative process subject to judicial review using the same procedures and standards of review as apply to general use district zoning decisions. Conditional zoning district decisions shall take into account applicable adopted land use plans for the area and other adopted land use policy documents and/or ordinances. Prior to making a decision on rezoning a piece of property to a conditional zoning district, the town council shall hold a public hearing. Notice of such public hearing shall be given as prescribed in subsection 58-270(g).

- (1) A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each application for a rezoning to a conditional district.
- (2) Once the public hearing has been held, the town council shall take action on the application. The town council shall have the authority to:
 - a. Approve the application as submitted;
 - b. Deny approval of the application;
 - c. Approve the application with modifications that are agreed to by the applicant; or
 - d. Submit the application to the planning board for further study. The application may be resubmitted to the planning board with any modifications that are agreed to by the applicant. The planning board shall have up to 30 days from the date of such submission to make a report to the town council. Once the planning board issues its report, or if no report is issued within that time period, the town council can take action on the application in accordance with this subsection.
- (3) In the town council's sole discretion, it may hold additional public hearings on an application at any time before it takes a final vote to approve or deny that application.
- (4) A town council member shall not vote on any conditional zoning amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member.

~~(g)~~(h) Conditions to approval of application. In approving an application for the reclassification of a piece of property to a conditional zoning district, the planning board may recommend, and the town council may request that reasonable and appropriate conditions be attached to approval of the application. Any such conditions may relate to the relationship of the proposed use to the surrounding property, to proposed support facilities (e.g., parking areas, pedestrian circulation systems), to screening and landscaping, to the timing of development, to street and right-of-way improvements, to water and sewer improvements, to provision of open space, or to any other matters that the planning board or town council may find appropriate or the applicant may propose. Such conditions to approval may include dedication of right-of-way or easements for streets and/or utilities to serve the development. The applicant shall have a reasonable opportunity to consider and respond to any such proposed conditions prior to final action by the town council.

~~(h)~~(i) Review of plans and construction documents.

- (1) If the town council approves the application, the applicant's plans and construction documents will be subject to review in accordance with this section.

- (2) Where the DRB exists when the applicant submits any plans for review under this section, the DRB will review the plans in accordance with the following procedures. If no DRB exists when the applicant submits a set of plans for review, the functions of the DRB will be performed by the town planning board.

a. Review of building schematics, landscape plans and signs.

1. The applicant shall submit to the planning staff for review and comment detailed plans and schematic designs for all buildings on the site, landscaping on the site and signs on the site. The planning staff may provide such submitted plans to town consultants or to other third parties to assist the town's review. The applicant shall reimburse the town for all costs and expenses that the town incurs in reviewing plans under this section.
2. The applicant need not submit plans for all buildings, landscaping and signs simultaneously, and may instead submit multiple sets of plans, each of which shall be separately and independently reviewed. Notwithstanding this provision, the DRB or the town council need not review plans submitted to it if, in its sole discretion, it determines that it cannot effectively review those plans without simultaneously reviewing plans for other buildings, landscaping and/or signs.
3. If the zoning administrator determines that a set of plans submitted by the applicant is complete and contains all information necessary to determine if those plans satisfy the standards specified in this subsection, the zoning administrator shall forward those plans to the DRB.
4. The DRB shall have 60 days from the date a set of plans is submitted to it to recommend to the town council whether it should approve those plans. The DRB's recommendation will be based solely upon its determination of whether the plans and schematic designs satisfy the standards specified in this section and meet the requirements of the town's architectural design standards (see chapter 14, article V). If the DRB recommends that any plans not be approved, it shall state the reasons for that recommendation in writing and shall inform the applicant that it may withdraw those plans.
5. A set of plans shall be submitted to the town council at its next regularly scheduled meeting that occurs at least 15 days after the DRB issues its recommendation on those plans. The applicant may withdraw any plans before they are submitted to the council, and the council will not review any plans that are withdrawn. If the DRB makes no recommendation to the council within 60 days after a set of plans are submitted to it, the plans shall be submitted to the town council for review without a DRB recommendation.
6. The town will approve any plans submitted to it unless those plans either violate any requirements of this chapter, including any requirements applicable to the particular conditional zoning district at issue, violate any requirements, standards or conditions contained in the applicant's rezoning application, violate any requirements, standards, or conditions that are imposed under subsection (f) of this section, or will cause the development not to be in harmony with its surrounding area (collectively, the provisions of this subsection constitute the standards referenced in this section).
7. After reviewing plans submitted to it, the town council shall have the authority to:
 - i. Approve the plans;
 - ii. Deny approval of the plans;
 - iii. Approve the plans with any modifications that are agreed to by the applicant; or
 - iv. Submit the plans to the DRB for further study. The plans may be resubmitted to the DRB with any modifications that are agreed to by the town council and the

applicant. The DRB shall have 30 days from the date plans are resubmitted to it to make another recommendation to the town council on whether those plans should be approved. If the DRB makes no recommendation to the council within that time frame, the plans shall be resubmitted to the town council for its review.

8. No building may be constructed unless plans for that building have been approved by the town council in accordance with the process described in this subsection. No landscaping may begin unless plans for that landscaping have been approved by the town council in accordance with the above process. No signs may be erected unless the plans for those signs have been approved by the town council in accordance with the process described in this subsection.

b. Review of other construction documents.

1. Other than schematic designs and plans for buildings, landscaping and signs, all other plans, designs and other documents concerning any other construction or development activities will be reviewed in accordance with this subsection. Documents subject to review under this subsection will be referred to generically as construction documents. Construction documents include, by example only and without limitation, plans for all road improvements, stormwater detention, preconstruction and postconstruction best management practices and grading, soil and erosion control.
2. The applicant shall submit all construction documents to the town's zoning administrator for review. The applicant shall reimburse the town for all costs and expenses the town incurs in reviewing construction documents. The zoning administrator will approve all construction documents unless they violate the standards of this section. No construction or development contemplated by any construction document may be begun unless and until the zoning administrator has approved that construction document in accordance with this subsection.

- c. Post approval review. After any and all plans and construction documents for an improvement have been approved, the town staff or other town representatives will periodically inspect that improvement during the construction process and may halt any construction or development that violates the standards. Following completion of the project, the applicant shall request a final inspection. If all improvements and all other development satisfies the standards, the town will issue a certificate of zoning compliance.

~~(H)(I)~~ Changes to an approved conditional zoning district.

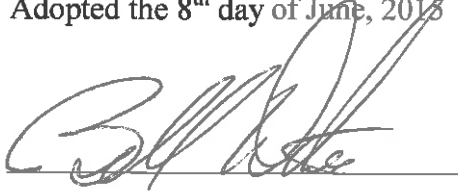
- (1) Except as provided in this section, a request to change the site plan or the conditions governing an approved conditional zoning district shall be processed in accordance with this section as a new application to rezone property to a conditional zoning district.
- (2) The zoning administrator shall have the delegated authority to approve an administrative amendment to an approved conditional zoning district site plan or to the governing conditions without the requested change having to be approved as a new application in accordance with this section. Such administrative amendments shall include only those changes that do not significantly alter the site plan or its conditions and do not significantly impact abutting properties.
- (3) No administrative amendment may increase the amount of allowed nonresidential development by more than ten percent of the approved square footage or 1,000 square feet, whichever is less. No administrative amendment may increase the amount of residential development by more than ten percent of the approved square footage, if a maximum square footage for residential development was imposed, or may increase the maximum number of allowed dwelling units by more than five.
- (4) Any request for an administrative amendment shall be in writing, signed by the property owner, and it shall detail the requested change. The applicant must provide any additional information

requested by the zoning administrator. Accompanying the written request must be the applicable fee for administrative review, if any, that is required by the current town fee schedule. Any decision by the zoning administrator to approve or deny a request for an administrative amendment must be in writing and must state the grounds for approval or denial. The zoning administrator shall always have the discretion to decline to exercise the authority delegated by this section because the zoning administrator is uncertain if the requested change would qualify as an administrative amendment or because the zoning administrator determines that a public hearing and town council consideration is appropriate under the circumstances. If the zoning administrator declines to exercise the authority delegated by this section, the applicant can only apply for a rezoning in accordance with this section.

- (j)(k) Statement of readiness. The petitioner shall submit a statement indicating readiness to proceed with the proposed development by filing with the town council no later than ten days of the approval of the conditional zoning district, a statement signed by the owner or owners of the proposed development that the actual construction shall begin within one year from the date the conditional zoning district was approved, and that the construction shall be completed within 18 months from the approval of the conditional zoning district. In the event the planning board and the town council find that the intent of this section has not been met or that construction has not begun and has not been completed within 18 months, the town may initiate the rezoning of the property in accordance with article IX of this chapter. Notwithstanding the above, nothing shall prohibit a reasonable extension of the 18-month limit by the town council.

(Ord. No. O-2006-20, § 12.2, 11-13-2006; Ord. No. O-2009-08, 7-13-2009; Ord. No. O-2010-09, 6-14-2010; Ord. No. O-2014-21, 12-8-2014)

Adopted the 8th day of June, 2015



Bill Deter, Mayor

Attest



Peggy Piontek, Town Clerk

**AN ORDINANCE TO AMEND
THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2015-10**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 46-41 TO BE AMENDED TO INCLUDE THE TEXT AMENDMENT TO SECTION 46-41 IN THE CODE OF ORDINANCES AS FOLLOWS:

Sec. 46-41. - Major subdivision plat approval.

Prior to construction or installation of any subdivision improvements, all major subdivisions shall be submitted and approved in accordance with sections 46-42 through 46-46. All applications for major subdivisions, both conventional and conservation, must meet the requirements and submittal schedule described in both the Traffic Impact Analysis Process and Procedures Manual, and Appendix C: Traffic Impact Analysis.

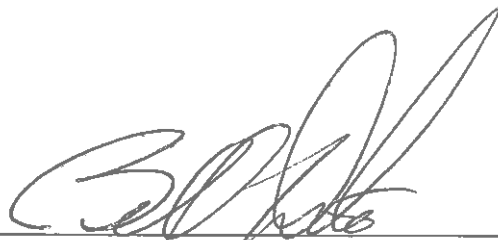
(Ord. No. 04-09-13, § 306, 9-13-2004)

Sec. 46-42. - Sketch plan for major subdivisions.

- (a) Meeting. A preapplication meeting shall be required between the applicant and the subdivision administrator for all subdivisions located in the R-CD district to introduce the applicant to the town's zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, and plan submissions as herein required.
- (b) Sketch plan—Required. A sketch plan as provided in subsection (a) of this section shall be prepared by a registered land surveyor currently licensed and registered in the state by the state board of registration for professional engineers and land surveyors.
- (c) Same—Approval. Under this chapter, an administrative approval by the zoning or subdivision administrator shall not constitute approval by the town for common law vested rights. Sketch plan approval is merely a precursor to the submission of a preliminary plat requiring town council approval. Hence, sketch plan approval under chapter 58 is subject to be changed or modified and is not intended to provide a basis for common law vested rights claims.
- (d) Number of copies and contents.
 - (1) Conventional and conservation subdivisions.
 - a. Prior to the application for approval of a preliminary plat, the subdivider shall submit to the subdivision administrator nine copies of a sketch plan of the proposed subdivision along with a fee, in accordance with a fee schedule adopted by the town council. No application shall be considered complete or processed by the subdivision administrator unless it is accompanied by said fee. In addition, the town shall be reimbursed by the subdivider for all costs associated with the town's engineering and/or consulting services with respect to review of the sketch plan prior to sketch plan approval. All conservation subdivision sketch plans shall be reviewed by the planning board. The sketch plans shall contain the following information:

1. A sketch vicinity map including a north arrow showing the location of the subdivision in relation to the neighboring tracts, subdivisions, roads, and waterways. For conservation subdivisions, a "site context map" per section 46-44(b)(1) shall substitute for a sketch vicinity map.
2. The boundaries of the tract and the portion of the tract to be subdivided.
3. The total acreage to be subdivided.
4. The existing and proposed uses of land within the subdivision and the existing uses of land adjoining it.
5. The proposed street layout with approximate pavement and right-of-way width, lot layout and size of lots.
6. The name, address, and phone number of the owner.
7. The name, if any, of the proposed subdivision.
8. Streets and lots of adjacent developed properties.
9. The zoning classification of the tract of adjacent properties.
10. With subdivisions where individual septic tanks are the proposed method for wastewater treatment, the subdivider shall submit a report evaluating the suitability of the site for septic tank drainfields. The report shall be based of the physical characteristics of the site. The applicant shall conduct at least two soil core borings for every one acre of land in the tract to be subdivided and the borings shall be an average of at least four feet in depth. Each boring shall be assigned a separate number and the report shall present the findings of each boring. The subdivider shall show the location of each boring (by number assigned) on the sketch plan. The report shall include the description of soils in accordance with N.C. Admin. Code, title 10, chapter 10, subchapter 10A, and the U. S. Department of Agriculture Handbook Number 18, Soil Survey Manual.
 - b. The report shall include a description of soil color, using the Munsell Soil Color Charts, Published by Munsell Color, Macbeth Division of Kollmorgen Corporation.
 - c. The report shall draw conclusions as to the suitability of septic systems as derived from the testing, color and type of soil for each sample of soil taken.
 - d. Approval of the proposed lots for septic tanks by the county health department shall be acceptable in lieu of the soils test requirement.

Adopted this 8th day of June, 2015.



Bill Deter, Mayor

Attest:



Peggy S. Piontek, Town Clerk

**AN ORDINANCE TO AMEND
THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2015-11**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-4 TO BE AMENDED TO INCLUDE THE TEXT AMENDMENT TO SECTION 58-4 IN THE CODE OF ORDINANCES AS FOLLOWS:

Sec. 58-4. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandonment means:

- (1) A use that has been discontinued for a consecutive period of 180 days;
- (2) When the premises of a particular use are devoted to another use;
- (3) When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by the same or similar equipment within 30 days; or
- (4) Failure to take all positive action to resume the nonconforming use with reasonable dispatch, including the failure to advertise the property for sale or lease.

Accessory family dwelling means an incidental structure or an incidental area within a primary structure that is capable of being used as a separate dwelling and that is generally occupied and used by different person(s) than those who generally occupy and use the property's primary dwelling.

Accessory use means a use clearly incidental and subordinate to the principal use.

Adaptive Reuse refers to the process of reusing a site or building for a purpose other than that for which it was originally intended.

Adult establishment means a use meeting the definition of "adult establishment" in G.S. 14-202.10(2), which is hereby adopted by reference. The term "adult establishment" includes adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult live entertainment businesses, and massage businesses, as those uses are defined in G.S. 14-202.10, which is hereby adopted by reference. However, this term does not include massage businesses where all applicable employees meet the ethical and educational requirements specified by the American Massage Therapy Association or equivalent national or state standards.

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, 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.


Agritourism means an agricultural, horticultural or agribusiness operation primarily devoted to the promotion of tourism of said operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation; provided that said use produces revenues or attracts tourists.

Airport means an area of land or water that is designed or used on a recurring basis for the landing and takeoff of aircraft, ultra lights, other mechanical aircraft, or other flying apparatuses, whether or not so designated by the Federal Aviation Authority (FAA), excluding hot air balloons.

Alteration means a change in the size, configuration, or location of a structure, or a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location or use.


Amateur radio tower means a freestanding or building-mounted structure, including any base, tower, pole, antenna and appurtenances, intended for amateur radio (HAM) airway communication purposes.

Adopted this 8th day of June, 2015.



Bill Deter, Mayor

Attest:



Peggy S. Piontek, Town Clerk

**AN ORDINANCE TO AMEND
THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2015-12**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-60, 58-56.1, and 58-57.1 TO BE AMENDED TO INCLUDE THE TEXT AMENDMENT TO SECTION 58-60, 58-56.1, and 58-57.1 IN THE CODE OF ORDINANCES AS FOLLOWS:

Text Amendments – Aligning Zoning Districts with Overlay District Ordinance (58-572)

Sec. 58-60. - MX mixed-use conditional district.

The MX mixed-use conditional district is hereby established in order to accommodate a highly limited type of mixed-use development in accordance with the intent described in subsection 58-5(3)b. Development in a MX mixed-use district may only occur in accordance with the requirements for conditional zoning as outlined in section 58-271. Development occurring within the Downtown Overlay District must also meet the requirements outlined in Section 58-272. MX district rezonings shall only occur in areas designated for future business in the land use plan.

[...]

Sec. 58-56.1. - B-1(CD) general business conditional district.

The B-1(CD) general business conditional district is designed primarily for retailing of merchandise such as convenience grocery sales, drugs and household items, and for furnishing certain personal, business and professional services for the convenience of residents of local neighborhoods in accordance with the intent described in subsection 58-5(3)b. Development in a B-1(CD) general business conditional district may occur in accordance with the requirements for conditional zoning as outlined in section 58-271. Development occurring within the Downtown Overlay District must also meet the requirements outlined in Section 58-272. Rezoning to a B-1(CD) general business conditional district shall only be applicable to areas designated for business in the town's land use plan. The standards established for these business areas are designed to protect abutting or surrounding residential areas from undesirable aspects of nearby business development. Any development or redevelopment occurring after August 1, 2010 shall comply with MX development standards.


[...]

Sec. 58-57.1. - B-2(CD) shopping center conditional district.

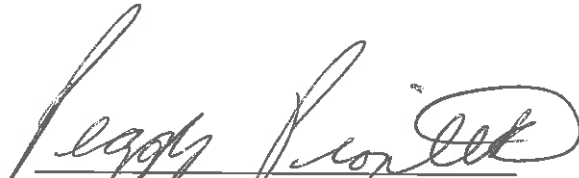
The B-2(CD) shopping center conditional district is established to provide an orderly arrangement of convenience and comparison shopping outlets, along with adequate off-street parking and other amenities in accordance with the intent described in subsection 58-5(3)c. Development in a B-2(CD)

shopping center conditional district may only occur in accordance with the requirements for conditional zoning as outlined in section 58-271. Development occurring within the Downtown Overlay District must also meet the requirements outlined in Section 58-272 Rezoning to a B-2(CD) shopping center conditional district shall only be applicable to areas designated for future business in the town's land use plan. Any development or redevelopment occurring after August 1, 2010 shall comply with MX development standards.

Adopted this 8th day of June, 2015.


Bill Deter, Mayor

Attest:


Peggy S. Piontek, Town Clerk

**TOWN OF WEDDINGTON, NORTH CAROLINA
2015-2016 GENERAL FUND BUDGET ORDINANCE
O-2015-06**

BE IT ORDAINED By The Town Council of Weddington, North Carolina, In Session Assembled:

Section 1. The following amounts are hereby appropriated in the General Fund for the operation of Weddington Government and its activities for the fiscal year beginning July 1, 2015 and ending June 30, 2016, according to the following summary and schedules:

SUMMARY

<u>FUND</u>	<u>ESTIMATED REVENUES</u>	<u>FUND BALANCE APPROPRIATION</u>	<u>TOTAL APPROPRIATION</u>
General	\$1,861,825	\$0	\$1,861,825

Section 2. That for said fiscal year there is hereby appropriated out of the General Fund the following:

<u>GENERAL FUND</u>	<u>AMOUNT</u>
Administrative	\$ 470,053
Planning & Zoning	266,900
General Government	<u>1,124,872</u>
TOTAL APPROPRIATIONS – GENERAL FUND	<u>\$1,861,825</u>

Section 3. It is estimated that the following General Fund Revenues and Fund Balance Appropriations will be available during the fiscal year beginning July 1, 2015 and ending June 30, 2016 to meet the foregoing General Fund appropriations:

<u>REVENUE SOURCE</u>	<u>AMOUNT</u>
Ad Valorem Taxes	\$1,024,825
State-Collected Revenues	751,000

Zoning and Subdivision Revenues	80,000
Other Revenues	<u>6,000</u>

TOTAL REVENUE GENERAL FUND	<u>\$1,861,825</u>
----------------------------	--------------------

APPROPRIATION FROM FUND BALANCE	<u>\$ 0</u>
---------------------------------	-------------

Section 4. There is hereby levied for the fiscal year ending June 30, 2016 the following rate of taxes on each (\$100) assessed valuation of taxable property as listed as of January 1, 2015 for the purpose of raising the revenues from current year's property tax as set forth in the foregoing estimates of Revenues, and in order to finance foregoing appropriations:

GENERAL FUND	<u>\$0.052</u>
--------------	----------------

Section 5. The Finance Officer is hereby authorized to transfer appropriations within a fund contained herein under the following conditions:

- a. She may transfer amounts between object of expenditure within a department without limitation.
- b. She may transfer amounts between departments of the same fund with an official report on such transfers to the Town Council.
- c. She may make expenditures and/or transfers from appropriations as necessary.

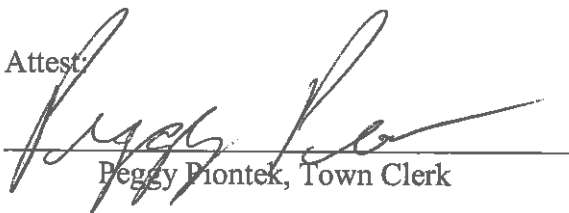
Section 6. All capital items, (items exceeding \$5,000), are to be approved in accord with the adopted budget. The Finance Officer will maintain a list of approved capital outlay items.

Adopted this 8th day of June, 2015.



Bill Deter, Mayor

Attest:



Peggy Piontek, Town Clerk



US INFRASTRUCTURE OF CAROLINA, INC.
CONSULTING ENGINEERS

June 4, 2015

Mr. Julian Burton, Zoning Administrator/Town Planner
Town of Weddington
1924 Weddington Road
Weddington, NC 28104

SUBJECT: Latter Day Saints Church
Storm Water Management Plan – Final Review
USI Project No. 140209- 15

Dear Julian:

We have reviewed the storm water management plans and calculations submitted by Vaughn and Melton for their conformance with the Town's stormwater management requirements. The plans satisfactorily demonstrate that the proposed underground storm filter/ storage system will detain the post-developed storm water runoff rates to pre-developed rates for all design storms required by ordinance and therefore are recommended for acceptance.

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

Sincerely,

US Infrastructure of Carolina, Inc.

Bonnie A. Fisher, P.E.
Project Manager

cc: Mike Clark, PE



TOWN OF WEDDINGTON

1924 Weddington Road • Weddington, North Carolina 28104

TOWN OF WEDDINGTON
BUDGET AMENDMENT
FYE 6/30/2015

	Original Budget	Amended Budget (June 2014)	Amended Budget (June 2015)	
Revenues				
Ad Valorem Taxes	1,055,250	1,055,250	1,100,250	{d}
State-Collected Revenues	713,750	713,750	713,750	
Zoning and Subdivision Revenues	106,500	102,500	106,500	{c}
Other Revenues	5,000	9,000	5,000	{b}
Total Revenues	1,880,500	1,880,500	1,925,500	
Operating Expenditures				
Administrative Expenditures	493,300	466,800	466,800	
Planning and Zoning Expenditures	187,175	187,175	187,175	
General Government Expenditures	1,200,025	1,865,000	1,910,000	{a}
Total Expenditures	1,880,500	2,518,975	2,563,975	
Appropriation from fund balance	0	638,475	638,475	

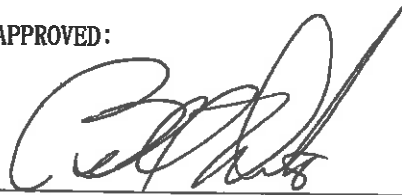
{a} Transaction to purchase PVFD fire station anticipated to be finalized prior to fiscal year-end 2014 was not completed until early FY2015. Additional funds budgeted for potential attorney fees related to litigation regarding fire service.

{b} Lower than anticipated interest rates and increase in fees charged related to lockbox and merchant services (online payments).

{c} Increased permit activity

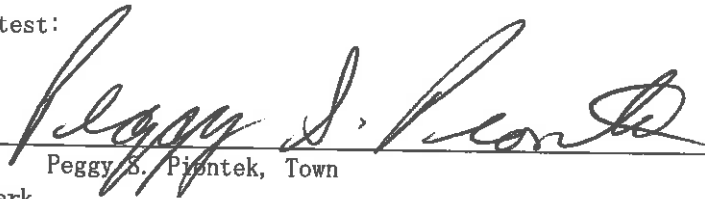
{d} Actual collection rate is higher than budgeted collection rate

APPROVED:



Bill Deter, Mayor

Attest:



Peggy S. Piontek, Town

Clerk