

**TOWN OF WEDDINGTON  
REGULAR TOWN COUNCIL MEETING  
MONDAY, MARCH 11, 2013 - 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 March 11, 2013, with Mayor Walker F. Davidson presiding.

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

Absent: None

Visitors: Bill Price, Joyce Helms, Robert Kerfonta, Ray Roberts, Mary Shiple, Judy Johnston, Lee A. Rolfes, Jr., Cheryl Klink, Richard Natale, Monica Snider, Bill Snider, Lynn Cavin, Laura Cavin, Bill Deter, Tina Lodge, Jay Lodge, Pat Harrison, Jim Vivian, Don Titherington, Craig Hazeltine, Jennifer Romaine, Lisa O'Connell, Dennis Taylor, Harry Welch, Carol Hogan, Walton Hogan, Bob Rapp, Rob Dow, Nancy Anderson, Annette Baker, Doug Stewart, Michele Stewart, Elton Hardy and Ralph Nappi.

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

**Item No. 1. Call to Order.** Mayor Davidson called the March 11, 2013 Regular Town Council Meeting to order at 7:02 p.m.

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

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

**Item No. 4. Public Comments.** Mr. Elton Hardy – I have been attending various meetings for the last six months. When talking with my neighbors relative to the update of the Land Use Plan, the first comment I get is, “No Elton, it is already done. We have already done this a couple of times in the last 25 years.” I talked with some of the my neighbors and about 20 or 30 of them support one acre or one acre equivalent zoning and support development in the commercial area. Most of them are shocked that this is even being discussed.

**Item No. 5. Additions, Deletions and/or Adoption of the Agenda.** Mayor Pro Tem Daniel Barry moved to approve the agenda as presented. All were in favor, with votes recorded as follows:

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

**Item No. 6. Approval of Minutes.**

**A. January 31, 2013 Special Town Council Work Session.** Councilwoman Barbara Harrison moved to approve the January 31, 2013 Special Town Council Work Session minutes. All were in favor, with votes recorded as follows:

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

**B. February 11, 2013 Special Town Council Meeting.** Councilwoman Harrison moved to approve the February 11, 2013 Special Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

**C. February 11, 2013 Regular Town Council Meeting.** Councilwoman Harrison moved to approve the February 11, 2013 Regular Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

**D. February 13, 2013 Special Town Council Work Session.** Councilwoman Harrison moved to approve the February 13, 2013 Special Town Council Work Session minutes. All were in favor, with votes recorded as follows:

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

**E. February 22, 2013 Special Town Council Meeting Retreat.** Councilwoman Harrison moved to approve the February 22, 2013 Special Town Council Meeting Retreat minutes. All were in favor, with votes recorded as follows:

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

**F. February 25, 2013 Special Town Council and Planning Board Work Session.** Councilwoman Harrison moved to approve the February 25, 2013 Special Town Council and Planning Board Work Session minutes. All were in favor, with votes recorded as follows:

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

**Item No. 7. Consent Agenda.**

**A. Consideration of Participating in the Urban Archery Season for 2014.** The Town Council received a copy of the following memo from Town Administrator Amy McCollum:

We have received a renewal form from the North Carolina Wildlife Resources Commission asking if the Town is planning to participate in the 2014 Deer Urban Archery Season. The dates for the 2014 season will run January 11 through February 15. Please advise if the Council wants to participate.

Mayor Pro Tem Barry moved to participate in the Urban Archery Season for 2014. All were in favor, with votes recorded as follows:

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

**B. Consideration of Reducing the Road Performance Bond for Lake Forest Preserve 2B.** The Town Council received a copy of the following memo from Town Administrator McCollum:

The Town is currently holding \$151,906.20 for Phase 2B Road Improvements. US Infrastructure completed a field inspection on January 10, 2013 to verify the satisfactory completion of the construction activities. Their inspection determined that some items remain to be completed therefore they recommended that the current performance bond be reduced to the amount of \$60,776.25. According to Mac Outen with NCDOT, the roads in this portion of Lake Forest Preserve are to be taken over for maintenance by NCDOT this week.

The Town Council also received a copy of a letter dated January 14, 2013 from Bonnie A. Fisher, P.E., Senior Engineer with US Infrastructure regarding this item.

Mayor Pro Tem Barry moved to reduce the road performance bond for Lake Forest Preserve 2B from \$151,906.20 to \$60,776.25. All were in favor, with votes recorded as follows:

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

**C. Consideration of Releasing the Road Performance Bond for Lake Forest Preserve IA and IB.** The Town Council received a copy of the following memo from Town Administrator McCollum:

The Town is currently holding \$11,977.50 for Phase IA and 1B Road Improvements. US Infrastructure completed a field inspection on February 12 and 27 to verify the satisfactory completion of the construction activities. Their inspection determined that all roadway and drainage items have been satisfactory completed and they recommend release of the performance bond for this phase of the subdivision. The roads in this portion of Lake Forest Preserve were taken over for maintenance by NCDOT on November 5, 2010 and the maintenance bond in the amount of \$42,819.36 was released back to the developer on April 2, 2012.

The Town Council also received a copy of a letter dated February 28, 2013 from Bonnie A. Fisher, P.E., Senior Engineer with US Infrastructure regarding this item.

Mayor Pro Tem Barry moved to release the road performance bond for Lake Forest Preserve IA and IB. All were in favor, with votes recorded as follows:

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

**D. Consideration of Approval of the SR-2 Resolution for Chickadee Court in the Weddington Heights Subdivision to be Added to the NCDOT State Maintained Secondary Road System.** Mayor Pro Tem Barry moved to approve Resolution R-2013-03:

**NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
REQUEST FOR ADDITION TO STATE MAINTAINED SECONDARY ROAD SYSTEM  
TOWN OF WEDDINGTON, NORTH CAROLINA  
R-2013-03**

**North Carolina**

**County of Union**

**Road Description: Chickadee Court in the Weddington Heights Subdivision in the Town of Weddington, North Carolina**

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

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

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

Adopted this 11<sup>th</sup> day of March, 2013.

The Town Council received a copy of a letter dated February 1, 2013 from Mr. Mac Outen, Transportation Technician II with NCDOT regarding this item.

All were in favor, with votes recorded as follows:

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

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

**A. Public Hearing - Review of Proposed Text Amendments to Section 58-60 – M-X Review Process.**

Mayor Davidson opened the public hearing to consider proposed text amendments to Section 58-60. Town Planner Jordan Cook reviewed the proposed amendment with the Council.

**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. MX district rezoning's shall only occur in areas designated for future Business in the Land Use Plan.

**After the public hearing, but prior to consideration of the rezoning request, the Town Council will either verify that the rezoning request is reasonable and consistent with the future Land Use map or will consider a change to the Future Land Use map so that the rezoning would conform with the future Land Use map.**

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Town Planner Cook - The last sentence in the first paragraph was added two to three months ago. That text allowed applicants to apply for an M-X rezoning without having the property designated beforehand as business on the Land Use Plan. It created a one-stop process instead of this two-step process that we

typically went through. At that meeting a couple of Councilmembers asked that we spell out the process and that is what the second paragraph attempts to do.

Councilwoman Harrison - This came from the Planning Board?

Town Planner Cook - The Town Council asked for the amendment. It went through the Planning Board and they recommended unanimous approval.

Attorney Anthony Fox – Jordan, would you anticipate that this determination of reasonableness will be made at the same meeting the Council votes on the actual change or amendment?

Town Planner Cook answered yes.

Mayor Pro Tem Barry – Explain to me how this is going to work. I own a piece of property and I want to have it rezoned. I can't bring it in. You can or the Council can instigate it.

Town Planner Cook – You bring in the rezoning request. You do not bring in the Land Use Plan change.

Mayor Pro Tem Barry – So I bring in a rezoning request to your office and assuming it is all appropriate and the paperwork is correct then what happens?

Town Planner Cook – Let's say the Land Use Map is traditional residential and you are proposing M-X, you can still move forward with that rezoning request but the Planning Board is going to make a recommendation on the rezoning and the Land Use Plan request and then the Town Council has to vote on the Land Use Plan before they vote on the rezoning because the Town Council has to make a statement of reasonableness and consistency to rezone the property.

Mayor Pro Tem Barry – So we are changing our arcane two-year period of time to a meeting of the Planning Board and a meeting of the Town Council.

Councilwoman Hadley – What if you changed the Land Use Plan map and then the M-X is voted down?

Town Planner Cook – Then the Land Use Plan is changed but the M-X is not. If you think that the property should be business on the Land Use Plan but if you do not like the actual rezoning request you can say, "We acknowledge that this ought to be business on the Land Use Plan but we do not think it should be business for this."

Councilwoman Hadley – Just because you vote down the rezoning does not mean you can go back and change the Land Use Plan.

Town Planner Cook – You can change the Land Use Plan whenever you want.

Mayor Pro Tem Barry – Her point is we have already changed it. Then we decline the M-X rezoning so now the Land Use Plan Map is changed.

Attorney Fox – You could still go back and amend your Land Use Plan if you want to.

Mayor Davidson – This improves our process.

Councilwoman Harrison – So if we change the Land Use Plan but we do not like the application how long before another application comes in front of us?

Town Planner Cook – In our code it states if the Town Council has denied an application for the change of any zoning district or any change in zoning text it shall not thereafter accept any application for the same property or any portion thereof or any similar change in the text until the expiration of one year from the previous denial.

Councilwoman Harrison – So it does not matter whether it is a different application or not?

Town Planner Cook – It is that same property within one year.

With there being no one wishing to speak regarding this amendment, Mayor Davidson closed the public hearing.

**B. Consideration of Ordinance Adopting Proposed Text Amendment to Section 58-60 – M-X Review Process.** Mayor Pro Tem Barry moved to adopt Ordinance O-2013-05:

**AN ORDINANCE TO AMEND SECTION 58-60  
OF THE CODE OF ORDINANCES  
OF THE TOWN OF WEDDINGTON  
O-2013-05**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-60 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

**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. MX district rezonings shall only occur in areas designated for future Business in the Land Use Plan.

**After the public hearing, but prior to consideration of the rezoning request, the Town Council will either verify that the rezoning request is reasonable and consistent with the future Land Use map or will consider a change to the future Land Use map so that the rezoning would conform with the future Land Use map.**

Adopted this 11<sup>th</sup> day of March, 2013.

All were in favor, with votes recorded as follows:

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

**Item No. 9. Old Business.**

**A. Update on Water Tower Location – Mayor Davidson.** Mayor Davidson asked Mayor Pro Tem Barry if he had an update regarding the water tower location. Mayor Pro Tem Barry advised that he had some comments but would let him go first. Mayor Davidson questioned if Councilmember Thomisser had received the numbers he had requested from Public Works Director Ed Goscicki?

Councilmember Thomisser - I am in communication with the liaison and he is communicating with Union County and it is forthcoming.

Mayor Davidson – Did you get the fire pressure study results?

Councilmember Thomisser - Even if I did want it, I do not think it is necessary anymore based on Rosehill and Stratford Hall's lack of water pressure during the Christmas Holidays. Personally, there is no question that we need a water tower.

Mayor Davidson passed out a document to the Town Council. He stated, "This is something that was passed by the Union County Commissioners on February 18. It talks about decommissioning the Waxhaw-Marvin pump station. The new pump station will be located near the new pressure boundary along the alignment of the existing 24-inch transmission main at a site to be purchased by the County. I had not heard anything about a pump station. It went on to say that the project site is a Greenfield site with no preexisting structures or underground utilities. An engineer will assist the owner in the selection of a suitable site for the new pumping station. The engineer will evaluate up to five potential station sites and visit these sites with the owner. One meeting with both Union County and Weddington is anticipated. The owner will be responsible for the site purchase, design permitting and construction of the new 880 elevated storage tank. It is anticipated that the new elevated tank will be constructed and placed into operation before the completion of the new booster pump station. It says that selection of pump station sites will take place between February 1, 2013 and March 31, 2013. Today is March 11. Anything you can find out about that would be helpful."

Councilwoman Harrison – Years ago I had asked Mr. Goscicki about an additional pump station for Rosehill and he advised that it did not make sense. This looks like it is going to be in Weddington and this is the first I have heard about it and I have no clue why they are not together.

Mayor Pro Tem Barry – I had a conversation with County staff before I got this specifically about the water tower. I have not had a chance to follow up on this document but I will make that call tomorrow. I did speak with the County Attorney last week. They are in the process of signing on options on three parcels in Weddington. I do not know what the three parcels are. Their intent is to hold a public information meeting for the public to come out and discuss the locations that are under consideration. Then they will take that data back and formalize their decision to ask Weddington for a zoning change and to call for a public hearing.

Councilwoman Harrison questioned whether a pump station would have to go through a public hearing. Town Planner Cook asked yes because it is considered a Class II Essential Service.

**B. Land Use Plan Update and Consideration of Calendar Revisions – Mayor Davidson.** The Mayor and Council discussed future meeting dates to review the Land Use Plan. The following dates were scheduled:

- March 14 – Three Planning Board members to attend. Time is from 4 to 6 with no public comment.
- Cancel proposed Open House for March 16 and wait to schedule Open House until the Council has more of the document completed for the public to comment on.
- March 18 – Start at 4:00 p.m.
- Council will determine if additional meetings are needed after the March 18 Meeting – Possible dates are March 25 from 5:30 p.m. to 7 p.m. and March 28 from 4 p.m. to 6 p.m.

Mayor Davidson - We do not have on the agenda calling for a public hearing. What is our goal? It appears that when you call for a public hearing you have a finished product. You have a document that you have agreed on to present to the public for review. You do not set a hearing date with an incomplete document.

Attorney Fox - You set a public hearing date to allow time for the public to be able to review the document. Sometimes the statute will require that the document be available 10 to 25 days before the date of the public hearing. You can call it but you still have to have it in the clerk's office to be available for public inspection a sufficient amount of time before the public hearing is actually held. The intent is the public needs a chance to review and be able to comment on what is being considered.

Mayor Davidson - So I was wrong. You can call for a public hearing before the product is completed. If we called it tonight and the document is not done we would put it out there that 10 days from now it would be completed and available for review.

Attorney Fox - Typically you have the document prepared when you call for the public hearing. The requirement for a public hearing on this is limited if it exists at all. As long as you have a sufficient period of time before the public hearing is to be conducted that the public has the document and is able to inspect it and develop their comments. I would say that time period is anywhere from 10 to 25 days based on statutes that I recall.

Town Administrator McCollum discussed the notice requirements that she follows.

Mayor Pro Tem Barry - On the published agenda for March 18<sup>th</sup> put a possible call for a public hearing on the Land Use Plan and the date is to be determined.

Mayor Davidson – So we will not make ourselves have a finished document on the night we call for the public hearing as we usually do.

Mayor Pro Tem Barry - I am not going to agree to that. On that specific date when we make a decision we will know when the document will be available.

Mayor Davidson - The night we call for a public hearing we are not going to require ourselves to have a finished product in hand.

Councilwoman Hadley advised that he was correct.

The Council advised that the target date for the public hearing on the Land Use Plan is April 8.

**Item No. 10. New Business.**

**A. Consideration of Capital Improvement Plan Payment of \$50,000 to Providence VFD – Mayor Davidson.** Mayor Davidson - Last year we set aside \$50,000 in our budget for a capital improvement plan for fire service. We had a hearing on the budget. It was all approved. Here we are with the request for part of the CIP Plan.

Mayor Pro Tem Barry - We talked about this at our retreat. I move that we approve the disbursement of \$50,000 pursuant to our budget to the Providence VFD for their Capital Improvement Plan. All were in favor, with votes recorded as follows:

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



**B. Discussion of Providence VFD Capital Improvement Plan Completion – Mayor Davidson.** Mayor Davidson – This is separate because it is not in the budget. This is for the update to the two buildings of Providence VFD to bring them into compliance for overnight stay. Two years ago in June the Town Council was asked for \$450,000 for the same thing and it did not pass in the budget. I am going to give my opinion on this. I am going to give you a calendar on this. Providence is to the point that they are ready to start construction probably in May. I want to time this so we get everything right and do not hold them up. When the \$450,000 was requested there were two problems. One was Providence did not have enough cash flow to have a sustainable operation. We could have given them \$450,000 to fix the building but they did not have the cash flow. That has been fixed. We have the fire service model and now they have a sustainable model. The second thing was we were going to give \$450,000 to a fire station and we did not get anything as far as an asset in return. We get services in return but we do not own an asset. The way that fire service is usually done is the taxpayers pay for a new building, pay for interest on a loan and then when the loan is paid off they do not own the asset. The fire station owns the asset and I would rather see the taxpayer own the asset. I would rather see our balance sheet hold up a little better than giving away \$700,000. What I am going to suggest is that we give the \$700,000 to Providence VFD and we ask in return for the land and the two buildings. That will be a transaction and then we will lease the building back to Providence and Anthony said we can do that for \$0 because it is a fire station. Under this scenario, we will have to have a public hearing because of the lease and not because of the transaction. From a budget standpoint, we have plenty of money. We have \$800,000 as a reserve for our operating budget. That is money that you cannot touch because we do not know about our cash flows. There is \$250,000 for a library which is nowhere in sight, \$200,000 for Rea Road and there is \$1.1 million dollars of unallocated reserve. I have always said if money sits around long enough it is going to get spent. We are not getting any interest on it. Jack and I talked with a bank and we have three loan terms/ three interest rates. The one that is the longest out would have us paying \$300,000 in interest over the life of the loan for the improvements. That is \$300,000 that the taxpayers would have to pay. My recommendation is to pay the cash balance of \$700,000 and ask for the land and the buildings in return. I hope the Council will at least start there and ask Providence if they would accept that offer. That is the best way to look after the taxpayer and leave it up to Providence VFD to decide if they want different terms.

Mayor Davidson gave the following terms of different loan scenarios for borrowing \$700,000 from BB&T:

20 year loan - 3.79% (\$50,550 a year)  
15 year loan - 3.22% (\$59,568 a year)  
10 year loan - 2.675% (\$80,676 a year)

Mayor Davidson - In asking questions of the banker they think they would use the collateral of the land and the building. Regarding cash flow they said there was not enough money here and we had to tell them that there would be money if we get this worked out. There are other things involved. Whoever wants to pursue the loan scenario I would let you investigate that option. I wanted to put this out on the table and give you the research that I have done. At the April Meeting I would like the Council to know what they want to do. I would like to call for a public hearing in May on this so then the public knows what the proposition is that the Council wants to do. If we go past May on a decision then we begin to postpone the construction. There has been concern about control and long term contracts and trying to protect both sides. I asked Anthony if we could do a long term contract with Providence VFD. If we just gave them \$700,000 and we did not have a deal next budget year that is \$700,000 that is gone from the taxpayer. They said last time when things go wrong they remind us these are their assets and they can shut it down and go home. A long term contract makes both parties more comfortable but it binds a future Council which we cannot do. Anthony said it would take a local act of the State Legislature to get a long term contract. I am not a big fan of binding future councils. The people vote and put the people in to vote on their budget and their fire service. I do not mind changing the contract. Either party can cancel in 30 days.

I do not mind making it 90 or 100 days. I want to make it where it is good for public safety and if some disagreement takes place that the people would be served best. They would not be served best by a 30 day cancellation policy. We would not be able to re-subscribe somewhere else for fire service. I like having the assets, it is the taxpayers' money and they get something for it. I do not think there is anything wrong with the relationship but I like that plan. The \$50,000 fits into our budget just like we did this year but then at the retreat they are asking for more for their operating needs. I went to their board meeting and I told them the \$50,000 is great and that could work but to remember that the \$50,000 is not there anymore. We did a 5-year budget plan and we would like them to do a 5-year budget plan so we can work on when things are not going to work.

Mayor Pro Tem Barry - When you look at the budgets that the Council has had for at least the last couple of years we are using fund balance allocations to balance our budget. We are basically spending down the surplus anyway. I am with you on saving the \$300,000 in interest. Here is my concern. If we do what you are suggesting that will bring down our spendable fund balance to \$400,000. Our operating budget is costing us and we are not balancing our budget. We are setting ourselves up for a tax increase.

Mayor Davidson - With the 5-year plan you see where it is going to hit and you see the growth of the Town and that is when you start having conversations with the fire departments, deputies, etc. Public safety is important and it costs money. If you want this level of service it costs this amount of money. That is up for a future Council and in the end you are going to pay more with interest.

Mayor Pro Tem Barry - My point is it is \$11,000 a year on a 20-year term.

Mayor Davidson - You are still spending it. My point has always been if that money sits there it will get spent. I would rather it go out the door for public safety because some Council is going to start talking again about things that we do not need. I think the taxpayer is going to pay twice if we do the loan.

Mayor Pro Tem Barry thanked the Mayor for his work.

Mayor Davidson - We have to do a public hearing for a lease. If we cut them a check for \$700,000 and got nothing in return we are not required for a public hearing but I would hope that this Town Council would have a public hearing for a \$700,000 transaction.

Councilwoman Hadley - The public hearing is not based on the loan but it is on the lease.

Mayor Davidson - The lease would be our public hearing and we would need to find out about the public hearing for the loan. That may be the fire department's public hearing. That needs to be investigated.

Councilwoman Hadley - The question that I have is with the loan. Is that going to jeopardize the start of construction?

Mayor Davidson - It will take longer. I don't know how much longer. I want to remind Council that the \$50,000 we just gave them was in a public hearing in the budget. It is a lot of money and it is a big deal. It is more money that we would take in one year for property taxes (3 cents).

Councilwoman Harrison - In 2008 we were reassessed. Instead of keeping our taxes neutral a lot of the money that is sitting there is because we were overtaxed. We are not making anything on it. I really am comfortable giving them the \$700,000 for a lease.

Attorney Fox - The authority around this for a town to partner with a volunteer fire department is fairly broad. We can structure it a number of different ways. You have a contract with Providence VFD and

you can amend that contract by either increasing the term, putting a payback provision in it if they stop providing services at some point in the future to recapture the investment. Anything that you can think of we probably could figure out a way legally to structure it and have sufficient authority to do it.

Mayor Davidson - This is not money that is going to be sitting around. I hope they do not have \$700,000 when we are not getting along.

Attorney Fox - It is a non-profit and their Board of Directors could decide to take a different course, possibly merge with another volunteer fire department, extend the service area and change the structure of the deal. You may want to have the ability to reopen the commitment. It is planning for contingencies.

Mayor Davidson - The land and the two buildings is the cleanest and simplest because it will always be used for fire service. There is not a market for that building after it has all of those improvements in it. It needs to be used for fire service.

Councilmember Thomisser – The past Town Council has been very fiscally responsible and has built up this reserve. Just because we have a bunch of money sitting there does not mean that we are forced to spend it. Currently the volunteer fire department owns the land. I do not understand why we should own a fire station and the land when my feeling was all along that they wanted to be independent like all the other volunteer fire departments. I do not have a problem with a long term contract. Interest rates are at an all time low. I think we should consider a 10, 15 or 20-year loan and let them run their own show. I am a little bit uncomfortable giving that amount of money. You say owning the fire station and the land is an asset but what are we going to do with it. It is still a fire station. We can't do anything with it. I don't understand the advantage of owning the land and the fire station when you can't do anything with it except for a fire station.

Mayor Davidson - Would you rather have land and two buildings and be able to provide fire service – be halfway there or would you rather start from zero because once you give the money away it is no longer the Town's? Our balance sheet goes down \$700,000.

Councilmember Thomisser - I am uncomfortable giving \$700,000 upfront and reducing our fund balance because I think we need money for emergencies. It does not mean we are going to spend it just because we have it. Let's take a loan and at the end of the loan they still own the land and the fire station, and they provide the fire service over the long term period.

Mayor Davidson - That is fine but I am trying to play all scenarios. I will remind you of one scenario with the loan. If there is a loan and the board and the Council are not getting along and we stop paying, guess who owns the land and the building then – the bank. Every scenario I am going through what happens the day we may not get along. We see this all the time in fire departments and Town Councils.

Councilmember Thomisser - The number one thing that the people of Weddington said in the survey that they wanted is public safety. Are we suggesting that future Town Councils are going to go against the wishes of the people?

Mayor Davidson – No, I think this shows that the Town Council is serious about public safety and we are going to grab these assets and protect the taxpayer.

Mayor Pro Tem Barry - We talked about this a year ago pretty extensively about protecting the balance sheet and I am with you up to the \$700,000 and not borrowing the money. I just ran the numbers and your accuracy is up for debate. We did a fund balance transfer of somewhere in the neighborhood of \$112,000 last year. The budget this year had a fund balance transfer from \$85,000 to \$125,000. That means

2013/2014 our available cash will not be \$400,000 it will be \$300,000 and another year later it will be \$200,000. As a steward that gives me a lot of heartburn. I follow your logic Walker and maybe the answer is that we do not finance 100% of the costs but we spend \$350,000 and finance the balance so we do protect our cash position but at the same time protecting our balance sheet. I really am anxious about drawing that available cash down so low.

Mayor Davidson - That scenario pushes back the problem of providing short term liquidity but in long term costs to the taxpayer of the interest.

Mayor Pro Tem Barry – If we do half that is \$5,500 a year in interest.

Mayor Davidson – I like the low interest rates but the fact is we do not know when Leslie is ever going to get a dime in interest and I am of tired of trying to figure out when it is going to happen. It is money out the door for this interest and it buys short term liquidity but it kind of kicks the problem down the road.

Mayor Pro Tem Barry – It is easier to borrow it today than the Town to create liquidity tomorrow because we bond or have to raise the tax rate. I am taking into consideration your report.

Mayor Davidson – I do not think I am getting much consideration from the fact that there could be a Council that comes in and sees \$400,000 in unallocated fund balance and says I think I am going to go buy a band shelter or a park and does not go and look and see the five year plan like we have done and see that this money is set aside to pay for principal and interest. To Barbara's point in 2008, we had a 3-cent tax rate. They did the revaluation and the property values went up and the rate should have been 1.9. That would have been a break even but they kept it at 3 cents and we have been building up this big balance. When it comes to capital spending that is what capital spending is, you save, save, save and you spend a bunch of money. You do not do it every year. I am fine with saving if we know what we are saving for but here we are and we have an opportunity to fix this and we are lucky.

Mayor Pro Tem Barry – And that is true but now we are counting on our fund balance to balance our budget. In 2008 that worked but today we need that money to balance our budget to not increase taxes.

Mayor Davidson – We need to look at the growth rate. You have to project it to know when the cross over is coming so you can plan for it. They have some plans and we need to go ahead and tell them that money is not going to be there. In the April meeting someone can put their proposal on the table to do the legwork to get your proposal because we do not want to hold this up. I have made my proposal and I have done my homework. I like my solution. If you have an alternative solution and you want to get it done then you need to do the legwork and then in April I will resubmit my recommendation and others can submit theirs.

Councilmember Thomisser – I move with Mayor Pro Tem Daniel's Barry's permission that he...

Mayor Pro Tem Barry – Thank you but I do not have time.

**C. Review and Consideration of the Final Plat for Bromley, Map 6 – Staff.** The Town Council received a copy of the following information:

- Application for Submittal of the Subdivision Preliminary Plat for Bromley
- Final Plat (9.567 Acres) – Bromley Map 6 and a revision of Bromley Map 2 (Lot 89)
- The approved Preliminary Plat
- Bromley, Map 2 Final Plat (24.093 Acres)
- Bond Estimates

The Town Council also received a copy of the following memo from Town Planner Cook:

Toll NC 11, LC submitted an application on December 12, 2012 for approval of the Final Plat of Map 6 and a revision to Map 2 (Lot 89) in the Bromley subdivision located off of Hemby Road.

**Project Information:**

The Bromley subdivision is an approved 120-lot subdivision on 151.60 acres. The subdivision is located on Hemby Road. Bromley is being developed by Toll Brothers as a conventional subdivision. Map 6 is comprised of eight lots, lots 81-83 and lots 85-89 (tax parcel 06-147-007) and was given Preliminary Plat approval on January 10, 2006. Included on Map 6 is Lot 89 that was previously recorded on Map 2. Lot 84 has been removed and dispersed into Lots 81, 82 and 83. The original deadline to submit the Final Plat was January 10, 2008. However, the Permit Extension Act of 2009 and 2010 essentially “froze time” from 2007 to 2010 giving Toll Brothers until January 10, 2014 to submit their Final Plat(s). The submitted Final Plat for Map 6 is similar to the approved Map 6 Preliminary Plat. The approved Preliminary Plat has been included in your packet. The Planning Board unanimously recommended approval of this Final Plat at their February 25<sup>th</sup> meeting.

**Map 6 Information:**

1. Map 6 is eight lots and 9.567 acres.
2. Map 6 is not required open space on its own. The Bromley subdivision has provided 15.84 acres or 10.5% open space in accordance with the *Weddington Zoning Ordinance*.
- Development standards are as follows:
  - Minimum lot size- 40,000 sq. feet
  - Minimum lot width- 120 feet
  - Minimum front yard setback- 50 feet
  - Minimum rear yard setback – 40 feet
  - Minimum side yard setback – 15 feet
  - Minimum corner side yard setback – 25 feet
- Lot 87 is the smallest lot within Map 6 at 40,170 square feet.
- Water and sewer services are provided by Union County Public Works (approvals on file).
- A copy of the approved Declared Covenants, Conditions and Restrictions (CCR's) for Bromley are on file at Town Hall.
- US Infrastructure has previously reviewed and approved the Preliminary Plat.
- All roads are built to NCDOT standards (final 1” layer of asphalt to be added after construction). Road names and addresses have been approved by Union County E911.
- The Applicant has stated that the timber bridge will be maintained by the Bromley HOA in perpetuity. However, the bridge will not prohibit traffic from traveling on NCDOT owned and maintained Fernhurst Terrace.
- All NCDENR, NCDOT and Union County approvals and permits are on file with the Town. These approvals were required during the Preliminary Plat process.

**The Bromley Map 6 Final Plat has been found to be in general compliance with the Town of Weddington Zoning and Subdivision Ordinances with the following conditions:**

1. Performance and Maintenance Bonds to be approved the Town Council and approval of guarantee document by Town Attorney;
2. Previous lot lines of Lot 84 must be depicted on Final Plat;
3. Town Attorney to review Bromley Covenants, Conditions and Restrictions;

4. Each remaining lot to be recorded in the Bromley subdivision shall include on its Deed a statement that Fernhurst Terrace and Pondmeade Lane are private and not the responsibility of the Town of Weddington and shall be maintained by the Bromley Homeowners Association or its Developer;
5. The "Timber Bridge Maintenance Note" shall be revised to state: The existing timber bridge constructed within the public right-of-way of Fernhurst Terrace and shown on this plat and also applicable to Map 2 is constructed to NCDOT standards (minus a required culvert) and will not be accepted or maintained by NCDOT, until such time that NCDOT deems fit or the Town of Weddington now or in the near future and will be the perpetual maintenance responsibility of the Bromley Homeowners Association or its Developer. The bridge will be subject to the conditions of an encroachment permit with NCDOT.
6. The previously recorded Map 2 Final Plat shall be revised to reflect the "Timber Bridge Maintenance Note" and the "Public Right-of-Way Maintenance Note" shown on the Map 6 Final Plat.

Town Planner Cook - All roads and bridges on Map 6 are built to NCDOT standards. NCDOT needs proof from the developer that a culvert was not allowed by the Army Corps of Engineers before they will take the bridge over. Roads will be taken over once a connection is made to the adjacent property which is the Dow property. The roads and the bridge will be owned and maintained by the Bromley HOA or its developer until acceptance by NCDOT. This bridge that I am discussing is not physically located on Map 6 that we are looking at tonight. It is physically located on Map 2 which has already been approved and recorded. Going through this process with the Planning Board we found out that Map 2 never actually showed the bridge on it. Map 2 needs to be rerecorded showing the bridge and rerecorded with these two notes that you see on Map 6. The applicant has submitted Map 2 with those revisions on it. It is sitting in the office and would need to be signed prior to Map 6 being signed. The bridge was already approved on Map 2 although it was not shown on Map 2.

Mayor Pro Tem Barry - My concern with this process is that there is another development in our community that has builder owned and developed infrastructure and that there is a fight between DENR and DOT and they are dragging Weddington into it. I do not want to sign off on something that is going to drag us into the same situation. Let's say the worst case scenario is that Toll Brothers goes broke. Somebody is going to end up having to maintain a non-compliant bridge.

Town Planner Cook - I had conversations today with NCDOT. The timber bridge is built to NCDOT standards. They advised that they have wooden timber bridges all over the State. It is the culvert issue. They advised if they can see that the Army Corps of Engineers did not allow a culvert to be put in there then they will take the bridge over. That is going back and forth with DOT and the developer now.

Mayor Pro Tem Barry - Can we wait to approve it until we hear from NCDOT?

Town Planner Cook - The Council has 31 days from tonight which would fall to the next meeting.

Mayor Davidson - Our language says to meet NCDOT standards. It meets NCDOT standards but the intent of our language is that we do not want to own it or maintain it. We want NCDOT to take it. In this case they meet the standards but NCDOT does not know if they are going to take it. I do not think we can turn it down because they meet our language. We may need to improve our language because our intent is we do not want to own it.

Mayor Pro Tem Barry - We could turn it down.

Town Planner Cook - I don't know how.

Attorney Fox - If it complies with the preliminary plat...

Mayor Pro Tem Barry - So we are setting ourselves up for non-compliant roads throughout Town.

Attorney Fox – No but if it meets all the standards of your ordinance then the discretion to the Council is very limited. What we can do is put on your final plat approvals certain conditions that will help address some of these concerns. We could even require that a maintenance bond stay in place until such time it is accepted for NCDOT maintenance which takes it out of the responsibility of future homeowners that may buy in there.

Mayor Davidson - I would prefer that we declare in absolute terms that we will never take over this road and we will never maintain it. I do not think that we can require communication from a developer to the homeowners but they need to know when they buy into that they own the bridge and the maintenance for it. That is not our issue of communication between the buyer and seller. But you have written some language to suggest that we will not have anything to do with it. I would like to tighten up the language.

Mayor Pro Tem Barry - The day that a fire truck cannot drive across that bridge we have just bought that bridge because we have to provide fire service to the end of that cul-de-sac and it does not matter who owns it.

Town Planner Cook - John Underwood with NCDOT told me today that they have no issue with the way that bridge is constructed and fire trucks and school buses driving over that bridge.

Mayor Davidson - What it comes down to is if NCDOT had built this they would have put a culvert in there unless they were stopped by DENR. If DENR says we have never even heard about it or we would have let them put a culvert there, is DOT going to make them put a culvert there? We do not know.

Mr. Jeremy Schumacher – I am with Toll Brothers. In most plats that are submitted, the roads are submitted as public roads and deemed to be constructed to NCDOT standards. It is much further into the process when they are turned over for actual maintenance by NCDOT. At the time it is platted you are simply verifying that it is designed and built in accordance with NCDOT standards.

It was discussed that US Infrastructure sets the bond amounts.

Town Attorney Fox - Before your next meeting Jordan and I can work through some of the language issues. I am hearing if possible ensure that the bridge and its future maintenance is never the responsibility of the Town and always borne by the developer and/or homeowners association and that there be sufficient funding in the bonding to take care of all anticipated and foreseeable maintenance obligations of the roads and the bridge until such time as NCDOT approval. Also we need to evaluate what is the maximum maintenance and performance bond limit that can be set by the Town and whether or not before the next meeting the culvert question is resolved between NCDOT and the developer.

Mayor Pro Tem Barry moved to table this item until the April 8 Town Council Meeting to allow staff and the developer to work through the conditions and finalize terms of approval. All were in favor, with votes recorded as follows:

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

**D. Consideration of Funding GIS Upgrade – Staff.** The Town Council received a copy of the following memo from Town Administrator McCollum:

The Council received information from Kevin Eves with VC3 at the retreat that the current version of GIS that the Town is using is not compatible with the hosted environment and needs to be upgraded. The cost for purchasing the upgrade is \$7,295.00 which includes one full year of support. Cost for support each year after that would be \$3,000.

Councilwoman Harrison moved to approve the funding for the GIS Upgrade. All were in favor, with votes recorded as follows:

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

**E. Discussion and Consideration of Scheduling YMCA Presentation – Mayor Davidson.** Mayor Davidson advised that the Council discussed at the retreat of scheduling a time for the YMCA to give a presentation to the public. Councilmember Thomisser expressed that he wanted the presentation given when the maximum number of citizens would be in attendance. Councilwoman Hadley suggested that the Council decide at the next Land Use Plan Meeting on March 18 when the Open House will be scheduled and add scheduling a presentation by the YMCA on that same agenda. Mayor Pro Tem Barry will contact YMCA representatives to see if they still want to present.

**F. Update on Renewing Annexation Agreement with the City of Charlotte, Village of Marvin and Town of Stallings – Staff.** Town Planner Cook advised the Council that he and the Town Attorney and representatives from Charlotte will be meeting to work on the Annexation Agreement and asked if there were any issues that the Council wanted addressed to please let him know.

**G. Discussion and Consideration of Town Hall Electrical Inspection Report.** The Town Council received a copy of the Electrical Inspection Report/Estimate for Town Hall prepared by Cape Construction Company. The total estimate is \$2,505.00. Councilwoman Hadley gave a brief overview of the work needed to be completed in the Town Hall and moved to accept the proposal as submitted in the Council's packet.

Mayor Pro Tem Barry made a friendly amendment to increase the amount to \$2,750.00 in case of contingencies. Councilwoman Hadley accepted the amendment.

All were in favor, with votes recorded as follows:

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

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

- Polivka International has submitted a portion of their construction documents. They plan to have all of their construction documents submitted by the end of April. Therefore, they will be on the May 27<sup>th</sup> Planning Board agenda for Design Review Board approval and possibly the June 10<sup>th</sup> Town Council agenda. The Planning Board will act as the Design Review Board for the elevations and construction document review.
- Vintage Creek has submitted their Preliminary Plat. They are still working with Union County on obtaining sewer approval. The Preliminary Plat should be on the Planning Board agenda on March 25<sup>th</sup>.



- I have received an MX Rezoning Application for a Wedding/Banquet/Reception facility located at 7112 New Town Road. The Town is currently working with the applicant to schedule Public Involvement Meetings. This proposed plan should be on the April 22<sup>nd</sup> Planning Board agenda.
- Planning related items that were discussed at the Retreat:
  - Temporary Use Permits-Staff preparing text amendment in accordance with Council direction.
  - Agritourism and Agricultural Uses-Town no longer pursuing text amendments.
  - Annexation Agreement Renewal-Town Staff and Attorney working with City of Charlotte.
  - Land Use Plan
- The following items were on the February 25<sup>th</sup> Planning Board agenda:
  - Bromley Map 6 Final Plat
  - Land Use Plan Update
- The following items will be on the March 25<sup>th</sup> Planning Board agenda:
  - Beulah Church Road Major Subdivision
  - Vintage Creek Preliminary Plat

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

- The 3rd Annual Easter Egg Hunt for children ages 11 and younger is scheduled for March 23, 2013 from 2 to 4 with a rain date of March 24. The hunt will be held at the Town Hall. Games and refreshments will be available and a picture with the Easter Bunny can be purchased for \$5.00. Citizens are asked to bring a canned good to be donated to a local food shelter to be entered to win a prize.
- Once the upgrade to GIS is completed, VC3 advises that we should be running through their hosted environment in approximately three weeks.
- The Spring Litter Sweep is scheduled for April 20 beginning at 9:00 a.m. here at the Town Hall.
- Town Hall Day is scheduled for March 27, 2013 in Raleigh. At this time I do not have anyone scheduled to attend.
- The 2013 National Day of Prayer is May 2. Please advise if you would like staff to organize an event for this day.
- Town Hall will be closed on Friday, March 29 in observance of Good Friday.

**Save the Date:**

Weddington Country Festival – September 21, 2013

**Item No. 13. Public Safety Report.**

**Weddington Deputies: 475 Calls**

**PROVIDENCE VFD**

Training - 289.00 hrs.

Union County:

Fire	25	+	EMS	13	=	Total	38
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Mecklenburg County:

Fire	04	+	EMS	1	=	Total	05
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Department Total:

Fire 29  
EMS 14  
Total 43

The Town Council also received the Income and Expense Budget Performance and Balance Sheet for February 2013 for the Providence VFD.

**Wesley Chapel VFD – 99 Calls**

**Item No. 14. Update from Finance Officer and Tax Collector.**

**A. Tax Collector's Report.** Monthly Report – February 2013.

<b>Transactions:</b>	
Adjust Under \$5.00	\$(118.24)
Balance Adjustment	\$(53.95)
Interest Charges	\$490.40
Overpayments	\$(450.21)
Refunds	\$454.41
Penalty and Interest Payments	\$(1,184.03)
<b>Taxes Collected:</b>	
2009	\$(279.49)
2010	\$(531.73)
2011	\$(588.03)
2012	\$(44,837.18)
<b>As of February 28, 2013; the following taxes remain Outstanding:</b>	
2002	\$82.07
2003	\$129.05
2004	\$122.90
2005	\$252.74
2006	\$150.20
2007	\$144.42
2008	\$1,832.44
2009	\$2,241.03
2010	\$3,736.28
2011	\$5,944.92
2012	\$34,295.53
<b>Total Outstanding:</b>	<b>\$48,931.58</b>

**B. Finance Officer's Report.** The Town Council received the Revenue and Expenditure Statement and Balance Sheet for 2/1/2013 to 2/28/2013. The Town Council also received a copy of the FY2014 Preliminary Budget and a list of non-operating expenditures for their review.

**Item No. 15. Transportation Report.** Councilwoman Harrison gave a brief transportation update to the Town Council. She advised that MUMPO has changed its name to the Charlotte Regional Transportation

Planning Organization and the organization wants to start meeting monthly and is considering changing how votes are counted.

**Item No. 16. Council Comments.** Councilwoman Harrison gave further details of the upcoming Easter Egg Hunt.

**Item No. 17. Adjournment.** Mayor Pro Tem Barry moved to adjourn the March 11, 2013 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

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

The meeting adjourned at 9:00 p.m.

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Walker F. Davidson, Mayor

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Amy S. McCollum, Town Clerk