

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, MAY 13, 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 May 13, 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: Judy Johnston, Larry Wood, Bill Deter, Elton Hardy, Sandra McKee, Dennis Taylor, Linda Manus, Jane Duckwall, L.A. Smith, Mark DiBiasio, Mary P. Caponi, Brad Guerin, Ann Guerin, Danis Simmons, Peter Tatge, Eric Smith, Rob Kreisher, Steve Motley, Robert Stiegele, Scott Reider, Terry Williams, Lance Daniels, Mike Sealy, Mark Konieczny, Wayne Munn, Don Titherington, Brad Prillaman, Don Titherington, Jr., Pat Harrison, Paul Patton, Sue Patton, Mark Wetherbee, Bill Shaw, Wendy Shaw, Jan Taylor, Steven McLendon, Jennifer Romaine, Mettie Spittle, Craig Hazeltine, John Wyant, Nancy Anderson, Jack Parks, Tony Rolfes, Harry Welch, Debra Welch, Robert Gunst, Jon Hoin, Genny Reid, Kathy Bonjour, Debi Daniels, Lance Daniels, Jan Sloop and David Sloop

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

Item No. 1. Open the Meeting. Mayor Davidson called the May 13, 2013 Regular Town Council Meeting to order at 7:01 p.m.

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

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

Item No. 4. Presentation by YMCA Representatives. Councilmember Werner Thomisser introduced Mr. Steve Bowers, Community Vice President with the Morrison Family YMCA who gave a PowerPoint presentation that included the following information regarding the YMCA: Mission, Vision, Branches, Who they are and how they serve, Their Focus, Youth Development, Healthy Living, Social Responsibility, Local YMCA, Public and Private Collaboration, Their Impact.

Item No. 5. Public Comments. Ms. Wendy Shaw - I am a lifelong resident of Weddington. As I have stated in past meetings no matter where the tower goes I will either see it to my left or my right. My issue is that for 41 years this area where we sit tonight has been the only downtown area that I have ever known and not to mention the only historical area we have in Weddington which includes this Town Hall (the Thomas Wrenn House), the Hemby House across the street, the Matthews Home on Highway 16 and Weddington Church known to a lot of us as the "church on the hill" – originally the Weddington School. I was married on the grounds of this Town Hall and my son is named after the original owners of this home Thomas and Colonel George Wrenn. We have the most unique Town Hall of anyone in the County surrounded by the beauty of its history. If you will check an atlas or use a GPS you will find the Town Center to be located at this intersection of Highway 16 and 84. This is the main entrance of our Town. A water tower would certainly have a negative effect on what we call downtown Weddington today. Just a few years ago Weddington was the number one desired place to live in North Carolina. That says a lot without even speaking a word about our Town. It saddens me that there has been dissension within our Town, within the church, neighbor against neighbor,

neighborhood against neighborhood over a water tower. That is not who we are. As stated on our website, "Home is where the heart is." Now where is the heart of Weddington now? Tonight I submit to you a petition signed by 156 people who agree with me and who are for the Hemby Road location. Of these 156 signatures 95% of them are residents of Steeplechase and others who live behind the Weddington Church and the rest of whom would live within 1/8 or 1/4 mile from the tower if placed on Matthews-Weddington Road. We are asking that the appreciation of what we call our downtown be considered as a decision is made tonight on where the water tower will stand.

Ms. Jan Taylor – Thank you for listening to my comments and requests concerning the location of the proposed water tower in Weddington. As you know Weddington is a small quaint town with a very small historical area. The citizens have worked very hard to create a community that affords a charming, safe and an inviting environment to raise our families. I am not going to discuss the site across the road because I think we are down to just two sites now. The first site that I examined was the Matthews Property located on Matthews-Weddington Road. People refer to this site as where commercial is. However, is this commercial? It adjoins the land of Jim Spittle which is a beautiful residential home, across the road just a few feet is residential, right behind those rows of homes another residential area is planned to be built. Also we have not heard about the ground level of this tower. I suppose it will have barbwire fence at the base around it and this is right next to the Town Hall where we have family gatherings such as our fair and Easter Egg Hunts. In addition I am also very concerned about the safety of this location in case we were to have a disaster of any kind and the tower was affected. I also have concerns that this is so close to the road and really jammed into a small area and the scale of this property is not conducive to the monstrosity of this tower. That leads me to the Hemby Road site. This property would make more sense to me personally to have all of the utilities located in one area where there is minimal population in the immediate area. This property would be better suited for the scale of the water tower. This water tower would allow for a fall zone where no homes or large numbers of people would be affected if we pushed it far enough from the fire department. The property owners that it connects to and owners across the street are both agreeable to the site. The property owners of Providence Woods South are not agreeable and I can understand that but their entrance is one half a mile away. It may be seen from their homes but a tower that is 18 stories high is going to be seen from my home too. It is going to be seen by a great number of neighborhoods. If you will not put a ground level water pump station then I believe and request your decision for the site of Hemby Road behind the fire department. I feel that this would create the least amount of problem for the community as a whole.

Mr. Craig Hazeltine – I am a 20 year resident of Weddington. This is the 4th time I have spoken about the water tower. I want to take this opportunity to address some points that have been brought up in past meetings and tonight. First is the fall zone in the event of a catastrophic failure of the tank. The collapse and release of 1.5 million gallons of water would eliminate or severely compromise both personally and their equipment the first responders of the Providence VFD. It would eliminate their ability to respond to emergencies for a long period of time. This by itself should eliminate the Hemby Road location. Landowners surrounding the Hemby Road location are not opposed to this location. None of the landowners live on their land. These owners understand that no one with land adjacent to the proposed water tower site would be able to sell their land for homes. That only leaves two uses for this land - farming and commercial. These landowners clearly understand that in 10 to 15 years selling land for commercial use would put more money in their pockets. If I had the land adjacent to the tower I would want it there too. Commercial land is going to be worth more than residential land. According to Union County Public Works the Hemby Road site is in an undeveloped area. There are 40 homes within 500 yards of that proposed site and there are over 1,000 homes within 1/2 mile of that proposed site. I would not consider that undeveloped. If the tower were placed in the current commercial area of Weddington, it would destroy the historic character of downtown Weddington. Weddington has only one building or site considered historic and that is where we are right now. Prior to 30 years ago, the Town did not exist. It was merely a crossroads. Waxhaw was the closest town to Charlotte - not Weddington. There is no architectural continuity with any of the current commercial buildings in Weddington. I fail to see how this would negatively impact this area. I think it will fit right in. I understand that Union County Commissioners received over 100 emails opposing the Hemby Road site. Both Ms. Hadley and Ms. Harrison have indicated in the past that the tower be placed in the current commercial area of Weddington so they clearly understand the impact that the

tower would have on homeowners in the Hemby Road area. I have also heard that the water tower next to the fire station would somehow enhance the fire station's ability to perform. The negative impact immediately adjacent the Spittle Property - I believe that land has already been designated as business under the current Land Use Plan. I am making the assumption that at some point they will want to sell that land commercially.

Mr. Mike Wetherbee – I want to thank our Mayor Walker Davidson for expressing some opposition to the residential site along Hemby Road. Everyone should understand that the Board's decision about the water tower is going to permanently alter property values around it. If you choose the Matthews-Weddington site, commercial sites as well as some residential homes would be affected. However, if you choose the Hemby site hundreds of your fellow Weddington residents in multiple neighborhoods will have their home values permanently devalued. I for one would not have purchased our house in Providence Woods South if I had known that a gigantic water tower would be casting a shadow over our neighborhood. I know that it has been noted that a couple of adjacent landowners actually do want the Hemby Road site. Let's be clear that these couple of people do not actually reside in those properties by the potential tower. There is more to their story. You do have 100s of residential landowners who do not want the residential Hemby site chosen. One other thing that I wanted to remind everyone is that several neighborhoods around Hemby Road including ours will not even be able to use one drop of water from this tower even though we would be stuck looking at the eyesore everyday. We do not have access to county water. We are on wells and we do not have fire hydrants. I have also been told by several folks that houses in our neighborhoods would have to purchase flood insurance since we are downhill and in close proximity to the Hemby Road tower location. Again, we cannot use any water from the tower even if one of our houses catches on fire but we are having to pay for extra insurance and have our property values decreased because of it. It is a losing proposition. Additionally, financial responsibility by the Board should come into play because I understand that choosing the Weddington-Matthews site for the tower would save the taxpayers - your constituents - \$150,000 versus the more expensive Hemby property. If you do go for the Hemby Road location please remember to think about your decision as you drive past our neighborhoods on Hemby Road because unfortunately we will have to think about it every single day.

John Wyant – I am the President of the Providence Woods South Homeowners Association. I believe I speak for the vast majority of the residents. I echo the comments already made. I will not repeat them. When we talked with the engineer the other day he laid out that the criteria was originally to be in a commercial district, able to serve Marvin and Weddington and be on a 24-inch main. A 24-inch main is out here and it is not out there. You are not going to have the same type of pressure. They said they had come up with some fixes for that. The natural location is right here. All of the original proposals were right here. Let's stick with what you got and quit changing.

Mr. Robert Gunst – I am a Rosehill resident. I think if anyone is affected by this it is the need for the water tower by the residents of the Rosehill Subdivision. We are the zero water group of the whole Town. I appreciate the hard work that has been done here. I realize that you have a decision to make. So far as Rosehill and the survey that we took, the community was divided as to the location of the tank to meet the requirements of the meeting that was held a couple of weeks ago by the Mayor. The overriding factor is a decision has to be made. I appreciate the effort that has been made on behalf of the County and the Town but the time has come ladies and gentleman – it has to be done. The decision has to be made. I don't envy you having to make the decision but that is why we elected you. Please do it, get it done, let's get some water so everyone benefits.

Ms. Nancy Anderson – I am one of the property owners that does not live there. My children are fifth generation here. I am offended by the insinuation that we somehow do not care about Weddington and the property values. It is our property and it does impact the property values and that property is for sale. There are several adjoining property owners that do live right there - Rick Helms, Jerry Helms and Rusty Morris. They all own the fields there and farm them. I would say they live right there on the property. Our property is going to be put on the market in the future. I spoke to our broker today and asked him if it would affect our properties and he said, "Oh, no. I would not ask any less than you were going to ask." The fact that it decreases the property values, I do not think that holds water. The other thing I would like to point out is why that site was never considered before. When the previous Council was asked to consider it we were only given two choices -

Highway 84 and on Providence Road. When the next Master Plan came out Weddington was in a different pressure zone; therefore, it opened up a lot more opportunities along Matthews-Weddington Road. That is the highest point. It is the ridge line. The other two Councils were not even allowed to consider that. The fact that you are somehow conspiring to make it commercial zoning is non-sense. That land will not support commercial development. It does not have the road structure and it is not going to be zoned commercial in my opinion.

Mr. Bill Deter – I want to point out some comments that were made by Ed Goscicki at the June 11 meeting last year. I consider him the resident expert since he is the Union County Public Works Director. Comments from the minutes were, “We want to keep the water tower close to our 24-inch main line. Our ideal location is the Town Center. The parcel across from the Town Hall was the ideal location for the water tower. Once you get past Beulah Church Road, it gets too expensive to run a water line after a certain point - the cost is too high and you run into water quality issues.” I know it is a very political issue. I am supportive of a water tower but my concern from a bigger standpoint is that we have a commercial area and let’s keep the water tower in a commercial area which will support the residents’ goals to restrict our commercial development to one area and protect the residential area.

Ms. Mary Caponi – I have been a resident of Weddington for 10 years. I love lighthouses and they seem to be a beacon and you know where you are when you see it. I am thinking that a water tower in Weddington would put us on the map. People coming down Providence Road would say this has got to be Weddington. Look at the water tower. It is awesome. I am thinking this is where it should happen.

Mr. Harry Welch – I have been a resident in Union County for 10 years now and I moved here from Mecklenburg County. I liked what she said. Some of them are ugly. But they are a fact of life. You have to have them for pressure for people that live in Rosehill. Some water towers are famous. Look at the one in Gaffney with the peach, the one in Fort Mill with the baseball. You could put something that is an icon here on a spindle - something that looks nice and is unique and says Weddington. We have a golf course nearby; put a golf ball on top of it and sell advertising for Titleist. Who knows if property values are going to decrease, they could and what would that mean to the Town of Weddington as well as Union County? If that many homes are devalued then that is going to cut the tax base down so the tax revenues are going to be a lot less. At the end of the day it has to be something that is advantageous to all and I think in terms of who has spoken at this meeting and at the Union County meeting last Monday night, it seems like there are more people that are against the Hemby Road location as opposed to the one in Town.

Mr. Don Titherington – I live in Providence Woods South. I believe that the water tower should be here. I walked in late and one of our neighbors was making a comment around the insurance issue and I saw Ed Goscicki shaking his head against it. These neighbors called their insurance company and they said that it would not be covered by casualty insurance and if it lets go you have to have flood insurance so please do not underestimate that because that has been checked by four different insurance companies.

Mr. Tony Rolfes – I live in Providence Woods South and I have been here for three years. No matter where you think the water tower should go I think it is a clear sign that people are against more density here in Weddington. I hope the Council will take into consideration that the vast majority of us do not want more density. I am for the tower being here in the Town Center. Thank you for your time.

Ms. Sandra McKee – I have lived in Weddington for 60 years. I live close to the Town. I am not in favor of it being here at Matthews-Weddington Road.

Ms. Jan Sloop – You folks have been elected to your positions by the people in this room and I believe that you have a responsibility to us. I also believe that if there are decisions made that do not seem to make sense to a lot of people that we should be able to learn from you why and the reasons behind you selecting things that so many people are in opposition to. Government has become very frustrating to me. I think a lot of things are being rammed down our throats and we are not being given the respect from our elected officials to understand why they are making the decisions that they are. I have never run and I do not plan to and I admire you for your

willingness to. You have a big responsibility and your decision should not be made just on your personal desires.

Mr. Jack Parks – I live in Willow Oaks. I have a well and the entrance from my neighborhood is about 600 yards from the Hemby Road site and approximately one mile from this site. Personally it does not bother me either place that the water tower would be put. I want to correct some things that I have heard tonight. If you live on a well you do benefit from a water tower. If there is a fire at your house your well will not put that fire out. A typical fire engine carries 1,000 gallons of water and it takes at least 250 gallons per minute on your house to do anything. That engine that shows up is out within a matter of 4 minutes. It is supplied by a tanker. They can come afterwards. That tanker has to be filled at a hydrant. Right now our hydrants are desperately low. We have to get some correction made or we are going to have trouble one of these days. At this point the fire department is contemplating color coding fire hydrants so we can tell when you drive up whether there is pressure. It is a problem that has to be addressed. I don't look at this as commercial or residential. I look at this as infrastructure. I do not anticipate seeing any more commercial on Hemby Road and I do not anticipate a water tower here driving any more commercial but we have to agree to the infrastructure in order to make it safe for our families to live here. As far as a catastrophic failure of the water tower, I am 62 years old and I have never heard of one. I am sure there has been one somewhere. I have no fear of the fire department being beside the water tower. Some people have asked if there is a benefit for a fire department. There is a possibility of a benefit for the fire department to share that land that would be purchased by Union County Public Utilities at Hemby Road and the fire department could have access to that land for future expansion for parking or expansion of a septic tank line or a field if they needed to. I wanted to make those facts stated and accurate. It does not bother me where the water tower goes; it is just a matter than we have to have it sooner than later.

Ms. Debra Welch – I am a Union County resident for 10 years. My husband was at the Union County Meeting on Monday night. We want to thank you for your work. One major concern with the Hemby Road site is because of the devaluation of the property. The City of Monroe has a water tower and it backs up to Deer Track Lane and there are two houses for sale on that Lane currently. One has been on the market since June of last year and there is a second property that has been on the market. Neither of those has sold. The second property dropped their asking price \$20,000 on April 23. They are still waiting to be sold. From a financial standpoint, with all these residences around the Hemby site if the property is devalued you have lost tax revenue. From that standpoint it is going to hurt the Town. I want to encourage you to vote downtown. I know we need water pressure. If there is a 24-inch main here and that is bigger than Hemby logically and engineering it makes more sense. Thank you.

Ms. Mettie Spittle – Our property is adjacent to the Matthews Property. I do not know where they got their information. We do not have land up for sale for commercial because it is not zoned commercial yet. If they put a water tower we will be asking for commercial. We have been there for 25 years. The shopping center was not there when we built our house and we fought against the shopping center and now we are fighting against a water tower. Please consider that when you are making the decision.

Item No. 6. Additions, Deletions and/or Adoption of the Agenda. Councilmember Werner Thomisser moved to make the following amendments to the agenda:

- Move up the following agenda to next on the agenda: Consideration of Non-Binding Endorsement of Location for the Water Storage Tank in Weddington – Mayor Pro Tem Barry.
- Eliminate the following items from the agenda since they will be covered by Mayor Pro Tem's agenda item and the fire service item is premature and will be covered during the June Town Council Meeting or a Special Meeting beforehand: Open and Transparent Discussion about the Water Tower in Weddington – Mayor Davidson and Open and Transparent Discussion about Fire Service in Weddington – Mayor Davidson.

All were in favor, with votes recorded as follows:

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

Item No. 7. Consideration of Non-Binding Endorsement of Location for the Water Storage Tank in Weddington – Mayor Pro Tem Barry. Mayor Pro Tem Barry - The Town Council received a letter from County staff asking the Town Council to state a preference between the two proposed water tower sites. Their request was either in the negative or the affirmation of the two locations. Based on the County's communication, I move that the Weddington Town Council expresses preliminary support for the Hemby Road Site for the Union County Public Works Water Tower Location within the Town Limits of Weddington. The Council believes this site is preferable at this point in time realizing that no application has been received and that no detailed information has been shared on the site's particulars. This expression of support is non-binding and the Weddington Town Council reserves the right to change its preference once a full application is submitted and the rezoning process is completed.

Mayor Davidson asked Attorney Fox if it will be harder to defend if the Council approves this motion.

Attorney Fox - The concern that I had initially with something like this is you do not have an application before you. What will ultimately be asked of you is a legislative rezoning and not a quasi-judicial rezoning. As many of you know if it had been the latter you could not have any pre-discussions about it. As a legislative rezoning it is not uncommon as a part of the legislative process for individuals to request of the Council collectively or individually their input on where they stand on a particular use of property. I see this as a preliminary statement of one site is more favorable than the other. It is not binding. It does not mean that the Council cannot change its mind once it sees an application with elevations or other things to be considered at that time. I would caution the Council that you cannot make a decision about the ultimate decision on the water tower location at this point in time as the Council does not have before it an application.

Councilmember Thomisser - I would like to reiterate what Mayor Pro Tem Barry said. At this point realizing that no application has been received and no detailed information has been received on the setbacks, elevation, fall zones, etc. and no legislative processes relative to a rezoning process has taken place, the Hemby Road site seems preferable to me at this point for the following reasons. I performed two site inspections where I did a 360 degree view around the fire station and I saw a 180 foot cell phone tower that looked like a giant Christmas tree. Over the past four years since I have been in office I have not received one single communication from anyone in that area as to the 180 foot cell phone tower being objectionable. It is my understanding that the water tower will be less than that. Also I looked very closely to try to find homes that I could see and the only home that I could see is right adjacent to the fire station. There are a couple of homes on Weddington-Matthews Road but they are around the corner. Another thing I am really distressed to hear that people in Weddington would say, "I do not want this." This is my third water tower episode and no one wants a water tower. That is understandable. It distresses me to hear people say, "I don't want a water tower, go put it in someone else's back yard." I want to remind everybody that we had a young lady indicate earlier that she had over 150 petitions signed by Steeplechase residents and there are nine people that I have received communications from that live on Weddington-Matthews Road including the Spittles. There are 20 homes in Highgate that are in visual distance of this proposed water tower downtown. Everyone is affected, not only the people on Hemby Road but the people downtown here. The emails received were running 3 to 1 for Hemby Road. I would be glad to share that information at a later date. Public Works has indicated that there is no material difference in terms of the cost of the property or the construction of the water tower. That is the only information that I have at this time. Based on a limited amount of information, my preference is non binding and I reserve the right to change if additional information is submitted at a later date.

Councilwoman Harrison - Have either one of these sites had any engineering done to them so far?

Mr. Ed Goscicki – Yes, we have done preliminary engineering on both properties to make sure that the tower would fit on the site and that the site was adequate in size and configuration and we looked at the site to make

sure it would work in terms of being able to get enough water flow to the existing infrastructure or identify what additional infrastructure would be required.

Councilwoman Harrison - Would that mean that you would be coming in with an application within the next 30 days?

Mr. Goscicki – Certainly within the next 60 days.

Councilwoman Harrison - Someone wanted me to say where I wanted the water tower and my preference is not in Weddington but I do not have that choice any more so I have to make a decision. You were cautioning what we were saying and how we say it based on the fact that we have no application. Does the same hold true for our Planning Board who has not received that application?

Attorney Fox – To some degree but to some degree not because your Planning Board is just making a recommendation. They do not have the final decision making power. Until you have an application it is hard to say which one you will go with until you have more information that is in front of and I would think the Planning Board is similarly situated. They do not have the application before them and they do not know elevations and setbacks and until you have that they cannot make an informed decision.

Mayor Davidson - The County is not obligated to bring us either one of these sites.

Attorney Fox – They are not.

Councilmember Thomisser - Mr. Goscicki, as far as you know how many water towers have collapsed in the United States?

Mr. Goscicki – As far as I know – none.

All were in favor of Mayor Pro Tem’s motion, with votes recorded as follows:

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

Item No. 8. Approval of Minutes.

A. March 11, 2013 Regular Town Council Meeting. Councilwoman Harrison moved to approve the March 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

B. April 4, 2013 Special Town Council Open House Meeting. Councilwoman Harrison moved to approve the April 4, 2013 Special Town Council Open House Meeting minutes. All were in favor, with votes recorded as follows:

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

C. April 8, 2013 Regular Town Council Meeting. Councilwoman Harrison moved to approve the April 8, 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. April 15, 2013 Special Town Council Meeting. Councilwoman Harrison moved to approve the April 15, 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

E. May 3, 2013 Special Town Council Meeting. Councilwoman Harrison moved to approve the May 3, 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

F. May 7, 2013 Special Town Council Meeting. Councilwoman Harrison moved to approve the May 7, 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

Item No. 9. Consent Agenda.

A. Consideration of Proclamation - 2013 National Day of Prayer. Mayor Pro Tem Barry moved to approve Proclamation P-2013-02:

**TOWN OF WEDDINGTON
PROCLAMATION
NATIONAL DAY OF PRAYER
MAY 2, 2013
P-2013-02**

WHEREAS, in 1775, the Continental Congress declared a National Day of Prayer; this solemn occasion remains a tradition that binds us together year after year; and

WHEREAS, leaders of our Town, State and Nation throughout our history have relied on prayer during times of thanksgiving; and

WHEREAS, during times of uncertainty in our nation and beyond, prayer helps to express our sorrow as a people; and

WHEREAS, North Carolinians from all faiths and backgrounds use prayer to express faith and cherished beliefs; and

WHEREAS, the First Amendment of the United States Constitution guarantees and protects the freedom to exercise and practice religious beliefs, including prayer; and

WHEREAS, the Town of Weddington joins our nation in marking the 62nd consecutive observance of the National Day of Prayer on May 2, 2013, as mandated by the United States Congress and the President, in Public Law 100-307; and

WHEREAS, the theme for this year's National Day of Prayer is Matthew 12:21 "In His Name the Nations Will Put Their Hope"; and

WHEREAS, the Town of Weddington joins our nation in remembering in our thoughts and prayers the victims of natural and manmade disasters, members of our Armed Forces, our fellow citizens who are struggling and our

elected officials working to help build a better life for all North Carolinians, as well as people in war-torn regions of the world, the sick and suffering, and children in North Carolina, our nation and across the globe;

NOW, THEREFORE, I, Walker F. Davidson, Mayor of the Town of Weddington, do hereby proclaim May 2, 2013 as a “NATIONAL DAY OF PRAYER” in the Town of Weddington, and urge citizens to join together in their homes and places of worship to pray.

All were in favor, with votes recorded as follows:

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

B. Consideration of Proclamation - 2013 Law Enforcement Officers Week and Peace Officers Memorial Day. Mayor Pro Tem Barry moved to approve Proclamation P-2013-03:

**TOWN OF WEDDINGTON
PROCLAMATION DESIGNATING MAY 7 AS PEACE OFFICERS MEMORIAL DAY
AND MAY 5 - 11 AS LAW ENFORCEMENT OFFICERS WEEK
P-2013-03**

WHEREAS, the Congress and President of the United States have designated a national Peace Officers Memorial Day during Law Enforcement Officers Week; and

WHEREAS, the members of law enforcement agencies of Weddington and Union County play an essential role in safeguarding the rights and freedom of the citizens of our Town; and

WHEREAS, members of law enforcement recognize their duty to serve the people of Weddington by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, during Law Enforcement Week, and throughout the year, the Town of Weddington recognizes and appreciates the critical contributions and sacrifices made by members of law enforcement at all levels, and honors their courage and dedication;

NOW, THEREFORE, I, Walker F. Davidson, Mayor of the Town of Weddington, do hereby proclaim May 5-11, 2013, as “LAW ENFORCEMENT OFFICERS WEEK” and May 7, 2013, as “PEACE OFFICERS MEMORIAL DAY” in North Carolina, and commend its observance to all citizens.

In witness thereof, I have hereunto set my hand and caused the Seal of the Town of Weddington to be affixed this 13th day of May, 2013.

All were in favor, with votes recorded as follows:

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

C. Consideration of Proclamation – North Carolina Domestic Violence Proclamation 100 Day. Mayor Pro Tem Barry moved to approve Proclamation P-2013-04:

**TOWN OF WEDDINGTON
PROCLAMATION
NORTH CAROLINA DOMESTIC VIOLENCE PROCLAMATION 100 DAY
P-2013-04**

WHEREAS, the Town of Weddington is concerned about the issues of domestic and teen dating violence in the State of North Carolina, and,

WHEREAS, statistics show that on average, 3 women are murdered by their intimate partners every day, and,

WHEREAS, 95% – 97% of severe domestic violence occurs against women of all ages, races, religions and socioeconomic status, and,

WHEREAS, battering is the leading cause of injury or hospitalization for women, and

WHEREAS, the National Coalition Against Domestic Violence reports that more than 9 times as many women are murdered by a man they know than are killed by strangers, and,

WHEREAS, statistics show that our youth are enduring dating violence as early as age 13 and show that half of reported date rapes occur among teenagers, and,

WHEREAS, surveys show that only 33% of teenagers who are in an abusive relationship ever tells anyone, and,

WHEREAS, there were 63 domestic violence homicides in the state of North Carolina in the year 2012 and there has been 10 domestic violence homicides in North Carolina in 2013 as of March 15, 2013, and,

WHEREAS, sexual abuse is also a form of domestic violence, and,

WHEREAS, we believe that educating our communities on the issues of domestic and teen dating violence is imperative, and,

WHEREAS, Mothers On A Mission Domestic Violence Organization is dedicated to educating the State of North Carolina on the issue of Domestic and Teen Dating Violence, and,

WHEREAS, Mothers On A Mission has dedicated Saturday June 15, 2013 to a statewide educational event on the issues of domestic and teen dating violence, and will set up radio and television interviews, and workshops across North Carolina.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Weddington hereby officially proclaims Saturday, June 15, 2013 as “North Carolina Domestic Violence Proclamation 100 Day”

Adopted this 13th day of May, 2013.

All were in favor, with votes recorded as follows:

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

D. Consideration of Proclamation - 2013 Lyme Disease Awareness Month. Mayor Pro Tem Barry moved to approve Proclamation P-2013-05:

**TOWN OF WEDDINGTON
PROCLAMATION FOR 2013 LYME DISEASE AWARENESS MONTH
P-2013-05**

WHEREAS, infected ticks carrying the bacteria, *Borrelia burgdorferi* which causes Lyme disease, continue to spread throughout North Carolina as the counties of Guilford, Haywood and Wake are now classified as “endemic” for Lyme disease; and

WHEREAS, the total numbers of both suspected and confirmed Lyme disease cases reported to our state health department continues to rise each year with over 1300 case events reported in 2012; and

WHEREAS, ticks commonly found in North Carolina have been known to transmit Lyme disease, Rocky Mountain Spotted Fever, Ehrlichiosis, STARI, Babesiosis and Anaplosmosis to residents; and

WHEREAS, the North Carolina Division of Public Health encourages physicians and health care providers to consider the diagnosis of Lyme disease in patients who present the symptoms of infection, even if the patient has no travel history outside of North Carolina; and

WHEREAS, Lyme disease is difficult to diagnoses because it imitates other illnesses and no reliable laboratory test can prove who is either infected or bacterial-free, which often leads to under-diagnosis or misdiagnosis; and

WHEREAS, early indicators of infection include: “bullseye” looking rash with flu-like symptoms, characterized by chills, headache, fatigue, muscle and joint aches and swollen lymph nodes; and

WHEREAS, weeks or months later, patients with untreated or under-treated Lyme disease can suffer from permanent and sometimes life-threatening damage to the brain, joints, heart, eyes, liver, spleen blood vessels and kidneys. For this reason it is imperative that all who may be exposed to Lyme disease receive immediate treatment; and

WHEREAS, the best solution to reduce the risk of contracting Lyme disease is awareness and public education about the seriousness of this illness and the need for our residents, especially children, to practice personal preventive techniques when engaging in outdoor activities - such as frequent tick checks, use of tick repellent and proper tick removal; and

WHEREAS, the warm summer months are considered the most active time for ticks and when the majority of residents are exposed to ticks during outdoor activities. Therefore it is important that residents are aware of the potential for acquiring Lyme disease in our town and the preventive measures they can take to minimize the risk of infection.

THEREFORE, I Walker F. Davidson, Mayor of Weddington, hereby proclaim May as Lyme Disease Awareness Month for the Town of Weddington.

Adopted this 13th day of May, 2013.

All were in favor, with votes recorded as follows:

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

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

A. Public Hearing to Review the Preliminary Plat for the Vintage Creek Subdivision. Mayor Davidson opened the public hearing to review the preliminary plat for the Vintage Creek Subdivision:

The Town Council received the following memo from Town Planner Jordan Cook:

Stillwell NC, LLC submits a subdivision preliminary plat application for a 90 lot Residential Conservation Subdivision on 116.52 acres located on Weddington-Matthews Road.

Application Information:

Subdivision Name: Vintage Creek

Date of Application: January 18, 2013

Applicant/Developer Name: Stillwell NC, LLC

Owner Name: Stillwell NC LLC and Dorothy Morris Killough (Parcel 060-93-011 01)

Parcel ID#: 060-90-004 (74 acres), 060-93-011 01 (13.45 acres) and 060-93-007A (28 acres)

Property Location: Weddington-Matthews Road

Existing Zoning: RCD

Proposed Zoning: RCD (Conservation Subdivision through the Conditional Zoning process)

Existing Land Use: Residential Conservation

Proposed Land Use: Residential Conservation

Existing Use: Vacant Land

Proposed Use: Single Family Residential Subdivision

Parcel Size: 116.52 acres

Project Information:

The Vintage Creek Subdivision is a proposed 90 lot subdivision on 116.52 acres comprised of three parcels. The subdivision is located on and accessed by Weddington-Matthews Road and is being developed by Stillwell NC, LLC as an RCD conservation subdivision.

A conservation subdivision must base the number of proposed lots on a yield plan per Section 46-42 of the Weddington Subdivision Ordinance. This yield plan must show the number of lots that would be allowed if the tract was developed as a conventional subdivision with 40,000 square foot lots. The Vintage Creek yield plan yielded ninety, 40,000 square foot lots. Conservation subdivisions shall be density neutral (same number of lots as would be permitted in a conventional subdivision). The site is 0.77 dwelling units per acre.

Background Information:

- A pre-sketch conference was held on December 14, 2011 and June 18, 2012.
- A site walk occurred on-site May 3, 2012.
- Public Involvement Meetings were held on Monday, July 9th on-site from 2:00-4:00pm and Wednesday, July 11th at Town Hall from 6:00-8:00pm.
- The Planning Board approved the Sketch Plan on July 23, 2012.
- The Planning Board gave a unanimous favorable recommendation of the Preliminary Plat on March 25, 2013.

Preliminary Plat Information:

- The entire site is 116.52 acres and is depicted as Phase I and Phase II on the Preliminary Plat. Phase I is comprised of 50 lots on 61.77 acres. Phase II is comprised of 40 lots on 54.75 acres.
- The minimum lot size is 12,000 square feet. The smallest lot proposed is 13,500 square feet and the average lot size is 15,357 square feet.
- The applicant is required 50% or 58.26 acres of conservation lands. The applicant has provided 52.1% or 60.68 acres of conservation lands.
- The applicant has also provided 13.59 acres of common open space. These areas are not included in the conservation lands calculations.
- The cul-de-sac on Vintage Creek Drive is 804 feet in length. The Town does allow cul-de-sacs in conservation subdivisions to exceed 600 feet in length. This is to prevent degradation and development in primary and secondary conservation lands.

- The applicant has provided a four foot sidewalk along all roads within the subdivision.
- Amanda Drive Extension is an approved thoroughfare improvement on the adopted Local Area Regional Transportation Plan (LARTP) which will soon be added to NCDOT's Comprehensive Transportation Plan (CTP). The applicant has shown this road improvement on the plan. The applicant has also provided a left-turn lane into the subdivision along Weddington-Matthews Road.
- A pump station will be located behind lots 63 and 64.
- A Duke Power easement runs along the eastern perimeter of the property. Wetlands also run along the eastern edge of the property and through the middle of the site.
- A copy of the approved Sketch Plan has been included in the packet.

Conservation Land Summary:

Section 58-58 (4) of the Weddington Zoning Ordinance stipulates that a minimum of 50% of the gross acreage must be retained as conservation land. Conservation lands must remain conservation lands in perpetuity. Conservation lands are broken down into three tiers and given different priorities. Vintage Creek has provided the following conservation lands:

- Forest Lands (Tier A)-38.56 acres
- Ponds (Tier A)-0.78 acres
- Wetlands-6.43 acres
- Duke Power Easement-5.58 acres
- Meadow/Open Fields/Farmland (Tier B)-9.33 acres
- A total of 60.68 acres of the 116.52 acres or 52.1% of the site will remain conservation lands.

Additional Information:

- The Sketch Plan and Preliminary Plat have been approved by the Planning Board. Following approval of the Preliminary Plat, the applicant will have two years to apply for the Final Plat. The Final Plat can be submitted in multiple phases.
- Vintage Creek is to be served by Union County Public Water and Sewer. Union County Public Works has provided approval letters for the water and sewer plans.
- The North Carolina Department of Environment and Natural Resources (NCDENR) have approved the erosion and sedimentation control plans.
- The North Carolina Army Corps of Engineers have approved the wetlands permit.
- Vintage Creek is comprised of three parcels. The applicant owns all three of these parcels. The Town Engineer, US Infrastructure has provided the first round of review comments.
- Road names have been approved by Union County E911.

The Vintage Creek RCD Subdivision Preliminary Plat has been found to be in general compliance with the Town of Weddington Zoning and Subdivision Ordinances with the following conditions (conditions 8 and 9 added by the Planning Board):

1. Development subject to review and approval/permitting of construction documents, driveways permit(s), etc. by NCDOT;
2. Development subject to review and approval of construction documents by Town's Engineering Consultant, US Infrastructure;
3. Development subject to review and approval/permitting of construction documents by Union County Public Works;
4. Declaration of Conservation Easement and Restrictions shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;
5. Maintenance Plan and Maintenance Agreement shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;

6. Covenants, Conditions and Restrictions (CCRs) shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;
7. Timing for construction of the extension of Amanda Drive, east of the roundabout proposed within Phase II, shall be initiated by the Town of Weddington when development occurs on the adjacent property (Parcel Tax ID# 06093007-Deed Book 3741 Page 317). Applicant agrees to a payment in lieu of through the establishment of an escrow account for said construction commensurate with the filing of the first Plat within Phase II. Escrow account funding amount shall be based on engineers estimate cost to construct for this portion of Amanda Drive to be approved by the Weddington Town Council;
8. Zoning Administrator to have additional week to review changes proposed at Planning Board meeting;
9. Plans for subdivision entry monument to be approved by the Planning Board.

The Town Council also received the following information:

- Application for Submittal of Subdivision Preliminary Plat
- GIS Map
- Preliminary Cluster Sketch Plan
- Overall Preliminary Plat
- Aerial Map

Councilwoman Harrison – I went through the plans and my biggest concern is Weddington-Matthews Road. Is there a proposed middle lane?

Town Planner Cook – Yes, the applicant has proposed a middle left into the site.

Councilwoman Harrison - Would it also be if you are going to try to make a left hand turn out?

Town Planner Cook - I do not think so.

Mr. Danis Simmons – I am with ESP Associates and I represent the applicant. There is a third lane that would be added to Weddington-Matthews Road which would be a left turn into the site. Currently we do not have a median or breakup for exiting from the subdivision that comes out on Weddington-Matthews Road. It is a 30 foot asphalt section. It is wide enough that we could actually stripe it out and put a third lane there if we needed to. We have been talking with John Underwood at NCDOT regarding the design of the actual road.

Mayor Pro Tem Barry – We all have heartburn where the road connects because it is at a really bad curve. In your conversations with NCDOT did they talk about lights? My concern is for people taking a left out.

Mr. Simmons – They have not mentioned any kind of signal. We have not talked with them about adding a signal. I have met with them and talked at length about the improvements. I think you will see a difference as the improvements are made. The road sections will be wider. It will open up quite a bit.

Mayor Pro Tem Barry - You have vegetation going all the way to the curb on the plan. I think that has to be addressed. Also at the Amanda Road connection I want to make sure the radius of the traffic circle is long enough and broad enough for school buses.

Mr. Simmons – It is.

Mayor Pro Tem Barry – The money that we are going to hold in escrow - is that based on the design built specs today?

Town Planner Cook – It is.

Mayor Pro Tem Barry - Can we add a contingency on that if it does not build out to that price and we refund the balance to them?

Town Planner Cook - I assume that we could with the applicant's agreement.

The applicant felt that they could come up with some contingency.

Councilmember Thomisser – I am a member of the Public Safety Committee. We currently have a situation on Antioch Church Road where there are two very dangerous curves. There has been at least one fatality there that I am aware of with several accidents. It has been brought to the attention of NCDOT. The problem that DOT told us is that we have country roads that were gravel at one time and now they are paved. They really cannot handle excessive speed. I find that NCDOT is very reluctant to put up traffic lights. You have an entrance way that is virtually perpendicular to a curve. NCDOT has recognized and reduced the speed limit in that turn to 35 mph. They understand that it is an unsafe situation. In Saturday's newspaper there was a \$6 million judgment on Route 49 because NCDOT and the developer dragged their feet on putting a traffic light. I would ask that the Council consider adding a condition to approval of this. We need some indication from the developer that they will do something to eliminate this dangerous situation.

Mr. Simmons – I know there is concern. NCDOT is going to go over the criteria that we have to do these improvements by. We are working with them to make sure we are meeting the criteria. In addition the developer is actually in contact with Ms. Shirley Hill which is an adjoining property owner in the front to try to purchase the triangle piece of property to potentially make that entrance a little bit better. What we would hope to do is push that entrance a little bit further. We would take this entrance and move it. We all have similar concerns. We want to make it as good as we can for our neighborhood as well.

Attorney Fox - The applicant has very little control over NCDOT and the placement of traffic and signalization of intersections. Even if they were willing to put forth the money it is still a DOT decision based upon traffic counts and volume

Councilmember Thomisser – We are being asked to approve this and I am a little uncomfortable doing that. I would like to move that we table this for 30 days to allow the developer sufficient time to work with the adjoining property owner and NCDOT to rectify the situation.

Mayor Pro Tem Barry asked the applicant what that does to them to wait 30 days.

Mr. Robert Stiegele - Currently we are talking with Ms. Hill and we are attempting to acquire the triangular piece. There are no guarantees. We are making our best efforts. We have a secondary access off of Amanda Drive as well. It does not eliminate your concerns with the connection.

Mr. Simmons – There is one hiccup to the connection of Amanda Drive. There is a separate parcel that is between the right-of-way and the existing Amanda Drive and our connection that needs to be acquired.

There was discussion on the purpose of having two entrances. The applicant advised that they do not have a connection to Amanda Drive currently and do not control the right-of-way to connect. They advised that they are doing their best to design a safe intersection to their neighborhood.

Town Planner Cook – There is a piece of land between their proposed connection and the existing Amanda Drive.

Councilwoman Harrison - Have you not been in contact with the lady about the piece of land for awhile now. How long have you been talking with her?

Applicant – We have been in contact with Ms. Hill for 1 ½ years to attempt to acquire the property. Some days are better than others. We are trying.

Town Planner Cook - The Town encourages more than one entrance due to public safety.

Mayor Davidson - Rosehill and Stratford Hall have no water pressure. Do we want to get more people with low water pressure?

Applicant – We would be possibly starting construction of homes sometime late spring/early summer of next year.

Mayor Davidson – One year from now someone could move into one of these houses and we have heard it will take two years to build the tower. Does Council want to have any comments or conditions regarding water pressure?

Mayor Pro Tem Barry - We do not have a moratorium. I do not know if we can.

Attorney Fox - What would you want to make the condition?

Mayor Davidson - To avoid homeowners six months to a year living in a house with low water pressure, is there anything that we can do to avoid that?

Attorney Fox - We are governed by the subdivision process and our powers are restricted to what we are allowed to do under preliminary and final plat approval. It is conditional zoning but these are police power regulations we are talking about. We required them to connect to water because they are within a certain distance of County water. The quality of the water and the pressure I am not comfortable with the Council limiting when they can deliver the product based on the existing state of the water. They may be able to do some things in design that improves the water pressure in that subdivision. We could ask them to consider that. I am not comfortable with the Council delaying or restricting their ability to move forward.

Councilmember Thomisser - It is predictable that there will not be adequate water pressure until the water tower goes in.

Attorney Fox - We are assuming and speculating that there would not be adequate pressure. We do not have a moratorium that limits development and if they are in fact compliant with the other provisions of your zoning ordinance I do not think we can inject the element of water pressure into that. We can put reasonable conditions on maximizing opportunities with the development to enhance water pressure. That is probably reasonable.

Mayor Davidson - That may address that neighborhood but it would not address Rosehill.

Attorney Fox - Correct.

Applicant – We have been meeting with Union County Public Works. We have been assured by them that we are not going to be an adverse impact. There is a condition on the plan that it has to be approved by the Public Works staff.

Mr. Elton Hardy – The kids on the basketball team tell me they cannot take a shower upstairs in Rosehill when their mother turns on the water downstairs. Everyone knows that water flows downhill. Vintage Creek is much lower than Rosehill. This is brewing for disaster and Ed Goscicki knows it too.

Mr. Larry Wood – I live on Cari Lane. I want to follow up on the traffic situation. As it is now, before we add 300 to 400 car trips a day you cannot pull from Cari Lane and make a left onto Weddington Road and

compound that by the fact that Weddington Road is a blind corner. There is no stop sign or yield sign there. There have been a number of accidents. I think it is an issue that someone has to look at.

Ms. Nancy Anderson – I wanted to address the traffic issue also. Has anyone considered moving this decorative circle to here so that everybody has to slow down? If this traffic circle would be located here then everyone slows down and people would have a safe way to get in and out. I know that the current NCDOT folks favor traffic circles on main roads instead of signals or four way stops because if there is an accident there it is at 15 MPH and not at 55 MPH and the impact and severity is much less.

Mr. Paul Patton – I live right across the street here. The traffic is terrible. I have been there since 1977. The Town Planner said that they have not changed the zoning but there is a rezoning sign in front of the project. I understand that they want to change the zoning to a ½ acre instead of a full acre per house. Is that correct?

Town Planner Cook – They are not required a rezoning. They are currently zoned R-CD. It means one house per acre. They are going to have smaller lots. Their lots will not be one acre but their density will not be over one house per acre. They are not putting any more houses. On that 116 acres they could put ninety, 40,000 square foot lots. What they are putting on there now is ninety, 12,000 square foot lots with 50% open space. It is no greater than what you could do with a normal conventional subdivision. The land would be permanent.

Mr. Jack Parks – I drive this road 7 days a week at least once or twice a day. A good indication of how many accidents you have there is how many times this fence gets knocked down. It is a minimum of 2 to 3 times a year. We have had fatalities in that same spot too. I want to applaud Nancy for her recommendation of a traffic circle. It does not matter what you set the speed limit and no matter what you do with traffic lights. That curve is not a problem at 45 MPH; when you start hitting 55 to 70 MPH that is where we have the problem. Usually people run off the road and try to correct and they overcorrect and come back and hit that fence. I do not think it is the developer's problem. I think it is DOT's problem.

Applicant – I think that NCDOT is in support of traffic circles but we do not have the same ability as NCDOT does to make improvements and get the right-of-way that is required to make that happen.

Councilwoman Hadley - In my neighborhood through the final grading we had several hydrants that were buried. I was wondering if we could make a condition that if any were buried during final grading that they would be responsible for the extension which could include a condition that no structures, walls, monuments, landscaping be put within a 3 foot area of the hydrants.

The applicant advised that they have to certify when the systems get built that they meet the regulations.

Mr. Stiegele - The intent as we stated tonight is to try to achieve this triangle. We are still going to be limited to where we can place it because we are going to be subject to NCDOT. Traffic calming device sounds great but I happened to be in a meeting with NCDOT for two hours. I am not sure if NCDOT would consider a traffic calming device. We are willing to defer this for 30 days to go out and see if we can achieve a successful remedy with Ms. Hill but understanding what we will be acquiring is a triangular piece that perhaps will enhance the line of sight and visibility coming into the curb and would allow us to open up the entry a little bit more but short of that I do not know that we will be able to control the amount of traffic and trips on the road.

Councilmember Thomisser moved to table consideration for 30 days and recess the public hearing to June 10 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

All were in favor, with votes recorded as follows:

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

Council took a brief recess.

B. Consideration of the Preliminary Plat for the Vintage Creek Subdivision. This item will be continued until the June Town Council Meeting.

Item No. 11. Old Business. There was no Old Business.

Item No. 12. New Business.

A. Review and Consideration of an Ordinance Regulating Recordkeeping Requirements for Cash Converter Businesses, Pawnbrokers, Precious Metals Dealers and Secondary Metals Recyclers. The representative from the Union County Sheriff's Office was not available to present this item; therefore, Mayor Pro Tem Barry moved to defer this item until the June 10 Town Council Meeting. All were in favor, with votes recorded as follows:

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

B. Call for Public Hearing to Review and Consider the Proposed Budget for Fiscal Year 2013-2014 (Public Hearing to be Held June 10, 2013 at 7:00 p.m. at the Weddington Town Hall). The Town Council received a copy of the proposed budget for Fiscal Year 2013-2014.

Finance Officer Gaylord – I want to briefly summarize what you have in your packet. You have a proposed budget for Fiscal Year 2014. There is no change to the tax rate. It will remain at 5.2 cents. It incorporates all the items we talked about at our May 6 Work Session. The appropriation from Fund Balance is \$150,000 and I also included for you a five year Fund Balance projection to show you how that draws down if we continue the same path that we are doing. I put the assumptions on there. We start getting in trouble in a few years if we do not do something. The projection has no change in tax rate and no revaluation and no subdivision income. There are some things that are not on there that could affect it.

Mayor Pro Tem Barry asked to add to Events and Publications \$5,000 to be used for the 30th Anniversary Celebration to be incorporated into the Town festival.

The Council also asked Ms. Gaylord to include a 1.7% COLA increase for staff as well as a 3% one time bonus to be calculated on this fiscal year's income to be paid either in December or January.

Council agreed to increase the Fund Balance assignment from \$15,000 to \$18,000 for the Town Hall to include maintenance for sidewalks.

Councilwoman Harrison recommended starting in December 2013 to decrease the Mayor's salary to \$6,000 and increase each Councilperson's salary to \$4,800. Councilmember Harrison discussed Council salaries of other municipalities.

Finance Officer Gaylord advised with those changes the new Fund Balance transfer would be \$161,200.

Mayor Davidson - So we are going to spend \$160,000 more than we are taking in.

Mayor Pro Tem Barry moved to call for the public hearing to review and consider the proposed budget for Fiscal Year 2013-14 to be held June 10, 2013 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

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

C. Call for a Public Hearing Regarding an Offer to Renovate the Providence VFD and the Town's Acquisition of the Department's Title and Interest in the Real Property Located at 5025 Hemby Road, Weddington, North Carolina (Public Hearing to be Held June 10, 2013 at 7:00 p.m. at the Weddington Town Hall) – Councilwoman Hadley. Councilwoman Hadley - I would like to make a motion to call for a public hearing regarding an offer to renovate the Providence VFD and the Town's acquisition of the department's title and interest in the real property located at 5025 Hemby Road, Weddington, NC to be held June 10, 2013 at 7:00 p.m. at the Weddington Town Hall. In April, I asked to delete calling for the public hearing tonight in May because the fire department had not put the project up for bid and therefore did not have exact costs. The Providence VFD has informed me that the bids have gone out and are due back at the end of May and by the June public hearing we will be more informed by having the exact costs for our attorney to have contracts for the acquisition and lease prepared.

Mayor Pro Tem Barry - I want to make sure when we have the public hearing we have the purchase agreement and the lease agreements negotiated so we have the public hearing about the decision that we are going to make and not what we are going to instruct staff to go and do and then have to come back and do it again.

All were in favor, with votes recorded as follows:

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

D. Review and Consideration of Sending Proposed Text Amendment to Section 58-60 (1) o Banquet and Reception Centers, and Conference Centers to the Planning Board for Recommendation – Councilwoman Hadley. The Town Council received a copy of Section 58-60 (MX Mixed Use Conditional District) from the Code of Ordinances.

Councilwoman Hadley – I would like to move to instruct our Town Planner to send a Text Amendment to MX Section 58-60 (1) o Banquet and Reception Centers, and Conference Centers to the Planning Board for consideration of having Wedding, Reception and Events placed under Conditional Uses in Sec 58-52, 58-53, 54-54, and 58-58. If you look at the current uses under 58-52/53/54/58 (2) Conditional Uses there are several that would fit the criteria of Wedding, Reception and Events.....Recreation Center, Clubs, Country Clubs, Social Organizations. There is a huge difference between a Hilton Convention Center and a 100-year old house and barn to be used for smaller events. I find the language to be inconsistent and the language should be tightened up and be more specific. I will refer to when Mr. Goscicki talked about his Master Plan thinking they had prepared for all possibilities and the very first application was an exception. I think that's what has happened here.

All were in favor, with votes recorded as follows:

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

E. Call for Public Hearing to Review and Consider the MX Rezoning Conditional Zoning Rezoning Application for a Banquet and Reception Center located at 7112 New Town Road (Public Hearing to be Held June 10, 2013 at 7:00 p.m. at the Weddington Town Hall). The Town Council received a copy of the Conditional Zoning Application dated February 8, 2013. Mr. Todd Alexander asked to table their request at this time due to the motion made by Councilwoman Hadley so that they could go through the process.

Mayor Pro Tem Barry moved to table this item until the October 14, 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

F. Open and Transparent Discussion about the Water Tower in Weddington – Mayor Davidson. This item was removed from the agenda.

G. Open and Transparent Discussion about Fire Service in Weddington – Mayor Davidson. This item was removed from the agenda.

H. Discussion and Possible Consideration of Having Two Scheduled Regular Meetings Per Month – Councilwoman Harrison. Councilwoman Harrison - I put this on the agenda because there have been conversations and a lot of people stating that we have a lot of meetings. I went back to 2009 and we had 22 meetings, 2010 we had 23, 2011 we had 24, 2012 we were down to 22 and so far this year we are at 18. If we just have one meeting per month for the rest of the year we are at 25. Why don't we bite the bullet and do two meetings per month? Marvin, Wesley Chapel, Waxhaw are all at two meetings per month. That way we would minimize how many special meetings we would have to have based on the fact that we would be able to do all of our business every two weeks. That is why I put this to have discussion on it. Looking at this every year we have a lot of meetings based on what is coming in front of us and I don't think that is going to change. My recommendation is that we go to two meetings.

Councilwoman Hadley - What would that do to the Planning Board and would there be any costs incurred for our attorney and that sort of thing?

Mayor Pro Tem Barry - We had work sessions one week prior to the Council meeting when Walker first became Mayor. Maybe the approach is to go through that avenue. My schedule is crazy and to get another Monday night is going to be tough but if we need to do that we need to do that. The challenge that we have is work product more than anything. I appreciate your thoughtfulness in bringing this up.

Councilwoman Harrison - That is why I brought it up. I am not looking for a decision. We have to be realistic. One of the complaints I hear is that we have meetings at certain hours and people are upset with that. We have a lot of different items that are coming up that are going to cause us to continue to have multiple meetings.

Councilmember Thomisser - I do not think we should go to two meetings a month just because people are complaining. The meeting is published prior. If there is something on the published meeting and it is important for a citizen they will come. I do not think that is a good reason to have two meetings. As far as work product it is a question of time management. Are we trying to do too much and therefore generating more work. Those that have full time jobs two meetings may be difficult.

There was no consensus to make a motion at this time to meet twice a month.

I. Review and Consideration of Amendment to the Town Council Rules of Procedures - Rule No. 8. Public Address to the Council – Councilwoman Hadley. Councilwoman Hadley moved to approve the following amendment to Rule 8 of the Town Council Rules of Procedures:

RULE 8. PUBLIC ADDRESS TO THE COUNCIL

In compliance with G.S. 160A-81.1, the Council establishes the following policy for informal public comment at meetings of the Council where time is permitted for public comments. The Town Clerk shall provide a sign-up sheet at the entry to the meeting room approximately thirty minutes prior to each meeting for persons who desire to address the Council. The Mayor will recognize speakers in the order in which their names appear on the sign-up sheet. The purpose of the time for informal public comments is to allow for public input to the Council on issues other than those matters set for public hearing at the meeting. It is not intended to compel Councilmembers or staff to respond to the public comments.

Each speaker must address the Council from the lectern and begin their remarks by giving their name and address and stating the topic about which they intend to speak. Each speaker will have three (3) minutes to make remarks. A speaker may not yield any of his or her time to another speaker. Speakers may not discuss matters which are the subject of public hearings, and they must be courteous in their language and presentation. Personal attacks on the Council or members of the public will not be tolerated. The Mayor may determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and shall rule on objections from other members of the Council on discourteous behavior. A majority vote of the Council may overrule the Mayor's ruling on standards of courtesy. Speakers may leave written comments and/or supporting documents, if any, with the Town Clerk to the Council.

If at the beginning of the public comment period, the Council determines that the time required to hear all speakers on the sign-up sheet would unduly disrupt the conduct of Town business or cause undue inconvenience to citizens in attendance for other items on the agenda, the Council may require the designation of spokesman, or the selection of delegates, for groups of persons supporting or opposing the same positions. The Council may also move the period for public comment to some time later in the meeting.

COMMENT: The Council shall provide at least one period for public comment per month at a regular meeting of the Council. The Council may adopt reasonable rules governing the public comment period, including, but not limited to, rules (i) fixing the maximum time allotted to each speaker, (ii) providing for the designation of spokesmen for groups of persons supporting or opposing the same positions, (iii) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall, and (iv) providing for the maintenance of order and decorum in the conduct of the hearing. The Council is not required to provide a public comment period under this section if no regular meeting is held during the month. (2005 170, s. 3.)

All were in favor, with votes recorded as follows:

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

J. Consideration of Budget Amendment for Fiscal Year 2012-2013. Mayor Pro Tem Barry moved to approve the following Budget Amendment for Fiscal Year 2012-2013:

**TOWN OF WEDDINGTON
PROPOSED AMENDED BUDGET
FYE 6/30/2013**

	PROPOSED AMENDED	ORIGINAL BUDGET	
Revenues			
Ad Valorem Taxes	1,025,200	1,028,250	
State-Collected Revenues	583,000	656,450	A
Zoning and Subdivision Revenues	72,000	72,250	
Other Revenues	13,000	19,000	
Total Revenues	1,693,200	1,775,950	
Appropriation from Fund Balance	220,000		E
Total Revenues and Appropriation from Fund Balance	1,913,200		
Expenditures			
Administrative Expenditures	394,910	416,050	B

Planning and Zoning Expenditures		182,290		222,125	C
General Government Expenditures		1,336,000		1,137,775	D
Total Expenditures		1,913,200		1,775,950	

{A} Lower utility franchise and sales tax revenues

{B} Savings from change in insurance provider not included in original budget

{C} Town's cost of sidewalks was paid out of FY2012 budget; roundabout irrigation pushed to FY2014

{D} Attorney fees lower than originally budgeted

{E} Providence Volunteer Fire Department rear building renovations

Adopted this 13th day of May, 2013.

All were in favor, with votes recorded as follows:

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

Mayor Davidson – What is our deficit this year?

Finance Officer Gaylord – We were going to have a \$20,000 surplus not counting the building renovations. We will have a deficit of about \$180,000.

Mayor Davidson – So this year we are going to have a deficit of \$180,000. What is the upcoming deficit again?

Finance Officer Gaylord - \$161,000.

Mayor Pro Tem Barry – I would like to add on to that. Two of those items are for the acquisition of real property and \$220,000 for this year is basically moving cash into real estate which will be reflected on our balance sheet next year and then of the operating budget for FY 2014 there is \$80,000 in there so we will be running a deficit if you reflect that \$80,000.

Finance Officer Gaylord – Correct.

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

- I have received an MX Rezoning Application for a Wedding/Banquet/Reception facility located at 7112 New Town Road. The Public Involvement Meetings were held Monday, April 15th from 1-3pm on-site and Thursday, April 18th from 4:30-6:30pm at Town Hall. The Planning Board gave this project an unfavorable recommendation at their April 22nd meeting.
- I have received a Conditional Zoning Application for St. Mark Coptic Orthodox Church located at the intersection of Providence Road and Old Mill Road. This plan will be on the May 20th Planning Board agenda.

- Staff has received an application for a 46 lot Conservation Subdivision located on 56.819 acres along Rea Road. This parcel is owned by MFG Enterprises, Inc. Public Involvement Meeting dates are currently being scheduled.
- Orleans Homebuilders has submitted the Lake Forest Preserve Phase 3B Final Plat for 41 lots.
- The DrumStrong Temporary Use Permit Application was approved at the April 22nd Planning Board meeting. This event is scheduled to take place May 17-19 on the Misty Meadows Farm located at 455 Providence Road.
- The Town and NCDOT have executed the right-of-way agreements for the roundabout located at NC 84 and Weddington-Matthews Road. Construction is planned for this summer.
- The Town of Weddington and City of Charlotte are beginning to work on renewing the 2004 Weddington/Charlotte Annexation Agreement.
- Polivka International has submitted a portion of their construction documents. The Planning Board will act as the Design Review Board for the elevations and construction document review. These plans should be on the June 24th Planning Board agenda.
- The recently adopted April 8, 2013 Land Use Plan can be found online or at Town Hall.
- The following items were on the April 22nd Planning Board agenda: 7112 New Town Road MX Rezoning-Unfavorable Recommendation and DrumStrong TUP-Approved
- The following items will be on the May 20th Planning Board agenda:
 - TUP Text Amendment
 - Violation Fee Text Amendment
 - St. Mark Coptic Orthodox Church CZ Application
 - Polivka Construction Document Review

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

Dr. Mary Ellis, Superintendent of Schools, will be discussing her vision for the schools and budget issues on May 14 at 6:30 p.m. at the Central Academy of Technology and Arts in Monroe.

Cathy Brown has resigned from the Public Safety Committee. I have a couple of applications on file. If there are no objections, I will begin advertising for this vacancy unless the Town Council would like to consider the current applications on file.

I have asked Public Safety Chairman Michael Smith to help train the remaining staff and Council on how to use the defibrillator.

We have switched over to the Virtual Office Assistant (Cloud) through VC3. We are still working on a few small issues but for the most part everything is going well. I can assist the Council in installing the VC3 program on your Ipad for those that were unable to attend when VC3 was at the Town Hall.

The next newsletter should be going out next week.

Town Hall will be closed for Memorial Day on Monday, May 27.

Save the Date:

Weddington Country Festival – September 21, 2013

Item No. 15. Public Safety Report.

Update from April Public Safety Committee Meeting

On April 9, 2013 at 10:00 AM there was a special meeting of the Public Safety Advisory Committee held at the Weddington Town Hall. The purpose of this meeting was to review with the Committee Members the items

issued for research to Chairman Michael Smith by the Town Council during the February 2013 Council Retreat. The liaison for the Fire Departments will be asked to address the following items for the Town Council: Work with Councilwoman Hadley and the Providence Fire Department in exploring the possibility of installing dry hydrants in needed areas throughout Weddington. This would require a partnership with HOA's that have bodies of water in their developments. Contact the three Fire Departments about conducting CPR classes for the residents of Weddington, as well as install child restraint seats in motor vehicles. He/she will be asked to prepare a presentation for the Committee on the operating procedures of the Fire Departments to educate the Committee Members. Doug Sabo is the liaison for EMS and was asked to determine if the Town of Weddington would be able to participate in the upcoming EMS study, as well as having input in the process. Mr. Sabo was asked by the Chairman to prepare a presentation for the committee members on the operating procedures of EMS. Gene Melchior is the liaison for NC Dot and was asked to explore the feasibility of placing a street light at the intersection of Weddington – Matthews Road and Tilley Morris Road to illuminate the roadway. Mr. Melchior will also be working on improving the Public Safety page on the Town's website which will include a link to Nimbus crime mapping and other Public Safety information. Mike Smith is the liaison to the Sheriff's Department and will be working with Deputy Black in identifying crime and problem areas and discussing solutions. He will also work with Deputy Black in identifying traffic concerns and discuss solutions. Mr. Smith will work with the Deputies in improving community policing and visibility within the town, as well as address bicycling violations. Mr. Smith will also work on helping the Deputies create a schedule for the radar trailer so it will always be in service; this schedule will not interfere with request from town residents. Over the next several months Committee Members will be reviewing the rules of procedures to see if any changes or amendments need to be made. All agenda items covered in this meeting were requests made by the Town Council with the exception of the presentations which was a request made by the Chairman.

Weddington Deputies – 712 Calls

Providence VFD

Union County:

Fire	11	+	EMS	11	=	Total	22
------	----	---	-----	----	---	-------	----

Mecklenburg County:

Fire	04	+	EMS	02	=	Total	06
------	----	---	-----	----	---	-------	----

Department Total:

Fire	15
EMS	13
Total	28

The Town Council also received the Income and Expense Budget Performance and Balance Sheet for April.

Wesley Chapel VFD – 90 Calls

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

A. Finance Officer's Report. The Town Council received the Revenue and Expenditure Statement and Balance Sheet for April 1, 2013 to April 30, 2013.

B. Tax Collector's Report.

Monthly Report – April 2013

Transactions:

Adjust Under \$5.00	\$ (5.74)
Discoveries	\$963.42

Interest Charges	\$187.92
Penalty and Interest Payments	\$(279.83)

Taxes Collected:

2012	\$(3,829.16)
------	--------------

As of April 30, 2013; the following taxes remain outstanding:

2002	\$82.07
2003	\$129.05
2004	\$122.90
2005	\$252.74
2006	\$150.20
2007	\$144.42
2008	\$2,000.48
2009	\$2,409.07
2010	\$3,826.02
2011	\$5,917.33
2012	\$21,415.93

Total Outstanding:	\$36,450.21
--------------------	-------------

Item No. 17. Transportation Report. There was no Transportation Report.

Item No. 18. Council Comments. Councilwoman Harrison - Mayor Davidson, when I saw that you were having a meeting, I thought what a great venue for the citizens. Then I saw the agenda and thought – why are you having this meeting? Regardless, I decided to go. It became quickly apparent to me that; this was your meeting, your rules and people talking over people, people booing people and in general being disrespectful to one another was allowed and encouraged, and that the venue, once again, seemed to be aimed at trying to make the Council that you are supposed to work with look bad. At one point, I thought I was at a religious revival with people putting their hands in the air about how dysfunctional and non-transparent we were. I was actually embarrassed for those people who were making comments when they didn't know the processes we follow, the laws we adhere to or the Council's rules of procedures. Transparency – I heard how this Council is not transparent; however, I don't meet citizens in their homes and spend time criticizing Councilmembers, I don't record any phone calls I have, I don't condone taking those recordings and giving them to others so that they may be used in a negative manner, I don't create YouTube videos to criticize Councilmembers because they didn't vote how I wanted them to and I do follow the Town's rules of procedures especially regarding invitations to speak at HOA meetings. I wonder how many meetings have you had where you did not think it was necessary to inform the Council that you have participated in them or what you have said? Did you meet with the utility company about the power lines? It certainly has become evident to me that anything I say or do can be used against me in the Walker Davidson court of law. I would like to apologize to the Town Attorney and the Town Staff since there was discussion about calling special meetings and the fact that we (meaning the Council) were not giving the citizens adequate time. Neither our attorney nor our staff would allow us to call a meeting without giving the 48 hour notice for the meeting nor would we be allowed to give money to any of our three fire companies or approve next year's budget or amend this year's budget without calling for a public hearing. Meetings and meeting times: I heard how no other Council ever had meetings that took place at noon or 3 pm where a vote was required. In 2009 there were 22 meetings; on April 9th there was an 8 a.m. meeting that required a vote to be taken, April 27th there was a 4 p.m. meeting that required a vote to be taken and there was a meeting on September 4th at 8:30 a.m. that required a vote to be taken. In 2010 there were 23 meetings; on June 24 there was a 1 p.m. meeting that required a vote to be taken, on August 2nd there was a meeting at noon that required a vote to be taken and on October 15th there was a 3 p.m. meeting that required a vote to be taken. In 2011 there were 24 meetings; on April 28th there was a 4 p.m. meeting that required a vote to be taken. My point is that councils need to make decisions about a variety of issues and sometimes that requires

them to call a special meeting and in doing so Councilmembers' schedules are taken into consideration and obviously previous Councils called special meetings when they had a quorum regardless of the hour. Land Use Plan – Once again I heard that we did not use the 2012 survey when we updated the Land Use Plan. On Page 10 we added, "There are those who favor mixed-use development with more urban amenities than now exist." Because the survey indicated that 67% were in favor of mixed-use and we did not take out about single family. On page 19 we made our number one policy "Policy 1: Plan for and equitably fund the efficient provision of emergency services." This was in direct correlation to the survey results about public safety." We did not take out verbiage from the previous Land Use Plan where we saw that the survey still indicated a preference for green space, parks, and potentially housing for senior citizens. Mr. Mayor, I want to thank you for treating me the way you have; it has made me get to know the Councilmembers that I serve with and though we have our differences and may disagree or not always vote the same way, we treat each other with respect and dignity. There is an act in the NC House that could potentially cause the Town to lose revenue in the future (i.e. the Utility Franchise Tax) and as Mayor I am wondering why you are not trying to do anything to prevent that act from being passed and why you haven't instructed our Finance Officer to start running scenarios on how the Town would make up the \$400,000 deficiency starting in year 2015. I am not a puppet or a parrot, I spend a considerable amount of time researching every issue that comes before us and I make my decisions based on my research. I know not everyone will like my decision. I respect the opinions of others and listen to all the citizens of Weddington. Thank you for listening to me.

Councilwoman Hadley – Touché.

Item No. 19. Adjournment. Mayor Pro Tem Barry moved to adjourn the May 13, 2013 Regular Town Council Meeting, with votes recorded as follows:

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

The meeting adjourned at 10:00 p.m.

Walker F. Davidson, Mayor

Amy S. McCollum, Town Clerk