

**TOWN OF WEDDINGTON  
NOTICE OF SPECIAL TOWN COUNCIL WORK SESSION  
THURSDAY, FEBRUARY 9, 2012 – 5:00 P.M.**

There will be a Special Town Council Work Session on Thursday, February 9, 2012 at the Weddington Town Hall, 1924 Weddington Road, Weddington, NC beginning at 5:00 p.m. The purpose of this meeting is as follows:

- Discussion and Possible Consideration of NCDOT Estimates for Upgrades for the Traffic Circle at Weddington-Matthews Road and Highway 84
- Review of Interlocal Agreement with NCDOT for the Cost of the Sidewalks Along Providence Road
- Discussion and Consideration of NC Department of Transportation Mowing Agreement
- Consideration of Proposed Letter to Phases I, II and III Regarding Fire Service in the Town of Weddington
- Consideration of Directing Planning Board to Review and Consider Miniature Horse Text Amendment
- Consideration of Weddington Town Limit Signs
- Discussion and Consideration of Resolution in Support of a Union County Property Revaluation
- Approval of Resolution of Consideration Identifying Areas as Being Under Consideration for Annexation
- Update on Town Council Retreat
- Discussion of 2012 Chiquita Classic – Club at Longview

Any person may request an accommodation for a disabling condition in order to attend the meeting. This request should be made to the Town Clerk at (704) 846-2709. Please contact the Town Clerk at (704) 846-2709 or at [amy@townofweddington.com](mailto:amy@townofweddington.com) for additional information. The Town Hall is open Monday, Wednesday, and Friday from 9:00 a.m. to 1:00 p.m.

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Walker Davidson, Mayor



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

NOVEMBER 4, 2011

EUGENE A. CONTI, JR.  
SECRETARY

Mayor Nancy Anderson  
Town of Weddington  
1924 Weddington Road  
Weddington, NC 28104

SUBJECT: NC 84 and Matthews-Weddington Road (SR 1344) Roundabout

Dear Mayor Anderson,

Thank you for taking the time to meet with members of my staff on October 4, 2011. Several items were discussed that we would like to gain consensus on:

Sidewalks along NC 84. You had mentioned that requests were made for this to be included in the TIP project. We have located the attached letter from Mayor Howie dated July 9, 2003 on the sidewalk to be added to the project but only NC 16 was requested. While there might be adequate space for sidewalk along NC 84, we will need to enter into a cost sharing agreement for this to be added. It is estimated that 1500LF of 5' sidewalk would be needed. The estimate is \$35,000. At 10% the Town's share would be \$3500. On a related note, it should that NCDOT plans to request Weddington's participation amount for the sidewalk portion along NC 16 on the previous project under a separate letter.

Irrigation to the center of the roundabout. While irrigation to the median of the roundabout is not preferred we are willing to accommodate your request. The addition of a conduit to house the supply line and an underdrain configuration to drain the runoff will require an estimated \$5,000. The topsoil for backfill to provide an adequate plant bed is estimated to be \$4,000. The total \$9,000 cost we would consider to be the Town's responsibility.

Items that can be placed inside the center of the roundabout. Our policy is generally defined under our allowable planting requirements and sight distance criterion. This can be handled through an encroachment process through our District Engineer's office in Monroe after construction is complete.


Upgraded crosswalks and sign posts. Stamped crosswalks can be allowed if sidewalks are present adjacent to the roundabout. The estimated cost for a decorative crosswalk is \$5,000 per crossing. We can also allow upgraded sign posts provided the Town is willing to provide the actual cost and enters into an encroachment agreement to maintain the

decorative posts. Please be aware that the Department will not maintain these posts. If a sign is damaged, the Department will supply the Town with a replacement sign, and the Town must reinstall. If the sign is safety critical, the Department will immediately install a replacement on our U-channel post, and the Town may move the sign to their decorative post thereafter. As we do not utilize decorative sign posts, we do not have a cost estimate for this item. Decorative sign posts must be either breakaway or yielding so that they are crashworthy. Powder coated black tubular steel posts would be satisfactory, can be driven with a standard post driver, are cost effective, and are generally crash worthy. We would just require that these posts not have a round cross section, as round posts tend to twist and allow the sign to shake. More ornate posts may require a reinforced concrete or other type anchor base. If the Town has any preference on this item, it should submit cut sheets and an estimated cost for the material and installation.

Extension of street lighting. We would be willing to allow the extension of the street lighting on both sides of NC 84 provided that the coordination of this work is closely followed with our Resident Engineer's office. It should be noted that the timeframe of this project is very tight to coincide with the school summer vacation so the effect on the overall project schedule is of concern. Again, lighting is allowed under encroachment, typically between the Department and the utility company.

In summary, we need to come to agreement on participation from the Town. In order to make these accommodations we will need to have the scope clearly defined of a municipal agreement with the Town of Weddington by January 13, 2012.

Sincerely Yours,



Barry S. Moose, PE  
Division Engineer

Attachment: letter dated 7-9-03 from Mayor Howie  
BSM/TMB

CC: Richard Hancock, PE – Deputy Division Engineer  
Tim Boland, PE – Division Operations Engineer  
Randy Bowers – Division Design/Construct Engineer  
Jordon Cooke, Town Planner  
Ritchie Hearne, PE – Division Project Engineer  
Scott Cole, PE – Division Traffic Engineer  
John Underwood – District Engineer  
Tim Simpson – Division Roadside Environmental Engineer  
file

Mr. Cook,

Richard Hancock asked that I respond to your e-mail concerning the roundabout at NC 84 and Matthews-Weddington Road. I have duplicated your questions in this e-mail and offer a response to each:

1. Traffic Data along Highway 84 and the Congestion Managements Units findings to warrant a dual lane roundabout.

They also want to know how the Rea Road Extension will impact the roundabout are and if two lanes are needed after Rea Road has been completed.

**Both of these are addressed in detail for your use in the documents attached: SP 200907 and FS-0310C**

2. Maps of the proposed roundabout showing right-of-way lines. Tim Boland left me a hard copy of some preliminary plans but a digital copy or more recent plans would be great.

**We are still awaiting utility locates from Union Power before we can nail down the r/w requirements. This is particularly the case on Matthews-Wedding Road adjacent to Town Hall. We will forward these plans as soon as they are available. We anticipate this being in hand well before the February 13<sup>th</sup> meeting with the Town.**

3. What is standard for a roundabout? The Council will base their decisions on the upgrades on what the standard roundabout will contain.

**Standards are basically the same for any construction: drainage, grading, curb and gutter as needed, pavement, markings and markers. The items in our letter dated November 4, 2011 such as sidewalks, irrigation and electrical conduits, select backfill for plant bed drainage, decorative crosswalks and signposts and street lighting are considered betterments and require additional participation from a municipality.**

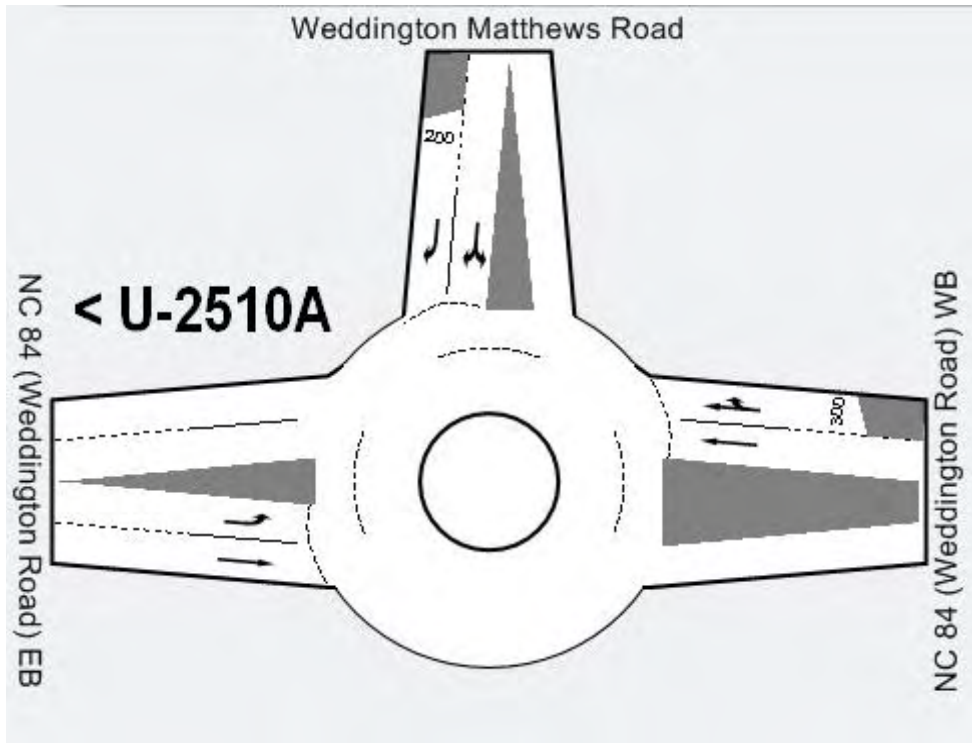
4. Some Council members asked if NCDOT educates the public or has any literature on how to drive on a roundabout and what signage would be placed around the roundabout. They also want data showing how much safer a roundabout is than the current "t-intersection".

**Please find the attached brochure entitled Roundabout Brochure that will speak to your questions.**



We look forward to meeting with you on the 13<sup>th</sup> of February and I will provide the r/w plans as soon as we have heard back from Union Power and are able to incorporate there utility relocation into our design.

Sincerely, Tim Boland



NORTH CAROLINA  
DEPARTMENT OF  
TRANSPORTATION



**Beverly Eaves Perdue**  
Governor

**Eugene A. Conti, Jr.**  
Secretary of Transportation

NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

**Transportation Mobility and Safety**  
750 N. Greenfield Parkway  
Garner, NC 27529  
(919) 773-2800

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NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION



YOUR GUIDE  
TO UNDERSTANDING  
**ROUNDABOUTS**



N.C. State University, Raleigh

## FREQUENTLY ASKED QUESTIONS



### ● What is a roundabout?

A roundabout is an intersection requiring entering traffic to yield the right of way to traffic already in the roundabout. This keeps the traffic in the roundabout flowing and prevents traffic backups and delays.

### ● How is a roundabout different from a traffic circle?

Modern roundabouts are generally much smaller than older traffic circles, and require vehicles to travel at a lower speed. Because of the higher speeds in traffic circles, generally they operate less efficiently and have higher crash rates than roundabouts.

### ● What is the size of a roundabout?

The size of a roundabout is determined by the amount of vehicles, the size of the largest vehicle using the roundabout, the need to achieve appropriate speeds throughout the roundabout, and the layout of the existing intersection. A roundabout is usually constructed to accommodate a tractor trailer. The size of a single-lane roundabout is typically 120 feet across. This is about one third the length of a football field.

### ● Who makes the decision to install a roundabout?

If the road under consideration is a state road, then NCDOT will make the decision after consulting with local governments. If the road is a local road, then the local government makes the decision.

### ● Does a roundabout cost more to install than a traffic signal?

The initial construction cost of a roundabout is more expensive than a traffic signal; however, maintenance and utility costs of a roundabout are less than a traffic signal over time.

### ● Will a roundabout inconvenience me and add travel time to my drive?

When operating within their capacity, roundabout intersections typically operate with shorter vehicle delays than other intersections, especially during non-peak traffic times.

### ● Are roundabouts appropriate everywhere?

No. The choice of using a roundabout is made on a case-by-case basis. NCDOT evaluates traffic volumes and crashes at each candidate intersection individually to determine if a roundabout would be the most effective solution.

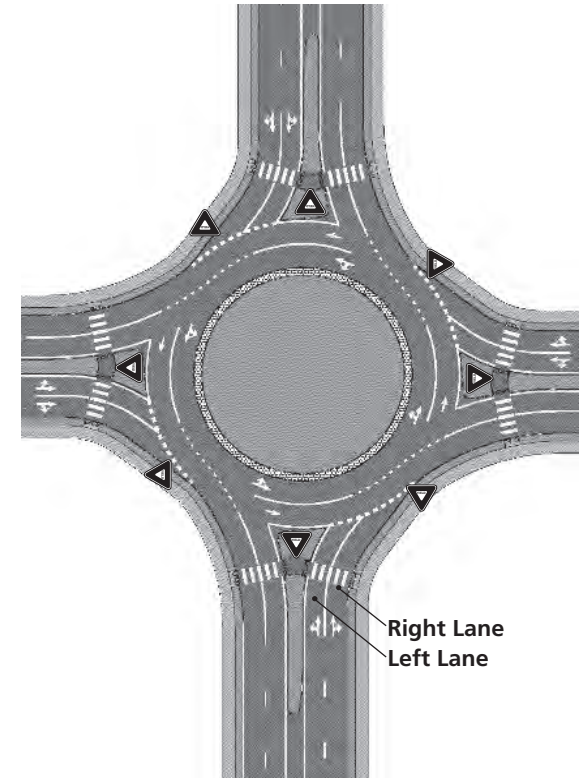
### ● How does a pedestrian navigate a roundabout?

A pedestrian should walk around the outside, not through the middle of a roundabout. Roundabouts usually have marked sidewalks or striped crossings to help pedestrians navigate.

### ● How does a bicyclist navigate a roundabout?

A bicyclist should follow the same rules as a vehicle or walk along the outside of a roundabout like a pedestrian.

## TWO LANE ROUNDABOUT




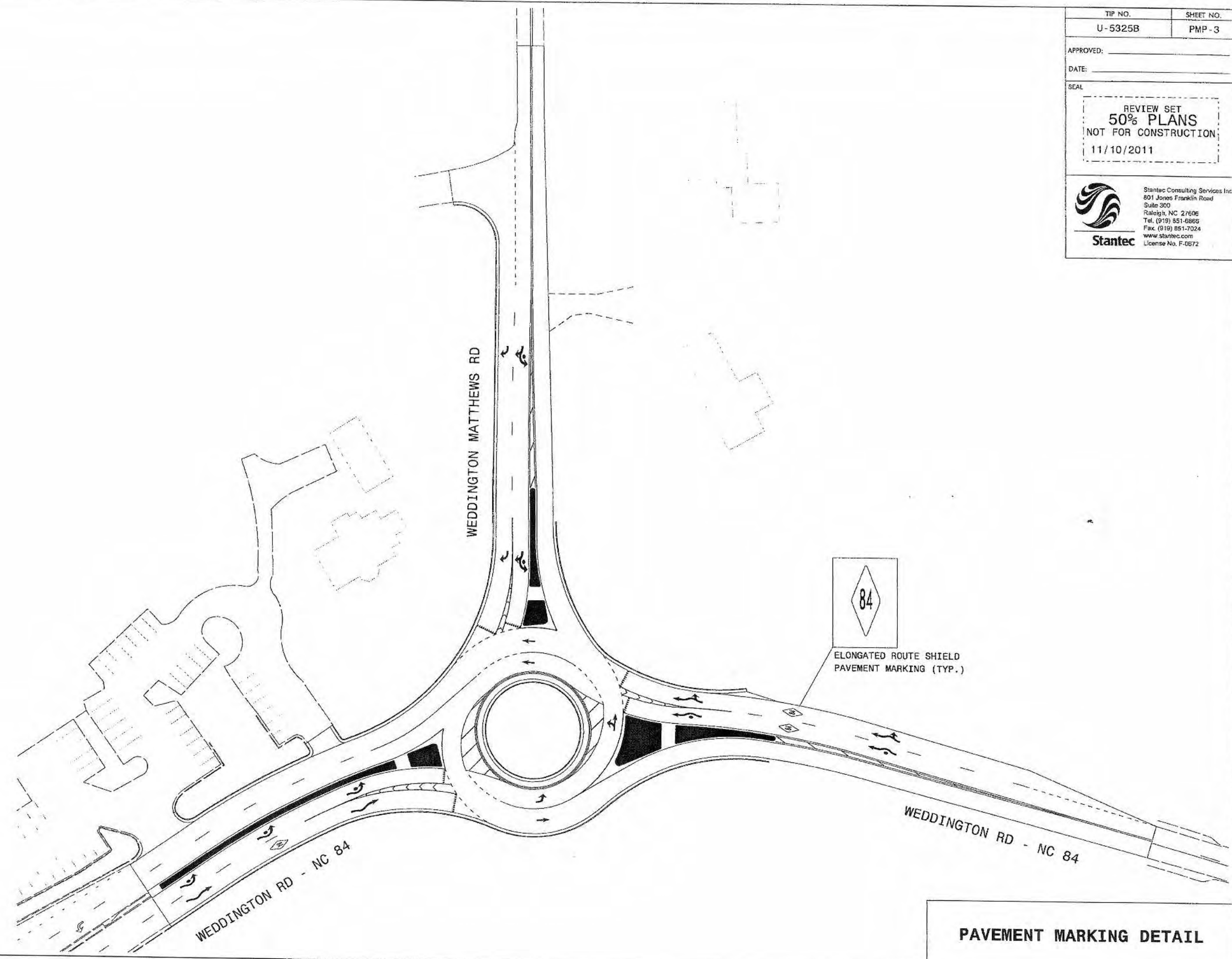
### ● How to drive a roundabout:

- Yield to vehicles already in the roundabout;
- Once in the roundabout, you have the right of way;
- Use your turn signal when exiting the roundabout; and
- Always be cautious and look for unexpected vehicles, pedestrians or bicycles.

### ● How to drive a two-lane roundabout:

Prior to entering the roundabout, move into the appropriate lane as you would when approaching a traffic signal. The left lane circles the roundabout and the right lane turns right. Advance signing will provide guidance. Do not cross from the left lane in the roundabout to the right lane as you exit the roundabout.

TIP NO. U-5325B	SHEET NO. PMP-3
APPROVED: _____	
DATE: _____	
SEAL	
REVIEW SET <b>50% PLANS</b> NOT FOR CONSTRUCTION 11/10/2011	
 Stantec Consulting Services Inc. 801 Jones Franklin Road Suite 300 Raleigh, NC 27606 Tel. (919) 851-6865 Fax. (919) 851-7024 www.stantec.com License No. F-0572	



**PAVEMENT MARKING DETAIL**

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STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

EUGENE A. CONTI, JR.  
SECRETARY

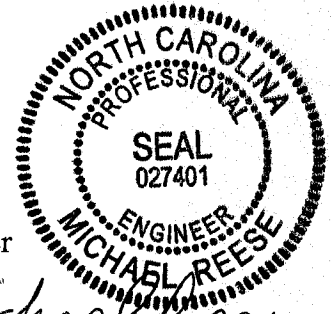
April 9, 2009

MEMORANDUM

**TO:** Barry S. Moose, P.E., Division Engineer  
Division 10  
Attention: Tawana B. Brooks, P.E., Division Construction Engineer

**FROM:** Michael P. Reese, P. E., Project Engineer  
Congestion Management Section

**SUBJECT:** Analysis of Possible Roadway Modifications near the NC 16 and NC 84 Intersection  
(TIP Project U-2510A) in Weddington in Union County (SP-2009-07)



*Michael Reese*  
9 APR 2009

As requested, the Congestion Management Section of the Transportation Mobility and Safety Division has completed a preliminary traffic analysis of possible roadway modifications in the NC 16 and NC 84 intersection vicinity in Weddington in Union County. TIP Project U-2510A, the widening of NC 16 to a multi-lane divided facility in this vicinity, is under construction and partially constructed at the date of this memorandum. The possible roadway modifications requested for analysis are as follows: 1) on NC 16, realign SR 1317 (Weddington School Road) to the south to a location approximately 1,100 feet south of NC 84 (Sta. 58+66±) with this proposed intersection operating as a directional crossover (left-over); and 2) identify the anticipated area impacts if a new connector road were constructed from an anticipated NC 16 driveway cut approximately 1,500 feet north of NC 84 (Sta. 84+91±) to SR 1344 (Weddington-Matthews Road) approximately 1,250 feet north of NC 84. We performed Synchro and aaSIDRA analyses based on existing and TIP proposed geometric data, recent AADT maps, and the 2030 design year traffic projections as shown on the U-2510A roadway plans (no build of R-3802) and provided by the Transportation Planning Branch to determine the levels of service (LOS). Based on our analysis of the 2030 design year peak hour, we offer the following comments that should enhance the traffic safety and operation of the vicinity.

**Possible NC 16 and SR 1317 (Weddington Church Road) Left-Over Near Sta. 58+66**

The proposal is for an unsignalized left-over with a 280-foot northbound NC 16 left-turn lane and a single right-only lane from Weddington Church Road. If Weddington Church Road were to be relocated as proposed, acceptable LOS and queuing should be expected at this new intersection in the 2030 design year peak hour. Left-turning traffic from Weddington Church Road should be accommodated via a median break south of the left-over on NC 16; this U-turning traffic alone should be expected to queue approximately 150 feet in an exclusive turn lane.



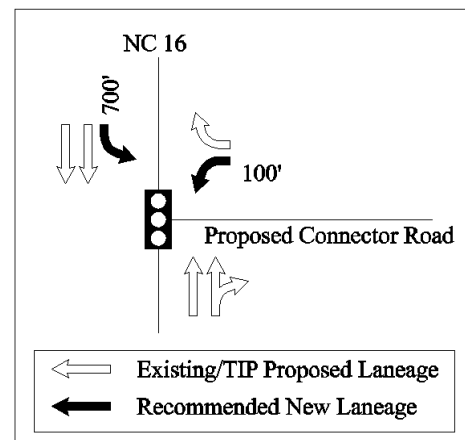
### **Possible New Connector Road North of NC 84 from NC 16 to SR 1344 (Weddington-Matthews Road)**

TIP Project U-2510A proposes to maintain a traffic signal at the NC 16 and NC 84/Church Driveway Intersection, and an unsignalized intersection at the NC 84 and Weddington-Matthews Road Intersection located approximately 800 feet east of NC 16. The TIP project proposes to maintain a four-lane section on NC 84 between these intersections, and a two-lane/two-way section east of Weddington-Matthews Road. In absence of the connector road in the 2030 TIP design year peak hour, the NC 16 and NC 84 Intersection is anticipated to operate at an overall **LOS F** with excessive queuing on the NC 16 and NC 84 approaches. At the NC 84 and Weddington-Matthews Road Intersection, in absence of the connector road in peak hour 2030, the eastbound NC 84 left-turn movement and the Weddington-Matthews Road approach are also anticipated to operate at **LOS F** with excessive queuing. Of particular note are anticipated bidirectional maximum queuing on NC 84 spanning the two intersections and spillback of the projected heavy left-turn movement from southbound NC 16. The most recent Congestion Management Section capacity analysis memorandum for TIP Project U-2510A, dated June 17, 2005, indicated a **LOS C** is anticipated at the NC 16 and NC 84 intersection in 2030, however, this analysis was based on forecast data with TIP Project R-3802 (Rea Road from NC 16 to NC 84) in place. The U-2510A roadway plans include forecast data without construction of R-3802 and thus the forecast data is significantly different.

Unless otherwise noted, the following results are presented for the 2030 TIP Project U-2510A design year peak hour (without construction of TIP Project R-3802) in the event that the connector road is constructed as proposed.

#### NC 16 and Connector Road Intersection

It was assumed that an all-movement signalized intersection would be installed at this intersection. This connector road intersection should be expected to operate at an overall **LOS B** with **LOS B** on the NC 16 approaches and **LOS E** on the connector road approach. Acceptable queuing should be expected at this intersection with the installation of a 700-foot (minimum) southbound NC 16 left-turn lane and a 100-foot (minimum) westbound connector road left-turn lane as shown in the adjacent figure. Moderate queuing is expected along the connector road in 2030, therefore a multilane section on the connector road may be needed after 2030.

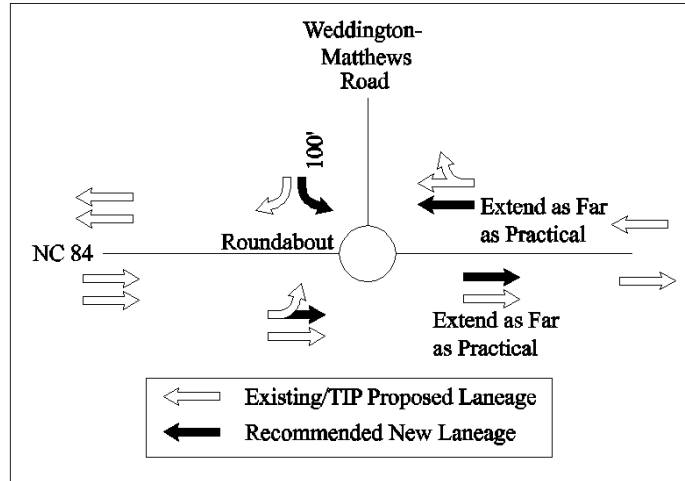


#### NC 16 and NC 84/Church Driveway Intersection

This connector road should greatly reduce the southbound NC 16 left-turn volume onto NC 84, and an overall intersection **LOS D** with less significant queuing should be expected. Without the connector road, the NC 16 northbound and southbound approaches at NC 84 should be expected to operate at **LOS E/D** respectively; with the connector road, these NC 16 approaches should be expected to operate at **LOS D/D** respectively.

### NC 84 and SR 1344 (Weddington-Matthews Road) Intersection

As based on the anticipated 2030 volumes, if a dual-lane roundabout were installed as shown in the adjacent figure, this intersection would be expected to operate at **LOS C** or better on all approaches with acceptable queuing on all approaches. Acceptable queuing should be expected at this intersection with the installation of a 100-foot (minimum) southbound Weddington-Matthews Road left-turn lane and eastward extension of the NC 84 multilane cross-section. The four-lane section on NC 84 should be extended as



far east as practical to allow safe and efficient operation of the roundabout. Based on our analysis, queuing on either multilane NC 84 approach is not expected to exceed 400 feet in 2030. The maximum intersection approach volume-to-capacity (v/c) ratio is 0.85, but based on a recent 5% growth rate of traffic in this area, the roundabout is expected to operate acceptably in excess of 6 years beyond the TIP design year (beyond 2036).

### SR 1344 (Weddington-Matthews Road) and Connector Road Intersection

If a single-lane roundabout with no additional turn lanes were installed, this intersection would be expected to operate at **LOS C** or better on all approaches with moderate, but acceptable queuing on all approaches. The maximum volume-to-capacity (v/c) ratio is 0.85 on Weddington-Matthews Road, but based on a recent 5% growth rate of traffic in this area, the roundabout is expected to operate acceptably in excess of 10 years beyond the TIP design year (beyond 2040).

If additional information or clarification is required, please contact James H. Dunlop, P.E., Congestion Management Engineer, or me at (919) 773-2800.

MPR

- cc: J. S. Cole, P.E.  
A. R. McMillan, P.E.  
J. A. Bennett, P.E. (Attention: B. D. Taylor, P.E., K. Z. Hamidi)  
J. K. Lacy, P.E., C.P.M.  
T. M. Hopkins, P.E. (Attention: A. D. Wyatt, P.E., P.T.O.E., B. K. Mayhew, P.E.)  
R. Mason  
G. A. Fuller, P.E. (Attention: G. G. Murr, P.E., T. J. Williams, P.E.)  
J. S. Bourne, P.E. (Attention: J. H. Dunlop, P.E.)

# FEASIBILITY STUDY

## FS-0310C

**Widening NC 84 (Weddington Road) From  
NC 16 (Providence Road) To SR 1349 (Airport Road)**

**Union County**

**Division 10**



Prepared by the  
Program Development Branch  
N. C. Department of Transportation

Henry U. Esezuka  
Feasibility Studies Engineer

Derrick W. Lewis, P.E.  
Feasibility Studies Unit Head

Date



**Widening NC 84 (Weddington Road) from  
NC 16 (Providence Road) to SR 1349 (Airport Road)**

**Union County**

**FS-0310C**

***I. General Description***

This feasibility study describes roadway improvements along NC 84 (Weddington Road) from NC 16 (Providence Road) to just east of the proposed relocation of SR 1349 (Airport Road) as proposed in FS-0210A. The project location is shown on Figures 1, 2 and 3. As part of this study, two alternatives were investigated and are described below:

***ALTERNATE 1.*** Four-lane divided curb and gutter section, 79 feet wide face to face of curbs with a 23-foot raised grass median and 15-foot berms on 130 feet right-of-way. The proposed widening is symmetrical along existing Weddington Road for the entire length of the project. The length of the alternative is approximately 7.5 miles.

***ALTERNATE 2.*** Four-lane divided curb and gutter section, 79 feet wide face to face of curbs with a 23-foot raised grass median and 15-foot berms on 130 feet right-of-way. The proposed widening is on new location along TIP Project U-3467 (Rea Road Extension) starting at the intersection of NC 16 and SR 1316 until it intersects with Weddington Road, then continues symmetrically along existing Weddington Road for the remaining length of the project. The length of the alternative is approximately 7.1 miles.

This study is the initial step in the planning and design process for this project and is not to be considered the product of exhaustive environmental or design investigations. The purpose of the study is to describe the problem, recommend a treatment including costs, and identify potential problem areas that deserve consideration in the planning and design phases.

## ***II. Background***

The purpose of this project is to improve the traffic safety and operations along this section of NC 84 as well as improve access to the surrounding community.

This section of NC 84 (Weddington Road) is primarily a two-lane shoulder section with a pavement width of 26 feet. Additional widening is provided at some of the intersections in order to accommodate left turn lane(s).

In the Mecklenburg-Union County Thoroughfare Plan, NC 84 (Weddington Road) is designated as minor thoroughfare between NC 16 and Rea Road Extension. Between Rea Road Extension and Airport Road, NC 84 is designated as major thoroughfare.

Land use along the corridor is predominantly residential mix with scattered businesses as well as some large undeveloped tracts.

There are three adjacent TIP projects in the area that proposes to upgrade NC 16 (Old Providence Road)/NC 84 (Weddington Road) to a multilane facility, these projects are described below:

- U-2510A- Proposes to upgrade NC 16 (Old Providence Road) from south of SR 2948 (Rea Road Extension) in Union County to south of I-485 (Charlotte Outer Loop) in Mecklenburg County.
- U-3467- SR 1316 (Rea Road Extension) NC 16 to SR 1008 (Indian Trail-Waxhaw Road). Construct/Upgrade to multi-lanes with part on new location and part along existing NC 84 in this area.
- FS-0210A- SR 1349 (Airport Road), NC 84 (Weddington Road) to SR 1162 (Goldmine Road). Upgrade roadway, some new location.

There are three structures located along the project route which are described as follows:

1. Structure #16 is a triple Reinforced Concrete Box Culvert (RCBC) located approximately 1.0 mile east of SR 1341 and carries NC 84 over Twelve Mile Creek. The total length of this structure is 35 feet with a



20 feet horizontal clearance. It was constructed in 1949 and has a sufficiency rating of 98.2 points.

2. Structure #39 is a triple RCBC located approximately 0.9 miles east of SR 1008 and carries NC 84 over Price Mill Creek. The total length of this structure is 35 feet with a 24 feet horizontal clearance. It was constructed in 1960 and has a sufficiency rating of 98.8 points.
3. Structure #472 is also a triple RCBC located approximately 1.0 mile east of SR 1162 and carries NC 84 over E. Fork Twelve Mile Creek. The total length of this structure is 44 feet with a 20 feet horizontal clearance. It was constructed in 1949 and has a sufficiency rating of 98.6 points.

### ***III. Traffic and Safety***

The current year Average Daily Traffic (ADT) within the project limits ranges from 9,100 vehicles per day (vpd) at the east end to 15,000 vpd at the west end. For the design year 2030 build scenario, the estimated traffic within the project limit ranges from 18,600 vpd at the east end to 29,600 vpd at the west end near NC 16, without the Rea Road Extension in place. If the Rea Road Extension is in place, the estimated traffic volumes for the 2030 design year within the project limits ranges from 18,600 vehicles per day (vpd) at the east end of the project to 25,600 vpd just east of the proposed Rea Road Extension. Under this scenario, the projected 2030 design year traffic volume west of the proposed Rea Road Extension is estimated to be 18,800 vpd. Under all options, the truck traffic is estimated to make up 7% of the ADT.

Under all options, the 2030 design year ADT along the proposed Rea Road Extension between NC 16 and Weddington Road is estimated to be 15,800 vpd while the truck traffic is estimated to make up 7% of the ADT.

During the three-year period from April 2004 through March 2007, there were 195 accidents reported within the project limits. 126 of these crashes were property damage only accidents, 69 were injury crashes with one (1) fatality as a result of these accidents. The accident rate for this 7.5 mile portion of roadway was 243.57 accidents per 100 million vehicle miles of travel (acc/100mvm), which was slightly lower than the 2004-2007 statewide rate of 280.39 accidents/100 mvm for two-lane undivided primary routes.

The most prevalent accident types along this corridor are as follows: approximately 33 percent of accidents were rear end, slow or stop, 18 percent were with left turn, 11 percent were angle accidents and 14 percent were fixed object accidents. Individually, all other accident types are approximately twenty-four (24) percent or less of total accidents. Improvements to upgrade this section of roadway to a multilane facility should reduce the likelihood of these types of accidents.

There are three existing signals within the project limits. They are located at NC 16 (Providence Road), SR 1008 (Waxhaw-Indian Trail Road) and at the intersection of SR 1162 (Wesley Chapel Road/Porter Road).

Currently, this section of NC 84 is operating at a level of service (LOS) "C". If no improvements are made, this facility will operate at a LOS "F" in the 2030 design year. However, with the recommended improvements in this report, this section of NC 84 is expected to operate at a LOS "D" or better in the 2030 design year

#### *IV. Description of Alternatives*

**ALTERNATE 1.** Construct four-lane divided curb and gutter section and 23-foot raised grass median, 79 feet wide face to face of curbs with 15-foot berms on 130 feet proposed right-of-way. The proposed widening is symmetrical along existing Weddington Road for the entire length of the Project, see Figures 1, 2 and 3. The length of the alternative is approximately 7.5 miles.

With this alternative, zero resident relocation and zero business relocations are expected. The total cost of the alternative, including construction, utility relocation and right-of-way is estimated to be \$57,000,000, see Table A below.

Construction.....	\$40,500,000
Right-of-Way.....	\$11,500,000
<u>Utility Relocation.....</u>	<u>\$ 5,000,000</u>
Total Project Cost (Alternative #1).....	\$57,000,000



**ALTERNATE 2.** Four-lane divided curb and gutter section, 79 feet wide face to face of curbs with a 23-foot raised grass median and 15-foot berms on 130 feet right-of-way. The proposed widening is on new location under TIP Project U-3467 (Rea Road Extension) starting at the intersection of NC 16 and SR 1316 until it intersects with Weddington Road, then continues symmetrically along existing Weddington Road for the remaining length of the project, see Figures 1, 2 and 3. The length of the alternative is approximately 7.1 miles.

With this alternative, zero resident relocation and zero business relocations are expected. The total cost of the alternative, including construction, utility relocation and right-of-way is estimated to be \$54,900,000, see Table A below.

Construction .....	\$39,300,000
Right-of-Way.....	\$11,100,000
<u>Utility Relocation.....</u>	<u>\$ 4,500,000</u>
Total Project Cost (Alternative #2).....	\$54,900,000

The construction cost estimate shown above for alternatives #1 and #2 includes the installation of a five (5) foot sidewalk on both sides of NC 84 beginning at NC 16 and ending at SR 1349 (Airport Road), a total distance of 7.5 to 7.1 miles at \$1.8 to \$1.7 million respectfully.

Under FS-0210A, the proposed realignment of SR 1349 (Airport Road) would intersect NC 84, Weddington Road at a new location approximately a half mile east of the existing intersection. The estimated total cost to extend the proposed widening of Weddington Road to this proposed new intersection is approximately \$3,000,000 and is included in both alternatives.

Table A below shows the breakdown cost for the four-lane divided curb and gutter section only.

- \_\_\_ Section A - NC 84 between NC 16 and the point where NC 84 intersects with the proposed Rea Road Extension.
- \_\_\_ Section B - NC 84 and proposed Rea Road Extension runs concurrently to SR 1008.

- \_\_\_ Section C - NC 84 from SR 1008 to SR 1349 (Airport Road).
- \_\_\_ Section D - NC 84 between existing SR 1349 (Airport Road) and the proposed relocated SR 1349 (Airport Road).
- \_\_\_ Section E - The proposed Rea Road Extension between NC 16 and the point where Rea Road Extension intersects with NC 84.

**TABLE "A"**

<b>SECTION</b>		<b>BREAKDOWN COST</b>				
		Construction	Right-of-Way	Utility Relocation	5-foot Sidewalk	TOTAL COST
A	1.96	\$10,300,000	\$4,200,000	\$1,200,000	\$500,000	\$16,200,000
B	2.10	\$11,700,000	\$3,800,000	\$1,400,000	\$500,000	\$17,400,000
C	2.74	\$14,700,000	\$3,000,000	\$2,000,000	\$700,000	\$20,400,000
D	0.66	\$2,000,000	\$500,000	\$400,000	\$100,000	\$3,000,000
E	1.56	\$9,200,000	\$3,800,000	\$700,000	\$400,000	\$14,100,000

### *V. Community Issues*

An exhaustive environmental screening was not conducted for this study. However, the following information summarizes conclusions about the project study area based on existing data.

It should be noted that John Walker Mathews House, a landmark site on the Historic Study List Properties; is located within NC 16, south of NC 84 and approximately one-half mile from NC 84/NC 16 intersection. However, no direct impacts to this historic property are anticipated as a result of this project.



Bicycle accommodations are currently provided under all alternatives studied for this project.

## *VI. Natural Environment Issues*

According to the National Heritage Program GIS database, there is one Threatened or Endangered Species that may potentially exist in the immediate project area. This species is a Fish (*Etheostoma Collis*).

## *VII. Recommendations*

Both Alternatives evaluated in this project provide a multilane facility from NC 16 to SR 1349 (Airport Road). The locally preferred option is Alternative #2 which utilizes the Rea Road Extension currently proposed in TIP Project U-3467 from NC 16 to NC 84 instead of widening existing NC 84 from NC 16 to proposed Rea Road Extension intersection in Weddington. **However, the projected traffic volumes on this section of NC 84 indicates that multilane widening would still be needed at some point before the 2030 design year even with the Rea Road Extension in place.**

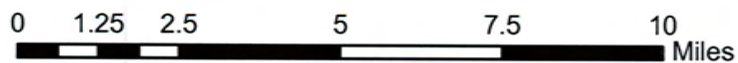
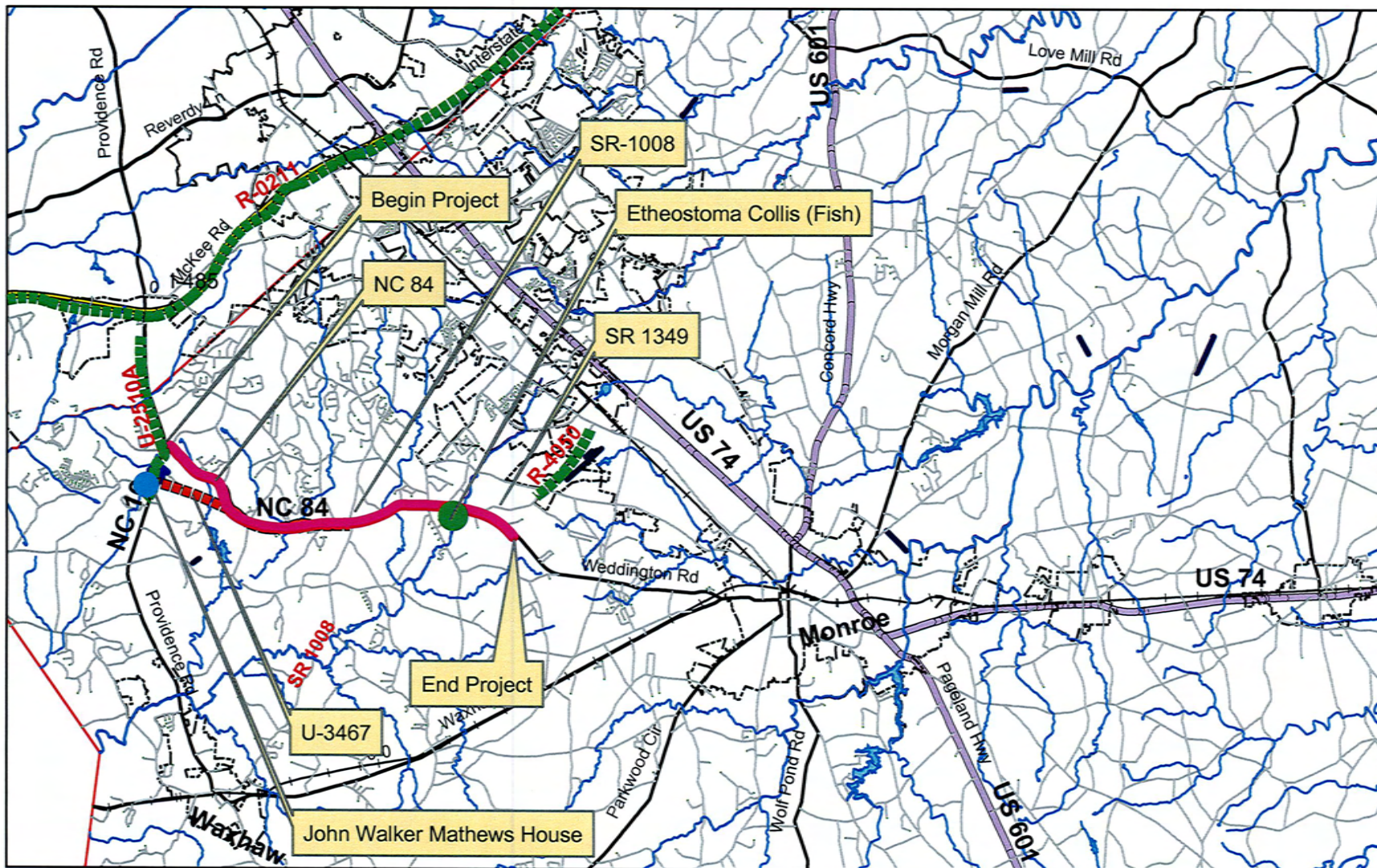
The estimated total costs of the locally preferred option (Alternative #2) is \$54,900,000 including \$11,100,000 for right-of-way, \$4,500,000 for utility relocation and \$39,300,000 for construction.

The updated total costs of TIP U-3467 (Rea Road Extension) from NC 16 to the NC 84/SR 1008 intersection is \$31,500,000 including \$7,600,000 for right-of-way, \$2,100,000 for utility relocation and \$21,800,000 for construction. This costs is for the proposed new location component (Section E) as well as the overlapping section of existing NC 84 (Section B), see the attached Figure 3.



# FS-0310C

## Figure 1

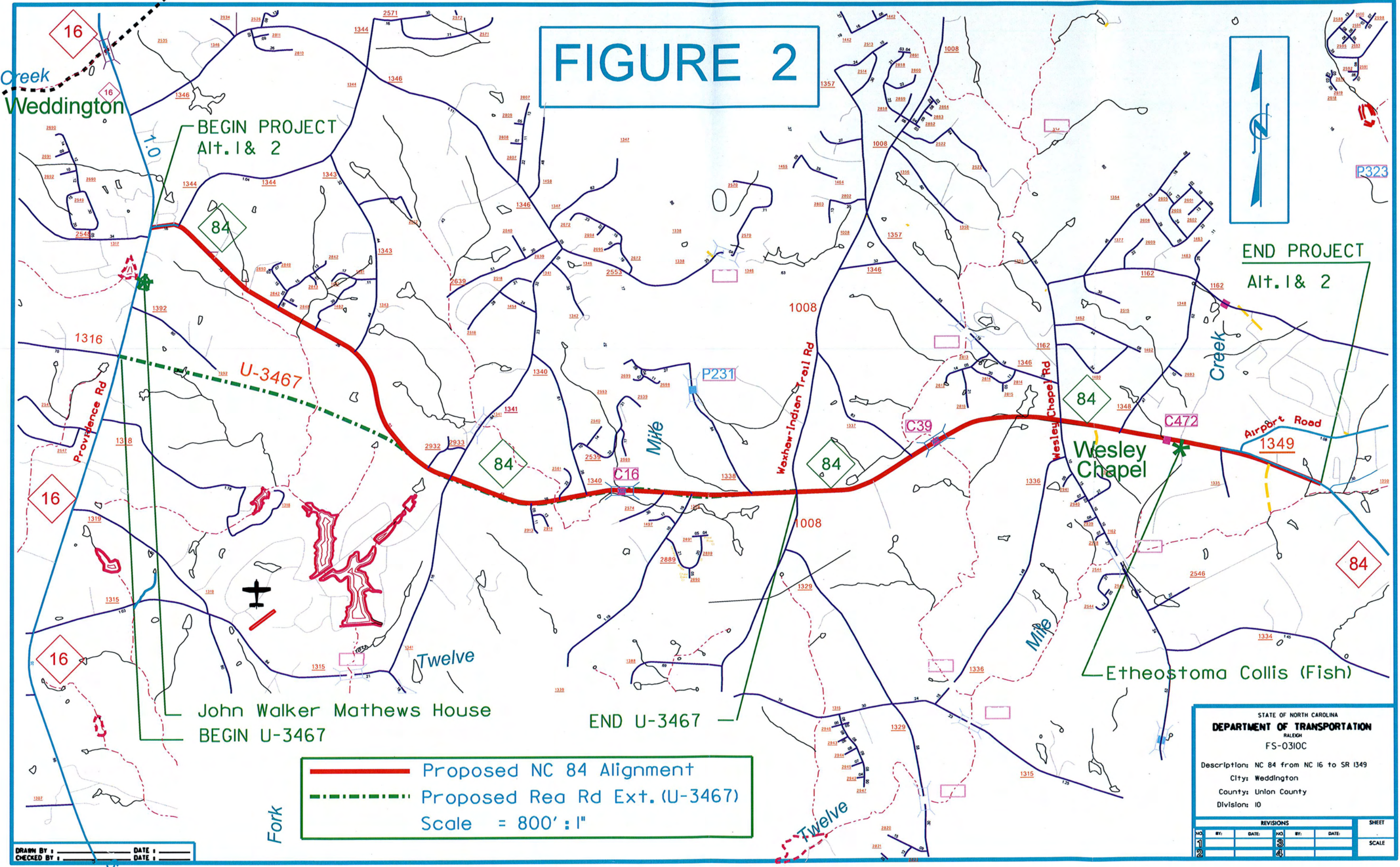


- Proposed Project Limits
- Current/Future Project
- Proposed U-3467





# FIGURE 2



END PROJECT  
Alt. 1 & 2

— Proposed NC 84 Alignment  
 - - - Proposed Rea Rd Ext. (U-3467)  
 Scale = 800' : 1"

STATE OF NORTH CAROLINA  
 DEPARTMENT OF TRANSPORTATION  
 RALEIGH  
 FS-0310C

Description: NC 84 from NC 16 to SR 1349  
 City: Weddington  
 County: Union County  
 Division: IO

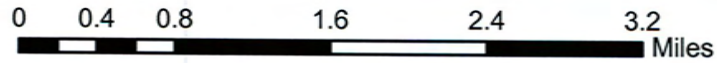
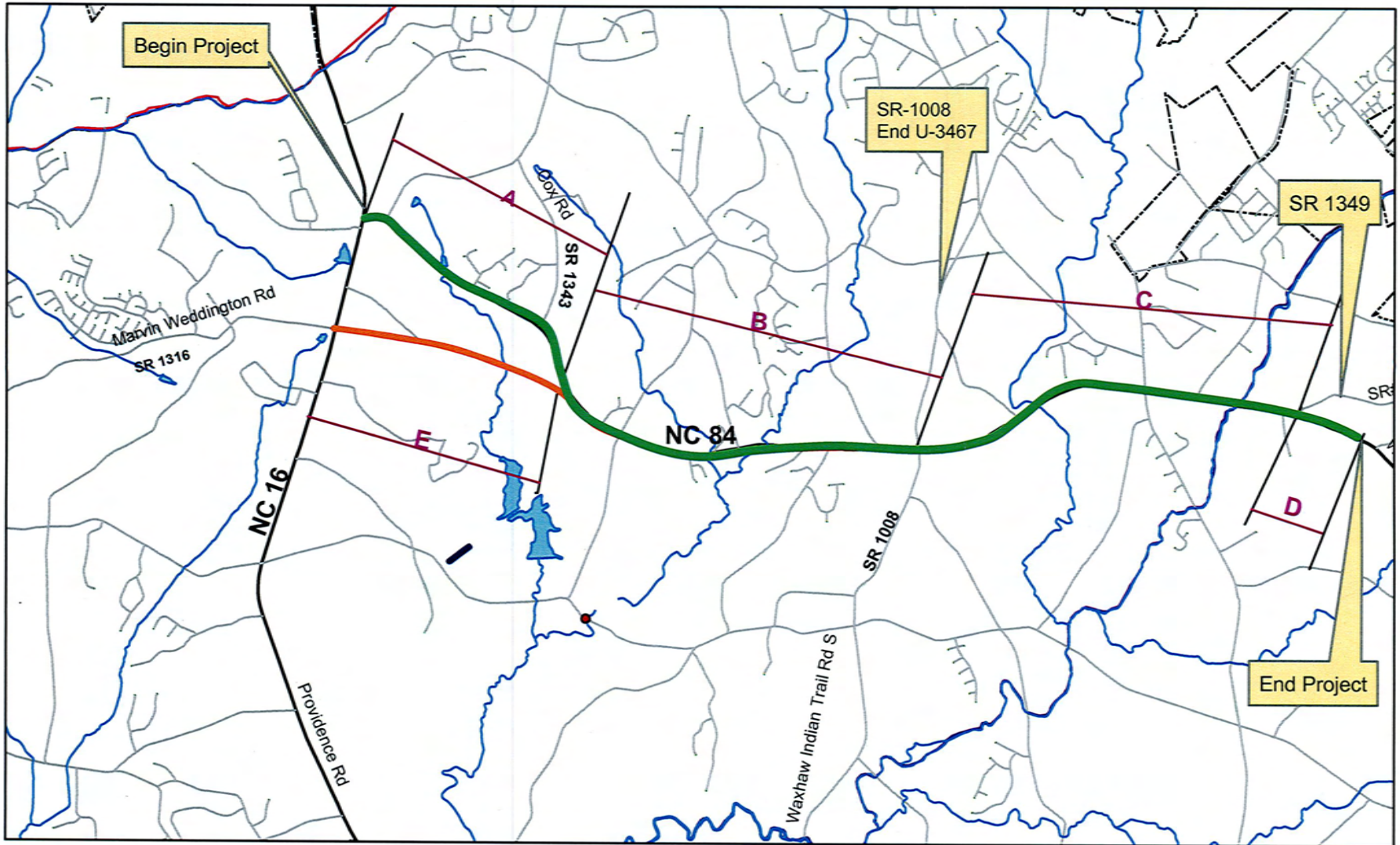
REVISIONS				SHEET	
NO.	DATE	BY	DATE	NO.	SCALE
1				1	
2				2	

DRAWN BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_ DATE: \_\_\_\_\_



# FS-0310C (Section Breakdown)

Figure 3



### Distances

- A = 10,350+/- Feet
- B = 11,100+/- Feet
- C = 14,470+/- Feet
- D = 3485+/- Feet
- E = 8,240+/- Feet



Union County



-  Proposed Project Limits (FS-0310C)
-  Proposed Rea Rd Ext.(U-3467)



MRS T J MATTHEWS HEIRS  
NO DEED REFERENCE +20

END CONSTRUCTION

101 210.12.0000

15 EX.R/W

TIE TO EXIST. EOP

SPECIAL CUT 1  
SEE DETAIL B

WEDDINGTON UNIT  
METHODIST CHUR  
DB 4805 PG 361

TOWN OF WEDDINGTON  
DB 578 PG 764

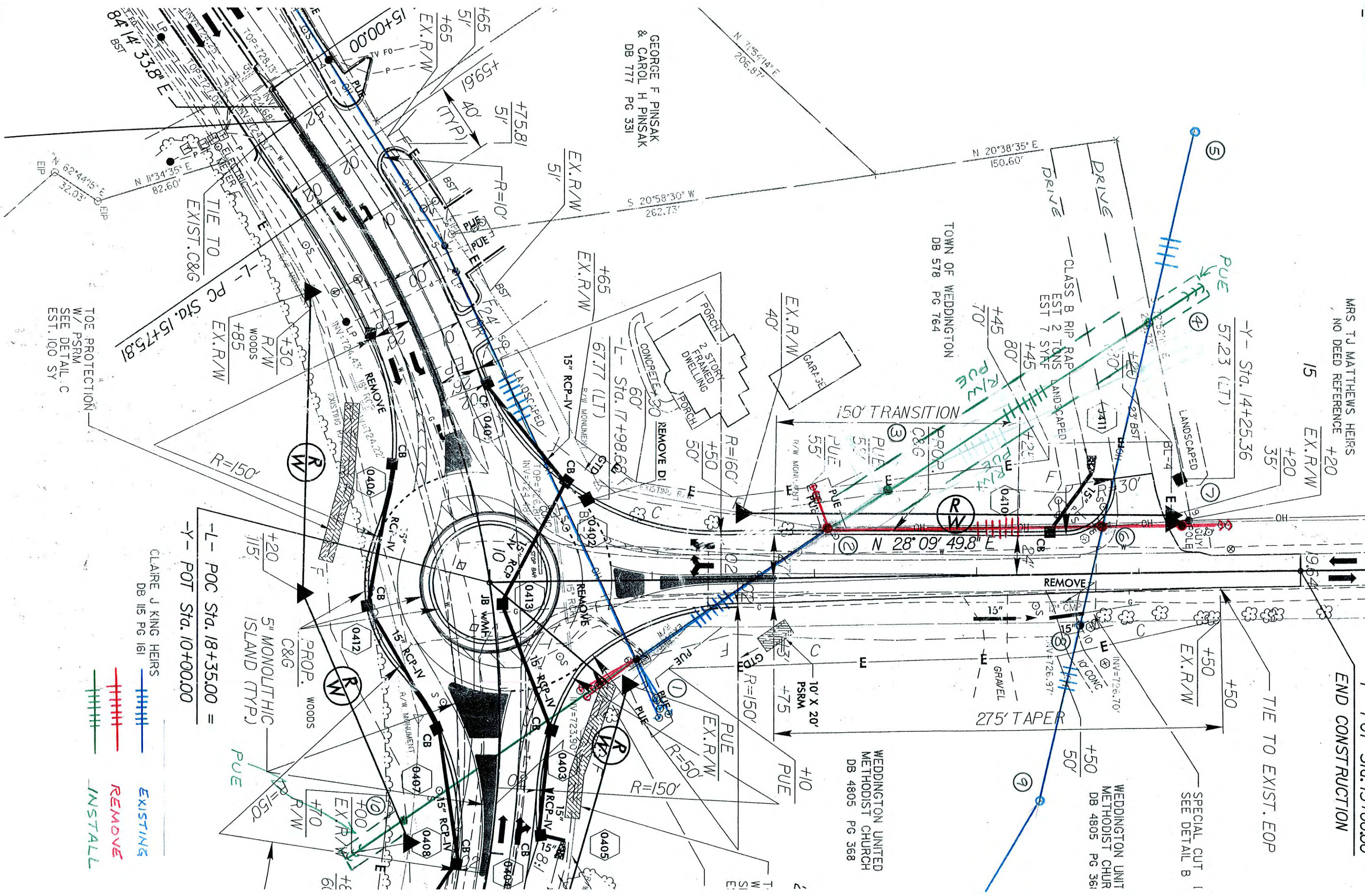
WEDDINGTON UNITED  
METHODIST CHURCH  
DB 4805 PG 368

GEORGE F PINSAK  
& CAROL H PINSAK  
DB 777 PG 331

CLAIRE J KING HEIRS  
DB 115 PG 161

-L- POC Std. 18+35.00 =  
-Y- POT Std. 10+00.00

-  EXISTING
-  REMOVE
-  INSTALL



TOE PROTECTION  
W/ PSRM  
SEE DETAIL C  
EST. 100 SY






STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

EUGENE A. CONTI, JR.  
SECRETARY

October 31, 2011

TO: Ms. Amy McCollum  
Town of Weddington  
1924 Weddington Road  
Weddington, NC 28104

FROM: D. Ritchie Hearne, PE   
Project Manager

SUBJECT: Transportation Improvement Project - Municipal Agreement with  
Town of Weddington  
WBS Element No. 34813.3.8  
TIP No. U-2510A

Enclosed please find duplicate originals of the Transportation Improvement Project - Municipal Agreement covering work to be performed under WBS Element Number 34813.3.8, TIP No. U-2510A. Please execute these agreements by signing both originals, affixing your seal, and returning both originals **within thirty (30) days** of the date of this letter to NC Division of Highways, Attention: Ritchie Hearne, 716 West Main Street, Albemarle, NC 28001.

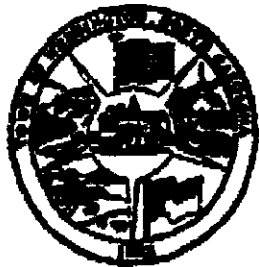
Thank you for your assistance in this matter. Please call me at the number below if you need additional information.

Enclosures

DRH:cai

JUL 9 1993 1:33AM

NO. 164



---

TOWN OF  
**WEDDINGTON**

---

1924 Weddington Road • Weddington, North Carolina 28104

**VIA FACSIMILE: 919-250-4036**

July 9, 2003

**Mr. Art McMillan  
Assistant State Roadway Design Engineer  
NC Department of Transportation  
1000 Birch Ridge Drive  
Raleigh, NC 27699**

Dear Mr. McMillan:

[REDACTED] Also, the Town would like to add additional landscaping to the median and would like to work with the Department of Transportation at the appropriate time on this matter.

If you have any questions, please call me at (704) 846-2709. Thank you for your help in this matter.

Sincerely,

*Edward S. Howie*  
asm

Edward S. Howie  
Mayor

## **E. Sidewalks**

As stated in the EA, sidewalks do not exist along the project corridor, but are proposed with the project. Previously, sidewalks were only proposed for the Mecklenburg County portion of the project.

Municipal agreements will be made between the City of Charlotte and the Town of Weddington separately to finalize the construction and maintenance costs for the implementation of sidewalks in each municipality's jurisdiction.

## **VIII. BASIS FOR FINDING OF NO SIGNIFICANT IMPACT**

Based upon a study of the impacts of the proposed project as documented in the Environmental Assessment, and upon comments from federal, state, and local agencies, it is the finding of the NCDOT and the Federal Highway Administration (FHWA) that the project will not have a significant impact upon the quality of the human or natural environment. Therefore, an environmental impact statement will not be required.

The following persons may be contacted for additional information:

Gregory J. Thorpe, PhD.  
Manager, NCDOT - Project Development and Environmental Analysis Branch  
1548 Mail Service Center  
Raleigh, NC 27699-1548  
(919) 733-7844

John F Sullivan, III, P.E.  
Division Administrator, FHWA  
310 New Bern Avenue, Suite 410  
Raleigh, NC 27601-1418  
(919) 856-4350

UJM/

## Iorlano, Cindy A

---

**From:** Bruton, Teresa M  
**Sent:** Tuesday, December 21, 2004 12:00 PM  
**To:** Cook, Robert  
**Cc:** Mosley, Barry; Basham, Stuart; Hamidi, K. Zak  
**Subject:** Re: U-2510A

Bob,

As we discussed during our recent telephone conversation, the proposed NC 16 / NC 84 intersection configuration accommodates the 2030 design year traffic volumes, which were based on the land use plans and future roadway improvements in proximity to the project. Prior to modifying the proposed intersection configuration, information supporting a reduction in traffic volumes through the NC 16 / NC 84 intersection must be provided. As a minimum, the supporting information should verify completion of alternate routes prior to the aforementioned 2030 design year.

Please do not hesitate to contact me if you have any questions or need additional information.

Hope you have a nice holiday,  
Teresa

"Cook, Robert" wrote:

> Teresa:

>

> I spoke with Mayor Anderson of Weddington yesterday regarding the NC  
> 16 widening, and in particular, the impact on Hwy 84. Mayor Anderson  
> told me that NCDOT is amenable to a change in the cross-section for  
> Hwy 84 that fits with the town's vision of a future downtown for that  
> area. She also indicated that you and your staff were looking for  
> information to support the argument for a smaller cross-section.

>

> Please let me know what type of information would be helpful. One  
> thing I can get are future year volumes from the regional model. We  
> just recently began to get some outputs.

>

> Bob Cook

>

>

>

> Robert W. Cook, AICP  
> Transportation Program Manager  
> Charlotte-Mecklenburg Planning Commission  
> 600 E. Fourth St.  
> Charlotte, North Carolina 28202  
> 704-336-8643  
> 704-336-5132 (fax)

NORTH CAROLINA

**TRANSPORTATION IMPROVEMENT PROJECT –  
MUNICIPAL AGREEMENT**

UNION COUNTY

DATE: 10/28/2011

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

TIP #: U-2510 A

AND

WBS Elements: 34813.3.8

TOWN OF WEDDINGTON

THIS MUNICIPAL AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Town of Weddington, a local government entity, hereinafter referred to as the "Municipality".

**WITNESSETH:**

WHEREAS, the Department has plans to make certain street and highway constructions and improvements within the Municipality under TIP # U-2510 A, in Union County; and,

WHEREAS, the Department and the Municipality have agreed that the municipal limits, as of the date of the awarding of the contract for the construction of the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly, including but not limited to, the following applicable legislation: General Statutes of North Carolina, Section 136-66.1, Section 160A-296 and 297, Section 136-18, and Section 20-169, to participate in the planning and construction of a Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the parties to this Agreement have approved the construction of said Project with cost participation and responsibilities for the Project as hereinafter set out.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:



## **SCOPE OF THE PROJECT**

1. The Project consists of construction of NC 16 (Old Providence Road) from south of SR 2948 (Rea Road Extension) to south of I-485 (Charlotte Outer Loop) in Union County. At the request of the Municipality, additional work to be included within the scope of the project shall include sidewalk along both sides of the Highway 16 widening project.

## **PLANNING, DESIGN AND RIGHT OF WAY**

2. The Department shall prepare the environmental and/or planning document, and obtain any environmental permits needed to construct the Project, and prepare the Project plans and specifications needed to construct the Project. All work shall be done in accordance with departmental standards, specifications, policies and procedures.
3. The Department shall be responsible for acquiring any needed right of way required for the Project. Acquisition of right of way shall be accomplished in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

## **UTILITIES**

4. It is understood that there are no municipally-owned water and sewer lines to be adjusted or relocated at this time. If during the project it becomes necessary to adjust or relocate municipally-owned water and/or sewer lines a separate Utility Agreement will be prepared at the appropriate time.

## **CONSTRUCTION AND MAINTENANCE**

5. The Department shall construct, or cause to be constructed, the Project in accordance with the plans and specifications of said Project as filed with, and approved by, the Department. The Department shall administer the construction contract for said Project.
6. It is further agreed that upon completion of the Project, the Department shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the "Policy on Street and Driveway Access to North Carolina Highways", and departmental criteria.
7. Upon completion of the Project, the improvement(s) shall be a part of the State Highway System and owned and maintained by the Department.

## **FUNDING**

8. The Municipality shall participate in the Betterment costs of the Project as follows:
  - A. Upon completion of the work, the Municipality shall reimburse the Department ten percent (10%), of the actual cost, including administrative costs, of the work associated with the construction of the sidewalks. The Department shall participate in ninety percent (90%) of the cost of the sidewalks of the actual total project construction cost of that portion of the project within the corporate limits, where new sidewalks are to be installed. The estimated cost of the sidewalks is \$268,510.05. The estimated cost to the Municipality is \$26,851.01. Both parties understand that this is an estimated cost and is subject to change.
  - B. Reimbursement to the Department shall be made in one final payment upon completion of the work and within sixty days of invoicing by the Department.
  - C. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment herein above provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1 until such time as the Department has received payment in full under the reimbursement terms set forth in this Agreement. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23.

## **ADDITIONAL PROVISIONS**

9. At the request of the Municipality, and in accordance with the Department's "Guidelines for Planning Pedestrian Facilities", the Department shall include provisions in its construction contract for the construction of sidewalks on/or along both sides of the Highway 16 widening project. Said work shall be performed in accordance with Departmental policies, procedures, standards and specifications, and the following provisions.
  - A. It is understood by both parties that all sidewalk work shall be performed within the existing right of way. However, should it become necessary, the Municipality, at no expense or liability whatsoever to the Department, shall provide any needed right of way and or construction easements for the construction of the sidewalks, and remove from said rights of way all obstructions and encroachments of any kind or character. Acquisition of any needed right of way shall be performed in accordance with the following state and federal policies and procedures, "Right of Way Acquisition Policy and

Land Acquisition Policy, contained in the Federal-Aid Policy Guide, Part 712, Subpart B", and the North Carolina Right of Way Manual (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970). The Department shall be indemnified and held harmless from any and all damages and claims for damages associated with the acquisition of any construction easements and/or right of way.

- B. Upon completion of the work, the Municipality shall reimburse the Department in accordance with Provision #8 stated hereinabove.
- C. The Municipality, at no expense to the Department, shall assume all maintenance responsibilities for the sidewalks and release the Department from all liability relating to such maintenance.

10. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.

11. To the extent authorized by state and federal claims statutes, each party shall be responsible for its respective actions under the terms of this agreement and save harmless the other party from any claims arising as a result of such actions.

12. All terms of this Agreement are subject to available departmental funding and fiscal constraints.

13. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor ( i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED upon that the approval of the Project by the Department is subject to the conditions of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST: TOWN OF WEDDINGTON

BY: \_\_\_\_\_ BY: \_\_\_\_\_

TITLE: \_\_\_\_\_ TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_ DATE: \_\_\_\_\_

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by \_\_\_\_\_ of the local governing body of the Town of Weddington as attested to by the signature of Clerk of said governing body on \_\_\_\_\_ (Date)

This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

BY: \_\_\_\_\_ (FINANCE OFFICER)

Federal Tax Identification Number

\_\_\_\_\_

Remittance Address:  
Town of Weddington

\_\_\_\_\_

\_\_\_\_\_

DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

APPROVED BY BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_ (Date)

NORTH CAROLINA  
UNION COUNTY

**MOWING AGREEMENT**

DATE: 11/4/2011

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

AND

WBS Elements: 10.109015  
10.209015

TOWN OF WEDDINGTON

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Town of Weddington, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Department has requested the Municipality to perform "routine" and/or "clean-up" mowing of the State-maintained roadways within the corporate limits of the Municipality.

WHEREAS, the Municipality has agreed to perform said mowing subject to the conditions hereinafter set forth.

NOW THEREFORE, the parties hereto, each in consideration of the promises and the undertaking of the other as herein provided do hereby covenant and agree, each with the other as follows:

1. The Municipality, and or its contractor, shall provide the equipment, labor, materials, and traffic controls to perform said mowing services for locations shown on Exhibit "B". All work shall be performed in accordance with generally accepted horticultural practices, Departmental standards and specifications and the attached Exhibit "A".

2. Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Minority Businesses, Women Businesses, or Small Professional Services Firms (SPSF) as required by GS 136-28.4 and the North Carolina Administrative Code. The Department will provide the appropriate provisions to be contained in those contracts. Those provisions are available on the Department's website at: <https://apps.dot.state.nc.us/quickfind/forms/Default.aspx>.

(A) No advertisement shall be made nor any contract be entered into for services to be performed as part of this Agreement without prior written approval of the advertisement or contents of the contract by the Department.

(B) Failure to comply with these requirements will result in funding being withheld until such time as these requirements are met.

3. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.
4. This Agreement shall remain in effect for a one-year period, beginning January 1, 2011 through December 31, 2011.
5. The Municipality shall be reimbursed up to a maximum of five (5) mowing cycles per year.
6. Reimbursement for 2011 shall be based on a rate of \$50.00 per shoulder mile for divided highways and \$30.00 per shoulder mile for undivided Primary highways. See attached Exhibit "B". The Department shall reimburse the Municipality for the actual cost for labor and equipment not to exceed \$2,450.00 for 2011 for five (5) mowing cycles. Reimbursement shall be made upon completion of the yearly mowing cycle. The Municipality shall submit an itemized invoice to the Department upon completion of the yearly mowing cycle. Reimbursement shall be made upon approval of said invoice by the Department's 10<sup>th</sup> Division Engineer and Fiscal Branch.
7. The Municipality, and or its agent, shall maintain adequate records and documentation to support the work performed under this agreement and shall permit free access to its records by official representatives of the State of North Carolina. Furthermore, the Municipality, or its agent, shall maintain all pertinent records and documentation for a period of not less than five (5) years following the final audit by the Department.
8. At the end of the one year period, upon written mutual consent, this Agreement shall continue as written, with the understanding that the Department or the Municipality reserves the right to cancel this Agreement with a thirty (30) day written notice to the opposite party (see attached addendum). If the Municipality desires to continue the mowing service described in this agreement, the Municipality and the Department shall re-negotiate the fee, if applicable. The fee and/or mowing limits may be re-negotiated by written letter from the Department to the Town of Weddington and upon receipt of written acceptance from the Municipality.
9. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor ( i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED that the approval of the project by the Department is subject to the conditions of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

ATTEST:

TOWN OF WEDDINGTON

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

Approved by \_\_\_\_\_ of the local governing body of the Town of Weddington as

attested to by the signature of Clerk of said governing body on \_\_\_\_\_ (Date)

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Federal Tax Identification Number

\_\_\_\_\_

(SEAL)

Remittance Address:

Town of Weddington

\_\_\_\_\_

\_\_\_\_\_

DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_

(STATE HIGHWAY ADMINISTRATOR)

DATE: \_\_\_\_\_

PRESENTED TO BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_

## **EXHIBIT "A"**

### **DEFINITIONS:**

"Routine Mowing" – The area to be mowed along each roadway shall be in conformance with previously established mowing patterns. Typical mowing patterns are attached. Generally, the area to be mowed is from the travelway to the shoulder point and one "swath" beyond in fill sections and from the travelway to the ditch line and one "swath" beyond in cut sections. A "swath" is the width of cut for the mower being used and shall be a minimum of 5 feet. Routine mowing also includes the mowing of sight distance areas at intersections, interchanges, along curves, and sight distance at signs on freeways.

On divided highways, mowing in the median shall be performed in accordance with the established mowing patterns.

"Clean-Up" Mowing – Mowing within the right of way which includes the area established for "routine" mowing extends beyond these limits generally to the right of way line or to established mowing patterns. The areas included are shown on the typical mowing patterns included elsewhere in this proposal. Clean-up mowing includes the mowing of sight distance areas at intersections, interchanges, and along curves. On divided highways, mowing in the median shall be performed in accordance with established mowing patterns.

"Additional" Mowing – Any mowing required to be done which is not part of routine or clean-up mowing. Additional mowing will be performed only when and as directed by the Engineer.

## **PROJECT SPECIAL PROVISIONS**

Mowing Height for this contract shall be six (6) inches.

### **GENERAL INFORMATION:**

*Policy* – It is the policy of the North Carolina Department of Transportation to maintain State Highway system roadsides in a pleasing and safe condition commensurate with the function and service rendered by individual highway segments. It is intended that grass height within established mowing zones will be maintained between the height shown in the Project Special Provisions and eighteen (18) inches along interstate, primary, major paved secondary, and urban routes. Along minor paved and unpaved secondary routes, grass



heights may exceed eighteen (18) inches for varying periods of time; however, safe sight distances will be maintained.

*Growth Regulators/Retardants* – The City's attention is direct to the fact that the Department may elect to use growth regulators/retardants on some sections of roadway. These sections will be identified to the prospective bidders at the Pre-Bid Conference. Generally, the need for mowing of these sections will be reduced during the mowing season. No payment will be made for mowing these sections unless mowing is specifically authorized by the Engineer.

"Routine" Mowing – The mowing pattern along each roadway shall be determined by the Engineer. Typical mowing patterns are attached.

"Clean-Up" Mowing – Mowing within the right of way which includes the area established for "routine" mowing and extends beyond these limits generally to the right of way line or to established mowing patterns. The areas included are shown on the typical mowing patterns that are attached.

Clean-up mowing includes the mowing of sight distance areas at intersections, interchanges, and along curves. On divided highways, mowing in the median shall be performed in accordance with established mowing patterns.

*Equipment* – The City must demonstrate to the satisfaction of the Engineer that the mowing equipment to be used in the work is in good working condition and suitable for performing the work required. Mowers shall consist of a tractor equipped with rear mounted rotary or flail mower and a side mounted rotary, flail, or sickle mower. When used in combination, the mowers shall overlap. Rear mounted mowers shall be a minimum of 60" wide.

Mowers are to be equipped with shields which preclude foreign objects from being thrown out from the cutting unit enclosures. Tractors shall be equipped so as to conform to the prevailing Occupational Safety Health Act Standards. Tractors shall also be equipped with a minimum of two outside blinking amber lights, visible from both directions and one top of cab mounted amber rotating light, visible from both directions. The City must furnish, mount, and maintain a "Caution Mower" sign or a "caution" sign on the rear of each mower. In addition, the City shall display his company name on each tractor.

*Signing* – The City will furnish and erect “Mowing Ahead” signs which are to be kept appropriately spaced. The Engineer will determine the specific requirements for signing. A detail for the “Grass Mowing Ahead” sign is attached.

*Hours of Work* – The City’s operations will be restricted to daylight hours and no work may be performed on Sundays and legal State holidays unless otherwise approved by the Engineer. Work shall only be performed when visibility conditions allow safe operations.

**ENGINEER:**

*Engineer* – The Engineer for this project shall be the Division Engineer, Division of Highways, North Carolina Department of Transportation, for the Division in which the project is located, acting directly or through his duly authorized representatives.

*Authority* – The Engineer will decide all questions which may arise as to the quality and acceptability of work performed and as to the rate of progress of the work; all questions which may arise as to the interpretation of the contract; and all questions as to the acceptable fulfillment of the contract on the part of the City. He shall have the authority to alter mowing priorities in order to address special needs of the Department. His decision shall be final and he shall have executive authority to enforce and make effective such decisions and orders if the City fails to carry out promptly.

*Public Liability and Property Damage* – The City shall take out and maintain during the life of this contract such public Liability and Property Damage Insurance as shall protect him and subcontractors performing work covered by this contract from claims for damage for property damages which may arise from operations under this contract. Whether such operations are done by himself or by a subcontractor, or by anyone directly or indirectly employed by either of them and the amounts of such insurance shall be as follows:

Public Liability Insurance in an amount not less than \$150,000 for injuries, including accidental death to any one person, and subject to the same limit for each person, in an amount not less than \$300,000 on account of one accident, and Property Damage Insurance in an amount not less than \$150,000.

Proof of insurance, as described above, shall be furnished to the Engineer prior to beginning work.

*Supervision* – At all times that work is actually being performed, the City shall have available on the project one competent individual who has been authorized to act in a supervisory capacity over all work. The individual who has been so authorized shall be experienced in the type of work being performed and is to be fully capable of managing, directing, and coordinating the work; of reading and thoroughly understanding the contract; and of receiving and carrying out directions from the Engineer or his authorized representative.

*Prosecution of Work* – The City will be notified by the Engineer as to when to begin operations for each cycle or portion thereof and for any additional mowing, the City shall begin work within five (5) working days after being notified. Any work performed prior to the time of notification by the engineer will not be included in any payment to the City. The City will be required to prosecute the work in a continuous and uninterrupted manner.

*Operation of Equipment* – The City shall operate the equipment in a safe manner so as not to create a hazard to the traveling public. Insofar as possible, the tractor wheels are to remain off the travelway during mowing operations. The equipment shall not be parked within the State Highway System right of way overnight or at other times when work has been suspended, unless approved by the Engineer.

*Responsibility for Damage Claims* – The City shall indemnify and save harmless the Department of Transportation and its officers, agents, and employees from all suits, actions or claims by any character brought for any injury or damages received or sustained by any person, persons, or property by reason of any act of the City, its agents or employees, in the performing of the contract.

*Protection and Restoration of Property* – The City shall be responsible for the protection from his activities of all public and private property on and adjacent to the work and shall use every reasonable precaution necessary to prevent damage or injury thereto. He shall use suitable precautions to prevent damage to pipes, conduits, and other underground structures, and to poles, wires, cables, and other overhead structures.

The City shall conduct his operations so as to prevent damage to roadway delineators and signs. Should any essential sign (YIELD, ONE WAY, etc.) suffer more than minor damage, the Engineer, or his representative, shall be notified no later than the end of that working day. Damage to STOP signs shall be reported immediately. Such signs will be repaired or replaced by the Department at the City's expense. Damage to other signs, delineators, etc. may be repaired or replaced by the City subject to approval by the Engineer or they may be repaired or replaced by the Department at the City's expense.

The City shall protect carefully from disturbance or damage all land monuments and property markers.

The City shall be responsible for the removal, preservation, and resetting of all mail boxes disturbed by the mowing operations. The mail boxes and their supports, when reset, shall be left in as good a condition as they were prior to the mowing operation.

The City will be held responsible for all damage or injury to property of any character resulting from any act, omission, negligence, or misconduct in the prosecution of the work. When any direct or indirect damage or injury is done to public or private property by or on account of any act, omission, negligence, or misconduct in the execution of the work, he shall either restore at his own expense such property to a condition similar or equal to that existing before such damage or injury was done, or shall make good such damage or injury in a manner acceptable to the owner of the damaged property and to the Department. In case of failure on the part of the City to restore such property or make good such damage or injury the Department may at the City's expense repair, rebuild, or otherwise restore such property in such manner as the Engineer may consider necessary.

#### DEFAULT TO CONTRACT:

*Declaration of Default* – The Department shall have the right to declare a default of contract for breach by the City of any material term or condition of the contract. Material breach by the City shall include, but specifically shall not be limited to, failure to begin work under the contract within the time specified; failure to provide workmen or equipment adequate to

perform the work; unsatisfactory performance of the work, or failure to maintain satisfactory work progress.

*Sanctions* – In the event of a breach of the contract by the City, the Department shall have the right, power and authority, in its sole discretion, without violating the contract or releasing the surety; to perform the work or any part thereof with Department personnel and equipment; to re-let the work upon such terms and conditions as the Department shall deem appropriate; to employ any other methods that it may determine are required for completion of the contract in an acceptable manner; and to withhold any sums due the City under the contract without penalty or interest until the work is completed.

*Notice* – Before invoking any of the sanctions provided for herein, the Department, acting through the Engineer, will give the City at least seven (7) days written notice with a copy to the surety, which will set forth the breach of contract involved and the sanctions to be imposed. The Department, in its discretion, may grant the City time in excess of seven (7) days within which to comply with the contract terms and the time allowed will be set forth in writing. If the Department determines during such period that the City is not proceeding satisfactorily to compliance, it may impose the sanction after twenty-four (24) hours notice to the City. If the Department determines that the City is not in compliance at the end of the time allowed, it may immediately impose any of the sanctions set forth herein and will advise the City, in Writing, with a copy to the surety of the sanctions imposed.

*Payment* – After declaration of default, the City will be entitled to receive payment for work satisfactorily completed, less any sums that may be due the Department from the City. The Department, at its election, may retain the sum due the City, or any portion thereof, without interest or penalty, until the contract work is completed; or it may make payment to the City upon declaration of default for work satisfactorily completed to the date that notice of default is received by the City. Determination of the method of payment shall be in the sole discretion of the Engineer, and he will advise the City, in writing, of his determination with reference to the specific type of work or service to be performed.

If all costs or expenses incurred by the Department arising out of the breach and imposition of sanctions, together with the total cost to the Department of securing the performance of the work set forth in the contract, exceed the sum that would have been payable under the

contract, the City and the Surety shall be liable to the Department for such excess and shall pay such amount to the Department.

*Authority of Engineer* – The Engineer will exercise the powers and discretion vested in him by the contract conditions in carrying out the term of this article. He will have full power and authority to carry out any orders, directives, or resolutions issued by the Department in connection with a declaration of default. In the event that the Department fails to specify the sanctions to be imposed, the notice to be given, or the method of completing the work, the Engineer may, in his discretion, impose such sanctions, give such notice, and select such methods of completing the work, as are authorized by this article, and such actions shall have the same effect and validity as if taken pursuant to an express order, directive, or resolution of the Department.

*Obligations of City and Surety* – No term or terms of this article and no action taken pursuant hereto by the Department of Transportation, its agent, or employees, will be construed to release or discharge the City or the Surety upon the obligation set forth in the contract bonds, and the City and the Surety shall remain bound thereon unto the Department until the work set forth in the contract has been completed and accepted by the Department and all obligations of the City and the Surety arising under the contract and contract bond have been discharged.

### ***INSPECTION, ACCEPTANCE, MEASUREMENT, AND PAYMENT***

*Inspection* – All work shall be subject to inspection by the Engineer at any time. Routinely, the Engineer will make periodic inspections of the completed work. It will be the responsibility of the City to keep the Engineer informed of his proposed work plan and to submit written reports of work accomplished on a frequency to be determined by the Engineer.

*Basis of Acceptance* – It is intended that the work will be completed in a neat, workmanlike manner. Gapped or rolled down, uncut areas will not be considered acceptable. Vegetation around structures, delineators, mail boxes, guardrail and sign posts shall be mowed to provide a neat appearance; however, the City will not be required to perform hand trimming.

**EXHIBIT "B"**

**PROPOSED ROUTES TO BE MOWED BY TOWN OF  
WEDDINGTON**

ROUTE	DESCRIPTION	LENGTH (MILES)	SHOULDE R MILES	2011 RATE	AMOUNT
NC 16	From SR 1316 (Rea Road) to Mecklenburg County Line	1.80	7.20	\$50.00	\$360.00
SR 1316	From Weddington City Limits to NC 16	0.60	2.30	\$50.00	\$115.00
NC 84	From NC 16 to a point 0.10 miles east of SR 1344	0.25	0.50	\$30.00	\$15.00
	TOTAL COST PER MOWING CYCLE				\$490.00

February 10, 2012

The Weddington Town Council is currently reviewing fire service in the Town of Weddington. You are receiving this letter because your home is currently served by the Wesley Chapel Volunteer Fire Department, but is located closer to the Providence Volunteer Fire Department.

The Town Council is considering action that may result in the re-assignment of your home to the Providence Volunteer Fire Department. The intent of this action is to improve response time to your home and to assign your tax dollars to the fire department that is closer to your home.

The Town Council is considering three options to carry out this proposed re-assignment.

- 1) Asking the county to update the county fire district map based on minimizing response times.
- 2) Creating a municipal fire district where the Town of Weddington determines the assignment of homes to fire departments based on minimizing response times.
- 3) Supporting a merger between the Providence Volunteer Fire Department and the Wesley Chapel Volunteer Fire Department.

The council's decision may determine the future service level and cost of fire service in Weddington. For further clarification, please review the area map that is included with this letter.

The council would like to answer any questions you may have about this proposal and would also like to get your feedback. Feel free to contact any member of the Town Council with any questions or concerns.

Dan Barry (704-287-8256) – [danielbarry@townofweddington.com](mailto:danielbarry@townofweddington.com)

Walker Davidson (704-451-6729) – [walkerdavidson@townofweddington.com](mailto:walkerdavidson@townofweddington.com)

Pamela Hadley (704-906-8107) – [phadley@townofweddington.com](mailto:phadley@townofweddington.com)

Barbara Harrison (704-241-5040) – [bharrison@townofweddington.com](mailto:bharrison@townofweddington.com)

Werner Thomisser (704-654-6100) – [wernerthomisser@townofweddington.com](mailto:wernerthomisser@townofweddington.com)

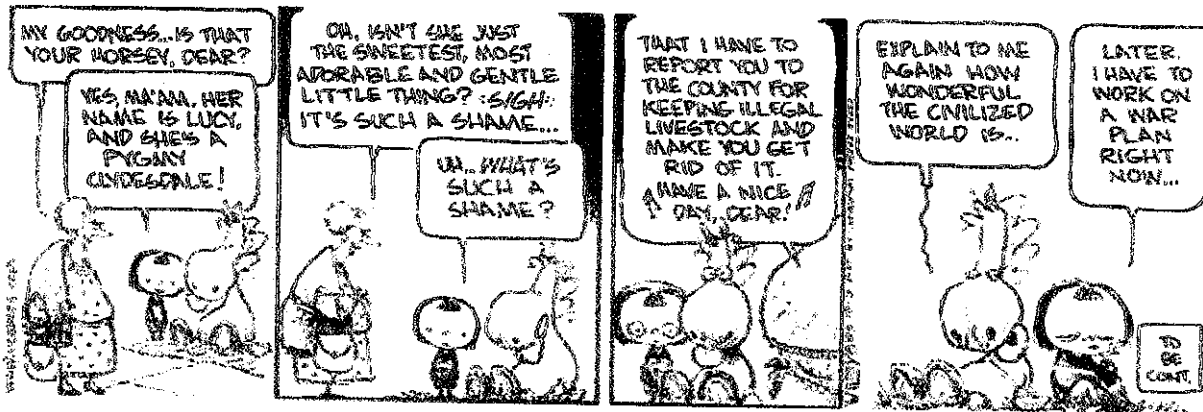
Thank you,

Walker Davidson  
Mayor of Weddington



## **Table of Contents**

- I. Rhode Island Court Ruling regarding miniature horses
- II. Other municipalities which have amended zoning ordinances to address “miniature horses”
  - A. Lancaster, South Carolina
  - B. Elizabeth, Colorado
  - C. Others not included but available upon request: Mint Hill, NC; Fort Worth, TX; and Carrboro, NC
- III. Description of a “miniature horse” as a pet, not a pony or a horse or livestock
- IV. What is correct acreage for miniatures?
- V. Proposed Text Amendment to Address and Accommodate Miniature Horses in Weddington
- VI. Weddington Current Zoning Ordinance, Section 58-4
- VII. Veterinarian’s Statements



# ORDINANCE AMENDMENT APPLICATION

(Rev 11/08)

Amendment Application Date: August 31<sup>st</sup> 2010

Type Of Amendment:  Zoning Ordinance  Subdivision Ordinance

Description Of Proposed Amendment: Miniature Horses

What is your definition of a Horse?  
No clarification regarding large and small "livestock"  
My 3 Miniatures together don't equal one Normal  
Horse  
A healthy miniature horse is about 1/4 to 1/3 the  
size of a regular horse. ("Wikipedia.org/wiki/Horse")

If Ordinance Amendment Please Indicate Ordinance, Article, Section & Item No.:

Section 58-52, 58-54, 58-53. As per your letter  
July 15<sup>th</sup> and August 13<sup>th</sup> 2010.

Initiated By: Judy R. Jones

Address (Include Zip Code): 109 Oxford Terrace Matthews NC 28104

Phone No.: 704-821-8752 Fax No.: \_\_\_\_\_ E-mail: JR Jones@Carolina, RR

Parcel Location (if applicable): \_\_\_\_\_

Assessor's Parcel No. (s): \_\_\_\_\_ Current Zoning District (s): R60

**Return to Table of Contents- Tools To Market Your Miniature Horse**  
**This AMHA Profitability Chart is also Available in pdf files (Prof1.pdf an Prof2.pdf)  
special member benefit!**

## The Profitability of Miniature Horses

The profitability, both material and financial, of any horse operation should be examined in detail from all aspects prior to start up. (Please see note below)

<b>Factors of Consideration</b>	<b>Miniature Horse</b>	<b>Full-Sized Horse</b>
Purchase Cost	\$1,000 to \$200,000 Determined by size, conformation, bloodline and show record, The smaller and more correctly conformed, the greater the value.	\$500 to Millions Determined by breed, conformation, genealogy, show record, etc.
Feed Cost	Approximately \$25 per month/horse (includes feed and hay)	\$50 to \$150 per month/horse (depending upon use and purpose)
Professional Stable Cost	\$50 to \$150 per month/horse Miniature horses can be kept in backyards with	\$200 to \$550 per month/horse Depends upon facilities, pasture and riding opportunities.

# Miniature Horses

Projected Mature Height	28"	29"	30"	31"	32"	33"	34"	36"
Birth	18.20"	18.85"	19.50"	20.15"	20.80"	21.45"	21.95"	23.40"
One Month	19.60"	20.30"	21.00"	21.70"	22.40"	23.10"	23.80"	25.20"
Two Months	21.56"	22.33"	23.10"	23.87"	24.64"	25.41"	26.18"	27.72"
Three Months	22.40"	23.20"	24.00"	24.80"	25.60"	26.40"	27.20"	28.80"
Four Months	22.96"	23.78"	24.60"	25.42"	26.24"	27.06"	27.88"	29.52"
Five Months	23.52"	24.36"	25.20"	26.04"	26.88"	27.72"	28.56"	30.24"
Six Months	23.80"	24.65"	25.50"	26.35"	27.20"	28.05"	28.90"	30.60"
Seven Months	24.08"	24.94"	25.80"	26.66"	27.52"	28.38"	29.24"	30.96"
Eight Months	24.36"	25.23"	26.10"	26.97"	27.84"	28.71"	29.58"	31.32"
Nine Months	24.64"	25.52"	26.40"	27.28"	28.16"	29.04"	29.92"	31.68"
1 Year	25.20"	26.10"	27.00"	27.90"	28.80"	29.70"	30.60"	32.40"
Fifteen Months	25.76"	26.68"	27.60"	28.52"	29.44"	30.36"	31.29"	33.12"
Eighteen Months	26.32"	27.26"	28.20"	29.14"	30.08"	31.02"	31.96"	33.84"
Twenty-one Months	26.74"	27.70"	28.65"	29.61"	30.56"	31.52"	32.47"	34.38"
2 Years	27.16"	28.13"	29.10"	30.07"	31.04"	32.07"	32.98"	34.82"
Thiry Months	27.58"	28.57"	29.55"	30.54"	31.52"	32.51"	33.49"	35.46"
Thirty-Six Months	28.00"	29.00"	30.00"	31.00"	32.00"	33.00"	34.00"	36.00"

**Chart is 90% accurate within 1/2" + or -**

**Reproduced and printed from the  
November 95 Miniature Horse  
Association of Arizona Newsletter.  
Submitted by Norm Mahler**

**OTHER WAYS TO MEASURE**

	a mini barn or shelter, depending upon local zoning laws.	
Training Costs Halter-in-Hand	\$300 and up per month/horse Family involvement is encouraged-even small children can help train a miniature horse	\$??? to \$??? per month/horse Depends upon the reputation of the trainer, stable and breed.
Pasture Size (with supplemental hay and feed)	3 Miniature Horses per acre one can easily be kept in the average residential backyard, depending upon local zoning laws.	Minimum 3-5 acres per horse
Tack-Hatters Work Show	\$4 to \$8 each \$25 to \$150 or more	\$12 to \$18 each \$75 to 500 each
Harness Work Pleasure Driving	\$200 to \$400 \$750 to \$1,400	\$350 to \$4,000 \$1,500 and up
Blankets Sheets Saddles Carts	\$25 to \$65 \$20 to \$45 Not normally used on miniature horses	\$85 to \$200 \$40 to \$65 \$250 and up \$1,000 to \$5,000

## **Court rules in favor of Miniature horse for neighborhood subdivision**

In a protracted Rhode Island court battle, a homeowner successfully challenged a anti-livestock law, winning the right to keep Sonny, their miniature horse in a neighborhood subdivision.

In one of the most eloquent statements in jurisprudence, the judge finds that Sonny the miniature horse is more like a dog than the conventional horse:

*Sonny's shoulders will never be higher than 3 feet from the ground and his weight will never exceed 150 pounds. The animal, by all descriptions, as well as by the Court's view on July 6, is gentle, amiable and not high strung or vicious in the least. His stature and weight will never reach that of a Great Dane, a Bull Mastiff, or a Saint Bernard; and it is unlikely that any training could make him into a guard or attack animal along the lines of a Doberman Pincher, a German Shepherd or a Pit Bull.*

*Indeed, the popular name for this animal—"miniature horse"—is an apt one. When Shakespeare's Richard III cried out to his deity and the fates to supply him with a horse in return for his kingdom, if Sonny (or one of his ancestors) had appeared from the underbrush into the clearing, the distraught king surely would have uttered an Anglo-Saxon expletive that would make an Elizabethan audience blush and then fallen on his sword. [FNI] Alas, Sonny the miniature horse cannot be ridden*

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9/15/2010

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*nor used to pull a plow through a field.*

*FNI. "A horse! A horse! My kingdom  
for a horse!" from William  
Shakespeare, King Richard III, Act V,  
Scene 4.*

Further, the judge deemed that a miniature horse is not considered livestock within the legal definition:

*"As I indicated above, the intent of the drafters of the restrictive covenants was not to bar a pet such as Sonny, but rather to prohibit cattle and horse farms, chicken coops and the like."*

However, it should be noted that Sonny performed a service for a disabled person. The judgment notes:

*"Balancing the equities, the Mignaccas have found a gentle pet and wholesome activity for Christian, whose weak legs, problematic growth plates and braces prevent him from participating in other competitive activities, such as baseball and football, with his friends and other children of his age, and this clearly outweighs the undifferentiated fears of the Homeowners Association and the individual plaintiffs."*

The full text of the decision can be found here:

<http://www.courts.state.ri.us/superior/pdf/01-2615.PDF>

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STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LANCASTER )

ORDINANCE #825

**AN ORDINANCE TO AMEND THE TEXT OF THE UDO  
CHAPTER 2, ZONING DISTRICTS, SECTION 2.15 OVERLAY DISTRICTS (3)(c)  
TO ADDRESS MINIATURE HORSES**

WHEREAS, an overlay district designation is attached to an existing district designation and identifies an area subject to the supplemental regulations; and

WHEREAS, this text amendment is to add language to address miniature horses and to modify language in Section 2.15 Overlay Districts (3)(c); and

WHEREAS, this text amendment would modify text that would only affect the ESO, Equestrian Oriented Subdivision Overlay District for Black Horse Run Subdivision.

NOW, THEREFORE, BE IT ORDAINED by the Lancaster County Council that Chapter 2, Zoning Districts, Section 2.15, Overlay Districts (3)(c) shall be amended to read as follows:

(c) If a horse or miniature horse is to be kept on a lot which is located within this designation, the minimum lot size shall be (1/2) acre. The number of horse(s) allowed is one horse or two miniature horses per (1/2) acre. The owner of a lot which contains less than (1/2) acre shall not be allowed to keep a horse on that lot. Otherwise, the minimum lot size shall be the same as is required by the underlying zoning district. The minimum lot width and setback requirements shall be the same as is required by the underlying zoning district.

BE IT FURTHER ORDAINED that the definition of Miniature Horse shall be added to Chapter 19, Definitions, as follows:

Miniature Horse – a smaller version of an average full size horse not to exceed 34 inches in height and weighs between 150-250 lbs. as an adult

AND IT IS SO ORDAINED this 4<sup>th</sup> day of June, 2007.

LANCASTER COUNTY COUNCIL

Rudy L. Carter, Chairman

Wesley Grier, Secretary

Approved as to form and content:

\_\_\_\_\_  
W. Randall Sims, County Attorney

ATTEST:

\_\_\_\_\_  
Irene Plyler, Clerk to Council

1<sup>st</sup> reading: 05/07/2007  
2<sup>nd</sup> reading: 05/21/2007  
3<sup>rd</sup> reading: 06/04/2007



Town of Elizabeth

321 S. Banner St.  
P.O. Box 159  
Elizabeth, Colorado 80107



Phone: (303) 646-4166  
Fax: (303) 646-9434  
<http://www.townofelizabeth.org>

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**TO:** PLANNING & ZONING COMMISSION

**PLANNER:** Stacey Yarrington

**DATE:** March 16, 2010

**SUBJECT:** Consideration and Discussion on a proposed Ordinance amending section 16-1-20, 16-1-50, 16-1-60, and 16-1-160 of the Town of Elizabeth Municipal Code and adding a new section 16-1-155 to address horses, livestock and domesticated animals.

**APPLICANT:** Town of Elizabeth  
321 S Banner Street  
Elizabeth, CO 80107

**APPLICATION SUMMARY:**

After hearing public opinions expressed at the last meeting and following a discussion of the proposed ordinance as was drafted, here is the revised amended proposal for further discussion. Changes and additions are in red (except numbering).

- This amendment will include adding a definition for “miniature horse” and other miniature livestock such as “miniature goats”.
- Amending and expanding the definition of “Livestock”.
- Adjusting the numbers in regards to animal units.
- Create an overlay zone and allow for animals in other residential zones to be of 1-acre in size or greater.
- Create a “kennel” use in the R-1 and R-2 zoning districts.

Other consideration for discussion is how to treat animal properties as they are annexed into the Town’s limits.

**ORDINANCE \_\_\_\_\_**

They are generally quite hardy, often living longer on average than some full-sized horse breeds; the average life span of miniature horses is from 25 to 35 years.<sup>[5]</sup>

## Contents

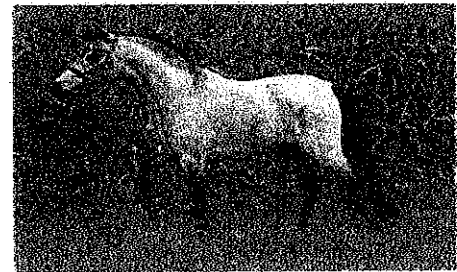
- 1 Organizations and registration requirements
- 2 Showing miniature horses
- 3 History
- 4 Controversies
  - 4.1 Horse or pony?
  - 4.2 Dwarfism
  - 4.3 Assistance animals
- 5 See also
- 6 References
- 7 External links

## Organizations and registration requirements

There are two registries in the United States for Miniature Horses, the American Miniature Horse Association (AMHA) and the American Miniature Horse Registry (AMHR).

The AMHA was founded in 1978 and was dedicated to establishing the Miniature horse as a distinct breed of horse.<sup>[1][6]</sup> The AMHR is a division of the American Shetland pony Club

and was established as a separate registry in 1972.<sup>[7]</sup> In the AMHA, Miniatures cannot exceed 34 inches at the withers (which the AMHA defines as located at the last hair of the mane). There are two divisions in AMHR - the "A" division for horses 34 inches (86 cm) and under, and the "B" division for horses 34 to 38 inches (86 to 97 cm).<sup>[2]</sup>



Miniature horse stallion

Worldwide, there are dozens of miniature horse registries. Some organizations  
[http://en.wikipedia.org/wiki/Miniature\\_horse](http://en.wikipedia.org/wiki/Miniature_horse)

9/13/2010

[Home](#)

[What is a Miniature Horse](#)

[What are they good for?](#)

[What care is required?](#)

[Links to Mini Farms](#)



Last Updated: 07/16/07

## What are Miniature Horses Good For?

Because of their gentle, affectionate nature and small size, miniature horses are **★** excellent pets. It is not uncommon to have a little nose nuzzling you as you work in the barn or yard. The foals are particularly lovable as they normally range between 16 and 21 inches in height at birth. Many an owner has yielded to the temptation to pick up a foal like a baby and "rock away."

Many people buy miniature horses who have big horses and want their children to love, to know how to care for and to learn to handle horses years before they are ready for even the most gentle big horses.

Many horse lovers, young and old, who may not have the space or time to take care of a large horse can enjoy this outstanding breed; and, because of its size,

## Pets & Animals: Horses

### Miniature horses: Pets or livestock?

by **Laureen Manera**

Should miniature horses be considered pets (or if you prefer, "companion animals") or strictly labeled as livestock?

This can be a confusing question. Of course, horses and ponies are already categorized as livestock by most of those in authority, but what if that animal is the size of a large dog? Miniature horses are already being used by some as service animals for guiding the blind. They can live for more than forty years and can learn to do most anything a guide dog can do.

Most horses, miniature or not, are basically kept as pets these days. Face it, how many people do you know who raise horses for meat or milk? For hair or leather? No...they keep them for pleasure; whether they ride them or not. The only exceptions are horses used in the racing industry or police work, or those that create income for their owners (think carriage or pony rides and dude ranches).

Miniature horses are almost exclusively pets. They are too small to be ridden except by the youngest children, and have few other uses. They can, however, pull carts- even with adults.

Should they be allowed in places other horses are not? Should someone living in an urban environment be able to keep them as long as they are taking proper care of them and have enough room?

Cute and tiny as they are, a miniature horse is still a horse, and must be kept outdoors. Those who own them often do take them inside the house, but not to live. They cannot be housebroken, unfortunately. But in our modern world, it is getting harder and harder for people to keep full-sized horses because of urban sprawl. What once was farmland and a rolling rural landscape five years ago may now be a strip-mall or movie theater. That pasture-land today might just be a Wal-Mart next month. Many horse owners are forced to board their animals because they can't keep them at home.

Allowing mini horses to live in urban or suburban areas would allow some horse lovers a chance to enjoy horses, who otherwise wouldn't be able to. The same could be said for the elderly, or anyone who wants a horse but can't ride or keep a full-sized one.

However, I don't think just any Joe Schmo should have one. There should be a permit in place that, after you've proven that you have enough room, a proper shelter, and can care for one, would allow you to keep one or two in places where other pets such as dogs are normally allowed. You probably should make sure it wouldn't upset the neighbors, as well.

But as our society steadily gets more and more urbanized, and "regular" horses get more and more out of reach for many people, we need to look at alternatives before equines in general are just another animal you see in the zoo.

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# Miniature horse

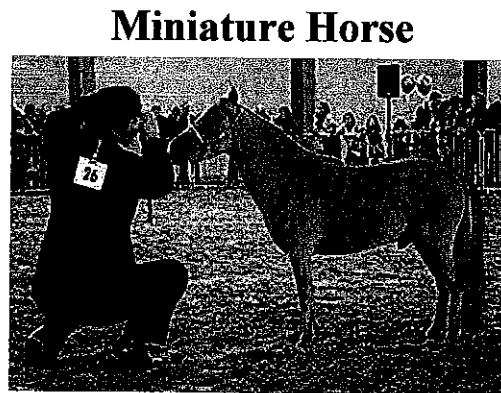
From Wikipedia, the free encyclopedia

**Miniature horses** are found in many nations, particularly in Europe and the Americas. The designation of miniature horse is determined by the height of the animal, which, depending on the particular breed registry involved, is usually less than 34–38 inches (86–97 cm) as measured at the last hairs of the mane, which are

found at the withers.<sup>[1][2]</sup> While miniature horses are the size of a very small pony, many retain horse characteristics and are considered "horses" by their respective registries. They have various colors and coat patterns.

Miniature horses are friendly and interact well with people. For this reason they are often kept as family pets, though they still retain natural horse behavior, including a natural fight or flight instinct, and must be treated like an equine, even if they primarily serve as a companion animal. They are also trained as service animals, akin to assistance dogs for people with disabilities.

<sup>[3]</sup> While miniature horses can be trained to work indoors, they are still real horses and are healthier when allowed to live outdoors (with proper shelter and room to run) when not working with humans.<sup>[4]</sup>



Miniature horse at show in Europe

<b>Distinguishing features:</b>	Small size, with horse phenotype 34–38 inches (86–97 cm) as measured at the last hairs of the mane
<b>Alternative names:</b>	Mini horse
<b>Common nicknames:</b>	Mini

**Horse (*Equus ferus caballus*)**

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## Miniature Horses - how much pasture is required

Expert: Melissa Lerten - 12/25/2006

### Question

My horses are 31" and under, and my breeder thought that the largest one is probably 200#> I am trying to convince the city that the grass is not the best and to allow me to keep them in the present space, going down to 2 horses if needed. Any sources you can give me to support that would be appreciated.

The text above is a follow-up to ...

### ---Question---

I have 3 minis, one just a weanling. We brought them home and have them in a paddock area that is part of our backyard, where they seem to be thriving. They have a shelter, heated water tank, hayrack and though there is less then 1/2 acre fenced right now, they are able to run and play. We feed twice a day with alfalfa hay and grain. There is grass, but I am not sure if it will grow well next spring in this space. In applying for a variance to keep them here, I am asked to provide more information on minimum pasture requirements. I have heard everything from..fine in your residential backyard to 3 per acre. I am using them as emotional support animals, as I have MS with associated depression, and therefore may be allowed to keep them here, or at least 2 of them, if I can meet the requirements. It would also be helpful to have a formula to gauge their weight, 1 unit is about 1000 lbs, and and a mini is only a fraction of that. Thank-you, Barb

### ---Answer---


The best way to gauge weight is to get a weight tape. They are usually pretty accurate within a few pounds. The amount of land requirements vary from state to state and is based on a large sized horse. An acre per large horse is what our requirement in oregon is. I figure the average mini between 32-34 inches is between 250-300 pounds if they are not little butter balls. So I would divide that up into the average horse weight of 1000 pounds which would be a quarter acre per which sounds like you have enough for 2. The truth is as long as they can play and run I personally would rather not have grass. Those who have nice pastures always worry about weight and foundering. I just feed a good quality hay three times a day and then I can monitor what they get controlling their weight. The minis are great companions and are wonderful friends for people with depression and handicaps. They sure cheer me up when I need them too. Good luck and hope that helps. Happy Holidays! Melissa

Answer

### Advertisement

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1 of 5



### About Melissa Lerten

#### Expertise

I can answer questions on care, training, breeding the miniature horse.

#### Experience

I have been showing, breeding, training the miniature horse for 15 years. I breed the pinto color and show in the pinto breed shows. I have had arabians and shown them in breed shows and dressage shows as well as trail riding ect. I am a vet tech/receptionist as well.

#### Organizations

AMHA, AMHR, National pinto horse association, Oregon pinto club

#### Awards and Honors

I have national and international awards with some of my horses

For those of you who are totally new to miniature horses, we thought you may appreciate a fact sheet related to this breed in general and answers to some of the frequently asked questions related to these horses.

This breed of horse has had a rather obscure beginning although there are accounts of them for the last 300 years or so in Europe. Of course, all horses whether they are Clydsedales, Arabians, Paints, Shetlands, or Miniatures are the same species of animal. Technically speaking they could interbreed. As such, each of the different breeds of horses are a result of selective breeding for specific traits over many generations. Miniatures are selectively bred for their small size while other breeds such as Paint and and Apploosa are selectively bred for distinctive color patterns.

- Miniature horses consume the same feeds as full sized horses. These are primarily pasture grass, hay, and grain.
- A single miniature horse can be reasonably maintained on as little as 1/4 acre of land provided that its feed is supplemented with hay on a daily basis and the horse is also provided with a structure for shade or to get in out of the rain or other inclement weather conditions
- Miniature horses, depending on their age, size and whether they are also on pasture, will consume in the range of 2 to 5 pounds of good quality hay per day.
- Generally hooves of miniatures are trimmed at two month intervals. This may be necessary more often with younger horses (yearlings and younger) while they are growing to assure proper bone development, leg conformation and gait.
- Horses are usually wormed on a two month routine with one of the modern wormers or fed the daily supplement that has a wormer included.
- Veterinarians should be consulted for advice on annual vaccination programs for horses to prevent common diseases. Annual dental care is very important in miniatures.
- In the winter the miniature horse gets a very long coat and it can be very deceiving about how their weight is holding. It is important to actually check the horses condition by rubbing the fingers across the ribs of the horse just below the backbone. If a "washboard" feel is evident, the horse is probably underweight and the feed ration should be increased.

From [www.scottcreek.com/minifacts](http://www.scottcreek.com/minifacts)

## Proposed Text Amendment for the Town of Weddington

WHEREAS, this text amendment is to add language to address miniature horses and to modify language in Section 58-4; and

NOW, THEREFORE, BE IT ORDAINED by the Town of Weddington Council

a) that that the definition of "Miniature Horse" shall be added to that section entitled "Definitions" of Chapter 58 as follows:

"Miniature Horse" means a smaller version of an average horse not to exceed 38 inches in height and a weight of 350 pounds as an adult; and

b) that the definition of "Agricultural uses" be amended to insert the words "or miniature horses" immediately after the word "academy."

Section 58-52/53/54/58 shall be amended to add "miniature horse yard requirements for proper care is 20,000 square feet."

- 
- ① Define miniature horse?
  - ② Minimum pasture size for horses?
  - ③ W/in that min. pasture size, do miniature horses have different pasture sizes?
  - ④ Address any possible combinations?
- 

- min. 40,000 sq fenced pasture.
- Increase incrementally by 20,000 sq
- Define "miniature horse" as not to exceed 38" height + 350lbs weight.
- Still regulated under "Agricultural Uses".



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

Definition in zone ordinance see 58-4

5. Horse farms or academies: Five acres.

6. Agricultural uses: A minimum of 80,000 (R-80), 60,000 (R-60) or 40,000 (R-40) square feet, provided; however, that a minimum of five acres shall be required for any agricultural use containing one or more livestock animals having a mature adult weight of 250 pounds or greater. Notwithstanding this requirement, lots whose agricultural use consists exclusively of one horse shall be required to have a minimum of 40,000 square feet of contiguous fenced land area designed to accommodate the horse. Such lots containing two horses shall be required to have a minimum of 80,000 square feet of contiguous fenced land area designed to accommodate the two horses.

permitted uses in Residential districts

ABIGAIL W. HOLLOWELL, DVM

September 1, 2010

To Whom It May Concern:

I am the veterinarian for Judy Jones at 109 Oxford Terrace Matthews, NC 28104. I have been treating her horses in question since 8-8-06. Shiloh is a 12 year old sorrel and white Miniature Horse gelding. Smokey is a 10 year old roan Miniature Horse gelding. Turbo is a 13 year old buckskin Miniature Horse gelding. Judy has the horses vaccinated on a regular basis and cares for them with love and knowledge. During my visits, we discuss the care and nutrition of the geldings. In my opinion, Judy provides the geldings with a loving home with much consideration towards their needs. She is an excellent client and horse owner.

Although the geldings do not have registration papers to prove their breeding, it is my professional opinion that the geldings are Miniature Horses. This breed is very popular in the region and found commonly. According to the American Miniature Horse Association, their registry recognizes the breed standard height to be 34 inches and under (class A) and 36 inches and under (class B). Other registries for the breed have variations from 28-38 inches tall. I have personally worked with Miniature Horse breeders. There are purebred Miniature Horses who are over the breed standard in height which are not used for breeding or showing but are of the breed.

Miniature Horses were derived from the Arabian Horse so that they maintain many of the Arabian characteristics. A broad forehead, large prominent eyes, a straight or concave facial profile, a well-proportioned neck, body, and legs are typical. I see these characteristics in Shiloh, Smokey, and Turbo. The most similar other breed would be a Shetland pony. The Shetland tends to be much more muscular, with a shorter neck and proportionately shorter stockier legs, a straight facial profile, and a more barrel shaped body with the height varying from 7-11.2 hands (28-46 inches).

I believe Judy's geldings to be Miniature Horses. In my opinion, Judy cares for them appropriately and that her farm is more than adequate. The nutritional requirements are being met by Judy for the geldings. I would not want them on lush grass because of their predisposition for obesity and founder. Her paddocks are set up correctly for their purposes. I approve of her facility and believe she is keeping the horses in good health and good care.

Sincerely,



Abigail W. Hollowell, DVM

ABIGAIL W. HOLLOWELL, D.V.M.  
704-572-2251 Voice Mail

THE COUNTRY VET SHOP  
101 S. CHURCH ST., STE. A  
WAXHAW, NC 28173  
704-243-2410

OWNER NAME: <u>Judy Jones</u>	PATIENT NAME: <u>Smoky, Shiloh, Turbo</u>
ADDRESS: _____	_____
_____	_____
TEL NO: _____	DATE: <u>8-31-09</u> DR: _____

SERVICES	TOTAL	SURGERY	TOTAL	LAB WORK	TOTAL
<input checked="" type="checkbox"/> 1-5 FARM CALL	<u>45</u>	<input type="checkbox"/> 156 STERILE PREP	_____	<input type="checkbox"/> 109 COG NC	_____
<input type="checkbox"/> 09 SPLIT FEE	_____	<input type="checkbox"/> 121 MINOR PER MIN.	_____	<input type="checkbox"/> 111 CBC + E-SC	_____
<input type="checkbox"/> 06 E-DAY	_____	<input type="checkbox"/> 122 CASTRATION	_____	<input type="checkbox"/> 1407 FOAL IGG	_____
<input type="checkbox"/> 07 E-OFF HRS.	_____	<input type="checkbox"/> 154 CASLICK	_____	<input type="checkbox"/> 117 PROGEST	_____
<input type="checkbox"/> 08 E-MIDNIGHT	_____	<input type="checkbox"/> 155 CASLICK (OPEN)	_____	<input type="checkbox"/> 113 THYROID	_____
<input type="checkbox"/> _____	_____	<input type="checkbox"/> _____	_____	<input type="checkbox"/> 167 EPM	_____
<input type="checkbox"/> _____	_____	<input type="checkbox"/> _____	_____	<input type="checkbox"/> 114 CULTURE	_____
<b>PREVENTATIVE MED / VACCINES</b>		<input type="checkbox"/> _____	_____	<input type="checkbox"/> 115 BIOPSY	_____
<input type="checkbox"/> 50 EWTFR	_____	<input type="checkbox"/> _____	_____	<input type="checkbox"/> 126 BLOOD TY	_____
<input type="checkbox"/> 61 EWT	_____	<b>ANESTHESIA</b>		<input type="checkbox"/> 150 OVERNITE	_____
<input type="checkbox"/> 63 RHINOFLU	_____	<input type="checkbox"/> 164 SEDATION	_____	<input type="checkbox"/> 112 CBC	_____
<input type="checkbox"/> 65 STRANGLES	_____	<input type="checkbox"/> 165 LOCAL	_____	<input type="checkbox"/> 159 ALLERGY	_____
<input type="checkbox"/> 74 POTOMAC	_____	<input type="checkbox"/> 93 NERVE BLOCK (EA)	_____	<input type="checkbox"/> 110 EQUINE SCREEN	_____
<input type="checkbox"/> 76 PNEUBORT	_____	<input type="checkbox"/> _____	_____	<input type="checkbox"/> 168A CORTISOL	_____
<input type="checkbox"/> 78 COVEXIN 8	_____	<input type="checkbox"/> _____	_____	<input type="checkbox"/> _____	_____
<input checked="" type="checkbox"/> RABIES	<u>3</u>	<input type="checkbox"/> _____	_____	<b>MEDICATIONS</b>	
<input type="checkbox"/> 1010 DEWORM	_____	<input type="checkbox"/> _____	_____	<input checked="" type="checkbox"/> Ivermectin 100ml	<u>64</u>
<input type="checkbox"/> 47 WEST NILE	_____	<input type="checkbox"/> _____	_____	<input type="checkbox"/> _____	_____
<input checked="" type="checkbox"/> EWT West Nile	<u>3</u>	<input type="checkbox"/> _____	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____	<input type="checkbox"/> _____	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____	<b>PROCEDURES / DIAGNOSTICS</b>		<input type="checkbox"/> _____	_____
<b>EXAMINATIONS</b>		<input type="checkbox"/> 89 NG INTUBATION	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> 22 PHYSICAL (G)	_____	<input type="checkbox"/> 87 OPTHALMIC STAIN	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> 23 PHYSICAL (H)	_____	<input type="checkbox"/> 91 FLUSH NASAL DUCT	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> 24 EXTENDED	_____	<input type="checkbox"/> 123 IV CATHETER	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> 25 PRE-PURCHASE	_____	<input type="checkbox"/> 166 FLUID THERAPY	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> 26 INSURANCE	_____	<input type="checkbox"/> 120 WOUND PREP	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> 79 HEALTH (1)	_____	<input type="checkbox"/> 107 CLEAN SHEATH	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> HEALTH - ADD	_____	<input type="checkbox"/> 127 EUTHANASIA (120ML)	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> 29 RECTAL	_____	<input type="checkbox"/> 128 EUTHANASIA + ML	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> 32 MARE / FOAL	_____	<input type="checkbox"/> 104 ENEMA	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> 30 VAGINAL	_____	<input type="checkbox"/> 88 COLIC TX	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> 103 ULTRASOUND	_____	<input type="checkbox"/> 102 REPRODUCTIVE	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> 28 OPTHALMIC	_____	<input type="checkbox"/> 105 FLUSH UTERUS	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> 31 LAMENESS	_____	<input type="checkbox"/> 94 ARTHROCENTESIS	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____	<input type="checkbox"/> 101 X-RAY (PER VIEW)	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____	<input type="checkbox"/> 83 TEETH FLOAT	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____	<input type="checkbox"/> 86 WOLF TEETH EXT.	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____	<input type="checkbox"/> 160 ALLERGY TX (20)	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____	<input type="checkbox"/> 106 ART. INSEM.	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____	<input type="checkbox"/> _____	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____	<input type="checkbox"/> _____	_____	<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____	<input type="checkbox"/> _____	_____	<input type="checkbox"/> _____	_____

TAX (7%) \_\_\_\_\_

**TOTAL CHARGES** 292

**AMOUNT PAID** \_\_\_\_\_

**BALANCE DUE** \_\_\_\_\_

CK \_\_\_\_\_ CASH \_\_\_\_\_ CHG \_\_\_\_\_

**COMMENTS / INSTRUCTIONS:**

Shiloh - 333 lbs

Turbo - 180 lbs

Smoky - 321 lbs

Sadie - 1050 lbs



My friend Dog



Sadie 15 1/2 Hands  
Smoky & Zuko



Shiloh 33 1/2"



Shiloh & Smoky



Shiloh & Smoky



Zuko 30 1/4"



Smoky 33 3/4"

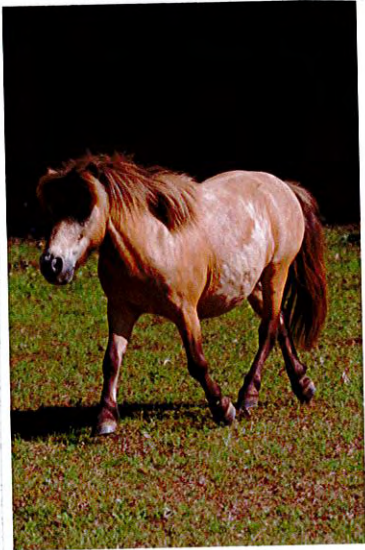




Jurbo



Smoky



Jurbo



Shiloh



## Miniature Horses

[American Miniature Horse Association \(www.amha.org\)](http://www.amha.org),

4. **Maintenance.** Maintaining a Miniature Horse is about 1/10th the cost of maintaining a large-size horse. One acre can support as many as three Miniature Horses.

Factors Considered	American Miniature Horse	Average Full-Sized Horse
<b>Purchase Price</b>	\$1,000 to \$200,000. Depending on gender, size, conformation, blood-line, show record. The smaller & more correctly conformed, the greater the value.	\$1,000 to \$3,000,000. Depending on gender, size, conformation, blood-line, and show record.
<b>Feed Costs</b>	Approximately \$25 per month/horse. Includes hay and grain.	Approximately \$150 per month/horse. Includes hay and grain.
<b>Professional Stable Cost</b>	\$50 to \$150 per month/horse Miniatures can be kept in backyards with a Mini barn or shelter depending upon local zoning laws.	\$200 to \$600 per month/horse. Varies according to facilities, pasture availability, riding opportunities.
<b>Trainer Costs (Halter In Hand)</b>	\$300 & Up per month/horse. Family involvement encouraged. <i>Even children can help train a Miniature Horse.</i>	\$550 & up per month/horse. Depends upon the reputation and demand of the trainer, stable & breed.
<b>Pasture Size</b>	<b>3 Miniature Horses per acre. With supplemental hay &amp; feed</b>	<b>Minimum 1 acre per horse. With supplemental hay &amp; feed</b>

**TOWN OF WEDDINGTON  
REGULAR TOWN COUNCIL MEETING  
MONDAY, MAY 9, 2011 - 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 9, 2011, at 7:00 p.m. with Mayor Nancy D. Anderson presiding.

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

Absent: None

Visitors: Josh Whitener, Jim Vivian, Ronald Segal, Rosalin Segal, Barbara Harrison, Renee Little, Bill Price, Bill Brown, Jann Ratterree, Steven R. Carow, Jeanine Greene, Judy Jones, R.H. Douthwaite.

Mayor Nancy D. Anderson led the Council in prayer by using the 2011 National Day of Prayer prior to the opening of the meeting.

**Item No. 1. Call to Order.** Mayor Anderson called the May 9, 2011 Regular Town Council Meeting to order at 7:05 p.m.

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

**Item No. 3. Determination of Quorum/Additions or Deletions to the Agenda.** There was a quorum. Mayor Pro Tem Daniel Barry moved to approve the agenda as presented. All were in favor, with votes recorded as follows:

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

**Item No. 4. Special Recognition.**

**A. Erik Blowers – God Bless the USA, Inc. (COG - Excellence in Clean Cities Initiatives).** Councilmember Werner Thomisser stated, “The Town belongs to an organization called Centralina Council of Governments (CCOG). Each year they give out awards for specific things such as the Clean Cities Award. Mr. Erik Blowers is a Town resident and a former Planning Board Member. He is co-owner of God Bless the USA, Inc. They were recognized this year for the Clean Cities Award. Their company has a Hybrid Refuse Vehicle which is the only one in the Carolinas. As the truck stops and goes, it stores the energy so that the truck eventually operates with 25% less energy. Eric and his partner have gone a step further and purchased two additional vehicles that operate on natural gas. He was awarded the Clean Cities Award at the February COG Meeting. I would like to recognize Eric and his company for this achievement.”

**Item No. 5. Presentation – Mr. Brad Breedlove (Weddington High School).** Weddington High School Principal Brad Breedlove thanked the Town Council for allowing him to represent Weddington

High School and to present the school's latest accomplishments. Mr. Breedlove shared highlights from the school year and advised that the school's mission statement is "Tomorrow's Success Begins Today."

He stated, "We are ranked as one of the top schools in America by Newsweek Magazine. We have been ranked in that category for the last three to four years. We are also ranked #4 in the Charlotte Region. We offer 15 in-house advanced placement courses and numerous online advanced placement courses. Approximately 80% of our students went on to a four year university. In 2009-2010 we had over \$5,500,000 in scholarship offers. We are an Honor School of Excellence with High Growth. You cannot rank any higher than Weddington High School right now. For the last three years we have had the highest graduation rate in the State of North Carolina. Our focus is on high academic achievement. When our students graduate, we want them to think back about their high school career and know that they have been prepared well. We want to have compassion for our students and support them to do things that they did not know that they can achieve."

Mayor Pro Tem Barry asked what kind of impact would the State budget crises have on Weddington High School.

Mr. Breedlove – I sat on the Budget Development Committee for Union County as a High School Representative. There will be impacts at every level this next year. The cuts that we have had in the past are nothing compared to what we will face in the fall of next year. There are significant impacts such as with larger class sizes and the elementary schools may lose all their teaching assistants. We are expected to produce high scores when we are given less and less each year. Our Superintendent is working with a group that is going to all the businesses in Union County to try to bring in some type of capital to support the programs and losses that we will have.

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

**A. Review and Consideration of Freestanding/Ground Text Amendment.** Mayor Anderson opened the public hearing to consider the freestanding/ground text amendment. The Town Council received a copy of the following proposed text change:

THE FOLLOWING DEFINITIONS WILL BE DELETED-

*Sign, freestanding*, means any sign erected on a supporting structure, mast, post or pole greater than 3 1/2 feet tall and not attached or suspended from a building structure.

*Sign, ground*, means any sign erected on a supporting post, mast or pole 3 1/2 feet or less in height and not attached, supported or suspended to or from any building or structure.

REPLACEMENT TEXT-

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

THE FOLLOWING SECTIONS WILL BE DELETED-

Sec. 58-149. Freestanding signs.

(a) No freestanding sign shall be located higher than 20 feet above grade as measured to the top of the sign.

(b) No part of the sign shall be located closer than five feet to any adjacent side lot line.

(c) No portion of a freestanding sign, including projections, may extend into or over an existing public right-of-way.

- (d) All freestanding sign structures or poles shall be self-supporting structures erected on or set into and permanently attached to concrete foundations. Such structures or poles shall comply with the building codes of Union or Mecklenburg County.
  - (e) The sign shall be located in a manner that does not impair traffic visibility.
  - (f) The bottom of any freestanding sign located within 15 feet of the edge of the street right-of-way line shall be a minimum of ten feet above the grade immediately under said sign.
- (Ord. No. 87-04-08, § 8.6, 4-8-1987)

Sec. 58-150. Ground signs.

- (a) No part of a ground sign, including projections, may extend into or over an existing public right-of-way.
  - (b) Ground signs are permitted as long as the building or structure in which the activity is conducted is set back at least 30 feet from the street right-of-way.
  - (c) All ground signs must be secured to the ground or affixed so as not to create a public safety hazard.
  - (d) The sign shall be located so as to not impair traffic visibility.
  - (e) The maximum area of the sign shall be 20 square feet.
  - (f) No part of the sign shall be located closer than five feet to any adjacent side lot line.
- (Ord. No. 87-04-08, § 8.7, 4-8-1987)

REPLACEMENT TEXT-

Sec. 58-149. Freestanding Ground signs

- (a) No freestanding ground sign shall be higher than 12 feet above grade as measured to the top of the sign.
- (b) No part of the sign including projections shall be located closer than fifteen feet to any adjacent side lot line and shall not be located within five feet of the edge of the street right-of-way line.
- (c) All freestanding ground sign structures or poles shall be self-supporting structures erected on or set into and permanently attached to concrete foundations. Such structures or poles shall comply with the building codes of Union County and be affixed as not to create a public safety hazard.
- (d) The sign shall be located in a manner that does not impair traffic visibility.
- (e) Freestanding ground signs are permitted as long as the building or structure in which the activity is conducted is set back at least 30 feet from the street right-of-way.
- (f) The maximum total sign area per side shall be 50 square feet and the total text area per side (including logos) shall be no greater than 20 square feet.

Town Planner Jordan Cook reviewed the proposed text change with the Town Council. He stated, “We combined the ground sign and freestanding sign text in the code. The previous code was too confusing and open to interpretation. This new text is no less or more restrictive than the previous text.”

With there being no one wishing to speak in favor or against the proposed text change, Mayor Anderson closed the public hearing.

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

Ms. Jan Ratterree - I live at 217 Wellington Drive. I live in Wellington Woods which is a residential community. I would like to ask the Town Council to vote against sending the horse amendment to a public hearing next month. We live in a residential neighborhood and we would like to be able to enjoy our yard and our deck with friends. Unfortunately for us, our neighbor does a poor job of managing manure from her horses. The odor is very offensive especially on warm days and warmer days are coming. She cleans up her barnyard every few weeks and occasionally once a week. Even if she picked



up all the droppings daily the way that Lancaster County requires we would still smell the accumulated urine because these horses live just two feet from our property line. Our neighbor cleans the barnyard typically by using a very high powered backpack leaf blower and she forces the dirt and the manure in the direction of our home. During dry spells her blower spreads a dirt storm that at times has covered our entire backyard and our fence. To protect ourselves we have had to install a privacy fence. This privacy fence is approximately 8 feet tall and it runs 300 feet and it covers much of our rear property and this was done at a cost of many thousands of dollars to us. We are people that have never liked fences. Even if you change the law to accommodate our neighbor, there is a matter of principle involved here tonight. Our neighbor knowingly violated the contractual deed covenants by bringing in two extra horses and she told adjacent neighbors that this would be a temporary situation. Until February our neighbor had all four horses on this property and she had very large piles of manure. Since removing two horses the piles are smaller. Again because the animals spent most of their time behind our home and because she does not clear the excrement away, odor remains and this is a major problem for us and it infringes on our rights to enjoy our property. We do not understand why homeowners should be allowed to have manure accumulate on their property especially a residential property because it smells and runs off and it should be removed at least weekly. I am asking the Town Council to vote against this horse amendment and let's please stop this problem now.

Ms. Jeanine Greene - I am a neighbor of Judy Jones. I think this whole issue has been grossly exaggerated and is extremely unfair. It really bothers me that we did not know that we would have this opportunity to speak today. If I had known that, I would have prepared as Ms. Ratterree did. You all I believe have been to the property and you have seen the area. There is no odor or seepage. Judy spent thousands of dollars to improve her arena so that there would not be any water discharge from it. As far as the smells are concerned, I have been on her property numerous times. I think the comments are manufactured. I think it is a personal vendetta brought against Judy and that it is grossly exaggerated and the facts are misstated. There is no smell. The privacy fence gives her the opportunity to enjoy her backyard without having to see the horses which she apparently found offensive. As far as removing the manure that is done on a weekly basis. This issue has been brought before the Town Council. While it is a neighborhood issue between two neighbors who happen unfortunately to border her property, it has been brought before you and it is an issue that exists in the Town of Weddington noted for its horses. Do not treat it as a personal issue. It is for you to decide whether or not this will apply to all of the people of Weddington. I ask you to consider it as a general thing and dismiss all these other fabricated charges.

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

**A. March 14, 2011 Regular Town Council Meeting.** Councilmember Thomisser moved to approve the March 14, 2011 Regular Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

**B. March 18 – 19, 2011 Special Town Council Retreat.** Councilmember Thomisser moved to approve the March 18 – 19, 2011 Special Town Council Retreat minutes. All were in favor, with votes recorded as follows:

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

**C. April 28, 2011 Special Town Council Meeting.** Councilmember Thomisser moved to approve the April 28, 2011 Special Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

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

**A. Consideration of Proclamation – National Day of Prayer.** Mayor Pro Tem Barry moved to approve Proclamation P-2011-04:

**TOWN OF WEDDINGTON  
PROCLAMATION  
NATIONAL DAY OF PRAYER  
P-2011-04**

**WHEREAS**, Throughout our history, Americans have turned to prayer for strength, inspiration, and solidarity; and,

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

**WHEREAS**, Prayer has played an important role in the American story and in shaping our Nation's leaders; and,

**WHEREAS**, It is thus fitting that, from the earliest years of our country's history, Congress and Presidents have set aside days to recognize the role prayer has played in so many definitive moments in our history; and,

**WHEREAS**, Let us pray for the men and women of our Armed Forces and the many selfless sacrifices they and their families make on behalf of our Nation. Let us pray for the police officers, firefighters, and other first responders who put themselves in harm's way every day to protect their fellow citizens. And let us ask God for the sustenance and guidance for all of us to meet the great challenges we face as a Nation; and,

**WHEREAS**, Let us remember in our thoughts and prayers those who have been affected by natural disasters at home and abroad in recent months, as well as those working tirelessly to render assistance. And, at a time when many around the world face uncertainty and unrest, but also hold resurgent hope for freedom and justice, let our prayers be with men and women everywhere who seek peace, human dignity, and the same rights we treasure here in America; and,

**WHEREAS**, The Congress, by Public Law 100-307, as amended, has called on the President to issue each year a proclamation designating the first Thursday in May as a "National Day of Prayer."

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

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

**WHEREAS**, this year marks the 60<sup>th</sup> Annual National Day of Prayer with this year's theme, "A Mighty Fortress is Our God."

**NOW, THEREFORE**, I, Nancy D. Anderson, Mayor of the Town of Weddington, do hereby proclaim the first Thursday in May 2011, to be designated as

**“A DAY OF PRAYER IN WEDDINGTON, NORTH CAROLINA”**

and encourage the citizens of Weddington to observe the day in ways appropriate to its importance and significance.

*Proclaimed this the 9th day of May, 2011.*

All were in favor, with votes recorded as follows:

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

**B. Consideration of Proclamation – National Police Week.** Mayor Pro Tem Barry moved to approve Proclamation P-2011-05:

**TOWN OF WEDDINGTON  
PROCLAMATION DESIGNATING MAY 15 AS PEACE OFFICERS' MEMORIAL DAY  
AND MAY 15 - 21 AS NATIONAL POLICE WEEK  
P-2011-05**

**WHEREAS**, The Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police week; and

**WHEREAS**, the members of the law enforcement agency of Union County and the Town of Weddington play an essential role in safeguarding the rights and freedoms of Weddington; and

**WHEREAS**, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

**WHEREAS**, the men and women of the law enforcement agency of Union County and Weddington unceasingly provide a vital public service;

**NOW, THEREFORE, I**, Mayor Nancy D. Anderson of the Town of Weddington, call upon all citizens of Weddington and upon all patriotic, civic and educational organizations to observe the week of May 15 – 21, 2011, as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of Weddington to observe May 15, 2011, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

In witness thereof, I have hereunto set my hand and caused the Seal of the Town of Weddington to be affixed this 9<sup>th</sup> day of May, 2011.

All were in favor, with votes recorded as follows:

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

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

**A. Consideration of Ordinance Adopting the Freestanding/Ground Text Amendment.**

Councilmember Thomisser moved to adopt Ordinance O-2011-09:

**AN ORDINANCE TO AMEND SECTIONS 58-4 AND 58-149  
OF THE CODE OF ORDINANCES  
OF THE TOWN OF WEDDINGTON  
O-2011-09**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTIONS 58-4 AND 58-149 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

THE FOLLOWING DEFINITIONS TO BE DELETED:

*Sign, freestanding*, means any sign erected on a supporting structure, mast, post or pole greater than 3 1/2 feet tall and not attached or suspended from a building structure.

*Sign, ground*, means any sign erected on a supporting post, mast or pole 3 1/2 feet or less in height and not attached, supported or suspended to or from any building or structure.

REPLACEMENT TEXT:

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

THE FOLLOWING SECTIONS TO BE DELETED:

Sec. 58-149. Freestanding signs.

- (a) No freestanding sign shall be located higher than 20 feet above grade as measured to the top of the sign.
- (b) No part of the sign shall be located closer than five feet to any adjacent side lot line.
- (c) No portion of a freestanding sign, including projections, may extend into or over an existing public right-of-way.
- (d) All freestanding sign structures or poles shall be self-supporting structures erected on or set into and permanently attached to concrete foundations. Such structures or poles shall comply with the building codes of Union or Mecklenburg County.
- (e) The sign shall be located in a manner that does not impair traffic visibility.
- (f) The bottom of any freestanding sign located within 15 feet of the edge of the street right-of-way line shall be a minimum of ten feet above the grade immediately under said sign.

Sec. 58-150. Ground signs.

- (a) No part of a ground sign, including projections, may extend into or over an existing public right-of-way.
- (b) Ground signs are permitted as long as the building or structure in which the activity is conducted is set back at least 30 feet from the street right-of-way.
- (c) All ground signs must be secured to the ground or affixed so as not to create a public safety hazard.
- (d) The sign shall be located so as to not impair traffic visibility.
- (e) The maximum area of the sign shall be 20 square feet.
- (f) No part of the sign shall be located closer than five feet to any adjacent side lot line.

REPLACEMENT TEXT:

Sec. 58-149. Freestanding Ground signs

- (a) No freestanding ground sign shall be higher than 12 feet above grade as measured to the top of the sign.
- (b) No part of the sign including projections shall be located closer than fifteen feet to any adjacent side lot line and shall not be located within five feet of the edge of the street right-of-way line.
- (c) All freestanding ground sign structures or poles shall be self-supporting structures erected on or set into and permanently attached to concrete foundations. Such structures or poles shall comply with the building codes of Union County and be affixed as not to create a public safety hazard.
- (d) The sign shall be located in a manner that does not impair traffic visibility.
- (e) Freestanding ground signs are permitted as long as the building or structure in which the activity is conducted is set back at least 30 feet from the street right-of-way.
- (f) The maximum total sign area per side shall be 50 square feet and the total text area per side (including logos) shall be no greater than 20 square feet.

Adopted this 9<sup>th</sup> day of May, 2011.

All were in favor, with votes recorded as follows:

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

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

**A. Call for Public Hearing to Consider Proposed Text Amendments to Section 58-4 and Sections 58-52, 58-53, 58-54 and 58-58 - Horses (Public Hearing to be held June 13, 2011 at 7:00 p.m. at the Weddington Town Hall).** The Town Council received a copy of the proposed text change.

Mayor Pro Tem Barry moved to call for a public hearing to consider proposed text amendments to various sections of the Town’s ordinances dealing with horses.

Mayor Anderson - We have information from Ohio State University, NC State University and also from our own County Extension Agent that states that the proper ratio for miniature horses versus a standard bred should be 3 to 1. This does not address a Livestock Management Plan.

Councilmember McKee – I would like to see some type of Best Management Plan incorporated into the amendment of the ordinances.

Mayor Anderson - You do not want to divide the issues out – you want to recombine them. This is just changing the definition and our ratio of miniature horses. We are not in the national average. This would be Town wide and would not supercede any Homeowners Association Covenants.



Councilmember Thomisser – I cannot support this motion. We have had an ordinance on the books for a number of years and the ordinance has been violated by this property owner.

Mayor Anderson - This is about the whole town. This is not about an individual person and this is not a hearing on whether or not she is in violation. This is to call for a public hearing to change the ratio given what we know from the subject matter experts that their current recommendation is 3 to 1. This is not about a person.

Councilmember Thomisser – I do not know how the vote is going to go on this. I would ask the Mayor to recuse herself. I believe you will not be able to vote objectively on this because you have been boarding these two horses for the past month or two.

Mayor Pro Tem Barry – There is no grounds.

Councilmember McKee – He is just asking her to recuse herself not for any legal grounds. She can either do it or not do it.

Mayor Anderson – The law is very clear on this. You cannot weasel out of a vote because it is uncomfortable for you. You are required by law and the people elected you to place your vote unless you can show financial gain.

Attorney Fox – The statute requires every member of the governing body to actually vote unless they are excused because they have a financial interest in the outcome. Just merely boarding the horses does not mean that you have a financial interest.

Mayor Anderson – My son offered a temporary place for the animals to stay because it was up for consideration by the Town Council. No money has been received. Just neighbor to neighbor – he as a farmer wanted to help out.

Councilmember Thomisser – Mayor Anderson, can you objectively vote on this issue this evening knowing that those horses have been boarded on your property?

Mayor Anderson – I think that I am the most qualified to vote on this because I do own horses and I do understand the subject matter experts' recommendations coming out of NC State University. I feel more qualified and less emotional than some of the other people at this table. I do feel that I can be objective.

Councilmember McKee – You are saying that no person can voluntarily recuse themselves on their own?

Attorney Fox – NC General Statute 160A-75 says no member shall be excused from voting except upon matters involving the consideration of a member's own financial interest or official conduct or on matters which are prohibited. The standard is a financial interest or official conduct. It does not describe what official conduct is. The General Assembly assumes as elected bodies you should exercise your obligation to participate in the decisions that come before the governing body except when there is a financial interest in the outcome.

The vote on the motion is as follows:

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

The motion failed.

Councilmember Thomisser moved to prevent reconsideration of this matter for six months. The votes are as follows:

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

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

**A. Call for Public Hearing to Consider the Proposed Budget for Fiscal Year 2011-2012 (Public Hearing to be Held June 13, 2011 at 7:00 p.m. at the Weddington Town Hall).** The Town Council received a copy of the Preliminary Operating Budget for Fiscal Year 2011-2012. Finance Officer Gaylord stated, “You have the proposed budget that we agreed on at our April 28<sup>th</sup> Budget Work Session. It shows a 3 cents tax rate with total revenues of \$1,231,500 with expenditures equaling revenues. We had a meeting tonight with the fire department and there were some suggested amendments and I wanted to know if you want to incorporate those. The fire department has asked for an increase in operating costs from \$233,000 to \$300,000. We had received a request from the Downtown Committee for \$3,000 for Holiday Banners and a request from Councilmember McKee for \$3,000 to upgrade the iPads to 3G. The fire department also asked for \$450,000 for the improvements to the fire station. This all would be a net appropriation from Fund Balance of \$522,000.”

Mayor Pro Tem Barry moved to call for a public hearing to consider the proposed budget for Fiscal Year 2011-2012. The public hearing is to be held June 13, 2011 at 7:00 p.m. at the Weddington Town Hall.

Councilmember Thomisser asked for an amendment to the motion. He stated, “I want to give the fire department what they need. I have a problem rounding off \$293,000 if that is exactly what they need to \$300,000. To me \$7,000 is a lot. I am willing to give them what they need to operate and we sat here and worked out those numbers. I have a problem rounding it off.”

Mayor Pro Tem Barry accepted Councilmember Thomisser’s amendment which reduced the appropriation from Fund Balance to \$515,000.

All were in favor of the motion, with votes recorded as follows:

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

**B. Consideration of Amendment to the Schedule of Fees.** Town Planner Cook reviewed the proposed amendment to the Schedule of Fees with the Town Council. He stated, “We are recommending removing the fee for a Conditional Use Permit and we are adding a fee for an application for Conditional Zoning District Minor Amendment. The reason that was added was all we have are Conditional Zoning Districts. We already had a fee for a Conditional Zoning District similar to the Polivka Rezoning and now we are going to have matters such as when the shopping center added their sign and took down two trees. I felt that original fee was a little steep for something simple like that so that is why I added the \$500.00 fee.”

The Town Council received a copy of the Schedule of Fees reflecting the following changes:

<b>SCHEDULE OF FEES ZONING AND SUBDIVISION ADMINISTRATION</b>	
Code of Ordinances	\$175.00 plus shipping and handling
Zoning Confirmation	\$5.00

Floodplain Development Review	Reimbursement of Engineering Fees
Application for temporary structure permit (Section 58-13(1) & 58-13(2))	\$50.00
Application for temporary use permit for sales for civic organizations, etc... (Section 58-13(3)a)	\$25.00
Application for temporary use permit for public events (Section 58-13(3)b)	\$100.00
Application for permit for subdivision sales office	\$100.00
Application for conditional use permit in hardship cases (Section 58-14a)	\$250.00
Application for conditional use permit for mobile classrooms (Section 58-14c)	\$350.00 + Notification
<del>Application for conditional use permit (Section 58-81)</del>	<del>\$650.00 + Notification</del>
Application for conditional zoning district (Section 58-271)	\$1,500.00
<b>Application for conditional zoning district minor amendment</b>	<b>\$500.00</b>
Application for temporary sign permit (Section 58-151)	\$25.00 – Non-profit organizations as recognized by the IRS are exempt
Application for permanent sign permit (Section 58-147 thru 58-153)	\$35.00
Application for zoning permit	
a. Residential	\$100.00
b. Non-residential	\$250.00
c. Non-residential – up-fit	\$50.00
d. Accessory or Agricultural	\$25.00
e. Additions	
1. Minor, no more than 25% or 500 square feet total (unheated)	\$25.00
2. Minor, no more than 25% or 500 square feet total (heated)	\$50.00
3. Major	\$100.00
Application for renewal of zoning permit:	\$100.00
Application for certificate of compliance:	
a. Residential	\$100.00
b. Non-residential	\$250.00
c. Accessory or Agricultural	No Charge
d. Additions	
1. Minor, no more than 25% or 500 square feet total	No Charge
Application for variance (Section 58-234) and Modification of Subdivision Ordinance (Section 46-15)	\$650.00 + Notification
Appeal of decision of zoning officer to Board of Adjustment (Section 58-208(6), 58-209(4)) and Application to Board of Adjustment for interpretation of ordinance)	\$200.00
Application for amendment to zoning ordinance/Zoning Map Change	\$650.00 + Notification
Approval of changes to subdivision lots	
Per each subdivision	
a. 1 to 2 lots	\$100.00
b. 3 to 5 lots	\$200.00
c. 6 to 10 lots	\$300.00
Telecommunication Tower Engineering and Surveying Fee	Cost to Town + \$650.00 administrative fee
Annual Biosolids Land Application Permit Fee	\$30.00 for the first acre and \$20.00 for each additional acre
Notification of Affected Property Owners	
21-50	\$50.00
51-100	\$100.00
Over 100	\$200.00
<b>SUBDIVISION FEES</b>	

<b>MINOR SUBDIVISION</b>	
Preliminary Plat Submittal - Subdivision Containing Up to 3 Lots	\$150.00 per Lot
Pre-Submittal Sketch for Easement Lot	\$100.00
Final Plat Submittal - Subdivision Containing Up to 3 Lots	\$50.00 per Lot
<b>MAJOR SUBDIVISIONS</b>	
Residential Conservation District (R-CD) Pre-Sketch Plan Conference	\$150.00
Sketch Plan Review	\$250.00 per Lot
Preliminary Plat Submittal	\$250.00 per Lot
Final Plat Submittal	\$100.00 per Lot
Site or Field Inspection	\$70.00/hr.
Copying Fee	\$.05 per copy

Mayor Pro Tem Barry moved to approve the amendment to the Schedule of Fees. All were in favor, with votes recorded as follows:

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

**C. Consideration of Approval of Private Fireworks Display.** A representative from Southeastern Pyrotechnics reviewed the following information with the Town Council:

Date of Display: June 4, 2011 (Display between 3 to 5 minutes for a Wedding Reception)  
 Location of Display: 556 Walden Trail, Waxhaw, NC 28173  
 Sponsor: George Roberts  
 Company Providing Fireworks: Southeastern Pyrotechnics  
 NC Pyrotechnic Operator: Jeffrey Ott

The Town Council received a copy of the following:

- Product List to be used
- Map Showing the Area
- Certificate of Insurance
- Copy of Operators Permit for Jeffrey Ott
- License/Permit for Southeastern Pyrotechnics

Council discussed whether future approval for this type of display could be issued by the Town Planner.

It was advised that the Union County Fire Marshal would have to grant approval and issue the permit for this display even if the Town Council grants approval.

Councilmember Gilmartin moved to approve the private fireworks display to be located at 556 Walden Trail. All were in favor, with votes recorded as follows:

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

**D. Report from Town Hall Day – Mayor Anderson.** Mayor Anderson gave a brief update regarding Town Hall Day that she attended. She stated, “NCLM hosts Town Hall Day in Raleigh each year and they bring all of the municipal leaders in to brief us on the legislation that impacts us the most and then we go out and talk with our legislators. We are essentially concerned about the loss of local authority. The biggest thing is annexation reform and ETJ Changes. High speed rail was another issue discussed.

The big controversy with this bill is if we accept this money to build this rail line the State of North Carolina is in for \$150 million every year for operational costs. The State Budget is a big issue also with transportation dollars at stake. Also the capping of the motor fuel tax is a controversial issue. It is one of our major sources of funding for road projects. There is 17 cents that is steadfast for the gas tax. The other remaining money is actually on a sliding scale based on what a barrel of oil costs because we get asphalt from oil. I am not in favor of higher taxes but in this particular one I would be in favor of not capping the motor fuel tax. The numbers that I got from NCDOT is the average impact would be \$7.50 per household per year.”

**E. Report from Mayor Anderson on Wounded Warrior Information.** Mayor Anderson reported to the Town Council that she is participating in the Wounded Warrior Ride. She stated, “This is for soldiers who were injured in the Iraq and Afghanistan wars. They generated about 30,000 wounded soldiers who have come back with severe wounds. The City of Charlotte has been selected as one of the sites for the Wounded Warrior Ride. I will be riding in that on May 21. I need to raise \$2,000 in sponsorships. Representative Craig Horn is working with me on this and we are going to challenge every legislator to raise \$1,000 from their districts.”

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

- Routes for the Carolina Thread Trail have been selected and the Final Plan is complete. The selected route does not pass through Weddington but does border the Town in Wesley Chapel and Waxhaw. For a map of the proposed trail locations please visit the following website: <http://www.carolinathreadtrail.org/local-connections/union-county-nc/>
- NCDOT has acquired the right-of-way needed to install turn lanes and a traffic signal at the intersection of Hemby Road/Beulah Church Road and Weddington-Matthews Road. Installation of the traffic signals has begun. NCDOT will soon have the asphalt for the road work and will then need about two weeks to complete the grading and pavement work.
- NCDOT has completed the installation of the new stop signs at the intersection of Antioch Church Road and Beulah Church Road.
- Landscaping on Providence Road and Weddington Road has been completed except for some Loropetalum (flowering shrub) that will be planted this fall.
- The DrumSTRONG 2011 Temporary Use Permit was approved at the April 25<sup>th</sup> Planning Board meeting. The event is scheduled to take place on May 21-22.
- The Planning Board is currently working on text to add Orientation Signs to the Town Zoning Ordinance. These signs would be allowed only on church campuses, educational and government facilities.
- The Planning Board will also review a CZ Amendment Application from Weddington United Methodist Church for church campus signs.
- A link to the draft TIP is available on the Town website and a hard copy is available in Town Hall. The Public Comment period will begin on May 15<sup>th</sup>.
- The Town Council approved the following text amendments at the April 11<sup>th</sup> meeting:
  - Text Amendment adding Pet Grooming to B-2(CD) zoning district
  - R-40, R-40D, R-60, R-80, RCD and RE Text Amendments (Removing CUP’s and replacing with CZ’s)
  - Revisions to Town Land Use Plan (Removing CUP’s and replacing with CZ’s)
  - LARTP Text Amendments to Section 46-9 and 58-4 (Definition and Purpose Statement only)
  - Town Monument Sign Text Amendment



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

The Historic Preservation Commission is sponsoring a Tea in May for long time residents of Weddington to start the process of gathering pictures, articles and memorabilia to help preserve Weddington's past. Additional teas will be held later in the fall.

I spoke with County Manager Cindy Coto regarding the joint meeting between the Town Council and Board of County Commissioners. She advised that they will be resuming the schedule for those meetings in June after their budget is adopted and will call us at that time.

You have received an email and memo from staff and Attorney Fox regarding the process for appealing the Census numbers. Please let me know if you want to proceed in that matter.

I am in discussions with the School of Government regarding receiving examples of a Technology Policy for the Council and Staff and to get their expertise on hosting emails on site versus off site.

I will begin to change over the Town's Legal Notices to the Union Observer if there is not an objection by the Town Council. In emergency situations, because of the timing requirements of the Union Observer, notices may still be put in the Enquirer-Journal.

Our consultant advised that from a construction standpoint, three-fourths of the conduit has been completed for the street lights. They have had some setbacks due to determining the location of the sewer lines relative to the Church property. The Downtown Committee did decide on a banner concept at their meeting on May 5, 2011. Mr. Bizzell advised the Committee that he believes the street lights will be up by the middle of June. Downtown Committee Members are taking another look at the location of the Town Markers and have directed the consultant to review other sites.

**Upcoming Dates**

May 9	-	Special Town Council Meeting (5:00 p.m.)
May 9	-	Regular Town Council Meeting
May 23	-	Regular Planning Board Meeting
May 23	-	Parks and Recreation Advisory Board Meeting
May 30	-	Closed for Memorial Day

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

**Providence VFD for April**

Fire	-	14
EMS	-	9
Total	-	23
Training Hours	-	81

The Town Council received the Income and Expense Budget Performance and Balance Sheet for April 2011.

**Weddington Deputies – 475 Calls**

**Wesley Chapel VFD – 105 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 period ending April 1, 2011 to April 30, 2011.

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

**Monthly Report – April 2011**

<b>Transactions</b>	
Pay Interest and Penalties	\$(149.11)
Refunds	\$10.18
Releases	\$(8.54)
Adjust Under \$5.00	\$(12.11)
Overpayments	\$(13.81)
<b>Taxes Collected:</b>	
2010	\$(3,147.59)
2009	\$(266.06)
2008	\$(208.14)
<b>As of April 30, 2011; the following taxes remain Outstanding:</b>	
2002	\$82.07
2003	\$196.11
2004	\$159.59
2005	\$291.65
2006	\$184.18
2007	\$313.71
2008	\$3,979.52
2009	\$6,322.01
2010	\$28,247.71
<b>Total Outstanding:</b>	<b>\$39,776.55</b>

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

**Item No. 17. Transportation Report.** Mayor Anderson – Mayor Pro Tem Barry and myself attended the April 27 Special MUMPO Meeting. The Draft TIP is available for review and comment from May 15 through June 15. There are several projects in Weddington on that plan which include the Rea Road Extension project, the traffic circle and the realignment of Weddington Church Road.

**Item No. 18. Council Comments.** Mayor Anderson asked everyone to come out and support the drumSTRONG event on May 21.

**Item No. 19. Adjournment.** Mayor Pro Tem Barry moved to adjourn the May 9, 2011 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

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

The meeting ended at 8:55 p.m.

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Nancy D. Anderson, Mayor

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Amy S. McCollum, Town Clerk

**From:** Pamela Hadley <[phadley@townofweddington.com](mailto:phadley@townofweddington.com)>  
**Subject:** Fwd: Miniature horses  
**Date:** January 30, 2012 10:35:05 AM EST  
**To:** Pamela Hadley <[phadley2@me.com](mailto:phadley2@me.com)>

Sent from my iPad

Begin forwarded message:

**From:** Michael Yoder <[mjyoder@ncsu.edu](mailto:mjyoder@ncsu.edu)>  
**Date:** January 24, 2012 4:24:55 PM EST  
**To:** [phadley@townofweddington.com](mailto:phadley@townofweddington.com)  
**Subject:** Miniature horses

Pam,

Using Rutgers University's fact sheet (see attached) the average large horse will generate approximately 5% of its body weight per day in manure. So a mature large horse, weighing between 900 and 1200 lbs. will produce between 45 and 60 lbs. of manure daily. If we apply the 5% per day to miniature horses (average weight of a mature mini is ~200 lbs) then we see that a mature mini will produce approximately 10lbs of manure per day. Thus four miniatures would produce approximately 40 lbs of manure per day when one large horse would produce 52 lbs per day. Rather than 4 - 5 : 1, I chose 3 : 1 to be on the conservative side. With regard to manure production, you could actually argue that 4 or 5 miniatures would equal one large horse (depending on the size of the large horse).

I hope this is helpful. If you have additional questions, feel free to contact me at 919-801-8243.

Thank you,

Mike Yoder

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# TOWN OF W E D D I N G T O N

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## MEMORANDUM

**TO:** Weddington Town Council

**FROM:** Amy S. McCollum, Town Administrator/Clerk

**DATE:** February 7, 2012

**SUBJECT:** Town Limits Sign

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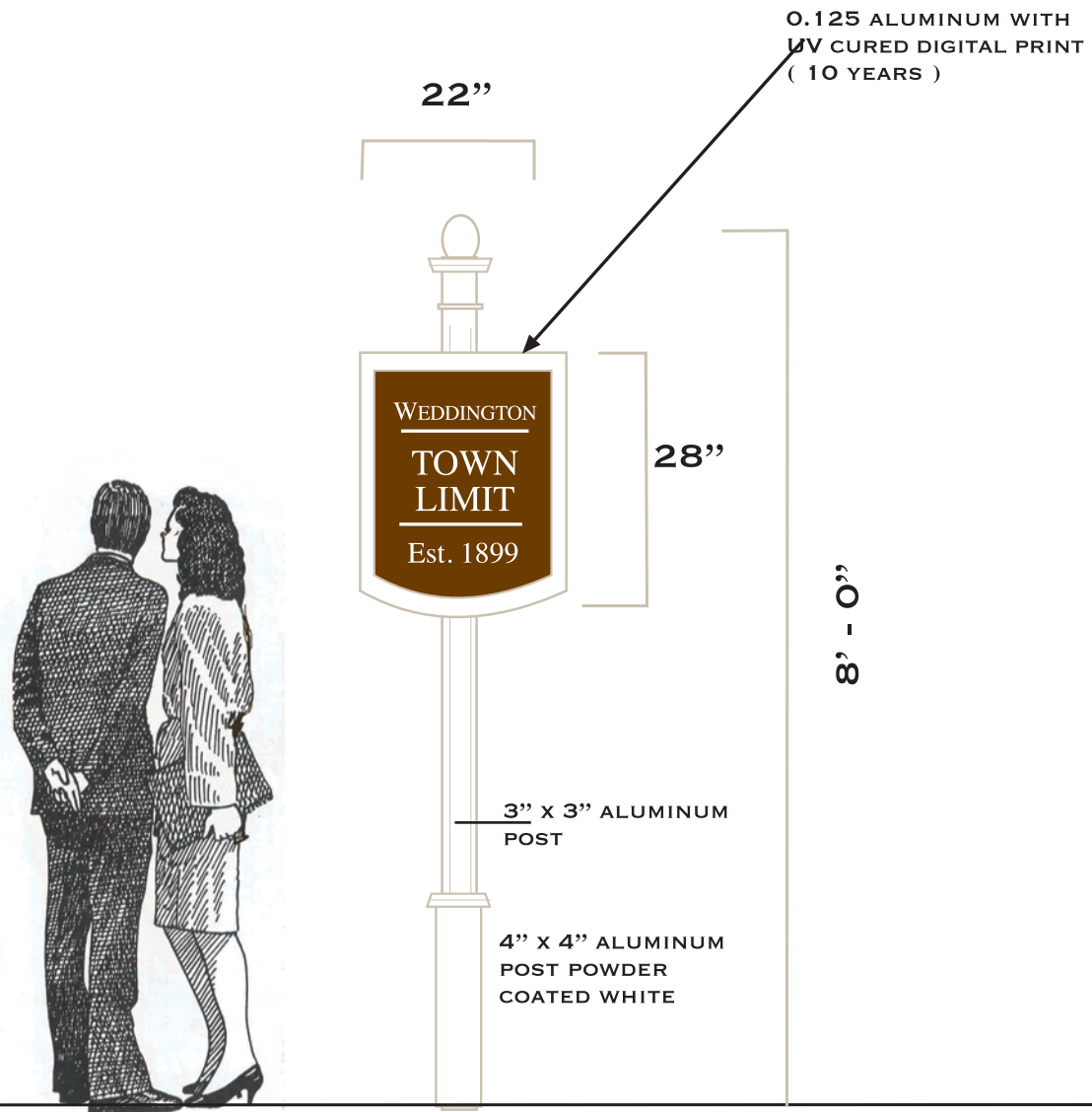
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At the request of the Downtown Core Committee, Mr. Buzz Bizzell developed a Town limit sign that would replace the NCDOT green town limit signs that currently exist in the Town. The Town Council at its meeting on October 10, 2011 approved six of these Town limit signs. Town Planner Jordan Cook determined that at this time only four of the street signs would be needed. The total cost of each sign would be approximately \$460.00 – not including installation. This project is part of the overall streetscape project that the Downtown Core Committee developed with the street lights, banners, Town monuments, etc. We will have to get permission from NCDOT to allow these signs in place of the current Town limit signage.

Please let me know if the Council wants staff to pursue these discussions with NCDOT and to proceed with the ordering of these signs.



# TOWN LIMIT SIGNAGE



COST IS APPROX \$460EA.

## *The* WEDDINGTON TOWN HALL

BRANDING/IDENTITY  
SIGNAGE AND  
GATEWAY DESIGNS

TOWN OF WEDDINGTON, NC

BIZZELL DESIGN, INC.  
P.O. BOX 1809  
DAVIDSON, NC 28036

(704) 651-3528

BUZZ.BIZZELL@GMAIL.COM

SIGN TYPE:

TOWN LIMIT MARKERS

TOWN HALL SIGN

DATE: 8/3/2011

SCALE / 1/2" = 1' - 0"

## TOWN LIMIT SIGNAGE



**TOWN OF WEDDINGTON  
RESOLUTION IN SUPPORT OF  
2013 UNION COUNTY PROPERTY REVALUATION  
R-2012-02**

**WHEREAS**, one of the primary goals of the Union County tax system is to ensure that each property owner pays his or her fair share for the services provided by the county; and accurate property valuations are an essential part of an equitable Union County tax system; and

**WHEREAS**, the Union County Board of County Commissioners determines the level of property value accuracy that is suitable for the county; and

**WHEREAS**, the Town of Weddington believes that its citizens understand and accept their responsibility of paying their fair share of the Union County tax burden; and

**WHEREAS**, the current assessed values that were calculated in 2008 are out of date and no longer reflect the current market prices.

**WHEREAS**, a 2013 revaluation will accurately capture the most recent market values of Union County properties resulting in a more equitable Union County tax system for all citizens of Union County.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Weddington recommends that Union County move forward with a property revaluation in 2013.

Adopted this 9<sup>th</sup> day of February 2012.

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Walker Davidson, Mayor

Attest:

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Amy S. McCollum, Town Clerk

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# TOWN OF W E D D I N G T O N

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## MEMORANDUM

**TO:** Weddington Town Council

**FROM:** Amy S. McCollum, Town Administrator/Clerk

**DATE:** February 7, 2012

**SUBJECT:** Resolution of Consideration

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Please find attached a map showing areas that the Town has identified as areas for possible future annexation. The original Resolution and Map identifying this area was adopted in 1998. It is recommended that the Town adopt this Resolution every year. By adopting the Resolution, it allows the Town in the future to proceed with involuntary annexation of these areas without having to wait one year before the annexation would become effective. Approval of this Resolution and map only helps to facilitate future annexations.

This is further information from Bill Duston of COG regarding Resolution of Considerations (ROC):

Adoption of an ROC does not necessitate notification to affected and/or adjacent property owners. There is no obligation for a community to actually go forward with an annexation if an ROC is adopted. If an ROC is adopted and is not renewed within the initial two-year period post adoption, the ROC is null and void. Having an ROC in place does not preclude another community from adopting a Resolution of Intent (ROI) in any portion of the ROC territory. The advantage for a community to have an ROC adopted and kept in place is that once the initial one-year waiting period is met, a community can at any time thereafter adopt an ROI and formally begin annexation proceedings. Without an active ROC in place (i.e., one that has been in place for at least one year), there will be a one year hiatus in the effective date of an adopted annexation ordinance.

**RESOLUTION OF CONSIDERATION  
TOWN OF WEDDINGTON  
A RESOLUTION IDENTIFYING THE AREA DESCRIBED HEREIN AS BEING UNDER  
CONSIDERATION FOR ANNEXATION  
R-2012-03**

**BE IT RESOLVED** by the Town Council of the Town of Weddington:

Section 1. That pursuant to G.S. 160A-37 (i), the following area is hereby identified as being under consideration for future annexation by the Town of Weddington, under the provisions of Chapter 160A, Article 4A, Part 2 of the General Statutes of North Carolina.

All properties within the boundaries as shown on the attached map are incorporated by reference.

Section 2. That a copy of this resolution shall be filed with the Town Clerk.

Section 3. This resolution shall remain in effect as provided by G.S. 160A-37(i).

Section 4. Owners of agricultural land, horticultural land and forestland within the area under consideration for annexation as described in Section 1 above are hereby notified that they may have rights to a delayed effective date of annexation. G.S. § 160A-49(f1) and (f2) provide that land being taxed at present-use value qualifies for delayed annexation, and land that is eligible for present-use value taxation but which has not been in actual production for the time period required by G.S. § 105-277.3 may qualify for delayed annexation by making application to the Union County Tax Assessor for certification. For qualified tracts, the annexation will not become effective for most purposes until the last day of the month in which the tract or part thereof becomes ineligible for present-use value classification under G.S. § 105-227.4 or no longer meets the requirements of G.S. § 160A-49(f1)(2). Until annexation of a tract becomes effective, the tract will not be taxed by the Town of Weddington and will not be entitled to services from the Town.

Adopted this 9<sup>th</sup> day of February, 2012.

Adopted: June 8, 1998  
Renewed: May 8, 2000  
Renewed: April 8, 2002  
Renewed: March 8, 2004  
Renewed: February 13, 2006  
Renewed: January 14, 2008  
Renewed: January 12, 2009  
Renewed: February 8, 2010  
Renewed: January 17, 2011

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Walker Davidson, Mayor

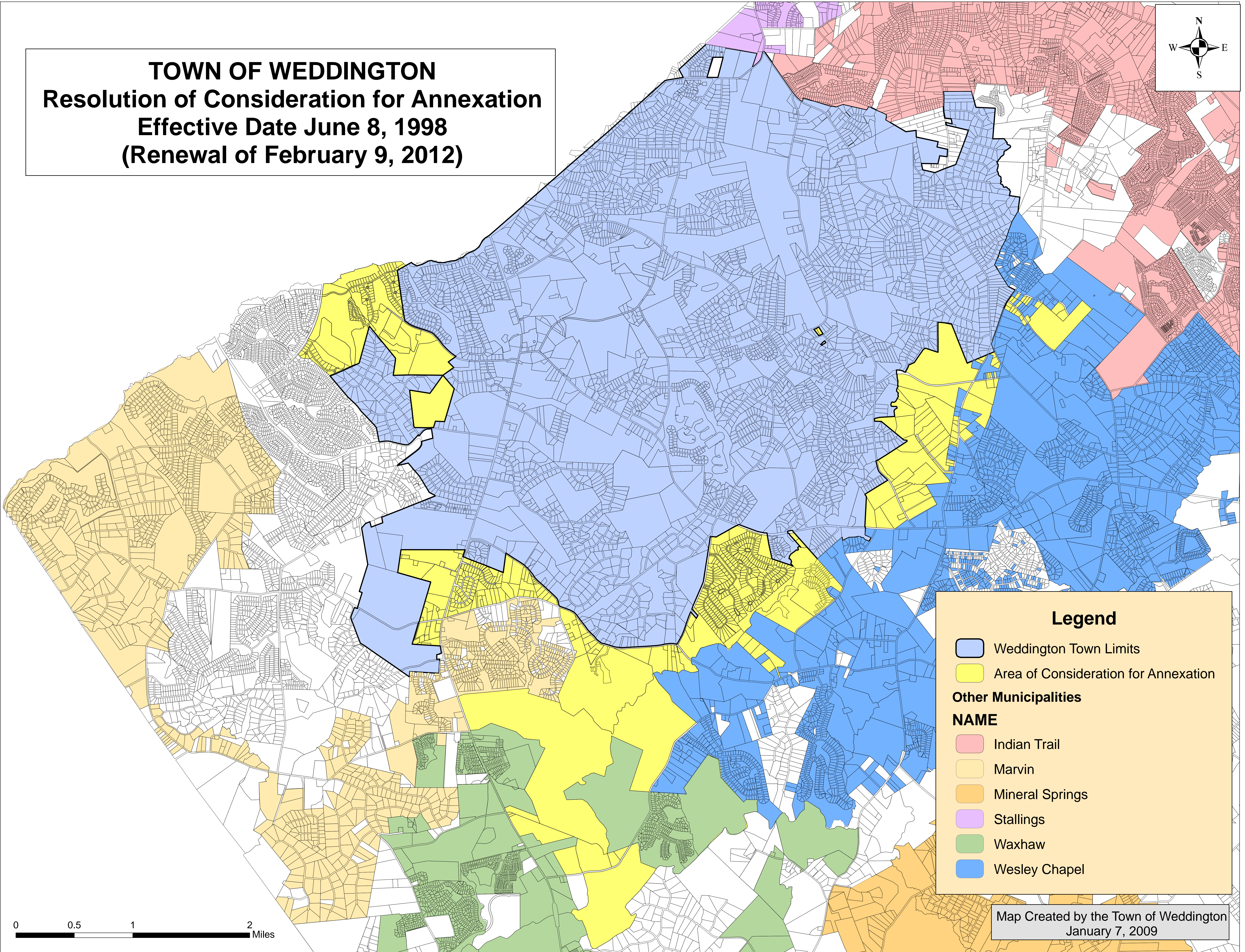
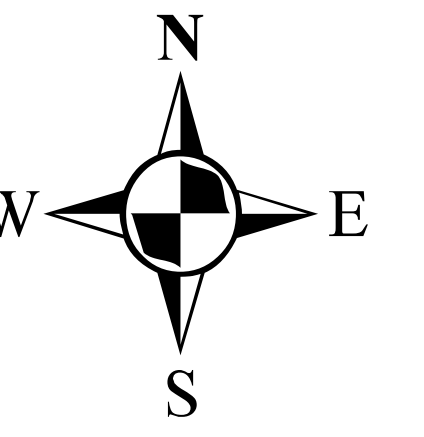
Attest:

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Amy S. McCollum, Town Clerk



**TOWN OF WEDDINGTON**  
**Resolution of Consideration for Annexation**  
**Effective Date June 8, 1998**  
**(Renewal of February 9, 2012)**



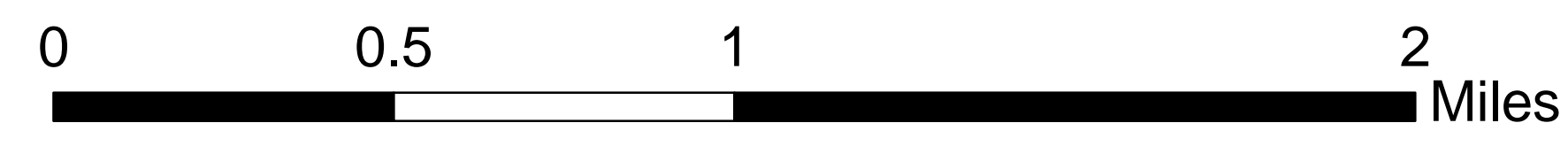
**Legend**

- Weddington Town Limits
- Area of Consideration for Annexation

**Other Municipalities**

**NAME**

- Indian Trail
- Marvin
- Mineral Springs
- Stallings
- Waxhaw
- Wesley Chapel



Map Created by the Town of Weddington  
January 7, 2009



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# TOWN OF WEDDINGTON

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## MEMORANDUM

**TO:** Weddington Town Council

**FROM:** Amy S. McCollum, Town Administrator/Clerk

**DATE:** February 7, 2012

**SUBJECT:** 2012 Town Council Retreat

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The 2012 Town Council Retreat is scheduled for Friday, March 23, 2012 at the Firethorne Country Club in Marvin. A light breakfast will be available starting at 8:30 a.m. and then the meeting will officially begin at 9:00 a.m. We plan to meet until approximately 5:00 p.m. and then have a reception starting at 5:30 p.m. Invitations will be sent to all members of Weddington Boards and Committees, the Union County Board of Commission, Senator Tommy Tucker, and Representative Craig Horn, emailed to the Town's Notification List for Citizens and posted at Town Hall and on the website. Town Attorney Fox has agreed to facilitate the retreat. In the past the Chairman and Vice-Chairman of the Planning Board along with the Town Administrator/Clerk, Planner and Finance Officer attend the retreat.

Please submit agenda items to me by March 2, 2012. Thank you.

### **2012 CHIQUITA CLASSIC**

The Nationwide Tour's Chiquita Classic is coming to the Club at Longview in Weddington Sept. 27-30. The 72-hole, 156-player event will be televised by The Golf Channel and will come late in the Nationwide Tour season when players are trying to lock down spots in the top 25 on the money list which will qualify them for the PGA Tour in 2013. Chiquita announced in November it would move its headquarters to Charlotte from Cincinnati. The company has a three-year sponsorship agreement with the Nationwide Tour event at the Jack Nicklaus-designed golf course.

### **2012 DEMOCRATIC NATIONAL CONVENTION**

The 2012 Democratic National Convention will be held the week of September 3, 2012 in Charlotte.