

**TOWN OF WEDDINGTON  
SPECIAL TOWN COUNCIL AND PLANNING BOARD MEETING  
THURSDAY, OCTOBER 11, 2012 - 6:00 P.M.  
MINUTES**

The Town Council and Planning Board of the Town of Weddington, North Carolina, met in a Joint Session at the Weddington Town Hall, 1924 Weddington Road, Weddington, NC 28104 on October 11, 2012, with Mayor Walker F. Davidson presiding.

Present: Mayor Walker F. Davidson, Mayor Pro Tem Daniel Barry, Councilmembers Werner Thomisser, Pamela Hadley and Barbara Harrison, Planning Board Members Rob Dow, John Giattino (6:20 p.m.), Jennifer Romaine and Jim Vivian, Town Planner Jordan Cook and Town Administrator Amy S. McCollum

Absent: Dorine Sharp, Janice Propst and Jeff Perryman

Visitors: Bob Davis, Matthew Delk, Genny Reid, Ken Evans, Richard Sahlie, Jack Parks, Mike Sealy, Paisley Gordon, Pat Harrison, Monica and Bill Snider, Bob Lockerman, Liz Delk, Angela Curcio, Amy Curcio, Catherine Heath, Elton Hardy, Larry Cravens

**Item No. 1. Open the Meeting.** Mayor Walker F. Davidson called the October 11, 2012 Special Town Council Meeting to order at 6:01 p.m. There was a quorum.

Vice-Chairman Rob Dow called the October 11, 2012 Special Planning Board Meeting to order at 6:20 p.m. when a quorum arrived.

**Item No. 2. Development of the 2013 Weddington Land Use Plan.**

**A. Presentation by Union County Public Works Director Ed Goscicki.** Union County Public Works Director Ed Goscicki gave the following presentation to the Town Council and Planning Board regarding Water and Sewer Line Extension Policy Revisions and discussed Union County's water and sewer approval process.

**Background and Purpose**

- Policy has been in place since 1997 with periodic updates
- Policy addresses developers' responsibilities to design and construct W/S infrastructure to UCPW standards and transfer these assets to Union County to serve the new customers in the proposed development
- In consideration of contribution of assets we agree to provide capacity to meet the service needs, and to provide the ongoing W/S service to the development
- Policy assumes all projects are treated with the same degree of priority (no restrictions on the amount of capacity we have)
- Two workshops with the Board and two meetings with development community for input on this draft

**Old Policy was disjointed in its approach**

- Approval of the projects is through NCDENR permit issuance
- Water and sewer capacity fees are treated differently
- Capacity allocation is tracked outside this process – through DENR Permits
- No clear process for acceptance of ownership of the infrastructure
- Policy is "cluttered" with extraneous issues (Leak credit policy and hydrant use)
- No defined policy for dealing with off-site improvements.

### **Features of the New Policy/Ordinance**

- Union County approves the project not NCDENR
- Capacity is defined in the review process and allocated through a “Standard Agreement” incorporated in this policy
- Limits the time - capacity will be held for five years.
- Provides for defined coordination with appropriate planning jurisdictions
- Water and Sewer capacity fees and capacity allocation are treated the same
- Policy specifically addresses oversizing and off-site improvements
- Creates a policy for short line extensions to existing platted lots

### **New Policy Drivers**

- Discourages Developers from tying up capacity
- Shifts capacity fee payment up front
- Put more constraints and conditions on partial acceptance of line extensions
- Idle projects will forfeit their capacity allocation
- Levels the playing field
- Off-site improvements and over sizing responsibilities defined
- Review and approval processes are clarified
- Allows developers to lock in zoning (preliminary plat) and phase water and sewer capacity allocation
- Replaces the Self-help program

### **Roles and responsibilities are defined**

#### **First Step is still sketch plan submittal**

- Purpose is to get an understanding of the project and its impact on the utility system
- Acceptable plan is not an approval
- No commitment by either party at this time

#### **Plan review is next step**

#### **Plan review and approval stage is when the developer locks down system requirements and may apply for Preliminary Plat approval**

#### **Final Approved Plans**

- Defines any off-site improvements needed to serve development
- Addresses options for over sizing - In 5 year CIP or not
- Allows developer to obtain preliminary plat for entire plan and then move forward with capacity commitment on a portion of the development

#### **Standard Line Extension Agreement allows project to move to construction**

#### **With NCDENR approval we now enter into a Standard Line Extension Agreement**

#### **Agreement locks in capacity for all or a portion of the proposed development**

- Capacity Fees paid in full
- Allocated capacity specified in agreement
- Off-site improvement (if any) specified
- Five years to complete development or forfeit capacity and fees
- Planning agency notified on approval to construct and commitment of capacity

## Construction and Acceptance

With Agreement executed developer may proceed with construction of W/S infrastructure

At start of utility construction developer may submit final plat approval request. Public Works should be sent the final plat from the appropriate planning jurisdiction to confirm availability of water and sewer.

We recognize there will be cases that require a partial acceptance of the Project (even given that the "Project" may be a phase of the Development)

### Partial Acceptance comes with additional requirements

- Additional works may be required to assure water quality
- Portion of the project must on its own meet UCPW specification for partial acceptance
- Maintenance Bond will be required for the partial acceptance
- We do not require a separate LOC for completion of the work

### First Step is transfer of ownership upon completion of construction

- Warranty starts with acceptance of the Project
  - Public Works issuance of CO after receipt of Title and Warranty Letter of Credit
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### Other Items Discussed:

- Union County has made material changes to their Water and Sewer Line Extension Policy.
- In September, the County Commissioners rescinded the Water and Sewer Allocation Policy.
- Union County has achieved additional water capacity.
- Mr. Gosicki reported that the County is already working on their first amendment to the policy due to issues that were brought up by the developers for the proposed Vintage Creek Subdivision. He advised that Vintage Creek has not submitted a sketch plan to Union County.
- In July, Union County allocated \$500,000 a year to fund short line extensions for individual property owners or individual businesses that are up to 1,000 feet from an existing line. Union County would pay for the first 1,000 feet on a first-come first-serve basis.
- Mr. Gosicki informed the Council that developers are concerned if they have a big project that will take 10 to 15 years to build out that they cannot afford to come in up front and pay all of the fees and to try to build the infrastructure in five years. He stated, "We worked up a process with them where we would facilitate them locking in at the preliminary plat phase. The preliminary plat locks in the zoning, land use and they get vested rights."
- At the time the developer has an acceptable set of plans, the County would send an "Accessibility Letter" to the planning jurisdiction. Union County is not making any commitment as to capacity. Union County is saying that the plans are acceptable. He stated, "That is usually the trigger for the planning jurisdiction that the developer has satisfied UCPW for water and sewer and this is an acceptable way to move forward. At that point the Town could issue a preliminary plat. We submit the final plans to the State agency for review and approval. When we get those plans, we then move forward with executing an agreement with the developer to move forward on whatever portion of that project they want to move forward on."
- Mr. Gosicki advised that the big challenge right now for the Vintage Creek Subdivision is that sewer is quite a distance away. Union County's policy/ordinance as it is written right now says that the developer is responsible for 100% of the design, construction and permitting of any and all off-site improvements. He stated, "Centerline/Vintage Creek informs us that they are building 90 homes but would have to spend \$1 million on off-site sewer improvements. They have

advised that they cannot do it. The challenge is with the geography. Our roads were typically built on ridge lines. Our sewage lines all run in the drainage ways. Centerline has advised us that economically they could not make their project work under the current ordinance. We are working on a program to allow the developer to contribute money rather than build that entire pipe or have them contribute a proportionate share of that cost. We recognize that is not equitable. We are working through some recommendations for our Board to consider in December or January.”

- Mr. Goscicki reviewed water and sewer maps for Weddington.
- The developer would be responsible for acquiring the right-of-way. He stated, “If the property owner does not want to sell, would Union County condemn the property? Nothing in our ordinance says that we will or will not. Our board is not predisposed to doing a lot of condemnation. They will do it when there is a public good, health and public safety.”
- The only water improvements shown for Weddington in Union County’s Capital Improvement Program are a water tower and two new pressure reducing valves associated with that tower. Everything else is through developer contribution or private citizens doing line extensions.
- Mr. Goscicki reported that water lines are located everywhere in the Town; however, sewer flows down hill and is much more of a challenge.
- Union County has identified areas in the Town that have septic issues as reported by the Health Department.
- Mr. Goscicki discussed the Enterprise Fund and that all revenues come from the users of the system and zero taxes support the water and sewer fund.
- If Weddington is considering as part of the Land Use Plan Update a redevelopment of the downtown area, the County Commissioners approved a policy as part of the Water and Sewer Master Plan that Union County will work with communities to ensure that there is sewer capacity infrastructure available.
- Under State Statutes, the Public Works Department is not able to give preferential rates or free service for water or sewer.
- Union County is not required to be in the utility business and cannot require people to hook up except through local land use ordinances.
- Antioch Church Road area does not have water. A lot of Weddington is still on wells but water is nearby. Providence VFD President Jack Parks expressed his concern with fire flow in the Antioch Church Road area and asked if Union County would consider extending a line for safety reasons. Mr. Goscicki advised that would be a County Commission decision. He also advised that Union County does not run a water line any longer without also putting in the necessary fire hydrants.

Council thanked Mr. Goscicki for his time in presenting the water and sewer plans for Weddington and Union County.

**B. Land Use Plan Survey.** Town Planner Jordan Cook advised that COG is finalizing the latest revisions to the Town survey. Town Council agreed to pursue an online survey and to have paper copies at the Town Hall for people that do not have access to a computer. The Town will send out a post card notifying citizens about the survey and giving them two to three weeks to complete. Depending on the percentage of residents filling out the survey, Town staff may send out an additional post card to remind people to complete the survey.

**Item No. 3. Adjournment.** Mayor Pro Tem Barry moved to adjourn the October 11, 2012 Special Town Council and Planning Board Meeting. All were in favor, with votes recorded as follows:

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

Mr. John Giattino moved to adjourn the October 11, 2012 Special Town Council and Planning Board Meeting. Mr. Jim Vivian seconded the motion, with votes recorded as follows:

AYES: Vivian, Giattino, Romaine and Vice-Chairman Dow

The meeting adjourned at 7:19 p.m.

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Walker F. Davidson, Mayor

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Rob Dow, Vice-Chairman

Attest:

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Amy S. McCollum, Town Clerk