

**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.

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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</b>	
<b>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