

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, AUGUST 9, 2010 - 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 August 9, 2010, at 7:00 p.m. with Mayor Nancy D. Anderson presiding.

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

Absent: Councilmember Robert Gilmartin

Visitors: Walker Davidson, Basil Polivka, John Temple, Dan Polivka, Charlie Debbout, Stephen Overcash, Phillip Anderson, Eric Anderson, Richard Hancock, Cindy Furell, Sally Holmes, Christy Martinez, Mans McCloud, Robert Porter, Tommy Price, Bill Price, Janice Propst, Elizabeth Propst, Walter Staton, John Wasylud, Dennis Taylor, Jim Schumacher, W.L. McLeod, Stephanie Belcher, Jim Vivian, Sue Fitch, Barbara Harrison and Pat Harrison

Mayor Pro Tem Daniel Barry led in prayer prior to the opening of the meeting.

Item No. 1. Call to Order. Mayor Nancy D. Anderson called the August 9, 2010 Regular Town Council Meeting to order at 7:04 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. Councilmember Jerry McKee moved to approve the agenda as presented. All were in favor, with votes recorded as follows:

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

Item No. 4. Public Hearings.

A. Public Hearing to Consider Proposed Text Changes to Section 58-13 (3) of the Weddington Code of Ordinances – Temporary Structures and Uses. Mayor Anderson opened the public hearing to consider proposed text changes to Section 58-13 (3). The Town Council received a copy of the following proposed text change:

Sec. 58-13. Temporary structures and uses.

Temporary structures and uses, when in compliance with all applicable provisions of this chapter and all ordinances of the town, shall be approved by the zoning administrator, who shall issue a permit for such approval. The following temporary structures and uses shall be permitted:

- (1) In the event of a disaster, the result of which would require the rebuilding of a dwelling, the owner and his family may occupy a mobile home on the property. The permit shall be

issued for a six-month period and may be renewed by the town council, provided construction has proceeded in a diligent manner.

- (2) Mobile homes, construction trailers and temporary buildings not for residential purposes, when used by a contractor for field offices and storage during the building of structures on the same site, are permitted. The permit shall be issued for a six-month period and may be renewed by the town council, provided the construction has proceeded in a diligent manner.
- (3) Any use of a temporary nature (i.e., less than 45 days in duration and held no more than three times per year at any particular location) which would not otherwise be permitted in a particular zoning district and which will materially affect normal activities (i.e., increased traffic, noise, etc.) may be issued a temporary use permit as herein provided. The applicant shall complete and submit an application and a fee, in accordance with a fee schedule adopted by the town council.
 - a. The zoning administrator may grant a temporary use permit for the following temporary uses: sales for civic, charitable, and nonprofit organizations, i.e., Christmas tree sales. The permit shall be valid for a specified period only, not to exceed 45 days in duration.
 - b. The planning board may issue a temporary use permit for all other temporary uses including public events such as festivals, concerts, carnivals, circuses, etc., only after a public hearing has been conducted as follows:
 1. Notices shall be sent by the town by first class mail to the applicant and to owners of all contiguous pieces of property and to all other property owners whose properties lie within 200 feet of any portion of the property in question at least ten days prior to the public hearing. The notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur. The applicant shall provide the town with a list of all affected property owners.
 2. Notice shall also be posted by the town clerk in a conspicuous location at the town hall at least ten days prior to the public hearing. Said notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur.
 3. A sign shall also be placed by the town in a conspicuous location on the subject properties indicating the nature of the public hearing and date, time and place at which it is to occur. Said sign shall be placed on the properties in question at least ten days prior to the public hearing.
 4. Before issuing any temporary use permit, the zoning administrator and/or planning board shall make the following determinations:
 - (i) That the proposed temporary use will not materially endanger the public health, welfare and safety;
 - (ii) That the proposed temporary use will not have a substantial negative effect on adjoining properties;

- (iii) That the proposed temporary use is in harmony with the general purpose and intent of this chapter and preserves its spirit; and
- (iv) That the proposed temporary use is held no more than **four (4)** times per year at any particular location.

In addition, the planning board may authorize conditions regarding duration of the use, hours of operation, signage, lighting, temporary structures, etc., and such conditions shall be made part of the temporary use permit issued. Violations of such conditions shall be considered a violation of this chapter.

- c. The decision of the planning board may be appealed by the applicant to the town council. The decision of the zoning administrator may be appealed by the applicant to the board of adjustment pursuant to article VIII of this chapter. A written application for town council review shall be submitted to the zoning administrator within seven days of the planning board decision.
- (4) Structures, whether temporary or permanent, located in a subdivision, and used as sales offices for the subdivision development are permitted only with a permit granted pursuant to this section. The zoning administrator shall issue such permit for a period of one year. An extension of up to one additional year may be granted by the zoning administrator provided that the development is being actively marketed and three or more residential lots within the subdivision remain to be sold by the developer. Following this initial extension period, the permit may be extended only within the discretion of the town council and only for a period of time the town council deems appropriate, provided the subdivision is being actively marketed and three or more residential lots within the subdivision remain to be sold by the developer. After the developer sells all lots within the subdivision, or after any permit granted under this section expires, whichever occurs first, the temporary structures shall be removed, and any permanent structures temporarily used as a sales office shall be used only for a purpose otherwise permitted in that district. After a permit issued under this section expires, no other permits under this section may be issued for that same subdivision unless approved by the town council. For purposes of this section, having a sales office within a subdivision, by itself, shall not constitute "actively marketing" the subdivision.

Town Planner Jordan Cook - We have changed the number of temporary uses allowed per year from three to four.

Councilmember McKee - Why are we changing it from three to four?

Town Planner Cook - This is a change to allow the Weddstock Event to have four events as they originally proposed. It was a condition of approval of their Temporary Use Permit that this text amendment be approved to allow the 4th event.

Ms. Sue Fitch – When we did the original proposal for Weddstock, we were told that only three events were allowed to be held per parcel in a year per the ordinance and that there would be a meeting to add the ability to have four, otherwise we would not be able to have Weddstock on Friday. Hopefully based upon the number of people coming out and having a good time, we can our have our last event on Friday.

With there being no further comments or questions, Mayor Anderson closed the public hearing.

B. Public Hearing to Consider Proposed Text Changes to Section 46-76 (l) of the Weddington Code of Ordinances – Connection to Public Water Lines. Mayor Anderson opened the public hearing to consider proposed text changes to Section 46-76 (l). The Town Council received the following memo from Town Planner Cook and a copy of the proposed text change:

- The Public Hearing and Consideration on this Text Amendment will be continued to September 13, 2010. Union County Public Works Director Ed Goscicki will attend the September meeting to discuss this topic in greater detail.
- The Town Attorney is also working on an Interlocal Agreement to coincide with this Text Amendment. The Text Amendment and Interlocal Agreement should be approved together, in September.

Sec. 46-78. Connection to public water lines

If county or municipal water lines are located within one-half mile of a subdivision of ten to 39 lots, or one mile of a subdivision of 40 lots or more, where the distances are measured along the roadway to the nearest edge of the property, then the developer must connect to these lines to provide water service and fire protection for the subdivision. Extensions to the County water system shall be made in conformance with the policies and procedures set forth in the current Union County Water and Sewer Extension Policy as approved by the Board of County Commissioners and Town of Weddington.

There may be times when the County cannot issue new water permits due to lack of available capacity. If a Developer is denied permits for this reason, the Town may allow the use of individual domestic wells to serve a proposed development provided that the Developer still installs water lines to County specifications as initially approved for fire flow only. The Developer shall be responsible for proving to the Town that capacity is not available. A determination of what capacity is available and whether to allow the use of individual domestic wells shall lie within the sole discretion of the Town.

The proposed water lines must still meet all the requirements of the Union County Water and Sewer Extension Policy including providing fire flow protection to the development and taps and meter boxes for each developable lot. If the County and Town approve these plans then the use of wells may be approved as an interim measure until such time as water capacity becomes available.

As a condition of approval of the proposed development, the Developer or property owner shall require these lots with domestic use wells connect to the County system at such time as the County indicates water capacity is available. Individual wells to be converted to irrigation use at the property owners expense provided such conversion is in conformance with the Union County Building Code and Union County Water and Sewer Specifications. The Developer and/or property owner shall be responsible for any fees and charges from the County as a condition of connection to the County water system.

The use of community wells for domestic needs is discouraged and will only be allowed if the water system is built to Union County Water and Sewer Specifications. The system must be capable of meeting the water needs of the community including domestic, irrigation and fire flow requirements and an agreement exists with the County for: 1) the conditions under which the system becomes part of the County system and 2) an arrangement is made with the County to tap into the County system for working fire hydrants according to the County specifications.

Mayor Pro Tem Barry moved to recess this public hearing until September 13, 2010. All were in favor, with votes recorded as follows:

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

C. Public Hearing to Consider Polivka Land Use Plan Amendment and MX Rezoning Application.

Councilmember McKee moved to recuse Mayor Anderson from participating in the public hearing because she is an adjacent property owner to the request. All were in favor, with votes recorded as follows:

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

Mayor Pro Tem Barry opened the public hearing to consider the Polivka Land Use Plan Amendment and MX Rezoning Application.

The Town Council received the following which is attached to the minutes as an Exhibit:

- Conditional Zoning Application – CZ01-07
- Aerial Image
- Zoning Map
- Section of the Land Use Plan – Future Land Use Map Classifications
- Weddington Future Land Use Map
- Illustrative Plan and Notes
- Illustrative Elevations
- Open Space and Phasing Plan
- Sanitary Sewer Exhibit
- Colored Drawings of The Gathering at Weddington

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

Polivka International Company, Inc. requests a Land Use Plan Amendment and an MX Rezoning for a 52,675 square foot office/retail development located at 13700 Providence Road, Weddington, NC.

Application Information

Date of Application: December 14, 2007 (project on hold since then per applicant's request)

Applicant Name: Polivka International Company, Inc.

Owner Name: Polivka Parking Solutions LLC

Parcel ID#: 06-150-045

Property Location: 13700 Providence Road (Between Hunter Farm and Weddington United Methodist Church)

Existing Land Use: Traditional Residential

Proposed Land Use: Business

Existing Zoning: R-40

Proposed Zoning: MX

Existing Use: Vacant House

Proposed Use: 22,675 square feet of office and 30,000 square feet of retail

Parcel Size: 4.84 Acres

General Information-Land Use Plan Amendment

- A Land Use Plan Amendment is required per the *Town of Weddington Zoning Ordinance* when rezoning to an MX district. Text from *Section 58-60* reads as follows:

“Rezoning to an MX district shall only be applicable to areas designated for future retail/office development in the town's land use plan.”

- Therefore, the applicant is proposing a Land Use Plan change from Traditional Residential to Business. By accomplishing this Land Use Plan change, the applicant can then apply for an MX Rezoning. Land Use Map and Land Use Classifications included in materials.
- On April 26, 2010 the Planning Board reviewed the proposed Land Use Plan change. The Planning Board gave the Land Use Plan amendment an unfavorable recommendation. Therefore, the Planning Board did not make a recommendation on the Rezoning portion of this project.
- The Planning Board asked that if the Town Council approves the Land Use Plan change, the Rezoning portion be sent back to the Planning Board for a more formal review. The Planning Board will then conduct a detailed review of the Rezoning Site Plan and make a recommendation on the Rezoning portion of the application.
- The Rezoning portion of the plan would then come back to the Town Council for Public Hearing and Consideration after the Planning Board's recommendation.

General Information-MX Rezoning

- The applicant proposes a 52,675 square foot retail/office development along Providence Road. There are 22,675 square feet of office and 30,000 square feet of retail within the proposed project. The 52,675 total square feet will be distributed between five 1-2 story buildings on site. Actual building sizes may change depending on tenants but the site plan, square footage and general layout will remain the same.
- Per *Section 58-60 (2)g* of the *Weddington Zoning Ordinance*, no individual use within an MX district development shall have a gross floor area greater than 8,000 square feet, except for supermarkets, libraries, town and government facilities, which may be as large as 25,000 square feet. Furthermore, individual retail uses having a gross floor area of greater than 20,000 square feet shall not comprise greater than 25 percent of the total gross floor area in the development devoted to retail use.
- *Section 58-60 (2)e* of the *Weddington Zoning Ordinance* states that the Town Council may allow a floor area ratio to exceed 0.20. The Town Council may approve a floor area ratio of up to 0.25, the proposed project has a floor area ratio of 0.25.
- There are three phases of this project (displayed on RZ 1 and RZ 3). Phase I will consist of entrances and Buildings C, D and E. Phase II will consist of Building B and Phase III will consist of Building A. All required buffers, roadways, parking and landscaping will be provided on a phase by phase basis.
- The required Public Involvement Meetings for this project were held on November 12 and 19, 2009. The meeting on November 12th was held on site at 13700 Providence Road. The meeting on November 19th was held at Weddington Town Hall.

Minimum Standards for Office and Retail Uses in the MX Zoning District:

- Minimum Front Yard Setback- 25 feet from any public road right-of-way
- Minimum Side Yard - 28 foot buffer is required, not a setback
- Minimum Read Yard - 28 foot buffer is required, not a setback
- The applicant complies with all required setbacks and buffers

Access and Parking:

- The site will be accessed by two entrances from Providence Road. One entrance will be in the middle of the site while the other will be located at the northern edge of the site. Both entrances will have 22 foot travel lanes with a 10 foot landscaped median (cross-section provided on RZ 2).

- The middle entrance will serve as the main entrance to the site. There may be a left turn lane installed on Providence Road to access the site if approved by NCDOT.
- The applicant is required 76 parking spaces for the 22,675 square feet of office (1 per 300 square feet) and 150 parking spaces for 30,000 square feet of retail (1 per 200 square feet). The applicant has provided 226 parking spaces, therefore complying with *Section 58-175* of the *Weddington Zoning Ordinance*.
- Parking spaces and loading zones also meet the minimum size standards set in *Section 58-175* and *58-176* of the *Weddington Zoning Ordinance*.
- A Traffic Impact Analysis was submitted on May 8, 2009 and has been reviewed by the Town Traffic Engineer. Comments for revisions to the Traffic Impact Analysis from the Town Traffic Engineer have been given to the applicant for review and comments.

Screening and Landscaping:

- Screening and landscaping will be provided by using several types of trees and shrubs. The applicant is required a 28 foot buffer around the perimeter of the property per *Section 58-8* of the *Weddington Zoning Ordinance*. The applicant has provided a 28 foot buffer around the perimeter of the property. The applicant will also provide internal landscaping within parking areas and islands.
- The proposed landscaping plan does comply with *Section 58-8* of the *Weddington Zoning Ordinance*. All proposed plants are permitted in *Section 58-384* of the *Weddington Zoning Ordinance*.
- The MX zoning district requires 10% of the gross acreage of the project to be open space. The applicant is required 21,071 square feet of open space and has provided 22,104 square feet of open space, therefore complying with *Section 58-60 (2)n* of the *Weddington Zoning Ordinance*.

Elevations:

- Elevations of all buildings have been provided (RZ 2). Materials on the buildings are a combination of hardie plank siding, brick, stone, canvas awnings, fiberglass shingle roofing, etc.
- Proposed buildings are within scale and have similar physical relationship as abutting properties as required in *Section 58-271* of the *Weddington Zoning Ordinance*. Proposed building height also complies with *Section 58-60 (2)f* of the *Weddington Zoning Ordinance*.
- Because this project was submitted prior to the Design Review Board's creation, the Planning Board will act as the Design Review Board for this project.

Additional Information:

- Adjacent Property Uses are as follows:
 - North: Parcels containing single family house and farmland (Hunter Farm)
 - South: Weddington United Methodist Church
 - East: Providence Road and Weddington Corners Shopping Center
 - West: Parcels containing single family house and farmland (Hunter Farm)
- A lighting plan has been submitted and will be reviewed by the Town's Lighting Engineer.
- Water and Sewer to be provided by CMUD (plans included).
- Building B may have a non-restaurant drive-thru window when tenant is finalized.

Conditions of Approval:

1. Water and Sewer Plans must be approved by appropriate agencies;
2. Lighting Plan must be approved by Town Lighting Engineer;
3. All engineering plan(s) must be approved by Town Engineer;
4. NCDOT driveway permit must be submitted and approved by NCDOT;
5. NCDOT must approve left turn lane into property;

6. Traffic Impact Analysis must be approved by Town Traffic Engineer;
7. All signage must comply with *Chapter 58, Article 5* of the *Weddington Code of Ordinances*;
8. Any future revisions to the approved site plan and other approved documents must comply with *Section 58-271 (i)* of the *Weddington Zoning Ordinance*.

Staff has reviewed the application and submitted documents and finds the Land Use Plan Amendment Application and MX Rezoning Application is in compliance with the *Town of Weddington Zoning Ordinance*.

Town Planner Cook - Polivka International Company, Inc. submits an application for a Land Use Plan change and an M-X Rezoning Request. These two requests are for a 52,675 square foot retail office development at 13700 Providence Road. It is between the Methodist Church and Hunter Farm. The applicant proposes 30,000 square feet of retail and 22,675 square feet of office within five buildings on the 4.84 acre site which is outlined in red on the aerial image. The parcel currently has a land use designation of Traditional Residential and a zoning of R-40. Both of those items would need to be changed to have full approval of the project. The first request is for the Land Use Plan change and the applicant is asking for a land use designation of business as opposed to traditional residential. Secondly, they are requesting a change in the zoning to MX which is mixed use. This land use change needs to occur before the rezoning because to be rezoned to MX you have to have a business designation on the Land Use Map. On April 26, the Planning Board did review the Land Use Plan change. They gave that an unfavorable recommendation but did not vote or do a full review of the actual rezoning and the site plan. The Planning Board asked that if the Land Use Plan change was approved tonight that the Town Council send it back to them for a full review of the actual rezoning. This is the first conditional zoning project that we have had in the Town. It is not a quasi-judicial process. It is a legislative process so there are no Findings of Fact. We have had public involvement meetings for this project.

Councilmember McKee - You said the Planning Board did not want to consider the land use? They did not want anything to do with it?

Town Planner Cook - The Planning Board did review it and gave it an unfavorable recommendation. The Planning Board decided not to recommend a change to the Land Use Plan. After they did that they said there was no reason to review the entire site plan.

Attorney Fox - What is before the Council right now needs to be whether or not you are going to amend your Land Use Plan. That is the first step in the process. If there is a favorable determination, then you move to the rezoning application. Your Planning Board has said if you do decide to amend your Land Use Plan, let us have a look at the rezoning application.

Mayor Pro Tem Barry – It is zoned residential R-40 and can only be used for that purpose. This decision tonight is whether or not we would allow any other use than residential.

Attorney Fox - The use for this property is traditional residential. The question is whether or not this Council is willing to change its Land Use Plan from traditional residential to business and they cannot move forward with MX without getting a business designation.

Councilmember McKee - Is our scope of discussion limited to the Land Use Plan? Can we ask questions about what is going there as part of the discussion of the Land Use Plan?

Attorney Fox – You can do that. The only decision that you need to make initially is whether or not you are comfortable with changing your Land Use Plan. In order to make that determination, you as a Councilmember, could get into that level of detail.

Mayor Pro Tem Barry - If the Land Use Plan change occurs tonight, then there will be another set of public hearings based on the site plan and the MX rezoning.

Attorney Fox – You have the ability under the conditional zoning process to actually have the discussions about proposed uses, elevations and square footages. Can you consider the elevations and the proposed drawings that have been provided to you? I would say yes you can.

Mayor Pro Tem Barry - The hearing that we have opened is only for discussion in the change of the Land Use Plan from residential to business.

Mr. John Temple – I am a member of the “Gathering at Weddington” project team that was formed several years ago and in recent days has been accelerated as we have been working with different friends to get input regarding this potential project. We are honored and blessed that you have given us this time tonight to address you. We thank you in advance for your attention and for any questions you might have that would be helpful to us as we work through this particular process. The other members of our team are Basil Polivka, who is the owner of the property and President of Polivka International, his brother Dan Polivka and Charlie Debbout who is a team member. The four of us make up the project team. We are here tonight with two primary purposes. Our first purpose is to seek approval of the amendment regarding the Land Use Plan for the Polivka Property at 13700 Providence Road in Weddington. We understand the ramifications and the process of the MX rezoning and all those issues. Our primary purpose is to deal with the land use. The second thing in conjunction with the land use is we are excited tonight to share with you how we envision the use of this property. We believe that with the widening of Providence Road that there is real call or cry for change to actually happen in Weddington. We want to be sensitive to that change and work with that change. We believe that with your consideration and approval tonight we can start to move ahead through the process. We are anxious to work with you as a Council and the committees and the community and all involved with it. What you see tonight is not written in concrete. It is flexible. There are things in it you may not like. We are willing to work with that. We want to be friends and neighbors as we work through this project because we believe ultimately this project will benefit the citizens of this community by offering office space and upscale retail space in a new and fresh way. As we have studied the use of the land we believe, because of the widening of the road, that residential probably is not going to be fitting. We believe there needs to be something else there. We believe we have something that you can be proud of as a Council. This is neither a small project nor an inexpensive project. This is going to be a very upscale project. We hope you will give us this opportunity and at the end of our presentation we will be glad to answer any of your questions and to engage with you at that time. The first speaker is Basil Polivka. I have known Basil for over 16 years. He is a man of integrity. What he says, he will do. He lives in this community.

Mr. Basil Polivka – I want to thank the Mayor, Council and Planning Board for working with us for the last three years. Our family lives here in the Skyecroft Development. We are part of the community as well. I want to show you our vision. Our office building will be in the back. There are two other offices that surround the center court which is the gathering area. This area was increased due to input from the community. We have a gazebo, trellis and some water features and to the right a possible coffee shop or ice cream shop. This area would be more entertaining for the community. Architecturally we tried to complement the surrounding buildings. We are flexible and are willing to work with the community. In the front there are two buildings. One on the right hand side we envision a restaurant with some outdoor seating. We also offer this building for a potential library. The other building we envision as a Whole Foods place or market. We have extensive landscaping around the whole site. We have worked with NCDOT regarding the traffic access to the site. We have a left turn lane in that has been approved through NCDOT. If you want to head back into Charlotte from our site you will turn right and go to the light, make a U-turn and head north. It is a 30-year design.

Councilmember Thomisser – You said there was a left turn into the project? If you are coming out that entrance, will you be able to go across Providence Road?

Mr. Polivka - No. If you come out of that project, you will go right and then to the light and then make a U-turn. We have contracted with the Isaacs Group and we are working with them to minimize our runoff. We have alternative paving services that reduce the flow of water. We are going to be addressing the drainage for alternative methods to reduce the runoff. We also have had discussions with the Catawba Lands Conservancy about building a trail on one of their pieces of property. We have designed the sewer to pick it up at Highgate and it runs behind the properties at Highgate. There is a stream through there. It comes through Hunter Farms and the CLC property and comes through our project. Currently the design has been complete. We already have the Corps of Engineers permit. We are very flexible with our design and we will continue to be so. We think that the “Gathering at Weddington” is going to be a great addition and we hope you do as well.

Mr. Dan Polivka – How did we get to this point? We sought much community input. My son and I walked every abutting property and talked to people and asked them what they wanted in the area. We sent out postcards, distributed fliers, signage on property, held on-site public input meetings and conducted door-to-door interaction as well. I appreciate Jordan working with us and every official who took time to meet with us and to get your input to help us with the vision. We want this to be a gathering place and yes we want our offices there. We want it to be something we can all be proud of. We have listened and incorporated that into our plan. It has been a moving target for almost three years. We want your consideration and want you to support this project.

Mr. Charlie Debbout – Thank you so much for the time that you shared, the information, direct feedback that we were able to use to improve the project. It speaks that you care enough about the community that you are here, that you spent time with us at the public involvement meetings, on the computer doing the internet survey and also you phoned in. The survey asked just a few questions. Do you want to see change? If you want to see change – what changes do you want to see? How does the “Gathering at Weddington” fit into this space or does it fit in? Do you support our vision? Do you want to see change? – 87.3% said they want change. We had nearly 500 people take time out of their day to do this survey and 450 people actually completed the survey. What changes do you want to see? - 62.3% would like to see some form of a sit down family restaurant to add to the sense of community in Weddington, 51.5% would like to see Downtown Beautification and a Town Green, 49.8% would like to see a library. We originally pictured a roundabout in front of this building. What came out loud and clear from the survey was green space. We added a trellis, pergola and water feature with a stone fence for safety. Unique and retail shopping that is different. People from Weddington don’t want another Blakeney or Arboretum. It is unique here and historical. I am going to read from the survey - Understanding that this project includes new office and retail space which includes a restaurant, coffee and ice cream shop along with a public courtyard and trail network and requires a zoning change; do you support this project – the Gathering at Weddington? - 72.8% said that they were in favor of our project.

Mr. Temple - We wanted to share with you how we would use the land. It is not totally perfected. We have worked hard. We have Steven Overcash who has been working with us as the designer/architect. We have a representative from NCDOT that will help us with the traffic issues. We feel very strongly that we have attempted to answer the questions that were raised months and months ago by different concerned citizens as well as different Councilmembers. This is a unique project, one of a kind, upscale. If this project is not allowed or the land use is not approved, what will go there? It is zoned R-40 right now. I would question whether someone would want to build a house on a five-lane highway. This is a project that comes together with clarity, vision, excitement and answers what the citizens are telling us.

Citizens are looking for change. We are willing to work to see it happen. We respectfully ask for your consideration tonight. I ask that you would approve it so we can continue the process.

Councilmember Thomisser - I am interested in the consequences of amending the Land Use Plan. One of my concerns is stormwater drainage. Can you address that? Where would the water go?

Mr. Basil Polivka - We are going to do a combination of underground storage and above ground storage. We are going to use an alternative paving surface that allows water to be permeable which will help reduce the runoff. We will address that over and above the normal procedure.

Councilmember Thomisser – Can you expand on this so called green pavement? How many have you done and how long have these been in existence and how do they hold up?

Mr. Basil Polivka - We have put in over 350 acres of our product from Canada to Mexico. They have been in service since 1999. We are looking at 11 years. It is not actual pavement but a similar surface. It is a plastic type of asphalt surface. It looks like a carpet but it is very durable for traffic. Water drains right through it. You can stripe it like a regular parking lot.

Councilmember Thomisser – Will any of that water run down Providence Road and into Six Mile Creek?

Mr. Basil Polivka - Water will run down hill. What we are doing is above and beyond the call of what normal people do. We are using these surfaces to reduce our flow significantly. The other areas like roofing and sidewalk that are not permeable, we will use a combination underground and above ground storage. There are piping systems under the parking lot and when it rains really hard those systems will fill up with water so it will retain water underground and it will have an overflow that will let water flow out at a slower rate. It will store it under the parking lot and actually leak out at a slower rate and won't create downstream issues.

Councilmember Thomisser – Will any of the water run across the Hunter Farm?

Mr. Basil Polivka – All of the water now runs down there. There is a stream that runs right in front of the property and right across that farm. Currently it drains there now. We are not going to change that drainage flow. We are going to find alternative solutions to reduce the flow.

Councilmember Thomisser – The stormwater will run down the Hunter Farm and also down the side of Providence Road to Six Mile Creek.

Mr. Basil Polivka - Just like it does right now. We are just going to reduce the amount of water coming off of our property.

Councilmember McKee – On the sewer line that you have running through there – have you secured the right-of-way across the farm?

Mr. Basil Polivka - We got it as far as the County – we were supposed to send them a check but at that time we didn't want to buy the sewer before we had the zoning. We have not gone to the next level.

Councilmember McKee – Did you have a conversation with Weddington United Methodist Church?

Mr. Temple – Yes, we had a conversation with Senior Pastor Dr. Moore. I also had conversations with the Business Manager. I also have three emails that were sent to the church. One of the emails outlined that we were anxious to meet with the trustees to talk about the project. We weren't seeking anything

from the church nor their approval or disapproval. All we wanted to do as good neighbors was find out if they wanted to know what was happening with this potential project. I never heard back from that email. When I was in town I talked to the Business Manager. He gave me the name of the Trustee of the church and I have that in my file. I emailed him but never heard back from him. About two weeks ago I emailed the Pastor that we had been waiting to hear from the Trustees from the church. I assume that there is no interest. He responded to me that it was the correct assumption.

Councilmember McKee – Are you aware that the Senior Pastor does not make these types of decisions and doesn't have input to it? Did he tell you that?

Mr. Temple - Yes he did but he said he would pass my email along to the Trustees.

Councilmember McKee – Did you request to get on the agenda of the Trustees?

Mr. Basil Polivka - Originally when we started this project three years ago, we were on the Trustee's agenda and we did present the project to them.

Councilmember McKee – You have not recently? The Trustees change every year. What is the size of the gathering place?

Mr. Polivka - It is a combination of grass and brick pavers. It is 10,000 square feet.

Councilmember McKee – Was the survey written up by professionals or something that you wrote up in house?

Mr. Debbout - In house – I wrote it but I am not a professional survey writer.

Councilmember McKee – You didn't send out a survey to every resident of Weddington to get a result?

Mr. Debbout - We sent it out to just under 3,000 households. The list we used was data files provided by the Town of Weddington. From there it directed people to either call in or to go to the internet. We had 39 people who phoned in and the rest went to the internet.

Mr. Basil Polivka - The survey mirrored some of the previous surveys that you guys did.

Councilmember McKee – When someone went on your website to take the survey, how do you know they were residents of Weddington?

Mr. Debbout - I went through the file. The file of 300 was cross referenced to the 3000 data base file. You make a valid point. It was not 100%; however, statistically 5 out of 300 the percentage was 1.6.

Councilmember McKee – Anyone could have gone on the website from Waxhaw and put in their opinion.

Mr. Basil Polivka – No, that is not correct. Only five people outside of Weddington took the survey out of 300.

Mr. Polivka - They could enter it. I went through each and every entry and cross referenced it.

Councilmember McKee – On the survey people had to put their name and address.

Mr. Debbout - I thought people might be hesitant to put their name on it. I thought it would be good to ask for the street number and street name.

Councilmember McKee – You could not actually say that all the results came from Weddington.

Mr. Polivka – 1.6% out of 300 was not from Weddington.

Councilmember McKee – How do you know that those 98.4 were?

Mr. Polivka - They put their address in and we cross referenced addresses to what we sent out.

Mayor Pro Tem Barry – Is there a breakpoint on your pro forma if we limited your square footage dramatically? You have three phases. If we came back and said you can put your offices and two other buildings and they are all one story does that kill your pro forma for the scope of your project?

Mr. Polivka – We would have to review that.

Mayor Pro Tem Barry - The elevations, footprints, square footage and layout is up for discussion and you would work with the Planning Board on that.

Mr. Polivka – Yes.

Mayor Pro Tem Barry – Councilmember Thomisser and I spent some time trooping through the woods Thursday looking at the potential runoff issues that you will have going on the backside of the property and then down the front through the conservation area into the open ditch where it ultimately ends up in a creek. I understand all you are really doing is slowing down the flow – water doesn't stay in those tanks forever. You are going to reduce the flow into the creeks ultimately. Have you had an engineer that can validate whether or not there will be any flooding downstream from this as a result of the increased surface area pavement and rooftop?

Mr. Polivka - We have contracted with the Isaacs Group. We will continue to consult with them and work through those details.

Mayor Pro Tem Barry - Flooding is an issue here.

Mr. Polivka - We understand that Highgate and other areas are very sensitive to this. That is why we have offered to use our permeable surface to reduce that.

Mayor Pro Tem Barry – If we decline your request for a Land Use Plan change, what will your next step be?

Mr. Polivka - I am not going anywhere. I live down the road and will be back again.

Councilmember Thomisser – What would happen if we had two or three days of constant rain? I understand the surface area is meant to slow the water down but water eventually will go either down the Hunter Farm or down Providence Road into Six Mile Creek. Am I correct?

Mr. Polivka - Yes, that is correct. When you design a drainage system, you design it based upon how fast the flows are and there are a lot of calculations going into that. We would use standards that are stringent.

Mayor Pro Tem Barry – During our MX process, we require our engineers to review the building and design to make sure we don't show rises?

Town Planner Cook - If this were to be approved, the construction documents and the storm water management plan would be reviewed by our engineer.

Attorney Fox - This is a conditional zoning process and if this does get to the next step the Town Council will have the ability to impose reasonable conditions on the applicant to address some of the concerns that have been discussed here this evening.

Councilmember Thomisser – Did you have an opportunity to go door-to-door in the Highgate subdivision?

Mr. Polivka - We did talk to the President of Highgate. He was concerned about the drainage and that is why we added in our permeable solution to reduce the flow.

Councilmember Thomisser – My understanding is that 3,000 postcards were sent out and fliers were also sent out?

Mr. Polivka - We sent out initially 3,000 postcards and then I believe about a week ago we sent out another 1,000.

Councilmember Thomisser – A total of 4,000 postcards went out and you received 450 responses?

Mr. Polivka - That is correct.

Councilmember Thomisser – Did you go door-to-door in Steeplechase?

Mr. Polivka – Yes, we did.

Councilmember Thomisser – I am looking at the proposed sewer map. Do any of the sewer lines go over a property in Highgate?

Mr. Polivka - There is one piece of property that it will go across.

Mayor Pro Tem Barry – Councilmember Thomisser, you should disclose the fact that you live on Kings Manor Drive in the Highgate Subdivision.

Councilmember Thomisser – I do live there. I do not have a problem with stormwater. You said the Town Green is 10,000 square feet. How long is it and how wide is it?

Mr. Stephen Overcash - 110 x 90.

Councilmember Thomisser – You also stated that you wanted a library. Does this mean you are going to build a library for Weddington?

Mr. Polivka - We would welcome the library to go there. We would like to work with Union County.

Mayor Pro Tem Barry – Would you dedicate the surface area for them to build the library?

Mr. Polivka – No, we will not dedicate it but we will build and lease it to them.

Councilmember McKee – Did you say that you have approval from all the property owners to lay this sewer line? What happens if someone says they don't want it coming through here?

Mr. Polivka – North Carolina has a law regarding the placement of sewer lines. If they did not have this law in place, you could not extend sewer lines. There is a law that they would take it by imminent domain.

Councilmember McKee – Anyone that does not want to participate, the land could be taken away from them?

Mr. Polivka - Not the land – they will still own the land.

Mr. Dan Polivka - We are hoping it is going to be so good that no one is opposed.

Mr. Polivka - This sewer line that we are putting in is at no tax dollars. We are going to pay for the whole sewer line. We are benefiting this whole community by adding the sewer.

Mr. Phillip Anderson – I live at 13624 Providence Road which is the Hunter Farm. I have two primary issues with this. The first has a direct permanent impact on me and our ability to operate our property as a farm. The first issue is the sewer line that goes through our parking lot. We have approximately 20,000 visitors to the farm every year. In the fall we will have 12,000 children and school buses and cars coming out there. That is our primary parking lot. If there are manholes or covers rising above the ground, that will have a direct impact on safety and the maneuvering of vehicles around in that parking lot. The second thing is the water runoff. I was told when this shopping area went in by the engineers that they would not impact our property with the water runoff. That amused me. The runoff from this area runs into our farm. What is not shown here are the contours. Everything from 84 half of the church property up here from Weddington School Road to the back parking lot of Weddington Church all along this ridgeline up to the rise in the hill straight across from the emergency entrance into Highgate runs onto our farm. That is a lot of acres and every acre of asphalt or roof top results in 10 acres of runoff. I have had to rebuild my spillway on our main irrigation pond seven times. That was with just the shopping area. Now we are up to over 300 acres of runoff into that pond. I have a dam behind my house that the water runs over the top of it and it is a dry containment pond. The water right now in a strong rain runs over the top of that. The water comes up within seven feet of our house on the backside of this property. I understand about slowing water down and that makes an impact in the volume of water that will flow at once into those ponds. But right now I have a problem and no one seems to be sensitive to that issue. One of our strawberry fields is right adjacent to this property. Water right now runs into the first three rows and collects on there. It damages the strawberry plants there. If you add any more rooftop or anything that drains that way, that will go in there. On the survey it talked about restaurants, libraries, shops, trails. I don't know where those trails are going to be but I am not going to have a bunch of people walking through our farm on trails where we have cows and horses. I am not going to alter my lifestyle to allow people to walk onto that farm. The Catawba Lands Conservancy has 2.5 acres down in the front that is snake infested. If people want to walk down there, I am not opposed. For 27 years this Town has been here and the feeling of the people expressed back in 1983 and ever since then has been no commercial west of Highway 16. Anybody who has run for the office as a Mayor or Councilman has run on the platform of limited commercial or no commercial. Do we want a restaurant, library, shops or trails? Fine, but not there. I am in favor of all of those things.

Mayor Pro Tem Barry – You and I spent 1.5 hours together last Friday night. One of the observations that we made was the manhole covers had an 18" elevation.

Mr. Anderson - They are above ground manhole covers. There is one that is shown on the diagram right in the middle of the parking area. The other one is down to where the sewer line would cross the branch that parallels the road and feeds where the gate was. Then any construction of a sewer line that goes back behind the pond, around the pond and parallel to where Highgate is those trees are coming out and that is the screening for Highgate. They will lose all of those trees.

Mayor Pro Tem Barry – When we talked I asked you if it wasn't just development – it was any development of that property that was going to create runoff. Residential would be less because you don't have the surface area. But you can still have the same issues with your detention ponds. I asked you point blank if you saw other uses of that property.

Mr. Anderson – That is correct. I don't see a use other than what it is right now or residential. That property is no different from the corner of Hemby and Providence. We have six acres up there that we are just paying a lot of taxes on it and that is all we will ever do is pay a lot of taxes on it. I don't think anyone is ever going to build a house there and it will never go commercial.

Mayor Pro Tem Barry – You didn't tell me you thought there was a better use for that property?

Mr. Anderson - I don't think I ever said it was commercial because you would have to put in the sewer line and the sewer line alone would cause me problems. If your recollection is different from mine please refresh mine.

Mayor Pro Tem Barry – Under that tree that afternoon I asked you point blank what you saw on that property. I asked if you believed it would ever be used for residential space or was there another use for that property. You said I don't see them building houses ever on that property. It would probably be used for something else. I asked you then if you could control the level or type of development to mitigate its impact to your property, does that give you a lot of heartburn? Your answer was I got water issues no matter what they do with that property.

Mr. Anderson - That is essentially what I said. That is not a desirable property for residential. Councilmember Thomisser made this an issue when he was running for office. I did ask for a left hand turn lane to go into our property because of the school buses and the traffic. We were denied that left hand turn lane because of its proximity to this corner and to the entrance to the shopping area. Now all of a sudden we have a left hand turn lane and we were denied.

Mr. Eric Anderson – Because of the way the fences are on the farm, when they do put in that sewer line in that location, there is no place for me to put my cows. The construction workers will have to dig up that pasture. One of my concerns is if there is ever a problem with the sewer line, what would I do with the cows?

Mayor Pro Tem Barry – We have had numerous conversations prior to my getting on Council about the congestion on Providence Road and the flow of traffic quickly through the intersection of Hwy 84. Now we have added a U-turn at 84 and a left turn into their development.

Mr. Richard Hancock – I will not say that it has been approved. In working with Mr. Polivka and the development, we agreed to review the traffic impact analysis. They came to us and provided a document that looked at what the potential use of the property would be. The document actually indicated a little more square footage than what they have said tonight. Based on what those type of uses would potentially generate in traffic and also looking at the traffic models of what would be generated in peak hours, we looked at their engineering analysis assuming a left hand turn would be put in that location. Our folks in congestion management agreed that would work. At this point, if you were to approve the

land use modification they would still have to come back to us to go through the driveway permit process. We agreed that a left over would work there with 100 feet of storage. We would want to maximize the distance that we left between there and 84 with a left turn moving southbound.

Mayor Pro Tem Barry – With a U-turn how much heartburn would that give you?

Mr. Hancock - I have not looked at all the numbers because I am not a traffic engineer. We depend on a specialized group we have in Raleigh. When we get into 2030 timeframe, we could potentially have issues with the traffic that would be going into those left turn lanes on 84. We could potentially get into issues with those backing up.

Mayor Pro Tem Barry – But if you accelerated Rea Road...

Mr. Hancock - We are probably going to have those issues up and down this corridor in the design year in review of the traffic impact analysis.

Councilmember McKee – The U-turn from a safety standpoint, we are going to come out of there in the right lane and whoever comes out that wants to make the U-turn to go back towards Charlotte is going to have to make their way over two lanes of ongoing traffic in order to get up to a light hoping that when they make a U-turn there is not somebody making a right turn onto 84. Have you looked at that from a safety issue?

Mr. Hancock - When you increase those movements anytime I can't argue with the fact that there is a conflict point. We are utilizing more and more of those situations in a divided highway where we don't allow full movement and left out because of right turn movement. Even having to go down some distance to merge and make the U-turn movement you concentrate on one conflicting direction at a time. It is a much safer movement. The sketch shows a single left turn lane. There is actually dual left turns. There would be a dedicated left turn phase.

Councilmember McKee – You have to get all the way over to make a U-turn even though there are two lefts. You can't make a U-turn.

Councilmember Thomisser – Going north on Highway 16, there will be left turn in. Is that a slam dunk or under review?

Mr. Hancock - We had agreed at the developer's request to review a traffic impact analysis and to look at the traffic engineering projected volumes of the space that they are proposing and based on that analysis and our review it will work. We have not issued a driveway permit. We would not issue a permit until such time that the Council had approved the use of the property. We would do that concurrently with your review of the site plan. I can't say that it is a slam dunk. If you all approve the use of this property as they are proposing, the likelihood is yes we would approve that left turn.

Councilmember Thomisser – What would be the rationale?

Mr. Hancock - The volume of traffic that was projected.

Councilmember Thomisser – The Andersons said they were denied a left turn lane in.

Mr. Anderson - We have 20,000 visitors and 12,000 reservations based on school kids.

Mr. Hancock - I was not involved with that request. If we are talking somewhere about 3,500 vehicle trips generated a day given this traffic, there is a difference in traffic volume generated here.

Councilmember McKee - Where did the projection of 3,500 come from?

Mr. Hancock - By their engineers and traffic analysis.

Mr. Tommy Price – I am not affected by the runoff or where the sewer is going. I too have great concerns about the traffic and U-turns on Highway 84. We did not get a left turn out of the shopping center because they didn't want to clog traffic. Are you going to change residential zoning to commercial? What that piece of property is open for use for is none of the Council's problem. It is not a Town issue. It is an owner's issue. No more than any other piece of property in the Town. Before the Town of Weddington was incorporated, that parcel was in the County and was zoned commercial. The very first Council changed that to protect that corridor from the Highway 74 syndrome with commercial on both sides. Hopefully tonight your decision is whether you are going to be the very first council in my 23 years here to change a residential piece of property in Weddington to commercial. Most of you ran on the preference of no more commercial in Town. So ultimately I am asking you not to be the first Council to set that precedent.

Ms. Janice Propst – As a long time resident of this community, I ask for you to vote positively for the Polivka project. I was introduced to Basil Polivka and "The Gathering at Weddington" back in early spring. I see the Gathering as a positive addition to our downtown core area. Currently Weddington's downtown includes Weddington Corners, our historic Town Hall, a few doctors' offices, Weddington United Methodist Church with its large campus of offices, an elementary school, daycare and Family Life Center and The Hunter Farm and the year-round Weddington Activity Center. Where does the Polivka Property sit - right in the middle of all that downtown activity. You have an opportunity today to vote for one of the best projects ever presented to the community. The Gathering would mean so many things for every age group in our Town. Wouldn't it be great to live and work in Weddington? There are people that would love to locate their small office space right where they live. Wouldn't it be an asset to have Trader Joes or a Fresh Market or a unique grocery store? Wouldn't it be nice to go grab a bite after church at a local restaurant in our own Town? Wouldn't it be nice to meet friends for a neighborhood dinner on a Saturday night and take a few minutes to sit outside and talk near the fountain as you eat your ice-cream in Weddington, not Mecklenburg County? One day this parcel will be developed and it will be developed commercial. It can be done now or it can be done later with a different Council and a different vision for our Town. You have a wonderful opportunity in front of you with a beautiful project and people that are willing to work with this community to do the right thing. I ask you to vote in a positive way for the Polivka Family and the Polivka project. Soon we can be sitting together at the Gathering here in our own little community.

Ms. Barbara Harrison – I also wish that you would vote for this for multiple reasons. When I heard how many surveys – I thought that was great because the last survey was 795 that were responded to in 2007 with some of the most leading questions I have ever had. I went and knocked on doors when I was campaigning last year. Every subdivision in Weddington including Bromley which was only one person said they wanted a place that was local. You have four subdivisions where people weren't here in 2007. They have only been here 2 ½ years. You seem to not count the newer residences in this Town. I want you to make a decision, not based on a church or Highgate, but based on what everyone in Weddington is asking for. We are asking for a place where we can come and sit. I go down to the Java Brewery on New Town Road and you can walk in there anytime for coffee and there are 10-15 people sitting there. Let's do something for Weddington residents.

Mr. Jim Schumacher – I have volunteered the last three Friday nights at Weddstock. That has been an opportunity to learn a little bit more and get into the discussion of this development. Weddstock has been a very positive event for our community. I have been in Weddington 17 years and filled out a number of those surveys over the years and throughout that time have always supported a small degree of additional commercial development for Weddington and have generally had the opinion that it needed to take place contiguous to Weddington Corners and to be very compact and small relative to the overall size of the community. The five acres across the road is in a very unique situation. As others have said, it is surrounded by the church, farm, Providence Road and commercial directly across the property. R-40 use on that relatively small piece of land doesn't seem to make sense under the circumstances. Commercial development going across Providence Road is also something I am struggling with. Where I am leading is to say that we should look at some use other than R-40, something other than four or five homes on that piece of land but something that preserves and compliments what we have in Hunter Farm. We have heard a lot about the issues that may impact the farm. I have not heard anything about what we might do that preserves, protects and enhances the farm. That would be the concept that I would like to see as the plans go forward. The petitioner has proposed several features that are positive and increasingly desired by the Town – restaurants and a gathering space. Generally I thought this should be here on this side of the road. How you do it on the other side of the road needs to be very carefully thought through. In terms of the process, I would advocate that you would take the first step which is to amend the Land Use Plan from residential to business but do not take the step tonight of approving the zoning plan. Refer the plan back to the Planning Board as they requested that you do to give them and the rest of the planning process the opportunity to try to address all of these questions and all of these issues. If at the end of that process we all don't have a plan that you as Councilmembers can support, you don't have to approve the zoning plan at that time.

Ms. Cindy Furell – I feel the heart of those who are land owners and the heart of the history of Weddington and how we value our nature and our family here but I think we have to also be realistic that change is going to happen. The opportunity of the community resident who is willing to take everything that we have to say and incorporate what we want into the project and he is going to be accountable to us because he lives here and we will make him accountable to us. I think it is an opportunity for this generation to take what we value and incorporate it into an aggressive move that is going to happen and there is no denying it. This generation can do that much better than probably the next generation. We want to hold up the historical nature and the values. We want to protect the farm land and the heart of Weddington. This generation can do that. We can do it and still provide some of the things that the community wants as the demographics have changed and will continue to change where people are moving here from. The needs are going to change. I feel strongly that we can do that in an extremely well way now whereas it may not be that case later. I hope that we take the opportunity to really bring together everything that we desire and make it the best possible situation.

Ms. Sally Holmes – I think balance seems to be our key word here. There is a way to do things in harmony. I have been a resident for four years and was in Charlotte the other 21 years. You have such a jewel here that is tucked away. It is beautiful and it is what drew me here to have space, nature and to actually have land with the home and to yet be accessible to things around me. This community is also important. I think the Polivkas are genuine people from my time spent with them. I think they are for what is in the best interest of the community and they are willing to be flexible and work on things so it works for everybody. I also understand the Hunter Farm's situation. I have been a speech pathologist with Charlotte Mecklenburg Schools. We take special needs children there. It is a wonderful thing to offer and it is very special. I think we also need to protect Hunter Farm as well at the same time and hopefully there is a way to gather to do that and make it happen. I would like to see more opportunities for community in Weddington. When I moved here, I was surprised that the area was as small as it was for community opportunities. I use the word community instead of retail or development. I think that is a very cold terminology. I think community is where we should focus. I heard that as well with this

development proposal tonight. I would like to see us give this a chance. I would like to see Weddington expand its community opportunities to not just be residential. I think we can preserve the nature and history that is around us and at the same time we can come together more as a community and really have something special for others to look at.

Ms. Elizabeth Propst – Several weeks ago I had the privilege of being introduced to the Polivkas and their proposed project “The Gathering at Weddington.” I was impressed by the overall design and setting of the structure and its potential to the citizens of Weddington. The idea of nature trails, green spaces for community activities, upscale shopping and dining facilities would enhance our community and our quality of life. Our dear friends Bobby and Lucy Helms previously owned the property. Bobby wanted something built on that site that would be an asset to this community that he dearly loved so much. I hope that all of you can be open minded and realize that many seniors and residents in this part of Union County would benefit from such an upscale facility. It would also provide much needed taxes for Weddington and Union County. With unemployment around 10% it would open job opportunities. There are hundreds of small and large towns across America who would love to have this facility. I hope you approve this with open arms for this community. I hope to see all of you at “The Gathering at Weddington.”

Mr. Walker Davidson – Of all the outcomes we get out of this, I hope that we don’t get that there with that traffic flow. If you look at what is going on at 16 and 84 everything I have heard from DOT is it is about moving traffic. They don’t have any interest in how we get around town as far as how Weddington’s residents use this road. I don’t understand like Mr. Anderson how the Hunter Farms didn’t get a left turn lane and these guys did. The U-turn drives us crazy. It looks like they are better at getting things out of DOT than we are. If you approve this, why don’t you approve it contingent upon getting a light at the northern entrance of the existing shopping center that would open up the shopping center and perhaps save the shopping center? It will help their stores and might help the Hunter Farm. I know they did not want to put the light there because of messing up traffic and slowing it down. When you look at that traffic pattern with all of that circling, you can’t get from one place to another. It is going to slow it down anyway. Mr. Anderson also made a reference to politicians and the promises they make when they try to get elected. Some of us make general statements about no more commercial growth, limited commercial growth. I have a document here that is very specific. What I have is a flier that was handed out before the most recent election and it says “Is the attached what you want? If you don’t want bulldozers behind Steeplechase then vote for Mayor Pro Tem Barry and Councilmember Thomisser on Tuesday, November 3. No personal agendas – no nonsense leadership.” Is the attached what you want? The attached is the meeting notice for public involvement meetings for 13700 Providence Road - this piece of property. I just want to remind Mayor Pro Tem Barry and Councilmember Thomisser about their campaign flier.

Ms. Christy Martinez – I have only been in the Weddington area for the last 3 ½ years but I am an entrepreneur. Unfortunately when I have all of my business meetings, I spend my tax dollars in Mecklenburg County because I don’t have a good place to meet here in South Charlotte. If we want to continue to build a community or want to draw entrepreneurs to this area, then I think having a place to gather or meet as professional business people is very important. In my personal life I like to go out to dinner with my neighbors and with my friends and every time I do I spend my money in Mecklenburg County. Having a place here where I can support the local community and local environment I think is important. Having one that is built in a manner that is proposed here I think is important because it holds the integrity of the community. I happen to know Basil and his wife and their children. We live in the same community and I just want to speak to the character of the family which in my opinion is what they say they will do they will do. I work very closely with Basil on the homeowners association and community. Everything that he has always recommended for our community where he lives has always

been the highest quality and he has always followed through on his promises for us as a community. I am very much in support of the proposed project.

Mayor Pro Tem Barry – Walker Davidson, are you in support of the change in the Land Use Plan?

Mr. Davidson - I am not in support of it.

Mr. Mans McCloud – I have lived in the Weddington area since 1993 but I grew up in Charlotte and had a farm on Twelve Mile Creek Road at one time. I am in support of the Land Use Plan change. Something some day will go in that parcel and clearly everyone is convinced that R-40 is not what it should be. I appreciate the concerns of the Hunter Farm. They have a water issue now that needs to be addressed regardless of this project and the Polivkas seem to be willing to bend over backwards to work with whomever to make the changes that need to be made to make it a first class type arrangement and development. I know for years we talked about we don't want change. Change has come. Providence Road is what it is. Most people will drive through Weddington. They don't drive to Weddington. They are going to Waxhaw, Rea Road or Wesley Chapel. I know there has been talk about a Town Center. What does this accomplish? It accomplishes a gathering spot that I don't think without using that tract I don't know where else the Town Center will go. There is not much left. Now you are faced with changing the Land Use Plan. I think you should. Yes, there are traffic issues. Those will have to be dealt with. Traffic is not going to get less and so we are going to have to deal with that issue at some point.

Mr. Robert Porter – I am very much in support of the land use change. I moved to this area because I saw the potential to have a small community. I never did see any development until recently. I am also a member of the church next door. I can tell you that as a large Sunday School Class that tries to go somewhere afterwards for food or other things, we go to Waxhaw or Charlotte. This project is a good project. All of these things that have been discussed this evening can be developed and worked out as time goes on. That is what the construction document phase does. It gives everyone the opportunity to voice their opinions and to work these issues out.

Mr. Walter Staton - Most of you know my deep affection for this small, unique, rural Town. I was instrumental in helping start Weddington in 1983. I am here tonight to speak to you about our Land Use Plan. Our Land Use Plan is the way it should be. I ask all of you Councilmembers to vote no. Leave it the way it is. Why? The 2007 Weddington official survey says 72% of the good citizens of Weddington want no more retail establishments and 54% of the citizens said again absolutely no more commercial development in our unique, rural Town. We paid Hadenstanziale to say where Weddington needs more commercial. They said the citizens of Weddington had rather drive 5-10 miles near here than put up with all of the traffic. The current Weddington Shopping Center has space now for lease. They have worked and worked trying to get someone to come in. One of the owners of the establishment there is fixing to move out, build his own building and get away from Weddington. We are in the worst economic recession since the Great Depression and I question whether any further commercial development can survive here. The Enquirer-Journal Newspaper on August 15, 2009 quoted Councilman Mayor Pro Tem Barry as saying the Weddington Land use Plan looks good and many Weddington people want to protect its rural character. Councilman Thomisser stated in his campaign literature that he supported the wishes of 72% of the Weddington citizens that did not want further commercial development. Councilman Thomisser said we must protect the Weddington Land Use Plan in order to maintain the Weddington rural character.

Mr. Polivka – There has been discussion about our survey. We sent out 3,000 cards and people went to the website and took the survey. It is just as official as the one you guys sent out. I have looked at three other surveys that you did and every survey said they wanted a restaurant. That has not changed. They said they wanted a library. When someone said they didn't want any commercial that is not true. They

said they wanted a restaurant which is commercial. A total of 87% said they wanted change and 72% said they would approve “The Gathering at Weddington” on that side of Providence. Thank you for the comments for and against.

Councilmember McKee – When is Phase II and Phase III going to be built?

Mr. Polivka - Initially we are going to finish Phase I. That should take 18 months. We have about a year on the sewer and another eight months for construction. We have a year to close the deal on all of those tenants. We have initial interest in the front. We are hoping it will all be built together.

Councilmember McKee – You have ice cream, coffee shop? Is that exactly what will go in there?

Mr. Polivka - That is our vision. We are putting this 10,000 square foot gathering there for a reason. The specific reason is for people to go there, sit down and have coffee. Whatever it is will complement the gathering area.

Councilmember McKee – There is no new housing going up in Weddington. We have large developments like Bromley that are way underdeveloped. My biggest concern or question is if you build this, will these be empty store fronts?

Mr. Polivka - We are hoping we get it all together but we are being realistic. That is why we are phasing it.

With there being no further comments or questions, Mayor Pro Tem Barry closed the public hearing.

Item No. 5. Public Comment. There were no Public Comments.

Item No. 6. Consent Agenda.

A. Call for Public Hearing to Consider Proposed Text Changes to Section 58-15 of the Weddington Code of Ordinances - Height Exemption (Public Hearing to be Held September 13, 2010 at 7:00 p.m. at the Weddington Town Hall). Councilmember McKee moved to call for a public hearing to consider proposed text changes to Section 58-15 – Height Exemption. The Town Council received a copy of the proposed text change. The public hearing is to be held September 13, 2010 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

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

B. Consideration of Proclamation Proclaiming September 17 – 23 as Constitution Week. The Town Council received a letter dated July 27, 2010 from Elizabeth R. Gibson from the National Society Daughters of the American Revolution and the History of Constitution Week. Councilmember McKee moved to approve Proclamation P-2010-05:

**TOWN OF WEDDINGTON
PROCLAMATION PROCLAIMING
SEPTEMBER 17 THROUGH SEPTEMBER 23
AS CONSTITUTION WEEK
P-2010-05**

WHEREAS, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2010 marks the two hundred twenty-third anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week

NOW, THEREFORE I, Nancy D. Anderson, by virtue of the authority vested in me as Mayor of the Town of Weddington in the State of North Carolina do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through the guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town to be affixed this 9th day of August of the year of our Lord two thousand and ten.

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

C. Consideration of Appointment of Councilmember Robert Gilmartin to replace Mayor Pro Tem Daniel Barry on the Parks and Recreation Advisory Board. Councilmember McKee moved to appoint Councilmember Robert Gilmartin to replace Mayor Pro Tem Daniel Barry on the Parks and Recreation Advisory Board. All were in favor, with votes recorded as follows:

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

D. Consideration of Appointment of Mayor Pro Tem Daniel Barry to replace Councilmember Robert Gilmartin as the MUMPO Alternate. Councilmember McKee moved to appoint Mayor Pro Tem Barry to replace Councilmember Gilmartin as the MUMPO Alternate. All were in favor, with votes recorded as follows:

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

E. Consideration of Code Enforcement Proposal from Centralina Council of Governments. The Town Council received the following memo from Town Administrator/Clerk Amy McCollum and a copy of the Code Enforcement Proposal and Service Agreement Memorandum from CCOG:

Please find attached a proposal from Centralina Council of Governments (CCOG) regarding Code Enforcement services. The Town Council considers this proposal at the beginning of each fiscal year. This proposal allows us to have the assistance of a Code Enforcement Inspector from CCOG to assist the

Town with minimum housing issues. The contract is for \$5,077.50 plus the use of 15 member hours. We use COG for assistance on an as needed basis so the total amount may or may not be used. Per Finance Officer Leslie Gaylord, money is in the budget for these services.

Councilmember McKee moved to approve the Code Enforcement Proposal from Centralina Council of Governments. All were in favor, with votes recorded as follows:

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

Item No. 7. Approval of Minutes.

A. May 10, 2010 Regular Town Council Meeting. Councilmember McKee moved to approve the May 10, 2010 Regular Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

B. June 14, 2010 Regular Town Council Meeting. Councilmember McKee moved to approve the June 14, 2010 Regular Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

Item No. 8. Consideration of Public Hearings.

A. Consideration of Ordinance to Adopt Proposed Text Changes to Section 58-13 (3) of the Weddington Code of Ordinances – Temporary Structures and Uses. Mayor Pro Tem Barry moved to adopt Ordinance O-2010-12.

**AN ORDINANCE TO AMEND SECTION 58-13
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2010-12**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-13 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 58-13. Temporary structures and uses.

Temporary structures and uses, when in compliance with all applicable provisions of this chapter and all ordinances of the town, shall be approved by the zoning administrator, who shall issue a permit for such approval. The following temporary structures and uses shall be permitted:

- (1) In the event of a disaster, the result of which would require the rebuilding of a dwelling, the owner and his family may occupy a mobile home on the property. The permit shall be issued for a six-month period and may be renewed by the town council, provided construction has proceeded in a diligent manner.
- (2) Mobile homes, construction trailers and temporary buildings not for residential purposes, when used by a contractor for field offices and storage during the building of structures on the same site, are permitted. The permit shall be issued for a six-month period and may be renewed by the town council, provided the construction has proceeded in a

diligent manner.

- (3) Any use of a temporary nature (i.e., less than 45 days in duration and held no more than three times per year at any particular location) which would not otherwise be permitted in a particular zoning district and which will materially affect normal activities (i.e., increased traffic, noise, etc.) may be issued a temporary use permit as herein provided. The applicant shall complete and submit an application and a fee, in accordance with a fee schedule adopted by the town council.
 - a. The zoning administrator may grant a temporary use permit for the following temporary uses: sales for civic, charitable, and nonprofit organizations, i.e., Christmas tree sales. The permit shall be valid for a specified period only, not to exceed 45 days in duration.
 - b. The planning board may issue a temporary use permit for all other temporary uses including public events such as festivals, concerts, carnivals, circuses, etc., only after a public hearing has been conducted as follows:
 1. Notices shall be sent by the town by first class mail to the applicant and to owners of all contiguous pieces of property and to all other property owners whose properties lie within 200 feet of any portion of the property in question at least ten days prior to the public hearing. The notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur. The applicant shall provide the town with a list of all affected property owners.
 2. Notice shall also be posted by the town clerk in a conspicuous location at the town hall at least ten days prior to the public hearing. Said notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur.
 3. A sign shall also be placed by the town in a conspicuous location on the subject properties indicating the nature of the public hearing and date, time and place at which it is to occur. Said sign shall be placed on the properties in question at least ten days prior to the public hearing.
 4. Before issuing any temporary use permit, the zoning administrator and/or planning board shall make the following determinations:
 - (i) That the proposed temporary use will not materially endanger the public health, welfare and safety;
 - (ii) That the proposed temporary use will not have a substantial negative effect on adjoining properties;
 - (iii) That the proposed temporary use is in harmony with the general purpose and intent of this chapter and preserves its spirit; and
 - (iv) The proposed temporary use is held no more than four (4) times per year at any particular location.

In addition, the planning board may authorize conditions regarding duration of the use, hours of operation, signage, lighting, temporary structures, etc., and such conditions shall be made part of the temporary use permit issued. Violations of such conditions shall be considered a violation of this chapter.

- c. The decision of the planning board may be appealed by the applicant to the town council. The decision of the zoning administrator may be appealed by the applicant to the board of adjustment pursuant to article VIII of this chapter. A written application for town council review shall be submitted to the zoning administrator within seven days of the planning board decision.

- (4) Structures, whether temporary or permanent, located in a subdivision, and used as sales offices for the subdivision development are permitted only with a permit granted pursuant to this section. The zoning administrator shall issue such permit for a period of one year. An extension of up to one additional year may be granted by the zoning administrator provided that the development is being actively marketed and three or more residential lots within the subdivision remain to be sold by the developer. Following this initial extension period, the permit may be extended only within the discretion of the town council and only for a period of time the town council deems appropriate, provided the subdivision is being actively marketed and three or more residential lots within the subdivision remain to be sold by the developer. After the developer sells all lots within the subdivision, or after any permit granted under this section expires, whichever occurs first, the temporary structures shall be removed, and any permanent structures temporarily used as a sales office shall be used only for a purpose otherwise permitted in that district. After a permit issued under this section expires, no other permits under this section may be issued for that same subdivision unless approved by the town council. For purposes of this section, having a sales office within a subdivision, by itself, shall not constitute "actively marketing" the subdivision.

Adopted this 9th day of August, 2010.

All were in favor, with votes recorded as follows:

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

B. Consideration of Ordinance to Adopt Proposed Text Changes to Section 46-76 (l) of the Weddington Code of Ordinances – Connection to Public Water Lines. This item was recessed until the September 13, 2010 Town Council Meeting.

C. Consideration of Polivka Land Use Plan Amendment and MX Rezoning Application.

Councilmember Thomisser moved to not amend the Land Use Plan to include this parcel located at 13700 Providence Road. He stated, “There is no doubt that the people of Weddington and the majority of the people tonight want a restaurant, a gathering spot, a library and a unique shopping experience. Our charge here today is this particular parcel of land and what we feel is the best use and in my opinion although the people of Weddington do want a restaurant, gathering spot, library and a unique shopping experience, I do not feel this is the place to have that.”

Councilmember McKee – I do not think the timing is good because of the economy and also the location right across from an existing shopping center is the not the best location.

Mayor Pro Tem Barry – It is an interesting dynamic. I want to thank you for the work that you have done. During the public comment section, we have had three opposing, two of which called me, and 10 affirming your change in the Land Use Plan. Councilmember Thomisser and I spent an hour and half on a four-wheeler looking at what the impact would be on the farm and the impact that it would have in the Town of Weddington. We have a donut hole of development. You cannot see it on this picture but it is surrounded by commercial enterprises. For the record, I was adamantly against the project the first time I heard about it and sat in the parking lot and said what in the world will you put there because no one in their right mind is going to buy a house on Providence Road for a million dollars because that is what it will cost to get your money out of it. If not residential what will it be? Maybe the best thing is to stop and think when we have folks that are willing to put their own capital at risk for the betterment of the community. I would have voted to approve the change in the Land Use Plan on this.

The vote on Councilmember Thomisser’s motion is as follows:

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

Item No. 9. Old Business.

A. Consideration of Resolution Amending Resolution R-2010-10 for the Granting of a Temporary Easement to Weddington Corners Shopping Center for the Construction of a Temporary Access Road. Mayor Pro Tem Barry moved to approve R-2010-04 (shows amendment) to include at the request of the Town Council that the Shopping Center restore the property to its original condition should termination occur.

**TOWN OF WEDDINGTON
RESOLUTION AMENDING RESOLUTION R-2010-10
GRANTING A TEMPORARY EASEMENT
TO WEDDINGTON CORNERS SHOPPING CENTER
FOR THE CONSTRUCTION OF A TEMPORARY ACCESS ROAD
R-2010-14**

WHEREAS, Weddington Corners Shopping Center (“Shopping Center”) seeks to improve ingress/egress to its site via a road to Weddington-Matthews Road; and

WHEREAS, said road will help improve circulation patterns to patrons who visit the Weddington Corners Shopping Center; and

WHEREAS, access to Weddington-Matthews Road from the Shopping Center requires the use of a portion of Town of Weddington (“Town”) property; and

WHEREAS, NCDOT is willing to allow the connection of the road and access to Weddington-Matthews Road provided Weddington Corners Shopping Center obtains a temporary easement from the Town; and

WHEREAS, the Town is amenable to providing a temporary easement to Weddington Corners for a road for the improvement of traffic in and around the Shopping Center under certain conditions;

NOW THEREFORE BE IT RESOLVED THAT the Town of Weddington intends to grant to Weddington Corners a temporary easement contingent upon the following:

- The easement shall be temporary and may be terminated in 60 days of a written notice from the Town of Weddington. However, Weddington agrees not to terminate the easement until either connectivity to Providence Rd is improved by the installation of a light at the entrance to the athletic center or ten (10) years, whichever occurs sooner;
- Weddington Corners shall bear all costs associated with the temporary easement, including, at the request of the Town Council, restoring the property to its original condition should termination occur;
- Weddington Corners shall provide appropriate plantings and screening along the road, subject to the approval of the Town of Weddington;
- Tractor Trailer Truck or other deliveries to the Shopping Center shall be prohibited from using the temporary easement;
- In consideration for the easement, Weddington Corners shall pay to the Town \$50,000 upon execution of the easement; and
- In further consideration for the easement, Weddington Corners agrees to participate in the improvement of the lighting on Providence Road thru the installation of street lighting on the property for Weddington Corners as shown in the Downtown Lighting Plan and Weddington Corners agrees to pay all costs of such lights which are deemed to add value to the shopping center.

Adopted this 9th day of August, 2010.

All were in favor, with votes recorded as follows:

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

B. Discussion of Consideration of Location of Town Hall Driveway. The Town Council received a drawing showing the Weddington Corners Access Road and Town Hall Drive.

Town Planner Cook - What you have before you is the second rendition of the Weddington Driveway/Town Hall Driveway. We did not agree with the first drawing. DOT agreed to come back and try to curve this road to try to take away less land from Town Hall. What they did was curve that road. I had a conversation with Richard Hancock earlier tonight and he advised that the slope of the road is around 13 percent. The green line is the edge of construction. That is why there are three stakes. It shows the edge of construction on both sides and the middle would be the center line of the road. I know that you want to see the stakes in the ground and the map at the same time to be able to make a decision on this.

Mayor Anderson acknowledged and thanked Dr. Pinsak who allows the Town to use his parking and has never asked for any maintenance.

Mayor Pro Tem Barry moved to not build the driveway on Town land that connects the lower parking lots to the upper parking lot of the shopping center. All were in favor, with votes recorded as follows:

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

C. Consideration of Directing Centralina Council of Governments Regarding Involuntary Annexation Area. The Town Council received a map showing the proposed annexation area.

Mayor Pro Tem Barry – We had a motion at the last Town Council Meeting that failed in regards to the annexation study area. Additional information came to light regarding the County’s intent for that area. If you have not seen the County’s 2025 Comprehensive Plan for it, is available on their website and I have maps available here. They have designated the space that is currently in the County to be a retail mixed use development larger than Cureton. I respect Councilmember McKee’s desire to protect the property owner’s desires and rights but at the same time a number of us were questioning what the County’s intent for that property is. I would like to try to get this annexation going again.

Councilmember McKee – I am against involuntary annexation. I am for voluntary annexation. I would like to see the Town send out a survey to each property owner in that area to ask them to see if they want to be annexed into the Town of Weddington. Two Councilmembers can work with staff to do the questionnaire. If we get 51% of the responses in favor of that I would then be in agreement to move forward with the annexation. I move that a survey developed by Staff, Mayor Pro Tem Barry and myself be sent to the property owners in this area and state in the survey that it is the intent of the Weddington Town Council to proceed with annexation of your property and we would like to know if you are for or against annexation.

Councilmember Thomisser – Should we include in that survey the advantages of annexation?

Mayor Pro Tem Barry – We should keep it generic.

Mayor Anderson – He is trying to give them some information to base their decision.

All were in favor, with votes recorded as follows:

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

Council requested that this information be available at the October Town Council Meeting.

Item No. 10. New Business.

A. Consideration of Appointments to Western Union County Municipalities Coalition. The Town Council received the following Mission Statement for the Western Union County Municipalities Coalition:

WESTERN UNION COUNTY MUNICIPALITIES COALITION (WUCMC)

The Municipalities of Marvin, Mineral Springs, Waxhaw, Weddington and Wesley Chapel have long recognized that our communities share more than just borders and location in the western part of Union County. Our residents have similar aspirations for themselves and their families, and, while each town has its own unique character, we are impacted by many of the same types of social, economic and governmental decisions that occur on a daily basis.

The Western Union County Municipalities Coalition was formed to foster the unique needs that are particular to our region, our residents and our communities. We recognize that by coming together and supporting one another, we can work synergistically as a catalyst for influencing change, where necessary, to promote both our individual municipal and regional goals. This includes being advocates for our citizens at the County and State levels in fostering those officials’ understanding of our needs and desires.

Finally, as elected leaders, we understand our mandate to represent our citizens, and commit to doing so by combining our efforts as we recognize that the success of our municipalities is inexorably linked. We pledge to foster that relationship while promoting each other and our region.

Mayor Anderson - We worked very successfully with our partners on this end of the county with our Local Area Regional Transportation Plan and out of that group came a desire to talk about other issues such as annexation, library, and land use. That follow-up was done by the Village of Marvin and several meetings have already occurred with this group. We want to have members officially appointed by the Council to this committee so that we can speak on behalf of our Council. We decided that we wanted the highest appointed official which is the mayor's position and we wanted an effected official from the council.

Councilmember Thomisser moved to appoint Mayor Anderson and Mayor Pro Tem Barry to the Western Union County Municipalities Coalition.

Mayor Pro Tem Barry asked for an amendment to the motion that in the future the Mayor and a Councilmember would serve on this Coalition and appointments would be made at the organizational meeting of the Town Council.

Councilmember Thomisser accepted the amendment. All were in favor, with votes recorded as follows:

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

B. Consideration of Resolution in Support of the Wesley Chapel Fire and Rescue's Request for Sewer Allocation. Mayor Anderson – As you may know Wesley Chapel's Fire District covers 75% of the Town and they have been in the process of trying to upgrade their facility now for two years. The Wesley Chapel Village Council approved the Conditional Use Permit. The County denied their request for the sewer allocation because they said there were housing developments that were in front of the fire station. Now the Wesley Chapel Village Council and the WCVFD have asked for a Resolution to support their second request for sewer allocation and that is what is before you.

Mayor Pro Tem Barry moved to approve Resolution R-2010-13:

**TOWN OF WEDDINGTON
RESOLUTION IN SUPPORT OF THE
WESLEY CHAPEL FIRE AND RESCUE'S REQUEST FOR
SEWER ALLOCATION
R-2010-13**

WHEREAS, the Wesley Chapel Fire and Rescue has requested from Union County an increase in their sewer allocation, and

WHEREAS, the Town of Weddington recognizes that a Fire Study was authorized by the Union County Board of Commissioners that is near completion; and

WHEREAS, the Town Council understands and respects the desire of the Commissioners to be able to review the Fire Study Report in the interest of making the best decision on the aforementioned request for sewer allocation; and

WHEREAS, the Wesley Chapel VFD Board recognized the need to replace the current station located on Waxhaw-Indian Trail Road in Wesley Chapel due to the age of this facility and the need to provide sleeping quarters for new, paid responders, among other reasons and has put forth the best proposal possible; and,

WHEREAS, the Wesley Chapel Village Council made the decision to approve the Conditional Use Permit for the new station; however, a building permit for the new station cannot be obtained until the Fire Department has adequate sewer availability; and,

WHEREAS, the Weddington Town Council also recognizes that a new facility is needed while recognizing that the availability of sewer capacity is a crucial commodity in Union County and that an exception process exists for certain other important services such as schools, etc., and we note that fire departments are, in fact, tax payer funded entities, and,

WHEREAS, the Weddington Town Council recognizes that the value of the services provided by Wesley Chapel Fire and Rescue cannot be underestimated, not just for Weddington, but for several of our municipal neighbors for which they also provide services, and,

NOW THEREFORE BE IT RESOLVED, given the increasing density of residences in the area, the population serviced, the long-standing excellent services provided by the Wesley Chapel VFD, the Council for the Town of Weddington respectfully requests that the small amount of additional sewer allocation requested be granted to the Wesley Chapel Fire and Rescue.

Adopted this 9th day of August, 2010.

All were in favor, with votes recorded as follows:

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

C. Consideration of Reduction and Release of Letters of Credit – Bromley Subdivision. The Town Council received the following memo from Town Administrator/Clerk McCollum and copies of letters dated July 16, 2010 from Bonnie Fisher, Senior Engineer with US Infrastructure:

Please find attached two letters from US Infrastructure regarding the Bromley Subdivision. At the recommendation of our engineer, the road improvements letter of credit for Map 2 can be released because all roadway and drainage items have been satisfactorily completed. At the recommendation of our engineer, please reduce the road performance letter of credit for Map 3 to \$1,400. Our engineer found that there is approximately 70 linear feet of sidewalk that has not been installed at two future driveway locations. The developer has indicated that he intends to install the sidewalk at the time the lots are developed because the grades that will be required for the driveways are unknown at this time. All other roadway and drainage items have been satisfactorily completed. The Town is holding maintenance letters of credit for both Map 2 and 3 until NCDOT takes over the maintenance of the roads.

Letter of Credit #	Amount	Purpose	Recommendation
9511411723 00004 – Map 2	\$10,446	Road Improvements	Release
9511411723 00008 – Map 3	\$16,134	Road Improvements	Reduce to \$1,400

Ms. McCollum advised that the developer has as of today completed the sidewalk improvements and requested that the Letter of Credit for Map 3 also be released.

Councilmember McKee moved to approve the release of the Letters of Credit for Map 2 and 3 contingent upon the Town's engineer verifying the completion of the sidewalk work for Map 3. All were in favor, with votes recorded as follows:

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

D. Review and Consideration of Town Hall Landscaping Plan. Councilmember McKee advised that the Town Council had received a copy of the proposed landscaping plan and requested the Town Council's feedback on the plan. He informed the Council that he would be going out for bids for the installation of the landscaping plan. The Council advised that they thought the landscaping plan was a great design.

Mayor Pro Tem Barry moved to approve the landscaping plan and asked that the Town receive multiple bids for the implementation of the plan. All were in favor, with votes recorded as follows:

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

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

- The Carolina Thread Trail, Trust for Public Land and Steering Committee held four Listening Sessions two weeks ago throughout Union County. The Town of Weddington hosted one of these Sessions at the Weddington Swim and Racquet Club on Monday, July 19 from 6-8pm. Approximately 20 people attended the Session in Weddington. The Trust for Public Land will now begin creating a map with proposed trail locations. These trail locations will depend on the feedback from the four Listening Sessions.
- Union County Public Schools (UCPS) has completed the burn on the two houses located on the school property on Cox Road. UCPS will now hire a contractor to remove the remaining debris from the property; I have contacted UCPS for an update on the cleanup.
- I have received an application for the Final Plat for the Annecy Subdivision. The project is currently on hold.
- The first three Weddstock events have been completed. The fourth and final event will take place on August 13th pending the approval of Text Changes to Section 58-13 (3)-Temporary Uses and Structures.
- The B-1(CD) and B-2(CD) Rezonings will take place after I have met with all property owners involved in the rezonings. Meetings with the property owners are currently being scheduled.
- I have issued a Warning Letter to 3009 Michelle Drive for a possible Home Occupation and commercial vehicle parked at the residence. I am in constant contact with the homeowner and business owner to remedy this situation as soon as possible.
- I have issued a Warning Letter to 109 Oxford Terrace for a possible horse and waste violation at the residence. I have talked and visited with the property owner and am working towards a remedy.
- The Planning Board discussed the Goals and Policies section of the Town's Land Use Plan at their July 26th meeting. Suggested updates and changes will be brought to the Town Council in the next few months.
- Bonnie and Tom Wojcik will present a Residential Open Burning Ordinance at the August 23, 2010 Planning Board meeting for discussion. The Town Council asked the Wojciks to present to the Planning Board to determine the appropriateness of an Open Burning Ordinance.

- A text change to Section 58-15 regarding Height Exemption will be on the September 13, 2010 agenda for Public Hearing and Consideration.

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

Planning Board Terms for Beth Masurat and Rob Dow will expire in December 2010.

Scott Buzzard and I are looking into Town monument location partners. If you have any suggestions on the location of the monuments or individuals that may want to partner with the Town on this matter, please contact Scott or myself.

Councilmember McKee and I met with Becky Williams with Disability Rights regarding ADA/accessibility issues in the Town Hall. Some upgrades to the restroom downstairs were made and Ms. Williams recommended a ramp for the front porch.

The encroachment agreement has been sent to NCDOT regarding the placement of conduit in the right of way. John Underwood did ask for some changes to that agreement that Mr. Bizzell will need to make. We are currently getting a price from Buzz Bizzell on a turn key job for this entire project. I am still waiting to hear from NCDOT regarding the next steps for getting this project done.

Town Staff is looking into a Weddington Facebook Page. We are contacting other Towns to get the positives and negatives that they have received in their use of Facebook for their Town.

There are two vacant seats on the Downtown Committee. If you know of someone interested in these positions, please have them call me or go to the website to fill out a Volunteer Application Form.

Pending Issues:

- NCDOT – Waiting on paperwork regarding the reduction of the speed limit on Weddington-Matthews Road
- WCVFD – Waiting on them to do their environmental inspection of house located at the corner of Highway 84 and Twelve Mile Creek Road
- Waiting on Providence VFD to let us know a date for CPR Class
- Ethics Ordinance being drafted – Submitted to Town Council for discussion in September
- Union County is to replace signs at Hemby Road and Providence Road and at Highway 84 and Cox Road

Upcoming Dates

- August 11 – 14 – Amy at Class in Asheville
- August 13 – Weddstock from 6:00 p.m. to 11:00 p.m.
- August 23 – Regular Parks and Recreation Advisory Board Meeting at 6:00 p.m.
- August 23 – Regular Planning Board Meeting at 7:00 p.m.
- September 6- Town Hall Closed for Labor Day

Item No. 13. Public Safety Report. Mayor Anderson – I am planning to work with Councilmember Thomisser to draft a letter of commendation regarding Chief Banick to the Providence VFD Board of Directors recognizing the great work he has done with increasing training, standardization and evaluation of paid and volunteer staff.

Deputies – 325 Calls

Providence VFD

Monthly Call Responses

Union County Fire: 19 EMS: 8 Total: 27
Mecklenburg County Fire: 6 EMS: 1 Total: 7

Monthly Total: 34

Monthly Training Hours

Fire (Total Hrs): 136.75 In house: 124.75 On-Line: 12
EMS - 0 hrs. No co-ed scheduled for July

Run Times:

6A-12N: 15 % 12n-6P: 11 % 6P-12M:38 % 12M-6A: 15 %

Run Data:

Avg. Turnout: 1 min. 27 sec.
Avg. Response Time: 5 min. 6 sec.
Avg. On Scene Time: 1 Hour 4 Minutes
Avg. Members On Scene: 4.6 members

Providence F.D. responded to the following significant events:

- 7/14/10- MVA Providence Rd. and 84, Car vs. Bicycle.
- 7/20/10- 3512 Kennington Drive - Structure Fire, assist Sta. 15 with Tanker 324.
- 7/20/10- 1299 Woodglen Ct. – Gas Leak, assist Sta. 20.
- 7/21/10- 1336 Linden Glen Dr. – Structure Fire, Assist Sta. 26.
- 7/23/10- 6016 Autumn Blossom Lane – Structure Fire, Assist Sta. 31.
- 7/27/10- 10424 Analexa Lane - Lightning Strike, Assist Charlotte FD.

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

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

A. Finance Officer’s Report. The Town Council received the Revenue and Expenditure Statement and Balance Sheet dated July 1, 2010 to July 31, 2010.

B. Tax Collector’s Report. Monthly Report – July 2010

Adjust Under \$5.00	\$1.13
Overpayment	\$(5.00)
Pay Interest and Penalties	\$(81.53)
Refunds	\$5.00
Taxes Collected:	
2009	\$(493.31)
2008	\$(127.52)
2007	\$(51.84)
As of July 31, 2010; the following taxes remain Outstanding:	
2002	\$82.07
2003	\$196.11
2004	\$159.59
2005	\$320.66

2006	\$218.06
2007	\$525.02
2008	\$5,603.82
2009	\$12,105.24
Total Outstanding:	\$19,210.57

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

Item No. 15. Transportation Report. Mayor Anderson stated, “The draft TIP has come out and we do have \$2.5 million allocated for the 2014-2015 Horizon Year for the construction of Rea Road.”

Item No. 16. Council Comments. Mayor Pro Tem Barry – I want to thank the Council for their patience with me over the last week as we one on one question each other and challenge each other about annexation and land use. I do not think we are done with land use. I have a lot to learn and I also ask a lot of questions. You should be proud of your elected officials. They are willing to stop, listen and to think hard about land use issues as we are being forced to address them. I want to thank each of you for your willingness to get outside your comfort zone. I want to thank the Mayor for her help with Weddstock. It was a huge success. I know that I would not stand up and let a lot of strangers go on my property.

Mayor Anderson advised that hopefully strawberries will be planted next year on the property so Weddstock would not be able to be held there.

Councilmember McKee – I appreciate Mayor Pro Tem Barry’s comments. We are actually moving closer to work together as a Council to discuss things in a reasonable manner without getting defensive about it. I believe we are moving in a good positive direction.

Councilmember Thomisser – I want to second what Councilmember McKee just said. The three hardest working people with Weddstock were Sharon Sanders, Sue Fitch and Mayor Anderson.

Mayor Anderson - My question to the Council is whether you would like to consider holding work sessions regarding the agenda. We can have a lunch work session and talk about the agenda in an informal setting. I would like for the Town Council to consider that for the future.

Item No. 17. Adjournment. Mayor Pro Tem Barry moved to adjourn the August 9, 2010 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

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

The meeting ended at 10:50 p.m.

Nancy D. Anderson, Mayor

Amy S. McCollum, Town Clerk