

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, DECEMBER 14, 2009 - 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 December 14, 2009, at 7:00 p.m. with Mayor Nancy D. Anderson presiding.

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

Absent: None

Visitors: Bill Price, Genny Reid, Walker Davidson, Rebecca Davidson, Mary Thomisser, Walter Staton, David Banick, Barbara and Pat Harrison, Graham Herring, Barry Groome, Mary Groome, Charles Ivey, Nancy Stephenson Ivey, Steve McLeod, Larry Almond, Bill Howard, Craig Horn and Jerry Fitzgerald.

Item No. 1. Open the Meeting – Invocation and Pledge of Allegiance. Mayor Nancy D. Anderson called the December 14, 2009 Regular Town Council Meeting to order at 7:03 p.m. Mayor Anderson offered the Invocation and led in the Pledge of Allegiance.

Item No. 2. Special Recognition.

A. Councilmember L.A. Smith – District I. The Town Council recognized Ms. Smith for her years of service by presenting her with a gift from the Town. Mayor Anderson stated, “Ms. Smith has been with the Town since 2001. As the other woman on the Council and mother to mother, thanks for everything you did.”

Councilmember Jerry McKee – You have not only been a Councilmember but you have been on just about every committee that no one else wanted to take. Thank you for your service to the Town.

B. Councilmember Tommy Price – District III. The Town Council recognized Mr. Price for his years of service by presenting him with a gift from the Town. Mayor Anderson stated, “Tommy has been on a board for this Town for over 11 years. We refer to him as the Senior Statesman and the other name we have for him is ‘Mr. No.’ I still have your phone number and I am not afraid to use it.”

Councilmember Robert Gilmartin - It has been a complete honor serving with you. You have taught me a lot and I am going to miss you terribly.

Councilmember McKee - I would like to ditto a lot of that. I have sat by Tommy for two years and I have learned a lot from him. I appreciate his honesty and will miss him very much.

Item No. 3. Oaths of Office.

A. Oath of Office for Nancy Anderson – Mayor. Town Administrator/Clerk Amy McCollum swore in Nancy Anderson as Mayor:

**TOWN OF WEDDINGTON, NC
MAYOR**

Oath of Office

I, Nancy D. Anderson, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Mayor, so help me God.

This the 14th day of December, 2009.

B. Oath of Office for Werner Thomisser – Councilmember for District I. Mayor Anderson swore in Werner Thomisser as District I Councilmember:

**TOWN OF WEDDINGTON, NC
COUNCILMEMBER**

Oath of Office

I, Werner Thomisser, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Councilmember, so help me God.

This the 14th day of December, 2009.

C. Oath of Office for Daniel Barry – Councilmember for District III. Mayor Anderson swore in Daniel Barry as District III Councilmember:

**TOWN OF WEDDINGTON, NC
COUNCILMEMBER**

Oath of Office

I, Daniel Barry, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Councilmember, so help me God.

This the 14th day of December, 2009.

Item No. 4. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum.

Town Administrator/Clerk McCollum asked that items 15 D and E be removed from the agenda.

Mayor Anderson asked that Consideration of WCWAA Liaison be added under Appointments. She stated, “Mr. Tommy Price has agreed to continue assisting us in this capacity with that ongoing project.”

Councilmember McKee asked to add Consideration of Expanding the Downtown Development Committee. He stated, “The board was supposed to be 12 people. We never reached that number. I would like to add another position to it.”

Mayor Anderson - Councilmember Price at the time did not make an appointment so we agreed to shrink the original concept down so now Councilmember McKee asks that we expand it back out as a courtesy to our newest Councilmembers to let them have an opportunity to make that appointment.

Councilmember Gilmartin moved to approve the discussed additions and deletions to the agenda. All were in favor, with votes recorded as follows:

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

Item No. 5. Appointments.

A. Appointment of Mayor Pro Tem. Councilmember Gilmartin moved to appoint Councilmember Daniel Barry as the Mayor Pro Tem. All were in favor, with votes recorded as follows:

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

B. Appointment of Delegate and Alternate to Mecklenburg-Union Metropolitan Planning Organization (MUMPO). Mayor Anderson advised that according to the Memorandum of Understanding for MUMPO, the highest elected official of the entity is the automatic delegate. She stated, "I have been serving in that capacity for six years and would like to continue in that capacity."

Councilmember Thomisser moved to appoint Councilmember Gilmartin as the alternate to MUMPO. All were in favor, with votes recorded as follows:

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

C. Appointment of Delegate and Alternate to Centralina Council of Governments (COG). Mayor Pro Tem Barry moved to appoint Councilmember Thomisser as the Delegate and Councilmember Gilmartin as the alternate to COG. All were in favor, with votes recorded as follows:

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

D. Appointment of Town Hall Facilities Manager. Councilmember Thomisser moved to appoint Councilmember McKee as Facilities Manager for the Town Hall. All were in favor, with votes recorded as follows:

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

E. Appointment of Town Council Member to Downtown Development Committee. Councilmember McKee moved to appoint Councilmember Thomisser to the Downtown Development Committee. All were in favor, with votes recorded as follows:

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

F. Appointment of Town Council Member to Parks and Recreation Advisory Board. Councilmember Thomisser moved to appoint Mayor Pro Tem Barry to the Parks and Recreation Advisory Board. All were in favor, with votes recorded as follows:

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

NAYS: None

G. Appointment of WCWAA Liaison. By unanimous consensus, the Town Council appointed former Town Councilmember Tommy Price to serve as the WCWAA Liaison for the Town.

H. Consideration of Expansion of the Downtown Development Committee. Councilmember McKee advised that he would like to expand the committee from 10 people to 11 people.

Councilmember Gilmartin questioned why he wanted to expand the Committee.

Mayor Anderson – The original concept for the committee was 12 but Mr. Price did not want to appoint anyone. This is a courtesy to our newest members if they would like to appoint someone.

Councilmember McKee - The one I am going to nominate has been with the committee since its beginning and there is only a month or so left to finish up this plan.

Attorney Fox – It would also create an odd number and help the board not to be subject to a tie.

Councilmember McKee moved to expand the Downtown Development Committee from ten members to 11 members and fill that position with former Councilmember L.A. Smith. All were in favor, with votes recorded as follows:

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

Item No. 6. Presentation by Chief Dave Banick – Providence Volunteer Fire Department.

Providence VFD Chief Dave Banick presented a PowerPoint Presentation to the Town Council. A copy is attached to the Minutes as Exhibit A. Chief Banick reviewed the following for the Council:

- PVFD History
- Mission Statement
- Standard of Cover
- Values
- Fire Department Structure/Fire Runs by Alarm Time
- Chart - Time vs. Products of Combustion
- Fire Related Injury Statistics
- Medical Related Statistics

Chief Banick discussed that the immediate needs of the station are to provide night staffing from 6:00 p.m. to 6:00 a.m., to upgrade Rescue 32 Truck, and to obtain a study regarding space needs at the fire station. Chief Banick reported that their analysis shows that over the past thirty months from 6 p.m. to 6 a.m. holds approximately 40% of their call volume. He also shared that 6 p.m. to 12 a.m. is the second busiest time of the day averaging 30% of the total volume. He stated, “We plan to use existing membership for night coverage. Each night will be covered by three members. Shifts will be scheduled the same as the day staff. Members will submit their availability and then a monthly schedule will be created. We will need to have at least a qualified engineer, at least one interior fire fighter and one EMT on hand. Members who meet multiple requirements will be utilized more. Members who do not meet the minimum requirements will only be scheduled as a third crew member. Each member covering a shift would be given \$25.00 per shift. This is to cover expenses needed for station duty. The expense would work out to approximately \$27,300 per year. Each member is required to maintain a minimum of 36 hours of training. Providence VFD would compensate each member \$10.00 per hour for their first 36

hours. To qualify for this incentive, a member must cover at least two shifts a month. This would cost approximately \$9,000 a year. Our second request is regarding our Rescue Truck. It is 14 years old. We will need a truck capable of holding the equipment needed and mandated for Medium Rescue in North Carolina, due to the growing population of Weddington and the Highway 16 expansion, plus the planned improvements to Highway 84 and Rea Road. Rescue 32 would need \$30,000 of upgrades to reach the N.C. Medium Rescue Standard. We are currently experiencing problems with trying to manage our electrical load with the current truck. Lastly, we need to have a station space study done to see the future needs for our department. The current station has been in use since the summer of 1985. After almost 25 years of use, our expanding membership requires more space. The approximate cost for a study is \$10,000. This would be a professional study of what we will need for the next 25 to 30 years. We would like to be progressive and proactive and not react to things as they come along. This money would be well spent for the community and the department.”

Providence VFD Request

Night staffing January 1 – June 30, 2010 = \$18,150 (Staffing and Training)

Rescue 32 Upgrade = \$30,000

Station Study = \$10,000

Total Request = \$58,150

Councilmember McKee – Is the quote on the rescue truck current?

Chief Banick - That is the quote that we received from some of our fleet maintenance vendors. The quote is current.

Councilmember Thomisser – I would like to commend Chief Banick for his leadership and emphasis on training and evaluation of equipment. Weddington is served by two fire departments but I have always considered PVFD our fire department only because it is close to the shopping center and it is in close proximity to many residents.

Councilmember Gilmartin – If the study that you need done comes back and says that you need to expand, who is going to pay for that?

Chief Banick - We would like to wait to see what the outcome of the Union County study will be. We are out of space and we could like to be as ahead of the curve as much as we can.

Item No. 7. Presentation of Audit - Tinsley and Terry. The Town Council received the Management Letter and Financial Statements for the Year Ending June 30, 2009. A copy is attached to the minutes as Exhibit B.

Clare Meyer with Tinsley and Terry thanked the Town Council for allowing them to serve the Town again this year. She stated, “We have issued our report as of June 30, 2009 with an unqualified opinion which is our highest level of assurance. We have no findings on the audit which is a reflection of the work done by Leslie, Kim and Amy. They are highly professional and responsive to us.”

Councilmember Gilmartin moved to accept the Audit Report. All were in favor, with votes recorded as follows:

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

Item No. 8. Presentation by Weddington High School Principal Brad Breedlove. Councilmember Gilmartin introduced Principal Brad Breedlove and asked him give the Town an update on Weddington High School.

Principal Breedlove - We have had a phenomenal year as you will see in some of the data that I am going to show you tonight. We do not have any data from this year yet. Weddington High School continues to rank as one of the top high schools in the nation according to Newsweek magazine. Weddington High School also ranks as one of the top schools in the Charlotte Region. Weddington High School offers 17 different advanced placement classes which help our students to place at or near the top in the nation with their scores. Last year 74% of our students went on to a four-year university. That is extremely high for a public high school. On average most schools have half of that. Twenty-four percent go on to get a two year degree and then we have 2% go to the workforce or military straight out of high school. Last year we received \$7,000,000 in scholarship offers. We received ten different athletic scholarships and the rest were all academic. Weddington is currently recognized as a High Honors School of Excellence. This is the highest possible honor that a public school can get. There were only four high schools in the State that were given this recognition – Hickory Ridge, Providence High School, Marvin Ridge High School and Weddington High School. We had 90% of our students score at or above grade level on all of the State exams plus they add in the graduation rate. This past year for the second year in a row Weddington High School had the highest graduation rate in the State for public schools. The rate was 91%. Our goal was to have 90% of our students at or above grade level. We pushed it to 89.9%. We set goals and we want to achieve goals. We are proud of what we did but we are not satisfied. In order to become an Honors School of Excellence you have to be above 90% but they also added in our graduation rate so that pushed us to 90.2%. Our composite scores are 97% which blows away the rest of the County. Academic achievement is our #1 goal. We offer all types of curriculum from AP down to the most basic to help those students who are currently behind. We also want to continue to design a system that all students can be successful which includes building morale in the school and getting students to take pride in their education. Improving technology is also a goal this year. We should be leaders and not followers when we look at technology. Our students go home and sometimes they have better equipment than what they used in school. We have put a lot of time, energy and money into improving technology in our building. We are currently outfitting our school with interactive boards in every classroom. We are purchasing a laptop for every teacher to use on the weekends. We are also getting ready to purchase a state of the art foreign language lab for our school. Weddington High School has been given an opportunity to pilot a laptop initiative with all of our students. A total of 120 of our freshman will get to keep a laptop and take that home with them to do their studies on and bring that as they bring a textbook every day to the classroom. UCPS is looking at outfitting students in grades 6 through 9 with a laptop that they can take home. We want to continue to offer a clean, safe and friendly environment. We are very proud of our school. We take pride in our athletic fields. We want to have data driven decisions in everything that we do. We will always be looking for local partnerships because we understand that our success depends on this and we cannot do it ourselves. In closing, it gives me great pride to speak in front of the Town of Weddington to showcase our school. We want to be the number 1 high school in the State. We have done a lot of things to prove that we are number 1. We want to bring pride to all of the stakeholders that live in Weddington. For the Town of Weddington, we want to build the tradition of excellence and create an atmosphere that these current students go off to college and then they come back with their degrees and they are looking for a high end job and a place to raise their family. We really do not want them to go any place else but Weddington.

Councilmember McKee asked how the school dealt with drug use.

Principal Breedlove discussed their zero tolerance policy regarding drugs and some of the policies that they have in place to deal with this issue.

Item No. 9. Public Hearings.

A. Public Hearing to Consider a Conditional Use Permit for American Tower Corporation for a 160' Telecommunications Tower – Tax Parcel Numbers 06-096-003 and 06-096-153.

Mayor Anderson opened the public hearing to consider the Conditional Use Permit request for American Tower Corporation. Attorney Fox explained the quasi-judicial hearing process. Town Administrator/Clerk McCollum swore in the following individuals wishing to give testimony: William Howard, Graham Herring and Jordan Cook.

Councilmember Gilmartin – For transparency reasons, I would like to advise that I live in the subdivision in front of this.

Attorney Fox – Is there any objection to Mr. Gilmartin participating in these proceedings?

The applicant and the Council advised that they did not have any objection to Councilmember Gilmartin proceeding.

Mayor Anderson – For the record, do you believe that you can hear this information and be impartial in your decision making?

Councilmember Gilmartin – Yes.

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

American Tower Corporation d/b/a AT&T Mobility requests a Conditional Use Permit (CUP) for a 160 foot telecommunication tower. The tower will be located at 3016 Twelve Mile Creek Road. The tower will provide service for AT&T customers. An equipment building will also be added to the property.

Application Information

Date of Application: October 1, 2009

Applicant Name: American Tower Corporation d/b/a AT&T Mobility

Owner Name: Barry and Mary Groome

Parcel ID#: 06-096-003 and 06-096-153

Property Location: 3016 Twelve Mile Creek Road

Existing Zoning: Parcel 06-096-003 is R-CD and Parcel 06-096-153 is R-40

Existing Use: Parcel 06-096-003 has an existing single family home. Parcel 06-096-153 is vacant.

Proposed Use: Parcel 06-096-003 would still have the single family home and would also have a tower in the rear yard. Parcel 06-096-153 would remain vacant.

Existing Size: Parcel 06-096-003 is 29.54 acres and Parcel 06-096-153 is 3.99 acres

Proposed Size: Parcel 06-096-003 would be 31.72 acres and Parcel 06-096-153 would be 2.00 acres.

General Information

- The applicant is proposing a 160' camouflaged monopole wireless tower and 230 square foot equipment shelter within a 90' by 90' leased area.
- The proposed facility will be accessed by a 20' driveway from Twelve Mile Creek Road.
- The proposed towers will be able to accommodate a minimum of three wireless antennae. Space is also provided within the 70' by 70' fenced area for additional co-location equipment buildings.
- A 240' fall zone (setback) is required per *Section 58-298 of the Town of Weddington Zoning Ordinance*.

- The tower and equipment building will have setbacks of 240' and 311' from the proposed fence, therefore complying with the *Town of Weddington Zoning Ordinance*. No habitable structures will be able to be built within the fall zone.
- The requirements for the fall zone are being met by a lot line revision shown on the Site Plan (Sheet C-1). This lot line revision will be approved administratively if the CUP is granted. Parcel 06-096-003 will be increased from 29.54 acres to 31.72 acres after the revision. Parcel 06-096-153 will be decreased from 3.99 acres to 2.00 acres.
- Screening will be provided using existing, mature vegetation currently on site.
- Barry and Mary Groome have provided authorization to American Tower Corporation to apply for the CUP.

Staff has reviewed the application and submitted documents and finds the Conditional Use Permit Application is in compliance with Article 3 Conditional Uses and Article 10 Telecommunication Towers of the *Town of Weddington Zoning Ordinance*.

At the October 26, 2009 Planning Board meeting, the Planning Board gave this project a favorable recommendation.

The Town Council also received a copy of the following information labeled as Exhibit C:

- Staff Memo dated December 14, 2009
- Conditional Use Permit Application CUP-02-09 dated October 1, 2009
- GIS Aerial Map
- Letter from William G. Howard, Authorized Agent for American Tower Corporation, to Jordan Cook dated October 1, 2009
- Conditional Use Permit Findings of Fact Checklist
- Letter from Jill House, Project Manager, Site Development Services for American Tower Corporation, to Jordan Cook dated September 30, 2009
- Stormwater Impact Analysis
- Impact Statement
- Packet of Maps and Diagrams which included the following: Location Map, General Notes, Site Plan, Property Owners within 300', Natural Features, Tower Elevation, Compound Detail, Shelter Elevations, Shelter Foundation Details, Ice Bridge Detail, Fence Details, Driveway Details and Signage Details.

Mr. William Howard asked if the Council had received copies of the radio frequency coverage maps.

Town Planner Cook – Was that in the application itself?

Mr. Howard - That was submitted with the application but I did not hear the Council reference it.

It was determined that it was not in the staff's report but Attorney Fox advised that they were welcome to submit additional evidence.

The propagation maps were included in the record as evidence.

Mr. Howard - I am the development agent for American Tower Corporation which is proposing this site under written agreement from AT&T Mobility. Joining us this evening is Mr. and Mrs. Barry Groome, landowners for this project and Graham Herring from Graham Herring Real Estate. I would like to begin very shortly with an explanation as to why it is that we are here. The reason that I asked about the

propagation maps is that all of these sites are driven by demand and by need. I have one set of those maps. I apologize; I thought these had been circulated. These maps reflect what AT & T has in the area in terms of existing facilities and what it is that we are trying to accomplish with this site. The first of those maps shows a large coverage hole in north, central and southern Town of Weddington. The black antenna sites are what AT&T already has in this area. You will see that they basically surround the Town of Weddington. What these maps show is the green is the in-building coverage, the blue area is the in-vehicle coverage and the yellow is where because of distance, topography and terrain we simply cannot provide coverage. We cannot make the connection between these antenna sites to get the coverage where it is needed. One thing that is important with this coverage map is that every one of these sites surrounding the Town of Weddington is a co-location. We are trying to maximize the use of existing towers and facilities in this area. We do not ask for new towers unless we absolutely have to have them. We have exhausted the alternatives in this area. We have to get a facility that is located where we can make the location between these other facilities and to get the coverage where it is needed. That is why we are proposing the 160 foot camouflage monopole here on the Groome property. With the facilities that we are proposing, the coverage that we will be able to provide in this area is shown on this map. You will see that we are able to get signal continuity and in-building coverage and also in-vehicle coverage along the major arteries in and around the Town of Weddington. One of the points about this one is that it is not ideal coverage. If it were ideal coverage, we would all have that in green. That would take us up higher than your tower development standards allow and would throw us into the FAA and lighting requirements. This is minimally acceptable coverage. We have met as Mr. Cook has pointed out every one of the development requirements of the Town ordinance. Many questions are raised to what is the camouflage monopole that we are proposing. It is a flag pole without the flag. It is basically a hollow cylinder tube where all the lines and antennas are fully concealed. Everything is self-contained inside the tower. There are no visible lines or antennas. There are some additional photos attached to the last page of that exhibit that shows similar facilities in other locations, one with the flag and one without the flag. Why not put the flag up there? First of all at this height and at this location we are short enough that the FAA has determined that we pose no threat to navigation. If we were to switch and install a flag that would automatically kick in lighting requirements. The Town ordinance encourages us not to light the tower unless the Federal Government requires us otherwise. The second thing is that our experience with other tower owners in a residential area is when these flags are attached, they are extremely large and they are very noisy. Recent episodes in some high profile subdivisions in Charlotte where these facilities were attached after about nine months of snapping and cracking the residents were back asking to take the flag off. We are aware of the four standards that the board must find in granting this Conditional Use Permit. Mr. Graham Herring is here and I would like to point out his impact statement. After a field study of this area and surrounding residential areas and based on his own experience in the telecommunications industry, I would simply read into the record his conclusion: "Our review of the facility to be constructed at the site and after personal inspection of the site and surrounding area indicate that the planned facility is generally compatible with the area's existing and proposed uses, and developed as proposed it will have no substantial negative impact on existing or currently planned development of the surrounding properties. Moreover this telecommunication facility, built as planned, will not be substantially injurious to the value of adjoining properties or the properties in the general vicinity. Considering that the site is removed from the residential arterials located to the south of the proposed site, the rural nature and farming uses, mixed uses nearby, heavily wooded areas, and the details of the proposed development of the site; there are no particular concerns regarding any negative aesthetic impacts on scenic roadways, or other unique natural features." One of the things I found interesting with the earlier proceedings here today was the Fire Department's presentation to you and the needs that they are all facing with the improvements that they have to make and almost line for line they could almost be substituted for the telecommunications industry. You have substantial growth here, significant roadway improvements that are coming in and influx of residential and schools that are being built here. All of those increase geometrically the demands on the wireless infrastructure. I would suggest that these kinds of infrastructure improvements are as important as the rest of the utility improvements that you face on a

continuing basis. This is a site that has been in development for a very long time with a lot of factors to develop. I think we have met every one of your demands as a Town. The site is designed for at least two additional future co-locating carriers.

Councilmember Thomisser – You stated others - are you talking about other companies?

Mr. Howard – Yes, sir. American Tower Corporation is an infrastructure company. Their business is vertical real estate. They are not a licensed carrier. They build these facilities to accommodate and allow co-location from other wireless carriers that would include AT&T which would be the first carrier installed on here then others such as Verizon, T-Mobile, etc. When I talk about carriers, I am talking about FCC Licensed Mobile Carriers.

Mayor Anderson – This is similar to how the utility poles are along roadways. They carry cable TV, phone lines and power lines. Would you please speak to the ground structures?

Mr. Howard –If you turn to page C-4 in your materials, there is the layout of the compound detail which will be placed at the base of the tower accessed from the road that Jordan identified earlier. We have designed all of these sites, not only the tower but the compound itself, to accommodate future co-locations. You will see at the base of the monopole the AT&T equipment shelter that is there but inside that fenced compound, we reserve space in our leased area for the two future co-location carriers. We have already designed the compound and the tower itself to accommodate future co-locations. This is proposed not only for AT&T needs but also for the co-locating carriers in the future. One of the reasons that we selected this area on the parcel is that we are preserving the wooded heavy dense vegetation which is already out there. With this area, we are getting the benefit of additional screening and buffering being provided by hardwood vegetation which is probably 75 to 80 feet in height that will be preserved in our leased area as you can see roughly from the site plan. If we were to move elsewhere on the property, we lose all that which increases the visibility of the tower, then we are left doing with eight foot pine trees which we obviously can do much better with 70 foot pine trees on the site. As far as the compound, it is locked and secured. The only ones that have authorized entry into this are individuals that work for American Tower Corporation or for the carriers. These are unmanned facilities. There is no retail or daily traffic. Once this is constructed and operational, they are visited roughly once a month for maintenance and monitoring.

Councilmember McKee – If you are driving by in a vehicle on Twelve Mile Creek Road or Beulah Church Road, would you be able to see the tower?

Mr. Howard – A lot of that will depend on where you are. The nice thing about this is the vegetation and how far back we are, I would think that for most of the adjoining properties they are going to have very little if any view of this because the trees are going to be here and it is going to be so far removed back that on the adjoining properties you are probably going to be below the angle that is provided by the existing trees. Obviously when you get back on Twelve Mile Creek Road and you go further south you lose that ambient tree height so that is when you are going to see it. In general if you are down basically at Weddington Road and Twelve Mile Creek Road and you look lateral there is going to be 80 to 90 feet of tower itself that will be above the tree line. It is going to have less impact than you would see from a wooden electrical pole on the side of the road. They blend in nicely with the skyline and the visibility is minimal.

Councilmember Gilmartin - I was under the impression that the Groomes had intentions to develop that property. If they indeed go forward with that, are we losing some of the buffer or is it in a spot that is not going to be a part of a development in the future?

Mr. Howard – As Jordan pointed out, we are moving that property line. Mr. and Mrs. Groome requested that they keep the two acres which is further north because they may have some plans for it in the future.

Attorney Fox – As to the leased area, the vegetation that exists within that area, is it your plan to preserve that vegetation?

Mr. Howard – Other than what is absolutely needed for construction. We will have to do some clear cutting to get the monopole and the compound in there. Inside the leased area, with what is not needed for construction we will maintain that vegetation.

Mayor Pro Tem Barry – Are they going to use the existing driveway and extend it down the property line?

Mr. Howard – Correct, we are trying to maximum the use of the facilities that are out there.

Councilmember McKee – There cannot be any permanent structures within the fall line anyway.

Town Planner Cook – Our code does say that a habitable structure cannot be built within that fall zone.

Mr. Howard – Mr. and Mrs. Groome acknowledge that fact even though our lease area is 90 x 90 within that 240 foot radius there are no more habitable structures that are allowed.

Councilmember Gilmartin – At least within the 240 foot concentric circle, whatever is there will not be ripped down.

Mr. Howard – That is why the property line is being moved up to have the 240 feet preserved.

Councilmember Thomisser – You stated earlier camouflage. Can you expand on that? Is it going to be galvanized steel or painted?

Mr. Howard – We would prefer the galvanized steel. The problem we have found with painting is that sometimes it creates maintenance issues and with the weather you can run into chipping and painting. I have seen some facilities that have been painted that they do not look good. Our preference and recommendation is that we stay with the galvanized steel. It blends in perfectly with the blue sky behind it. Once you get into paint you actually are drawing more attention to it and then the question becomes what color do you paint it?

Councilmember McKee – When you say camouflage that means all the equipment is inside the pole. It is not that the tower itself looks like a hunting jacket.

Mr. Howard – No it does not.

Ms. Nancy Stephenson Ivey – I have a question as to whether or not it has been ascertained by anyone that is not of interest in this decision regarding the degradation of the surrounding properties. Have there been any environmental studies by disinterested parties regarding whether cell towers cause any health concerns?

Mr. Howard – Dealing with health hazards, this is not an infrequent question that comes up when we come into these areas. The antennas or transmission facilities are 160 feet up in the air at the top of the tower itself. That is where the transmission and reception takes place. These antennas use non-ionizing electromagnetic radiation (NIER). It is the same kind that you get from televisions, microwave ovens and

fluorescent lights. The Federal Communications Commission controls all of the emissions from these towers across the entire nation and that is so that the carriers are not subjected to tens of thousands or hundreds of thousands of differing local safety standards as they are trying to build out the nationwide network. We have provided as part of our application certification that the antennas that will be installed by AT&T Mobility even at the 160 foot elevation on the tower itself operate at a significantly lower threshold than is allowed by the FCC and at ground level right adjacent to the tower the exposure to NIER radiation is less than 28% of 1% of the allowable emissions. There is no health, safety or other risks to people on the ground near the tower. We have provided a certification showing that we are in more than required compliance with the emissions standards and the same would be true for any co-locating carrier that would come up in the future.

Mayor Anderson – How does the addition of two carriers change the emissions?

Mr. Howard – It does not. Each one of the carriers operates at specified licensed frequencies and is inspected by the FCC. The compound and the access to the tower itself are allowed only by authorized trained professionals when the antennas are operating. With respect to the real estate values, the evidence that we presented today from Mr. Herring deals with that issue. He is a licensed North Carolina Real Estate Broker with a number of years experience both in real estate and telecommunications. His qualifications are part of the report that has been provided for the board.

Attorney Fox – The FCC dealt with the issue of hazardous conditions arising from telecommunication facilities and determined that information or evidence is not competent evidence for purposes of denial.

Mayor Anderson – You should present yourself as an expert witness since you sit on the FCC Board.

Councilmember Gilmartin – So you cannot use that as evidence.

Attorney Fox – The discussion of health issues should not be a basis for denial.

Councilmember Gilmartin – Are there any folks that you have ever dealt with that did not purchase a home because it is in reasonable proximity of one of these towers in your time as a real estate broker?

Mr. Herring – To my knowledge as far as the records are concerned for North Carolina and specifically this area, there is no empirical evidence of record of any specific diminishing of value created by the towers themselves. I am sure that somewhere someone has prejudice or preference not to have a tower but I do not know of a specific situation. As a general statement with regard to local builders and developers they are making accommodations for towers because communications are so critical to their developments.

Councilmember Gilmartin – So you are saying that you have found that developers are accommodating towers?

Mr. Herring – Absolutely in residential, recreational, industrial, commercial - all types of development.

Mayor Anderson – It is an amenity because it is wireless communication.

Mr. Howard – In my ten years as a developer in the wireless industry, I would like to reinforce what Mr. Herring has talked about. When you get into an area of rapid development, we have on occasion had developers come in and ask to work with us so that these facilities are part of their master plan.

Councilmember Gilmartin – You are giving the potential buyer the information prior to buying that we will have a tower here versus having one put in with people there before.

Mr. Howard – Dependable wireless communications is in fact an important health and safety benefit for many of the reasons that the fire department talked about tonight. Whether it is police, fire, or EMT, in instances of natural disasters or acts of God, having dependable seamless wireless communications that can be used not just for business or pleasure but also for emergency services is a nice benefit.

Mayor Anderson – For health and safety purposes and emergency services especially homeland security issues, I think it adds to the health and safety of the community.

Mr. Howard – Absolutely.

Mr. Charles Ivey – We live on the lot adjacent to this area. The existing power line, would that not be affected substantially and is there not a lot of power generating equipment in that compound that generates noise?

Mr. Howard – As far as the existing electrical power lines that are coming on to the Groome property from Twelve Mile Creek Road, those will not be changed. There is a junction box that is already on the property for our power needs to the compound and we will be tying into that junction box. There will be no change in visibility of the location of the power lines. The power generation is provided by the electrical power that we run underground. There is a backup generator that is used only in the event of an electrical outage. It is not a constant. It does not operate 24/7. It is used as a backup if there is a short term power outage from the electrical company. That kicks in so we do not lose power. It will not be visible outside of the compound.

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

B. Public Hearing to Consider a Conditional Use Permit Amendment for the Weddington Corners Shopping Center – Signage and Landscaping. Mayor Anderson opened the public hearing to consider the Conditional Use Permit Amendment for the Weddington Corners Shopping Center. Town Administrator/Clerk McCollum swore in the following individuals wishing to give testimony: Jordan Cook, Steve McLeod and Larry Almond.

Mayor Anderson disclosed for the record that she is a property owner across the street from this proposed request.

Attorney Fox – Let the record reflect that the applicant or Town Council had no issue with Mayor Anderson participating with the application.

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

Weddington Associates requests a Conditional Use Permit (CUP) for a Shopping Center Identification Sign and Landscaping revisions at Weddington Corners Shopping Center. The sign will be located along Providence Road at 13639 Providence Road. This sign is permitted per *Section 58-153 of the Town of Weddington Zoning Ordinance*.

The applicant also proposes to remove two mature maple trees within the parking lot and replace them with crepe myrtles to improve visibility of the shopping center and add landscaping along Providence Road. This application is an amendment to a previously approved Conditional Use Permit.

Application Information

Date of Application: August 19, 2009

Applicant/Owner Name: Weddington Associates

Parcel ID#: 061-500-56

Property Location: 13639 Providence Road

Existing Zoning: B-2

Existing and Proposed Use: Weddington Corners (Shopping Center)

Property Size: 10.31 Acres

General Information

- Applicant is required a CUP amendment because the previous sign and landscaping was approved as part of an overall CUP.
- The previous sign and landscaping was removed by NCDOT due to the Providence Road widening project.
- A Shopping Center Identification sign is permitted in the B-2 Zoning District per *Section 58-153* of the *Town of Weddington Zoning Ordinance*.
- The applicant is permitted one freestanding identification sign, no larger than 100 square feet, no taller than 20 feet and located behind the right-of-way.
- The proposed sign is 97 square feet, 14 feet 7 inches tall and placed behind the right-of-way, therefore complying with *Section 58-153*.
- The proposed sign also complies with *Section 58-149 Freestanding Signs*.
- The two existing maple trees within the parking lot are being removed to improve visibility to Weddington Corners businesses. These trees were approved during the original CUP. The applicant is proposing to install crepe myrtles in the same location.
- The applicant is also proposing to add landscaping along Providence Road and around the proposed sign.
- The applicant must install trees that are evergreen or deciduous, a minimum of four feet high at time of planting and no more than 30 feet apart. The proposed landscaping meets those requirements therefore complying with *Section 58-8 Screening and Landscaping*.

Staff has reviewed the application and submitted documents and finds the Conditional Use Permit Application is in compliance with the Article 3 Conditional Uses, Article 1 In General (Screening and Landscaping) and Article 5 Signs of the *Town of Weddington Zoning Ordinance*.

At the October 26, 2009 Planning Board meeting, the Planning Board gave this project a favorable recommendation.

The Town Council also received a copy of the following items labeled as Exhibit D:

- Staff Memo
- Conditional Use Permit Application – CUP-01-09 dated August 18, 2009 and a list of adjoining property owners
- GIS Aerial Map
- Drawing Showing Monument Sign and Measurements
- Narrative
- Site Plan
- Site Plan and Details
- Photographs of the Trees in the Shopping Center

Councilmember McKee – Will the crepe myrtles be the same height as these maples?

Town Planner Cook – I do not believe that they will be as large as that. The applicant will be able to answer that. I believe it will be eight feet at the time of the planting.

Mr. Almond advised that the trees are 15 years old and thought that the trees were Bradford pears and not maple trees.

Steve McLeod – One of the trees is in really bad shape. Neither one is super healthy.

Councilmember Gilmartin – Your rationale for removing them is because of an impediment to the property?

Mr. McLeod – The problem is if you look at the rest of the center all along that front we have crepe myrtles. Those two trees were planted before we did the last phase and it was poor planning by us. We get a lot of complaints from the tenants on that end about those trees. We do not want that to be the deal breaker. That is something that we are doing at their request and we have looked at those and they are not in great shape. Primarily why we are here is to replace the sign that was taken down by the NCDOT widening and to replace the landscaping.

Councilmember McKee – But you are including both of them in one. It would probably have been better to do them separately.

Mr. McLeod – If you want to vote on that separately that is fine with us.

Mayor Anderson – Does the lighting of the sign meet the Town's Lighting Ordinance?

Town Planner Cook – Everything that they are planning is in compliance.

Mr. McLeod – The sign will be uplit and not an internally lit sign.

Mayor Anderson – Currently the original sign was designed for a two-lane roadway at 35 mph. Now we have a four-lane divided highway with at least 45 mph, is this going to be adequate?

Mr. McLeod – We believe that it is going to be adequate. We have limited the number of tenants on there. If you put everyone on there, you cannot read anything. There is a tradeoff there. We believe it will be a nice looking sign.

Mayor Anderson – When we approve this design, are we approving the colors and the font? If they need to change a name on there, do they not have to come back to us?

Town Planner Cook – I think as far as the text, the tenants can change over time without coming back for an amendment to the CUP.

Councilmember McKee questioned if the items could be voted on separately.

Attorney Fox – What is before you is a CUP that includes three things. One is the signage. One is the landscaping and another is the tree removal. In the granting of the permit, the Council could approve all three, could approve less than the three and could condition the approval as it deems reasonable.

Councilmember McKee – You said that these trees are in dire straits but you did not get a horticulturist or tree doctor to tell us what shape they are in. The Town of Weddington has lost too many trees now. That

is my only argument for it. I do not have any problem if they have a tree doctor that says that they are dying. These are 15+ year old trees.

Attorney Fox – With that concern being stated, the Council could condition the approval of the trees upon the verification by a horticulturist.

Mr. McLeod - The use will not endanger the public health or safety if located where proposed and developed according to plan. The use meets all required conditions and specifications. The use will not substantially injure the value of the adjoining or abutting properties. The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is located and will be in general conformity with this Ordinance and the Weddington Land Development Plan.

Mr. McLeod - We would be willing to transplant the healthiest tree elsewhere on the site if that would make a difference.

No one from the public spoke in opposition to the CUP application.

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

Item No. 10. Public Comment - Speakers are limited to two (2) minutes or less and Large Groups are Encouraged to Designate a Spokesperson.

Mr. Walker Davidson – I have a request of the Town Council if you would extend the public comment time from two minutes to three minutes going forward. Mr. Thomisser, you know how hard it is to get your point across in two minutes.

Mr. Craig Horn – I greatly appreciate the Providence VFD presentation and I learned things that I did not know. I thought it was important that information be shared not only with the Town Council but the members of the community. I do have a concern I must say. We are currently waiting for a fire study to be completed in Union County. I do not know when it is going to be complete. But that is a comprehensive fire study dealing with every fire station, every fire district line, and every piece of equipment, every run time and every need of every fire company. The fire study is to include as I understand it a close look at equipment and personnel and how they should be funded, how they could be funded, and how they might be assigned and shared. There might be fire companies with equipment that may not be in the right place for the best interest of Union County. We here in Weddington, as was noted, have two fire companies that have first run responsibilities in the Town of Weddington. I appreciate the fact that they work closely together. It creates an interesting scenario for some of our tax payers or property owners in that they are paying Weddington Town taxes and then they are paying a fire tax to another fire company. It could be construed that they are double taxed. I strongly urge the Town Council to support Providence VFD but I strongly as well urge the Town Council to keep in mind we are on the cusp of some information that may be useful for your further consideration.

Mr. Jerry Fitzgerald – I am a Weddington resident. I belong to the Weddington United Methodist Church and serve on the Board of Trustees. We are aware that the water tower issue is coming up for discussion. The Weddington Church is very concerned that the proposed placement of the water tower will adversely affect the value of church property and have a detrimental effect on our cemetery. I represent the Church Board of Trustees and would like the Council to know that the Church Attorney has drafted a letter to you in opposition to the current proposed location for the water tower. Professionally I am a commercial real estate broker and I hold the highest designations recognized in the field of commercial real estate. I specialize in land sales and site procurement for building and development projects and I utilize the latest technology to evaluate and procure specific sites. As a real estate professional I feel that there are

alternate sites to consider without hindering the value of our church property and we would appreciate the opportunity to discuss potential alternate sites in greater detail with the planners of this project.

Item No. 11. Approval of Minutes.

A. November 9, 2009 Regular Town Council Meeting. Mayor Pro Tem Barry moved to approve the November 9, 2009 Regular Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

Item No. 12. Consent Agenda.

A. Approval of 2010 Holiday Schedule. Councilmember Gilmartin moved to approve the 2010 Holiday Schedule. All were in favor, with votes recorded as follows:

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

New Year's Day	Friday, January 1
Martin Luther King, Jr. Day	Monday, January 18
Good Friday	Friday, April 2
Memorial Day	Monday, May 31
Independence Day	Monday, July 5
Labor Day	Monday, September 6
Veterans' Day	Thursday, November 11
Thanksgiving	Thursday, November 25 and Friday, November 26
Christmas	Friday, December 24 and Monday, December 27

B. Approval of 2010 Meeting Schedule. Councilmember Gilmartin moved to approve the 2010 Meeting Schedule. All were in favor, with votes recorded as follows:

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

DATE	TIME	LOCATION
January 11, 2010	7:00 p.m.	Town Hall Council Chambers
February 8, 2010	7:00 p.m.	Town Hall Council Chambers
March 8, 2010	7:00 p.m.	Town Hall Council Chambers
April 12, 2010	7:00 p.m.	Town Hall Council Chambers
May 10, 2010	7:00 p.m.	Town Hall Council Chambers
June 14, 2010	7:00 p.m.	Town Hall Council Chambers
July 12, 2010	7:00 p.m.	Town Hall Council Chambers
August 9, 2010	7:00 p.m.	Town Hall Council Chambers
September 13, 2010	7:00 p.m.	Town Hall Council Chambers
October 11, 2010	7:00 p.m.	Town Hall Council Chambers
November 8, 2010	7:00 p.m.	Town Hall Council Chambers
December 13, 2010	7:00 p.m.	Town Hall Council Chambers

Item No. 13. Consideration of Public Hearings.

A. Consideration of a Conditional Use Permit for American Tower Corporation for a 160' Telecommunications Tower – Tax Parcel Numbers 06-096-003 and 06-096-153. Councilmember Gilmartin - As I listened to the testimony, I do not know if I can remove myself and be as fair and impartial as I need to be because I will see the tower. I ask that I be recused from this matter.

By consensus, the Council allowed Councilmember Gilmartin to be recused from the matter.

Councilmember McKee moved to approve the Conditional Use Permit for American Tower Corporation for a 160' telecommunications tower for Tax Parcel Numbers 06-096-003 and 06-096-153 based upon the Findings of Fact that were part of the application submitted with the following condition:

- Lot Line Revision to be Administratively Approved

All were in favor, with votes recorded as follows:

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

B. Consideration of a Conditional Use Permit Amendment for the Weddington Corners Shopping Center – Signage and Landscaping. Mayor Pro Tem Barry moved to approve the Conditional Use Permit Amendment for the Weddington Corners Shopping Center based on the Findings of Fact that were submitted.

Councilmember McKee asked to amend the motion to consider requesting a tree doctor to evaluate the condition of the trees and to tell their life expectancy. He stated, "If that comes back favorable to Weddington Corners, then I have no problem with them being removed."

Mayor Pro Tem Barry – I do not want to accept the amendment because I do not want to tie their hands. We are talking about cutting down two trees. I believe that I would accept a friendly amendment that it needs to be replaced with something comparable and of the same fill.

Councilmember McKee - I will go along with replacing them with something comparable but crepe myrtles are not comparable.

Mayor Pro Tem Barry – I understand your desire to maintain some level of greenery in that section of the parking lot but my concern is that we do not need to tie the landowners' hands on cutting down trees and spending 30 minutes on debating that.

The vote on Mayor Pro Tem Barry's motion is as follows:

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

Councilmember McKee - I would like to state for the record that the only opposition I have is that I feel the trees need to be evaluated. I have no problem with the signage or the front landscaping.

Item No. 14. Old Business. There was no Old Business.

Item No. 15. New Business.

A. Discussion and Consideration of Future Downtown Core Plan. Councilmember Thomisser moved to immediately stop any future activity on the Downtown Core Plan and to pay the consulting firm Hadenstanziale all year-to-date monies owed.

Councilmember McKee – Attorney Fox, the contract that the Town approved was to go to a completion of them making a presentation to this Town Council.

Attorney Fox read the Termination Section of the Hadenstanziale Contract. He stated, “According to this agreement, the contract could be terminated prior to the completion date by written notice. I assume the motion would instruct the Attorney to provide written notice to the party of the cancellation of the contract and would recognize the obligation of the Town for all monies owed to the contractor up unto that point.”

Councilmember Thomisser - I attended a lot of the meetings. The first meeting we had input from 40 citizens. I do not think that is representative of the Town of Weddington. In 2006 we had the input of 955 people and in 2007 we had input from 605 people. I might add that was under better economic times. The two surveys that were done in 2006 and 2007 indicated that 95% of the residents of Weddington wanted to maintain a low tax rate and 83% wanted to maintain a residential community with few commercial interests. Sixty nine percent of the people that responded to both of those surveys said that they did not want townhomes. Sixty percent of the people said that they did not want patio homes and 68% said that they did not want to pay higher taxes for the beautification of the town center. Certainly they did not want to pay the \$300,000 operating expense for a municipal library. The reality is that every one is aware of the difficulty that Union County is in as far as its debt. I heard the Chairman of the Union County Board of Commissioners say that the only money available is for the schools and they are trying to come up with the means to fund the new jail which is a \$60 million project. I am for a library but the reality is that Union County is in no financial position to have each municipality to have their own library. A couple of years ago the Board of Trustees for the library indicated that they wanted a regional library in western Union County for Wesley Chapel, Marvin, Weddington and Waxhaw to take advantage of. We just are not in a financial situation that we can afford a library. Each individual town cannot be in the library business or we would substantially have to raise taxes and I ran on a platform where I told the citizens that I would not raise their taxes and I do not see any way that we can afford this program.

Councilmember McKee - There is nothing that anybody has ever said about raising taxes. In fact I am against raising taxes myself personally and I would never vote for it. The tax question is completely moot and makes no sense at all.

Councilmember Thomisser – Then how are you going to pay for it?

Councilmember McKee - We are not paying for anything. You have not let the plan run its course and let the Town Council see the plan and evaluate it personally and then decide after the plan has been submitted. You just want to cut it off right now because you do not like it. You said during your campaign that you would like to see restaurants in Weddington. That is incorporated into part of the plan. There is no plan at this time. It is still in the discussion stages. As far as the library is concerned, the Town is not going to pay for the library. The only thing that the Town might do is if it is in position to provide the land. You campaigned on planning ahead so how can you not plan ahead for a library when you say we cannot afford a library?

Councilmember Thomisser - I have had informal conversations with the Chairman of the Union County Board of Commissioners and that is the direction that they are going. They want municipalities to share in the cost of the library and in order to operate a municipal 20,000 SF library it is going to cost the Town of Weddington \$300,000 in operating expenses.

Councilmember McKee – The Town does not operate libraries. Union County operates all libraries.

Mayor Anderson – At our last Mayor and Commissioners Meeting, we did discuss this very issue - not just about libraries but county facilities in general. They have noted that the municipalities are in far better shape financially than the County is and so they are going to be looking for a little higher level of financial commitment from the municipalities for a whole host of things. They are looking at ways of raising money for these capital improvement projects, which libraries are one, by way of selling the hospital. There is no funding element to this plan. Since we are almost finished with the process, do you think it is good stewardship of the taxpayers' money to stop when we are almost at the finish line?

Councilmember Thomisser – It is not exactly that we are throwing everything away. We have five concepts here and we can work towards the rear access out of the shopping center which DOT is willing to build and fund for \$81,000 which will help the people of the shopping center as far as access out of the shopping center. We have in these plans a rear entrance to the Weddington Activity Center from the parking lot. As far as a sit down restaurant, no one says that we cannot do a sit down restaurant. All of which can be done at no expense to the Weddington taxpayers.

Councilmember McKee - I do not know where you get no expense to the Weddington taxpayers. As of right now there is no expense. Why can we not go through the process, digest it, take it home, make your pros and cons and come back when it is presented and make any changes that you want to make to it as a Council? Why just kill a plan just because you do not like it in its present state?

Councilmember Gilmartin – Jordan, did you not mention to me that the only thing left is the meeting presentation of this? I have not been in favor of it. You remember I did not vote for it and I do not want it. I think that we can work in concert with the owners of the strip center to make it more appealing to the eye and include some restaurants. I am under the impression that all we need is in front of us. That is the guidance that I got from staff. We are at the point now where it will just be a presentation from the consultants. If we still want to move forward, we can do this as a Council and not with the consultants and their sales pitch. I truly believe that most elections have consequences. If I am not mistaken the two newly elected officials voted against commercial and I echo their sentiments. I believe that we have all of the information that we need with those five or six documents and from there we can vet the potential ideas A through E and the only thing left is the consultants' presentation in an open forum.

Town Planner Cook- We have a Downtown Development Committee meeting tomorrow night and at that meeting we are going to take these five plans and narrow that down to a recommendation to the Town Council and the Planning Board at a joint meeting. They are going to have to design and develop what the final plan is as well as the actual document. We are just talking about a map here. I believe their rough draft is 73 pages they sent out this afternoon to the Downtown Development Committee. That encompasses everything from the market studies to the results of all of the meetings. There is more than just the one meeting.

Mayor Anderson – Madame Clerk, will you refresh our memory? Early in the meeting did we not have a unanimous approval from the Council to add to our agenda the expansion of the committee and unanimous approval to have L.A. Smith added to that committee?

Town Administrator/Clerk McCollum answered yes.

Mayor Pro Tem Barry – The answer to your question is that I knew this agenda item was coming up. I was very active in my campaign about limiting future development of the Downtown Core. It has been a debate and discussion for the last six months. I remember on election night a reporter calling me and said

I guess that squelches the Downtown Core development process. I think that it is a clear indication about the direction that the two of us campaigned on, that as well as our decision to continue to adequately fund this public safety. I did not see making a big argument at the launch of the meeting about L.A. Your conversation with me was that I was given an appointment and I just was not going to appoint anybody tonight. It did not work that way tonight.

Councilmember McKee – I believe it is in one of the handbooks about ethics. The three of you gathered together to make this decision before the Council ever met. You can see the pattern how this developed. I would just advise you to try to be your own person and make your own decisions and not involve someone else to make them for you.

Councilmember Gilmartin – All due respect when the Council was different earlier today it was done the other way.

Mayor Anderson called for a five minutes recess.

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

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

Mayor Anderson advised that if she had been given a chance to vote she would have voted against the motion.

B. Consideration of Funding Request for Providence VFD. Councilmember Thomisser moved to fund the Providence VFD request for an additional \$58,150 by a budget amendment or whatever means possible.

Finance Officer Gaylord - I went through the Revenue and Expenditures Statement that is in your packet. I looked at all of the line items and at where we are to date and tried to figure out if we are ahead or behind on any revenue or expense items. I identified line item amounts that could be adjusted and I gave you a copy of a proposed budget amendment. We started the year with \$20,000 as an appropriation from fund balance. Looking through where we are today it looks like we have the potential to increase revenues by \$25,500 and reduce expenses by \$40,000 which would wipe out that appropriation and also provide enough money to fund the fire department request if you so choose. Please make sure that you are okay with the areas that the money is coming from.

Councilmember McKee - As Mr. Horn stated, Union County has hired a consulting firm for \$80,000 to evaluate the different fire districts. I am one of those people that get double taxed. I can see funding the overnight people and the training. I think that the upgrading of the truck as Mr. Horn indicated that equipment may be moved and upgraded by the county. I think that \$30,000 on a 14-year old truck could possibly wait.

Mayor Pro Tem Barry - What are you trying to accomplish from the \$10,000 study?

Chief Banick – The station is 25 years old. We have maximized every square inch of the station and refurbished every room that we could to make it usable for today's needs. The county's study is far reaching. We are looking at 2011 before anything changes from that study.

Councilmember Thomisser - If you wanted to buy a new truck, it would cost at least \$250,000 to \$300,000. A \$30,000 upgrade is a good deal.

Councilmember McKee - Has there been an incident where that truck has been inefficient with a call?

Chief Banick – It has caused inadequate lighting at night scenes. The truck cannot meet the electrical needs that we have.

Mayor Pro Tem Barry – If you were asked to prioritize the items you discussed?

Chief Banick – Staff, truck and study.

Councilmember Thomisser – As far as the station is concerned, they have no capability for eye wash in that station. In the event that two to three fire fighters have to be decontaminated, they only have one shower stall. They really need to look into what they need going forward because it is inadequate right now.

Chief Banick - The station doubles as a shelter for natural disasters or any type of emergency. We want to make sure that the station is adequate 25 to 30 years out.

Mayor Pro Tem Barry – For the study, do you actually have a quote from someone on the study?

Chief Banick – We went out and informally talked to some consultant groups and that is the number that they gave us.

Councilmember McKee – If the fire study says that there needs to be redistricting, would that not be the most prudent time to do the study of expanding? You want the consultant to base it on your present conditions but that may not be your district a year from now and you may be bigger. I have reservations about doing the study now because a year from now it may be out of date.

Mayor Anderson – You are representing the leadership of the entire department and not just your opinion.

Chief Banick – Correct.

Councilmember McKee made a substitute motion to fund the request for night staff and truck upgrades but to exclude the \$10,000 study at this time. The vote on his motion is as follows:

AYES: Councilmember McKee

NAYS: Councilmembers Thomisser, Gilmartin and Mayor Pro Tem Barry

Mayor Pro Tem Barry asked to amend Councilmember Thomisser's original motion to not exceed \$10,000 for the space needs study and request that the fire department provide an actual proposal to the Town Council. He stated, "I do not want to allocate \$10,000 for a study when the study may only cost \$6,000."

Councilmember Thomisser accepted the amendment. The vote on Councilmember Thomisser's motion with the amendment is as follows:

AYES: Councilmembers Thomiser, Gilmartin and Mayor Pro Tem Barry

NAYS: Councilmember McKee

C. Call for Public Hearing to Review and Consider a Conditional Use Permit for a 156' Elevated Water Storage Tank (Public Hearing to be held January 11, 2010 at 7:00 p.m. at the Providence

Volunteer Fire Department at 5025 Hemby Road, Weddington, NC 28104). The Town Council received a copy of the Conditional Use Permit Application CUP-03-09 dated October 28, 2009. Mayor Pro Tem Barry moved to call for a public hearing to review and consider a Conditional Use Permit for a 156' elevated water storage tank. The public hearing is to be held January 11, 2010 at 7:00 p.m. at the Providence VFD. All were in favor, with votes recorded as follows:

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

D. Acceptance of Certificate of Sufficiency – Voluntary Annexation Request from Cecil and Carolyn Turner and Michael David Turner for Property Located on Potter Road. This item was deleted from the agenda.

E. Consideration of Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 – Voluntary Annexation Request from Cecil and Carolyn Turner and Michael David Turner for Property Located on Potter Road (Public Hearing to be held January 11, 2010 at 7:00 p.m. at the Providence Volunteer Fire Department at 5025 Hemby Road, Weddington, NC 28104). This item was deleted from the agenda.

F. Written Report from Mayors Commissioners Issues Conference – Mayor Nancy Anderson. Mayor Anderson gave a brief update from the last Mayors Commissioners Issues Conference. Some of the items discussed were Emergency Management and the need for training for newly elected officials and the County Urban Forester Position.

G. Consideration of Resolution to Adopt Legislative Positions for the 2010 Short Session of the North Carolina General Assembly. Councilmember Gilmartin moved to table this item until the January Town Council Meeting. All were in favor, with votes recorded as follows:

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

Item No. 16. Update from Town Planner. The Town Council received the following update from Town Planner Cook:

- On August 3rd the Town Council voted to approve the contract to hire HadenStanziale for the Weddington Town Core Plan. The Public Kick-Off Meeting was held on September 29th, the day long design Charrette was held on October 22nd and the Charrette Presentation was held on November 17th. At the Charrette Presentation the consultant presented five conceptual Town Core Plans created from the ideas and concepts generated at the Charrette. Citizens were then asked to vote for their favorite and least favorite plans. The results of these votes were then presented to the citizens in attendance and the Downtown Development Committee. The Downtown Development Committee met on Wednesday, December 2nd to discuss these results. The Downtown Development Committee will meet again on Tuesday, December 15th to recommend a Town Core Plan. This recommendation will be based on the citizen input gathered at the previous Charrette Presentation meeting. The Town Core Plan that is recommended will then be reviewed by the Town Council and Planning Board in a joint meeting before going to the Town Council for Public Hearing and Consideration.
- The applicants (Polivka International) for the Helms Property Conditional Zoning Rezoning and Land Use Amendment have completed their Public Involvement Meetings (PIM's). The first PIM was held on Thursday, November 12th from 2:00-4:00pm on site at 13700 Providence Road.

This on-site PIM was primarily intended for service providers (NCDOT, utility departments, NCDENR, etc.). The second PIM was held on Thursday, November 19th from 6:00-8:00pm at Town Hall. Approximately 7-10 citizens attended the PIM at Town Hall. Town Staff and the applicant were on hand at both meetings to answer any questions about the proposed office/retail development. The applicant is currently proposing 30,000 square feet of office and 30,000 square feet of retail. The applicant is currently working on finalizing water and sewer plans with Union County Public Works. This proposed rezoning and land use plan request will be on a Planning Board agenda when the water and sewer is finalized.

- Staff has received a Minor Subdivision Plat to create two lots from one 5.957 acre parcel located at 245 Weddington Road. Staff is currently reviewing the Preliminary Plat and the Final Plat is scheduled to be on the December 21st Planning Board agenda.
- The Planning Board and Town Staff have decided that the LARTP Text Amendments should be considered for approval only after the LARTP Thoroughfare Plan is adopted by MUMPO and added to their LRTP. The LARTP Thoroughfare Plan is scheduled to be presented to the TCC and MUMPO in the next two months for adoption. The four participating municipalities are also considering submitting the LARTP for the CCOG Annual Region of Excellence Award.

Item No. 17. Update from Town Administrator/Clerk. The Town Council received the following update from Town Administrator/Clerk Amy McCollum:

- Union County Emergency Management is beginning a revision of its Hazard Mitigation Plan. A meeting of the Mitigation Advisory Committee was held on December 4, 2009. Staff is invited to future meetings to review and discuss methods of reducing risk of disasters in Union County.
- WCWAA Update – US Infrastructure is wrapping up the first phase of the evaluation of the existing conditions of the site. A meeting is scheduled with Union County, Weddington and US Infrastructure on December 17 to go over these findings.
- The Town Hall will be closed for Christmas on December 24 and December 25.
- A letter has been sent to NCDOT requesting the placement of 25 MPH speed limit signs in several neighborhoods in Weddington at the request of the Weddington Deputies.
- You received by email the decision by the North Carolina Court of Appeals advising that Union County may not use the Adequate Public Facilities Ordinance (APFO) to obtain indirectly the payment of what amounts to an impact fee given that Union County lacks the authority to impose school impact fees directly. They went on to say that our Constitution places the duty to fund public schools on the General Assembly and local governments and because the General Assembly has neither expressly nor impliedly authorized Union County to shift that duty using subdivision ordinances that impose fees or use similar devices upon developers of new construction, Union County's adoption of an APFO that includes a VMP (Voluntary Mitigation Payment) and similar measures was in excess of its statutory authority.
- We are working with a provider to develop a program for the record keeping of the false alarms and alarm applications for the Town. This will allow individuals to register their alarm system through the website and to assist the deputies with administering this program.
- The Town will need to adopt by January 1, 2011 a Code of Ethics to guide actions by the governing board members in the performance of their official duties as members of that governing board. Training for newly elected officials will also be needed. The School of Government is working on templates to assist towns with this code of ethics which will be presented at a meeting in January that I will be attending. Councilmembers Thomisser and Barry will obtain the training that is required at the Essentials of Municipal Government Classes that they will attend in January in Concord.

- A meeting between staff, Planning Board Chairman Dorine Sharp and Attorney Anthony Fox will be held Monday afternoon to finalize the bond language to be sent to the Planning Board for recommendation to the Town Council.
- Staff needs direction on the 2010 Retreat regarding dates, location, etc. Last year's retreat was held at the Firethorne Country Club in March.
- Staff is working with the Town Attorney regarding a resident that refuses to pay citations relative to false burglar alarms at his residence. Anthony has drafted a letter to this individual giving them five days to comply or further action will be taken.
- I am working with Perigee, the Town's email provider, on obtaining Town email addresses for everyone on the Town Council.
- Staff has been informed that a resolution has been reached relative to septic tank issues that have been ongoing in the Potters Creek Estates Subdivision.

Item No. 18. Public Safety Report.

Deputies

371 Calls

Providence VFD

Union County	Fire: 32	EMS: 12	Total: 44
Mecklenburg County	Fire: 4	EMS: 1	Total: 5
Monthly Total	51		

Monthly Training Hours

Fire - 0 Total Hrs. 0 In House 0 On-Line

EMS - 3 hours. Regular Continuing Ed is not scheduled in November and December. Members are attending make ups as needed.

Run Data:

Avg. Turnout: 1 min. 51sec.

Avg. Response Time: 4 min. 9 sec.

Avg. On Scene Time: 20 min. 30 sec.

Avg. Members On Scene: 5.1 members

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

Wesley Chapel VFD

October – 106 Calls

November – 90 Calls

Item No. 19. Transportation Report.

Mayor Anderson discussed quotes that Town Planner Cook received for turn lanes at Deal Road. Mr. Cook received quotes from NCDOT and US Infrastructure. The cost was approximately \$100,000.

Mayor Anderson also advised the Town Council that they needed to give direction to Barry Moose regarding the access road for the Weddington Corners Shopping Center.

Item No. 20. Update from Finance Officer and Tax Collector.

A. Finance Officer's Report. The Town Council received the Revenue and Expenditure Statement and Balance Sheet for 11/01/09 to 11/30/09. A copy is attached to the minutes as Exhibit E.

B. Tax Collector's Report. Monthly Report – November 2009

Pay Interest and Penalties	\$(24.72)
Refunds	\$2,411.07
Taxes Collected:	
2009	\$(218,839.53)
2008	\$(95.73)
As of November 30, 2009; the following taxes remain Outstanding:	
2001	\$9.18
2002	\$89.53
2003	\$210.27
2004	\$290.19
2005	\$366.49
2006	\$321.90
2007	\$2,009.93
2008	\$12,531.06
2009	\$263,464.86
Total Outstanding:	\$279,293.41

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

Item No. 21. Council Comments. Mayor Anderson welcomed the new Councilmembers and advised that she was looking forward to working with everyone. She asked that the Council start thinking of items to discuss at an upcoming retreat.

Item No. 22. Closed Session Pursuant to NCGS 143-318.11 (a) (5). Councilmember McKee moved to go into Closed Session pursuant to NCGS 143-318.11 (a) (5). All were in favor, with votes recorded as follows:

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

Item No. 23. Adjournment. Councilmember Gilmartin moved to adjourn the December 14, 2009 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

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

The meeting adjourned at 11:15 p.m.

Nancy D. Anderson, Mayor

Amy S. McCollum, Town Clerk