

**TOWN OF WEDDINGTON
SPECIAL TOWN COUNCIL MEETING
MONDAY, FEBRUARY 11, 2013 - 6:00 P.M.
MINUTES**

The Town Council of the Town of Weddington, North Carolina, met in a Special Session at the Weddington Town Hall, 1924 Weddington Road, Weddington, NC 28104 on February 11, 2013, with Mayor Pro Tem Daniel Barry presiding.

Present: Mayor Pro Tem Daniel Barry, Councilmembers Werner Thomisser, Pamela Hadley and Barbara Harrison, Town Planner Jordan Cook and Town Administrator Amy S. McCollum

Absent: Mayor Walker F. Davidson

Visitors: Nancy Anderson, Don Titherington, Bruce Klink, Anthony Burman, Jim Vivian, Jennifer Madaris, Dennis Taylor, Bill Snider, Dan M., Monica Snider, John Giattino, Bill Price and Genny Reid

Item No. 1. Open the Meeting. Mayor Pro Tem Daniel Barry called the February 11, 2013 Special Town Council Meeting to order at 6:04 p.m. There was a quorum.

Item No. 2. Public Input/Comment Period on the Weddington Land Use Plan Update. Mr. Bill Snider – I live in Providence Place. I have four or five Homeowners Associations that are on an email list that run up and down Antioch Church Road. Almost everyone that emails me back is against going outside of what was originally in the Land Use Plan as far as expanding commercial property in the different areas as well as reducing the residential size from one house per acre. My house borders 60 acres of woods that was under contact between Providence Place and Antioch Woods. The concern that I have more than anything is our property values. The last meeting that I came to I heard a couple of people make comments about making affordable housing. We have houses in our neighborhood that at one time before the economy went down were for sale for \$800,000. It is stunning to me to think that we could put houses in there behind my house for \$200,000 – \$250,000. I think that the comps of that will have a really negative effect on the neighborhood that I am in. This is the biggest investment that I have. I wish you would have numbered the survey and put it in an official envelope instead of a yellow card. Most people thought it was junk mail. I think you would have gotten a bigger return from it. I think the majority of the people would probably agree with me that anything you do that has a negative impact on our property values they are going to be opposed to it. Consider that when you make your decisions. The meeting that I came to here before it seemed like the decisions for some of the things were made prior to the meeting where the public was allowed to speak. I think that is wrong and I may be wrong about that but that is what it seemed like. I think you should consider what everyone has to say.

Councilmember Werner Thomisser – The first thing we have to do is define density. In the survey the reasons people move to Weddington are low taxes, great schools and preservation of open space. I have a one acre lot. One of the downsides of that is it encourages families with two to four kids to move into houses like that which puts a lot of strain on the school system and the next thing you know kids are in trailers and they have to build new schools and the County has to increase debt and taxes go up. We have to define what is commercial. Does it fit in with the surrounding residential areas? I appreciate your comments. This is very difficult to try to get a happy medium. The survey said people want greenways. You have to have a park in order to have a greenway. You want a sit down restaurant. People in the restaurant business are just not going to have a single stand alone restaurant because it has to have foot traffic. Those are the challenges that the Council has.

Councilwoman Pamela Hadley - The perception that decisions have been made before people can speak I am not sure if you are referencing the property across the way on Providence or not. That was an eight month process that had public involvement meetings that had a lot of time for people to stand up. If you got involved at the very end, you probably did feel that way.

Mayor Pro Tem Barry asked Mr. Snider to define commercial.

Mr. Snider - Commercial to me is a place where there is a business and there are employees and there are comings and goings of people that don't live in a particular neighborhood.

Mayor Pro Tem Barry - By that definition Weddington United Methodist Church is a commercial development and so is the daycare down the street. I think we have different grades and different types.

Mr. Snider - If it is done in the right way it may actually add to what the neighborhood value is but again I think the biggest concern I have is in my own area for selfish reasons and that is looking at the property values of the houses that are in the area where developments are being considered and not accepting something that is half the value of what the houses are around it.

Mayor Pro Tem Barry - The residential density model versus commercial are two very different things.

Ms. Nancy Anderson - I asked Amy to put up the map of the transportation plan that we adopted in 2009. As we go through and review our Land Use Plan, I would ask that you make it congruent with our transportation plan. Providence Road is the main corridor through Town and currently serves as the east/west corridor to Rea Road until that goes through. Our problem with that is that we currently only have two access points to it - 84 and Hemby Road. It does show two other access points and I would like you to consider adding a third one. This is Weddington Church Road and now there is a light here. This is going to be a traffic circle and I would ask that you consider when you do the Land Use Plan whoever develops this property you say this is point A that has to connect to point B. You don't care what they do with the road anywhere in here but it needs to come here and end there so these two things are connected so you can avoid the intersection if you don't need to go there. I know you are considering the placement of the water tower and one of the places that has been recommended is right here. If you decide to place it there please make sure that you don't interfere with or mess up the transportation plan. I had the unfortunate opportunity to be driving on Providence Road south of here at 5 pm. It is as bad there as it used to be here. I would hope for land use and transportation that you guys would push as hard as you can to speed up this. It is on the transportation plan. We have a good group of folks in Raleigh right now. NCDOT helps those who help themselves. Go up to Raleigh, talk to them and let them know who you are but this needs to go all the way to Waxhaw.

Councilmember Thomisser - Weddington Church Road - are you saying we shouldn't consider a water tower at that juncture?

Ms. Anderson - No a water tower across the street because this road needs to go across. Matthews-Weddington Road is right here. It needs to come across to here. At the traffic circle you should be able to go straight thru those woods and come out at Weddington Church Road. Point A and Point B need to be connected. It will be a developer built road someday. You need to tell whoever does it in whatever capacity residential or mixed use they still need to connect that.

Mayor Pro Tem Barry - My recollection is during our land use process we can draw up the lines so that land owners know there is an anticipated road project through there.

Ms. Anderson - You can't arbitrarily draw a line on a map. There has to be a feasibility study. It is not as easy as it looks. When you first started, a very big project got thrown in your laps and several of the members mentioned that "if I had known then what I know now I may have voted differently". I am speaking of the Robicsek project and the proposal that came through. Now that you know what the citizens of Weddington want - all the things they said they wanted can be accomplished by that proposal. I am very much in favor of the downtown core. When someone says I will give you 120 acres of open space that could be gifted to the Town of Weddington at no cost to us except to maintain it that is a huge never before happened, never going to happen again kind of opportunity. I would ask that you look at that again. I don't know why we can't have both. I can see very far into the future because I can see very far behind me. It is not hard for me to imagine how Weddington is going to grow. That is why we need to push for Providence Road to be widened all the way down as quickly as possible. The single most important thing about that Robicsek property is that it gives us zoning jurisdiction of 300 acres - 200 of them are in the County. The County can take the Wal-Mart and put it down there and we can't stop that. Think about it at the retreat. The YMCA is anxious to be there.

Councilmember Thomisser - Wesley Chapel spent almost a million dollars to acquire land. Marvin has spent \$900,000 to acquire land. The improvements that they have made within that land are well over one million dollars. That is all taxpayer money. The Town of Weddington could take advantage of this and we would not have to raise taxes.

Mr. Bruce Klink - I live at 2508 Greenbrook Parkway in Providence Woods South. It is clear that we are going to grow; it is just how we grow. I would like to rebut your idea that one acre lots are going to overcrowd the schools. One-fourth and one-third acre lots are certainly going to overcrowd the schools a whole lot more. I asked myself why we moved to Weddington 15 years ago from Athens, Georgia. When we first approached the real-estate agent and described the kind of place, home and town we wanted she told us it didn't exist. We looked at 60 houses, finally fired that agent and got another one and she led us to Weddington. Weddington is a very unique place and does not exist everywhere. The reasons we came here was we were looking for some space, rural character, limited commercial so we could see the stars at night and we didn't want to live next to businesses. We wanted good schools and low taxes. The issues we are talking about here which are largely reducing the lots sizes from one acre to smaller lot sizes as well as allowing commercial development to come into Weddington are kind of recycled issues. We have been talking about these things ever since I moved into Weddington. It keeps coming up over and over again. Surveys are done over and over again. True to form every single time 70% + of the people oppose commercial development and oppose making lots smaller and yet the issue keeps coming back. It is a product of developers who want to take advantage of the stakes we have. People have spoken over and over again and I think there is a clear mandate that what the people in this Town want is to be left alone and for the growth to occur in a more residential way and a more controlled way. The survey that was taken was valid despite that only 600 people responded. That is 20% of people in this Town. That is consistent with some of the surveys that were done in the past. The people that wanted to be heard were heard. They took the time to answer the surveys but again 75% of the people said they did not want commercial and they did not want lot sizes to be smaller. Only 47% of the eligible voters voted for the President this time and yet President Obama is the President. It doesn't take a 100% turnout. It is the responsibility of the elected officials to listen to the wishes of the people. That is what you were voted to do. I know there are some people that like to campaign on the popular agenda. In other words they campaign on no growth and then when they get in office they actually support growth. It concerns me that people go back on their word and don't deliver what they promised during the campaign. Be very careful and thoughtful about how you make your decisions on how the Land Use Plan is going to change.

Councilmember Thomisser - I see a lot of people whose kids have gone through the school system and now they are empty nesters. They say, "I have an acre lot and it is too much to take care of but I really like Weddington and I don't want to move out of Weddington but I can't take care of what I got." What are we

going to do about empty nesters? They can volunteer and really add to the community. I am not talking about apartments and condos. Would you ascertain a situation where three houses are put on an acre? It would be called senior housing.

Mr. Klink - I would prefer not because I think there are so many alternatives that exist in Waxhaw and right down the road. Anywhere you go over the border within a few minutes drive you can find those exact same things. They could continue to be a part of the community, come to church here, etc. My concern is once you let the camel gets its nose under the tent the whole camel comes and it will break it wide open. I would say no.

Mr. Don Titherington – I live in Providence Woods South and am a 15 year resident. My folks are 69 and 66 and are retired. They live in the same subdivision and they have lived here since 1993. They are going on their 20th year. They love it and have no issue with it. They know that with R-CD if they did want to get away from the two acres that there are subdivisions in this area and they could move into Hadley Park for example. My uncle who was born and raised in Charlotte moved out here when he retired because he got sick and tired of what was going on in the City of Charlotte. Even though you have empty nesters there are a lot that move here because of what Weddington provides. We met today with the president of our homeowners association. I think he was actually surprised with some of the things that were going on. We are having a board meeting at the end of the month and will be outlining some additional information with the Land Use Plan here. Information is important for us because there are a lot of fields bordering our subdivision and we know that a church just bought and put an option on some property. The biggest concern now based off the Polivka decision is that there will be 9 acres left right across from the fire department if they develop that church. What does that become? Will someone buy nine acres and put a home there? Our concern is what is this Town Council going to do? Will that suddenly become an area for commercialism because it is a corner lot and it is accessed by two spots and by the way it is right across from the fire department? That is a huge concern. These are 196 homeowners that have been in this neighborhood from the beginning of Weddington. There will be big problems from Providence Woods North as well. I pulled out the 2002 survey and 1,000 people responded. The reason is it was one of the first ones out there. Eighty-three percent wanted to preserve the natural environment and rural small town feel and 84% wanted to control growth. Go to the 2006 survey and you will see the same response. Go to 2012 survey - same response. It hasn't changed. Forty-nine percent of the people that responded to the 2012 survey weren't here when the 2002 survey was done but it hasn't changed. That tells you that people move here for what we have and they don't want it to go away. I used to go to Waxhaw every Saturday morning for breakfast and pass two cars. It is a zoo down there. There is a lot of development that is empty. That is what people do not want. When you look at the verbatim comments from the survey I think it does give you a mandate. I am tired of that word because people get elected with a 1% range that is not a mandate. What we really hope is that you take the time and you listen to these people. I am not concerned about a 20% response rate. That is over 600 households. If 60% of those are two voter houses you have over a 1,000 people. People don't get elected with 1,000 votes in this town. It is a huge issue. One of our board members found out that there is 40 acres near Antioch Church Road that people have reached out and asked for private meetings with the Board and Town Council. Has anyone had that private meeting and if so would you have anything to share with us?

Mayor Pro Tem Barry – The Weddington Town Council would make itself available to attend your homeowners association meeting. To the specifics of your question are you talking about Jack Wilson's property on Antioch Church Road? When you open a land use project the phone starts to ring. There have been a number of discussions. We get asked about everything. I don't know that he has addressed the Council yet.

Councilwoman Barbara Harrison - I am not going to say it was private. He was here and I meet with anybody who wants to meet with me. People come in all the time on everything. I have a question for

you. You made it very clear that you want greenways. Do you know how many people that have 35 or 40 acres and have said, "I cannot sell my property, people want me to keep it as green space."

Mr. Titherington - I didn't say anything about greenways.

Councilwoman Harrison - How do you think the Council needs to address people who are landowners that would like to be able to sell their property?

Mr. Titherington - I didn't mention anything about greenways. We were talking about open space. No one is telling them what they can do. You go to any town there are zoning rules. All we are saying is this Town has current zoning rules of one house per acre or R-CD. It has been in place. That doesn't prevent anyone from doing anything with their property within the rules of the neighborhood or town we are living in. If somebody wants to go up and put a liquor store on the corner I think you would have issues. If somebody wants to go on the property right across the street from your neighborhood and put in a bar that is going to run all night I think you would have issues. That is what zoning is about. We are not saying they can't sell or they should sell or it has to stay farmed. What we are trying to say is "Let's stay within the zoning the residents have asked for."

Councilwoman Harrison – I have had some issues from people who said we have fire companies and we don't have housing for people who could live in them. We have fireman, police and teachers who can't live in Weddington. Last week I got a very angry call from someone who said we are elitist.

Mr. Titherington - If you go to Westport, Connecticut or Franklin Lakes, New Jersey I am sure they deal with the same issues. We are not saying that excludes anybody. Those are personal life decisions that people make and we can't manage that for everybody.

Mr. Dan M. – I live in the Waybridge Community. Werner, to your point about empty nesters I am one for six years. We have several in our neighborhood. It is not a problem for us. If I am going to stop cutting the grass, I hire a lawn service. I moved here 20 years ago. For those landowners who own 100 acres and want to cash out at this point their property is valuable because we are one house per one acre. If they want to sell it for one house per one acre they are good to go with that. If they want to rezone it for commercial development or more dense development, I think that is something we should avoid. They have known since they have been here that is the rules and it should stay that way.

Councilmember Thomisser – We have had people come into Town Hall and emphasize people have property rights and you should have the right to sell that for residential development. That is a process but if they go through that process there is really nothing that the Town Council can do except to ensure they have gone through the process. If that landowner wants to sell for mixed use then they have to come to the Planning Board and Town Council and we have the say as to whether it happens or not. There is very little we can do about residential development given the fact they went through the process correctly. But when they want to come and do something other than residential development that is a whole different ball game. The Planning Board and Town Council have a lot to say about that. We can even tell them what kind of shingles to put on the building.

Dan M. - In all of the surveys that went out it has been very clear that the number one or two thing was preservation of green space and keeping a low tax rate.

Mr. Rob Dow - Tax is not number one. It is up there. Rural space, controlled roads and low commercial are high on the list.

Mayor Pro Tem Barry - The struggle we have is that large parcel landowners by right can build houses. You have 100 acres you can put up 99 houses. If one of the goals of our Land Use Plan is preservation of green space and rural character like it is right now but the only thing you let landowners do is put one acre per house, how much green space is going to be left?

Mr. Dow – Ten percent at a minimum up to 50% if it is R-CD.

Dan M. - The other challenge is taxes and keeping them reasonable. I understand the dilemma that it creates for the Union County Commissioners and for you. My thought is just don't spend money. You look at Marvin where I used to live up until a couple of years ago - the fiscal policies over there are out of control. They spend money like it is not theirs. I don't think we need a lot more taxes in Weddington even if we do have a lot more homes. There are no services provided and we don't need to get into building parks. It costs money and you have to maintain it. You end up with higher taxes ultimately. The vistas that we have are great. For those landowners that are restricted in terms of their ability to cash out on a mixed use development you knew those rules when you were here 20 to 40 years ago and don't expect to cash out and leave the rest of us to deal with the consequences.

Ms. Anderson - I wanted to address what Councilwoman Harrison said about people being able to develop their land. You are not in charge of my financial portfolio. Landowners have by right to develop their property according to the ordinances which is one house per acre or R-CD. Regarding Jack Wilson's land, people are going to say it is not good for anything because there are power lines. The power lines were there when they bought it. The same thing with the Polivka property. You are not in charge of the land speculators. If they made a bad investment, that is not your problem. Your job is to protect the voters and what they came here for.

Councilwoman Harrison – We were incorporated in 1983. When we were unincorporated did people who had large tracts of land still have the same ordinance?

Ms. Anderson - In 1983 when we incorporated the Town of Weddington took back the zoning that the County had already put in place. All the property on Providence Road from our property down to the creek or at least to Hemby Road was zoned commercial. The Town's people did not want it commercial so they took it away. That hurt my uncle financially. The Town has the right to impose zoning. When we incorporated the Town of Weddington, people voluntarily came into Weddington. No one was forced in.

Mr. Anthony Burman - I am speaking on behalf of myself. We are going through the Land Use Plan process in Marvin too. I do think it is an opportunity for all of the towns to work together. I think Weddington and Marvin both have similar visions and similar things. I want to clarify some things from the previous speaker prior to former Mayor Anderson. He was not a Marvin resident but lived in unincorporated Union County outside Marvin. I am not sure what fiscal policies he is referring to but I would be more than happy to answer questions about the fiscal policies that have been in place since I came onto the council and spending cuts that we did. We did preserve open space. I know greenways and parks came up on your survey and I know there are a lot of people that do support parks except for the prior speaker who actually did oppose our park. I think we do have an opportunity to work together and bring Waxhaw into the conversation and try to come up with a comprehensive plan that works for everybody in the area.

Item No. 3. Adjournment. Councilmember Thomisser moved to adjourn the February 11, 2013 Special Town Council Meeting. All were in favor, with votes recorded as follows:

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

The meeting adjourned at 6:56 p.m.

Daniel Barry, Mayor Pro Tem

Amy S. McCollum, Town Clerk