

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, AUGUST 8, 2016 – 7:00 P.M.
MINUTES**

The Town Council of the Town of Weddington, North Carolina, met in a Regular Session at the Weddington Town Hall, 1924 Weddington Road, Weddington, NC 28104 on August 8, 2016, with Mayor Pro Tem Don Titherington presiding.

Present: Mayor Pro Tem Don Titherington, Councilmembers Scott Buzzard, Janice Propst, Town Attorney Anthony Fox, Town Administrator/Clerk Peggy S. Piontek, Finance Officer Leslie Gaylord, and Town Planner Julian Burton

Absent: Mayor Bill Deter, Councilman Michael Smith

Visitors: Walton Hogan, Eric Flowers, Susan Futerman and Ronald Futerman

Mayor Pro Tem Don Titherington offered the Invocation prior to the opening of the meeting.

Item No. 1. Open the Meeting Mayor Pro Tem Titherington opened the August 8, 2016 Regular Town Council Meeting at 7:00 p.m.

Item No. 2. Pledge of Allegiance Mayor Pro Tem Titherington led in the Pledge of Allegiance.

Item No. 3. Determination of Quorum There was a quorum. Mayor Pro Tem Titherington announced that Mayor Deter and Councilman Michael Smith were absent.

Item No. 4. Public Comments

Eric Blowers – I sent you an email on Thursday of last week and I wanted to come speak about that briefly. I think it is one of the worst ideas the County has had in years and I do have specific matter of expertise in the area of accounting in the waste management industry. The County is not proposing a joint endeavor between Wesley Chapel, Weddington and Marvin for trash collection. When the County acts as a marked participant through the private sector they have to be held to the same standard. They have to abide by the same rules. What they are trying to do is legislate a profit for the County. Their proposal is absolutely ridiculous. As stated in my email there are parts of it that were good ideas. To bypass a closer facility and make our trash collection hours later out here for the sole benefit of the County keeping a few employees on staff is ridiculous. When they come forward with their presentation please educate yourselves to the facts that what they are really trying to do. For some reason this County is trying to take over a number of things that they have traditionally not been involved with like fire departments and now trash. I know of a couple more things that they are trying to get involved in. Please look at it with inherent skepticism. Their proposal makes no sense for us because it's going to cost us as residents more money to have our trash recycling collected. For years the County wanted nothing to do with this but now all of a sudden it's open near the airport that the companies can use to dump. It cuts an hour travel time for these trucks off of their trip and saves 13,000 miles per week of trucks on our roads. Makes no sense whatsoever the County's proposal that they currently have set up.

Please look at this with inherent skepticism when they come forward and make sure they answer the questions that you have, that we have and do what's best for the citizens not what's best for the County.

Susan Futerman, 3503 Antioch Church Road – We live directly right across from the Threshold Church Development. It has come to my attention they have been asked many times about the lighting being proposed for that particular facility. I know they are working on it and we have not heard too much back about that. I know they do have lighting in place and we very much would like to continue that type of lighting because it is in a residential neighborhood. We did go over to Antioch Elementary and their light is way too bright for where we live. It would be very intrusive to not only the neighbors but the wildlife as well. It's a residential area and it's too bright so we would like for you to give them the authority after their last programs in the evening to dim the lights down very low. I hope you consider that when making your decisions please.

Item No. 5. Additions, Deletions and/or Adoption of the Agenda

Town Planner Julian Burton – I would like to make one addition. It's really just to clarify the order of things. In your packet you have the Atherton Estates Amenity Center Conditional Zoning Application and then also a memo and plans for the construction documents. The Atherton Estates Amenity Center construction documents need to be set aside as a separate item and not a part of that public hearing even though they are closely related. So I would like to propose that the Atherton Estates Amenity Center construction documents be placed at the beginning of New Business which will be Item 10A and then the other two items in New Business be shifted down to B and C.

Councilwoman Janice Propst moved to adopt the changes as recommended by staff. All were in favor, with votes recorded as follows:

AYES: Councilmembers Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

Councilwoman Propst moved to adopt the agenda as modified with Atherton Estates Amenity Center construction documents as Item 10A and the other two items in New Business shifted down to Items 10B and 10 C. All were in favor, with votes recorded as follows:

AYES: Councilmembers Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

Item No. 6. Consent Agenda

- A. Consideration of Authorization to Charge Off Taxes over 10-Year Limitation
- B. Call for a Public Hearing for Review and Consideration of Carrington Preliminary Plat
- C. Call for a Public Hearing for Review and Consideration of Conditional Rezoning for Threshold Church

Councilman Scott Buzzard moved to approve the Consent Agenda as written. All were in favor, with votes recorded as follows:

AYES: Councilmembers Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

Item No. 7. Approval of Minutes

A. Approval of July 18, 2016 Regular Town Council Minutes

Councilwoman Propst moved to approve the July 18, 2016 Regular Town Council minutes. All were in favor, with votes recorded as follows:

AYES: Councilmembers Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

Item No. 8 Public Hearing and Consideration of Public Hearing

A. Review and Consideration of Atherton Estates Conditional Rezoning for Amenity Center

Mayor Pro Tem Titherington opened and closed the Public Hearing as no one had signed up to speak.

Town Planner Burton – Atherton Estates is an approved 131 lot subdivision on 170 acres. The amenity center falls under our community recreational centers and are permitted as conditional uses subject to the requirements listed in Section 58-271. That means it is subject to a public hearing and Conditional Zoning Approval from the Town Council. The Amenity Center will be located internally in the subdivision Atherton Estates on 1.67 acres and will have a dual drive access off the internal subdivision road, Wheatberry Hill Drive. The site will include a pool, a pool pavilion, and a cabana. It has the required buffer of 16 feet and was not required to have a separate Traffic Impact Analysis because the improvements already proposed were sufficient to handle any additional traffic. One note about this approval if you remember at the last meeting you approved a final plat for the Amenity Center lot. The condition of approval tied with this that staff is recommending is that final plat that includes the Amenity Center lot will be recorded prior to any construction. The Planning Board did recommend approval with that one condition unanimously.

Councilwoman Propst moved to approve as written and as discussed by staff with the stated conditions. All were in favor, with votes recorded as follows:

AYES: Councilmembers Buzzard, Propst and Mayor Pro Tem Titherington
NAYS: None

Item No. 9. Old Business

None

Item No. 10. New Business

- A. Review and Consideration of Atherton Estates Construction Documents for the Amenity Center
– *this item was added as a result of a motion made by Councilwoman Propst in Additions and Deletions*

Town Planner Burton – For any Conditional Zoning Amendment approved by the Council the Council is also required to approve the Construction Documents in addition to the actual construction materials for the building. We also are concerned with the Civil Engineering associated with the site. In this case this Amenity Center did fall under our new Stormwater Detention Ordinance that was approved in 2014 and US Infrastructure has approved all the engineering associated with the Amenity Center. Recommended conditions of approval that all lighting must meet the Town of Weddington Light Ordinance and that the height of all structures must be below 35 feet measured from grade to the eve. The Planning Board did recommend approval with those two conditions unanimously.

Councilwoman Propst moved to approve Atherton Estates Construction Documents with the recommended conditions of approval:

1. All lighting must meet the Town of Weddington Light Ordinance.
2. The height of all structures must be below 35 feet measured from grade to the eve

All were in favor, with votes recorded as follows:

AYES: Councilmembers Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

B. Review and Consideration of Vintage Creek Final Plat Phase 2

Town Planner Burton – Vintage Creek is an approved 90 lot subdivision located off Weddington Matthews Road on 116.52 acres. CalAtlantic Homes has submitted a final plat application for 40 lots which is the final 40 lots of the 90 approved lots. This is a Conservation Subdivision so conservation land is shown on the plat and set aside. There are a couple of points of interest on this plat. During the preliminary plat approval there was a lot of discussion about Amanda Drive extension. During that approval the Town placed a condition that the applicant either build the connection to the future Falls at Weddington subdivision or provide the Town with a bond for the construction of that connection. The applicant has provided a bond to the Town and also provided bonds already for almost the rest of the construction. There was a last minute change to the plat showing the connection with the existing Amanda Drive that was something that was not shown on the plat before the Planning Board and was placed as a condition of approval. This ensures that the connection will be made to the existing Amanda Drive as well as with future Falls at Weddington. They have already amended that portion of the plat and we are still waiting on a bond or proof of construction for that connection.

Mayor Pro Tem Titherington – What's the timing on the proof of construction or receipt of the bond?

Town Planner Burton – It would be before we sign the Mylar's we would need that in hand and that's a condition of approval on this. They would not be able to get any Zoning Permits from the Town until they provide that to us. All the other bonds are in hand except for that one.

Conditions of Approval

1. Each remaining lot to be recorded in the Vintage Creek subdivision shall include on its Deed a statement that any roads in the subdivision that are not accepted by NCDOT are private and not the responsibility of the Town of Weddington and shall be maintained by the Vintage Creek Homeowners Association or its Developer.

2. Vehicle control signs including but not limited to stop signs and speed limit signs shall be installed by the Developer and maintained by the Homeowners Association on any roads not accepted by NCDOT. All speed limits within the subdivision shall be no greater than 25 mph.
3. Coordinate with USPS and DOT to provide cluster mailboxes within subdivision.
4. Bond or proof of construction submitted to Town to cover the connection with existing Amanda Drive.

Councilman Buzzard moved to approve Vintage Creek Final Plat Phase 2 with the four conditions above. All were in favor, with votes recorded as follows:

AYES: Councilmembers Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

C. Review and Consideration of the Falls at Weddington Final Plat Phase 1 Map 2

Town Planner Burton – This is the third Final Plat Application for Falls at Weddington. The Council previously approved Phase 1 which was the east side of Antioch Church Road and then a Final Plat that included the Amenity Center lot as well and access from Antioch Church Road. This Plat includes 23 lots on the west side of the development. To provide a little bit of relevant background to this plat the Applicant did have to get a variance from the Board of Adjustment last week. The Board of Adjustment approved the Variance to allow two inches of freeboard instead of six inches which is what our ordinance requires. The reason the application applied for this, in part, was to maintain the natural feature of the waterfalls in the subdivision. The Board of Adjustment did spend a good deal of time looking at safety issues associated with that variance request. A couple of notes about that there is a 100 year floodplain that flows down and protects properties south of the dam already and the applicant did present a 50 year dam breach analysis. Which is a much worse case scenario where the dam fails completely with a 50 year storm and the dam north of it also fails? The breach did show some water going outside that 100 year floodplain it was still at least 50 feet from any existing structures downstream. That was a very conservative estimate only in one or two cases. They brought it all the way down to Huntington Road to where the breach started falling back into line with the 100 year floodplain. To summarize that portion the Board of Adjustment felt that public safety was being maintained and the natural feature was being preserved and therefore they granted the Variance. Essentially we are in a place where we can comfortably approve this final plat. There are a few lots that are up against the floodplain that all have flood protection elevations to make sure that they are safely outside that floodplain and not in danger of that 50 year dam breach. The only thing we need to see is DOT confirming that they will maintain the bridge upstream.

Recommended Conditions of Approval:

1. Bond estimates to be approved by the Town's engineering consultant
2. Bond instruments to be reviewed and approved by the Town Attorney and the final bond instruments must be submitted to the Town prior to recording of the final plat.
3. Construction Documents to be approved by the Town Engineer. *After discussion by Council this condition has been revised (see below).*
4. Each remaining lot to be recorded in the Falls at Weddington subdivision shall include on its Deed a statement that any roads in the subdivision that are not accepted by NCDOT are private

and not the responsibility of the Town of Weddington and shall be maintained by the Falls at Weddington Homeowners Association or its Developer.

5. Vehicle control signs including but not limited to stop signs and speed limit signs shall be installed by the Developer and maintained by the Homeowners Association on any roads not accepted by NCDOT. All speed limits within the subdivision shall be no greater than 25 mph.
6. Coordinate with USPS and DOT to provide cluster mailboxes within subdivision

Other than that all the construction documents are in place and approved. Then we will also need the bonds in place for any infrastructure that hasn't been completed and a couple of other standard conditions that we place on all final plats.

See below for modifications and additions to Conditions of Approval.

Mayor Pro Tem Titherington – USI agreed with that engineering study?

Town Planner Burton – They did. They had a couple of minor corrections that needed to be seen and that is still going to be sent to USI and that will be part of their final construction document approval but USI at the hearing and since then has confirmed that they are confident that none of those tweaks will have any impact on that breach analysis study. If anything it will lessen the impact.

Mayor Pro Tem Titherington – Should we make that a condition here?

Town Planner Burton – That is part of the construction document approval if you want to specify.

Town Attorney Anthony Fox – You do have it on the construction documents to be approved by the Town Engineer which is USI. You could just expand upon that to include approval of the breach analysis in addition to supplementary.

Mayor Pro Tem Titherington – I think it would be better condition here as well. So we will tie it into condition number 3.

Town Attorney Fox – I think what I'm hearing you say is that condition number 3 should read:

- 3. Construction documents to be approved by the Town Engineer and shall include a review and approval of supplemental dam breach analysis and information to be provided by the developer.***

Mayor Pro Tem Titherington – I heard that DOT is assuming responsibility for the bridge. What happens if DOT says they don't want to do that?

Town Planner Burton – That is another condition of approval so we need to line that up as well or else we will have to come back.

Mayor Pro Tem Titherington – You and Ms. Fisher don't see anything in there causing concern about that?

Town Planner Burton – She doesn't think it's going to be an issue. We just need a letter saying they are okay with it. There have been very informal discussions that they are willing to take it over; we just haven't seen any formal discussions stating that they are going to take it over.

Town Attorney Fox – You don't have any language in here that is specific to the bridge.

Town Planner Burton – That is also within the construction documents.

Councilwoman Propst – Should we have a specific mention of the bridge?

Town Attorney Fox – I think it's important enough that we have specific language that the construction documents have a separate condition to also include proof of approval by NCDOT of the bridge construction.

Mayor Pro Tem Titherington – So we will make that condition 7.

Additional Condition of Approval

7. Proof of approval of NCDOT of the bridge construction.

Councilwoman Propst moved to approve the Falls at Weddington Final Plat Phase 1 Map 2 with the recommended 7 Conditions of Approval including a change to number 3 as outlined by the attorney. All were in favor, with votes recorded as follows:

AYES: Councilmembers Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Item No. 11. Update from Planner

Town Planner Burton – There are a couple of minor updates on some subdivisions. Sugar Magnolia has submitted a revised Preliminary Plat and it will be on the August Planning Board agenda. The Enclave at Weddington has submitted their first final plat application and that should also be on the August Planning Board agenda.

Item No. 12. Code Enforcement Report

Town Planner Burton – Memo from Sam Leggett is in your packet and the only update is that we sent out a citation letter to that property located at Highway 84 and Twelve Mile Creek Road. There is a lot of rubbish and debris.

Councilwoman Propst – Item 7 on the memo about Lake Providence Drive, is that a new house?

Town Planner Burton - It burned down and there are some concerns from residents. We are in contact with the owner.

Mayor Pro Tem Titherington – When I look at Items 2, 3, and 5 I see a lot of “continuing to monitor.” We have been monitoring for several months on these and I don’t know if there is anything we can do on that.

Town Planner Burton – We have discussed item 3 previously. It is the house that is in disrepair and there isn’t a lot we can do at this time apart from keeping an eye on it and make sure that no one is breaking into it. We have no policy to enforce in terms of landscaping and if we do any extra repairs to the house we are likely to delay the process.

Town Attorney Fox – I think the approach is to have Code Enforcement make another assessment to see if it’s over the 65% threshold requirement in the statute.

Mayor Pro Tem Titherington – If Council is comfortable I think we should have Code Enforcement make another assessment of the property to see if we are at the 65% threshold requirement.

Town Planner Burton – Okay.

Item No. 13. Update from Finance Officer and Tax Collector

Town Finance Officer Leslie Gaylord – You have the reports in your packets. The financial statements are for the month of July which is the first month of the new fiscal year. Ms. Woods received all the tax information from the County, had it converted to our system and the bills have been mailed out.

Mayor Pro Tem Titherington – She has done a great job by the way; please pass that along to her.

Item No. 14. Public Safety Report

Mayor Pro Tem Titherington – Deputy Louie Rodriguez who has served our town very well for many years has retired from Union County Sheriff’s Department and will actually be going onto Union County Public Schools to teach our youth. That’s a passion for him. I know he does a lot of work with youth on the weekends on his time off and would like to formally thank Officer Rodriguez for his devoted service to the Town of Weddington. We wish him well with his continued service with UCPS.

Item No. 15 Transportation Report

Councilman Buzzard – *None*

Item No. 16. Council Comments

Councilwoman Propst – Thank you for coming out.

Councilman Buzzard – Appreciate everyone for coming out and thank you Don for stepping in and taking charge.

Mayor Pro Tem Titherington – Peggy, we’ll be getting the Fall Festival information out to the Town as it’s a month away?

Town Administrator Peggy Piontek – We will. We have another meeting before then. We are moving along with it and have been very successful in obtaining sponsors. We are working very hard at it as it is getting close.

17. Adjournment

Councilwoman Propst moved to Adjourn. All were in favor, with votes recorded as follows:

AYES: Councilmembers Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

The meeting ended at 7:30 p.m.

Mayor Pro Tem Don Titherington

Attest:

Peggy S. Piontek, Town Clerk