

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, DECEMBER 12, 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 December 12, 2016, with Mayor Bill Deter presiding.

Present: Mayor Bill Deter, Mayor Pro Tem Don Titherington, Councilmembers Michael Smith, Scott Buzzard, Janice Propst, Town Attorney Anthony Fox, Finance Officer Leslie Gaylord, Interim Planner Nadine Bennett, and Planning Board Chairman Dorine Sharp

Absent: None

Visitors: Bill Price, Walt Hogan, Barbara Harrison, Pat Harrison, Lisa Thompson, Wes Boles, Liz Callis, Anna-Marie Smith

Mayor Bill Deter offered the Invocation prior to the opening of the meeting.

Item No. 1. Open the Meeting Mayor Deter opened the December 12, 2016 Regular Town Council Meeting at 7:02 p.m.

Item No. 2. Pledge of Allegiance Mayor Deter led in the Pledge of Allegiance.

Item No. 3. Determination of Quorum There was a quorum.

Item No. 4. Public Comments

There were no public comments.

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

Mayor Pro Tem Don Titherington asked to add Recognition of Dorine Sharp to the agenda as Item 6. Councilwoman Janice Propst made a motion to accept the agenda with the additional item. All were in favor, with votes recorded as follows:

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

Item No. 6. Special Recognition of Planning Board Chairman Dorine Sharp – *This item was added to the agenda by a motion made by Councilwoman Janice Propst.*

Mayor Deter – Dorine has been on our Planning Board for 16 years and has been working for the Town for 19. I've got some comments here that were sent in from your many friends around the area. I am just going to read these and I will give them to you.

Karen Dunn – As you retire from the Weddington Planning Board know that your dedication and the decades of service to the Town will be hard to match. Very rarely do communities have the opportunity to have a person with the unique combination of vision, knowledge and fairness at the helm for so long. You are not just a volunteer but a very valuable asset. Your leadership and commitment will leave a legacy of planning, innovation, conservation and environmental stewardship for future residents. It has been an honor and a pleasure working with you and I wish you the very best in the future.

Shannon Martel from the City of Kannapolis – Congratulations, Dorine. You have done so much for Weddington and I wish you the very best of luck in the future.

Mary Jo Golnitz from the Town of Matthews – Dorine, I enjoyed working with you. You have always been professional in dealing with staff and the Board. Your attention to detail was certainly appreciated. Nowadays it is very rare that someone serves on a board for that long. The Town of Weddington is fortunate to have someone so dedicated.

Kim Woods – Let me start by saying how very much you will be missed. Your expertise and knowledge over the years has been invaluable. Thank you for the dedication you have given to the Town of Weddington. On a personal note, thank you for all of the help you have given to me over the years. Every time I ran into a zoning situation I knew who to call. I wish you the best as you navigate your retirement years. They are well deserved. Enjoy the beach and enjoy every moment.

Julian Burton from the City of Concord – I guess you finally decided to remove the many hats that you've worn for Weddington for so long. It will be impossible for the Town to replace you and all the future planners, planning boards and councils will be worse off without you. You helped me so much in my time as the planner and I couldn't have done it without you. I am so excited for you to move officially into retirement. You will be able to relax on the beach and get even more time to go on your many excursions around the country. I am sure you already have some great trips lined up – maybe a national championship game for Ohio State (I am writing this before the OSU/Michigan game). Enjoy yourself!

Mayor Deter - I have some other things here. I got with Nadine and asked her if she could pull out an idea of the number of subdivisions you've been involved with during your time at the Town of Weddington. She went through the archives and I believe she said some of these were probably written on clay tablets. I'm going to read through this real quick:

Ascot Estates
Atherton Estates
Avery
Beulah Oaks

Highgate I, II and III
Lake Forest Preserve
Meadows at Weddington
Potters Creek

Bonner Oaks
Brookhaven – The Preserve
Bromley
Carrington
Crown Estates at Lochaven
Devonridge
Eirlys
Enclave
Gardens at Providence
Graham Hall
Hadley Park
Hedgemore
Highclere

Providence Forest
Sanctuary at Weddington
Stratford Hall
Stratford on Providence
The Falls at Weddington
The Retreat
The Woods
Vintage Creek
Waybridge at Weddington
Weddington Heights
Weddington Pond
Weddington Reserve
Williamsburg

Now we know we're missing some but this, as near as we can tell, is over 2,000 houses. This council, like presidents, we're going to blame any problems on you. But when people talk about the growth and traffic and all that's coming we are going to blame that on Dorine Sharp.

Mayor Deter presented Ms. Dorine Sharp with a plaque in appreciation of her many years of service and dedication to the Town.

Mayor Deter – Dorine, we can't put into words the value you've been to this town. Before we give you an opportunity to speak, I'd like to open it up to the Council if any of the councilmembers has anything they'd like to say.

Councilwoman Propst – I worked with Dorine for 4 ½ years on the Planning Board and also in the years that I've been involved with the Town, I've known Dorine for quite a long time myself. So, Dorine, I just deeply appreciate all the things you've done for this Town, the commitment you've had to Weddington and your friendship, and I appreciate everything you've done.

Councilmember Michael Smith - I just want to thank you for helping me as I came in as a new councilman. There was a lot I didn't know and I knew who to go to for the answers and I greatly appreciate that as coming from a field where detail is important I appreciate your attention to detail on everything. Sixteen years – I don't how you did it, but I do appreciate that and I just thank you for all the help you've given since I've been on the council. It's greatly appreciated.

Councilmember Scott Buzzard – Similarly to Janice, you kind of took me in as somebody who had no idea what was going on and showed me the ropes and it's amazing the wealth of knowledge that you have and what you have done and did for the Town of Weddington. I know you're going on to good things in your life but Weddington, I think, is going to miss you a lot.

Mayor Pro Tem Titherington – Dorine, the amount of hours that you put in, we can't put into words because I know a lot of it was done behind the scenes and in those roles so many times there's work that goes on to get prepared and I would just try to think that for 19 years what you do for this Town. So as a resident that moved here a long time ago, it's meant the world to me; it's meant the world to my family. A lot of my family is in this town now because of the way you've made this a really special place.

Your commitment to live true to the word of what the citizens want and to help find happy mediums for everybody has just been tremendous and it's a testament to what you've done. Thank you personally from the bottom of my heart and thank you from the Town and we're a much better place because you've been here. We'll miss you.

Town Attorney Anthony Fox– This is the Council's moment but I also want to express my sincere and deepest gratitude for the role that Dorine has done over the years. If I had been prepared I'd have an honorary law degree for her to present tonight because she is truly a stalward in terms of the service and the knowledge base that she has delivered to this Town. Certainly an amount of institutional knowledge will be lost, but the Town is better off for having her wisdom and her intellect involved in the day-to-day affairs of the Town.

Ms. Dorine Sharp – It has been a pleasure to work with the various councils and Planning Board members. The people in Weddington are just absolutely so lucky to have the folks that they have representing them. I have to say, and it's now Rob's turn to be on the block, Rob has been on the Planning Board longer than I have. I was appointed in December 1997 and I think he has been on since January 1997 and for 17 years you've been the Vice-Chairman to my chairmanship so if anything went wrong I could always blame it on Rob. It has been a pleasure. I love Weddington and obviously I've tried to make it a better place and good for all of us. And as you can tell, two of your councilmen have been on the Planning Board. That says something that the people coming from the Planning Board want to continue to serve the Town. I thank you all very much.

Item No. 7. Consent Agenda

- A. Call for Public Hearing on January 9, 2016 at 7:00pm to add "Gross area/acreage of a tract of land" to section 58-4 definitions of the Town Ordinances.**
- B. Call for Public Hearing on January 9, 2016 at 7:00pm to add section 46-79 Blasting to the Town Ordinances.**
- C. Call for Public Hearing on January 9, 2016 at 7:00pm for text amendment section 58-270(h) protest petitions.**
- D. Adoption of 2017 Council meeting schedule.**

Mayor Pro Tem Titherington made a motion to approve the Consent Agenda as written. All were in favor, with votes recorded as follows:

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

Item No. 8. Approval of Minutes

- A. Approval of November 14, 2016 Regular Town Council Meeting Minutes**

Mayor Pro Tem Titherington made a correction to the motion for the Woods Phase I Map 2 to mirror it with the motion for the Woods Phase I Map 1.

Councilman Smith made a motion to approve the November 14, 2016 Regular Town Council Meeting Minutes as amended. All were in favor, with votes recorded as follows:

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

B. Approval of November 21, 2016 Continued Town Council Meeting Minutes

Councilman Smith made a motion to approve the November 21, 2016 Continued Town Council Meeting Minutes. All were in favor, with votes recorded as follows:

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

Item No. 9 Public Hearing and Consideration of Public Hearing

A. Public Hearing for Review and Consideration of Text Amendment to Appendix I. – List of Acceptable Plant Species of the Weddington Zoning Ordinance to add items to the list

Mayor Deter opened and closed the public hearing as no one signed up to speak.

Interim Planner Nadine Bennett – Right after I got here as the interim planner, I received a landscape plan and there are a couple of plants, trees and shrubs on there that were not actually on our approved list. So I had a kind of back and forth conversation with the landscape architect and he pointed out that our list was just a little bit outdated because there are new hybrids coming out all the time. We went back and forth a little bit about the best way to approach it and, rather than trying to update the list plant by plant, it seemed a better idea to just say that it was at the zoning administrator's discretion to approve plants that were not on the list that were hybrids of existing ones that are on the list. Obviously, the zoning administrator would be researching the plant just to make sure that it was similar to the one that is on the list, but it seemed the best way to approach it.

Mayor Pro Tem Titherington made a motion to adopt the text amendment change to Appendix I. – List of Acceptable Plant Species of the Weddington Zoning Ordinance to add items to the list. All were in favor, with votes recorded as follows:

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

B. Public Hearing for Review and Consideration of Text Amendment to Section 46-45 (b) (1), Section 58-54 (3) i 3 iv. Section 58-58 (3) i 3 iv and Section 58-58 (4) I 3 iv of the Weddington Zoning Ordinance regarding maintenance bonds

Mayor Deter opened the public hearing.

Attorney Fox requested that Council continue the meeting and table this matter to the next Council meeting due to recent legislative changes with regards to maintenance bonds that still need to be incorporated in the text amendment and that the text amendment be sent back to the Planning Board until next month prior to any action being taken.

Mayor Pro Tem Titherington made a motion to send back to the Planning Board for additional review the text amendment to Section 46-45 (b) (1), Section 58-54 (3) i 3 iv. Section 58-58 (3) i 3 iv and Section 58-58 (4) I 3 iv of the Weddington Zoning Ordinance regarding maintenance bonds. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Item No. 10. Old Business

A. Discussion and Consideration of N-Focus and/or other contracts for temporary help

Councilmember Buzzard said there has not been much that has transpired with N-Focus at this time so no further discussion is needed.

Mayor Pro Tem Titherington clarified that staff is covering the roles for the month of December.

B. Discussion and review of revised employee handbook

Mayor Pro Tem Titherington suggested putting this on the agenda for review in January and discussion at the February retreat. This would allow the new administrator to look at it and also allow for some adjustments to be made based on current feedback from Wesley Chapel and some of the surrounding towns.

Item No. 11. New Business

A. Review and Consideration of the Final Plat for Falls at Weddington Phase I Map 3

Interim Planner Bennett – There are two separate items – Phase I Map 3 and Phase I Map 4 but I will discuss them together. You have already approved Map 1 and 2. It was recommended unanimously by the Planning Board and it comes with 6 recommended conditions of approval. We don't have a bond estimate yet but we will receive that before you would sign off on it. That's one of the conditions.

Mayor Pro Tem Titherington made a motion to approve the Final Plat for Falls at Weddington Phase I Map 3 with the 6 conditions listed by staff as well as with additional conditions for receipt of the NCDOT letter approving street construction and for the letter of acceptance from UCPW for water and sewer. All were in favor, with votes recorded as follows:

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

B. Review and Consideration of the Final Plat for Falls at Weddington Phase I Map 4

Mayor Pro Tem Titherington made a motion to approve the Final Plat for Falls at Weddington Phase I Map 4 with the 6 conditions listed by staff as well as with additional conditions for receipt of the NCDOT letter approving street construction and for the letter of acceptance from UCPW for water and sewer. All were in favor, with votes recorded as follows:

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

C. Review and Consideration of a Modification of the Subdivision Ordinance Section 46-76(g) Cul-de-sac for Graham Allen subdivision

Attorney Fox – I believe this to be a process that requires the council to make certain findings and, even though it is not quasi-judicial, if it gets reviewed, the courts are going to want to make sure we have competent evidence and so for that purpose I would want the board to treat the testimony that it hears as sworn testimony for purposes of a judicial process should someone challenge the board's process and findings. What I would suggest the board do in this situation is I would prefer that council would hear from the applicant and hear from your administrator and that the testimony that they give will be sworn testimony in order for the board to then review the request for modification and then as to the ordinance provision I would want this council to make a finding as to whether each of the requirements has or has not been met based upon what is presented before you tonight. Those five findings would require the council to hear the evidence and see whether or not the evidence carries the burden requisite to making those particular findings.

Interim Planner Bennett and Mr. Wes Boles with WK Dickson Engineering were sworn in.

Mr. Wes Boles – We are requesting approximately 1000 foot cul de sac due to site constraints of not having any adjacent stub streets or all the surrounding properties have been developed so there is no ability to tie a future stub street into the property.

Interim Planner Bennett – It is 1026 feet.

The applicant inquired if he should now go over the five findings.

Attorney Fox – The first one is that there are special circumstances or conditions affecting said property such that the strict application of the provisions of this chapter would deprive the applicant of a reasonable use of his land. What I hear you say to that is that there is adjacent property that is conservation subdivision that limits...

Mr. Boles – Yes, sir. It limits the ability to provide stub streets.

Councilwoman Propst – There are two properties, aren't there?

Interim Planner Bennett – Yes, there are two different conservation lands and then there is also Duke Power easement.

Attorney Fox – The second one is that the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner. Anything you want to add on that other than just affirming?

Mr. Boles – Yes, in terms of the original statement.

Attorney Fox – The circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this chapter.

Mr. Boles – The same statement is just saying that the land around it has already been developed.

Attorney Fox – The granting of the modification will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated.

Mr. Boles – We are going to be held to DOT standards for roadway design and turnarounds in relationship to public safety.

Attorney Fox – The modification will not vary provisions of Chapter 58 applicable to the property – which is the subdivision ordinance.

Mr. Boles – I think we are going through the steps that are outlined for a modification.

Interim Planner Bennett – Yes. If I could add because it wasn't in the memo, the Planning Board did recommend this unanimously at their meeting in November and I can answer any questions.

Attorney Fox – Nadine, do you want to add anything to these findings other than what was testified to?

Interim Planner Bennett – I would agree with him, again as you said, it's definitely the nature of the property itself. It's not common to the properties around it and it's because of the conservation land on two sides and then the easement by Duke Power on the other. There's just no place to stub.

Councilwoman Propst – And it's an elongated property.

Interim Planner Bennett – And it's elongated property, yes.

Councilmember Smith – And this was approved by the Planning Board?

Interim Planner Bennett – It was recommended approval by the Planning Board.

Councilwoman Propst – And the 600 foot cul de sac that we chose to have as the modification limit before you have to have a modification, did we choose that for any type of specific reason? 600 feet?

Interim Planner Bennett – I would imagine it's a pretty common cul de sac length in the area and probably throughout the state because that's how the planners work. We could look at others but it's so they have more connectivity in a subdivision and we just don't have the one long street of houses all emptying out in the same place. That's the intent of it – fewer houses...

Mayor Deter – I think there was also a public safety issue in terms of fire access getting down there and running hoses. I think that was an element of it.

Attorney Fox – Nadine, could you testify to whether or not there are safety issues associated with over a 1000 foot cul de sac?

Interim Planner Bennett – As far as I know there are not safety issues with that. And they also have two entrances to the subdivision. I'm certainly not an expert on it so you're not getting expert testimony on that but as far as I'm aware and he says they're going to be meeting DOT requirements for turnaround.

Councilwoman Propst – And there are two entrances to the neighborhood and they are two separate roads.

Mayor Deter – I think the 1000 foot comes from where the two entrances come together.

Interim Planner Bennett – Yes, it's measured from a through street.

Mayor Deter asked for any discussion from Council.

Attorney Fox – The council will have the ability to ask either Nadine or the applicant any questions they want.

Mayor Deter – I have a question. On one of the items here, it says "due to the elongated nature of the property and the Town's requirements for 40,000 square foot lots, retention ponds, etc.", we do have ordinances that allow for less than 40,000 square foot lots under RCD ordinances, so I don't know if that creates any opportunities but that is a...

Interim Planner Bennett – If I could add to that though if you weren't allowed to have this cul de sac length modification, he wouldn't have the same number of lots that they're getting right now. It's not going to change the number of lots. They would still have fewer lots if they were doing a conservation subdivision because they would have to do a yield plan that showed what they could do under the ordinances and if they couldn't have this layout under the ordinances then they're not getting that number of lots.

Councilmember Buzzard – That may or may not be true. They have this cul de sac length because of this specific road configuration but that doesn't mean that there's not a road configuration that could provide the same yield which would then be able to be used for the RCD calculation.

Interim Planner Bennett – That's true.

Councilmember Buzzard – I wish we would have had more time to review this and I realize that's not the fault of the applicant, but I would like to make a motion that we table our vote on this until the January meeting.

Councilmember Smith – I got this at the last second too. I wouldn't mind looking a little bit more in-depth myself just to see if there was something else that was missed. I'm not comfortable because I'm just not familiar with it.

Votes on Councilmember Buzzard's motion to table this until the January meeting were recorded as follows:

AYES: Councilmembers Smith, Buzzard and Mayor Pro Tem Titherington

NAYS: Councilmember Propst

D. Review and Consideration of Sign for All Saints Anglican Church

Interim Planner Bennett – This was another one recommended unanimously by the Planning Board. That was their second trip to the Planning Board – the first time they came, the sign was too large. They reduced it to the size that's required by the ordinance - which the condition on approval was that it made the requirements of the ordinance and it does now.

Mayor Pro Tem Titherington – It looks fine. My concern is for the neighbors across the street. This reminds me of when we worked with Pulte to kind of adjust the entrance off of Lochaven to make sure that when people come out they're not shining into the neighbors' bedrooms at night. So not that we can dictate it. but maybe we can ask them just to make sure that when they look at placement of the signs that for the first three or four houses across the street at Hemby they can kind of shoot it up in between the houses.

Mayor Deter – If I understand this right, the lighting is really just the three crosses, right?

Interim Planner Bennett – What they said was that it was a halo effect.

Mayor Deter – Kind of like over here in the Town Center. You've got your sign. There's no light coming forward because this is not transparent so you will see a halo effect.

Mayor Pro Tem Titherington – More backlit?

Interim Planner Bennett – Yes, correct.

Mayor Pro Tem Titherington – Walk me through that, Nadine. Clarify that for me.

Interim Planner Bennett – From what I understand, there's not light going off into the neighborhood. There wouldn't be anything projected.

Councilwoman Propst - It would just have a halo effect around the sign.

Interim Planner Bennett – That’s my understanding.

Mayor Deter – It’s not a solid cross. There’s a light behind it. The light doesn’t come through the cross but you’d see...

Mayor Pro Tem Titherington – Gotcha, it’s backlit. But what about the big 90 inches? Is that lit at night too?

Mayor Deter – The crosses are illuminated and not the sign? That the actual rectangular part that says All Saints Anglican Church and then some lines of text, that is not lit? The only illumination is the three crosses?

Mayor Pro Tem Titherington – It’s going to be perpendicular to Hemby?

Ms. Sharp – Right, no ground lighting and it’s perpendicular to Hemby. It’s not facing the street.

Mayor Pro Tem Titherington – Strike my concern and thank you.

Mayor Deter – And the positioning? I know Planning Board has already reviewed this, but positioning doesn’t address any sight lines or stuff like that.

Ms. Sharp – We saw where the sign would be located and it’s way outside of sight triangles.

Attorney Fox – Do you feel that there’s a need to, if the council were to approve it, state that they are approving based upon these assumptions?

Councilwoman Propst made a motion to approve the All Saints Anglican Church sign as written and as detailed that the illumination is only revolving around the three crosses within the sign. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

E. Consideration of appointments to the Planning Board, Board of Adjustment, and Historic Preservation Commission

Mayor Deter – We have two openings coming up.

Mayor Pro Tem Titherington nominated Brad Prillaman for reappointment to the Planning Board, Board of Adjustment and Historic Preservation Commission.

Mayor Pro Tem Titherington made a motion to reappoint Brad Prillaman to the Planning Board, Board of Adjustment and Historic Preservation Commission. All were in favor, with votes recorded as follows:

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

Councilmember Smith nominated Walt Hogan for Planning Board, Board of Adjustment and Historic Preservation Commission.

Councilmember Smith – Walt's come to, I think, every council meeting, every Planning Board meeting for I don't know how many of the past few years. I know that he is very well versed on what's going on in Town and I think he is about as up-to-date on what's going on with the Planning Board and what's being built in the Town probably just as much as we are and I think he would be an excellent addition.

Councilmember Buzzard asked for clarification as to whether being appointed to the Planning Board automatically puts you on the Board of Adjustment. Ms. Sharp verified that it is in the ordinance and that Planning Board members also serve as the Board of Adjustment. The Board of Adjustment is made up of seven members – 5 regular members and two alternates. The two alternates are always the two people who have been on the Board of Adjustment for the least period of time.

Councilmember Smith made a motion to appoint Walt Hogan to the Planning Board, Board of Adjustment and Historic Preservation Commission. All were in favor, with votes recorded as follows:

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

F. Discussion on dates for the Town Retreat in February 2017

Mayor Deter – Historically we have had them in February and they've been two day retreats. I've had discussions individually with the various councilmembers and we seem to be gaining a consensus around a one-day retreat with a date of Saturday, February 11th.

Mayor Pro Tem Titherington and Councilmember Buzzard indicated that the date is good for them.

Councilmember Smith – I don't understand the concept behind the retreats and if it's a good idea and concept, but I'm wondering if maybe we can handle these items without having to do the retreat. I'm really not in favor of doing the retreat. I'd like to see if there's another alternative to that.

Councilwoman Propst – I don't have any comments. I'm going to be neutral on this one. I will attend if we have the retreat. I prefer a Saturday. I think it's easier for people that work.

Councilmember Buzzard – It might be too that the retreat takes a different path than what our last retreat was. I can't speak to you all's prior to that, but I know having attended some as a Planning Board member we've done various different things. We've done team building exercises at retreats; we've had all sorts of things. Not all have been completely agenda driven.

Councilwoman Propst – I agree. I think if we're going to have a retreat it needs to focus on just Weddington issues. I don't think we need to have as many speakers as we did last year. Possibly just

focus on specific issues that are revolving around Weddington, possibly team building issues and exercises.

Mayor Deter – Generally at the retreat we try to focus on more strategic issues; longer-term issues. That's when we do our initial shot and broad brush budget direction. Anthony, is this something I just need to get consensus from the council on a date or does this need to be a formalized motion on the retreat?

Attorney Fox – I think you want to get consensus on the council on it and I recall that, in the past too, council has ability to set the agenda by each member of council identifying points of interest that they would like to have discussed at the retreat and the retreat agenda is then built around council input.

Councilwoman Propst inquired if we are going to try to have a facilitator again. Mayor Deter said we have budgeted for a facilitator and in his opinion it makes it easier for the administrator and keeps things on focus and prevents things from getting bogged down. He stated that we can discuss it further at the January meeting but he would need to know if we want to start lining up a facilitator for that date. Mayor Pro Tem Titherington and Councilmember Buzzard agreed that we should start the process.

Attorney Fox commented that the facilitator may be different if the issue is around team building than a facilitator that is just going to deal with strategic issues.

Councilmember Smith – Do we want to figure out what we want to do before we reach out to facilitators because that might change depending on the direction we go? I think it might be a good idea to figure out where we want to go and what we want to do.

Mayor Deter agreed.

The date for the retreat is set for Saturday, February 11th.

G. Discussion and Consideration of an employment offer for a Planner/Administrator

Mayor Deter – We've been very fortunate to have found a Planner/Administrator that everyone thinks is very talented. There's the procedural issue of getting authorization to send an offer.

Councilmember Smith made a motion for council to approve the letter that was sent to Lisa Thompson with an offer accepting her employment as Planner/Administrator which is a salaried position with the salary included in the offer letter and employment to commence December 13th. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Item No. 12. Update from Planner

Interim Planner Bennett – That is the update: Lisa is going to be your new planner. One of her first things is a meeting on Monday about the property next door developing. They held off talking about it until she was on board so that she would be there from the beginning. We'll be having a discussion about that on Monday and they will be moving forward. The subdivision that Dorine and I had walked that was on Weddington-Matthews Road – they are on hold while they work out some issues that might have to do with power lines there, but they are on hold. The smaller subdivision that I think you mentioned – apparently that one is on hold as well. When I asked about it, he didn't even mention it, so I'm guessing that at least for now that one is not going anywhere.

Item No. 13. Code Enforcement Report

Interim Planner Bennett – You have a report and it came in right before the agenda went out. It doesn't look very updated, but the most important thing that you need to be aware of is the structure on Potter Road because you probably all heard about it. It's the accessory structure that was too large and too close to the property line for those of you that didn't hear. The neighbor came in to complain. They actually came in for a permit; it was approved, but it was approved in error. The structure was way too large for the house. When Kim approved it, they had the square footage of the accessory structure written down and she thought that that was the square footage of the primary structure. It was just a little bit of confusion about the permit itself. But they did actually come originally for a permit but we had to pull that permit. Sam went out and looked at the property, measured the distance to the property line, looked at the square footage of it and it was too big and too close. So we pulled that permit; they came back in to ask what they could do. I said if you bring it down to the correct size and you make sure it's the proper distance from the property line you should be okay. Another complaint about this property is that they are running a business out of it. Sam has investigated that in the past as well and he went out again. He's been out now twice since this newest complaint came out when he was looking at the structure. From what he's seen on the property and from talking to the property owners, they do have a business, but they don't store anything on the property. It's a drywall business. It's a home occupation. They might have their office there, but no employees are on the property and there's no drywall stored on the property either. The neighbors – it's a he said/she said - they are saying that it is definitely a commercial operation and it's a commercial structure and it's not residential in nature which is a requirement in your ordinance that doesn't have any kind of explanation to it. So really it's a metal carport on the property. This issue is going to continue. From the Town's perspective they meet the ordinance right now. It's the proper size; it's the right distance from the property line; and if you want to talk about residential in nature, it's a metal carport and there are plenty of metal carports out there on residential properties. I think the neighbors are just very concerned about the way it looks and the fact that they say they are running a business out of it. Again, it's been investigated more than once and Sam is going to continue to keep an eye on it, but I am sure this is going to come to you at some point.

Attorney Fox – Are there any covenants that address the material used in any accessory structures? That's not a Town issue but just inquiring.

Interim Planner Bennett – The neighbors are saying they are going to get the Homeowner's Association and that's fine. If the Homeowner's Association has something to say about it, then we don't have

anything to say about that. We can only enforce our ordinances as they're written. So if they want to pursue it that way, they can. But again I am sure that you're going to hear from them.

Councilmember Buzzard indicated that the prudent thing is to have Sam continue to monitor it.

Mayor Pro Tem Titherington – On Ambassador Court, Sam came back and he has some thresholds relative to the dilapidation and that we can actually tear it down. I would rather take it from our attorney what the correct definition is before we can do anything. I think he said it was over 50-60% now. Does that ring a bell?

Anthony – It is over 60%? It's a question of whether or not under the statutes it becomes dilapidated or deteriorated and it's dilapidated when the costs of repair exceeds a certain threshold. Sometimes city or town ordinances vary that amount but I think it is 60 but I can't remember off the top of my head.

Mayor Pro Tem Titherington – So there are town ordinances that vary that amount?

Attorney Fox – If you've adopted it and have a minimum code, if it's a part of your ordinance, it can be in your town ordinance. It also is a state statute but that statute sets out the threshold of authority to enforce whether or not it is deteriorated or dilapidated. Deteriorated you have to give the owner opportunity to cure it. The owner can cure it by boarding it up.

Mayor Pro Tem Titherington – Well, we paid to do that. We have a lien on it.

Attorney Fox – And that's all you can do until it goes beyond that percentage and therefore is deemed dilapidated and that's when you get to the opportunity to remove it.

Mayor Pro Tem Titherington – I'd just like to know what that percentage is and verify that because I think the last go around, when Sam went out there, he said the roof rafters are starting to sink and they were going to rot and at this point I'd almost be one to just pay somebody a service fee to go out and get a local contractor to give us a real estimate to repair.

Councilwoman Propst indicated it is a safety issue.

Mayor Deter – I was going to give an update on Item 1 – 404 Cottonfield Circle. Myself and Nick Tosco had about three hours of mediation. The mediator said basically we have come to an impasse so the next item is a trial scheduled for April 17th.

Attorney Fox – Dilapidated: 50% is in your ordinance, costs in excess of 50% of its value.

Mayor Pro Tem Titherington – So from what I recall, Sam's perspective was that we were getting close to that. I don't think Sam is a certified contractor. I guess my question for council is do we want to have somebody come out that is more of an expert in that field?

Mayor Deter – We have to get an appraisal value of the house and then the repair estimate.

Attorney Fox – Part of the process will include a hearing if you were to make that determination; once he makes that determination, he notifies the property owner and gives the property owner the opportunity to be heard on his opinion of the value. At that time the property owner can come in and if the property owner chooses not to come in and he's made that determination; he makes that finding then the property owner is essentially estopped from further challenging that because they failed to appear at the hearing. What I'm saying is Sam is your Code Enforcement Officer; he's trained in code enforcement responsibility. Code Enforcement Officers make those determinations all the time.

Mayor Pro Tem Titherington – Even on the repair value?

Attorney Fox – That has been deemed sufficient and competent testimony based upon his background and experience. And his background and experience is probably something that shows some contracting experience. You can strengthen that by finding an expert to give you a particular value.

Mayor Pro Tem Titherington – And we would base that off of County tax records as far as where do they start the value at? The home value – is it that the status or state of the house in the shape it's in therefore it's at a discount or is at what the going rate is in the neighborhood and what it should be at? What's your starting point?

Attorney Fox – For the starting point I would go to your ordinance. It says if the cost is 50% of its value as determined by finding of the inspector, it's incumbent on the property owner to challenge that, but certainly that inspector can make that determination consistent with your ordinance.

Mayor Pro Tem Titherington – If Council is okay with this I would like to have Nadine or Lisa tomorrow reach out to Sam and have him do another site visit and come back with those two questions as to what we would estimate repair at and what is the current value of the house and then we can do some checks.

Mayor Deter – So then the owner would have to come back and say “no, the home value is this – x – and the cost to repair is “y” and I disagree with what your code enforcement person says.”

Attorney Fox – The process is that the owner has the opportunity to be heard on and the owner can present whatever case the owner desires to present at that time.

Councilwoman Propst – Is it Sam's job to also then go ahead and get the average cost of a marketable home in the neighborhood so we could use those? Are we going to need to have that too?

Attorney Fox – I think it's Sam's role as an inspector to make those calls. He can determine if he's competent or if he feels that he needs somebody else to help him opine as to that. I think that what I hear you say as a council is that you would give Sam that flexibility, that discretion to determine if he feels competent enough to present a case that shows value in a way that he feels is competent and sustainable.

Council indicated that they were comfortable with having Sam bring them estimates for both what the value of the house is in its current condition and costs to repair it to bring it back into sellable shape.

Attorney Fox indicated that Council may also want to have Sam include in the report the basis for his assumptions.

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

Finance Officer Leslie Gaylord informed Council that the financial statements are in their packets. There were no questions from Council.

Item No. 15. Public Safety Report

Councilmember Smith spoke with the Public Safety Committee Chairman about expediting the repairs to the radar trailer. He also found out that we already have traffic data for Twelve Mile Creek.

Mayor Pro Tem Titherington noted that the Public Safety Committee was also working on Council's request with respect to street lights.

Item No. 16. Transportation Report

Councilmember Buzzard – Unfortunately I don't have a whole lot. MUMPO is in the process of working through some of their smaller project bids and items, so hopefully we will have an idea about where we stand at the Weddington-Matthews Road and Tilley-Morris intersection and that would be on that. Outside of that we did get a note from NCDOT. Hopefully that is out on our website and Facebook soliciting comments from citizens as far as an NCDOT survey so anybody who wants to jump on our website and find that link, I encourage you to do so.

Item No. 17. Council Comments

Councilwoman Propst - Thanks everybody that came out for the Christmas Tree Lighting. It was a very nice evening and I wish everybody a very merry Christmas.

Councilmember Smith – I wanted to thank Janice, Leslie & Kim for working on the Christmas Tree Lighting. It was a very good event and I appreciate all your hard work. Thanks everybody for coming out. Through this season I just kind of want to acknowledge some of the people that do a lot for us around our community such as our firemen, our police. With all the things that happen around the country these days especially with our law enforcement I just want to tell them that my prayers are with them and I hope that everyone has a merry Christmas, and I also want to throw an honorable mention for our military who is out there making sure that we all have a merry Christmas. Everybody have a merry Christmas.

Councilmember Buzzard – I'd like to add Mike to the list of those that helped out with putting together what I think turned out to be a very good Christmas Tree Lighting. It's a tradition that we started and many different people have built upon it and I'm very happy and pleased with the fact that we can

continue with that tradition here. I want to say Merry Christmas to everybody and thank them for coming out and have safe holiday travels.

Mayor Pro Tem Titherington – Mike and Janice, again thank you, and Leslie, thank you for your help. Dorine, again I was just saying “retainer” meaning like on a retainer but also “*retain her*.” If things change, let us know, okay? Y’all have a Merry Christmas and Dorine, God speed.

Mayor Deter – I would like to thank everyone who worked on the Christmas Tree Lighting and wish everybody a merry Christmas and a happy New Year and keep coming out to the meetings. If you don’t engage in your Town’s activities, you can’t complain about them.

Item No. 18. Adjournment

Councilmember Smith made a motion to Adjourn. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

The meeting ended at 8:15 p.m.

Bill Deter, Mayor

Attest:

Leslie Gaylord, Interim Clerk