

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
1924 Weddington Road
Weddington, NC 28104
DECEMBER 17, 2018 – 7:00 p.m.
AGENDA**

1. OPEN THE MEETING
2. DETERMINATION OF QUORUM/ADDITIONS OR DELETIONS TO THE AGENDA
3. ADMINISTERING OF OATHS
4. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN
5. APPROVAL OF MINUTES
 - A. November 26, 2018 Regular Planning Board Meeting Minutes
6. NEW BUSINESS
 - A. Discussion and Consideration of 2019 Meeting Calendar
7. OLD BUSINESS
 - A. Discussion and Consideration of Erosion Control Ordinance
 - B. Discussion of Land Use Plan Revisions
 - C. Discussion and Consideration of Text Amendment to Define Community Recreation Center
8. UPDATE FROM TOWN PLANNER AND REPORT FROM THE DECEMBER TOWN COUNCIL MEETING
10. ADJOURNMENT

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**Minutes
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1. OPEN THE MEETING

Vice Chairman Brad Prillaman opened the meeting at 7:00 p.m.

2. DETERMINATION OF QUORUM/ADDITIONS OR DELETIONS TO THE AGENDA

Quorum was determined with all members present: Vice Chairman Brad Prillaman, Board members Walt Hogan, Tami Hechtel, Barbara Harrison, Jim Vivian, Steve Godfrey, and Gerry Hartman.

Staff present: Town Administrator/Planner Lisa Thompson, Town Clerk Karen Dewey

Visitors: Alix Pavlic Phillips, Bill Deter, Elizabeth Callis, Janice Propst, Mike Smith

3. ADMINISTERING OF OATHS

Mayor Callis administered the Oath of Office to Jim Vivian and Tami Hechtel.

4. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

Vice Chairman Prillaman opened floor for nominations for Chairman of the Planning Board. Board member Harrison nominated Brad Prillaman for Chairman. Board member Vivian gave the second. Vice Chairman Prillaman closed the nominations.

Vote: The Board unanimously voted Brad Prillaman to serve as
Chairman of the Planning Board.

Chairman Prillaman asked for nominations for Vice Chairman of the Planning Board. Board Member Godfrey nominated Walt Hogan. Board member Harrison nominated Gerry Hartman. Board member Hartman declined. Board member Hartman nominated Barbara Harrison. Board member Harrison declined. Board member Vivian gave the second for Walt Hogan as Vice Chairman of the Planning Board.

Vote: The Board unanimously voted Walt Hogan to serve as Vice
Chairman of the Planning Board.

5. APPROVAL OF MINUTES

A. November 26, 2018 Regular Planning Board Meeting Minutes

Board member Hartman edited the word parlay to defray.

Motion: Board member Hartman made a motion to approve the November
26, 2018 Regular Planning Board Meeting minutes as amended.

Second: Board member Godfrey
Vote: The motion passed with a unanimous vote.

6. NEW BUSINESS

A. Discussion and Consideration of 2019 Meeting Calendar

The Board agreed to move the December 2019 meeting to the 16th and to add the January 2020 meetings for the Board of Adjustment and Historic Preservation Commission to the 2019 calendar

Motion: Board member Hartman made a motion to approve the 2019 Meeting Calendar as amended.
Second: Board member Hogan
Vote: The motion passed with a unanimous vote.

7. OLD BUSINESS

A. Discussion and Consideration of Erosion Control Ordinance

The Planning Board reviewed the Erosion Control Ordinance.

Ms. Thompson stated that Chairman Prillaman and Board member Hartman sent comments that she reviewed and responded to. Board member Hartman's comments included:

- writing out the formal name of the North Carolina Department of Environmental Quality Erosion and Sediment Control Planning and Design Manual in the definitions;
- a plan is only required for disturbing over an acre, if complaints are received about erosion-based pollutions, give the inspector latitude to require a plan within 30 days of inspection: Ms. Thompson stated that section 60.05 covers this issue. Everyone has to obey sediment laws of the state no matter what size the parcel. She explained that if the Town requires a grading permit, the issue can be monitored more closely.
- In 65.16 the Plan is mentioned in the ordinance but is not delineated. Is it listed out in the DEQ manual and does it need to be spelled out a little more? Ms. Thompson explained that everything is case sensitive. If there isn't a situation that requires calculations, the Town wouldn't ask for it. She suggested refining the definition of "plan".
- Are there limitations to the length of time a piece of land can stay disturbed? Ms. Thompson stated that a stormwater permit requires ground cover to be established within 7 days for slopes and 14 days for all other. It can be added to the ordinance. She recommended that section 65.06 (D) stated whichever is shorter following the completion of "construction or development" to "the land disturbing activity".
- 65-16(b) how is the amount of the performance bond determined? Is there some way to calculate in advance so it isn't a lottery? Sites vary, but should there be some general formula? Ms. Thompson answered that typically the developer's engineer provides stamped estimates that the Town engineer reviews and makes recommendations to staff. This typically doesn't happen until final plat stage when construction is in progress. This would require a performance bond at the application submittal. How would it be determined if it is the correct amount? Ms. Thompson will need to check on this.

- 65-18(f) are there any other definitions for long term major storm events? Inspections are required for over 5-acre disturbances after major storms defined as more than ½ an inch in a 24-hour period. Ms. Thompson stated that the Town can require it. Starting in February, inspection at the State level will change from ½ inch to 1-inch rainfall in a 24-hour period as they are low on manpower for inspections.
- 65-19(a) do we need to state that the performance bond will be used to settle fines until it is exhausted or is that implicit. Ms. Thompson responded that the bond is a contract with the bank and the town for a specific performance. She does not think the Town will be able to call the bond and use to pay off penalty fees. Ms. Thompson stated that she will check.

Chairman Prillaman stated concern about the dollar amount of the fines per violation. phases add cumulative factor for events over multiple days. Ms. Thompson stated that the \$25,000 maximum is only for 1st time offenders. If a developer has violated the erosion control ordinance anywhere in the state, fines can go beyond that \$25,000 maximum.

Board member Vivian asked if Wesley Chapel is implementing their own erosion control program and if Weddington could share costs. Ms. Thompson stated that Wesley Chapel is looking to have their own program eventually. She explained that the engineer review fees will get billed back to the developer and there will also be inspection fees collected, in hopes of making this cost neutral, with the potential of cost going up if we experience a lot of heavy rain events.

Chairman Prillaman asked if in Section 65.19 (C)(6) the Town can be sued for attorney fees if the case is lost. Ms. Thompson stated that she would check.

Board member Hechtel stated that she looked up the calculations and there is nothing in the formula that provides for hard surfaces. She asked if that should be a consideration. The town may have more issues if not taken into consideration.

Chairman Prillaman explained that it should be in consideration when reviewing construction plans for a neighborhood.

Board member Hartman asked if the Board is ready to send this to the Council since there are still some items to be researched and subject to verification. The Board agreed to send a recommendation with the open discussion points.

<i>Motion:</i>	Board member Hartman made a motion to send the Erosion and Sediment Control Ordinance to Town Council with a favorable recommendation, with notes and discussion points for questions that are still open.
<i>Second:</i>	Board member Hogan
<i>Vote:</i>	The motion passed with a unanimous vote.

B. Discussion of Land Use Plan Revisions

The Board discussion Land Use Plan revisions to Section IV.

C. Discussion and Consideration of Text Amendment to Define Community Recreation Center

Ms. Thompson presented the staff report: The Planning Board is requested to consider a text amendment to Section 58-4 Definitions; 58-52 (2)(c); 58-53 (2)(c); and 58-58 (2)(c) within the Weddington Zoning ordinance regarding community recreation centers.

After reviewing a recent rezoning project, Planning Board and staff suggested correcting the conflict between the listed use and the definition. For example, the definition section defines a 'community center' versus the listed use is 'community recreational center'. Also, the definition says typically non-profit, while the use is listed as both public and private.

A community center is not used in the ordinance therefore staff first suggests changing the definition term to read community recreational center. Also, recreation centers are typically government run or as the definition says usually owned/operated by a non-profit or public group. Staff suggests removing the word usually. Last of all, HOA community centers are private, so staff suggests exempting them within the definition. The new definition is below (additions are in **bold** and corrections are ~~struck~~).

58-4 Definitions.

*Community **recreational** center* means a building used for recreational, social, educational and cultural activities, ~~usually~~ owned and operated by a public or nonprofit group or agency, **except for this use when operated by homeowners' associations within subdivisions.**

Next staff suggests striking 'both public and private' from the conditional use list within the R-80, R-60, R-40 and RCD zoning districts. The term needs to match the definition.

Sec. 58-52. – R-80; Sec. 58-53 - R-60, Sec. 58-54 - R40 and Sec. 58-58 – RCD shall read as follows:

(2) Conditional uses.

c. Golf courses, parks, playgrounds and community recreational centers.
~~(both public and private).~~

Staff recommends approval of the text amendment to Section 58-4 Definitions; 58-52 (2)(c); 58-53 (2)(c); and 58-58 (2)(c) within the Weddington Zoning ordinance regarding community recreation centers.

Chairman Prillaman asked about the possibility of adding "501(c)" as a requirement of the nonprofit for documentation that the applicant is a nonprofit. Ms. Thompson stated her concern that it would be too restrictive, she suggested adding it to the list, but not require it.

Chairman Prillaman explained that adding 501(c) to the definition provides legitimate proof of nonprofit status.

Board member Hartman suggested classifying the term another way as using the 501(c) designation may be restrictive. The Board agreed to confirm the phrasing with the Town Attorney.

Motion: Board member Hartman made a motion to forward the text amendment to Section 58-4 Definitions; 58-52 (2)(c); 58-53 (2)(c); and 58-58 (2)(c) within the Weddington Zoning ordinance regarding community recreation centers to the Town Council with a favorable recommendation with, if the Town Attorney agrees, to specify the nonprofit be 501(c).

Second: Board member Hogan

Vote: The motion passed with a unanimous vote

8. UPDATE FROM TOWN PLANNER AND REPORT FROM THE DECEMBER TOWN COUNCIL MEETING

Ms. Thompson presented the update: The Town Council reviewed the Land Use Plan Section 1 and adopted the 2019 meeting schedule, they will continue to meet the second Monday of every month. The Council also reaffirmed the 2013 Land Use Plan until the revision is complete.

Ms. Thompson has applied for a pedestrian master plan grant through NCDOT for a comprehensive greenway/sidewalk master plan. She requested \$30,000. The grant requires a 20% match for the Town.

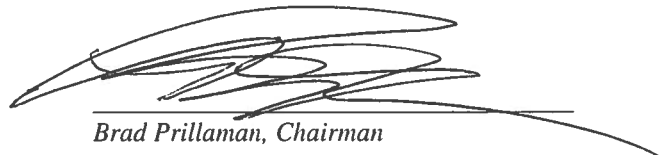
9. ADJOURNMENT

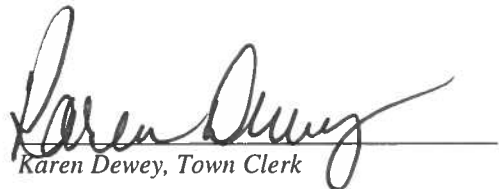
Motion: Board member Hogan made a motion to adjourn the December 17, 2018 Regular Planning Board Meeting at 7:57 p.m.

Second: Board member Hartman

Vote: The motion passed with a unanimous vote.

Adopted: Jan 28, 2019


Brad Prillaman, Chairman


Karen Dewey, Town Clerk