

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, FEBRUARY 22, 2021 – 7:00 P.M.
WEDDINGTON TOWN HALL
WEDDINGTON, NC 28104
MINUTES
PAGE 1 OF 3**

1. Call to Order

Chairman Brad Prillaman called the meeting to order at 7:02 p.m.

2. Determination of Quorum

Quorum was determined with Chairman Brad Prillaman, Vice Chair Walt Hogan, Board members Ed Goscicki and Jen Conway present. Board member Jim Vivian arrived via Zoom at 7:07 p.m. and Board member Steve Godfrey was absent.

Visitors: Bill Deter, Rusty Setzer, Travis Manning, Anne Pruitt (via Zoom)

Staff: Town Administrator/Planner Lisa Thompson, Town Clerk Karen Dewey, Town Attorney Kevin Bringewatt (via Zoom)

3. Approval of Minutes

A. December 21, 2020 Planning Board Regular Meeting

Motion: Vice Chair Hogan made a motion to approve the December 21, 2020 Planning Board Regular Meeting Minutes
Second: Board member Hogan
Vote: The motion passed with a unanimous vote.

The Planning Board unanimously agreed to deliberate new business before old business.

4. New Business

A. Discussion and Consideration of Pruitt Minor Subdivision-202 Walden Lane

Ms. Thompson presented the staff report: The applicant, Andrew Pruitt is seeking minor subdivision approval for property located at 202 Walden Lane (parcel 06063045). The property is a total of 6.68 acres and is zoned R40 residential. The resultant lots are approximately 2 acres and 4.68 acres. Both lots meet the minimum size requirement, the minimum front, side, and rear yard setbacks, and are at least 120' wide at the established front setback. The proposed minor subdivision is in general conformity with the Town of Weddington Zoning and Subdivision Ordinances; therefore, staff recommends approval.

Motion: Vice Chair Hogan made a motion to approve the Pruitt Minor Subdivision
Second: Board member Vivian
Vote: The motion passed with a unanimous vote.

5. Old Business

A. Discussion and Recommendation of Unified Development Ordinance

Mr. Bringewatt reviewed the timeline for approval of the Unified Development Ordinance. It will be introduced to the Town Council in March and posted for the public to review. A public hearing will be held in April and barring any complications, the Town Council will consider adoption in April.

Board member Goscicki presented questions and comments regarding the edits:

- D- 703, Section A. subsection 3. Downtown Overlay District paragraph c. Access from thoroughfares-do we want that level of detail in the UDO? Change in the Land Use Plan would require an amendment to the UDO
- Same section needs a definition of collector road
- Article 8: Major subdivisions are required to have an HOA? Mr. Bringewatt responded that with 10% open space required, an entity needs to be formed for maintenance.
- D-803 Section B Outside Agency Involvement – NCDENR and NCDWQ is now called NCDEQ (NC Department of Environmental Quality)
- D-804 Section F Duration of Financial Guarantees: When do the financial guarantees start? If the Town is looking for a guarantee, why put a time frame on it? Ms. Thompson responded that municipalities are no longer allowed to accept maintenance bonds. This language is for performance bonds which the time frames were changed with 160D: the duration is initially for 1 year with an extension element depending on if it's needed. Chairman Prillaman asked if the developer misses the timeline, is liability on the town? Mr. Bringewatt responded that the Town is not liable for the work in the performance bond. The purpose is to look out for the neighborhood and the people already living there. It does require some monitoring of dates and timelines to get the extensions. Ms. Thompson added that she has draft bond language that provides for extensions.
- Article 8 Page 10: the town cannot accept public utilities as they are not provided
- Article 9: 917A Blocks: sufficiently deep for houses to be back to back. Ms. Thompson responded that these standards are included in the section for all subdivisions and to maybe make them for traditional subdivisions only. Mr. Bringewatt stated that this article is organized with standards that apply to all subdivisions, if something falls into the category, the conservation standards trump the traditional standards- Ms. Thompson asked if this section is needed. The Planning Board unanimously agreed to delete this section from the UDO.
- Paragraph H-Public Roads-exceptions: The title is confusing. The Planning Board unanimously agreed to change the title to read "H. Lots to Abut Public Roads"
- Article 9 page 5: the term "shall be designed" speaks to intent and not requirement. Ms. Thompson stated that this language comes from working with Randall Arendt. Chairman Prillaman commented that it gives flexibility through the charette process and allows consulting and planning for the development on the fly.
- Page 6: connecting to public water lines – county water and sewer policy an ordinance. No corresponding section for sewer systems.
- Page 6: R. Open Space – Chairman Prillaman clarified that an HOA will be set up for open space vs. a conservation area. Ms. Thompson responded that it is required for a maintenance plan agreement in a different section
- Page 22 K. Land Use for schools: are we adopting as an ordinance? Ms. Thompson replied that this language is in the current ordinance, the school board asked for all municipalities adopt the same language. Mr. Bringewatt responded that the Town does have standing. School Boards must comply with all local zoning. If the parcel for a school is in an RCD zoning, they would go through the conditional process
- Delete the last sentence of the introductory paragraph of Land Use for Schools.
 - Motion:** Vice Chairman Hogan made a motion to recommend approval of the Unified Development Ordinance to the Town Council, with changes and edits suggested tonight.
 - Second:** Board member Vivian

- Motion:** Vice Chairman Hogan made a motion to recommend approval of the Unified Development Ordinance to the Town Council, with changes and edits suggested tonight.
- Second:** Board member Vivian
- Vote:** The motion passed with a unanimous vote.

6. Update from Town Planner and Report from the January and February Town Council Meetings

Ms. Thompson presented the update: The Town Council will hold their annual retreat on Friday, February 26 at Rolling Hills Country Club. Due to COVID protocols, there is limited capacity, so a Zoom invitation will be sent to the Planning Board. The Council will be specifically discussing planning areas/ETJ at the Weddington borders and a Providence Road corridor study. The Council approved two resolutions, one opposing Glenhurst Subdivision rezoning for 101 lots on about 40 acres in Indian Trail and the other opposing rezoning for an apartment complex at Providence and New Town intersection. Two new members of the Planning Board were appointed: welcome to Travis Manning and Manish Mittal. Thank you to Brad Prillaman for his years of service. Brad was appointed in 2015 and has served Weddington for 5.5 years. This can be a thankless job, but thank you for your time, your candor, and everything you've done for Weddington.

7. Board member Comments

Vice Chairman Hogan: I think we did a good job on this UDO.

Board member Jim Vivian: A lot of good work on the UDO.

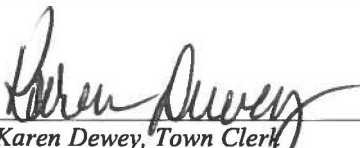
Board member Ed Goscicki: I just wanted to take a second to comment on Brad: it's been a pleasure working with him. Brad, you run a tight ship and keep us on track and do good work.

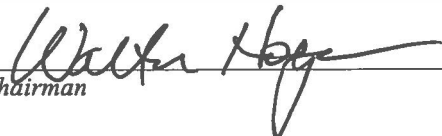
Chairman Brad Prillaman: I have enjoyed my time on the Board. It is thankless at times, but it is a necessary job. I was very fortunate to have some people before me to do that. Chairman Prillaman read a prepared statement. It is attached for the record.

8. Adjournment

- Motion:** Vice Chairman Hogan made a motion to adjourn the February 22, 2021 Regular Planning Board Meeting at 7:47 p.m.
- Second:** Board member Vivian
- Vote:** The motion passed with a unanimous vote.

Approved: March 22, 2021


Karen Dewey, Town Clerk


Chairman

February 22, 2021

Brad Prillaman
Chairman
Planning Board

RE: Response to Town Council from
Town Council Meeting 01/11/21

Dear Mayor Callis, Town Council, and Members of the Weddington Planning Board,

I have served on the Planning Board for 6 six years. I appreciate the former Council members for appointing me to the board. I also appreciate the former Planning Board members for helping me better understand what roles the planning board provides and how best to fulfill those roles. I want to thank the current board for electing me to Chair this board and attempt to guide it to best serve the residents of the Town of Weddington. This board serves the residents of the town. Its members serve a term and are either appointed or a new member is selected to bring their perspectives to again...serve the town's residents.

In order to best serve the town, it is important to know what it is that the PB does. I encourage each of the existing and new members to read the ordinances that cover the Planning Board. Read statutes GS160A-361 and 153A-321. I encourage the members to read the Town of Weddington Articles that cover the Planning Board- Specifically Article II that covers the Objective and Purpose. 2-2b states that the board should "determine objectives to be sought in the development of the area under study". 2-2H further requires "to keep the Town Council and the general Public informed and advised as to these matters."

At the January 11th meeting of Town Council, several members of the council and the Mayor took exception as to the manner in which I went about fulfilling my responsibilities as the Chair in running the meeting, and the line of questions that I asked. It was said by several members that they were embarrassed. It was said by the Mayor that I had overstepped my authority by hushing colleagues and undermined the Town Planner by questioning the review process. One PB member stated in the Town Council meeting that I had an improper line of questioning and monopolized the meeting.

Let me be clear and direct, with no room for misunderstanding: I am not embarrassed for anything I said or did at any point in serving as a member of this board, especially with respect to the December 21st meeting. Although the Agenda references "Discussion and Recommendation", the applicant and the Town Administrator wished to change this and NOT ask for discussion and a recommendation. The applicant stated at least twice in his proposal that they were making changes. How could we vote on something the applicant himself is reworking? I asked our Town Administrator, "What is the goal of tonight's meeting?" The board was asked to provide a list of questions and issues so the applicant could go back and further revise their application. The hope was that once these questions

were answered, a recommendation for the project could be given. I should have required the agenda be changed to reflect this. I did not. The meeting proceeded.

This meeting was conducted in the same order as all previous meetings I chaired. Once the applicant and the Town Administrator completed their presentation, questions were asked by individual members. Mid-way through the first question, I asked if we could address any questions with respect to Text Amendments in one section, then come back to any questions with respect to the Conditional Zoning application. It was in an effort to consolidate questions as to who needed to address them. Each member had as much time as they wanted within this context. (as an aside- On Sat Dec 19th, I emailed each member to implore them to go through the packet thoroughly. I advised that the material was significant, and this project required lots of changes to current zoning if it was to be approved.) When the members completed their questions, I as Chair asked mine. This process was repeated for the Conditional Zoning application. Once I completed my questions, the board was again asked if they had anything else to address. This was done for both the text amendment and a Conditional Zoning application. I was interrupted when I asked about local school involvement (Per my phone call with the Mayor, this was a question the Mayor wanted answered.)The member was out of order and I continued to request a reply from the applicant. No improper questions were asked. The complaints about not being able to ask questions and monopolizing the meeting are false. Any assertion otherwise is simply without merit.

Mayor Callis stated in the Jan 11th TC meeting that I undermined the Town Planner and the Applicant. Article II requires the Planning Board “ To determine objectives to be sought in the development of the areas of study”. I had significant questions regarding the Roots Farm project. I emailed questions for clarity to Mayor Callis, Town Administrator, and the Town Attorney. This was emailed on Dec 19th or 20th. As of today February 22, 2021, some 65 days after request, most questions still do not have a reply. The questions were in reference to:

A. Definition of Agritourism- When does “primarily devoted” occur? How is it measured? How would the Planning Board know if this project meets the standard without this answer?

B. Applicant requested renewable energy with the term “without limitation”! The term Without Limitation only serves the interest of the applicant and in no manor provides protection for the Town of Weddington.

C. Changing how usable land is calculated.

Plus, other significant issues. No response from the Attorney, nor Mayor, nor Town Administrator was given prior to the Planning Board meeting where according to the agenda, we were scheduled to give a vote to recommend or not recommend this project. Only when asked in the meeting did some of these questions get answered.

Further, and possibly the most egregious problem I found was that project as designed meets 12USCS 1715Z-22a ...the classification of MULTIFAMILY HOUSING. The very thing the town has fought so hard to prevent in the past was actually being pushed by the Town Administrator. Was I undermining the Town Administrator or fulfilling my responsibility as a planning board member to “determine the objectives sought”? Either way, I make no apologies for bringing this to the attention of the Town Residents, the

Planning Board, and the Town Council. A follow up email from the Town Administrator the next day following the Dec Planning Board meeting, confirmed that “ it will probably be taxed as multifamily, including a tax on each house, tax on rental income, and the land where the homes are located may be taxed at a COMMERCIAL RATE.” (Emphasis mine). These are not the only issues that the project has, but I wish not to relitigate this project.

Per the Mayor’s statement and the statements of TC members Probst, Perryman, and Pruitt, “they were embarrassed.” Rightfully so, but for the wrong reasons. They should be embarrassed for letting this application get as far as it did in the condition that it did. Further they should be embarrassed for not knowing exactly what the ramifications would be if this application was allowed to go through as applied for. A major change of zoning like this should be put before the residents. The Mayor took exception to my questioning the timing of the application events. I make no apologies for asking questions of this application, and the process that it took.

I will not be a part of the Planning Board that begins its work in March. I assume that those who appoint the new members did not appreciate my strong representation of the residents of the town and its current zoning policies and did not reappoint me. My request is that the new board will not make assumptions as to what is being presented and actually look at the details of what is being presented. I trust that they will not confuse what is being said for what is actually being written into the application/ ordinance. (IE: at the PIM, a representative of Roots Farms said a resident called him a liar. I spoke to the resident and do not believe that the resident called the representative a liar. The conversation between the representative and the resident was in reference to the application showing one restaurant or two. The applicant’s rep said it was one and the resident said it was two. During the Dec 22nd Planning Board meeting I asked the question about how many restaurants would be there. In the Planning Board Meeting the Attorney for Roots Farms advised that there would be 2 restaurants. The resident was correct, and the Roots Farm Rep was the one who was providing incorrect information. If I was to just listen to what was said and not check the actual text/ drawing, it would have been assumed that the applicant’s representative was telling the truth. Had I not found other sources of information I would not have known that the project as designed would be a Multifamily project. It is never undermining staff to ask questions and demand the correct answer. In fact, to do otherwise would be avoid your responsibility as a representative of the residents of the Town of Weddington.

Again, Thank you to this board for the work you do. Thank you to Town Staff for the support of this board.

Sincerely,



Brad Prillaman
Planning Board- Chair
Town of Weddington