



**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, NOVEMBER 13, 2023 – 7:00 P.M.
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD WEDDINGTON, NC 28104
AGENDA**

1. Open the Meeting
2. Pledge of Allegiance
3. Determination of Quorum
4. Additions, Deletions and/or Adoption of the Agenda
5. Conflict of Interest Statement: *In accordance with the state government ethics act, it is the duty of every Council member to avoid conflicts of interest. Does any Council member have any known conflict of interest with respect to any matters on the agenda? If so, please identify the conflict and refrain from any participation in the matter involved.*
6. Enter into Closed Session Pursuant to NCGS 143-318.11(a)(3) to consult with an attorney on matters protected by the attorney-client privilege relating to Providence Volunteer Fire Department versus Town of Weddington.
7. Mayor/Councilmember Reports
8. Public Comments
9. Public Safety Report
10. Consent Agenda
 - A. Approval of October 9, 2023 Regular Town Council Meeting Minutes
11. Old Business
12. New Business
 - A. Conditional Zoning Application by Toll Brothers, Inc. requesting Conditional Zoning approval for the Luna Development, an 18-lot conventional subdivision generally located at 5932 Weddington–Matthews Road.
 - i. Public Hearing
 - ii. Discussion and Possible Consideration
 - B. Conditional Zoning Application by Provident Land, Inc. requesting Conditional Zoning Approval for the Beckingham Development, a 38-lot subdivision located on Lochaven Road, parcel numbers 06153016 and 06153054A.
 - i. Public Hearing
 - ii. Discussion and Possible Consideration
 - C. Discussion and Possible Consideration of Grant agreement with Union County Library Foundation for donation to the Southwest Regional Library.
13. Updates from Town Planner and Town Administrator
14. Code Enforcement Report
15. Update from Finance Officer and Tax Collector
16. Transportation Report
17. Council Comments
18. Adjournment



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MINUTES
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1. Open the Meeting

Mayor Horn called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

Council let the Pledge of Allegiance.

3. Determination of Quorum

Quorum was determined with all Councilmembers present: Mayor Craig Horn, Mayor Pro Tem Janice Propst, Councilmembers Anne Pruitt, Brannon Howie, and Jeff Perryman.

Staff: Town Administrator/Clerk Karen Dewey, Admin Asst/Deputy Clerk Debbie Coram, Town Attorney Karen Wolter

Visitors: Travis Manning, Melissa Manning, Kristin Dillard, Tom Waters, Nancy Anderson, Jim Bell, Ivan Merritt, Kami Merritt, Mike Morse, Danny Ellis, Anne Ellis, Dean Garber, Sharon Garber, Jim Drost, Christine Drost, Jeremy Fitzgerald, Daniel George, Daniel Barry, John Allen, Tom Smith, Beth Johnston, Phyllis McDonnell, John Gallut, Gary Palmer, Bill Deter, W. Bertram, Julie Staley, Margie Bower, Robert Price, George Walsh Debbie Moffat, Sherry Garvey, Don Titherington

4. Additions, Deletions and/or Adoption of the Agenda

Staff requested to remove item 12C. *Discussion and Possible Consideration of Grant Agreement with Union County Library Foundation for donation to the Southwest Regional Library* from the agenda.

Motion: Councilmember Perryman made a motion to adopt the agenda as amended.
Vote: The motion passed with a unanimous vote.

5. Conflict of Interest Statement: *In accordance with the state government ethics act, it is the duty of every Council member to avoid conflicts of interest. Does any Council member have any known conflict of interest with respect to any matters on the agenda? If so, please identify the conflict and refrain from any participation in the matter involved.*

Ms. Dewey read the Conflict of Interest Statement. No Councilmembers had a conflict of interest.

6. Enter into Closed Session Pursuant to NCGS 143-318.11(a)(3) to consult with an attorney on matters protected by the attorney-client privilege relating to Providence Volunteer Fire Department versus Town of Weddington.

Motion: Mayor Pro Tem Propst made a motion to enter into closed session at 7:03 p.m.
Vote: The motion passed with a unanimous vote.

Mayor Horn called the meeting back to order at 7:10 p.m.

Motion: Councilmember Perryman made a motion to amend the agenda to add item 11.A.
Discussion and Consideration of Settlement Agreement with Providence Volunteer Fire Department
Vote: The motion passed with a unanimous vote.

7. Mayor/Councilmember Reports

Councilmember Perryman reported on the October WUMA meeting. The delegates will invite the county manager to give an update on the water and sewer funding after the first of the new year. The Union County legislative delegation will be invited to the March meeting to discuss the number of bills affecting local control of zoning ordinances. The NC Governor's Highway Safety Program Grant was discussed. The next WUMA meeting is Tuesday the 21st in Wesley Chapel and there is no meeting in December.

Mayor Pro Tem Propst reported that the Holiday Tree Lighting is Friday night from 5:30 to 8:30 at Town Hall.

Mayor Horn congratulated the successful candidates and thanked all those who volunteers to run for office. He thanked the Waxhaw Weddington Rotary Club for the flags around town hall for Veterans' Day

8. Public Comments

Travis Manning: 2230 Rising Sun Lane-Mr. Manning thanked Mayor Horn and Mayor Pro Tem Propst for their service. He commented on the Providence Volunteer Fire Department vs. Town of Weddington lawsuit and expressed his hope for closure. Mr. Manning asked the councilmembers to not sell the fire station. He encouraged residents to get familiar with what happened and to examine the budget to see how much the fire service cost has gone up.

Nancy Anderson: 13624 Providence Road- Ms. Anderson thanked the Council for all their work. She commented on the Providence Volunteer Fire Department lawsuit. She stated that it has been costly but became much costlier when the council allowed the cream of the crop firemen to walk out the door. Ms. Anderson also stated her strong support for a grant to the library. She stated that growing up, she had better library service because there was a book mobile. Ms. Anderson also commented on the few subdivision applications that have been submitted to the town. She stated there are property owners' rights in this country and trying to stop the property owners from their choice is not realistic

Dan Barry: 8207 Lake Providence Drive-Mr. Barry thanked the council for their service. He congratulated the council for their work in settling the unpleasantness of the lawsuit. He stated that the settlement terms haven't been made public, but the penalty and the cost of the litigation before the insurance kicked in will be paid by the taxpayers.

Don Titherington: 2301 Greenbrook Parkway-Mr. Titherington commented on road safety issues in town. He specifically mentioned a serious accident at the 12 Mile Creek and Beulah Church intersection. Mr. Titherington referenced the Union County intersection analysis that the town participated in that labeled that intersection as critical. He asked that the council take safety issues to heart.

Bill Deter: 401 Havenchase Drive-Mr. Deter addressed the comments made on the lawsuit with the Providence Volunteer Fire Department. He commented on the projected costs and financial losses that moved the council in 2015 to dissolve the contract. He stated his disappointed in the attacks against him and stressed that the mayor doesn't vote on matters before the council unless there is a tie.

9. Public Safety Report

Deputy Wrenn gave the public safety report. He thanked the veterans for their service. He discussed traffic safety. He stated that Union County has the top 3 drug recognition experts in the state. Deputy Wrenn reported that the deputies are working to eliminate problems with speeding. He reminded residents to lock their cars. He thanked residents for their outreach and support at Halloween. There were no reported incidents. Deputy Wrenn stated that the speed trailers are available to post on state-maintained roads and the deputies will be happy to come to community meetings.

10. Consent Agenda

A. Approval of October 9, 2023 Regular Town Council Meeting Minutes

Motion: Councilmember Pruitt made a motion to adopt the consent agenda as presented.
Vote: The motion passed with a unanimous vote.

11. Old Business

A. Discussion and Consideration of Settlement Agreement with Providence Volunteer Fire Department (PVFD)

Andy Santaniello, outside council retained through the town insurance carrier, gave a brief summary. The Town had a fire suppression agreement with PVFD ended in April 2015 with a vote by the town council. As a result, PVFD initiated litigation. The suit has been before the Court of Appeals twice, before the NC Supreme Court once, and in mediation twice. It has been hotly contested litigation. This month, a proposed settlement agreement was reached. Highlights include:

- The Settlement permanently ends any and all ongoing litigation. Only remaining defendants were the Town and former Mayor Bill Deter.
- Town will pay to PVFD the sum of \$750,000 that will come from town funds. The Town insurance carrier has denied indemnification payments.
- PVFD will release former Mayor Deter, current and former Councilmembers, and current and former staff from claims.
- Funds paid to PVFD will be utilized to pay litigation costs and the balance will be managed through a grant to be disbursed to other charitable organizations. When funds are exhausted, PVFD will report back to the Town where funds were disbursed.
- The Settlement Agreement is approved by Andy Santaniello, Karen Wolter, Chris Duggan attorney for PVFD, and the attorney for former Mayor Deter.
- All parties agree to end disputed litigation with no admission of liability or fault by any party.

Once the agreement is executed by all parties, payment will be made by town.

Councilmember Howie asked if the agreement will be public record after it is executed by all parties? Mr. Santaniello responded that it would.

Mayor Pro Tem Propst thanked Mr. Santaniello and Ms. Wolter for their representation and efforts.

Councilmember Perryman stated that this lawsuit has just lasted many long years and people in this room will never know the process that the people sitting in these seats went through to get through to tonight. Glad this is over. It was totally unnecessary. There were reasons things needed to be done, but execution actions show a lack of forethought of future consequences. Sickens me that this town must sign over close to million dollars of tax money to fix this. That's a lot of money for roads, dot, parks. Glad it's over and if you want to come and talk to me about detail, I'll be glad to do it

Councilmember Howie thanked the representation from Mr. Santaniello for his navigation through this.

Mayor Pro Tem Propst asked if the town had a council-manager form of government, could this situation have taken place.

Ms. Wolter said there wasn't a definite answer on that issue.

Mayor Pro Tem Propst responded that Council doesn't currently negotiate contracts.

Motion: Councilmember Howie made a motion to approve the settlement agreement with Providence Volunteer Fire Department as presented.

Vote: The motion passed with a unanimous vote.

Mr. Santaniello thanked the council for patience and cooperation.

Ms. Wolter thanked Mr. Santaniello for handling this with grace and conviction.

Mayor Horn stated that this has been an emotional challenge for the Council, and it is nice to be done with this before a new council takes over.

12. New Business

A. Conditional Zoning Application by Toll Brothers, Inc. requesting Conditional Zoning approval for the Luna Development, an 18-lot conventional subdivision generally located at 5932 Weddington-Matthews Road.

i. Public Hearing

Mr. Tefft presented the staff report:

The applicant, Toll Brothers is proposing the development of an 18-lot conventional development subdivision to be known as Luna. The subdivision will extend the existing Delaney Road right-of-way from the Bromley neighborhood, as well as tie-in at the intersection of Weddington-Matthews and Cox Road. The development proposal does not include any changes to the Development Standards already set forth in the Unified Development Ordinance (UDO). The development shall be governed by this Plan and all applicable requirements of the UDO. While the development proposal can be found to be generally consistent with the adopted Land Use Plan there are Goals and Policies for which compliance cannot be determined at the present time based upon the level of plans required to be submitted for this phase of development. In addition, while there may also be Goals and Policies for which there may be reason for concern, positive findings can nonetheless be made in support of this development proposal.

At its meeting of October 23, 2023, the Planning Board recommended approval of the Conditional Zoning request to allow for the development of an 18-lot major subdivision generally located at 5932 Weddington–Matthews Road. Staff also recommends approval of the Conditional Zoning request to allow for the development of an 18-lot major subdivision generally located at 5932 Weddington–Matthews Road.

Mayor Horn opened the public hearing:

Dean Garber: 1237 Bromley Drive – Mr. Garber asked council to not approve this application as proposed. He commented on the stormwater drainage and possible damage to the lake in Bromley and restricting the access to Delaney Drive during the construction phase. He stated Toll has not discussed stormwater drainage with the Bromley HOA.

Tom Smith: 1840 Tanglebriar Court – Mr. Smith stated that the 10-year stormwater runoff calculations are inadequate. He stated his belief that it is not proper for a developer to put run-off into an existing system and there should be a minimum of a 50-year run-off rate.

Bill Deter: 401 Havenchase Drive – Mr. Deter commented on the need for a left turn lane into the new development with the curve in Weddington Matthews Road and the Cox Road intersection converging at the entrance.

Don Titherington: 2301 Greenbrook Parkway – Mr. Titherington commented on change of stormwater standards was because of the Falls of Weddington development and the surrounding residents had issues with the flooding. He encouraged the council to look

Nancy Anderson: 13624 Providence Road - Ms. Anderson commented that the development adjoining another development might bump up the traffic impact necessity.

Robert Price-Applicant. Understand concern from neighboring development. Do the analysis according to the engineering. Expressed wanted to be good neighbor. Always understood that would be connected. Took into consider. In compliance with UDO-applicable size-yield.

Mayor Pro Tem Propst asked about stormwater flow to the Bromley ponds being less than what those ponds are handling right now.

Mr. Price stated that the analysis submitted will be vetted when the project goes through the engineering phase. The stormwater plan for Luna will lessen the impact on the Bromley ponds.

Councilmember Perryman asked why there is no left turn lane off Weddington Matthews Road.

Mr. Price responded that based on the conditions in the UDO and relative to the traffic count, the development doesn't validate additional improvements.

Councilmember Pruitt asked if Toll is open to looking at road improvements on Weddington Matthews Road because the connected development adds more volume of cars.

Mr. Price stated that Toll is developing for 18 lots and is open to looking into road improvements. Toll is willing to work with NCDOT on what the best way to mitigate the concerns.

Mayor Horn closed the public hearing at 8:20 p.m.

i. Discussion and Possible Consideration

Councilmember Perryman stated there are too many questions, and this should go back to the planning board for the left-hand turn lane and the stormwater issues.

Councilmember Howie remarked that Delaney Drive should remain closed until construction is completed.

Councilmember Pruitt agreed that the left turn lane should be considered at the Luna entrance.

Mr. Price stated that there is no issue going back to do more analysis and review of public works/engineering. Understand the information. This project isn't at that level of development yet and the project will be managed through the stormwater management process and other permitting agencies.

Mayor Pro Tem Propst asked the applicant to review the stormwater analysis

Mayor Horn reopened the public hearing at 8:26 p.m.

Beth Johnston from McKim and Creed discussed the stormwater analysis. The applicant completed this extra step during civil design.

Council discussed the Luna stormwater standards with the applicant.

Mayor Horn closed the public hearing at 8:39 p.m.

Councilmember Pruitt asked Mr. Tefft if there were any concerns on the direction of this plan and if it meets the UDO guidelines. Mr. Tefft noted that it is a conditional zoning and gives the applicant and council the opportunity to request conditions.

Ms. Wolter stated conditions are mutually agreed to. The Council would like more information on a left turn lane. The road belongs to NCDOT. She recommended to defer the vote to the next meeting to clear up issues. This doesn't need to go back to the planning board.

Motion: Councilmember Howie made a motion to defer consideration of the conditional zoning application by Toll Brothers for the Luna Development to the December 11, 2023 Regular Town Council meeting to work on conditions
Vote: The motion passed with a unanimous vote.

B. Conditional Zoning Application by Provident Land, Inc. requesting Conditional Zoning Approval for the Beckingham Development, a 38-lot subdivision located on Lochaven Road, parcel numbers 06153016 and 06153054A.

i. Public Hearing

Mr. Tefft presented the staff report:

The applicant is proposing the development of a 38-lot conventional subdivision to be known as Beckingham. As proposed, the subdivision would have one means of ingress/egress from an access point on the north side of Lochaven Drive; however, there is also a proposed stub out towards an existing developed residential property along the northwest side of the subject property that may be an option for ingress/egress in the future. In addition, the request also includes the rezoning of the 60.621-acre parcel (06153016) from R-CD to R-40, consistent with the balance of the overall development site.

The development proposal will be consistent with those uses surrounding the subject parcels, as well as being in keeping with the Town's established aesthetic values, and single-family residential character. Accordingly, the development proposal has been found to be generally consistent with the Goals and Policies of the adopted Land Use Plan and positive findings can be made in support of this development proposal.

At its meeting of October 23, 2023, the Planning Board recommended approval of the Conditional Zoning request for the development of the 38-lot conventional subdivision. Staff also recommends approval of the Conditional Zoning request for the development of the 38-lot conventional subdivision

Mr. Tom Waters, the applicant, presented the project.

Mayor Horn opened the public hearing.

Tom Smith: 1840 Tanglebriar Court-Mr. Smith stated his appreciation for the applicant developing to the 50-year storm.

Ms. Dewey read an email from Craig and Gayle Bohlen-620 Cottonfield Circle-opposing the Beckingham subdivision

Mayor Horn closed the public hearing at 9:09 p.m.

i. Discussion and Possible Consideration

Councilmember Perryman asked to make sure that the single entrance into the subdivision is done properly. Mr. Tefft responded that there is not room to accommodate a second entrance and it is placed at safest spot for this parcel to have access. It will be the only access. There are other subdivisions with one entrance.

Mayor Pro Tem Propst listed the subdivisions with only one entrance: Willow Oaks, Highclere, Weddington Heritage, Steeplechase, Waybridge, and Highgate has over 200 homes.

Councilmember Perryman asked why the Planning Board recommended not stubbing out the cul-de-sac. Mr. Tefft responded that it didn't align with the existing development on the adjacent lot. Councilmember Perryman asked if there were NCDOT recommendations. Mr. Tefft responded that the development isn't large enough to warrant a conversation with NCDOT.

Motion: Mayor Pro Tem Propst made a motion to approve Conditional Zoning Application by Provident Land, Inc. requesting Conditional Zoning Approval for the

Beckingham Development, a 38-lot subdivision located on Lochaven Road, parcel numbers 06153016 and 06153054A with conditions listed in exhibit B (attached for the record)

Vote: The motion passed with a unanimous vote.

Land Use Plan Consistency Statement:

The development proposal will be consistent with those uses surrounding the subject parcels, as well as being in keeping with the Town's established aesthetic values, and single-family residential character. Accordingly, the development proposal has been found to be generally consistent with the Goals and Policies of the adopted Land Use Plan and positive findings can be made in support of this development proposal.

Motion: Councilmember Howie made a motion to approve the Land Use Plan Consistency Statement as presented

Vote: The motion passed with a unanimous vote

~~C. Discussion and Possible Consideration of Grant agreement with Union County Library Foundation for donation to the Southwest Regional Library.~~

13. Updates from Town Planner and Town Administrator

Mr. Tefft presented the planning updates:

- **Liberty Classical Academy**
 - CZ for Private School
 - Planning Board: 7/24 (Tabled)
 - Traffic PIM: 8/22 and 10/25
 - Planning Board: TBD
- **Ennis Road Subdivision**
 - Conventional subdivision of 12 lots
 - Public Information Meeting 8/21
 - Planning Board: TBD
- **LDS Temple**
 - 345 Providence Road
 - No application submitted
- **Deal Lake**
 - 189-acre conservation subdivision
 - 06129109, 06126001, 06126017, 06126017B, 06126017C
 - Site Walk: 11/21, 10am-12pm (on-site)
 - Charette: 11/21, 1pm-3pm (Town Hall)
- **Rea/Providence**
 - Conventional subdivision, 56 lots
 - Sketch Plan submitted
- **Comprehensive Land Use Plan and Town Center Plan**
 - Planning Board 11/27/23
 - Town Council: 1/8/24

14. Code Enforcement Report

Included in Council packets

15. Update from Finance Officer and Tax Collector

Included in packets

16. Transportation Report

Mayor Horn reported that the CRTPO meeting is Wednesday. Mayor-elect Jim Bell will be attending. Last week the CRTPO Union County group met. Union County population growth is at a faster rate than the entire region, not job growth.

There was an accident this weekend at the intersection of Beulah Church and 12-Mile Creek Roads. It should be added to the county critical intersection list.

17. Council Comments

Councilmember Howie: Thank you everybody for coming, thank you Council, thank you Staff. Thank you to the Rotary Club for the flags around Town Hall and thank you to the veterans.

Mayor Pro Tem Propst: There was a grant for the library on the agenda, but timing didn't work out. The Town gave \$146,000 to the library a few years ago to build one in Weddington and I feel like it's important to participate in getting it done. We should honor the library with help and get all the western Union town to participate. Thank you everybody for coming. Come out to the tree lighting and bring a coat to donate.

Councilmember Pruitt: I want to take a moment to Thank each of you for your guidance, patience, and professionalism during the last 4 years. I appreciate the shared successes that have come from us all working together - We have helped Weddington move forward and better prepare for the future of our residents. Together we have made it through COVID, learned how to Zoom and what PPE stands for. We have transitioned to the Unified Development Ordinance. We have consolidated solid waste and have brought one single provider to the town. We have lowered the tax rate 2 of the last 4 years. Helped relieve traffic at one major intersection and have set plans in motion to have another critical intersection under construction in the coming year. We finally resolved the pending litigation with PVFD against the town - We have celebrated holidays together with our neighbors at the Town's Holiday Tree Lighting, and Menorah Lighting, honored veterans with our Flags for Heroes, and have enjoyed a sense community with our Food Truck Friday's. (thank you, Janice and staff, for all the hours put into those events). For those that will be leading us forward, I urge you to work together - with your fellow council members, our amazing town staff, and most importantly, your neighbors - only by working together will the town continue to thrive. You each have your own strengths you bring to the table, listen to your heart, and please remember you are here representing every resident of Weddington. As Matty Stepanek said "Unity is strength... when there is teamwork and collaboration, wonderful things can be achieved."

Councilmember Perryman: That is a tough act to follow. Thank you everybody for being here. We had a full agenda and discussed a lot of topics. Sometimes meetings are easy and sometimes they are long and difficult. Happy Thanksgiving to everybody.

Mayor Horn: Veterans day is special to all of us. I just returned from the American Veterans Conference in D.C. There were pilots that flew of B17s in Germany in World War II, the oldest was 104 and the youngest 99. Who is the only baseball player in history to have a perfect batting average, a World Series ring, and a Purple Heart? Roy Gleason played for the Dodgers and was drafted to go to Vietnam.

18. Adjournment

Motion: Councilmember Pruitt made a motion to adjourn the November 13, 2023 Regular Town Council meeting at 9:32 p.m.

Vote: The motion passed with a unanimous vote.

Approved: _____

December 11, 2023

Karen Dewey

Karen Dewey, Town Administrator/Clerk

W. Pruitt

Mayor, Town of Weddington