

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, JANUARY 13, 2014 - 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 January 13, 2014, with Mayor Bill Deter presiding.

Present: Mayor Bill Deter, Mayor Pro Tem Don Titherington, Councilmembers Michael Smith, Pamela Hadley and Barbara Harrison, Town Attorney Anthony Fox, Finance Officer Leslie Gaylord, Planning Board Chairman Dorine Sharp and Town Administrator Amy McCollum

Absent: None

Visitors: Stephen Overcash, Representative Craig Horn, Senator Tommy Tucker, Stuart and Shelby Stout, John Underwood, Janice Propst, Ted Cleary, Michael Shea, Randy Goddard, Clare Meyer, Jane Duckwall, John Temple, Walter Staton, Tracy Stone, Andy Stallings, Peggy Stallings, John Houston, Ken Chapman, Craig Hazeltine, Harry Welch, Ted Cleary, Mike Davis, Marcos Bilbao and Ed Goscicki

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

Item No. 1. Open the Meeting. Mayor Deter called the January 13, 2014 Regular Town Council Meeting to order at 7:08 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. Presentations/Special Recognition.

A. Special Recognition – Proclamation in Celebration of the Life of Hope Stout. Mayor Deter read the following Proclamation into the record:

**TOWN OF WEDDINGTON
PROCLAMATION IN CELEBRATION
OF THE LIFE OF HOPE STOUT
P-2014-01**

WHEREAS, Hope Stout, daughter of Stuart and Shelby Stout, from Weddington, NC, was diagnosed with bone cancer in 2003; and,

WHEREAS, Hope's compassion for others and generous spirit touched lives in such a special way and her wish brought out the best in all of us and changed lives forever; and,

WHEREAS, when the Make-A-Wish Foundation asked Hope what she wanted as her wish, Hope selflessly asked that the wishes of the other children be granted - all 154 of them; and,

WHEREAS, Hope's compassion and concern for others and steadfast conviction in her faith, grabbed the hearts of the entire region. When the freckled face, redhead with the infectious smile, told us with complete

and total confidence that nothing was impossible and that she had total faith in us - we believed her. We believed in ourselves and were reminded of the underlying goodness of others. Together we raised over \$1 million dollars at the 2004 Celebration of Hope which was enough to fulfill Hope's wish that all 154 other children could have their wishes granted, thus bringing the total number of wishes granted to 155; and,

WHEREAS, Hope lost her battle with cancer on January 4, 2004 – just four weeks after making her wish. Her generous spirit sparked a flame that still burns brightly today. In the words of Keith Larson, “that season of hope lives inside of us and breaks us open with a joy and heartbreak and love like few have ever known”; and,

WHEREAS, 10 years later, the Celebration of Hope Keeps Rockin' On, with over \$3 million dollars raised and hundreds of wishes granted and families of terminally ill children assisted through the March Forth with Hope and Make-A-Wish Foundations; and,

NOW, THEREFORE BE IT RESOLVED, I, Bill Deter, Mayor along with the Weddington Town Council proclaim March 4th as the day to celebrate the life of Hope Stout and in the words of Reverend Lyons, “may we continue to carry the images of Hope, for Hope, with Hope.”

Adopted this 13th day of January, 2014.

Mrs. Shelby Stout – This means the world to us. March Forth is a command. It was given to Hope by God and used for His purpose that she was used for on this earth and that is to help others. We named her Hope because we hoped it was a girl and that it was the last one. We knew that God had a bigger plan for that name of Hope and giving her the birthday of March 4. It is her telling us to continue to march forth to help others and that is what we have done these 10 years that she has been gone with the March Forth with Hope Foundation by helping families in the hospital. This community, Weddington Church and Matthews Methodist Church surrounded us with such love and support for our family that we could never have gone through this horrible diagnosis of bone cancer by ourselves. The people that surrounded us and helped us with our bills and helped us just be able to get up in the mornings. That is why we do March Forth. That is what we try to do for other families and to help them with their non-medical bills and help them get up in the mornings and know that they can face their child in the hospital without worry that they have a mortgage payment that is due. We appreciate this so much.

Mr. Stuart Stout – I wanted to add our thanks. It is hard that it has been 10 years. Like Hope, we have not given up on a desire to do something equally big. We wrote a book that subsequently got published and some people in Hollywood said this would make a nice movie and we have spent three years working with some academy award winning screenwriters. We found out just before we went to Vancouver, Canada for our daughter's wedding on New Year's Eve that we did get the final bit of funding we needed for the script process. We are now going to bring a very large movie to North Carolina. We hope to be in production this year. Our Gala is March 1 and it is when we raise the bulk of the money for our foundation.

B. Presentation of Audit – Tinsley and Terry. The Town Council received the Audited Financial Statements for the period ending June 30, 2013.

Ms. Clare Meyer – We have completed our audit for the Town as of June 30, 2013. We issued an unqualified opinion. That is the highest level of assurance that we can issue. I send out accolades to Amy, Kim and Leslie. They are an extremely conscientious staff. Governmental accounting is very difficult and very statutorily driven and they have done a fine job. We did not find any statutory violations and no findings that we had in the audit and they did a very good job.

Mayor Deter – Are internal controls very good and adequate?

Ms. Meyer – Yes, which is very difficult for a Town this size. There are some special tricks and memos that the Local Government Commission has issued on how to do it when you have a staff as small as Weddington.

Mayor Deter – Is the financial condition of the Town sound?

Ms. Meyer – Yes.

Mayor Pro Tem Don Titherington – Is there any best practices that we are not adopting at this point that you would recommend?

Ms. Meyer – That is usually a very good question especially in more general industry. With government a lot of your practices are already established in the North Carolina General Statutes and Leslie can find all sorts of advice on best practices from the Local Government Commission in Raleigh. That is something that we would usually look for in an audit but there were no best practices that were needed.

Mayor Pro Tem Titherington moved to accept the Town audit. All were in favor, with votes recorded as follows:

| | |
|-------|---|
| AYES: | Councilmembers Smith, Hadley, Harrison and Mayor Pro Tem Titherington |
| NAYS: | None |

Ms. Meyer – We also issued the audit report for Providence VFD as of June 30, 2013. We also gave an unqualified opinion which is the highest level of assurance that we can give.

Mayor Deter – Are internal controls very good and adequate?

Ms. Meyer – They are good.

Mayor Deter – Is the financial condition of the department sound?

Ms. Meyer – Yes, they are sound.

Councilwoman Barbara Harrison moved to accept the Providence VFD audit. All were in favor, with votes recorded as follows:

| | |
|-------|---|
| AYES: | Councilmembers Hadley, Harrison, Smith and Mayor Pro Tem Titherington |
| NAYS: | None |

C. Update on State Budget – Senator Tommy Tucker and Representative Craig Horn. Representative Craig Horn – This past year we had 104 legislative days and more than 1,750 bills were introduced. We cast easily 2,500 votes. Of those 1,750 bills that were introduced about 350 were signed into law. When you hear about bills being introduced in the legislature understand that really very few of them end up going through the system to the Governor’s desk and even when they do they seldom look like they looked like when they started out. There were two bills that were vetoed. In particular focus in the legislature is to pass the budget. The General Fund budget is \$20 billion and of that \$12 billion is for education – the rest of it is spread to Health and Human Services, Public Safety and General Government, etc. There were a number of things that we dealt with this year that specifically affected municipalities. We entered this sweeping tax reform and regulatory reform and it is an ongoing process. It is an interesting process when you have 120 members of the House from all over the State and 50 members of the Senate. Everybody has an opinion and most of them want to voice that opinion and it seems like it takes forever. We eliminated State and local franchise tax on electricity. That applies to the 7% general sales tax rate on electricity and natural gas. It provided municipalities with 44% of sales tax on

electricity and with 20% of sales tax on natural gas. We did cap sales tax refunds for non-profits at \$13.3 million. State and local sales taxes on services connected with a product were implemented. We also implemented a tax on movies, live entertainment and museums. At the same time we took our standard tax rate which was 7.2% and reduced it to a 5.8% flat tax. For those folks that want smaller government about the only way we are going to get smaller government is to give us less money to spend or blow. Hopefully we will be more efficient in the application of our money and you will not be seeing any tax increases. I don't support any. We did eliminate the back to school sales tax holiday and the energy star sales tax. We did cap mortgage interest and taxes at \$20,000. That will apply to about 6% of the people filing income taxes. We capped motor fuel tax. We capped that at 37.5 cents which was in fact lower than the rate was at the time we implemented the cap. Other bills affecting municipalities is Senator Tucker's Senate Bill 207 which allowed Local Government Commissions to take control of water and sewer systems. That is something of particular interest if you are in Union County since we have had some difficulties which I am hopeful that we are working through. Senate Bill 305 allows private agencies to collect both property tax and tag fees at the same time which adds some efficiency to the system. We did exclude property tax on software. It really affects municipalities because we have proprietary software. We limited local building code inspections to eight specific areas of North Carolina Building Code. Those can be expanded. We allowed towns to have input on the placement of cell towers which were not allowed before. We changed the way that transportation funds were allocated. Too often roads were placed because you knew somebody. The Governor implemented a process where we have allocated road funds so that we get away from that pay to play, good 'ole boy network and we start building roads that are needed where they are needed and we were able to prioritize that. Representative Arp's Bill gave all local governments the ability to use a design build construction method and public private partnership financing. It will lower the costs to develop buildings here in Union County. We passed laws to significantly improve school safety. Another bill that Representative Arp sponsored significantly changes the landscape on receiving public money by felons. Now there is going to be more accountability for those that come in and apply for public assistance. Photo ID to vote which will go into effect in 2016. We passed a farm bill. We balanced the budget – the Feds have never seemed to be able to do that. We reformed unemployment insurance and have dealt with an incredible 10,000 pound gorilla in the room with Medicaid surprises that has severely hampered our ability to address a number of other issues that we would like to address. In the area of education the one thing I and many others wanted to get done was raises for the teachers. We expect to get that done this year. We go back to the session on the 14th of May. If there is any message that we have heard clearly is the one that we don't want our teachers to be 48th in the nation on pay. We have also begun the process of moving our educational delivery system into the digital age. That is a look at our year in the legislature. This is the most incredible thing I have ever done in my life. I moved here to Weddington in 2005 to be a Grandpa. I popped into a Town Council meeting. I used to serve on a Council in Maryland and served three terms there. I have a great appreciation for the challenges that you all face. The last message that I want to leave with you is we are your partner, we live here and we pay taxes here. We are the ones that want to work closely with our towns and municipalities along with Union County and across the State. We believe that the best decisions are made closest to the people not in Raleigh. We need your help and we need to hear from you frequently. We need to know what is on your mind, your challenges and how we can help. It does not mean that we will agree on every issue. We can work towards a mutual goal. We can work together. We need your help.

Senator Tommy Tucker – Welcome to the Mayor and the Town Council. My political career started at that desk. I bought those chairs for a price of \$500.00. Got a lot of memories and friends here and I'm thankful for the opportunity to serve as your State Senator. We have 50 senators. I have heard the House debate the definition of a word for over 45 minutes at a time. They will not let us speak over three to four minutes in the Senate. We are much more conservative and we do not spend as much money and we certainly do not take as much time as they do. We also have 70 less personalities that want to be heard. Everybody must prove their net worth in politics to God, to their family and to their constituents. You do have a tough job. When you make a vote and your neighbor will not look you in the eye in the grocery store you know you are in politics. You cannot please everybody. Tonight we have John Underwood here with us from NCDOT. It has been brought to my attention that the Weddington Town Council plans to make the decision not to take over roads in subdivisions. We brought him to enlighten us on that issue and talk about where NCDOT stands. I will talk about something that happened in my community in the County. We had a road and it was done with an 8 inch

base by the developer. We wanted NCDOT to take it over at the time when they were taking over roads. They said they would take it over but they required a 12 inch base to the road. We were going to have to dig up the road and put down a 12 inch base and then asphalt it and then ask NCDOT to take it over. We have since raised our dues and we have put a gated community in there because there is no help for us on the road. We are going to have to repair it ourselves. I do know because I served on that Council and as a County Commissioner there will be people coming to you asking for money for that.

Councilwoman Harrison – You are starting the budget process. Are there going to be any surprises that would affect municipalities in a negative way? I believe in giving raises but where are you going to get that money if you are going to stay revenue neutral?

Representative Horn – I have been meeting with people from the Governor's office. We are getting ready to work on the second year of the biannual budget. We pass a biannual budget in the long session. We come back in the short session and fix what we screwed up and adjust where necessary as a result of changes in projections and changes in income. We have a deep hole that we are trying to get out of and stabilize the base. I don't think there are any surprises. We are very nervous about another Medicaid surprise. A month ago I heard there was another \$400 million surprise coming which pretty much guts any optimism I have for raises or anything else. Now I am told that may not come about after all. I don't expect surprises but the only way we are going to get raises is to continue to cut everywhere we can cut in order to find money to give raises or pay for things that we just simply were not able to do before. Teacher raises are a front top of the fold in the newspaper. I suspect that there is no one here that wants to dial 911 and not get the phone answered and those folks have not had any raises whatsoever in five to six years. We anticipate a minimal raise this year. I would like to see more than a minimal raise. We are presently about \$5,000 a year per teacher under the national average - \$5,000 per the 95,000 teachers is half a billion dollars. That is new money and it is recurring money. I would love to find it. I am not going to vote to raise taxes.

Senator Tommy Tucker – I leave tonight to go to Raleigh. I am on a committee which Medicaid reports to. Medicaid is a \$14 billion agency with 16,000 employees and it is the most dysfunctional working agency I have seen. They were roughly \$500 million over budget. The first quarter of this year they are 8% ahead of budget in spending and the third and fourth quarter is when they spend all the money. We asked staff and the Medicaid CFO to tell us what they thought the spending was going to be. They do not have an answer for us. If we gave a 1% raise to the university system, all the school teachers and all the State employees it represents \$135 million in recurring expense to the State. If you give a 5% raise you are talking about \$700 million on a recurring budget which then jumps from \$20.5 billion to \$21 billion. It is a lot of money for a lot of folks. They do need a raise and they probably are going to get one. I will probably have to support that. In the future if there is a revenue shortfall and the economy does not recover and we do not hit our benchmarks and we have to pay our teachers we would have to do something different to raise revenue. I worked very hard to get the firefighters retirement and workman's compensation for volunteer fire departments on a solvent path. If they get hurt on the job for doing volunteer services they are covered. All of their workman's compensation is put in a State fund and it has been robbed over and over again prior to us getting there. I get a lot of grief about paper towns in Raleigh. We have roughly 14 municipalities in Union County. Fletcher Hartsell gives me a hard time because he says our towns do not have water, sewer and you do not do anything but regulate. I say they are municipalities and they want to protect their areas and they want to do what they need to do. He said you know we can revoke their charter because counties and municipalities are an extension of the legislature. I said if you want to fly off that political pole go ahead because I am not touching that with a 10 foot pole. As you move out and people know you have a large fund balance and you do not have any real expenditures they want to know why you are not doing more as a town. You did exactly what we did - provide a Town Council, zoning, and deputies. That model has worked and it is pleasing to the people of Weddington. I commend you for being here. You could spend 100 hours a week working on it. It takes more hours than any part time job but I guess I am not complaining because I volunteered for it just like you did. Thank you for your service to the Town.

Mr. John Underwood - I have come before this body previously to discuss road maintenance in subdivisions several months ago. Not much has changed as far as the direction that I am receiving from NCDOT but I would

like to open the floor for questions. I do not have a presentation. I do have information regarding the actual road mileage within Weddington and what the Town could anticipate as far as allocations from the Powell Bill program.

Councilwoman Harrison – In December there was a vote not to take over our roads. But we have several subdivisions that three-fourths of the roads are maintained by NCDOT. I want to know if there is any way we can work with you to take over those roads.

Mr. Underwood – I went back and researched what subdivisions we are actively working in the Town. The only one that came back from my staff was Sanctuary at Weddington. It is only two roads and a total of .35 miles. That is the only subdivision right now in my district that was actually engaged in communications pursuing punch list repairs. I will not say absolutely we will not add these subdivisions because I know which ones they are. I think we look at them on a case-by-case basis. Based on the direction that we gave in that letter they do not qualify.

Councilwoman Harrison – Is there anything that we can put in place that as those come up and there are a few that we can sit down with you or do we have to sit down with you, the HOA, the developers to come up with some type of agreement?

Mayor Pro Tem Titherington – To clarify what was passed in December, we received a letter with the intent that NCDOT was going to change their policy. The Town has never owned any roads in the past. There is not a change to the Town's policy. Our intent was to put developers on notice that as they develop these new developments that they take that cost into account and structure it so there are no surprises. Staff has taken a look at our existing neighborhoods and to Barbara's point there is not a lot. The Town has never been on record as to building any roads. We would like to see NCDOT work with those folks. I think we have done our job letting developers know going forward.

Mayor Deter – It is the timing of it. That is why we acted almost immediately to try to clarify for developers going forward but our problem area is that we have these subdivisions that were not taken over by NCDOT. We have identified those and it is a pretty limited number.

Mr. Underwood – In Weddington it is a very small number but in a broader sense your neighboring municipalities have large numbers of subdivisions just like this so we have to be careful as we address each individual case. Obviously we will move forward on that and if we can assist case by case we will. For now we are following the direction that we put out in that letter.

Councilwoman Hadley – Were you able to find out other towns in the county and or state that are eligible for Powell Bill Funding or have a tax base of 5 cents or more that have decided not to take over the roads?

Mr. Underwood – I did not receive that information before I left the office. I will find out and get that information to you.

Councilwoman Hadley – I would like to contact them to find out what the consequences were, what problems, what successes they had with doing that.

Mayor Deter – Going forward how confident are we that Powell Funds will continue to be there in the future?

Senator Tucker – Probably full funding for the next three years but it will probably wane. It would depend on the revenue stream and what goes on. If there was financial participation by Weddington to bring closure to this to get NCDOT to take over these roads and to defer some of their initial expense or upfront maintenance expense that would be something that is different from all of these other municipalities with multiple roads. Money moves things along.

Item No. 5. Public Comments.

Ms. Janice Propst – On October 24, I requested copies of emails from our previous Mayor Davidson’s personal account from July 1 through October 24. My request for Mayor Davidson’s personal emails went unanswered. I made the request again on December 12. I did receive two documents that were totally illegible and you can review those as Exhibits 1 and 2. After receiving these illegible documents I shared with Amy our Town Clerk an example of Walker using his personal emails to share Town internal information. Walker took documents from the Town Planner’s office and sent those documents to his constituents to purposely mislead the people he was elected to represent. You can see that in Exhibit 3. This document was a developer’s dream of what he would like to do with his property. It was just a dream and a vision. It never came to the Planning Board much less the Town Council. The developer was told early on that the plan did not meet the Town’s Land Use Plan and the developer withdrew his application. Walker’s behavior was reckless and irresponsible. He used his elected office to mislead our citizens. Most people that would receive something from a Mayor would believe it to be true just for the respect of his office. As citizens of the Town if you never went to a Council meeting and saw his behavior when Walker did not get his way or you did not have any personal experience with Walker you would not know his character or his lack of character. You would not know that he loves or gets satisfaction of giving gullible people half truths and letting their imagination take off to believe whatever they choose to believe. You would not know Walker takes lines out of context to mislead for his benefit. On January 2 I received an email from Amy that said that Walker has asserted to the extent that any other documents that he has are personal in nature or are campaign related and relies on the following authority. He has quoted GS 132.1-1 which is Exhibit 5. I as a taxpaying citizen have every right to see Walker Davidson’s email when he takes Town documents from our Planner’s Office and uses those documents to mislead the citizens of this Town. Mayor Davidson was not running for an office which is what he was quoting. This was not his personal campaign. This is manipulation and this was lying. Mr. Davidson should be ashamed but sadly I know he is not. He is smirking in glee and I call that an elected official at its worse.

Mr. Walter Staton – Atherton Estates will be developed on all sides of where I live. I have worked with Mr. Ken Chapman, Mr. Chase Kerley and Mr. Michael Shea. All three men are professional businessmen. I am happy that they are going to build on one acre lots here in Weddington and all brick homes and sell them for \$500,000 - \$800,000 per house. You can see I will be surrounded by very well built homes. Council – you can see on the preliminary plat that Mr. Shea has put a 50 foot buffer on the seven lots right behind my house. Then I will not be able to look in their bedrooms and they will not be able to look in my bedrooms and we will all have our privacy. That is a good thing. The 50 foot buffer will have no structures or clearing of trees larger than two inches around.

Item No. 6. Additions, Deletions and/or Adoption of the Agenda. Councilwoman Hadley asked to move the following item to next on the agenda: Review and Consideration of Perry South Construction Documents. All were in favor, with votes recorded as follows:

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| AYES: | Councilmembers Hadley, Harrison, Smith and Mayor Pro Tem Titherington |
| NAYS: | None |

Town Administrator Amy McCollum asked to add the following item to the agenda: Review and Consideration of Reducing Hours for Town Planner Jordan Cook.

Mayor Pro Tem Titherington moved to approve the agenda with the one addition. All were in favor, with votes recorded as follows:

| | |
|-------|---|
| AYES: | Councilmembers Hadley, Harrison, Smith and Mayor Pro Tem Titherington |
| NAYS: | None |

Item No. 7. New Business.

A. Review and Consideration of Perry South Construction Documents (Sign, Landscaping and Lighting Plans). The Town Council received the following memo from Town Planner Cook:

Please find the attached application and package from Polivka International for the Perry South entrance sign, landscaping plan and lighting plan. The “construction document” review portion of *Section 58-271* has been included in your packet.

Sign Plan

The freestanding ground sign will be located in the island at the main entrance, perpendicular to Providence Road. The specifications for the monument signs are as follows:

- Sign face total area is approximately 19.70 square feet and will not exceed 20 square feet. The stone monument will be larger as our Code allows.
- Height of monument is approximately 7’.
- Width of monument at base is approximately 17’ 4”.
- The monument is clear of the site triangle and out of State right-of-way at both entrances.
- The applicant has also proposed an interior sign for tenants on the main driveway. This sign is detailed on Sheet L-1 and located on the revised landscaping plan, Sheet L-2.
- Section 58-152 (f) of the *Weddington Zoning Ordinance* permits two signs per subdivision entrance, behind the right-of-way line with a maximum area of 20 square feet per sign. The signs are in general conformance with the *Weddington Zoning Ordinance*.

Landscaping Plan

The applicant is also proposing revisions (depicted on Sheet L-2) to the approved landscaping plan (Sheet C-2). The revised landscaping is supplemental and all proposed plants are listed in the Town’s acceptable plant species list.

Required buffer landscaping is not being modified.

Lighting Plan

The applicant has also included a lighting plan in this submittal package. The lighting plan includes a site plan showing light locations and light fixture details on Sheet E2.4 and E2.4A. Sheet L-3 provides the lighting plan overlaid onto the revised landscaping plan.

Article IV of the Town Ordinance has been included in your packet. The proposed lighting plan for Perry South complies with *Article IV* of the *Town of Weddington Lighting Ordinance* with the following condition(s):

1. Applicant to provide lighting plan displaying footcandles.

The Town Council also received the following:

- Section of Town Ordinance dealing with Review of Plans and Construction Documents
- Entry and Interior Signage and H.V.A.C. Screenwall Plan
- Courtyard: Hardscape and Planting and Interior Property Planting Plan
- Low-Voltage Landscape Lighting Plan
- Planting and Common Open Space Plan
- Electrical Site Plan – Lighting
- Entrance Sign – Front and Side View

Mr. John Temple – We have three different items for your consideration this evening. We received a unanimous vote from the Planning Board for approval of each of these three areas.

Chairman Dorine Sharp – The internal sign on the plan should not be seen from the road.

Mayor Deter – The plan is very nice with a lot of crepe myrtles coming up the drive and accenting the building. There used to be a line of oaks prior to the clearing that came up Providence Road. Is there anything that can be done to restore that line of oaks realizing that it would be 25 years from now before they are up and grown? I know it is a beautiful building and it sits up on the hill but one of the elements of our Land Use Plan is protecting the viewshed. Rather than displaying the beautiful building I visualize either blending it in or hiding it from the road.

Mr. Ted Cleary – There are trees going up this main drive which is very sympathetic in keeping with this type of architecture with the idea of selectively hiding the building and then revealing it. Generally these trees go in at a reasonable size so that it will not be too many years down the road to actually see that effect. There are perimeter plantings that are required by your land development standards.

Mayor Deter – I love crepe myrtles and when they mature I am sure it will be a beautiful drive with them on each side. They generally do not get over 20 feet high.

Mr. Cleary - Those are not crepe myrtles. The client has asked for a certain species of cherry. The front entrance will create an experience of heavy foliage between ground covers and then these trees and shrubs. Some of it is required by the land development standards and some of it is just aesthetic. It is also a function of the grade at the road.

Mayor Deter – What is the height of the landscaping down by the road when it is mature?

Mr. Cleary - These are cherry trees. They are 35 to 40 feet at maturity. The experience as you are driving by a few years from now should be glimpses of the buildings behind the canopies of the tree.

Mayor Pro Tem Titherington – Will the retention pond be completely blocked from the road?

Mr. Cleary - That is recessed. We are not required to have a fence because it is a dry pond. From a car's view it is probably not going to be seen very much.

The Town Council requested clarification on what was approved relative to times that the lights could be on.

Town Administrator McCollum read the following from the minutes: Exterior lighting is minimized to security lighting only from one hour after the last business closes until one hour before the first business opens.

Chairman Sharp advised that the monument sign could be lit all the time.

Mr. Temple – We conclude at 5:00 p.m. every day with our personal business. I think if you want to say 9:00 p.m. it gives plenty of room depending on who our client is.

Chairman Sharp – You could say that the lighting is minimized to security lighting from 9 p.m. to 6 a.m.

Councilwoman Harrison moved to approve the Perry South Construction Documents with the following conditions:

- Applicant to provide lighting plan displaying footcandles
- Signage - Internal sign cannot be seen from the road
- Lighting - Minimized to security lighting from 9 p.m. to 6:00 a.m. with the exception of the entrance sign which will be lit 24/7
- Landscaping – More Mature Trees

All were in favor, with votes recorded as follows:

AYES: Councilmembers Hadley, Harrison, Smith and Mayor Pro Tem Titherington
NAYS: None

Mr. Temple advised the Council that they plan to be able to move in by June 1 of this year.

Item No. 8. Consent Agenda.

A. Consideration of Approval of Resolution of Consideration Identifying Areas as Being Under Consideration for Annexation. The Town Council received the following memo from Town Administrator Amy McCollum and a copy of the map:

Please find attached a map showing areas that the Town has identified as areas for possible future annexation. The original Resolution and Map identifying this area was adopted in 1998. It is recommended that the Town adopt this Resolution every year. By adopting the Resolution, it allows the Town in the future to proceed with involuntary annexation of these areas without having to wait one year before the annexation would become effective. Approval of this Resolution and map only helps to facilitate future annexations.

This is further information from COG regarding Resolution of Considerations (ROC):

Adoption of an ROC does not necessitate notification to affected and/or adjacent property owners. There is no obligation for a community to actually go forward with an annexation if an ROC is adopted. If an ROC is adopted and is not renewed within the initial two-year period post adoption, the ROC is null and void. Having an ROC in place does not preclude another community from adopting a Resolution of Intent (ROI) in any portion of the ROC territory. The advantage for a community to have an ROC adopted and kept in place is that once the initial one-year waiting period is met, a community can at any time thereafter adopt an ROI and formally begin annexation proceedings. Without an active ROC in place (i.e., one that has been in place for at least one year), there will be a one year hiatus in the effective date of an adopted annexation ordinance.

Councilwoman Harrison moved to approve Resolution R-2014-01:

**RESOLUTION OF CONSIDERATION
TOWN OF WEDDINGTON
A RESOLUTION IDENTIFYING THE AREA DESCRIBED HEREIN AS BEING UNDER
CONSIDERATION FOR ANNEXATION
R-2014-01**

BE IT RESOLVED by the Town Council of the Town of Weddington:

Section 1. That pursuant to G.S. 160A-37 (i), the following area is hereby identified as being under consideration for future annexation by the Town of Weddington, under the provisions of Chapter 160A, Article 4A, Part 2 of the General Statutes of North Carolina.

All properties within the boundaries as shown on the attached map are incorporated by reference.

Section 2. That a copy of this resolution shall be filed with the Town Clerk.

Section 3. This resolution shall remain in effect as provided by G.S. 160A-37(i).

Section 4. Owners of agricultural land, horticultural land and forestland within the area under consideration for annexation as described in Section 1 above are hereby notified that they may have rights to a delayed effective date of annexation. G.S. § 160A-49(f1) and (f2) provide that land being taxed at present-use value qualifies for delayed annexation, and land that is eligible for present-use value taxation but which has not

been in actual production for the time period required by G.S. § 105-277.3 may qualify for delayed annexation by making application to the Union County Tax Assessor for certification. For qualified tracts, the annexation will not become effective for most purposes until the last day of the month in which the tract or part thereof becomes ineligible for present-use value classification under G.S. § 105-227.4 or no longer meets the requirements of G.S. § 160A-49(f1)(2). Until annexation of a tract becomes effective, the tract will not be taxed by the Town of Weddington and will not be entitled to services from the Town.

Adopted this 13th day of January, 2014.

Adopted: June 8, 1998
Renewed: May 8, 2000
Renewed: April 8, 2002
Renewed: March 8, 2004
Renewed: February 13, 2006
Renewed: January 14, 2008
Renewed: January 12, 2009
Renewed: February 8, 2010
Renewed: January 17, 2011
Renewed: February 9, 2012
Renewed: February 11, 2013

All were in favor, with votes recorded as follows:

| | |
|-------|---|
| AYES: | Councilmembers Hadley, Harrison, Smith and Mayor Pro Tem Titherington |
| NAYS: | None |

Item No. 9. Public Hearings and Consideration of Public Hearings.

A. Public Hearing to Review and Consider Proposed Text Amendments to Article XIII – Floodplain. The Town Council received a copy of the proposed text amendments. Mayor Deter opened the public hearing.

Chairman Sharp reviewed the proposed text amendments. She stated, “The changes are basically to form numbers and dates. This was required by FEMA and it is basically a housekeeping item.”

With there being no one wishing to speak regarding this item, Mayor Deter closed the public hearing.

B. Consideration of Ordinance Adopting Proposed Text Amendments to Article XIII – Floodplain.

Mayor Pro Tem Titherington moved to adopt Ordinance O-2014-01:

**AN ORDINANCE TO AMEND ARTICLE XIII – FLOOD DAMAGE PREVENTION, DRAINAGE,
STORMWATER MANAGEMENT AND WETLAND PROTECTION
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2014-01**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT ARTICLE XIII – FLOOD DAMAGE PREVENTION, DRAINAGE, STORMWATER MANAGEMENT AND WETLAND PROTECTION OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 58-452. Basis for establishing the special flood hazard areas.

The special flood hazard areas are those identified under the cooperating technical state (CTS) agreement between the State of North Carolina and FEMA in its flood insurance study (FIS) and its accompanying flood insurance rate maps (FIRM), for Union County and incorporated areas, dated ~~October 16,~~

2008 February 19, 2014, which are adopted by reference and declared to be a part of the ordinance from which this article derives.

Sec. 58-482. Floodplain development application, permit and certification requirements.

(c) *Certification requirements.*

(1) Elevation certificates.

- a. An elevation certificate (FEMA Form ~~81-34~~ **086-0-33 (7/12)**) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to mean sea level. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
- b. A final as-built elevation certificate (FEMA Form ~~81-34~~ **086-0-33 (7/12)**) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy.

- (2) Floodproofing certificate. If nonresidential floodproofing is used to meet the regulatory flood protection elevation requirements, a floodproofing certificate (FEMA Form ~~81-65~~ **086-0-33 (7/12)**), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.

Sec. 58-483. Duties and responsibilities of the floodplain administrator.

The floodplain administrator shall perform, but not be limited to the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this article have been satisfied.

- (2) Review all proposed development within special flood hazard areas to assure that all necessary local, state and federal permits have been received.
- (3) Notify adjacent communities and the North Carolina Department of ~~Crime Control and~~ Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

Sec. 58-566. Effect on rights and liabilities under the existing flood damage prevention ordinance.

This article in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted April 8, 1987 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of the ordinance from which this article derived shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the Town of Weddington enacted on ~~October 13, 2008~~ **April 8, 1987**, as amended, which are not reenacted herein are repealed.

Adopted this 13th day of January, 2014.

All were in favor, with votes recorded as follows:

| | |
|-------|---|
| AYES: | Councilmembers Hadley, Harrison, Smith and Mayor Pro Tem Titherington |
| NAYS: | None |

C. Public Hearing to Review and Consider Proposed Text Amendments to Section 46-46 – Subdivision Checklist. The Town Council received a copy of the proposed text amendments. Mayor Deter opened the public hearing.

Chairman Sharp - Recently the Council added to the subdivision checklist that subdividers had to put the location of fire hydrants on their plats. We have also added that they must include a 10 x 10 easement around the hydrant. This was done to guarantee that the firefighters will not have any trouble in getting to the hydrant and finding it and hooking up the hoses.

With there being no one wishing to speak, Mayor Deter closed the public hearing.

D. Consideration of Ordinance Adopting Proposed Text Amendments to Section 46-46 – Subdivision Checklist. Mayor Pro Tem Titherington moved to adopt Ordinance O-2014-02:

**AN ORDINANCE TO AMEND SECTION 46-46
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2014-02**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 46-46 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 46-46. - Information to be contained in or depicted on preliminary and final plats.

The preliminary and final plats shall depict or contain the information indicated in the following table. An 'X' indicates that the information is required. Preliminary plat information is only required for major subdivisions.

| Information | Preliminary Plat | Final Plat |
|---|------------------|------------|
| Title block containing the subdivision name and the name of the owner | X | X |
| Location (including township, county and state) | X | X |
| Date or dates survey was conducted and plat prepared | X | X |
| A scale of drawing in feet per inch listed in words and figures | X | X |
| A bar graph scale and north arrow | X | X |
| The name of the subdivider | X | X |
| A sketch vicinity map with north arrow showing the relationship between the proposed subdivision and surrounding area | X | X |
| The names, addresses and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects and professional engineers responsible for the subdivision | X | X |
| The registration numbers and seals of the professional engineers and land surveyors | X | X |
| Date of plat preparation | X | X |
| The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown | X | |
| The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands | | X |
| The names of owners of adjoining properties | X | X |
| The names of any adjoining subdivisions of record or proposed and under review | X | X |
| Minimum building setback lines | X | X |
| The zoning classifications of the tract to be subdivided and on adjoining properties | X | |
| Existing property lines on the tract to be subdivided and on adjoining properties | X | X |
| Existing buildings or other structures, watercourses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining | X | X |
| Proposed lot lines, lot and block numbers, and approximate dimensions | X | X |
| The lots numbered consecutively throughout the subdivision | | X |
| Marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site | X | X |
| The exact location of the flood hazard, floodway and floodway fringe areas from the town's FEMA maps in compliance with chapter 58, article XIII of the Weddington Code of Ordinances | X | X |
| Septic tank suitability data furnished by the appropriate county health department | X | |
| Proposed roads with horizontal and vertical alignment | X | X |
| Existing and platted roads on adjoining properties and in the proposed subdivision | X | X |
| Rights-of-way, location and dimensions | X | X |
| Pavement widths | X | X |
| Proposed grades (re: Roads) | X | X |
| Design engineering data for all corners and curves | X | X |

| | | |
|--|---|---|
| Typical road cross-sections | X | X |
| Road names | X | X |
| If any road is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as required by the state department of transportation, division of highways' manual on driveway regulations. Evidence that the subdivider has obtained such approval | X | X |
| Subdivisions which are connected to Union County water systems must show the location of proposed fire hydrants <u>with a 10'X10' easement around the hydrant</u> in accordance with Union County Public Works standards. | X | X |
| The location and dimensions of all utility and other easements | X | X |
| The location and dimensions of all buffer strips | X | X |
| The location and dimensions of all pedestrian or bicycle paths | X | X |
| The location and dimensions of all school sites, both existing and proposed | X | X |
| The location and dimension of all parks and recreation areas with specific type indicated | X | X |
| The location and dimensions of areas to be used for purposes other than residential with the purpose of each stated | X | X |
| The future ownership (dedication or reservation for public use to governmental body, homeowners' association, or for tenants remaining in subdivider's ownership) of recreational and open space lands | X | X |
| Acreage in total tract to be subdivided | X | |
| Acreage in parks and recreational areas and other nonresidential uses | X | |
| Total number of parcels created | X | |
| Acreage in the smallest lot in the subdivision | X | |
| Linear feet in streets | X | |
| The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is listed on the U.S. Department of Interior's National Register of Historic Places or is designated as a local historic property by the county | X | X |
| The accurate locations and descriptions of all monuments, markers and control points | | X |
| A copy of the approved erosion control plan submitted to the appropriate field office of the department of natural resources and community development, land quality division, for any major subdivision | X | X |
| A copy of any proposed deed restrictions or similar covenants | X | X |
| A separate map drawn at the same scale as the preliminary plat showing only proposed streets and lot lines, topography with contour intervals of no greater than ten feet (at the discretion of the subdivision administrator, contour intervals of five feet may be required), and an accurate mapping of soil classifications found on the site and general depths thereof | X | |
| A disk or tape copy of the final plat to be submitted in a format compatible to the town's GIS system. If this can not be supplied, expenses will be charged to the developer for the service to be completed by the town plus 15 percent | | X |
| A copy of the approved roadway plan submitted to the appropriate office of the state department of transportation for any major subdivision | X | |
| A copy of permits from Army Corps of Engineers, pursuant to section 58-342 | X | |
| The location and dimensions of all drainage easements as defined in article XIII of the | X | X |

| | | |
|---|---|---|
| <u>chapter 58</u> , including P.E. certification when required | | |
| Compliance with section 58-338, "setbacks from streams" | X | X |
| Establishment of flood protection elevation (FPE) in accordance with section 58-338 | X | X |
| Drainage, stormwater management plan and wetland protection plan demonstrating compliance with <u>Chapter 58</u> , Article XIII, <u>Division 6</u> of the Weddington Code of Ordinances | X | X |

Adopted this 13th day of January, 2014.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Hadley, Harrison, Smith and Mayor Pro Tem Titherington
NAYS: None

Item No. 10. Old Business.

A. Review and Consideration of the Preliminary Plat for Atherton Estates. Mr. Michael Shea - I want to thank you for having us go back and look at this because I think the fruits of our homework and to-dos over the last month helped us come up with a better plan. We appreciate you challenging us. We really did not find the private drive aspect of it attractive so we would like to build a private road. The width would be that of a public road. These particular homes will now rear onto Highway 84 and they would be much further from the road. The lots themselves are 240 feet deep. We are estimating that the rear of the homes to be somewhere around 135 to 140 feet from the road. I am here tonight with our traffic engineer and our design engineer. Last time Mr. Randy Goddard was not here and he sent an associate. He has been working on this personally. Another item you asked us to investigate was a left in to the community on Matthews-Weddington Road. I am going to ask Randy to speak on that. NCDOT did not require that improvement. We are asking Council to not require us to make that improvement.

Mr. Goddard discussed the traffic study in great detail with the Town Council. He stated, "We provided the Traffic Transportation Technical Memo for the site and we did not have to do a full traffic study because it was not that large of a subdivision and in talking with NCDOT that was all they required. We used numbers based on ITE – which is the Institute for Transportation Engineers standard number that NCDOT accepts for single family homes. More trips are going to be generated from the 84 entrance. The traffic document has been reviewed and approved by NCDOT. It goes back to the recommendations of a left turn lane in and a right turn lane at the access on Highway 84. Based on the very low volume and very low number of trips on Weddington-Matthews Road that is why we did not recommend a left turn lane at that location."

Councilmember Smith questioned when this study was done.

Mr. Goddard – We did one traffic count that was required on Highway 84 east of the roundabout. These are the estimates that are in and out at the access points.

Council felt that the numbers were very low based on what is actually going on in the Town.

Mr. John Underwood - Typically a residential subdivision that does not exceed 300 homes does not require a traffic impact analysis from NCDOT. It is just the nature of the land use. I see the concern of trips generated but the intensity of the trips generated do not equal that of a small retail. That is the reason that the technical memo was done in lieu of the full blown traffic impact analysis. We do this with every development that comes to us in our district and across the state. I know it is hard to follow. When we look at the site we agree on a trip distribution. That is our best educated guess of what direction those trips are going to be taking. The majority of the folks that live here in my opinion are going to leave and go to Providence Road and disperse from there. They are leaving and going towards a location of employment. Then in the evening they are coming back. That is the basis of this study. We met various times to look at different assumptions and it was ultimately approved.

Highway 84 was actually already permitted based on the smaller subdivision that was approved. DOT ultimately said on that approval a left turn lane requirement based on the sheer volume that 84 carries. A 30 lot subdivision on a two lane secondary road with low volumes would not require turn lane improvements. Since this is on Highway 84 we said you have to build a left turn lane to minimum standards which is a short storage. When the larger Atherton Estates Subdivision came on line then we went back and said they had to provide more storage on the left turn lane on Highway 84 and provide a right turn lane. The left turn lane is more significant. If I had to pick one the right would go away and the left would remain. That is where the volume of your traffic is coming from. We are not concerned with traffic coming left out of the subdivision. It is such a small factor that it does not trigger any type of requirement from NCDOT.

Councilmember Smith – Have you ever done a post survey to see if your numbers were correct?

Mr. Underwood – If there was a demonstrated problem absolutely we would come back.

Mr. Goddard – ITE is a national document. If I was anywhere else in the country it is still those standards for a single family home. There have been hundreds if not thousands of studies to verify those numbers. For single family this is a national standard for everyone. The peak hours are four consecutive 15 minute periods between 7 and 9 in the morning and 4 to 6 in the evening.

Councilwoman Harrison – You are not taking into consideration that every mother in Weddington takes their kids to school, picks the kid up, takes them to dance, WCWAA, etc. Those are not the peak hours in my neighborhood.

Mr. Goddard – The counts were taken when school was in session.

Mayor Pro Tem Titherington – You are going to put in 102 homes that have access to either Weddington-Matthews Road or Highway 84 and the assumption is that in the morning you've got five people that are going to take a left out on 84. That is when the kids are going to the high school. You are going to have more than five high school kids in that subdivision. They are not riding the bus and you have 700 cars that go to the high school every day.

Mr. Goddard – Even if you were to multiply it by six that is 30. That is one every two minutes. That is a very low volume as far as turning out. The other thing to remember is you are downstream from the roundabout. The roundabout itself causes a delay and will provide the gaps for traffic to be able to make the left turn out.

Mayor Pro Tem Titherington – The roundabout does not slow down traffic. The way that was designed was an issue. The cars that come out of here during your peak hours stay in that outside lane because they put a double one in. I can appreciate the studies but it is not what is going on in our neighborhood. The schools and WCWAA are down here. You are going to have more than five high school students. That is the issue that we need you to help us to find a solution to.

Mr. Goddard – When we took the count there, the volume in the peak hours heading to the schools was 455 and coming the other direction it was 837. In the afternoon going east was 1,061 and going west is 610. From that you can see that there is not that huge percentage of traffic that is going to the schools at that time based on the count that we did out there while school was in session less than six months ago just down from the roundabout. There are not thousands of cars going to the school. It is a smaller number than some people may think. You also have the letter from NCDOT.

Mayor Pro Tem Titherington – The other issue is when you look at your counts on Weddington-Matthews Road. The Bromley Subdivision is being built out now which will drop in about 100 yards from your road there. People do not come down Providence to go to the roundabout. They take a left at Hemby Road, shoot down to Weddington-Matthews Road and take a right and come in this way. Your traffic assumptions are

incorrect for a lot of people that live off of that way. Orleans just bought 90 acres on Matthews-Weddington Road. You are funneling all of that down that road with no left hand lane to get into this subdivision.

Mr. Shea – We have heavily considered the fact that there are traffic issues in the area. I think we have done what this Council has asked us to do with regards to Highway 84. Pending approval we would concede to build the left turn lane on Weddington-Matthews Road. That is above what NCDOT requires.

Mr. Underwood – When a subdivision comes to us we can pretty much say what is going to be required without a traffic study. If you look at their trip distribution and based on what DOT can require and justify the right turn lane on Weddington Matthews Road is more important to me that the left turn lane is. I will not say that I would advocate against a left turn lane we would love to get a left turn at every fruit stand on Highway 16 or wherever they are located and we do not get them. NCDOT is going to require a right turn on Weddington-Matthews Road. As it stands now, we have a traffic study that is done and that is the governing document.

Councilwoman Harrison – For me I would like right turning lanes everywhere but I also think that we should have a left there.

Mr. Underwood – There is a required left turn lane at Bromley and no right turn lane. Not saying that we would not love to have all of it. From NCDOT's policies and procedures there is only a certain amount of requirements that we can enforce and it is based on the ITE.

Mr. Shea – We originally agreed to a right turn lane on Weddington-Matthews Road and now we are agreeing to build a left. This is obviously above and beyond what NCDOT required of us.

Councilmember Harrison – We appreciate that.

Mayor Pro Tem Titherington – Great job on the reworking of Highway 84. On Highway 84 is there bailout room if someone gets into that turning lane by mistake?

Mr. Underwood – I would prefer that not to happen but it will be 36 feet wide.

Mr. Goddard – It will be 12 foot in the middle so if someone wanted to make the move they could do it. Not that we want to encourage that. They would have the room to do that.

Councilwoman Hadley moved to approve the preliminary plat for the Atherton Estates with the following conditions:

The Atherton Estates Conventional Subdivision Preliminary Plat has been found to be in general compliance with the Town of Weddington Zoning and Subdivision Ordinances with the following conditions:

1. Development subject to review and approval/permitting of construction documents, driveways permit(s), etc. by NCDOT;
2. Development subject to review and approval of construction documents by Town's Engineering Consultant, US Infrastructure;
3. Development subject to review and approval/permitting of construction documents by Union County Public Works;
4. Covenants, Conditions and Restrictions (CCRs) and Maintenance Plan and Maintenance Agreement shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;
5. Plans for subdivision entry monument to be approved by the Planning Board;
6. Incorporate Left Turn Lane on Weddington-Matthews Road

All were in favor, with votes recorded as follows:

AYES: Councilmembers Hadley, Harrison, Smith and Mayor Pro Tem Titherington
NAYS: None

B. Discussion and Consideration of Memorandum of Understanding with the Providence Volunteer Fire Department – Mayor Bill Deter. The Town Council received a copy of the Memorandum of Understanding. Councilwoman Hadley moved to delay consideration to a later date. All were in favor, with votes recorded as follows:

AYES: Councilmembers Hadley, Harrison, Smith and Mayor Pro Tem Titherington
NAYS: None

Item No. 11. New Business.

A. Discussion and Consideration of Directing Staff and Planning Board to Develop Text Regarding Wedding and Banquet Facilities – Mayor Bill Deter. The Town Council received a copy of Section 58-52, 58-53, 58-54, 58-58 and 58-60 of the Code of Ordinances.

Mayor Deter – This is basically taking future wedding and banquet facilities and moving them back to M-X.

Chairman Sharp - Because the one that was approved as conditional zoning if the text is changed does it make it a non-conforming use? The change will be that wedding and banquet facilities will be removed from conditional zoning under residential to M-X zoning.

Attorney Fox - That approval would have predated that. I do not think it would be non-conforming because it still would be an allowable use but under a different zoning classification.

Mayor Pro Tem Titherington moved to direct staff to develop text to return wedding and banquet facilities back to M-X. The vote on the motion is as follows:

All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Smith and Mayor Pro Tem Titherington
NAYS: Councilwoman Hadley

B. Review and Consideration of Approving Contract for Cape Construction Company to Install Carpet in Town Hall – Councilwoman Pamela Hadley. The Town Council received the following quotes for the installation of carpet at the Town Hall:

| | | |
|------------------------------|---|------------|
| Diamond Floor Covering, Inc. | - | \$5,035.13 |
| Cape Construction Company | - | \$5,237.00 |
| Cape Construction Company | - | \$4,796.47 |

The Town Council also received an Independent Contractor Agreement with Cape Construction for the installation of carpet at the Weddington Town Hall.

Councilwoman Hadley reviewed the proposals with Town Council and moved to approve the contract with Cape Construction for \$4,796.47 and requested a 20% contingency which would allow up to \$5,754.00 and contingent upon review of the contract by the Town Attorney.

Councilwoman Harrison – How much are we carpeting and what is the warranty for the carpet?

Councilwoman Hadley informed the Council that the carpet came with a 10-year warranty and the contract is to carpet everything that is currently carpeted.

Councilwoman Harrison – When was the current carpet put in?

Town Administrator McCollum – Six years ago.

Councilwoman Harrison – This carpet is so stained.

Councilwoman Hadley – It is cheap. What we have picked out is a commercial grade and I think if Council would budget every year to have it cleaned that would help with the appearance of it. Going from an indoor/outdoor square to a commercial grade carpet will make a big difference in the longevity. Whichever one I picked I was going to put a contingency on to plan for any items that may happen with moving electronics, etc.

All were in favor, with votes recorded as follows:

| | |
|-------|---|
| AYES: | Councilmembers Hadley, Harrison, Smith and Mayor Pro Tem Titherington |
| NAYS: | None |

C. Review and Consideration of Participating in Union County's Earth Day. The Town Council received the following information:

The Union County 'Down to Earth Day' 2014 Planning Committee has invited the Town to participate in their Earth Day event which is being held Saturday, April 5th from 10am - 3pm at the Union County Agricultural Center and grounds. They would like to have all municipalities of Union County represented. Sponsorship levels range from \$50 to \$2,000 and booth fees are \$25. They advised that the Town may want to put together a 'Town Basket' with local items or gift cards for their raffle. The morning of the event they are hosting a 5K Trail Run/Walk and would love to see 'Town Teams' participate/compete in the race.

The Town Council also received the following:

- Letter regarding the event
- Sponsorship Level Opportunities
- Union County Extension Master Gardeners Volunteer Association Information Sheet

Councilwoman Harrison advised that she could put together a basket filled with Town items along with a few items that she may have to purchase. She moved to participate in Union County's Earth Day by contributing a basket in an amount not to exceed \$50.00. All were in favor, with votes recorded as follows:

| | |
|-------|---|
| AYES: | Councilmembers Hadley, Harrison, Smith and Mayor Pro Tem Titherington |
| NAYS: | None |

D. Consideration of Proposal for Facilitator to be Used for Town Retreat and Discussion of Town Retreat. The Town Council received the following memo from Town Administrator McCollum:

The Town Council Retreat is scheduled for Thursday, February 6 and Friday, February 7 from 9 to 5 at the Firethorne Country Club. Chairman Dorine Sharp and Vice-Chairman Rob Dow are planning to attend on behalf of the Planning Board. Town Staff will include Attorney Fox, Finance Officer Leslie Gaylord and myself.

Please submit agenda items to me by January 20. I am still receiving proposals to have a facilitator at the retreat. At the present time the proposals are ranging from \$1,200 to \$2,500. The use of a facilitator was not budgeted for the retreat.

Mayor Pro Tem Titherington moved to authorize staff to contract with COG to facilitate the Town Retreat at a cost not to exceed \$1,200. All were in favor, with votes recorded as follows:

AYES: Councilmembers Hadley, Harrison, Smith and Mayor Pro Tem Titherington
NAYS: None

E. Review and Consideration of Reducing Hours for Town Planner Jordan Cook. Councilwoman Harrison moved to change Town Planner Jordan Cook from a full-time position to 20+ hours a week at an hourly rate instead of salaried.

Council discussed the difference between him being a part time employee versus a contract employee.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Hadley, Harrison, Smith and Mayor Pro Tem Titherington
NAYS: None

Item No. 12. Update from Town Planner. The Town Council received the following update memo from Town Planner Cook:

- At their December 16th meeting, the Planning Board approved the Sketch Plan application from Pulte Homes for a 48 lot conservation subdivision called The Haven. The applicant can now submit their Preliminary Plat for review.
- Staff has received a Preliminary application for the six lot Graham Hall subdivision located on Weddington-Matthews Road across from Weddington Swim and Racquet Club. This plan will be on the January 27th Planning Board agenda.
- Staff has received a Preliminary Plat application for the 15 lot Bard Property subdivision located on Hemby Road. This plan will be on the February 24th Planning Board agenda.
- Staff has received a Sketch Plan application for the six lot Ascot Estates subdivision located on Weddington Road across from the WCWAA.
- The following items were on the December 16th Planning Board agenda:
 - Perry South Construction Documents
 - The Haven Subdivision Sketch Plan-Approved
 - Vintage Creek Entrance Monument Signs-Approved
- The following items will be on the January 27th Planning Board agenda:
 - Graham Hall Subdivision Preliminary Plat
 - Text Amendments addressing the new NCDOT Subdivision Street Policy
 - Text Amendment regarding Corner Lots abutting major/minor thoroughfares
- The Town of Weddington issued a total of 436 permits 2013. Following is a breakdown:
 - New Homes-150
 - Compliance Certificates-114
 - Accessory Structures (Pools, Detached Garages, Buildings, etc.)-49
 - Upfits (Interior Modifications to Home) and Additions-123

In 2012 the Town issued 89 permits for new homes, 71 upfit and addition permits, 37 accessory permits and 50 certificates of compliance permits. In 2011 the Town issued 51 permits for new homes, 74 upfit and addition permits, 31 accessory permits and 42 certificates of compliance permits. In 2010 the Town issued 34 permits for new homes, 80 upfit and addition permits and 51 accessory permits.

Item No. 13. Update from Town Administrator/Clerk. The Town Council received the following update from Town Administrator McCollum:

- Many of you know that Jordan Cook has resigned his full-time position with the Town and will be working with the Town 20+ hours a week until a new Town Planner is hired and trained.
- We are working on the next newsletter which should hopefully be sent out the first week in February.

- We will be closed next Monday in observance of Martin Luther King's Birthday.
- I am in contact with NCDOT and Highway Patrol to get the number of accidents that have occurred in the roundabout and also if there is better signage that can be installed.
- The street lights that were vandalized have been repaired.
- The speed limit radar sign that was recommended by the Public Safety Committee and approved by the Town Council has come in. I will be working with the deputies on getting installed.
- I will be out next week at a certification class – Wednesday through Friday.
- We did receive payment from NCDOT in the amount of \$2,489.20 for reimbursement of the mowing of the medians, etc.
- We have had a call from a citizen notifying us of a garbage area in someone's yard on Huntington Drive. Chairman Sharp is investigating and the proper violation letter will be sent.
- The next Public Safety Advisory Committee will be held in March.
- The next Planning Board Meeting is scheduled for January 27 along with the organizational meetings for Historic Preservation Commission and the Board of Adjustment.
- Save the Date: Easter Egg Hunt will be held in April.

Item No. 14. Public Safety Report.

Weddington Deputies – 783 Calls

Wesley Chapel VFD responded to 25 total incidents in the Town of Weddington in December. There were 3 fire alarms, 2 structure fires and one accident for mutual aid.

PROVIDENCE VFD

Monthly Training- Providence VFD members completed a total of 400.45 hours of training in December. This total includes training taken both in-house and out-of-house.

Calendar Year Training- Our members completed an astounding 7290 hours of training throughout the year. This was a significant increase compared to 2012 due to the exceptional efforts of our training officer and implementation of our new training incentive program.

Highway 55 Benefit: Highway 55 Burgers, has agreed to host a benefit night where 10% of the sales will go to the Mike Demartini fund. The event is scheduled for January 15th, 2014 from 5pm-10pm. For more information please visit the www.providencevfd.com or email Travis Manning at tmanning@providencevfd.com.

Call Statistic Month End

Union County:

Fire 33 + EMS 19 = Total 52

Mecklenburg County:

Fire 4 + EMS 0 = Total 04

Department Total:

Fire 37

EMS 19 Total 56

Call statistics Calendar Year End:

| FIRE CALLS | EMS CALLS |
|------------|-----------|
| 19 | 22 |
| 33 | 16 |
| 29 | 14 |

| | |
|-----|-----|
| 12 | 12 |
| 26 | 10 |
| 34 | 10 |
| 25 | 10 |
| 38 | 26 |
| 21 | 7 |
| 14 | 14 |
| 30 | 7 |
| 37 | 19 |
| 318 | 167 |

| | |
|------------|-----|
| TOTAL 2013 | 485 |
|------------|-----|

The Town Council also received the Income and Expense Budget Performance and Balance Sheet for December 2013.

Item No. 15. Update from Finance Officer and Tax Collector.

A. Finance Officer's Report. The Town Council received the Revenue and Expenditure Statement by Department and Balance Sheet for 12/1/2013 to 12/31/2013.

B. Tax Collector's Report. Monthly Report – December 2013

| | |
|---|---------------------|
| Transactions: | |
| Balance Adjustment | \$(25.00) |
| Adjustments <\$5.00 | \$.43 |
| Penalty and Interest Payments | \$(26.66) |
| Refunds | \$5,091.48 |
| | |
| | |
| Taxes Collected: | |
| 2012 | \$(194.58) |
| 2013 | \$(186,533.17) |
| | |
| As of December 31, 2013; the following taxes remain Outstanding: | |
| 2002 | \$82.07 |
| 2003 | \$129.05 |
| 2004 | \$122.90 |
| 2005 | \$252.74 |
| 2006 | \$131.13 |
| 2007 | \$144.42 |
| 2008 | \$1,684.55 |
| 2009 | \$1,864.68 |
| 2010 | \$2,102.27 |
| 2011 | \$3,580.27 |
| 2012 | \$10,163.09 |
| 2013 | \$231,073.36 |
| Total Outstanding: | \$251,330.53 |

Item No. 16. Transportation Report. Councilwoman Harrison gave a brief update of when the next transportation meetings will be.

Item No. 17. Council Comments. Councilwoman Hadley – I want to thank the staff again for the audit. I know how hard you all work. It is nice when you get positive reinforcement for what you do all year long.

Item No. 18. Adjournment. Councilwoman Harrison moved to adjourn the January 13, 2014 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

| | |
|-------|---|
| AYES: | Councilmembers Hadley, Harrison, Smith and Mayor Pro Tem Titherington |
| NAYS: | None |

The meeting adjourned at 9:37 p.m.

Bill Deter, Mayor

Amy S. McCollum, Town Clerk