

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, APRIL 14, 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 April 14, 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, Tax Collector Kim Woods and Town Planner Julian Burton

Absent: None

Visitors: Chris Duggan, Linda Watt, Cory Riback, Dorothy McKnight, Marianne McKnight, Bill Price, Jennifer Romaine, Rick Yager, Debra Welch, Harry Welch, Steven Carow, Vincent Wolfe, Gene Melchior, Isaac Harrow, Chris Faulk, Robert Mikes, Janet Kennelly, Ruth Rupert, Locke Stuart, Shelva Stuart, Craig Hazeltine, Cathy Killough Brown, Tony Gipson, Brenda Stone, Don Titherington and Tracy Stone.

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

Item No. 1. Open the Meeting. Mayor Bill Deter called the April 14, 2014 Regular Town Council Meeting to order at 7:04 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. Special Recognition.

A. Kim Woods – Tax Collector/Assistant Zoning Administrator. Mayor Deter recognized Kim Woods on working for the Town for 10 years as Tax Collector/Assistant Zoning Administrator. He provided Ms. Woods with a certificate and also commended her work for the Town.

Councilwoman Pamela Hadley - I am well aware that the surrounding municipalities would love to get their hands on any or all of our staff which includes Kim. We have a lot to be thankful for your dedication, your professionalism and the quality of your work which you have provided to the Town over the last 10 years.

Item No. 5. Public Comments. Ms. Linda Watt - We are all here because we love this Town. I know that you are sitting there because you love this Town and I am standing here because I love this Town. Unfortunately this onset of circumstances that we are in and this lawsuit is wacky because we are all together even though on paper we can't be right now. A ground tank is something we should really move forward with. I want to lead in with Rick Yager who has done research on this and I am going to have him come up right now and blow our minds on ground towers versus the tower that Union County Public Works has been forcing down our throats.

Mr. Rick Yager provided a handout to the Council which is attached as an exhibit. He stated, "I was involved with the mediation with Union County this past week. We left that mediation feeling that we need to find about \$1.5 million for this ground tank versus the elevated tank. I did a study. The top piece of this basically states what we know - that the elevated tank is one million gallons in capacity, 179 feet in height and they have given us a cost estimate of \$2.7 million in hard costs. I have done research with some of the engineers and they said it costs about \$15,000 per linear foot to build these towers. They also said that their hard and soft costs combined

for engineering, plans and geotechnical stuff is \$4.7 million and other incidentals taking it to \$7.8 million. I don't know what the \$3 million in incidentals is. For my discussion here the hard costs to build the structure is \$2.7 million. I got on the phone today for about three to four hours, made some phone calls about the ground tank costs and I spoke to several companies. One was a company that has constructed over 3,000 composite tanks for municipalities, industrial and institutional clients in the southeast. I told them that we had a 1.5 million gallon ground tank. It seemed like he was looking at a chart and said that the amount would be \$715,000. That is for a concrete structure, steel frame diaphragm – 35' 4" high – a little better than 179 feet. It is 85 feet in diameter. That is one piece of it. The other piece is that we would need a pump. I called another company that specializes in water treatment facilities, pump stations, water/sewer lines, etc. He said that they have done several of those recently and he threw out the number \$1.5 million dollars. We don't have the hydraulics of the system but that is the number that he threw out. Lastly, if there is a power outage you would need generators and he threw out a number of \$50,000 to \$250,000 so I put it in the middle at \$150,000. You take the \$715,000, the \$1.5 million and the \$150,000 and you add that up it is \$ 2,365,000. That is less costly than to build the elevated tank and that is not what we have been hearing from Union County. I was told by an engineer that works with water tanks that advised that ground tanks are less expensive than elevated tanks. There may be some operating costs with the ground tank and Union County said \$20,000 a year for the next 20 years. One of the contractors was involved in the one million gallon Catawba ground tank that was recently completed. The total cost was \$2.2 million. I believe that included some soft costs as well. Again that is less than we are looking at with this elevated tank."

Mr. Harry Welch – I am probably preaching to the choir about this water tower issue but I did want to say a few things about this. We need to figure out a strategy of bringing Rick's information to the County Commissioners. Weddington is a place where we are progressing. As we are moving and progressing why would we want to put in an old school water tower? The technology today that we have to be able to build a ground tank for \$715,000 why not keep with that progression and keep moving Weddington in a direction that says we are progressing that we are not moving backwards? We need to figure out a way to get the County Commissioners to help us progress and not just to default to the path of least resistance.

Ms. Brenda Stone – I am just here to support the installation of a ground tank. I am fully in favor of doing something that is going to enhance Weddington rather than to detract from it. The 179 foot tower is not going to do anything but detract from our beautiful town. Please give this your full consideration and do the right thing.

Attorney Chris Duggan – I represent a number of individuals that have filed the lawsuit. I thank the Council's indulgence for allowing me to speak. I sent you an email. The gist of my email was that no one wants a water tank near their home. The problem is that it has to go somewhere and as Rick pointed out it may actually be cheaper to build the ground tank. If it is going to be cheaper why would we as a Town not look to have the least amount of impact on all of our citizens? Not just the citizens near the King Property, not just near Hemby Road but all the citizens. This is a community that values the aesthetic views and the horse farms. As I drive to work each morning I would rather drive by a cow than a car. With all the development that is going on in Weddington there is no question that water is needed. I recognize that and I have a family member that is in need of the water. I feel for those as well as do my clients. These are the things the Town needs to recognize and consider. This impact is not going to be here for 10 or 20 years - it is going to be here 30, 40, 50 or 60 years from now. What is going to become of that area? I doubt that you see many acre plus homes going in that area after the water tower is constructed. I think a dialogue needs to be opened and I recognize that it is very difficult to deal with the situation in its current position. I maintained all along as I do now that if reasonable minds get together there is always a solution. I would ask that you give consideration for endorsing a difference in costs for the citizens of Weddington. I ask that you consider going back to the County and trying to open up a dialogue.

Item No. 6. Additions, Deletions and/or Adoption of the Agenda. Finance Officer Leslie Gaylord asked to add the following two items under New Business:

- Review and Consideration of Purchasing New Council Chairs

- Discussion of Painting Town Hall

Councilwoman Pamela Hadley moved to add the two items to the agenda. All were in favor, with votes recorded as follows:

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

Councilmember Michael Smith asked that the Public Safety Update be moved up on the agenda following the Consent Agenda.

Councilwoman Hadley moved to approve the agenda with the change in order. All were in favor, with votes recorded as follows:

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

Item No. 7. Approval of Minutes.

A. March 10, 2014 Regular Town Council Minutes. Councilwoman Barbara Harrison moved to approve the March 10, 2014 Regular Town Council Meeting minutes. All were in favor, with votes recorded as follows:

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

B. March 27, 2014 Special Town Council Minutes. Councilwoman Harrison moved to approve the March 27, 2014 Special Town Council Meeting Minutes. All were in favor, with votes recorded as follows:

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

Item No. 8. Consent Agenda.

A. Approval of Proclamation Proclaiming April as Child Abuse and Sexual Assault Awareness Month.

Councilwoman Harrison moved to approve Proclamation P-2014-03:

**TOWN OF WEDDINGTON
APRIL 2014
CHILD ABUSE PREVENTION MONTH &
SEXUAL ASSAULT AWARENESS MONTH
P-2014-03**

WHEREAS, preventing child abuse and neglect, and sexual violence is a community problem affecting both the current and future quality of life of our community;

WHEREAS, Union County Department of Social Services accepted 1,293 reports of child abuse representing over 2,851 children in 2013;

WHEREAS, 731 children, adults and family members impacted by child abuse, sexual assault and victims of other crimes were served through Safe Alliance's Clinical and Victim Advocacy services including The Tree House Children's Advocacy Center during FY2013;

WHEREAS, 99% of the children served by the Tree House Children's Advocacy Center were sexually abused by a trusted relative or other known person and 30% of the children served were sexually abused by other children in FY2013;

WHEREAS, 87% of sexual assault victims were under the age of 19; 67% of children served were under the age of 13; 28% were under the age of 5;

WHEREAS, child abuse and neglect not only cause immediate harm to children, but are also proven to increase the likelihood of criminal behavior, substance abuse, health problems, and risky behavior thereby increasing the cost of community support services;

WHEREAS, all citizens should be protected from sexual and physical violence;

WHEREAS, Safe Alliance's Victim and Clinical Services programs exists because of partnerships created among social service and healthcare agencies, schools, faith communities, civic organizations, law enforcement agencies, and supportive members of Union County;

THEREFORE, I DO HEREBY PROCLAIM April as Child Abuse Prevention Month & Sexual Assault Awareness Month and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in efforts to support families, thereby preventing & reporting child abuse and sexual violence thereby strengthening the communities in which we live.

Adopted this 14th day of April, 2014.

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 Safety Update. Public Safety Chairman Gene Melchior gave a brief update to Town Council. He stated, "We assigned all of the items that you came up with at the Retreat to committee members for investigation. We have scheduled a meeting for June. We also have assigned liaison committee members for Fire, EMS, Sheriff and NCDOT. We hope to report back to you in June."

Public Safety Reports

Wesley Chapel VFD responded to 23 total incidents in the Town of Weddington in March. There was one fire alarm, one outside non-brush fire and one brush fire for mutual aid.

Stallings VFD responded to 1 incident in the Town of Weddington in March.

Weddington Deputies – 732 Calls.

Providence VFD

Training- 398.00 hrs.

Union County:

Fire 17 EMS 17 = Total 34

Mecklenburg County:

Fire 04 EMS 02 = Total 06

Department Total:

Fire 21

EMS 19

Total 40

The Town Council received the Income and Expense Budget Performance and the Balance Sheet for March 2014 for Providence VFD.

Item No. 10. Public Hearings and Consideration of Public Hearings.

A. Public Hearing to Review Proposed Text Amendments – NCDOT Street Policy. The Town Council received a copy of the proposed text amendments and a letter dated March 28, 2014 from NCDOT. Mayor Deter opened the public hearing.

Planning Board Chairman Dorine Sharp – The Council directed the Zoning Administrator and Planning Board to work on text regarding the ramifications caused by the NCDOT Street Policy. However, since then we have gotten notice that NCDOT has changed its position. I would recommend that this be sent back to staff and Planning Board to tweak. We can keep a lot of the text.

With there being no further comments, Mayor Deter closed the public hearing.

B. Consideration of Ordinance Adopting Proposed Text Amendments – NCDOT Street Policy.

Councilwoman Harrison moved to send the text back to the Planning Board for further tweaking based on the latest letter that was received from NCDOT. All were in favor, with votes recorded as follows:

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

Mayor Pro Tem Don Titherington asked Attorney Fox to give a short background on this item.

Attorney Fox - NCDOT informed the Town as it informed other towns that it would no longer accept streets for maintenance and therefore the Town or the HOA would be responsible for the maintenance of those subdivision streets. In light of that change the Town evaluated its ordinance provisions to tweak the ordinance in a way that reflected that the Town would not take over any public streets for maintenance and a way to inform developers and individuals that purchase in subdivisions that that would not be a responsibility of the Town. Subsequent to that and efforts made by the Town Council to reach out to NCDOT about some remainder streets that were still in the process of being accepted for maintenance, NCDOT reversed the policy and reverted back to its original policy of now willing to accept streets that are set out in subdivisions that are built to state standards for maintenance by NCDOT. In light of that the tweaks that were made to the Town's Subdivision Ordinance will need to be modified.

C. Public Hearing to Review Proposed Text Amendments – Section 58-54 (Open Space in R-40). The Town Council received a copy of the proposed text amendments. Mayor Deter opened the public hearing.

Chairman Sharp – When the Town instituted the R-CD zoning classification all lots that were six acres or greater were rezoned to R-CD with a requirement to have 10% open space if the subdivision was built. We just had a combination of two R-40 lots that exceeded six acres but because both lots were R-40 no open space requirement existed. This text would require a combination of R-40 lots that are six acres or greater in aggregate to set aside that 10% open space just the same as if it had been a single parcel.

With there being no further comments, Mayor Deter closed the public hearing.

D. Consideration of Ordinance Adopting Proposed Text Amendments – Section 58-54 (Open Space in R-40). Mayor Pro Tem Titherington moved to adopt Ordinance O-2014-05.

**AN ORDINANCE TO AMEND SECTION 58-54
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2014-05**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-54 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 58-54. R-40 single-family district.

The R-40 single-family district is established to provide for residential development at low densities consistent with suitability of the land and the rural character of the town.

- (1) *Permitted uses.* Permitted uses within the R-40 district shall be as follows:
- a. All permitted uses in the R-60 zoning district.
 - b. Open space. **Any subdivision that is 6 acres or more in aggregate shall be required to provide that a minimum of ten percent of the gross area of the subdivision, exclusive of any required minimum 50-foot buffers along thoroughfares, consists of common open space.**

Adopted this 14th day of April, 2014.

All were in favor, with votes recorded as follows:

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

Item 11. Old Business.

A. Review and Reconsideration of the Preliminary Plat for the Graham Hall Conventional Subdivision.

The Town Council received the following memo from Town Planner Julian Burton:

Aiden Properties submits a preliminary plat application for a six lot Conventional Subdivision on 6.90 acres located on Weddington-Matthews Road.

At their March 10, 2014 meeting the Town Council denied the Graham Hall Preliminary Plat based on safety concerns. There has been a change on the proposed Preliminary Plat, which allows the applicant to re-apply. The Planning Board reviewed the revised plan on March 24th, 2014 and recommended approval with conditions. The change was a three foot change on the curb at the entranceway which allowed the applicant to reapply.

Application Information:

Subdivision Name: Graham Hall
Date of Application: November 19, 2013
Applicant/Developer Name: Aiden Properties
Owner Name: Aiden Properties
Parcel ID#: 06-117-005 and 06-117-005A
Property Location: Weddington-Matthews Road
Existing Zoning: R-40
Proposed Zoning: R-40
Existing Land Use: Traditional Residential
Proposed Land Use: Traditional Residential
Existing Use: Vacant Land
Proposed Use: Single Family Residential Subdivision
Parcel Size: 6.90 acres

Development Standards:

- Minimum lot size- 40,000 square feet
- Minimum lot width- 120 feet

- Minimum front yard setback- 50 feet
- Minimum rear yard setback- 40 feet
- Minimum side yard setback- 15 feet

Preliminary Plat Information:

- The entire site is 6.90 acres and is comprised of two parcels. A total 0.88 acres are being dedicated to NCDOT per the *Weddington Subdivision Ordinance*.
- The smallest lot is Lot 5 at 40,000 square feet.
- The applicant is not required open space as this subdivision is being developed as a by-right R-40 conventional subdivision. However, the applicant has provided a 36 foot required road buffer along Weddington-Matthews Road.
- The area in road buffer will be maintained by the HOA. The applicant also proposes supplemental landscaping in the buffer area. This landscaping will be in accordance with *Section 46-76* of the *Weddington Subdivision Ordinance*.
- A 498 foot cul-de-sac road (Graham Hall Court) will be constructed.
- All six lots will utilize Union County water and sewer.
- The property does not lie within a special flood hazard area.
- The existing structures on the property will be removed.

The Graham Hall R-40 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. Plans for subdivision entry monument to be approved by the Planning Board;
5. Vehicle control signs including but not limited to stop signs and speed limit signs shall be installed by the Developer and maintained by the Homeowners Association on any roads not accepted by NCDOT. All speed limits within the subdivision shall be no greater than 25 mph.
6. Each lot to be recorded in the Graham Hall subdivision shall include on its Deed a statement that any roads in the subdivision that are not accepted by NCDOT are private and not the responsibility of the Town of Weddington and shall be maintained by the Graham Hall Homeowners Association or its Developer.
7. Road name to be approved by Union County.

The Town Council also received the following:

- Application for Subdivision Preliminary Plat
- Preliminary Subdivision Site Plan
- GIS Map

Councilwoman Hadley moved to approve the preliminary plat for Graham Hall with the conditions noted in the memo. The vote on the motion is as follows:

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

B. Review and Consideration of the Preliminary Plat for the Bard Property Conventional Subdivision.

The Town Council received the following memo from Town Planner Burton:

The Town Council deferred the Bard Property preliminary plat application on March 10th, 2014, citing concerns about the location of the subdivision entrance. In response to the concerns, the applicant is currently reconfiguring the subdivision design and the Planning Board will review the updated plan on April 28th, 2014.

Application Information:

Subdivision Name: Bard Property

Date of Application: January 21, 2014

Applicant/Owner/Developer Name: Carolina Renovated Properties, LLC

Parcel ID#: 06-147-004 (7.06 acres), 06-147-004B (11.23 acres) and 06-123-127A (3.78 acres)

Property Location: Hemby Road, between Weddington Woods subdivision and the Bromley subdivision

Existing Zoning: RCD

Proposed Zoning: RCD

Existing Land Use: Residential Conservation

Existing Use: Vacant Land

Proposed Use: Single Family Residential Subdivision

Parcel Size: 22.06 acres

The Town Council also received the following:

- Application for Subdivision Sketch Plan and Preliminary Plat
- GIS Map

Councilmember Smith moved to return the preliminary plat for the Bard Subdivision back to the Planning Board. All were in favor, with votes recorded as follows:

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

C. Review and Discussion of the Fiscal Year 2014-2015 Budget. The Town Council received a copy of the proposed preliminary budget for FY 2015 and a copy of the non-operating expenditures. Finance Officer Gaylord reviewed the proposed budget with the Town Council.

Items discussed:

- Estimated tax base amount received from Union County is less than the Town's current tax base
- Urban Forester amount for next budget is \$3,799
- Union County Sheriff's Deputy estimated increase is 1 percent
- Revenue projections from NCLM have been received
- Employee Health Insurance increased by 10%
- Proposed increase in fees would equate to \$10,000 in revenue
- Fire Department Budgets to be kept flat
- Councilwoman Hadley is getting pricing on roundabout landscaping and lighting
- Receiving quotes to repair garage and possible renovation of deputies office
- Ms. Gaylord discussed items that she is moving to the current fiscal year budget
- Council discussed allowing current sign officer to pick up signs within the Town on the weekend and COG/Code Enforcement Officer to handle signage during the week
- Salary Adjustments for Staff and Planning Board

Mayor Deter advised that a tentative date has been set with Providence VFD on April 28 to meet to go over their budget and that the Council could also discuss any other proposed amendments to the budget at that time based on pricing and quotes that are being received.

Item No. 12. New Business.

A. Review and Consideration of Amending Interlocal Agreement with Providence VFD. The Town

Council received a copy of the first amendment to the Interlocal Agreement.

Attorney Fox - You may recall that a closing was originally set under the Interlocal Agreement and that date was subsequently moved. Mr. Jack Parks mentioned in open session his consent to move that date to April 8. April 8 has come and gone again and so therefore an amendment to the Interlocal Agreement that will provide for a new closing date for the acquisition of the fire department property is needed. At this point, I know there is not a date set but what I would ask the Council to do is to authorize the Mayor to enter an amendment to the Interlocal Agreement to provide for a new closing date which will hopefully be before the next Council Meeting.

Mayor Pro Tem Titherington asked if the Town had everything we needed for the closing.

Mayor Deter – Barbara, Anthony and I met with several people from the fire department. I believe that we are on track on what we think the number is. Jack was going to take to the board for their review and then get back with us. If all that falls into place we should be able to set the closing date.

Councilwoman Harrison moved to authorize the Mayor to execute the first amendment to the Interlocal Agreement to amend the original closing date to a date to be determined and communicated by the Volunteer Fire Department within the next week or so with an anticipation that the closing date will be on or before the next Council meeting. All were in favor, with votes recorded as follows:

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

B. Review and Consideration of the Final Plat for Bromley – Map 8. The Town Council received the following memo from Town Planner Burton:

Toll NC II, LP submitted an application on March 18, 2014 for approval of the Final Plat of Map 8 in the Bromley subdivision located off of Hemby Road.

Project Information:

The Bromley subdivision is an approved 120 lot subdivision on 151.60 acres. The subdivision is located on Hemby Road. Bromley is being developed by Toll Brothers as a Conventional subdivision.

Map 8 is comprised of 25 lots on parcel 06-123-127. Map 8 was given Preliminary Plat approval on January 10, 2006.

The submitted Final Plat for Map 8 is similar to the approved Map 8 Preliminary Plat. The approved Preliminary Plat has been included in your packet.

Map 8 Information:

- Map 8 is 25 lots and 25.376 acres.
- Map 8 is not required open space on its own. The Bromley subdivision has provided 15.84 acres or 10.5% open space in accordance with the *Weddington Zoning Ordinance*.
- Development standards are as follows:
 - Minimum lot size- 40,000 sq. feet
 - Minimum lot width- 120 feet
 - Minimum front yard setback- 50 feet
 - Minimum rear yard setback – 40 feet
 - Minimum side yard setback – 15 feet
 - Minimum corner side yard setback – 25 feet
- Lot 104 is the smallest lot within Map 8 at 40,021 square feet.
- Water and sewer services are provided by Union County Public Works (approvals on file).

- A copy of the approved Declared Covenants, Conditions and Restrictions (CCR's) for Bromley are on file at Town Hall.
- US Infrastructure has previously reviewed and approved the Preliminary Plat.
- All roads are built to NCDOT standards (final 1" layer of asphalt to be added after construction). Road names and addresses have been approved by Union County E911.
- All NCDENR, NCDOT and Union County approvals and permits are on file with the Town. These approvals were required during the Preliminary Plat process.

The Bromley Map 8 Final Plat has been found to be in general compliance with the Town of Weddington Zoning and Subdivision Ordinances with the following conditions:

1. Performance and Maintenance Bonds to be approved by the Town Council.
2. Each remaining lot to be recorded in the Bromley subdivision shall include on its Deed a statement that any roads in the subdivision that are not accepted by NCDOT are private and not the responsibility of the Town of Weddington and shall be maintained by the Bromley Homeowners Association or its Developer.
3. Maintenance bond to be approved shall be no less than amount submitted to Union County Public Works.
4. Vehicle control signs including but not limited to stop signs and speed limit signs shall be installed by the Developer and maintained by the Homeowners Association on any roads not accepted by NCDOT. All speed limits within the subdivision shall be no greater than 25 mph.
5. Developer to install rises on fire hydrants if covered during any phase of construction.

The Town Council also received the following:

- Final Plat – 25.376 Acres
- Application for Subdivision Final Plat

Chairman Sharp – Condition #2 was determined back when the Council saw the bridge in Bromley that NCDOT might not take over and the Council said that this statement should be on all of the Bromley plats.

Attorney Fox - Didn't we have something that also spoke to the bridge and that the Town is not going to maintain the bridge in one of the notes on the subdivision plat? Should that not be carried forward on this plat?

Chairman Sharp – I thought Jordan had gotten the note that was done at that time.

Attorney Fox – I believe it was different because it added specific language about the bridge. The inference was to ensure that any purchaser was aware that the bridge was not going to be maintained by the Town now or in the future.

Mayor Pro Tem Titherington moved to approve the final plat for Bromley, Map 8 with all conditions noted and to amend Condition #2 to match the earlier condition approved by Town Council regarding the bridge. 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 the Final Plat for Bromley – Map 9. The Town Council received the following memo from Town Planner Burton:

Toll NC II, LP submitted an application on March 18, 2014 for approval of the Final Plat of Map 9 in the Bromley subdivision located off of Hemby Road.

Project Information:

The Bromley subdivision is an approved 120 lot subdivision on 151.60 acres. The subdivision is located on Hemby Road. Bromley is being developed by Toll Brothers as a Conventional subdivision.

Map 9 is comprised of 5 lots on parcel 06-123-127. Map 9 was given Preliminary Plat approval on January 10, 2006.

The submitted Final Plat for Map 9 is identical to the approved Map 9 Preliminary Plat. The approved Preliminary Plat has been included in your packet.

Map 9 Information:

- Map 9 is 5 lots and 6.871 acres.
- Map 9 is not required open space on its own. The Bromley subdivision has provided 15.84 acres or 10.5% open space in accordance with the *Weddington Zoning Ordinance*.
- Development standards are as follows:
 - Minimum lot size- 40,000 sq. feet
 - Minimum lot width- 120 feet
 - Minimum front yard setback- 50 feet
 - Minimum rear yard setback – 40 feet
 - Minimum side yard setback – 15 feet
 - Minimum corner side yard setback – 25 feet
- Lot 33 is the smallest lot within Map 9 at 40,000 square feet.
- Water and sewer services are provided by Union County Public Works (approvals on file).
- A copy of the approved Declared Covenants, Conditions and Restrictions (CCR's) for Bromley are on file at Town Hall.
- US Infrastructure has previously reviewed and approved the Preliminary Plat.
- All roads are built to NCDOT standards (final 1" layer of asphalt to be added after construction). Road names and addresses have been approved by Union County E911.
- All NCDENR, NCDOT and Union County approvals and permits are on file with the Town. These approvals were required during the Preliminary Plat process.

The Bromley Map 9 Final Plat has been found to be in general compliance with the Town of Weddington Zoning and Subdivision Ordinances with the following conditions:

1. Performance and Maintenance Bonds to be approved the Town Council.
2. Each remaining lot to be recorded in the Bromley subdivision shall include on its Deed a statement that any roads in the subdivision that are not accepted by NCDOT are private and not the responsibility of the Town of Weddington and shall be maintained by the Bromley Homeowners Association or its Developer.
3. Maintenance bond to be approved shall be no less than amount submitted to Union County Public Works.
4. Vehicle control signs including but not limited to stop signs and speed limit signs shall be installed by the Developer and maintained by the Homeowners Association on any roads not accepted by NCDOT. All speed limits within the subdivision shall be no greater than 25 mph.
5. Developer to install rises on fire hydrants if covered during any phase of construction.

The Town Council also received the following:

- Final Plat – 6.871 Acres
- Application for Subdivision Final Plat

Mayor Pro Tem Titherington moved to approve the final plat for Bromley, Map 9 with all conditions noted and to amend Condition #2 to match the earlier condition approved by Town Council regarding the bridge. All were in favor, with votes recorded as follows:

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

D. Review and Consideration of the Final Plat for Beulah Acres. The Town Council received the following memo from Town Planner Burton:

Griffin Asset Management, LLC submits a final plat application for a five lot Conventional Subdivision on 5.57 acres located on Beulah Church Road.

Application Information:

Subdivision Name: Beulah Acres
Date of Application: March 19, 2014
Applicant/Developer Name: Griffin Asset Management, LLC
Owner Name: Griffin Asset Management, LLC
Parcel ID#: 06-120-020 and 06-120-020A
Property Location: Beulah Church Road
Existing Zoning: R-40
Proposed Zoning: R-40
Existing Land Use: Traditional Residential
Proposed Land Use: Traditional Residential
Existing Use: Vacant Land
Proposed Use: Single Family Residential Subdivision
Parcel Size: 5.57 acres, combined

Project Information:

The Beulah Acres Subdivision is a proposed five lot subdivision on 5.57 acres comprised of two parcels.

The Town Council approved the Preliminary Plat at their July 8, 2013 meeting. Minutes from that meeting have been included in your packet.

Development Standards:

- Minimum lot size- 40,000 square feet
- Minimum lot width- 120 feet
- Minimum front yard setback- 50 feet
- Minimum rear yard setback- 40 feet
- Minimum side yard setback- 15 feet

Final Plat Information:

- The entire site is 5.57 acres. A total 0.51 acres are being dedicated to NCDOT per the *Weddington Subdivision Ordinance*.
- The smallest lot is Lot 1 at 0.964 acres or 42,011 square feet.
- The applicant is not required open space as this subdivision is being developed as a by-right R-40 conventional subdivision.
- An 18 foot wide access easement will be constructed as part of this subdivision.
- All five lots will utilize public water and private septic systems. Septic area locations are depicted on the final plat.
- Town staff has received approved septic permits for all five lots.
- The property does not lie within a special flood hazard area.

The Beulah Acres R-40 Conventional Subdivision Final Plat has been found to be in general compliance with the Town of Weddington Zoning and Subdivision Ordinances with the following conditions:

1. Applicant must obtain a driveway permit for each of the five lots.
2. Town Council requires the marginal access street to be built to NCDOT standards and constructed per Section 46-76 of the Weddington Subdivision Ordinance.
3. Applicant must provide written approval from DOT for the access road's connection with Beulah Church Rd.
4. Final Plat must show utility easement in accordance with Section 46-76 of the Weddington Subdivision Ordinance.
5. Town Council to determine if the access road's construction should be bonded. Ownership and maintenance of access road to be determined and noted on Final Plat.
6. Town Council to determine if water line construction should be bonded.

The Town Council also received the following:

- Application for Subdivision Sketch Plan and Preliminary Plat
- Final Plat – 5.57 Acres
- GIS Map
- Letter from Union County Environmental Health dated January 28, 2014
- Union County Health Department – On-Site Wastewater Treatment and Disposal System Improvement Permit
- Policy on Street and Driveway Access to North Carolina Highways

Council and staff discussed the proposed subdivision and removed Conditions 1 and 5 and to require a water bond to be given to the Town as noted in Condition 6. Councilwoman Hadley moved to approve the final plat for Beulah Acres with the change in conditions as noted. 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 US Infrastructure Proposal for Engineering Services and Approval of Bids and Authorization to Use Bond Money for Road Maintenance Items for the Williamsburg Subdivision. Councilwoman Harrison moved to recuse Councilwoman Hadley from discussion of this item since she lives in the subdivision. All were in favor, with votes recorded as follows:

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

The Town Council received the following memo from Town Administrator Amy McCollum:

The Town is holding road maintenance money in the amount of \$29,040.00 for Phase II of the Williamsburg Subdivision. The Town received this money from the bankruptcy trustee for the developer of the Williamsburg Subdivision.

The Town received in July 2007 a request from NCDOT for the Town to adopt an SR-2 Resolution for James Madison Drive, Thomas Payne Alley and Gloucester Street in Phase I of the Williamsburg Subdivision to be added to the State Maintained Road System. The Town adopted the Resolution in August 2007. After conversations with NCDOT they could not find paperwork for the subdivision and advised that the roads were never taken over because there was not enough density at the time, the condition of the roads was not acceptable and the punch list was never completed by the developer.

Since that time, NCDOT has completed a new punch list for the entire subdivision and the Property Management Company has received two bids for the work to be completed. I have received a proposal from our engineer US Infrastructure in the amount of \$4,000 to administer the work on this project. The scope of work is as follows:

- Inspect the site and verify bid quantities shown in the received bids
- Contact the two bidders to resolve bid quantity discrepancies
- Evaluate the two received bids; make bid award recommendation to Town
- Prepare contracts and coordinate contract execution between Bidder and Town
- Coordinate with NCDOT for project preconstruction meeting (NCDOT has confirmed they will inspect the work)
- Check shop drawings
- Process contractor invoice (assume one)
- Coordinate project close-out with DOT inspector, contractor and Town

I am requesting that the Council approve the Scope of Services with US Infrastructure in an amount not to exceed \$4,000.

Two quotes were received by the Williamsburg Subdivision HOA on the subject project, with the results as follows:

<u>Bidder</u>	<u>Total Quote</u>
RAM Pavement Services, Inc.	\$21,815.00
Turner Construction	\$23,873.00

USI reviewed the two quotes and recommended the project be awarded to the lowest responsive bidder, RAM Pavement Services. They have checked the current licensing of the company, required completion of a company questionnaire, and contacted references. A review of these items indicated that the quality of work and responsiveness of this company has been satisfactory.

USI recommend that a 15% contingency item be added to the total quote. This item would be used only in the event that unforeseen circumstances arise during construction, and only if approved in writing by NCDOT during that time. Therefore, USI recommends acceptance of RAM's quote in the amount of $\$21,815.00 \times 1.15 = \underline{\$25,087.25}$.

The bond money being held for the Town will pay for US Infrastructure's costs along with the cost to complete the punch list so that NCDOT will take over maintenance of the streets in Williamsburg.

Mayor Pro Tem Titherington moved to award the bid to RAM Pavement Services in an amount not to exceed \$25,087.25 and to authorize the use of US Infrastructure for this project at an amount not to exceed \$4,000. All were in favor, with votes recorded as follows:

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

F. Review and Consideration of Centralina Council of Governments Proposal for Code Enforcement Services. The Town Council received the Code Enforcement Services Proposal which discussed the code compliance services and compensation of \$11,240 for the dates of May 1, 2014 through June 30, 2015.

Mayor Pro Tem Titherington moved to approve the Code Enforcement Proposal from Centralina Council of Governments for \$11,240. All were in favor, with votes recorded as follows:

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

G. Discussion of Additional Signage for Litter Sweep and the Possibility of Hiring Off-Duty Deputies to Ensure the Safety of Town Volunteers. Councilwoman Harrison – I received a request from an individual that volunteered at Litter Sweep questioning whether the Town would invest in better signage and/or deputies to be

stationed while volunteers pick up trash. If we had deputies help with the event, we would have to pay for them even if no one showed up to help for the Litter Sweep.

Mayor Pro Tem Titherington – Does NCDOT give any recommendations on how to deal with this?

Councilwoman Harrison - I will see if NCDOT has any recommendations or any signage that we could get. If that does not work then we can talk about the hiring of deputies.

Councilmember Smith – We may want to do that first. What is our liability of inviting people to come and do Litter Sweep which is being organized by the Town?

Councilwoman Harrison - We have everyone sign a waiver before participating in Litter Sweep.

Attorney Fox - We have attempted to have someone waive their liability. That does not say if there was a fatality or injury that someone would not try to get around the waiver of liability and recover from the Town. If they were to do that, things like this would help in that we went above and beyond what a reasonable person would have expected us to do to avoid damage or injury or the loss of life.

Councilmember Smith – I think adding the deputies is a wise move.

Mayor Deter – I personally like the idea of signs.

Mayor Pro Tem Titherington - Maybe we also could request that our contract deputies work and help with the event and patrol. It is only a 2-hour time period.

Councilwoman Harrison – If they get a call they would have to leave.

Councilwoman Harrison will check into solutions for this item and report back to the Town Council.

H. Review and Consideration of Purchasing New Council Chairs. Finance Officer Gaylord reviewed this item with the Town Council. She stated, “As part of the current year budget we put in the budget the purchase of council chairs. The ones that you are sitting in now are very old. Councilwoman Hadley got bids on new chairs. We have included four with one being the recommended quote. The one that you have the picture of is \$820.00 per chair for a total cost of \$6,314 which includes freight and assembly. It is the lower of the four quotes that you have. I need you to say whether or not you are ready for new chairs.”

Councilwoman Hadley discussed the different options of chairs.

Councilwoman Harrison - My concern is that it is leather and I am afraid it is going to get damaged quickly. I don't want to have a heart attack every time we have an event where something happens and I cannot control everything that happens in this room and if it gets damaged.

Councilwoman Hadley - I told Amy no cats are allowed in Town Hall.

Councilwoman Harrison – My cats ruined my leather chair.

Councilwoman Hadley - This particular leather is the same color through and through and if you do have a scratch it will wipe out with some heat.

Councilwoman Harrison - I want something in the record that you are not going to yell at me when it gets damaged.

Finance Officer Gaylord – This is in the budget.

Councilwoman Hadley moved to approve the purchase of the seven council chairs at a price not to exceed \$6,314.26. The vote on the motion is as follows:

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

Mayor Deter broke the tie by voting in the affirmative; therefore, the motion passed.

I. Discussion of Painting Town Hall. Finance Officer Gaylord discussed the painting of the interior and exterior of the Town Hall. The interior painting of the Town Hall was budgeted to be done this year. She stated, “We have received a quote to also paint the outside of the Town Hall as well. The quote to paint the interior of Town Hall is \$7,300 and the exterior is another \$4,000 for a total of \$12,000. We have \$5,000 in the current budget but we had some savings from the carpeting so there is enough in the maintenance budget to cover this if you choose to do this this year.”

Councilwoman Hadley - It is my suggestion that we go ahead and get this done this year so we do not have to budget any of it for next year.

Councilwoman Harrison – What are they going to do on the outside?

Councilwoman Hadley - Pressure wash the exterior and repair all damaged wood, sand and feather down the peeling and prime and paint the siding only of the main building and garage. That is the cost of basically painting the yellow of the building and the garage.

Mayor Deter – Do we get any kind of warranty?

Councilwoman Hadley - There is always a one year warranty. They did check and they peeled some more of it and checked that it had been primed and painted. They feel like there are going to be some issues with those two walls with the sun because of the direct sunlight. You can never estimate or guess how much moisture is in the wood.

Councilwoman Harrison – If that is the case how are we going to know we are not going to need the money again next year? I am disappointed that we spent a lot of money a year and a half ago to get this house painted.

Council asked that Councilwoman Hadley pursue getting additional quotes and explore different warranties and to add this item to the May agenda. Councilmember Smith advised that he would be happy to help with this item.

Item No. 13. Update from Town Planner. The Town Council received the following update memo from Town Planner Burton:

- The following items were on the March 24th Planning Board agenda:
 - Reconsideration of the Preliminary Plat for the Graham Hall Subdivision
 - Weddington United Methodist Church CZ Application (Tabled)
 - Beulah Acres Conventional Subdivision Final Plat
 - Bromley Map 8 Final Plat
 - Bromley Map 9 Final Plat
 - Conservation Subdivision Setback Text Amendment (Tabled)
- The following items will be on the April 28th Planning Board agenda for discussion:
 - TUP: Drumstrong
 - Bard Property Subdivision Preliminary Plat

- Conservation Subdivision Sideyard Setback Text Amendment
- The following items may be on the May 12th Town Council agenda:
 - Bard Property Subdivision Preliminary Plat

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

A. Finance Officer's Report. The Town Council received the Revenue and Expenditure Statement by Department and the Balance Sheet for March 1, 2014 to March 31, 2014.

B. Tax Collector's Report. Monthly Report –March 2014

Transactions:	
Adjustments <\$5.00	\$(9.29)
Refunds	\$18.31
Releases	\$(39.36)
Taxes Collected:	
2013	\$(4,798.35)
As of March 31, 2014; the following taxes remain Outstanding:	
2002	\$82.07
2003	\$129.05
2004	\$122.90
2005	\$252.74
2006	\$56.80
2007	\$144.42
2008	\$1,456.08
2009	\$1,586.05
2010	\$1,905.68
2011	\$3,262.90
2012	\$9,178.47
2013	\$63,086.93
Total Outstanding:	\$81,264.09

Item No. 15. Transportation Report. Councilwoman Harrison gave a brief transportation report from the last CRTPO Meeting.

Item No. 16. Council Comments. Councilwoman Harrison – I would like to thank everyone that came out for Litter Sweep. I have been doing Litter Sweep even before I was on Council. There were several times that I scheduled Litter Sweep where no one showed up. The last three Litter Sweeps that I have scheduled we have had 15 to 20 people. I am really encouraged by that. This sitting Council came out and collected trash and that is the first time that has happened. I appreciate that. On the Saturday before last I had Girl Scout Troop #1884 in this building filling 3,000 plastic Easter eggs with candy. I want to thank Councilmember Smith and his son and Councilwoman Hadley that helped. I would like to thank all of our volunteers and sponsors for the Easter Egg Hunt. Thank you to Providence VFD for making sure the bunny and cow were hydrated. I would like to thank my husband for every thing that he did to help set up. I want to thank this Council because all of them came and this is the first time that I had a full Council come and support the Easter Egg Hunt.

Councilwoman Hadley – I want to thank everyone that came out tonight. It is encouraging to see people that care about their community. I wantto thank Barbara for putting on a very successful event that was enjoyed by a lot of people.

Councilmember Smith – I want to thank everyone for coming out tonight. We are trying to keep the meetings under four hours. Thanks to everyone who spoke.

Mayor Pro Tem Titherington – Barbara, I saw the look on the kids’ faces when they won the bikes - it was awesome. For the folks that came out thank you. It is not lost on us the magnitude of the decision coming up. Make sure that you are reaching out to the County Commissioners - they are a very key component in this. Rick, thank you for the data.

Mayor Deter – Thank you for coming out. I like to see a full house in participation. Barbara, thank you for organizing Litter Sweep. Don and I had a lot of fun going through the mud. The Easter Egg Hunt was a great success and we appreciate all of your hard work.

Item No. 17. Adjournment. Councilwoman Hadley moved to adjourn the April 14, 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 8:57 p.m.

Bill Deter, Mayor

Amy S. McCollum, Town Clerk