

**TOWN OF WEDDINGTON  
REGULAR TOWN COUNCIL MEETING  
MONDAY, AUGUST 11, 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 August 11, 2014, with Mayor Bill Deter presiding.

Present: Mayor Bill Deter, Mayor Pro Tem Don Titherington, Councilmembers Michael Smith, Pamela Hadley and Barbara Harrison, Attorney Anthony Fox, Finance Officer Leslie Gaylord, Town Planner Julian Burton and Town Administrator Amy McCollum

Absent: None

Visitors: Bill Whitley, Judy Johnston, Bill Price, Walter Staton, John Brunner, Chase Kerley, Jim Vivian, Craig Hazeltine, Andy Stallings, Cathy Killough Brown, McKinley Pollock, Karen Pollock and Patrick Harrison.

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

**Item No. 1. Open the Meeting.** Mayor Deter called the August 11, 2014 Regular Town Council Meeting to order at 7:05 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. Presentation.**

**A. Mr. Bill Whitley – Union County Parks and Recreation.** Mr. Bill Whitley, Director for Union County Parks and Recreation, advised the Town Council that Union County is in the process of developing a Comprehensive Parks and Recreation Master Plan to be presented to the County Commissioners by March 2015. He stated, "It will take about 10 months to gather this information. Recreation can be a 4<sup>th</sup> of July Event, Summer Concert, 5k run, taking a walk through the woods or just sitting on a bench and reading a book. Recreation is very important and it takes place in almost every aspect of our life. It is very important that we understand that we need recreation. As I get older I realize that recreation is important for a good body, mind, soul and spirit. Some ask why we are doing this master plan. It is very important to know what the citizens want and to identify where we fall short in areas based on national standards. We can only do that by starting the process. The first part of the process was a stakeholders meeting to gain input from citizens. We are trying to get everyone involved. We have placed a survey on your website that is available until the end of September. We also sent the survey out in the County's water bill. This plan will serve Union County for 10 years. We are looking at public input and national standards. We want our plan to have a great health background to it. Recreation is very important to a person's health."

Council invited Mr. Whitley to attend the Festival to hand out information regarding the study and survey.

**Item No. 5. Public Comments.** Mr. Walter Staton - Weddington is the nicest town in Union County. I want to say the Council and Staff is some of the best I know. I am real happy that we have good builders here that are building nice houses. It is an honor to live here in Weddington.

**Item No. 6. Additions, Deletions and/or Adoption of the Agenda.** Town Planner Julian Burton asked that the following item be added to the agenda:

- Consideration of Forming a Committee to Look Into Creating a Plan and or Policy Recommendations for the Area Designated Future Business in the Land Use Plan

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

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

**Item No. 7. Approval of Minutes.**

**A. July 14, 2014 Regular Town Council Meeting Minutes.** Councilwoman Pamela Hadley noted one correction to the minutes and moved to approve the July 14, 2014 Regular Town Council Meeting minutes with the one correction. All were in favor, with votes recorded as follows:

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

**Item No. 8. Consent Agenda (Public Hearing to be held September 8, 2014 at 7:00 p.m. the Weddington Town Hall).**

**A. Call for Public Hearing – Review and Consideration of Conditional Rezoning Application for Threshold Church.** The Town Council received a copy of the Conditional Zoning Application. Councilwoman Hadley moved to call for a public hearing to review and consider the conditional rezoning application for Threshold Church. The public hearing is scheduled for September 8, 2014 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

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

**B. Review and Consideration of Authorizing the Tax Collector to Collect the 2014 Real Property Taxes for the Town of Weddington.** The Town Council received the following authorization from Tax Collector Kim Woods for approval:

In accordance with General Statutes 105.321, I am hereby requesting authorization to collect the 2014 Real Property Taxes for the Town of Weddington.

State of North Carolina  
Town of Weddington

To the Tax Collector of the Town of Weddington:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the Town of Weddington Collections Department and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Weddington, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with the law.

Witness my hand and official seal this 11th day of August, 2014.

Councilwoman Hadley moved to authorize the Tax Collector to collect the 2014 Real Property Taxes for the Town of Weddington. All were in favor, with votes recorded as follows:

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

NAYS: None

**Item No. 9. Public Hearing and Consideration of Public Hearing.**

**A. Public Hearing – Review and Consideration of Proposed Text Amendments to Section 46-76.** Mayor Deter opened the public hearing. The Town Council received a copy of the proposed text amendment.

Town Planner Burton - This is a text amendment proposed by our engineer. Recently NCDOT changed their minimum subdivision road standards from 20 feet to 18 feet. We want our ordinance to line up with NCDOT requirements.

Mayor Deter closed the public hearing.

**B. Consideration of Ordinance Adopting Proposed Text Amendments to Section 46-76.** Mayor Pro Tem Titherington moved to adopt Ordinance O-2014-09:

**AN ORDINANCE TO AMEND SECTION 46-76  
OF THE CODE OF ORDINANCES  
OF THE TOWN OF WEDDINGTON  
O-2014-09**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 46-76 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

**Sec. 46-76. Road standards and buffering along thoroughfares.**

(a) *Public roads.*

(1) All subdivision lots, except as provided herein and in Section 58-10, shall abut public roads. All public roads shall be built ~~with a minimum of 20 feet of pavement and built to the~~ **design criteria and** construction standards of the state department of transportation **and the Town** for subdivision roads. Streets which are not eligible to be put on the state department of transportation system because there are too few lots or residences shall, nevertheless, be offered for dedication to the public and shall be designed and constructed in accordance with the above-referenced standards. A written maintenance agreement with provision for maintenance of the street until it is accepted as part of the state system shall be included in the final plat.

(2) Exceptions to the public road frontage requirements shall be as follows: Any lot or tract shall be allowed to have easement lots created for construction of single-family dwellings as the principal use. Creation of such lots is made necessary by virtue of the fact that development of said property by conventional means (i.e., extension of public street) is impractical due to the disproportionate costs of required improvements as compared to the relative value of lots created and is within the spirit and intent of this chapter. These lots shall be created as follows:

- a. The applicant shall submit an application to the planning board with a sketch plat showing the proposed easement lots for approval to proceed further as specified in this section.
- b. All access easements shall be at least 45 feet in width and shall meet or exceed the state department of transportation minimum standards for subdivision road width where possible. The travel surface of said easement shall be at least 16 feet in width. The travel surface need not be paved. The easement shall be

maintained at all times in a condition that is passable for service and emergency vehicles.

- c. The creation of easement lots shall follow the procedures of a minor subdivision as outlined in section 46-40. In addition, a statement shall be placed on the subdivision plat acknowledging that said lots were being created upon a privately maintained and recorded easement, and a statement indicating the parties responsible for maintaining the easement.
- d. Creation of such easement lots and access easements shall not impair future extension of an adequate system of public streets to serve such lots.
- e. Easement lots shall not be further subdivided unless the newly created lots abut a public road. Any additional subdivision of easement lots shall be a major subdivision and shall be reviewed using the major subdivision plat approval process.
- f. If public road access becomes available to easement lots, all affected lot owners shall have the easement terminated of record.

Adopted this 11<sup>th</sup> day of August, 2014.

All were in favor, with votes recorded as follows:

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

**Item No. 10. Old Business.** There was no Old Business.

**Item No. 11. New Business.**

**A. Review and Consideration of the Final Plat for Atherton Estates, Map 1.** The Town Council received the following memo from Town Planner Julian Burton:

Shea Homes submits a final plat application for 12 lots of the approved 130 lot Conventional Subdivision on 170.81 acres located on Weddington Road.

**Application Information:**

Subdivision Name: Atherton Estates

Date of Application: May 14<sup>th</sup>, 2014

Applicant/Developer Name: Shea Homes, Chase Kerley

Owner Name: Parcels 06-150-066, 06-150-067 and 06-150-068 are owned by Shea Homes.

Property Location: Weddington Road, Weddington-Matthews Road and Cox Road

Existing Zoning: RCD and R-40

Proposed Zoning: R-40

Existing Land Use: Residential Conservation and Traditional Residential (no change required)

Existing Use: Vacant Land

Proposed Use: Single Family Residential Subdivision

Parcel Size: An assemblage of 170.81 acres (Map 1 is 15.81 acres).

**Project Information:**

The Atherton Estates Subdivision is a proposed 130 lot subdivision on 170.81 acres. The subdivision is located on and accessed by Weddington Road, Weddington-Matthews Road and Cox Road and is being developed by Shea Homes as a conventional subdivision.

A conventional subdivision is permitted by right in the R-40 and RCD zoning districts per the *Weddington Zoning Ordinance*. A conventional subdivision requires a minimum of 40,000 square foot lots with a minimum of 10% open space.

**Background Information:**

- A pre-sketch conference was held January 3, 2013.
- Public Involvement Meetings were held on Tuesday, November 19<sup>th</sup> on-site from 12:00pm-2:00pm and Thursday, November 21<sup>st</sup> at Town Hall from 4:30-6:30pm.
- The Zoning Administrator approved the Sketch Plan on October 30, 2013.
- The Town Council approved the Preliminary Plat on January 13<sup>th</sup>, 2014.

**Map 1 Information:**

- Map 1 is 12 lots and 15.81 acres.
- The applicant is required 10% or 16.53 acres of open space after dedicating 4.45 acres of right-of-way to NCDOT and one acre for the future amenity area. 1.58 acres of open space is included in Map 1.
- Development standards are as follows:
  - o Minimum lot size- 40,000 sq. feet
  - o Minimum lot width- 120 feet
  - o Minimum front yard setback- 50 feet
  - o Minimum rear yard setback – 40 feet
  - o Minimum side yard setback – 15 feet
  - o Minimum corner side yard setback – 25 feet
- Lot 20 is the smallest lot within Map 1 at 40,082 square
- Bond estimates for both water and infrastructure have been reviewed and approved by USI.
- Declared Covenants, Conditions and Restrictions (CCR's) for Atherton have been approved by the Town Attorney.
- The applicant has septic approval from Union County for lots 20-24, and is waiting on approval for lots 25-31. (See conditions)
- DOT has approved the connection at Weddington Road. Approval for connections for Cox Rd. and Weddington-Matthews Road will be necessary for future final map approvals.
- The plan has received approval from DENR for the erosion and sedimentation control plan, and for water quality II.
- The proposed lots of Phase 1 are located in a separate drainage basin from the two ponds being evaluated by Dam Safety. Future phases will require approval from the State Dam Safety Engineer for the two bond embankments.
- USI has provided engineering approval for Phase 1 of the Atherton Estates subdivision preliminary plat. Phase 1 is located in a separate drainage basin from the two ponds that are still being evaluated by Dam Safety. Future phases will require approval from the State Dam Safety Engineer for the two pond embankments, and approval of connections at both Cox Road and Weddington-Matthews Road.
- The Lighting Plan was approved by the Planning Board on July 28<sup>th</sup>, 2014.

**Planning Board Review and Recommendation; July 28<sup>th</sup> 2014**

The Planning Board reviewed Atherton Estates Final Plat Map 1 on July 28<sup>th</sup>, 2014, and recommended approval (unanimous). During the review, the Planning Board recommended that the applicant consider changing the septic field easement on Lot 29 to Common Open Space, so that the future owner of the lot would not be burdened with a septic field serving more than one lot. The applicant agreed to look into it, and has since made the change on the plat in response to the Planning Board recommendation.

**Recommended Conditions of Approval:**

1. Performance and Maintenance Bonds to be approved by the Town Council.
2. Each remaining lot to be recorded in the Atherton 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 Atherton Homeowners Association or its Developer.

3. 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.
4. Proof of approval of the septic systems from Union County for all of the lots included in Map 1.

**Town Council Action:**

Approve/Approve with Conditions/Deny

The Town Council also received the Final Record Plat for Atherton Estates, Map 1.

Town Planner Burton - Initially when the Planning Board was reviewing the map on July 28 they recommended that the applicant consider changing the septic field easement on Lot 29 to common open space so that the future owner of the lot would not be burdened with a septic field serving more than one lot. In response to that the applicant made the area at the back of Lot 29 open space and then extended Lot 29 into the open space next to it to make sure that it is over an acre in size. Late last week an adjoining property owner met with a representative of Union County Environmental Health regarding a well's proximity to the sewer easement that is at the back of Lot 29 and extends all the way up to Lot 35. It was found that the well was too close to that sewer easement and in response to that the applicant has removed that sewer easement. The drain field was found to be far enough from the well and still remains at the back of the common open space behind Lot 29. It was going to be used to serve Lot 35 which is not a part of Map 1 and the applicant is going to have to look for another way to serve Lot 35's septic needs. Lot 35 is not part of the submission today. There are a couple of questions regarding the bond amounts. I would ask the Council to consider the bond amounts and documents a condition of approval contingent upon Attorney and Engineer's review.

Councilwoman Hadley - I wanted you to be aware that a problem exists throughout Weddington where our road shoulders are in bad shape. I have noticed with developments that are putting in acceleration or turn lanes in that they are grading it and some parts are level to the road and other parts are not. There does not seem to be any consideration for compacting of the soil on the shoulders of these roads.

Mr. Chase Kerley – The entrances to our subdivision will be maintained by our HOA and based on our advertised pricing that is going to be a very well manicured feature.

Councilwoman Hadley – I have seen some very nice subdivisions too and the entrances and exits are lacking. I just wanted you to be aware that Council is aware of the condition of the shoulders of the road and for you to make sure that there is not a huge shoulder that drops off in any of your cuts. You are going to have three different entrances on major thoroughfares.

Mr. Kerley – We will make sure to pay attention on this item.

Councilwoman Hadley – The other consideration we have is regarding the cluster mailboxes. We are trying to determine exactly what the parameters are for cluster mailboxes. I was wondering what you are doing about it.

Mr. Kerley – We got the memo regarding this. We have submitted a plan to NCDOT to review and then we will take to the United States Post Office. We will be happy to provide a copy to the Town as well.

Councilwoman Hadley – My biggest concern is that the mailboxes are not serviced on the main thoroughfare.

Mr. Kerley – The cluster mailboxes are not that large. In our minds it is not much different than a traditional mailbox. We are not putting it near intersections but we are also mindful that we do not want to place the mailbox a mile down the street. It will be within the development.

Mayor Deter – Another issue is since these homes will not have a mailbox they will not have a house number and a lot of these subdivisions do not have curbs. It is an issue that we need to address for public safety.

Town Planner Burton - I have already asked emergency services and they have not gotten back with me. They were thinking about what they would prefer.

Councilmember Smith moved to approve the Final Plat for Atherton Estates, Map 1 with the conditions noted in Town Planner Burton's memo along with a condition that the bond document and amounts be approved by the Attorney and Engineer. All were in favor, with votes recorded as follows:

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

**B. Review and Consideration of Amended Lease Agreement with Providence VFD.** The Town Council received a copy of the proposed amended Lease Agreement.

Attorney Fox - On August 7 I notified the Attorney for Providence VFD and provided to them a proposed draft lease that was not subject to further revisions that pointed out what I heard the Council to suggest is their unwillingness to record a Memorandum of Lease as well as the requirement that there be some indication of approval with Exhibit B to the lease which was the reference to the agreement of furnishings that will remain with the property if the lease were to terminate. I also advised them of the Town's desire to proceed with the closing of the property by August 15. I received a letter from the Attorney for Providence VFD taking an issue with the points that we raised in our letter but nonetheless indicating that he was still desirous and he would advise Providence that a Memorandum of Lease was necessary and appropriate but he would not block any decision by Providence with regards to the approval of the Town's lease and also acknowledges that Exhibit B would be acceptable. At that point he was advising that Providence was going to meet on Sunday and make a decision. I think this Council has heard from Providence and the decision that Providence has made was that they were willing to go forward with the lease and they reiterated their desire for a Memorandum of Lease but would not stand in the way and would still proceed to closing if that was not included and they also referenced their acceptance of Exhibit B. What was provided to Providence in the form lease was somewhat incomplete because there were some Exhibits and dates to put in there. I have gone through that and there are some editorial things that need to occur if the Council was to go forward in approving the lease. If the Council's intent is still not to do a Memorandum of Lease then Paragraph 28 is inconsistent with that because it is an indication that a short form lease would be recorded. That language has been in the document for all this time. The issue of recording a Memorandum of Lease was raised by the Attorney for Providence and notwithstanding the language was already in there. That raised the question and put to the Council as to whether that was their desire and the direction I received from Council was that was not their desire.

Attorney Fox reviewed the Lease document with the Council and public.

Mayor Pro Tem Titherington – A short form lease filing just says this is the lease on record and has to be attached in case of a sale.

Attorney Fox - It is the same thing as a Memorandum of Lease. It puts on the record with the Register of Deeds Office for someone who is interested and should acquire the property. It provides notice to them that there is a lease on the property for 10 years. If you acquire the property you have to recognize the lease. The fire department is asking whether the Town will consent to a recordation of the lease. The Town indicated through my communication that that is not something the Town is willing to do. The language was always in there that there would be a recordation of the lease but the issue was raised by their Attorney and it allowed the Town to revisit whether or not that was its intent. A Memorandum of Lease limits what that person can do relative to that tenant which is already in the lease as well.

Councilwoman Harrison – What does it mean if we keep it in or not? What are the pros and cons?

Attorney Fox - The position that I understood the Council to take previously was not to do a Memorandum of Lease. That was based on not restricting a third party or the Council on the transferability of the property and whether or not if it were to transfer your market of potential people that it could go to would be lessened because they have to recognize and honor that lease for a 10-year period. If you do not plan to do anything with the property for the next 10 years you have a fire department operating there then we are spending a lot of time on a very insignificant thing. It does not limit the Town because the Town has a 10-year agreement. It limits a third party if the Town were to transfer the property.

Councilwoman Harrison - I don't want Providence to have the worry that we are going to sell it and get out. There is no way to break that lease without some ramifications beneficial to Providence.

Attorney Fox - Assume the language in #28 is removed. You still have the language in #37 which talks about non disturbance. It would be hard for a third party to say that they did not know there was a fire station there and they are not going to recognize that lease. Legally they may have an argument and that is what this is all about.

Councilwoman Hadley - I thought that upon any such transfer that landlord shall provide tenant with a subordination, attornment and non-disturbance agreement so I did not see an issue with recording it. If the lease did not survive a sale I think probably that the recording might have more of a meaning to it. I am of the opinion what difference does it make because it survives the sale anyway so what is the harm in recording it. It is on public record. It is obvious to anyone that was interested in the property that the fire department sits on it and they would assume it is owned by the Town and that there would be a lease.

Mayor Deter – You could also argue that there is no reason for it so why add to the complexity.

Councilwoman Hadley - In light of #28, I would say that if we had any type of changes that it would have to go back to Providence VFD again.

Mayor Deter – The direction we gave Anthony and the discussion that Anthony had with their Attorney was the Town was not open to recording a Memorandum of Lease and it just happens to be now as we look at the lease that there is a paragraph in there that should have been deleted. The Council set out direction and we gave to Anthony and that is what Anthony has pursued and my understanding is that is what Providence accepted.

Attorney Fox – I specifically sent in my letter to their Attorney which I assumed was communicated to Providence that I was writing to respond to his most recent request regarding the Memorandum of Lease and whether the Town could consent to a recorded Memorandum of Lease. I advised him that the Town will not agree to a Memorandum of Lease and I explained why. To his defense he takes a stand as a Real Estate Lawyer that he has a tough time advising his client to move forward with a transaction where there is not a Memorandum of Lease recorded because of that it may impact their tenancy in the property and the long term right to utilize the property. He feels the absence of such a recorded Memorandum of Lease for a 10-year term would allow a future owner to disregard the lease and that is the risk and concern that he has. The message that we received from Providence is that they would still prefer a Memorandum of Lease to be recorded and they indicated that they would proceed to close on August 18 and the lack of a Memorandum of Lease will not prevent them from closing. Removing Paragraph 28 is consistent with the communications that we have put out there.

Mayor Deter – The correspondence that has gone back and forth between you, their Attorney, Providence VFD and the Council would tie up to all those exchanges if it was deleted. What I interpret in all the letters is that they would proceed to close anyway.



Attorney Fox - This language has been in here since the early drafts. As I went through this document this afternoon I saw that this language was inconsistent with the direction and felt duty bound to bring to the Council's attention.

Mayor Deter – Then we make it in sync with the correspondence and documents.

Attorney Fox – That action would suggest that Council is not interested in recording it but based on #37 recognizes that it cannot transfer the property without getting a third party to agree to a non-disturbance agreement and it would require the Town to have the fire department review the non-disturbance language and to make sure that it meets their satisfaction. It gives Providence some comfort level that a transfer is not complete until Providence has reviewed and consented to a non-disturbance agreement.

Mayor Pro Tem Titherington - When the Fire Suppression Agreement was approved, a lease was to be attached which it was not. I think the intent was to keep it simple and concise. It is very important that Providence has the protection of #37. In #37 I think it is very clear that the transfer cannot occur without a subordination, attornment and non-disturbance agreement. The positive intent was to say that Providence has the protection which is important and we have the agreement between all different parties; to add another change at this point complicates things. I think Anthony what you are talking about is staying consistent with the communications that have been occurring the last week is to strike #28 because those protections are in #37.

Attorney Fox - It is a policy decision. If that is the motion I would also ask that the Council allow me to present the document with the proposed changes with some slight editorial amendments such as dates, etc.

Councilwoman Hadley - If we make any changes to this lease then we are not negotiating in good faith. We sent it to them and they went out on a limb and extended their good will to go against the advice of their Attorney by asking for consideration of recording without making it a prerequisite of approval. They have in my opinion extended their good will and if we make any changes other than to insert dates then in my opinion we are not negotiating in good faith and we are doing what we asked them not to do. If no one saw this, then shame on whomever.

Mayor Deter – Then if the lease document said that we are going to lease it to them for \$1.00 a year and it was typed up wrong and it said \$100,000 a year what would we do? We had said that we would not do a Memorandum of Lease, we are correcting that error to match up with the policy direction that was given to Anthony and the discussion Anthony had with their Attorney and the response we got back from Providence.

Attorney Fox - As I review this document Paragraph 28 is inconsistent with the positions taken by the parties relative to the Memorandum of Lease and Recordation. Their attorney raised the question, Council responded, I communicated that response. They indicated they would still desire a Memorandum of Lease but would be willing to proceed to closing without it. With that language in there that requires the Council to do a Memorandum of Lease which was inconsistent with the conversations with what they understood our position to be, inconsistent with their response and inquiry about a Memorandum of Lease.

Councilmember Hadley - What is the downside to the Town?

Attorney Fox - The only issue with regards to the Memorandum of Lease is that a third party acquiring the property would have to recognize the lease that is in place and for its terms and conditions without any further action of the Town. Without the agreement then Providence's interests would rely upon the language in Paragraph 37 which would mean that the Town would have to before transfer was complete obtain a non disturbance agreement from the purchaser to the satisfaction of Providence. That agreement by its term would recognize that Providence's tenure and tenancy could not be disturbed by the transfer to a third party.

Mayor Pro Tem Titherington – What is the difference between those two processes?

Attorney Fox - From a perspective of the law a recordation says that they have a legal right to the tenancy for a 10-year term because if it is recorded then you have to recognize the lease whether you knew of its existence or not and you cannot disturb their tenancy as a matter of law for the 10-year term provided that they are in compliance with the terms of the lease. Without a recordation the Town would be obligated through the transfer to do the non disturbance agreement.

Councilmember Smith – I think that #37 provides the protection for Providence VFD which is important. I would like to make a motion to strike #28 which would be consistent with the communication that we have sent them recently and to accept the Lease Agreement and to allow the Attorney to make small editorial changes.

Mayor Pro Tem Titherington asked to take a brief recess.

Councilmember Smith – I would like to amend my motion. In trying to have a good partnership with Providence VFD, I move that we accept the Lease Agreement as it stands with some minor clerical changes by the Town Attorney. All were in favor, with votes recorded as follows:

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

**C. To Consider Forming a Committee to Look Into Creating a Plan and/or Policy Recommendations for the Area Designated Future Business in the Land Use Plan.** Town Planner Burton - I have been working on some initial ideas for a small area plan for the Town Center. The Town Center is defined as the area designated as future business in the Land Use Plan and consists of Weddington Corners and the Matthews Property and the Spittle Property both located off of Weddington-Matthews Road. Staff proposes that the Council appoint a Committee charged with executing the vision of the citizens and looking into producing a small area plan in order to contain all commercial development within this designated area and to create additional policies to encourage an attractive, accessible and unified Town Center.

Mayor Deter - I think what you are saying is that you would like to get a few people from the Planning Board to work as a group with you to come up with a small area plan specific to this area.

Mayor Pro Tem Titherington moved to authorize staff to form a committee to look into creating a plan and policy recommendations for the area designated future business in the Land Use Plan. All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Hadley, 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 Burton:

Staff has received a Preliminary Plat application for the Tuscan Ridge major subdivision, located off of Shagbark Lane.

- On July 28<sup>th</sup>, the Planning Board acted on the following items:
  - TUP for Weddington Country Festival (approved with conditions)
  - CZ for Threshold Church (Recommended approval with conditions)
  - Atherton Estates Final Plat Map 1 (Recommended approval with conditions)
  - Text Amendment – Revisions to MX Zoning District (discussion; no action)
- The following items will be on the August 25<sup>th</sup> Planning Board agenda for discussion:
  - Graham Hall Final Plat
  - Tuscan Ridge Preliminary Plat
  - Text Amendment – Revisions to MX Zoning District

Staff, in coordination with Bonnie Fisher of USI, is in the process of reviewing and revising construction plan guidelines, roadway standards, and the stormwater ordinance. Ms. Fisher has already proposed draft versions of both construction plan guidelines and roadway standards, and will propose revised stormwater policies to planning staff in August.

**Item No. 13. Update from Town Administrator.** The Town Council received the following update memo from Town Administrator Amy McCollum:

- The auditors will be at the Town Hall on Thursday, September 11.
- Consultants for the Fire Study will be at the Town Hall on Tuesday, August 12 and Wednesday, August 13 conducting interviews.
- The Town Council Retreat is scheduled for Thursday, August 28 here at the Town Hall. An agenda is being prepared and will be sent out for the Council's review.
- Town Planner Julian Burton will start reviewing the Town's Voting Districts to make sure that they are balanced.
- A representative from Senator Robert Pittenger's office uses the Town Hall Conference Room every Wednesday from 9:30 to 12 to meet with concerned citizens.
- Work will begin in the next month of upgrading the Town's telephone system.

Upcoming Dates:

August 25	-	Planning Board Meeting
August 26	-	Public Safety Advisory Committee Meeting
August 28	-	Retreat
September 1	-	Closed for Labor Day
September 20	-	Weddington Country Festival

**Item No. 14. Public Safety Report.**

**PROVIDENCE VFD**

Union Fire	32
Union EMS	14
Mecklenburg EMS	0
Mecklenburg Fire	5
Total	51

**Training:**

163 in house training  
38 hours out of house training

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

Wesley Chapel VFD – 11 Calls.

Stallings VFD – 2 Calls.

Weddington Deputies – 786 Calls.

**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 7/1/2014 to 7/31/2014.

**B. Tax Collector's Report.**

**Monthly Report –July 2014**

<b>Transactions:</b>	
Adjustments <\$5.00	\$(8.36)
Advertising Charges	\$187.50
Overpayments	\$(2.50)
Penalty and Interest Payments	\$(75.40)
<b>Taxes Collected:</b>	
2010	\$(84.11)
2011	\$(124.97)
2012	\$(70.83)
2013	\$(745.02)
<b>As of July 31, 2014; the following taxes remain Outstanding:</b>	
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	\$1,811.84
2011	\$2,799.51
2012	\$7,734.61
2013	\$9,445.67
<b>Total Outstanding:</b>	<b>\$25,621.74</b>

**Item No. 16. Transportation Report.** Councilwoman Harrison gave a brief transportation report and updated the Council on Prioritization 3 for Horizon Year 2025. She also discussed the ethics requirements for the MUMPO Alternate and Delegate.

**Item No. 17. Council Comments.** Councilwoman Harrison advised that she attended the opening of the Dogwood Park in Wesley Chapel and that it is available for use by residents outside of Wesley Chapel.

**Item No. 18. Closed Session Pursuant to NCGS 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged and Consideration of Approval of Minutes.** Council determined that a Closed Session was not needed.

**Item No. 19. Adjournment.** Councilwoman Hadley moved to adjourn the August 11, 2014 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

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

The meeting adjourned at 8:37 p.m.

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Bill Deter, Mayor

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Amy S. McCollum, Town Clerk