

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, DECEMBER 8, 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 December 8, 2014, with Mayor Bill Deter presiding.

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

Absent: Councilwoman Pamela Hadley

Visitors: Jay Stikeleather, Bill Price, Bill Snider, Monica Snider, Dean K., Sarah Hunt, Mike Carver, Beverly Carver, Melissa Christiansen, Jeff Sherrie, Gary Romaine, Sherri McGirt, Rocky Caponigro, Gene Melchior, Dale Stewart, John Roberts, Chris Martin, Jonathan K., Heather Gaddy, Bill Carter 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 December 8, 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. Public Comments. There were no Public Comments.

Item No. 5. Additions, Deletions and/or Adoption of the Agenda. Mayor Pro Tem Don Titherington moved to approve the agenda as presented. All were in favor, with votes recorded as follows:

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

Item No. 6. Consent Agenda.

A. Consideration of 2015 Holiday Schedule. Councilwoman Barbara Harrison moved to approve the 2015 Holiday Schedule.

New Year's Day	Thursday, January 1
Birthday of Martin Luther King, Jr.	Monday, January 19
Good Friday	Friday, April 3
Memorial Day	Monday, May 25
Independence Day	Friday, July 3
Labor Day	Monday, September 7
Veteran's Day	Wednesday, November 11
Thanksgiving	Thursday, November 26 and Friday, November 27
Christmas	Thursday, December 24 and Friday, December 25

All were in favor, with votes recorded as follows:

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

B. Consideration of 2015 Meeting Schedule. Councilwoman Harrison moved to approve the 2015 Meeting Schedule.

DATE	TIME	LOCATION
January 12, 2015	7:00 p.m.	Town Hall Council Chambers
February 9, 2015	7:00 p.m.	Town Hall Council Chambers
March 9, 2015	7:00 p.m.	Town Hall Council Chambers
April 13, 2015	7:00 p.m.	Town Hall Council Chambers
May 11, 2015	7:00 p.m.	Town Hall Council Chambers
June 8, 2015	7:00 p.m.	Town Hall Council Chambers
July 13, 2015	7:00 p.m.	Town Hall Council Chambers
August 10, 2015	7:00 p.m.	Town Hall Council Chambers
September 14, 2015	7:00 p.m.	Town Hall Council Chambers
October 12, 2015	7:00 p.m.	Town Hall Council Chambers
November 9, 2015	7:00 p.m.	Town Hall Council Chambers
December 14, 2015	7:00 p.m.	Town Hall Council Chambers

All were in favor, with votes recorded as follows:

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

C. Consideration of 2014 Revised Union County Emergency Operations Plan (EOP). The Town Council received an electronic copy of the 2014 revised Union County Emergency Operations Plan (EOP), annexes and checklists. The EOP, annexes and checklists were last revised and adopted in 2005. During the last few years, the State of NC (2012) revised portions of the Emergency Management Act 166A and also Union County government underwent an organizational transition in 2013. Thus, the current EOP changes reflect these updates.

Councilwoman Harrison moved to approve the 2014 Revised Union County Emergency Operations Plan (EOP). All were in favor, with votes recorded as follows:

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

Item No. 7. Public Hearings and Consideration of Public Hearings.

A. Public Hearing - Review of Proposed Text Amendments to Section 46-45 – Revising the Duration of Financial Guarantees (Performance Bonds). The Town Council received a copy of the proposed text amendments. Mayor Deter opened the public hearing.

Town Planner Julian Burton - This was proposed by Bonnie Fisher with US Infrastructure as we started updating a lot of our ordinances dealing with infrastructure improvements and road improvements. This puts a more specific time frame on a financial guarantee, specifically a performance bond, and limits it to 24 months unless otherwise specified by the Town Council. There was a question brought up about the word “responsible” in the first sentence and whether that should be reasonable.

Attorney Sullivan felt that it probably should be reasonable.

Mayor Deter closed the public hearing.

B. Consideration of Ordinance – Text Amendments to Section 46-45 – Revising the Duration of Financial Guarantees (Performance Bonds). Mayor Pro Tem Titherington moved to adopt Ordinance O-2014-15 and to change the word responsible to reasonable.

**AN ORDINANCE TO AMEND SECTION 46-45
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2014-15**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 46-45 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 46-45. Final major subdivision plat submission and review.

(a) *Preparation of final plat and installation of improvements.* Upon approval of the preliminary plat by the town council, the subdivider may proceed with the preparation of the final plat and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this chapter. Prior to initiation of the construction of utility and street improvements, plans shall have all necessary approvals from state agencies and appropriate county. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this chapter or guaranteed their installation as provided herein. No final plat will be accepted for review by the town council unless accompanied by written notice by the subdivision administrator acknowledging compliance with the improvement and guarantee standards of this chapter. If the street improvements are completed prior to preparation of the final plat, subsection 46-49(b) shall be complied with before submission of the final plat to the town council for approval. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this chapter.

(b) *Improvement and guarantee standards.*

(1)*Optional agreement.* In lieu of requiring the completion, installation and, if applicable, dedication of all improvements prior to final plat approval, the town may enter into an agreement with the subdivider whereby the subdivider shall guarantee completion of all required improvements as specified on the approved preliminary plat for that portion of the subdivision to be shown on the final plat within two years from the date of final plat approval, unless otherwise specified in the written agreement. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the town council; provided, however, that all other requirements of this article are met. To secure this agreement, the subdivider shall provide either one or a combination of the following guarantees in an amount equal to 1.5 times the costs, as estimated by the subdivider and approved by the town planner or engineer, of installing all required improvements on the approved preliminary plat for that portion of the subdivision to be shown on the final plat. The amount shall be subject to the approval of the town council or the planning board; provided, however, that the planning board shall have no authority to approve bonds in excess of \$1,000,000.00.

a. *Surety performance bond.* The subdivider shall obtain a performance bond from a surety bonding company satisfactory to the town council or planning board, as applicable. A surety bonding company must at minimum be: (1) registered to do business with the North Carolina Secretary of State; (2) licensed to issue surety bonds in the State of North Carolina by the North Carolina Department of Insurance; (3) rated at least "B+" by a reputable bond rating agency; and (4) possess a minimum of \$50,000,000.00 in assets. The town council or planning board may, within its sole discretion, insist upon alternative standards based upon the particular project, the estimated cost of completion of the improvements, and/or other factors indicating higher standards are warranted. The bond(s) must contain the following provisions: (1) the bond(s) shall remain in effect until such time as all improvements are installed and approved by the town council or planning board; (2) the surety bonding company, within 15 days of the town providing notice of default, shall take over and complete all improvements or pay the town in cash the estimated costs of installing the improvements as determined by the town's planner or engineer; and (3) the town shall be able to draw upon the bond(s) in the event that the subdivider defaults upon its agreement with the town in accordance with subsection (2) of this section. Any charges associated with cost calculation or verification shall be borne entirely by the subdivider.

b. *Letter(s) of credit.* The subdivider shall obtain an irrevocable letter(s) of credit issued by a commercial bank satisfactory to the town council or planning board. The commercial bank issuing the letter of credit must be: (1) organized under the laws of the United States of America or any state of the United States, or the District of Columbia; (2) authorized to do business in the State of North Carolina; (3) subject to regulation by the State of North Carolina or federal banking regulatory authorities; and (4) possess combined capital stock, surplus and undivided profits aggregating at least \$100,000,000.00. The town council or planning board may, within its sole discretion, insist upon alternative standards based upon the particular project, the estimated cost of completion of the improvements, and/or other factors indicating higher standards are warranted. The letter(s) of credit must contain the following provisions: (1) the letter(s) of credit shall be evergreen and shall not be subject to expiration until such time as all improvements are installed and approved by the town council or planning board, and shall require the issuing commercial bank to give at least 60 days' notice of its intent to terminate the letter(s) of credit, upon which the town can draw upon the letter(s) of credit; (2) the town shall be able to draw upon the letter(s) of credit at any time on or before its expiration; (3) the commercial bank shall, upon written notification by the town council or planning board stating that the subdivider is in default, immediately pay to the town the full amount, or any lesser amount if requested by the town council or planning board, of the letter(s) of credit; (4) the town shall be able to draw upon the letter(s) of credit in the event that the subdivider defaults upon its agreement with the town in accordance with subsection (2) of this section; and (5) the letter(s) of credit shall allow for presentment and collection at a location within a 30-mile radius of the town.

c. *Cash or equivalent surety.* The subdivider shall deposit cash, or other instrument readily convertible into cash at face value, such as a certificate of deposit or treasury-issued security, either with the town or in escrow with a financial institution designated as an official depository of the town. The use of any instrument other than cash shall be subject to the approval of the town council or planning board. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the town council or planning board an agreement between the financial institution and the subdivider guaranteeing the following:

1. That said escrow account shall be held in trust for the town until released by the town council or planning board and may not be used or pledged by the subdivider in any other matter during the term of the escrow;
2. That the financial institution shall, upon written notification by the town council or planning board stating that the subdivider is in default, immediately pay to the town all funds in said account, excluding any interest earned; and
3. That the duration of said escrow account(s) shall be until such time as all improvements are installed and approved by the town council or planning board, or until the subdivider provides the town with an acceptable, alternative guarantee for the completion of installing all remaining required improvements on the approved preliminary plat for that portion of the subdivision to be shown on the final plat. Any charges associated with cost calculation or verification shall be borne entirely by the subdivider.

(2) Duration of Financial Guarantees. The duration of a financial guarantee shall be of a reasonable period to allow for completion and acceptance of improvements. In no case shall the duration of the financial guarantee for improvements exceed twenty four (24) months, unless otherwise specified in the written agreement as described in subsection 46-45 (b)(1). All Subdivisions whose public improvements are not completed and accepted at least thirty (30) days prior to the expiration of the financial guarantee shall be considered to be in default, unless said guarantee is extended with the consent of the Town Council to a future date not to exceed six months, or to a date determined by Council.

(3)*Default.* Upon default by the subdivider, the town council or planning board, as applicable, may require the surety, the letter of credit issuer or the financial institution holding the escrow account to pay all or a portion of the bond, letter of credit or escrow account to the town. Upon payment, the town shall expend said funds to complete all or any portion of the required improvements as it deems necessary. For purposes of this section, default shall constitute any of the following: (1) failure on the part of the subdivider to complete, within the time period specified in the agreement in subsection (b)(1)c.1. of this section, the required improvements as specified on the approved preliminary plat for that portion of the subdivision to be shown on the final plat; (2) failure on the part of the subdivider to install any improvement in accordance with the specifications or the regulations in the town's ordinances; or (3) transfer of ownership of any portion of the property or lots located within the subdivision to another person or entity under no legal obligation to install the required improvements (e.g., foreclosure). If one of the above events occurs, nothing herein shall prevent the town from declaring default prior to the expiration of the time period specified in subsection (b)(1)c.1. of this section.

(4)*Release of guarantee surety.* In its sole discretion, the town council or planning board may release a portion of any security posted as the improvements are completed and recommended for approval by the town planner, so long as the town maintains the posted security in an amount equal to at least 1.5 times the estimated costs of installation of the remaining improvements. However, notwithstanding the above, nothing shall require the town council or planning board to release any portion of security posted until such time as all improvements are installed and approved by the town council or planning board. Within 30 days after receiving the town planner's recommendation, the town council or planning board shall approve or not approve said improvements. Once all required improvements on the preliminary plat for that portion of the subdivision to be shown on the final plat have been installed and approved, then all security posted for said improvements shall be released by the town council or planning board.

Adopted this 8th day of December, 2014.

All were in favor, with votes recorded as follows:

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

C. Public Hearing - Review of Proposed Text Amendments to Section 46-49 – Revising the Duration of Financial Guarantees (Maintenance Bonds). The Town Council received a copy of the proposed text amendments. Mayor Deter opened the public hearing.

Town Planner Burton – This is a similar text amendment except it deals with the maintenance bond. It is a slightly less time period – 12 months instead of 24 months because it is a time period where NCDOT would be taking over the roads and the developer or whoever constructed the roads would be responsible for that maintenance bond during that 12 month period. The word responsible is also in this text amendment so I would recommend that Town Council approve this with the same change from responsible to reasonable.

Mayor Deter closed the public hearing.

D. Consideration of Ordinance - Text Amendments to Section 46-49 – Revising the Duration of Financial Guarantees (Maintenance Bonds). Mayor Pro Tem Titherington moved to adopt Ordinance O-2014-16 and to change the word responsible to reasonable.

**AN ORDINANCE TO AMEND SECTION 46-49
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2014-16**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 46-49 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 46-49. Maintenance of dedicated areas until acceptance.

- (a) Subject to subsection (c) of this section, all facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.
- (b) The owner of any development containing streets intended for public dedication shall post a performance bond or other sufficient surety to guarantee that such streets will be properly maintained until the offer of dedication is accepted by the state department of transportation or by formal acceptance by resolution of the town. The owner of any planned residential development (PRD) also shall post a performance bond or other sufficient surety to guarantee that any private streets in the PRD will be properly maintained until a homeowners' association has assumed full responsibility for maintaining such streets in accordance with section 58-23. In either case, the amount of the security shall constitute 15 percent of the cost of the improvements (road base and pavement). The owner shall provide information sufficient for the town subdivision administrator to determine the actual cost of improvements. If the surety/bond described in this subsection is not provided, the town may not issue zoning permits to any properties on the said streets.
- (c) The town council may relieve the owner of the requirements of this section if it determines that a property owners' association has been established for the development, and that this association has ~~requested~~**accepted** responsibility for the subject improvements, and is capable of performing the obligations set forth in subsection (a) of this section. The council may require the property owners association post the bond referred to in subsection (b) of this section.

- (d) The bond/surety referred to in subsection (b) of this section shall be posted with the town prior to the release of any guarantee surety referred to in subsection 46-45(b)(3).
- (e) **The duration of the financial guarantee referred to in subsection (b) of this section shall be of a reasonable period no less than twelve (12) months to allow for acceptance of improvements by the state department of transportation or by a homeowners' association. In no case shall the duration of the financial guarantee for maintenance exceed twenty four (24) months. All Subdivisions whose streets are not accepted at least thirty (30) days prior to the expiration of the financial guarantee shall be required to extend or replace the financial guarantee for an additional twenty four (24) months, or to a date determined by Town Council.** ~~Whenever a surety bond or letter of credit has been submitted, t~~The subdivision administrator shall notify the owner/property owners association at least 90 days prior to the time said guarantee is about to expire. If the owner/property owners' association does not extend or replace said guarantee within 60 days of said notification, the subdivision administrator shall through the town attorney's office, and after notifying the town clerk's office, begin proceedings for calling upon the guarantee.

Adopted this 8th day of December, 2014.

All were in favor, with votes recorded as follows:

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

E. Public Hearing - Review of Proposed Text Amendments to Section 46-75 and 46-76 – Updating Street Design Requirements to Match NCDOT Standards and Town of Weddington Road Standards. The Town Council received a copy of the proposed text amendments. Mayor Deter opened the public hearing.

Town Planner Burton – This is the second text amendment dealing with this specific section. There was a Section in 46-75 that we approved recently. This is the rest of it. It aligns all of the road construction requirements with our new Weddington Roadway Standards which we are also reviewing tonight. If you look through the text it basically updates everything to meet the new requirements both from NCDOT and the requirements within the Town of Weddington Roadway Standards.

Mayor Deter closed the public hearing.

F. Consideration of Ordinance - Text Amendments to Section 46-75 and 46-76 – Updating Street Design Requirements to Match NCDOT Standards and Town of Weddington Road Standards. Mayor Pro Tem Titherington moved to adopt Ordinance O-2014-17:

**AN ORDINANCE TO AMEND SECTIONS 46-75 AND 46-76
 OF THE CODE OF ORDINANCES
 OF THE TOWN OF WEDDINGTON
 O-2014-17**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTIONS 46-75 AND 46-76 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

46-72. General adherence to article provisions.

Each subdivision shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this chapter and paid for by the subdivider. Land shall be dedicated and reserved in each subdivision as specified in this article. Each subdivision shall adhere to the minimum standards of design established by this article.

Sec. 46-73. Suitability of land.

- (a) Land which has been determined by the town council on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.
- (b) Areas that have been used for disposal of solid waste shall not be subdivided unless tests by a structural engineer and a soils expert determine that the land is suitable for the proposed development.
- (c) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (d) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems, if available, located and constructed to minimize flood damage.

Sec. 46-74. Subdivision and street naming.

The name of the subdivision and the names of the streets within the subdivision shall not duplicate or closely approximate the name of an existing subdivision or any existing streets within the county.

Sec. 46-75. Subdivision design.

- (a) *Blocks.*
 - (1) The lengths, widths, and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs of the type of use contemplated, zoning requirements, needs for vehicular and pedestrian circulation, control and safety of street traffic, limitations and opportunities of topography, and convenient access to water areas.
 - (2) Blocks shall not be less than 400 feet or more than 1,500 feet in length. Where a longer block will reduce the number of railroad grade crossings, major stream crossings, or where blocks will result in less traffic through residential subdivisions from adjoining business areas, the town council may authorize block lengths in excess of 1,500 feet.
 - (3) Blocks shall have sufficient width to allow two rows of lots of minimum depth except where single row lots are required to separate residential development from through vehicular traffic or another type of use, in nonresidential subdivisions, or where abutting a water area.
- (b) *Lot dimensions.*
 - (1) All lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all area and dimensional requirements of chapter 58.
 - (2) Orientation of residential lot lines.
 - a. Side lot lines shall be substantially at right angles or radial to street lines.
 - b. Double frontage lots shall be avoided wherever possible.
 - (3) Panhandle lots and other irregular shaped lots may be approved in cases where such lots would not be contrary to the purpose of this chapter, heighten the desirability of the subdivision, and, where necessary, enable a lot to be served by water and/or a waste disposal system. All panhandle lots shall have a minimum road frontage width of 35 feet thereby providing an access strip to the lot. The length of said strip shall not exceed 200 feet. Said strip shall not be used to determine lot area or width or setback lines.
 - (4) All minimum lot dimensions may be increased in order to meet any applicable requirements of the appropriate county health department.
 - (5) Lots within floodplains shall not be approved for recordation unless the following provisions are met:
 - a. *Lots wholly subject to flooding.* No proposed residential building lot that is wholly subject to flooding, as defined herein, shall be approved.
 - b. *Lots partially subject to flooding.*

1. No proposed residential building lot that is partially subject to flooding as defined herein shall be approved unless there is established on the lot plan a contour line representing an elevation no lower than two feet above the base flood line as defined in section 58-229. All buildings or structures designed or intended for residential purposes shall be located on such a lot such that the lowest useable and functional part of the structure shall not be below the elevation of the base flood line, plus two feet.
2. For the purpose of this subsection, the term "useable and functional part of structure" shall be defined as being inclusive of living areas, basements, sunken dens, basement, utility rooms, crawl spaces, attached carports, garages and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits, and wiring, but shall not include water lines or sanitary sewer traps, piping and cleanouts; provided that openings for same serving the structure are above the base flood line.
3. Where only a portion of the proposed lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building a usable lot area of not less than 5,000 square feet. The useable lot area shall be determined by deducting from the total lot area, the area of all yard setbacks required by the applicable zoning regulations and any remaining area of the lot lying within the area of the base flood (100-year flood) as shown on the Flood Boundary and Floodway Map described in section 58-229.

(c) *Easements.* Easements shall be provided as follows:

- (1) *Utility easements.* A utility easement of not less than five feet in width shall be provided to the side and rear of each lot and in other locations where deemed necessary. This requirement may be waived by the subdivision administrator if the subdivider can certify on the final record plat where accommodations for such utilities are to be located. Lots in minor subdivisions are exempt from this requirement upon certification that they may be serviced by existing utilities along the public rights-of-way. Wider easement widths may be required if determined necessary by the utility company involved.
- (2) *Drainage easements.* Where a subdivision is traversed by a stream or drainageway, an easement shall be provided conforming with the lines of such a stream and shall be of sufficient width as will be adequate for the purpose **and in accordance with section 58-520.** Other drainage easements may be required for the proper drainage of all lots.
- (3) *Access easements.* Private and recorded easements created according to subsection **46-76(a)** that provide access from an easement lot to a public road.

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

... (subsections a-d not included because they have been recently amended)...

- (e) *Access to adjacent properties.* Where it is deemed desirable by the town council, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided.
- (f) *Street design and standards.* Minimum street right-of-way and pavement widths, as well as other engineering design standards shall be in accordance with the minimum design criteria for subdivision roads as established from time to time, by the division of highways, state department of transportation publication entitled "Subdivision Roads: Minimum Construction Standards", **except where modified by the Town of Weddington Roadway Standards.**
- (g) *Culs-de-sac.*
 - (1) Permanent dead-end streets shall not exceed 600 feet in length in conventional subdivisions unless necessitated by topography or property accessibility and if the town

council grants a modification per section 46-15. In conservation subdivisions, culs-de-sac may be greater than 600 feet in length in order to prevent the degradation and development of primary and secondary lands within the subdivision, thereby conserving the integrity of the conservation subdivision by preserving open space in an unaltered state. Culs-de-sac in conservation subdivisions shall not inhibit emergency vehicular access. The planning board shall review the sketch plan and existing resource and site analysis plan for a conservation subdivision that proposes culs-de-sac greater than 600 feet in length. Measurement shall be from the point where the centerline of the dead-end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround. ~~Culs-de-sac must be terminated with a circular right-of-way not less than 90 feet in diameter for curb and gutter section with not less than 37 feet of pavement from center to face of curb, and not less than 100 feet in diameter for shoulder section with not less than 40 feet of pavement from center to outer edge of pavement.~~ Cul-de-sac **pavement and right-of-way diameters shall be in accordance with NCDOT design standards.** ~~Designs~~ other than the "bulb" end design with a circular right-of-way will be subject to the approval of the Division Engineer of the Division of Highways, North Carolina Department of Transportation and the town council after review on an individual basis. Culs-de-sac in conventional subdivisions shall not be allowed where connection with an existing street is possible.

- (2) In certain cases where connectivity is either not possible or not recommended, the town may require the installation of one or more emergency access gates. The homeowner's association is responsible for the maintenance, testing and repairs of all functions of emergency access gates. An annual inspection and test of the gate shall be performed and the results submitted to town hall. Any homeowner's association that is found to be in violation shall be required to maintain a service agreement with a qualified contractor to ensure year round maintenance and to submit a copy of the service agreement to town hall.
- (h) *Improvements within the town limits.*
- (1) Approval of the final plat shall be subject to the subdivider having installed the improvements hereinafter designated or having guaranteed, to the satisfaction of the town council, the installation of said improvements.
 - (2) The following requirements shall apply to all streets within the corporate town limits of the town, or if annexation of the subdivision to the town is desired or required by the subdivider:
 - a. *Grading.* All streets shall be graded to their full right-of-way width. Finished grade, cross-section and profile shall be **in accordance with the Town of Weddington Standards and approved by** the state department of transportation standards, as established herein.
 - b. *Paving.* Road base and paving shall be installed in accordance with the **Town of Weddington Standards and the** state department of transportation standards, as established herein.
- (i) *Street signs.* Appropriate street name signs which meet the standards of town/county specifications shall be placed at all street intersections at the subdivider's expense.
- (j) *Street layout.*
- (1) *Conformity to existing maps or plans.* Streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets.

- (2) *Continuation of adjoining streets.* The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing principal streets shall be extended.
- (3) *Large tracts or parcels.* Where land is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision.
- (4) *Through traffic discouraged on residential collector and local streets.* Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways offered for dedication to assure convenient access to parks, playgrounds, schools, or other places of public assembly.
- (5) *Permits for connection to state roads.* An approved permit is required for connection to any existing state system road. This permit is required prior to any construction on the street or road. The application is available at both the Charlotte and Monroe Offices of the Division of Highways.
- (6) *Reservation of future right-of-way.* Whenever a tract of land to be subdivided includes any part of a major or minor thoroughfare shown on the Mecklenburg-Union Thoroughfare Plan adopted by the town, and whenever such right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the major or minor thoroughfare must be platted in the location and to the width specified in the plan. The subdivider is responsible for the reservation of the right-of-way. All measurements involving minimum lot standards under this chapter will be made at the edge of the full/future right-of-way.
- (k) *Utilities.* All utility lines (electric, water, sewer, telephone, gas, etc.,) shall be located underground in all subdivisions.

Sec. 46-77. Placement of monuments.

Unless otherwise specified by this chapter, the Standards of Practice for Land Surveying, as adopted by the state board of registration for professional engineers and land surveyors, under the provisions of 21 N.C. Admin. Code 56, shall apply when conducting surveys for subdivisions, to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties, to determine the location, design and material of monuments, markers, control corners, and property corner ties, and to determine other standards and procedures governing the practice of land surveying for subdivisions.

Sec. 46-78. Connection to public water lines.

- (a) If county or municipal water lines are located within one-half mile of a subdivision of ten to 39 lots, or one mile of a subdivision of 40 lots or more, where the distances are measured along the roadway to the nearest edge of the property, then the developer must connect to these lines to provide water service and fire protection for the subdivision. Extensions to the county water system shall be made in conformance with the policies and procedures set forth in the current Union County Water and Sewer Extension Policy as approved by the board of county commissioners and Town of Weddington.
- (b) There may be times when the county cannot issue new water permits due to lack of available capacity. If a developer is denied permits for this reason, the town may allow the use of individual domestic wells to serve a proposed development provided that the developer still installs water lines to county specifications as initially approved for fire flow only. The developer shall be responsible for proving to the town that capacity is not available. A determination of what capacity is available and whether to allow the use of individual domestic wells shall lie within the sole discretion of the town.
- (c) The proposed water lines must still meet all the requirements of the Union County Water and Sewer Extension Policy, including providing fire flow protection to the development and taps and meter boxes for each developable lot. If the county and town approve these plans then the

use of wells may be approved as an interim measure until such time as water capacity becomes available. The developer will be required to provide written proof that Union County will charge the lines for fire hydrant use.

- (d) As a condition of approval of the proposed development, the developer or property owner shall require these lots with domestic use wells connect to the county system at such time as the county indicates water capacity is available. Individual wells may be converted to irrigation use at the property owners expense provided such conversion is in conformance with the Union County Building Code and Union County Water and Sewer Specifications. The developer and/or property owner shall be responsible for any fees and charges from the county as a condition of connection to the county water system.
- (e) The use of community wells for domestic needs is discouraged and will only be allowed if the water system is built to Union County Water and Sewer Specifications. The system must be capable of meeting the water needs of the community including domestic, irrigation and fire flow requirements and an agreement exists with the county for: 1) the conditions under which the system becomes part of the county system; and 2) an arrangement is made with the county to tap into the county system for working fire hydrants according to the county specifications.

Adopted this 8th day of December, 2014.

All were in favor, with votes recorded as follows:

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

G. Public Hearing - Review of Proposed Weddington Roadway Standards. The Town Council received a copy of the proposed Weddington Roadway Standards. Mayor Deter opened the public hearing.

Town Planner Burton - This is referencing what was in the last text amendment. This is not an actual policy within our ordinance. It is a supplementary document that our ordinance will reference. Anthony Fox recommended that we still hold a public hearing to get this formally approved by the Town Council. It lays out all the new street design and storm drainage design standards and this was proposed by Bonnie Fisher with USI.

Mayor Deter closed the public hearing.

H. Consideration of Weddington Roadway Standards. A copy of the Weddington Roadway Standards is attached to the minutes as Exhibit A. Councilwoman Harrison moved to approve the Weddington Roadway Standards. All were in favor, with votes recorded as follows:

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

I. Public Hearing - Review of Proposed Construction Plan Guidelines. The Town Council received the following memo from Town Planner Julian Burton and a copy of the proposed Construction Plan Guidelines. Mayor Deter opened the public hearing.

Town Planner Burton - When the Town Council first called for the public hearing there were some concerns regarding the Appendix in the Construction Plan Guidelines. This is similar to the Weddington Roadway Standards and it is a supplementary document that is referenced in our ordinance. It basically lays out requirements for developers to submit construction plans to myself and US Infrastructure for review to make them consistent and to streamline the process. Anthony Fox and the Planning Board reviewed the document again. Anthony Fox recommended that the example of a draft declaration of covenants in the appendix be removed and replaced with a statement describing the need for a Declaration of Covenants. This change is

highlighted within the document. The Planning Board unanimously recommended approval of the revised document on November 24th.

Mayor Deter closed the public hearing.

J. Consideration of Construction Plan Guidelines. A copy of the Construction Plan Guidelines is attached to the minutes as Exhibit B. Councilmember Michael Smith moved to approve the Construction Plan Guidelines. All were in favor, with votes recorded as follows:

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

K. Public Hearing - Review of Proposed Text Amendments to Section 58-52, 58-53, 58-54 and 58-58 – Updating List of Permitted Conditional Uses in Residential Zoning Districts. The Town Council received a copy of the proposed text amendments. Mayor Deter opened the public hearing.

Town Planner Burton - The packet includes text amendments to four sections regulating residential zoning districts (58-52; 58-53; 58-54; 58-58). The revisions update the list of conditional uses for all four sections and were unanimously recommended by the Planning Board. Upon further review, staff noticed that Sections 58-54 and 58-58 reference a 50 foot buffer requirement, which was recently changed to a 100 foot buffer requirement (Section 46-76). In addition to approving all of the changes already included in the packet, staff recommends that Council consider changing the language so it reads “100-foot buffers along thoroughfares” or “required buffers along thoroughfares” within Sections 58-54 and 58-58.

Mayor Deter closed the public hearing.

L. Consideration of Ordinance - Text Amendments to Section 58-52, 58-53, 58-54 and 58-58 – Updating List of Permitted Conditional Uses in Residential Zoning Districts. Mayor Pro Tem Titherington moved to adopt Ordinance O-2014-20 and to change the language to required buffers along thoroughfares.

**AN ORDINANCE TO AMEND SECTIONS 58-52, 58-53, 58-54 AND 58-58
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2014-20**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTIONS 58-52, 58-53, 58-54 AND 58-58 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 58-52. R-80 single-family district.

The R-80 single-family district is established for areas of very low density residential development which is compatible with the land development plan's concept of retaining the rural character of the community. Densities need to be low due to the suitability of land, lack of public water and sewer, and the compatibility of surrounding development.

(1) *Permitted uses.*

- a. Single-family dwellings.
- b. Mobile homes, classes A and B.
- c. Agricultural uses. Structures housing poultry or livestock and waste removed from any structure shall be located no closer than 150 feet from any property line except that structures housing horses shall be located no closer than 60 feet from any property line. Corrals for bovine and equine animals are exempt from these setbacks.

- d. Horse farm or academy. Structures housing horses shall be located no closer than 60 feet from any property line. Waste removed from any such structure shall be located no closer than 150 feet from any property line.
 - e. Family care home for up to six clients, provided that such home is not located within a one-half mile radius from an existing family care home.
 - f. Essential services, classes I and IV.
 - g. Customary home occupations in accordance with section 58-7
 - h. Day care centers, small group.
- (2) *Conditional uses.* The following uses may be permitted by the town council in accordance with section 58-271. The council shall address review criteria for each use which is contained in section 58-271
- a. Churches, synagogues and other places of worship, ~~and their customary related uses.~~
 - b. Public and private schools serving all grades, including preschool facilities.
 - c. Golf courses, parks, playgrounds and community recreational centers (both public and private).
 - d. Country clubs, ~~fraternal, social and other civic organizations.~~
 - e. Emergency governmental service facilities, including police, fire and rescue.
 - f. Cemeteries.
 - g. Essential services, classes II and III.
 - ~~h. Clubs.~~
 - ~~i. Community centers.~~
 - ~~j. Public parks and recreational facilities.~~
 - ~~kh.~~ Private airstrips, provided that:
 - 1. The airstrips may be used only by the owners of the land on which the same is located; provided, however, if the airstrip is located on a bona fide farm, any airplanes engaged in crop dusting may use such airstrip in connection therewith;
 - 2. No flying lessons shall be conducted in airplanes flying from or to the airstrip;
 - 3. No commercial sales of airplanes, parts or fuel shall be conducted at the airstrip;
 - 4. The airstrip shall have been approved by the appropriate state and federal agencies.
 - ~~il.~~ Telecommunication towers.
 - ~~mj.~~ **Public** Libraries.
 - ~~nk.~~ Planned residential developments, subject to the requirements of section 58-23
 - ~~ol.~~ Amateur radio towers. An amateur radio tower may also be located on a lot that contains another principal use or structure. In no instance, however, shall the amateur radio tower be located in the front yard of a lot containing another principal structure.
 - ~~pm.~~ Government or town facility.
 - ~~qn.~~ Land application of biosolids.
 - ~~ro.~~ Agritourism.

Sec. 58-53. R-60 single-family district.

The R-60 single-family district is established to provide for areas of very low density residential development which is compatible with the land development plan's concept of retaining the rural character of the community. Densities need to be low due to the suitability of the land, lack of public water and sewer, and the compatibility of surrounding development.

- (1) *Permitted uses.* Permitted uses within the R-60 district shall be the same as those permitted in the R-80 district.
- (2) *Conditional uses.* The following uses may be permitted by the town council in accordance with section 58-271. The council shall address review criteria for each use which is contained in section 58-271
 - a. Churches, synagogues and other places of worship, ~~and their customary related uses.~~
 - b. Public and private schools serving all grades, including preschool facilities.
 - c. Golf courses, parks, playgrounds and community recreational centers (both public and private).
 - d. Country clubs, ~~fraternal, social and other civic organizations.~~
 - e. Emergency governmental service facilities, including police, fire and rescue.

- f. Cemeteries.
- g. Essential services, classes II and III.
- ~~h. Clubs.~~
- ~~i. Community centers.~~
- ~~j. Public parks and recreational facilities.~~
- kh.** Private airstrips, provided that:
 1. The airstrips may be used only by the owners of the land on which the same is located; provided, however, if the airstrip is located on a bona fide farm, any airplanes engaged in crop dusting may use such airstrip in connection therewith;
 2. No flying lessons shall be conducted in airplanes flying from or to the airstrip;
 3. No commercial sales of airplanes, parts or fuel shall be conducted at the airstrip;
 4. The airstrip shall have been approved by the appropriate state and federal agencies.
- il.** Telecommunication towers.
- mj.** **Public** Libraries.
- nk.** Planned residential developments, subject to the requirements of section 58-23
- ol.** Amateur radio towers. An amateur radio tower may also be located on a lot that contains another principal use or structure. In no instance, however, shall the amateur radio tower be located in the front yard of a lot containing another principal structure.
- pm.** Government or town facility.
- qn.** Land application of biosolids.
- ro.** Agritourism.

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 six 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.
- (2) *Conditional uses.* The following uses may be permitted by the town council in accordance with section 58-271. The council shall address review criteria for each use which is contained in section 58-271
 - a. Churches, synagogues and other places of worship, ~~and their customary related uses.~~
 - b. Public and private schools serving all grades, including preschool facilities.
 - c. Golf courses, parks, playgrounds and community recreational centers (both public and private).
 - d. Country clubs, ~~fraternal, social and other civic organizations.~~
 - e. Emergency governmental service facilities, including police, fire and rescue.
 - f. Cemeteries.
 - g. Essential services, classes II and III.
 - ~~h. Clubs.~~
 - ~~i. Community centers.~~
 - ~~j. Public parks and recreational facilities.~~
 - kh.** Private airstrips, provided that:
 1. The airstrips may be used only by the owners of the land on which the same is located; provided, however, if the airstrip is located on a bona fide farm, any airplanes engaged in crop dusting may use such airstrip in connection therewith;
 2. No flying lessons shall be conducted in airplanes flying from or to the airstrip;
 3. No commercial sales of airplanes, parts or fuel shall be conducted at the airstrip;
 4. The airstrip shall have been approved by the appropriate state and federal agencies.
 - il.** Telecommunication towers.
 - mj.** **Public** Libraries.

- ~~Nk.~~ Planned residential developments, subject to the requirements of section 58-23
- ~~ol.~~ Amateur radio towers. An amateur radio tower may also be located on a lot that contains another principal use or structure. In no instance, however, shall the amateur radio tower be located in the front yard of a lot containing another principal structure.
- ~~pm.~~ Government or town facility.
- ~~qn.~~ Land application of biosolids.
- ~~ro.~~ Agritourism.

Sec. 58-58. R-CD residential conservation district

The R-CD residential conservation district is established to allow uses that are similar in nature to other residential (R) districts in the town. The R-CD district provides a means of protecting conservation lands, especially those areas that contain primary and secondary conservation lands. Following are the regulations for conservation subdivisions and other land uses in the R-CD district:

- (1) *Permitted uses.*
 - a. Single-family dwellings.
 - b. Agricultural uses. Structures housing poultry or livestock (other than horses) and waste removed from any structure shall be located no closer than 150 feet from any property line except that structures housing horses shall be located no closer than 60 feet from any property line. Corrals for bovine and equine animals are exempt from these setbacks.
 - c. Horse farm and academy. Structures housing horses shall be located no closer than 60 feet from any property line. Waste removed from any such structure shall be located no closer than 150 feet from any property line.
 - d. Family care home for up to six clients, provided such home is not located within a one-half-mile radius from an existing family care home.
 - e. Essential services, classes I and IV.
 - f. Customary home occupations in accordance with section 58-7
 - g. Day care centers, small group.
 - h. Habitat preserve or other similar conservation use.
 - i. Conventional subdivisions, provided that a minimum of ten percent of the gross area, exclusive of any required ~~minimum 50-foot~~ buffers along thoroughfares, of the subdivision consists of common open space. The ten percent open space requirement shall not apply in conventional subdivisions where each of the resultant lots has an area that equals or exceeds five acres. Any further subdivision of the tract into lots less than five acres in size shall require ten percent open space. Any such open space areas as herein provided, shall consist of principally viewsheds from the road, where applicable. Where a viewshed is not appropriate, open space shall consist of primary and/or secondary conservation lands, to the extent that they are found on the tract in question and shall be subject to the provisions of subsections (3)g—i and (4)h. of this section.
- (2) *Conditional uses.* The following uses may be permitted by the town council in accordance with section 58-271; provided, however, that no such uses shall be allowed within a conservation subdivision. The council shall address review criteria for each use which is contained in section 58-271. The council shall address any additional review criteria for these land uses as may be contained in section 58-88
 - a. Churches, synagogues and other places of worship, ~~and their customary related uses.~~
 - b. Public and private schools serving all grades, including preschool facilities.
 - c. Golf courses (except on conservation lands), parks, playgrounds and community recreational centers (both public and private).
 - d. Country clubs, ~~fraternal, social and other civic organizations.~~
 - e. Emergency governmental service facilities, including police, fire and rescue.
 - f. Cemeteries.
 - g. Essential services, classes II and III.
 - ~~h. Clubs.~~
 - ~~i. Community centers.~~

- ~~h~~. Telecommunication towers.
- ~~mi~~. Public Libraries.
- ~~ej~~. Amateur radio towers. An amateur radio tower may also be located on a lot that contains another principal use or structure. In no instance, however, shall the amateur radio tower be located in the front yard of a lot containing another principal structure.
- ~~pk~~. Government or town facility.
- ~~ql~~. Land application of biosolids.
- ~~om~~. Conservation subdivisions.
- ~~rn~~. Agritourism.

Adopted this 8th day of December, 2014.

All were in favor, with votes recorded as follows:

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

M. Public Hearing - Review of Proposed Text Amendments to Section 58-271 – Implementing a “Statement of Readiness” on Any Development Requiring Conditional Zoning. The Town Council received a copy of the proposed text amendments. Mayor Deter opened the public hearing.

Town Planner Burton - This amendment was proposed by the Planning Board. The intent is for a conditional zoning like a church would have a certain time limit with which they would have to begin construction. The original text is from the Planning Board and then the revisions to that were made by Attorney Fox. You can see both of those in your packet. This would be for anything that required conditional zoning approval.

Mayor Deter closed the public hearing.

N. Consideration of Ordinance - Text Amendments to Section 58-271 – Implementing a “Statement of Readiness” on Any Development Requiring Conditional Zoning. Mayor Pro Tem Titherington moved to adopt O-2014-21:

**AN ORDINANCE TO AMEND SECTION 58-271
 OF THE CODE OF ORDINANCES
 OF THE TOWN OF WEDDINGTON
 O-2014-21**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 58-271 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 58-271. - Conditional zoning district amendment procedure.

(a) *Application.*

- (1) Petitioning for a conditional zoning district can be initiated only by the owner of the property or by his authorized agent or the Town of Weddington. All applications must include a site plan, drawn to scale, and supporting text, all of which will, if approved, become a part of the amendment. The site plan, drawn by an architect, landscape architect, or engineer licensed to practice in the state, shall include any supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations and conditions that, in addition to all predetermined requirements of this chapter, will govern the development and use of the property. The applicant shall, at a minimum, include as part of the application each of the items listed below:

- a. A boundary survey showing the total acreage, present zoning classifications, date, and north arrow.
 - b. The names, addresses and the tax parcel numbers of the owners of all adjoining properties.
 - c. All existing easements, reservations, and rights-of-way on the property to be rezoned.
 - d. Proposed principal uses. For residential uses this shall include the number of units and an outline of the areas where the structures will be located. For nonresidential uses, designation of the areas within the development where particular types of uses will occur, with reference made to the list of uses found in subsection 58-60(1).
 - e. Traffic impact analysis/study for the proposed service area, as determined by the town engineer, shall be required. In addition, traffic, parking and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets including typical parking space dimensions and locations (for all parking facilities along with typical street cross-sections).
 - f. Lot sizes for residential and nonresidential uses and proposed outparcels, as applicable.
 - g. Detailed information on the number, height, size and location of structures.
 - h. All proposed setbacks, buffers, screening and landscaping required by this chapter or otherwise proposed by the applicant.
 - i. All existing and proposed points of access to public streets from the development.
 - j. A detailed description of all proposed phasing of development for the project.
 - k. Number, location, type and size of all signs proposed to be erected by the developer at entrances to the site. Additionally, a general description of other proposed signs including number, location, type and size of all commercial signs. Actual approval of signs shall be a part of the design review provided for in subsection (h)(8) of this section.
 - l. Exterior treatments of all principal structures including proposed materials and general architectural design.
 - m. Delineation of areas within the regulatory floodplain as shown on official flood hazard boundary maps for county.
 - n. Existing and proposed topography at five-foot contour intervals or less.
 - o. Scale and physical relationship of buildings relative to abutting properties. This may be accomplished by providing existing and proposed topographic elevation cross-sections of the site showing proposed structures relative to existing adjacent properties.
 - p. Lighting plan and proof of conformity to the article IV of chapter 14
- (2) Said site plan, including all additional information shown on it, shall constitute part of the application for rezoning to a conditional zoning district. The zoning administrator, on a case-by-case basis and at his sole discretion, may specify how many copies of the application the applicant must submit in order to have enough copies for review. No application shall be deemed complete unless accompanied by a fee in accordance with the most recently adopted fee schedule adopted by the town council. Furthermore, the applicant acknowledges that he/she will reimburse the town for all engineering and consulting services associated with the review of the conditional zoning request prior to any zoning permits being issued by the town for such project.
 - (3) It is further acknowledged that the town reserves the right to approve a rezoning to a B-1(CD), B-2(CD) or MX conditional district simultaneously with the approval of a sketch plan for a major subdivision, providing that all applicable provisions of this section and article II, chapter 46 are followed. Furthermore, an application to rezone property to a conditional zoning district will also require the applicant to submit all construction plans for infrastructure improvements, individual buildings, and signs as provided in subsection (h)(8) of this section.
- (b) *Additional requirements.* When reviewing an application to rezone property to a conditional zoning district, the planning board and/or town council may request additional information in addition to that required in subsection (a) of this section, as they deem necessary.
 - (c) *Public involvement meeting.* Once the requisite copies of the application have been submitted to the town and the requisite fees have been paid, a public involvement meeting (PIM) shall be scheduled and held. Such meetings shall occur prior to any recommendation by the planning staff and approval by the town

council. The PIM is designed to provide an opportunity for community involvement in accordance with the following requirements:

- (1) The applicant shall provide an agenda, schedule, location and list of participants such as landscape architects, engineers, etc., to answer questions from citizens and service providers for the project in cooperation with the planning staff.
- (2) The PIM shall be a minimum of four hours. Two hours shall be scheduled during normal business hours to allow service providers (such as the state department of transportation, utilities, or the state department of environment and natural resources) to participate as needed and to allow citizens to appear at a convenient time throughout the period. It is strongly recommended that this portion of the PIM take place at the proposed development site. In addition, a two-hour evening period shall be scheduled at the town hall or other nearby location agreed upon by the applicant and planning staff.
- (3) Notice of public involvement meetings shall, at a minimum, be given as follows:
 - a. A public notice shall be sent by the town to a newspaper having general circulation in the town not less than ten days or more than 25 days prior to the date of the PIM.
 - b. A notice shall be sent by first class mail by the town to the owners of all properties that lie within 1,300 feet of the exterior boundaries of the proposed development. The applicant shall furnish the town with mailing labels that depict the names and addresses of all such owners. Such notice shall be mailed to said property owners not less than ten days prior to the date of the PIM. The notification shall contain information regarding the PIM time and location, as well as a general description of the proposal.
 - c. A PIM notification sign shall be posted by the town in a conspicuous place at the property not less than ten days prior to the PIM. The sign shall indicate the date, time and location of the PIM.
 - d. The applicant shall reimburse the town for all expenses incurred to provide the notifications required by this subsection.
- (4) Town staff will keep notes of citizen comments received during the PIM. In addition, all service provider comments shall be recorded by the town, including, but not limited to, all correspondence, reports and oral comments by service providers. After town review, this information will be available at the town hall and at subsequent meetings concerning the project. When practical, comments, ideas and suggestions presented during the PIM should be incorporated by the developer into the proposed development.
- (5) Following the PIM, the applicant shall have the opportunity to make changes to the application to take into account information and comments received. One or more revised copies of the application shall be submitted to the zoning administrator for review. No additional fee shall be required to be paid for making such changes provided the zoning administrator receives the revised application within 30 days following the PIM. If a revised application is not received during said 30-day period, or if the applicant otherwise notifies the zoning administrator in writing that no revised application will be submitted, the zoning administrator shall review the original application.
- (d) *Zoning administrator approval.* The zoning administrator shall have up to 30 days following any revision of the application (or up to 60 days following the PIM, if no revision is submitted) to make comments. If the administrator forwards no comments to the applicant by the end of said period, the application shall be submitted to the planning board for their review without any further comment. If the zoning administrator provides the applicant with comments on the application, the applicant shall have ten days after receiving the comments to inform the zoning administrator whether the application will be further revised. If the applicant informs the zoning administrator that the application will not be further revised, the zoning administrator shall submit the application to the planning board for their review at the next regularly scheduled meeting. If the applicant informs the zoning administrator that the application will be further revised, the zoning administrator shall not submit the current application to the planning board. Once the applicant submits a revised application, it shall be subject to review in accordance with this section.

- (e) *Planning board review.* The applicant shall submit at least ten copies of the application to the zoning administrator for transmittal to the planning board and other appropriate agencies. The zoning administrator shall present any properly completed application to the planning board at its next regularly scheduled meeting occurring at least 15 days after the application has been deemed complete and ready for submission to the planning board in accordance with subsection 58-271(c)(4) of this section. The planning board may, by majority vote, shorten or waive the 15-day time period provided in this section for receipt of a completed application. The planning board shall have 30 days from the date that the application is presented to it to review the application and to take action. If such period expires without action taken by the planning board, the application shall then be transferred to the town council without a planning board recommendation.
- (1) A planning board member shall not vote on any conditional zoning amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
 - (2) Upon making a recommendation, the planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and with any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the town council that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the town council.
- (f) *Action by town council.* Conditional zoning district decisions are a legislative process subject to judicial review using the same procedures and standards of review as apply to general use district zoning decisions. Conditional zoning district decisions shall take into account applicable adopted land use plans for the area and other adopted land use policy documents and/or ordinances. Prior to making a decision on rezoning a piece of property to a conditional zoning district, the town council shall hold a public hearing. Notice of such public hearing shall be given as prescribed in subsection 58-270(g).
- (1) A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each application for a rezoning to a conditional district.
 - (2) Once the public hearing has been held, the town council shall take action on the application. The town council shall have the authority to:
 - a. Approve the application as submitted;
 - b. Deny approval of the application;
 - c. Approve the application with modifications that are agreed to by the applicant; or
 - d. Submit the application to the planning board for further study. The application may be resubmitted to the planning board with any modifications that are agreed to by the applicant. The planning board shall have up to 30 days from the date of such submission to make a report to the town council. Once the planning board issues its report, or if no report is issued within that time period, the town council can take action on the application in accordance with this subsection.
 - (3) In the town council's sole discretion, it may hold additional public hearings on an application at any time before it takes a final vote to approve or deny that application.
 - (4) A town council member shall not vote on any conditional zoning amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member.
- (g) *Conditions to approval of application.* In approving an application for the reclassification of a piece of property to a conditional zoning district, the planning board may recommend, and the town council may request that reasonable and appropriate conditions be attached to approval of the application. Any such conditions may relate to the relationship of the proposed use to the surrounding property, to proposed support facilities (e.g., parking areas, pedestrian circulation systems), to screening and landscaping, to the timing of development, to street and right-of-way improvements, to water and sewer improvements, to

provision of open space, or to any other matters that the planning board or town council may find appropriate or the applicant may propose. Such conditions to approval may include dedication of right-of-way or easements for streets and/or utilities to serve the development. The applicant shall have a reasonable opportunity to consider and respond to any such proposed conditions prior to final action by the town council.

(h) *Review of plans and construction documents.*

- (1) If the town council approves the application, the applicant's plans and construction documents will be subject to review in accordance with this section.
- (2) Where the DRB exists when the applicant submits any plans for review under this section, the DRB will review the plans in accordance with the following procedures. If no DRB exists when the applicant submits a set of plans for review, the functions of the DRB will be performed by the town planning board.

a. *Review of building schematics, landscape plans and signs.*

1. The applicant shall submit to the planning staff for review and comment detailed plans and schematic designs for all buildings on the site, landscaping on the site and signs on the site. The planning staff may provide such submitted plans to town consultants or to other third parties to assist the town's review. The applicant shall reimburse the town for all costs and expenses that the town incurs in reviewing plans under this section.
2. The applicant need not submit plans for all buildings, landscaping and signs simultaneously, and may instead submit multiple sets of plans, each of which shall be separately and independently reviewed. Notwithstanding this provision, the DRB or the town council need not review plans submitted to it if, in its sole discretion, it determines that it cannot effectively review those plans without simultaneously reviewing plans for other buildings, landscaping and/or signs.
3. If the zoning administrator determines that a set of plans submitted by the applicant is complete and contains all information necessary to determine if those plans satisfy the standards specified in this subsection, the zoning administrator shall forward those plans to the DRB.
4. The DRB shall have 60 days from the date a set of plans is submitted to it to recommend to the town council whether it should approve those plans. The DRB's recommendation will be based solely upon its determination of whether the plans and schematic designs satisfy the standards specified in this section and meet the requirements of the town's architectural design standards (see chapter 14, article V). If the DRB recommends that any plans not be approved, it shall state the reasons for that recommendation in writing and shall inform the applicant that it may withdraw those plans.
5. A set of plans shall be submitted to the town council at its next regularly scheduled meeting that occurs at least 15 days after the DRB issues its recommendation on those plans. The applicant may withdraw any plans before they are submitted to the council, and the council will not review any plans that are withdrawn. If the DRB makes no recommendation to the council within 60 days after a set of plans are submitted to it, the plans shall be submitted to the town council for review without a DRB recommendation.
6. The Town will approve any plans submitted to it unless those plans either violate any requirements of this chapter, including any requirements applicable to the particular conditional zoning district at issue, violate any requirements, standards or conditions contained in the applicant's rezoning application, violate any requirements, standards, or conditions that are imposed under subsection (f) of this section, or will cause the development not to be in harmony with its surrounding area (collectively, the provisions of this subsection constitute the standards referenced in this section).

7. After reviewing plans submitted to it, the town council shall have the authority to:
 - i. Approve the plans;
 - ii. Deny approval of the plans;
 - iii. Approve the plans with any modifications that are agreed to by the applicant; or
 - iv. Submit the plans to the DRB for further study. The plans may be resubmitted to the DRB with any modifications that are agreed to by the town council and the applicant. The DRB shall have 30 days from the date plans are resubmitted to it to make another recommendation to the town council on whether those plans should be approved. If the DRB makes no recommendation to the council within that time frame, the plans shall be resubmitted to the town council for its review.
8. No building may be constructed unless plans for that building have been approved by the town council in accordance with the process described in this subsection. No landscaping may begin unless plans for that landscaping have been approved by the town council in accordance with the above process. No signs may be erected unless the plans for those signs have been approved by the town council in accordance with the process described in this subsection.

b. *Review of other construction documents.*

1. Other than schematic designs and plans for buildings, landscaping and signs, all other plans, designs and other documents concerning any other construction or development activities will be reviewed in accordance with this subsection. Documents subject to review under this subsection will be referred to generically as construction documents. Construction documents include, by example only and without limitation, plans for all road improvements, stormwater detention, preconstruction and post construction best management practices and grading, soil and erosion control.
2. The applicant shall submit all construction documents to the town's zoning administrator for review. The applicant shall reimburse the town for all costs and expenses the town incurs in reviewing construction documents. The zoning administrator will approve all construction documents unless they violate the standards of this section. No construction or development contemplated by any construction document may be begun unless and until the zoning administrator has approved that construction document in accordance with this subsection.

c. *Post approval review.* After any and all plans and construction documents for an improvement have been approved, the town staff or other town representatives will periodically inspect that improvement during the construction process and may halt any construction or development that violates the standards. Following completion of the project, the applicant shall request a final inspection. If all improvements and all other development satisfies the standards, the town will issue a certificate of zoning compliance.

(i) *Changes to an approved conditional zoning district.*

- (1) Except as provided in this section, a request to change the site plan or the conditions governing an approved conditional zoning district shall be processed in accordance with this section as a new application to rezone property to a conditional zoning district.
- (2) The zoning administrator shall have the delegated authority to approve an administrative amendment to an approved conditional zoning district site plan or to the governing conditions without the requested change having to be approved as a new application in accordance with this section. Such administrative amendments shall include only those changes that do not significantly alter the site plan or its conditions and do not significantly impact abutting properties.
- (3) No administrative amendment may increase the amount of allowed nonresidential development by more than ten percent of the approved square footage or 1,000 square feet, whichever is less. No

administrative amendment may increase the amount of residential development by more than ten percent of the approved square footage, if a maximum square footage for residential development was imposed, or may increase the maximum number of allowed dwelling units by more than five.

- (4) Any request for an administrative amendment shall be in writing, signed by the property owner, and it shall detail the requested change. The applicant must provide any additional information requested by the zoning administrator. Accompanying the written request must be the applicable fee for administrative review, if any, that is required by the current town fee schedule. Any decision by the zoning administrator to approve or deny a request for an administrative amendment must be in writing and must state the grounds for approval or denial. The zoning administrator shall always have the discretion to decline to exercise the authority delegated by this section because the zoning administrator is uncertain if the requested change would qualify as an administrative amendment or because the zoning administrator determines that a public hearing and town council consideration is appropriate under the circumstances. If the zoning administrator declines to exercise the authority delegated by this section, the applicant can only apply for a rezoning in accordance with this section.

(j) Statement of Readiness

The petitioner shall submit a statement indicating readiness to proceed with the proposed development by filing with the town council no later than (10) days of the approval of the conditional zoning district, a statement signed by the owner or owners of the proposed development that the actual construction shall begin within one year from the date the conditional zoning district was approved, and that the construction shall be completed within 18 months from the approval of the conditional zoning district. In the event the planning board and the town council find that the intent of this section has not been met or that construction has not begun and has not been completed within 18 months, the town may initiate the rezoning of the property in accordance with Article IX of this chapter. Notwithstanding the above, nothing shall prohibit a reasonable extension of the 18-month limit by the town council.

Adopted this 8th day of December, 2014.

All were in favor, with votes recorded as follows:

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

O. Public Hearing – Review of Proposed Text Amendments to Section 46-43 – Ensuring That Only One Septic Drain Field and Repair Area can be Located on Each Lot. The Town Council received a copy of the proposed text amendments. Mayor Deter opened the public hearing.

Town Planner Burton - This is a similar text amendment to what the Council approved at the last meeting except this deals with major subdivisions not just minor subdivisions. The intent is the same that no lot can have more than one septic tank drain field and drain field repair area so that a resident is not responsible for the septic tank of another resident in a subdivision.

Mayor Deter closed the public hearing.

P. Consideration of Ordinance - Text Amendments to Section 46-43 – Ensuring That Only One Septic Drain Field and Repair Area can be Located on Each Lot. Councilwoman Harrison moved to adopt O-2014-22:

**AN ORDINANCE TO AMEND SECTION 46-43
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2014-22**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTION 46-43 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Sec. 46-43. Major subdivision preliminary plat submission and review.

- (a) *Applicability.* These requirements shall pertain to major conventional subdivisions only. The submission procedure and content requirements for preliminary plats for conservation subdivisions is outlined in section 46-44
- (b) *Submission procedure.*
 - (1) Following receipt of recommendations by the subdivision administrator, the subdivider shall submit a preliminary plat which shall first be submitted to the subdivision administrator. The number of lots on the preliminary plat may not exceed by five percent the number of lots on the sketch plan. Should they exceed five percent, a new sketch plan shall be filed with the subdivision administrator.
 - (2) At least 14 copies of the preliminary plat shall be submitted to the subdivision administrator. The subdivider shall also submit a fee in accordance with a fee schedule adopted by the town council. No application shall be complete or processed by the subdivision administrator unless accompanied by said fee. In addition, the town shall be reimbursed by the subdivider for all costs associated with the town's engineering and/or consulting services with respect to review of the preliminary plat prior to preliminary plat approval. One copy of the preliminary plat shall be on reproducible mylar material.
 - (3) The preliminary plat shall be of a size suitable for recording with the appropriate county register of deeds and shall be at a scale of not less than one inch equals 200 feet. The preliminary plat shall be prepared by a registered land surveyor currently licensed and registered by the state board for professional engineers and land surveyors. Maps may be placed on more than one sheet with appropriate match lines.
 - (4) Preliminary plats shall meet the specifications in section 46-46
 - (5) With subdivisions where individual septic tanks are the proposed method for wastewater treatment, the preliminary plat shall be accompanied by a report of site suitability for individual wells and septic tanks and soil suitability for septic tank drainfields. The report shall contain all of the information required in section 46-42(d) with respect to soil suitability for septic tank drainfields including findings of any subsequent borings made. The report shall contain a written finding stating that each lot contains, separate from an adequate building site (meeting all setbacks required by the town), a septic tank drainfield, drainfield repair area, and well site all meeting state regulations. **The septic tank drainfield and drainfield repair area must be located either on the same lot as the principal residence for which it is designed, or on a lot designated as a non-buildable septic lot, or in common open space, or within conservation land. Where a non-buildable lot is used, the lot shall contain at least one vacant septic tank field in the result of a septic tank failure. The septic lot will be clearly noted as non-buildable until all septic drainfields and drainfield repair areas are no longer in use, such as when the homes have connected to a public water sewer system.** The report shall contain a map of the subdivision showing the following:
 - a. All streets and property lines;
 - b. Proposed building area for each lot;
 - c. Septic tank drainfield;
 - d. Site and drainfield repair area for each lot; and
 - e. Proposed well site for each lot.

- (6) The report shall be prepared by a qualified soil scientist and the qualifications of the soil scientist shall be documented in the report. The report shall include the description of soils in accordance with N.C. Admin Code, title 10, chapter 10, subchapter 10A, and the U. S. Department of Agriculture Handbook Number 18, Soil Survey Manual.
- (7) The report shall include a description of soil color, using the Munsell Soil Color Charts, published by Munsell Color, Macbeth Division of Kollmorgen Corporation.
- (8) The report shall draw conclusions as to the suitability of septic systems as derived from the testing, color and type of soil for each sample of soil taken.
- (9) Approval of the proposed lots for septic tanks by the county health department shall be acceptable in lieu of the soils test requirement.
- (10) The subdivision administrator shall review the preliminary plat to ensure it is complete and will notify the subdivider if it is incomplete in any respect. If the subdivision administrator notifies the subdivider that the preliminary plat is incomplete, the subdivider must complete the preliminary plat before any further review will occur.

Adopted this 8th day of December, 2014.

All were in favor, with votes recorded as follows:

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

Q. Public Hearing - Review of Preliminary Plat for Weddington Preserve. Mayor Deter opened the public hearing. The Town Council received the following memo from Town Planner Burton:

Pulte Homes submits a subdivision Preliminary Plat application for a 48 lot Residential Conservation Subdivision on 58.06 acres located on Lochaven Road.

Application Information:

Date of Application: August 22nd, 2014

Applicant/Developer Name: Pulte Home Corporation

Owner Name: Hopewell Farms Limited Partnership

Parcel ID#: 06-153-025

Property Location: Lochaven Road

Existing Zoning: RCD

Proposed Zoning: RCD (Conservation Subdivision through the Conditional Zoning process)

Existing Land Use: Residential Conservation

Proposed Land Use: Residential Conservation

Existing Use: Vacant Land

Parcel Size: 58.06 acres

Project Information:

Weddington Preserve Subdivision is a proposed 48 lot subdivision on 58.06 acres. The subdivision is located on and accessed by Lochaven Road and is being developed by Pulte Homes as an RCD conservation subdivision.

A conservation subdivision must base the number of proposed lots on a yield plan per *Section 46-42* of the *Weddington Subdivision Ordinance*. This yield plan must show the number of lots that would be allowed if the tract was developed as a conventional subdivision with 40,000 square foot lots and 10% open space. Conservation subdivisions shall be density neutral (same number of lots as would be permitted in a conventional subdivision). The site is 0.84 dwelling units per acre.

Conservation Land Summary:

Section 58-58 (4) of the Weddington Zoning Ordinance requires that a minimum of 50% of the gross acreage must be retained as conservation land. Conservation lands must remain conservation lands in perpetuity. This is often done by requiring conservation easements and/or review and approval of neighborhood CCR's.

- 31.63 acres (55.5%) of the 57.02 acres will remain conservation land.

Additional Information:

- Public Involvement Meetings (PIM) were held on Wednesday, November 20th, 2013 on-site and Wednesday, December 14th, 2013 at Town Hall. Property owners within 1,300 feet of the property were notified of the PIM's.
- Weddington Preserve is to be served by Union County Public Water and Sewer.
- In order to address concerns from nearby property owners, the applicant has provided a 100 foot buffer along Lochaven Road. The applicant will also dedicate 1.04 acres of right-of-way to NCDOT along Lochaven Road.
- The applicant has proposed a right turn lane into the property for the access point located on Lochaven Road.
- The Department of Transportation has required a left turn lane from Providence Road onto Lochaven Road.
- The applicant provided USI with pre and post calculations for stormwater runoff, and revised their stormwater management plan in response to USI's revisions. USI has concluded that the stormwater management plan is acceptable.
- When reviewing the preliminary plat on October 27th, the Planning Board found that Penwick Court (which is no longer on the plat) contained only three driveway cuts. DOT will only take over culs-de-sacs when there are at least four driveway cuts. The revised plat shows Lindstrom Way as a circle connecting to Westlake Drive at two points to resolve the issue.

Recommended Conditions of Approval:

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. Declaration of Conservation Easement and Restrictions shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;
5. Maintenance Plan and Maintenance Agreement shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;
6. Covenants, Conditions and Restrictions (CCRs) shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;

The Town Council also received the following:

- Preliminary Plat – Overall
- Grading Plan
- Road Profiles

Applicant - I am here representing Pulte Homes. This is a 58-acre site and we are proposing approximately 48 homes. A good portion of the site is going to be open space. A good chunk of it will remain wooded and some of it will be pocket parks that will be able to be utilized by the community. Probably the biggest change since the last meeting was removing one of the cul-de-sacs and adding in one of the loop roads. The site itself has changed a good bit since it was originally proposed to the Town and as Julian mentioned we have had Public Involvement Meetings (PIM) with the neighbors as well as additional meetings that developed off of those PIM

meetings. Some of the biggest changes and feedback we heard was that there was concern of preserving the rural feel of Lochaven Road. We have looked at a 100-foot preservation strip along that road. There are some portions of that road that are not wooded currently so we are going to go back and replant those areas to help provide a nice vegetative screen. The homes that you see on the map actually sit further in than that 100-foot preservation strip. If you look at the elevation of Lochaven Road to the proposed subdivision the homes will be down lower than Lochaven so that will help screen being able to see in and seeing homes from Lochaven Road. That will help further to keep that natural feel. The entrance location moved slightly. Previously it was a little up the street and there were some concerns from some of the neighbors with the lights coming out of the neighborhood so we moved it to a location of an existing driveway of a home that sits further back into the woods line. The residents on Caledonia Way are the closest residents to the proposed community. Per the code, we were originally going in with a 50-foot setback along that property line. In hearing some of the concerns while going through the sketch plan process and also with meetings that Pulte has had with them, we have looked at keeping that 50 foot setback but then also adding in an additional 50 foot landscape area for a total of 100 feet from the property line to the back of the proposed lot lines. We have tried to locate the two closest homes from Caledonia Way and are showing it to the property line of the proposed lots within Weddington Preserve. If you include the 30 foot rear yard you are looking at in one instance over 250 feet of separation of the homes and 200 on the other. It is a really nice separation from where the existing homes are that are being proposed and actually further away than what we could do if we went with conventional zoning. We feel like it is a good screening and buffer by leaving some of the natural trees and going back in and planting some evergreen trees in some of the landscaped areas to help screen and preserve some of the feeling. Overall the additional item that we heard is traffic.

Mayor Pro Tem Titherington - On the landscape area you said you were going to go back and plant some evergreens. How is that going to be recorded, Julian? Is that permanent?

Town Planner Burton - No one would be able to build there. In terms of what trees are planted there and who maintains them that would have to be recorded along with the plat.

Applicant – As you can see there is a stream that comes up to the road so that is as far as we could push that road. We did have to grade slightly into that 50 foot landscape in certain areas. We can go back and plant those evergreen trees and that is part of the conservation maintenance agreement which was submitted with the preliminary plat. We would be more than happy to add something on the evergreen trees as well - whatever the comfort level is of the Town.

Councilwoman Harrison - If it is part of the conservation area they cannot cut it down and they have to maintain if something happens.

Applicant – The other item was the traffic concern on Providence Road. In working with NCDOT on this project as well as staff, there has been a lot of discussion on that and what was agreed to with DOT and everyone involved was to add a left turn lane heading south on Providence Road to turn onto Lochaven Road. We are in that process right now with working with NCDOT on designing that lane. We feel like that will help that situation there with being able to make that left turn. On Lochaven Road we are looking at a right turn lane into the development from Lochaven Road into Weddington Preserve which is Westlake Drive. That will add that extra lane for people to turn into the community and help that section of that road to become a little wider. Overall we are excited about the project and we feel like we have really worked hard to try to meet with all the neighbors at the PIM meetings and reach out to those that have expressed concern. We have worked with them, planning staff as well as the Planning Board and have received a favorable recommendation. We look forward to further partnering with the Town and would love to answer any questions you have at this time.

Ms. Sherri McGirt - I live at 302 Caledonia Way off of Lochaven Road. My husband, Kris, and I bought our lot and started building in July of 1998. We loved the quiet rural wooded setting with large acre or more size lots. We loved not being in a true neighborhood with street lights, HOA's and such. We loved knowing our home was districted for great schools that could accommodate the children we would have. All of these were a huge

selling point for us, all of our neighbors, and most people who live in Weddington today. Development does and will happen. Unfortunately in Weddington it has occurred at a very aggressive rate - a rate that the schools and infrastructure can't keep up with. Our schools are crowded and our roads are congested. For years, we could pull in and out of our neighborhood at any time without waiting and being redistricted wasn't a concern. I implore the Town Council, especially in 2015, to substantially slow down on accepting new large developments. Please work with the Union County Schools and DOT as a team not as adversaries. The growth of Weddington needs to slow down incredibly so new schools can be built, DOT can widen roads, and Union County Public Works can build the pumping stations they need to have in place not just for future residents but just to handle the existing citizens of Weddington. Especially since the majority of the approved neighborhoods now are not R-40 zoning with wells and septic systems but R-CD lots requiring county water and sewer. My family's along with our neighbors' main concerns with Pulte building Weddington Preserve is safety, the impact it will have on our privacy and rural setting, and the impact it will have on us staying in our current school district. Lochaven Road was not built to accommodate an additional 48 houses, approximately 96 vehicles, and numerous construction vehicles. It is old and very narrow. The current residents including children walk, run, and ride their bikes along the street. When this new neighborhood starts being developed, that will no longer be safe. First our safety will be hindered by the numerous construction vehicles and then the additional automobiles. What options can the Town require to keep not only the existing residents safe but the new homeowners as well? DOT is requiring Pulte to install a left hand turn lane on southbound Providence at the intersection of Lochaven Road which will be helpful for the flow of traffic on Providence and more importantly to eliminate many of the accidents occurring as a result of people stopping to turn left onto Lochaven Road. It will be extremely difficult entering and exiting Lochaven Road with the addition of these new homes and close to a 100 additional cars along with all the construction vehicles for the next three years. Lochaven Road needs to be widened at the intersection with Providence Road to accommodate the large vehicles entering and exiting. A right hand turn lane would be very beneficial so those of us needing to turn right won't be in a long line of traffic waiting for an individual to turn left. This would greatly help school buses as well. As of now if a vehicle is waiting to exit Lochaven a large vehicle can't turn onto Lochaven. It's just not wide enough. We are concerned for all who are entering and exiting our neighborhood.

Mr. David Brown – We live at 308 Caledonia Way. I will pick up where Sherri left off. Another concern is about the number of people riding through our neighborhood as a result of the development and not knowing who belongs and who doesn't, especially with the increase in burglaries in Weddington. Will the Weddington Deputy patrol our street more often? Currently the residents of Lochaven subdivision have lots ranging approximately from 1 to 3 acres with one resident having around 20 acres. Almost all lots are heavily wooded and private which is why we chose to live here. Pulte is proposing an R-CD neighborhood leaving most of the conservation area towards the back of the property and not near the existing homes. Pulte stated to us and during the Planning Board meetings they wanted to "minimize the negative impact to the surrounding properties." To give Pulte credit, they have met with us, spoken with us on the phone, and we've exchanged numerous emails over the past year. Initially their plans only showed the required 50' setback but after many discussions they agreed through conversations and emails to provide a 100' buffer to the property lines along Caledonia Way with a row of evergreen trees and mature landscaping on The Weddington Preserves' side of the buffer. They showed this on the plans submitted at the Planning Board meeting on October 27th. After reviewing these plans, we realized the 100 ft. buffer was no longer the true 100 ft. buffer both parties had agreed upon. They are not calling it a 100' buffer like they are on the land adjacent to Lochaven Road. They have a 50 ft. building setback which is required and a 50 ft. landscape area. Much grading will need to be done on the 50 ft. landscape area due to the Pulte homes being approximately 12 to 14 ft. below some of the lots along Caledonia. Per Pulte, "We will plant 6 to 8 ft. tall evergreen material at the top of the graded area within the 100' area in a manner to provide solid screening between the two properties. We have no plans for utilities to be installed in the rear of our lots." Recently, Pulte sent Sherri a drawing showing mature trees and heavy landscaping within the 50' landscaped area. Our understanding was a true 100' buffer that would not be disturbed. Now only the required 50' setback will not be disturbed. Pulte's most recent response was, "We are only planning on performing grading in the 50' area in order to grade our lots below the currently existing grades in the area in question."

Mayor Deter – I thought the 100 foot buffer once it is there it is not disturbed.

Ms. McGirt – Originally what Pulte and I discussed was we had asked for a 100 foot buffer and our understanding was it was an undisturbed area. They said they would put on the plan which they did on the plan they submitted on October 27 but it did not say 100 foot buffer like it does going adjacent to Lochaven. It says 50 foot setback and 50 foot landscaping. This was due to some grading that they needed to do because those lots were lower and because of the stream or something. We very much appreciate Pulte working with us but that is different than what we understood. We understood 100 foot buffer meaning undisturbed land from our lot line to the lot lines where Pulte would begin to build.

Mayor Deter - You will have a total of a 100 foot buffer - 50 feet undisturbed and then you will have 50 feet you will have to do some grading.

Applicant – At minimum the first 50 feet is undisturbed and there still is the remaining 50 feet of what is being called the landscape area. Not all of that is being graded - just portions of it where there are grade challenges and we have a stream and a stream buffer on the opposite side that is causing some challenges. There is some grading occurring not across the whole length of it but in sections of it.

Ms. McGirt – According to the way I read the map at the 50 foot mark the grading starts and it is going to be like stair steps going down.

Applicant - It is just a graded slope behind the homes and we will go back and plant evergreens on there. Those are just topo lines.

Mayor Deter - You have 50 feet undisturbed and 50 feet you will have to do some grading in some sections and then plant some evergreen trees in that area. Actually if you look at mature growth on trees you can see through the bottoms of them. The thought is that this evergreen planting will help further screen the lower section.

Ms. Dana R. - I live at 300 Caledonia Way. We have decided to sell. I do appreciate that Pulte has worked with us and that you have given us the opportunity to talk. I am going to pick up where David left off. We are constrained by the stream in this area and can't move away from the boundary any further. We appreciate them working with us but our concern is what else that they agreed upon will change and negatively affect the existing homeowners. Union County Schools just went through a huge redistricting which upset many longtime residents. Numerous students are now being bussed triple the distance, which is a huge daily safety concern for the children of Union County, for the sole reason of accommodating new homes or possible new developments. Our justified fear is if the Council continues to accept new large developments without working with UCPS and other entities to provide infrastructure to support these particular developments. The only way to solve it is to work together and slow down on the large developments while looking at what's best not just for future sales but for the residents who have been here for years paying taxes. On another note a possible route for a 100,000-volt transmission power line is being researched for connecting two power stations in the Weddington area to accommodate the massive growth in our region. One of these potential routes - the one connecting Ennis Road, Providence Road, and Baron Road will not only have a potential impact on parts of lots on Lochaven Road and Caledonia Way but also the houses yet to be built by Pulte. The right-of-way will be 70' wide. Will this affect Pulte's plans and if so how? Will the residents on and around Lochaven Road continue to lose more and more of the wooded rural feel we so love? According to the Town website, "The Town consists almost entirely of single-family homes on lots of one acre or more." As soon as you click on the Town page the first you thing you see is a picture of Misty Meadows, a beautiful double fenced horse farm. We understand since The Weddington Preserve has been given the okay by the Planning Board more than likely they will be by you as well. Please, when reviewing The Weddington Preserve and especially new developments in 2015 to remember what the Town of Weddington's website boasts as the wonderful rural qualities of Weddington. Please keep in mind the existing homeowners' reasons for choosing Weddington as their home (rural setting with large minimum of an acre lots...as it is stated on the website) and our safety. Please require not just R-CD neighborhoods but R-40 neighborhoods over say five no more than 10 houses to have to be approved by the

Town. We must control our growth, have adequate space in local neighborhood schools, and an infrastructure that can accommodate the Town we are. Weddington in the past has offered something special, something unique, which has made us the bedroom community that we are. Waxhaw lost that. Please don't let Weddington lose what make us unique too.

Mr. Gary Romaine – I live at 612 Cottonfield Circle in the Providence Acres subdivision. I am also representing the community as the President of the Homeowners Board. We have petitions (Attached as Exhibit C) signed by 58 residents in the community urging the Town Council to appeal to NCDOT to study the traffic and safety issues that come with putting that left hand turn at Lochaven. You may not have tried to get out of Cottonfield Circle at rush hour but you cannot go left unless there is a traffic break with someone turning on to Lochaven. School buses are coming in and out. At various times of the day the traffic is a cause for concern. Cottonfield Circle is not much wider than Lochaven from an entry point perspective. We have already had our front entrance taken out this year. We urge you to work with NCDOT. The left hand turn lane would do nothing but make traffic worse and increase the safety risk for not only members of the community that I live in but broader members of the Town of Weddington.

Mayor Deter – Are you saying you do not want a left hand turn lane?

Mr. Romaine - That is correct because the break in traffic that you get from someone making that left is the only chance we have to go north on Providence Road and sometimes south.

Mr. Rocky Caponigro – I live on Cottonfield Circle. I am in support of having no left hand turn lane as proposed by NCDOT. We would just be moving the crash zone further down south on Providence Road. This evening I was stopped for at least 15 minutes waiting to get out. I was almost late getting here. I counted 557 automobiles before there was a break in the southern direction. Unfortunately the northern pad was full so I had to wait another 312 cars before I could get a clean break to get out – over 800 cars in a 15 minute period. I have witnessed this happening more than just tonight. This is a constant situation – mornings and evenings.

Mr. Gene Melchior – I live on Providence Road – part of the Providence Acres subdivision. Has anything been submitted to NCDOT? When I called them last week nothing had been submitted to them for us to review in terms of the traffic patterns and the left hand turn lane and what is going to change. What is good for Cottonfield Circle may be bad for Lochaven Road and we do not want that either. Something really has to be looked at in making this a joint effort to look at both what the development is going to do to Lochaven and what it is going to do to the roads past Lochaven – Cottonfield and Ennis because I live off of Providence and I look at the traffic every night. I cannot get out of my driveway. At the very least I have to turn right and go down to New Town and come back around. These have to be done conjointly and nothing to get approved before NCDOT reviews it.

Mayor Deter - I think your concern is that the subdivision gets approved but yet now there is no left hand turn lane in.

Mr. Melchior - Or it is put in and they are being treated as two separate entities and they really shouldn't be.

Mayor Deter - You want a completed Traffic Impact Analysis?

Mr. Melchior – Yes.

Mayor Deter closed the public hearing.

R. Consideration of Preliminary Plat for Weddington Preserve. Councilwoman Harrison - You said earlier that you have been speaking with NCDOT. Who have you been speaking with?

Applicant – We have met and been speaking with John Underwood with NCDOT. We put a layout together for it and how it is going to fit in with Providence Road and have submitted that to them. The left turn lane heading south on Providence Road into Lochaven it was my understanding was a condition of approval of the sketch plan and is going to be required with the project. In all of our meetings with NCDOT it is something that they have asked for us to provide. If you look long range as NCDOT does improvements on Providence Road heading south in the future in multiple locations this is something that helps them. It is my understanding that it has not been discussed as of not being approved or not being viable at this point.

Mayor Deter - A left hand turn lane is a condition of approval. Obviously we have people here that are saying they do not want the left turn lane.

Mayor Pro Tem Titherington - I wanted to clarify that these are just topo lines. Part of the concern is that you will be losing some of the natural topography/vegetation that is there currently. When you say you are not going to go in there that far to get the grading done – what is not far?

Applicant – At a minimum at least 50 feet of that will be undisturbed and in some cases it is 100 plus. There are certain areas where the topography is very steep and trying to grade in a road and a home there we have to grade back into that 50 foot landscape area some. In some of the areas we are working to keep that as minimal as possible. Where we do have to disturb that is where we are going back and replanting the evergreen trees.

Mayor Pro Tem Titherington - Some grading?

Applicant - It varies.

Mayor Deter - It looks like 10 to 15 feet.

Applicant - There are certain areas where we are not in it and certain areas where we are only 10 feet in it and there are some areas where we get close to the 50 foot area but we do not ever exceed it.

Councilwoman Harrison - My understanding is that Cottonfield has been in the Marvin school district for years.

Mr. Romaine - It is but since the redistricting now for anyone incoming in the area would go to Parkwood. That has an impact potentially on the resale of a home.

Applicant - The slope goes away from the adjacent neighborhood and we are catching it in swells and bringing it back around the proposed homes. No utilities are behind the structures at all. The topography is challenging. This is definitely more than what is required in the ordinance but we felt that we have done a really good job in committing to that additional area. Where we do have to go in we are going ahead and replanting it to try to help establish that visual screen that I think they are looking for.

Mayor Pro Tem Titherington - What is the commitment to make sure that you are going back with a more robust screening than you have today?

Applicant - We have the conservation and maintenance agreements which were submitted as part of the project and we are comfortable adding in landscape specifics if there is a certain amount you are looking at for linear footage. That is not a problem at all. Whatever is the comfort level of the Council.

Mayor Deter - How would we define what that is to put in as a condition?

Mayor Pro Tem Titherington - If I am concerned about my viewshed then that extra 50 feet that is getting disturbed I want to make sure that what you put back gives me more viewshed. That would be the goal. How do we get there? How do I make it equal to better than what I have today?

Councilwoman Harrison – I live off of Providence Road and I had two neighbors in one week get rear ended because they made a left hand turn to go into Lochaven. We have people that last week got hit because someone tried to make a U-turn into our subdivision and hit the person that was trying to make a left turn out. It is a dilemma for me that we cannot stop what Waxhaw is doing. We also know that we are not getting anywhere with Providence Road. I am at the point of putting a light at Ennis Road and you will have the ability to stop and break up traffic. I am concerned of not having the left hand turn lane because of the fact that it is getting backed up on Lochaven Road of trying to get in and out.

Mayor Pro Tem Titherington – What is the right type of tree to provide that viewshed and now the question is how many?

Applicant – We are going to put either hollies or Leyland's or both - probably a mixture of them.

Mayor Pro Tem Titherington – That addresses the viewshed concern. The question is how many. It is a stagger effect that it provides 100% screening. We know they have to be 6 to 8 footers because that will provide the depth and understory.

Applicant – Realizing 6 to 8 foot staggering effect so you get the opaque property that we are looking for. We offset them so that when they grow they do not grow into each other but you get the view protection which we are all wanting. There are sections where we are not grading in there at all.

Mayor Deter - Looks like 32 through 35 and 38 through 41 you are in to the 50 feet.

Applicant – We are proposing to have the plantings at the top of the grade. We are cutting our lots down so we place the evergreen material on the top to get that ultimate screening.

Councilwoman Harrison – Have you gotten approval from the Town's engineer for the storm drains?

Town Planner Burton - She has not given final approval yet. It is a condition.

Mayor Pro Tem Titherington - I would like to share with folks on what we can and cannot do. When I look at this group this is the group that can help get it done. Building residential is a by right for R-40 zoning so the landowners are able to do that and if they can get the water and sewer from Union County Public Works there is not a whole lot we can do as a Council to stop a traditional R-40. The State of North Carolina has tightened up the legislation against impact fees in North Carolina. You would sit down and say you will come in and put in the sewer and water and we want you to build the schools but we are not allowed to do that as a Council. These are things that you need to really reach out to Tommy Tucker and Craig Horn who are your State Representatives to start asking these questions and we agree with you and we are frustrated. What are we doing as a Council? We have reached out and will continue to reach out to the school district. We are one of the few towns in this area that was actually sending projections and planning information to the school boards so they knew what was coming. We have actually passed an ordinance now that requires that anytime that a subdivision is going in that data is sent not only to the School Board but actually to the Facilities Chairman of Union County Public Schools so no one can say we did not know.

Mayor Deter - We are a low density community and we talk about one home per acre. This subdivision is actually 8 tenths of a home per acre so it is even less dense than the average one home per acre. I have met with the newly elected School Board and we have on our agenda and focus for the start of the year to meet with School Representatives but we wanted to give them a month to get settled into their new jobs. All we can do is build a relationship. We can't say don't redistrict but we can tell them things to be aware of.

Mayor Pro Tem Titherington - We were redistricted so I am one of those parents.

Councilmember Smith - I agree with all the points being said. We just do not have the infrastructure to keep up. I am trying to get together a group of local Councilmembers, a County Commissioner, a member of the Board of Education and NCDOT representative to reinforce what this Council is already doing to keep these dialogues going and to know what the other towns are doing and let them know what we are doing. I think right now we are trying really hard to keep the lines of communication open. I am trying to get this group together so we can keep the discussions going to see how we can keep improving and stop some of these issues from happening. As previously stated we cannot stop development but we will try our best to manage it.

Mayor Pro Tem Titherington - As it relates to NCDOT, Gene Melchior is the Chairman of the Public Safety Committee and he is doing a lot of that work with NCDOT. NCDOT runs to their own budget and song sometimes and we are working with them to actually look to lower speed limits. Gene has been very instrumental in doing traffic counts around the Town so that we can take that information back to NCDOT. In many cases what matters most is messages and phone calls from you.

Mr. Romaine - Whose call is it to put the turn lane in?

Council answered NCDOT.

Mr. Romaine - I am confused about your comment. If NCDOT marches to their own drum, doesn't this Council have the ability to influence?

Mayor Deter - We can try. The dilemma that I have is at least two to three people out there that want a turn lane and we have the same number that do not want a turn lane.

Mr. Romaine - Was an impact analysis done on the traffic or is it being funded by the builder so it is not coming out of DOT's pocket for the road to get done? The question is what can you influence? They are getting an offset and they do not have to change their schedule because the builder is paying for the road.

Councilwoman Harrison - There isn't anybody sitting here that does not agree that we shouldn't be widening Providence Road and we have voiced our concerns multiple times. Marvin has voiced their concern. Mineral Springs is voicing their concern but that is three municipalities. The more people that get involved and send emails the more likely NCDOT will look at it.

Mayor Deter - I think the question was raised will deputies patrol more often, concern over construction vehicles and children on the street. We do have three Union County Deputies and I think we have some say that we can request that they patrol more during the construction period. Also someone talked about whether Pulte will change other things. What is approved by the Town Council is what they are approved to do and have to do. The 100 kV power line is a valid concern and I hate to sound like we are a lame council here but that is beyond our control and we have all spoken at length to the folks at Union Power and I think we are all kind of in agreement where we think a good route is and part of that route is going to go in front of Barbara's house and part in front of my house but we still think that is the better route than going through wooded areas.

Mayor Pro Tem Titherington - To preserve the rural feel - one of the things that we did was to change the 50 foot buffer on the thoroughfares to the equivalent of a 100 foot buffer. That provides more viewshed in our Town. These are some of the things that are being done to help preserve that based off of that feedback.

Mayor Deter - The developer is putting in a 100 foot buffer but he is not required to because he was in before we changed the ordinance. The ordinance now says for the future you have to have 100 foot buffer.

Ms. McGirt - I started contacting NCDOT in September 2013 and they did come out and do the count of cars and that is when they determined that a left hand turn lane would be needed but there was not enough cars coming northbound on Providence Road turning right into Lochaven for a right hand turn lane. They did come out and did a study to determine that a left turn lane would be needed.

Mayor Deter - Which is not what some of you want to hear?

Mr. Romaine - I want something that is equitable for everybody but I want the Town Council to understand our position as well.

Town Planner Burton reviewed the six conditions in the memo and added the following condition: Require applicant to provide 100% screening of 6 to 8 foot minimum evergreens where grading occurs behind Lots 32 to 41 and to place at the top of the slope.

Mayor Pro Tem Titherington – I would like to direct staff to reach out to NCDOT again and ask them to update the traffic study along Providence Road to see if there are other issues that can be addressed relative to safety.

Ms. McGirt - Another concern we have is the width of Lochaven at Providence. It is a very narrow road and if you are sitting at it another SUV cannot turn in until that person leaves. A major concern is you are going to have 100 more vehicles along with construction vehicles. Recently there have been a lot of logging trucks and now there are massive potholes as well. I can only imagine after three years of construction vehicles what that is going to look like. We need to be able to get in and out of our neighborhood.

Mayor Pro Tem Titherington moved to approve the Preliminary Plat for Weddington Preserve with the conditions as noted by the Town Planner. All were in favor, with votes recorded as follows:

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

Council took a brief recess.

S. Public Hearing - Review of Preliminary Plat for Falls at Weddington. Mayor Deter opened the public hearing. The Town Council received the following memo from Town Planner Burton and a copy of the Overall Site Plan:

Falls at Weddington, LLC, submits a subdivision preliminary plat application for a 185 lot Residential Conservation Subdivision on 234.49 acres located off of Antioch Church Rd.

Application Information:

Date of Application: April 25, 2014

Applicant/Developer Name: Falls at Weddington, LLC

Parcel ID#: 06093007; 06093008A

Property Location: Antioch Church Rd.

Existing Zoning: RCD

Proposed Zoning: RCD (Conservation Subdivision through the Conditional Zoning process)

Existing Land Use: Residential Conservation

Proposed Land Use: Residential Conservation (CZ)

Existing Use: Vacant Land

Parcel Size: 234.49

Project Information:

The Falls at Weddington Subdivision is a proposed 185 lot subdivision on 234.49 acres. The subdivision is located on Antioch Church Rd. and is being developed by Falls at Weddington, LLC, as an RCD conservation subdivision.

A conservation subdivision must base the number of proposed lots on a yield plan per *Section 46-42* of the *Weddington Subdivision Ordinance*. This yield plan must show the number of lots that would be allowed if the

tract was developed as a conventional subdivision with 40,000 square foot lots. Conservation subdivisions shall be density neutral (same number of lots as would be permitted in a conventional subdivision). The site density is 0.79 dwelling units per acre.

Conservation Land Summary:

Section 58-58 (4) of the Weddington Zoning Ordinance stipulates that a minimum of 50% of the gross acreage must be retained as conservation land. Conservation lands must remain conservation lands in perpetuity. This is often done by requiring conservation easements and/or review and approval of neighborhood CCR's.

- During the Sketch Plan phase, the Planning Board asked the applicant to show the percentage of conservation land on both the east and west sides of Antioch Church Road. The applicant provided that information in the preliminary plat. The west side contains 55.9% conservation land and the east side contains 38.7%. The total amount will remain 52.7% conservation lands.
- Easements, necessary for utilities, lowered the total conservation land percentage from the 59.9% shown on the Sketch Plan.

Additional Information:

- Public Involvement Meetings (PIM) were held at Town Hall on Wednesday June 18th, 2014, and on-site on Thursday, June 19th, 2014. Property owners within 1,300 feet of the property were notified of the PIM's.
- The layout shifted slightly from that shown on the Sketch Plan because the applicant provided a larger buffer against the existing subdivision, Antioch Woods, and relocated the southern access point on Antioch Church Road to provide better sightlines. Both of these points were discussed at the Planning Board meeting on June 23rd, 2014.
- The Falls at Weddington is to be served by Union County Public Water and Sewer.
- The acreage of the smallest lot is 12,600 square feet.
- The applicant will create 2 access points along Antioch Church Road, and create a third access point by extending Amanda Drive from the Vintage Creek subdivision.
- The Falls at Weddington subdivision will contain public roads to be taken over by NCDOT.
- The applicant provided USI with pre and post calculations for stormwater runoff, and USI has determined that the stormwater management plan is acceptable.
-

EXISTING DAM:

- The existing dam in its current state does not meet our ordinance (Section 58-545). The applicant has looked at several options to improve the dam, but will likely need approval from the Federal Emergency Management Agency (FEMA) for any improvements made to the dam. The applicant has also conducted a dam breach analysis of the existing dam and found that a dam breach will not impact downstream properties. This analysis was submitted to the Dam Safety Engineer with the Department of Environmental and Natural Resources (DENR) for review, and the Dam Safety Engineer's review will confirm or deny those findings. If no change is made to the dam, then the applicant will need to apply for a variance to Section 58-545. The dam breach analysis should be considered in a decision by the Board of Adjustment to grant or deny the variance request.

Recommended Conditions of Approval:

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. Declaration of Conservation Easement and Restrictions shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;
5. Maintenance Plan and Maintenance Agreement shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;
6. Covenants, Conditions and Restrictions (CCRs) shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;

Mr. Dale Stewart – I am with Land Design. We have been looking at this site for almost a year and the issue of the pond is actually very important to us because when we started this project and started looking at this site and its' characteristics and what were the valuable aspects of it one of the things that we thought very early on was we wanted to save the pond. Even though we could drain the pond and fill it to what might be the natural stream, we knew that catching that space would not be as valuable as preserving the pond. We have been through that process in a lot of detail with your engineer but also with our State Dam Safety Engineer in Raleigh. Even though we have connectivity across the natural stream and floodplain below the dam we chose to design and propose a culvert crossing that will allow us to pass a significant storm event if this dam were ever to breach so that we don't in fact create a safety situation while we are saving the dam. It also allows the dam to continue to be an exempt status which means that we don't have to go in and clear the trees off the dam. The nature of this dam and the fact that we call this the Falls at Weddington is purely the result of what nature has created out there in terms of this rock outflow from the dam. There really is a series of falls just below the dam. The nature of that is such that the height of the dam, the height of the natural pool in a 50-year storm would overtop the dam. We have been working on a strategy that allows us to save the dam, meet your ordinance and do as minimal impact to the dam as we can. We do not want to tear this dam down and start over. It would destroy the natural setting that we have. We have looked at slightly raising the crest of the dam and we have looked at an auxiliary spillway. We are in the floodplain so that means that we do not want to have a rise or affect the floodplain. What we have been doing is a series of calculations through a series of reviews so that we can demonstrate that what we propose does in fact remain a no rise. We have just submitted that to your engineer and she has not had a chance to fully review that yet. We feel confident and we are determined to get through this in a way that we will meet the provisions of your ordinance without having to come and ask for a variance but at the same time have a good sound technical solution and preserve what we think is one of the greatest features of the site. One of the things that came out of our early review of the site was this floodplain creates a natural riparian corridor right through the heart of this project. Your residential conservation district ordinance allows a development to occur and when you have a situation like we have on this site you are able to be able to develop this site and you also have that incentive as a result of the conservation district that you can preserve those really great natural habitats. There are actual trails along this riparian corridor and the last thing we want to do is destroy that. That is a big part of this conservation open space that we are preserving.

Town Planner Burton - I don't know if the Town Council wants to put an additional condition in light of what was just discussed about the dam to ensure that all of that gets fulfilled and would require them to get approval from our engineer for a no rise.

Mayor Pro Tem Titherington - What is the area that you looked at because Vintage Creek is just north of you and that obviously is going to change the amount of impervious that we have up there?

Mr. Stewart - Yes we did in our analysis. One was the breach analysis required in your ordinance and the other is this study that we have done on behalf of dam safety. Your ordinance requires a 50-year storm but we analyzed a storm event which we refer to as the probable maximum precipitation. This is not a 100-year storm, not a 500-year storm it is like the mother of all storms. We have a breach during this storm event. We are looking at a culvert design down stream that can handle that breach. That is now being reviewed. We just received approval from the State Dam Safety Engineer accepting our analysis of that and it is on the entire drainage basin of some 450 acres that comes to this dam.

Mayor Pro Tem Titherington - And they were aware of that development upstream?

Mr. Stewart - Oh yes.

Mr. John Roberts – I live in Providence Place and most of the neighborhood is contiguous/adjacent to the development we are talking about. Part of me wants to say ditto to everything that some of the people said about the previous development. I am here specifically on one particular concern of mine. This development is on both sides of Antioch Church Road and is almost 100% except for the lake in pristine forest. It is heavily forested with beautiful healthy 50 to 70 year old hardwoods and pines. There is almost no open space. Much of it is going to have to be disturbed in order to put in the infrastructure of the neighborhood. The east side of the development is the smaller side. It is all forested. It will be the smaller side. I am concerned and am here to ask you to do everything that you can do to minimize the removal of the trees and to maximize the conservation of those trees. We have asked for sewer to be placed under the streets and other infrastructure to be under the trees. Attempts have been made to do that but there may be places where it cannot happen. I am asking that we challenge every no that we get, and challenge every restriction that is put in front of us to try to minimize the elimination of these trees in this neighborhood. There are other issues since I last saw the plat. The developer has added at least four lots to the east side. Even more lots are on the east side than what was previously presented to me. I want us to continue to negotiate and resist and challenge every opportunity we have to minimize the disruption of this forest.

Mr. Chris Martin – I live on Antioch Court road. I have been to a couple of meetings with the developer. I know that they want to maintain a good neighbor relationship at least until the development is approved and they are back in Florida. I do want to thank you for taking into consideration the issues that we have today and the environment that we have today which is specifically the lack of resources here in this area. With the neighborhoods and developments that you are talking about today you are talking about adding at least 1,000 students to our Weddington district. That will mean that a lot of our kids will probably have to go through another redistricting because the schools are capped. I encourage you to look for ways to discourage or reduce the amount of development. We can't just handle it today. I don't think you can individually stop it but I do think we need to have a collaborative effort at the County level to understand what the impact is and how we are going to accommodate the people that are moving into this area. I don't think we can just throw up our hands and say there is nothing we can do. I think it starts with the School Board and the County Board. I have a lot of uncertainty as most of the people that are existing neighbors on what is going to happen with their property values the next time the Board of Education decides to do whatever they are going to do. That is out of our control. We don't want to see it again because we are adding houses at a rate that we cannot accommodate the infrastructure growth. I really do encourage you guys to look for ways to discourage these developments.

Mr. Jonathan K. – I would like to respond to the folks in regards to the sewer. We have worked tirelessly with Union County Public Works with regards to trying to realign the sewer in a location that would not disrupt the conservation areas and forested areas and Union County has made it very clear to us that they have parameters and certain design requirements that would not allow us to construct certain portions of the sewer within the streets. The area that is of most concern is on the eastern side of Antioch Church Road where the elevation of that subdivision will not allow the sewer to go within the streets without the sewer being at excessive depth which is more than 14 feet. The only alternative location to extend the sewer would be within a portion of the conservation area which falls on the south side of this area here. We have heard people saying that we are going to disrupt 50 feet. The depth of the area is going to be less than 14 feet. The width of the utility easement that would have to run through the conservation area would be 20 feet. That would be a permanent utility easement that would have to be maintained as cleared area 20 feet wide for the length of the sewer that runs through that section of the conservation area. We are thankful that based on the reduction in depth and Union County Public Works requirements for easement width that we have been able to reduce the easement down to 20 feet which is a manageable width and we believe that it is going to have little disruption to the wooded area at that location. We would love to put the sewer in the street. It costs more to run through the woods. At this particular time we are subject to the rules and regulations of Union County Public Works.

Lady in the Audience – What is the point of the conservation district if you clear cut 20 feet?

Mr. Jonathan K. – I want to make sure that everyone understands that the conservation area that we have set aside does not include that utility easement. The utility easement is over and beyond the conservation area that we set aside. We have been very sensitive to the fact and we love this property. It is a beautiful piece of property and we have done everything we can to maximize buffers, maximize open space, minimize impacts to wetlands and to the lake areas and the result is we have exceeded the minimum conservation area and the disruption of the sewer line through that conservation area does not count as part of the conservation area set aside.

Mr. Roberts – Does the sewer line have to be on the south side of the new road?

Applicant – It all has to do with the lay of the land. It was considered.

Mayor Deter closed the public hearing.

T. Consideration of Preliminary Plat for Falls at Weddington. Mayor Deter – I walked the property. I met with Union County Commissioner Richard Helms because this is a Union County decision and not a Weddington decision. I think everyone on this Council would love to keep every tree we can. It is a beautiful area. We walked it and looked at some alternatives but at the end of the day it comes down to a safety issue. If the sewer was run across the road you are basically shutting that road off to the 40 homes in that area during that repair period. More importantly than that neither can a school bus, a fire truck, EMS or anybody else get to that area while the sewer is repaired. It really comes down to a safety issue. This sewer could fail five years from now but more than likely it will not fail until 40 years from now. At the same time our role is to look out for the betterment of the Town and its citizens and future citizens. In my mind that 20 foot area is going to leaf up and become a trail or walkway.

Mayor Pro Tem Titherington – Julian, you raised the question whether or not we want to have a condition around the dam. I think we would. We want to make sure the dam review process goes through to make sure that DENR and FEMA regulations are in compliance and that it is signed off and approved by the appropriate agencies including our engineer since it does involve a floodplain. Since the Town is the Floodplain Administrator I would like ~~a second engineer with US Infrastructure~~ **a second engineering firm** (correction noted at March 9, 2015 Town Council meeting) to review the information.

Mr. Roberts – Would you consider a condition on how the clearing would be maintained? You suggested a walking trail. Some type of landscaping of it would be nice.

Applicant – Union County Public Works requires the permanent utility easements to be clear of all vegetation. It will be grassed and mowed from time to time by Union County Public Works because it is their utility easement.

Mayor Pro Tem Titherington - We looked at the line of sight and I know that they had to relocate some of the roads and trimmed trees to make sure they had the 500 foot minimum. I want to make sure that is actually incorporated into the maintenance of the HOA so we do not have issues down the road. Sometimes trees grow up and I don't want line of sight issues there. That would pertain to all three entrances.

Councilwoman Harrison moved to approve the Preliminary Plat for the Falls at Weddington with all conditions in the memo and discussed during the meeting. All were in favor, with votes recorded as follows:

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

Item No. 8. Old Business.

A. Review and Consideration of Town's Participation in Local Cost Sharing for Sidewalks for the Proposed Rea Road Extension (NCDOT STIP No. U-3467). The Town Council received the following memo from Town Planner Burton:

On November 10th, the Council discussed two emails that were sent to Town Staff regarding Weddington's interest in participating in local cost sharing for sidewalks along the proposed Rea Rd. Extension. Weddington's participation would amount to 20% of the cost (\$123,000 - \$128,000) which includes \$6,000 to pay for two short sections along the south side of NC 84 that are actually in unincorporated Union County. Wesley Chapel has agreed to pay for their portion of the sidewalks, which also includes small sections located in unincorporated Union County.

Town Staff communicated further with Bobby Norburn and found that Union County was not asked to pay for the sections within their jurisdiction. He explained that it's standard practice for DOT to ask municipalities to pay for sidewalks adjacent to their limits because it's likely that the sidewalk will eventually be included within their limits. Mr. Norburn also forwarded an email to Town Staff that he had originally sent to Wesley Chapel, explaining the potential timeline going forward. Finally, Staff communicated with Scott Cole from DOT, and his response email is included within the packet.

Mayor Deter – This came up at last month's meeting. When the Rea Road Extension goes in NCDOT would expect the local municipalities to pay for the sidewalks on each side of the road very much like Providence Road. At last month's meeting we did not feel like we had enough information to adequately address it. We tabled it to discuss tonight. We asked staff to get some additional information for us.

Councilwoman Harrison – I disagree with the statement that it is standard practice for DOT to ask municipalities to pay for sidewalks adjacent to their limits because it's likely that the sidewalk will eventually be included within their limits. I am reluctant at this point to put the money in for sidewalks for two reasons – we paid \$26,000 for the sidewalks that are on Providence Road. How many miles is that? Even with inflation \$128,000 seems high. Secondly – the second project after Rea Road Extension is the widening of Providence Road and they are going to hit us up again for both sides of Providence Road to New Town Road. That is going to become a huge dollar amount that without really knowing all the facts I still have problems approving this tonight. I would rather postpone deciding this tonight and consider in a year. The project has been delayed.

Mayor Deter – NCDOT has requested a response by December 19. The estimate has now gone up from \$128,000 to \$133,000. In a year from now our population probably will be over 10,000 and then our share would be 30% and that could be as high as \$200,000. There are a lot of unknowns.

Town Planner Burton - Would we not be locked in at a certain amount?

Councilwoman Harrison - We don't know that though.

Mayor Deter - I am a firm believer that when this goes in we need sidewalks on the street. The question is the amount so that we know we are going to set aside the lump sum or \$20,000 or \$30,000 every year. Right now we do not know. It could be between \$128,000 to \$200,000.

Town Planner Burton - The email from Scott Cole explained that there would be a Municipal Agreement executed by both NCDOT and the Town. My assumption is that agreement would lock you in for one cost and that would not be able to be increased as the Town gets larger. Potentially tabling could open the door to that.

Council asked that staff look into the following items relative to this item:

- Is Town locked in for set amount or would it change?
- What is driving the December 19 timeframe?
- If we do not respond what happens?
- What is the rush if the project has been delayed?

Councilwoman Harrison moved to continue consideration of this item until the January Town Council Meeting to allow staff to get further clarification from NCDOT. All were in favor, with votes recorded as follows:

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

Item No. 9. New Business.

A. Consideration of Amendment to Providence VFD Fire Suppression Agreement. Councilmember Smith moved to approve the amendment to the Providence VFD Fire Suppression Agreement:

NORTH CAROLINA

UNION COUNTY

AMENDMENT TO FIRE SUPPRESSION AGREEMENT

THIS AMENDMENT, made and entered into this 8th day of December, 2014, between the Town of Weddington, a duly incorporated municipality under the laws of the State of North Carolina (hereinafter referred to as “Town”), and the Providence Volunteer Fire Department, Inc., a duly organized rural fire department under the laws of the State of North Carolina (hereinafter referred to as “Department”), shall modify as indicated that agreement among the parties dated October 14, 2013, hereinafter referred to as the “Agreement.”

Section 3 of the Agreement shall be modified as follows:

COMPENSATION. The Town shall compensate the Department in the amount of \$144,956.25 to be paid on or before the 15th day in July, October, January and March for the services provided under this Agreement. This new payment arrangement will begin January 2015. For each following fiscal year of this Agreement, the Town shall compensate the Department an amount to be established during the Town’s annual budget process. The Department agrees to submit its budget request to the Town in April of the preceding fiscal year. The Town shall notify the Department of its recommended funding of the Department at least 30 days before the Town’s public hearing on the budget. The Department’s actual budgeted amount shall be set in the Town’s annual budget adopted on or before June 30th.

All funds remitted by the Town to the Department shall be used exclusively for the provision of services under this Agreement. The Department shall be solely responsible for paying its expenses. The Department shall follow standard budgeting procedures and shall ensure that appropriate checks and balances exist in the maintenance of Department funds. The compensation is subject to adjustment on an annual basis during the Town’s and the Department’s normal budgeting cycle.

Annually, at the expense of the Town, the Department shall have a financial audit conducted of its revenues and expenditures for the previous fiscal year and shall provide the Town with a certified copy of the financial audit. The annual financial audit shall be performed by a certified public accountant.

Except as herein amended, the terms and provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF Each party has caused this Amendment to be executed by its duly authorized officials as of the day and year afore agreed upon.

All were in favor, with votes recorded as follows:

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

B. Consideration of Quotes/Proposals for Bathroom Work to be Completed at Providence VFD. The Town Council received communication from Providence VFD that they did not have three quotes for the bathroom work at this time.

Mayor Deter - The original agreement that we had with Providence back in June called for all of this to be completed by December 31, 2014. At the time the Council felt that six months was plenty of time to get this done. We have a request from Providence VFD to extend the time where they can submit three quotes at the January 12th meeting.

Mayor Pro Tem Titherington – One of the concerns we start getting into is that the next budget process will start in March and we need to make sure that it is completed by the end of February so that we go into the fiscal budgeting process clean with no carry overs. It was supposed to be completed by the end of December. End of February should be more than fair.

Councilwoman Harrison - My only concern is they said the only reason they did not get the quotes done was because of the holidays and we are coming up to 2 weeks of holidays and if they do not get the quote in by the 12th I am done.

Mayor Deter - They have known about this since June. Are they talking about the 4th of July Holiday, Labor Day Holiday, the Halloween Holiday, the Thanksgiving Holiday? I think what I am hearing is we will extend it to have the quotes in for the January 12 meeting and we will need three quotes for each.

Finance Officer Gaylord - There was a total budget of not to exceed \$48,000.

Mayor Pro Tem Titherington asked that a letter be drafted to Jack Parks and Chief Kenny Schott outlining insurance requirements and that three quotes will be needed by January 6 to be included in the Council packet for the January 12 Town Council Meeting. Council agreed by consensus to continue this item until the January 12 Town Council Meeting.

C. Consideration of Quotes/Proposals for Landscaping Work to be Completed at Providence VFD. By consensus, this item was continued until the January 12 Town Council Meeting.

D. Review and Consideration of the Construction Documents for Threshold Church. The Town Council received the following memo from Town Planner Burton:

Threshold Church received Council approval on September 8th for their conditional zoning (CZ) request for Threshold Church located off of Antioch Church Rd. The submitted plan was Phase 1 of a multiphase plan, and included parking and a new driveway. During the conditional zoning approval, the Council also reviewed and approved the landscaping plan as an addendum to the Conditional Zoning application.

Threshold Church has submitted an application for approval of the remaining construction documents (landscaping plan already approved), to begin construction of the driveway and parking lot.

Attachments

1. Construction Documents
2. Freestanding Sign Design

Application Information

Date of Application: 9/22/2014

Applicant Name: Threshold Church

Owner Name: David Dillworth

Parcel ID#: 06-090-011C

Property Location: 3501 Antioch Church Rd.

Existing Zoning: RCD

Proposed Zoning: RCD (CZ)

Existing Use: Single Family Residential

Proposed Use(s): Daily ministry activities for 10-15 people, gravel parking for 75 cars, and quarterly church events (outdoor for 150 people).

Parcel Size: 9.8 acres

General Information

- The required Public Involvement Meetings for this project were held on July 23rd and July 24th, 2014. The meeting on July 23rd was held at Town Hall from 5:00-7:00 pm. The meeting on July 24th was held on-site from 9:00-11:00 AM.
- The *Weddington Zoning Ordinance* requires that all CZ Applications go through the Construction Document process per *Section 58-271*.

Proposed Uses on Site Plan:

- I. Gravel Driveway
 - a. Altered from the original driveway
- II. Parking Lot
 - a. 75 gravel parking spaces

Development Standards (for a Church in the RCD zoning district):

- Minimum Lot Area-3 acres
- Front Setback-75 feet
- Rear Setback-40 feet
- Side Setbacks-50 feet
- Maximum Building Height - 35 feet except as permitted in *Section 58-15*

Access and Parking:

- The site will be accessed by one gravel driveway off of Antioch Church Rd.
- The applicant is required to submit a Traffic Impact Analysis as part of this application. The traffic engineer deemed that a plan consisting of parking and daily events for only 15 people would not require a TIA.

Screening and Landscaping:

- The applicant has provided screening and landscaping by using existing vegetation in addition to new landscaping on the eastern side of the property.
- The applicant has proposed a 48 foot buffer between the church property and adjoining residential properties, as required in within Section 58-8. The plan shows that the buffer will remain undisturbed, utilizing the existing trees as a natural screen to the adjoining properties.
- All trees included in screening and landscaping are listed in the Town of Weddington Approved Plant Species List. Other proposed trees can be approved by the Zoning Administrator as stated in Section 58-8 (6).
- The approved landscaping plan includes additional screening along the southern boundary of the property.

Additional Information:

- This site is not within a regulatory flood plain.
- A lighting plan is not part of this submittal and is addressed in the conditions.
- USI has conducted a preliminary review of the construction documents for Threshold Church. USI also provided a preliminary evaluation of the stormwater runoff impacts from the proposed site development.

Increased runoff from the majority of the proposed gravel parking area will be dispersed through the undisturbed side and rear buffers and other undisturbed areas. Therefore, USI has determined that the stormwater impacts are acceptable for phase 1, but future phases of development will be required to provide detention according to the revised Stormwater Ordinance.

- The proposed freestanding sign meets the requirements of the ordinance and its location is shown on the Site Plan.

Recommended Conditions of Approval:

1. Final engineering approval from Town Engineer, Bonnie Fisher with USI;
2. Water and sewer/septic plans to be approved by Union County Public Works and Environmental Health;
3. All signage must comply with *Chapter 58, Article 5 of the Weddington Code of Ordinances*;
4. Any future proposed Lighting Plan must be approved by the Town Council and shall comply with Town Lighting Ordinance;
5. Any future revisions to the approved site plan and other approved documents must comply with *Section 58-271 (i) of the Weddington Zoning Ordinance*;

Town Council Action

Approve/Approve with Conditions/Deny Construction Documents for Threshold Church

The Town Council also received the following:

- Site Plan
- Grading, Drainage and Erosion Control Plan and Details
- Drainage Area Plan
- Free Standing Sign Plan

Mayor Pro Tem Titherington moved to approve the construction documents for Threshold Church with the conditions noted by the Town Planner. All were in favor, with votes recorded as follows:

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

E. Review and Consideration of the Final Plat for the Vintage Creek Subdivision. The Town Council received the following memo from Town Planner Burton and the Final Record Plat for Phase I:

Standard Pacific of the Carolinas, LLC submits a final plat application for 52 lots (63.69 acres) of the approved 90 lot Residential Conservation Subdivision on 116.52 acres located on Weddington-Matthews Road.

Application Information:

Subdivision Name: Vintage Creek

Date of Application: October 1st, 2014

Applicant/Developer/Owner Name: Standard Pacific of the Carolinas, LLC

Parcel ID#: 060-90-004

Property Location: Weddington-Matthews Road

Existing Zoning: RCD

Proposed Zoning: RCD (Conservation Subdivision through the Conditional Zoning process)

Existing Land Use: Residential Conservation

Proposed Land Use: Residential Conservation

Existing Use: Vacant Land

Proposed Use: Single Family Residential Subdivision

Map Size: 63.69 acres

Project Information:

The Vintage Creek Subdivision is a proposed 90 lot subdivision on 116.52 acres. The subdivision is located on and accessed by Weddington-Matthews Road and is being developed by Standard Pacific of the Carolinas.

A conservation subdivision must base the number of proposed lots on a yield plan per *Section 46-42* of the *Weddington Subdivision Ordinance*. This yield plan must show the number of lots that would be allowed if the tract was developed as a conventional subdivision with 40,000 square foot lots. The Vintage Creek yield plan yielded 90, 40,000 square foot lots. Conservation subdivisions shall be density neutral (same number of lots as would be permitted in a conventional subdivision). The site is 0.77 dwelling units per acre.

Background Information:

- A pre-sketch conference was held on December 14, 2011 and June 18, 2012.
- A site walk occurred on-site May 3, 2012.
- Public Involvement Meetings were held on Monday, July 9th on-site from 2:00-4:00pm and Wednesday, July 11th at Town Hall from 6:00-8:00pm.
- The Planning Board approved the Sketch Plan on July 23, 2012.
- The Planning Board gave a unanimous favorable recommendation of the Preliminary Plat on March 25, 2013.
- The Town Council approved the preliminary plat on June 10th, 2013.
- The Planning Board unanimously recommended approval on the final plat on November 24th, 2014, with conditions.

Map 1 Information:

- Map 1 is 52 lots on 63.69 acres.
- Development Standards are as follows:
 - Front Yard Setback: 30'
 - Side Yard Setback: 5' (30' separation between principal buildings)
 - Side Corner Setback: 15' (with street frontage)
 - Rear Setback: 20'
- Smallest Lots: 27, 28, 41, and 42 (13,500 square feet).
- Vintage Creek is to be served by Union County Public Water and Sewer.
- *To be included in maps associated with Phase II:* The Applicant commits to the construction of the extension of Amanda Drive, east of the roundabout proposed within Phase II, within thirty (30) days following written notice from the Town that development is occurring on the adjacent property (Parcel Tax ID# 06093007-Deed Book 3741 Page 317). Applicant agrees that in lieu of the Amanda Drive extension construction, Applicant may fund through the establishment of an escrow account all costs for the construction of the Amanda Drive extension. The escrow account funds shall be established commensurate with the filing of the first plat within Phase II of the Vintage Creek subdivision and shall be used to construct the Amanda Drive extension. The escrow account funds shall be based on the Town's engineers' estimated cost to construct the Amanda Drive extension and shall be based on the projected construction date. The escrow amount shall be established by the Town and approved by the Weddington Town Council.
- USI provided final approval for the preliminary plat, which was contingent on approval from the following agencies:
 - NCDOT for driveway connection and internal road review (if DOT is to accept maintenance of streets)
 - NCDEMLR Erosion Control
 - NCDEMLR Post Construction Storm Water permit
 - Army Corps of Engineers Wetlands permit, or written verification that there is no disturbance to wetlands
 - NC Dam Safety for dam classification evaluation (if applicable)
- Declared Covenants, Conditions, and Restrictions (CCR's) are currently being reviewed by the Town Attorney.

- Bond estimates for water, sewer, and roads are currently being reviewed by Bonnie Fisher with USI.
- Union County has provided approval for all street names in Vintage Creek

Recommended Conditions of Approval:

1. Performance and Maintenance Bonds to be approved by the Town Council.
2. Approval of CCR's by Town Attorney.
3. Each remaining lot to be recorded in the Vintage Creek 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 Vintage Creek Homeowners Association or its Developer.
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. Coordinate with USPS and DOT to provide cluster mailboxes within subdivision.
6. Coordinate with Emergency Services and the Town of Weddington to display house numbers at each individual address. Staff is still waiting to hear confirmation from emergency services regarding any preference that they may have.

Town Council Action

1. Approve/Approve with Conditions/Deny Vintage Creek Final Plat Map 1

Councilwoman Harrison moved to approve the Final Plat for the Vintage Creek Subdivision with the conditions noted by the Town Planner and to use the Town's appropriate bond language for the Amanda Drive Extension. 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 the Construction Documents (Lighting Plan and Landscaping Plan) for the Vintage Creek Subdivision. The Town Council received the following memo from Town Planner Burton:

Standard Pacific of the Carolinas, LLC submits a lighting plan and supplemental landscaping plan as part of the construction documents associated with the Vintage Creek conservation subdivision.

Attachments:

1. Landscaping Plan
2. Lighting Plan

Lighting Plan:

The lighting plan is included in your packet and staff has received confirmation from Union County that the fixtures meet the Town of Weddington requirements, and are being installed elsewhere in Weddington.

Landscaping Plan:

The landscaping plan is associated with the monument sign application already approved by the Planning Board. One of the plants, IC2 Ilex Crenata "Steeds", is not included in the List of Acceptable Plant Species (Appendix I). The Planning Board found that the species is comparable to other varieties included in the approved list, and recommended that the plant be allowed within the proposed landscaping.

Town Council Action:

Approve/Approve with Conditions/Deny Lighting and Landscaping Plans for Vintage Creek

The Town Council also received the following:

- Streetscape and Planting Plan
- Front Entry Planting and Lighting Plan
- Overall Preliminary Plat
- Diagram of Lighting Fixture

Councilwoman Harrison moved to approve the construction documents for the Vintage Creek Subdivision. All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Smith and Mayor Pro Tem Titherington

NAYS: None

G. Consideration of Appointments to the Planning Board. The Town Council received a copy of the Appointment Policy, the following memo from Town Administrator Amy McCollum and a copy of all applications on file:

The Planning Board terms for Rob Dow and Jim Vivian expire this month. Terms for the Planning Board are for four (4) years. Members also serve on the Board of Adjustment and Historic Preservation Commission. Applications from individuals wishing to serve on this Board are included in your packet.

Councilmember Smith moved to reappoint Mr. Jim Vivian and Mr. Rob Dow to serve another term on the Planning Board, Board of Adjustment and Historic Preservation Commission. All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Smith and Mayor Pro Tem Titherington

NAYS: None

H. Consideration of Appointments to the Public Safety Advisory Committee. The Town Council received the following memo from Town Administrator McCollum and a copy of all applications on file:

The Public Safety terms for Gene Melchior and Kimberly Crooks expire this month. Terms for the Public Safety Advisory Committee are for four (4) years. Applications from individuals wishing to serve on this Committee are included in your packet.

Councilmember Smith moved to reappoint Mr. Gene Melchior to another term to the Public Safety Advisory Committee. All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Smith and Mayor Pro Tem Titherington

NAYS: None

Mayor Pro Tem Titherington moved to reappoint Mr. Kimberly Crooks to another term to the Public Safety Advisory Committee. All were in favor, with votes recorded as follows:

AYES: Councilmembers Harrison, Smith and Mayor Pro Tem Titherington

NAYS: None

I. Consideration of New Town Banner Quotes. The Town Council received the following memo from Town Administrator McCollum:

The Town Council budgeted \$6,500 for new banners for Fiscal Year 2014-2015. Please see attached quotes. Staff is recommending that Council approve the purchase of new Town banners from Display Sales at a cost of

\$4,512.00 due to the type of material (marine acrylic canvas) that is being proposed and the warranty that is being provided. There is a five (5) year warranty for the fabric against fading, rot and mildew and a four (4) year warranty on construction and ink. The current banners cost approximately \$2,800 and are four (4) years old. Councilwoman Pamela Hadley is going to help with the design of the new banners and a proof will be forwarded to Council for input.

Mayor Pro Tem Titherington moved to approve purchasing the Town banners from Display Sales. All were in favor, with votes recorded as follows:

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

Item No. 10. Update from Town Planner. The Town Council received the following memo from Town Planner Burton:

- Staff has received a conditional zoning application for All Saints Anglican Church. The PIMs were held on November 19th and 20th, and the application will likely be on the December or January Planning Board agenda.
- The applicant for the West property (Laurel Grove Lane) is likely submitting a revised plan in December or January in response to comments from the Public Involvement Meetings.
- The Planning Board will likely review the following items on December 15th, 2014:
 - First draft of Traffic Impact Analysis ordinance and Process and Procedure Guidelines
 - All Saints Anglican Church Conditional Zoning Application

Item No. 11. Public Safety Report. Public Safety Advisory Committee Chairman Gene Melchior gave a brief update to the Town Council. He reported that there were approximately 44 people that attended the recent CPR training. He advised that the radar sign is currently being repaired and Council asked if he would get with NCDOT to see if the Town could install reflectors around the traffic circle.

Weddington Deputies – 754 Calls

PROVIDENCE VFD

UNION:
EMS: 12
FIRE: 11
Public Service: 3

MECKLENBURG:
EMS: 10
FIRE: 5

TOTAL: 41

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

Wesley Chapel VFD – 8 Calls.

Stallings VFD – 10 Calls.

Item No. 12. 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 11/1/2014 to 11/30/2014.

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

Transactions:	
Adjustment under \$5.00	\$(1.98)
Interest Charges	\$61.08
Overpayments	\$(1,059.95)
Penalties and Interest	\$(84.59)
Pay Convenience Fee	\$14.85
Refunds	\$1,241.83
Releases	\$(27.49)
Taxes Collected:	
2009	\$(123.19)
2010	\$(127.62)
2011	\$(127.62)
2012	\$(221.20)
2013	\$(455.20)
2014	\$(336,873.54)
As of November 30, 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	\$1,330.77
2009	\$1,328.06
2010	\$1,549.78
2011	\$2,525.68
2012	\$7,095.31
2013	\$7,720.36
2014	\$420,728.71
Total Outstanding:	\$443,066.65

Item No. 13. Transportation Report. Councilwoman Harrison gave a brief transportation update.

Item No. 14. Council Comments. Councilwoman Harrison thanked everyone for helping to make the Tree Lighting a success.

Councilmember Smith thanked Councilwoman Harrison and her husband Pat for all of their hard work in making the Tree Lighting such a wonderful event. He also commended Deputy Chris Black on his recent work on an investigation dealing with a Town burglary.

Item No. 15. Adjournment. Councilwoman Harrison moved to adjourn the December 8, 2014 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

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

The meeting adjourned at 10:07 p.m.

Bill Deter, Mayor

Amy S. McCollum, Town Clerk