

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, APRIL 28, 2014 – 7:00 P.M.
MINUTES**

The Planning Board of the Town of Weddington, North Carolina, met in a Regular Session in the Town Hall Council Chambers, 1924 Weddington Road, Weddington, NC 28104 on April 28, 2014, with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow (arrived late), Bruce Klink, John Giattino and Jim Vivian, Town Planner Julian Burton and Town Administrator Amy McCollum

Absent: Jennifer Romaine and Jeff Perryman

Visitors: Jim Lineberger, Cheryl Sain, Rocky Caponigro, Jean Stuart, Locke Stuart, Mike Romenick, Gene Melchior, Tom Marra, Jim Katsoudas and Mike Crates.

Item No. 1. Open the Meeting. Chairman Dorine Sharp opened the meeting at 7:02 p.m.

Item No. 2. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum.

Town Planner Julian Burton asked that Item 5.D. be moved to 5.B. on the agenda. Mr. John Giattino moved to approve the agenda with the change. Mr. Jim Vivian seconded the motion with votes recorded as follows:

AYES: Klink, Giattino and Vivian
NAYS: None

Item No. 3. Approval of Minutes.

A. March 24, 2014 Regular Planning Board Meeting Minutes. Mr. Bruce Klink moved to approve the minutes as submitted. Mr. Vivian seconded the motion, with votes recorded as follows.

AYES: Klink, Giattino and Vivian
NAYS: None

Item No. 4. Old Business.

A. Review and Consideration - Weddington UMC CZ Application. Town Planner Burton advised that this item has been withdrawn by the applicant.

B. Review and Consideration of Text Amendment Proposal – Conservation Subdivision Sideyard.

The Planning Board received the following proposed text amendment:

Section 58-58. R-CD Residential Conservation District

(4) (e) (4) (iii.) - Side Yard: **10 feet.** ~~3 20 feet~~ separation for principal buildings on adjacent lots, ~~with no side yard less than five feet.~~ The streetside side yard on a corner lot (i.e., the lot fronting a street that is not the “front yard”) shall be at least 15 feet.

The Planning Board received the following letter dated March 7, 2014 from Mark E. Kime, RLA with Land Design:

The developer for the Withrow Property wishes to propose the following text amendment to Section 58-58 (4)(e)(iii) in regards to Side Yard Regulations for the R-CD Residential Conservation District in the Town of Weddington Code of Ordinances.

Proposed Text Amendment:

Side Yard: 10 feet. 20 feet separation for principal buildings on adjacent lots. The streetside yard on a corner lot (i.e. the lot fronting a street that is not the “front yard”) shall be at least 15 feet.

The applicant was not present to discuss.

Chairman Sharp – Currently there is a 30’ foot separation between buildings with a minimum of 5 feet and a total of 30 feet. They want to change this to a flat 10 feet on each side for a total separation of 20 feet.

Mr. Giattino wanted to know if it could ever be 5 or 15.

Chairman Sharp stated that the text change they are requesting is a flat 10 foot side yard in conservation subdivisions.

Mr. Klink – It could be 5 and 25.

Chairman Sharp – It could be 5 and 25, 10 and 20 or 15 and 15. The request is for the 30 foot separation to be reduced to 20 feet without flexibility, a flat 10 feet on each side. The original concept was to allow flexibility on the lot because the lots can be smaller.

Mr. Giattino stated he is not in favor of reducing the distance from 30 feet to 20 feet and wants to keep Weddington with an open and airy look.

Vice Chairman Dow arrived at 7:11 p.m.

Chairman Sharp – Once the Planning Board approves a conservation subdivision then the Board does not look at each lot as it is being built. This goes through the Zoning Administrator. The Planning Board looks at the actual lot layout but not where the individual houses will be placed.

Mr. Vivian asked why they are requesting the change from 30 to 20 feet.

Chairman Sharp answered that it would help them make the lots longer and narrower.

Vice Chairman Dow – I was excited about the last conservation subdivision that was reviewed by the Planning Board. What we are talking about are almost standard lot widths which were not as deep which allowed the neighbors to have a good deal of green space. This made the neighboring subdivision pleased because they did not have a lot line coming right up to them. This is a different request that should be looked at in conservation subdivisions.

Chairman Sharp stated that this would promote narrower lots.

Vice Chairman Dow - The whole point of a conservation subdivision is to create open space so that all of Weddington would not have a house on every acre but at the same time give the rural spread out look. This is contrary to what we are looking for.

Vice Chairman Dow moved to send an unfavorable recommendation to the Town Council regarding the conservation subdivision sideyard text amendment. Mr. Giattino seconded the motion with votes recorded as follows:

AYES: Klink, Giattino, Vivian and Vice-Chairman Dow
NAYS: None

Item No. 5. New Business.

A. Review and Consideration of the Preliminary Plat for the Bard Property. The Planning Board received the following memo from Town Planner Julian Burton:

Carolina Renovated Properties, LLC submits a subdivision preliminary plat application for a 15 lot Conventional Subdivision on 22.06 acres located on Hemby Road.

The Town Council deferred the original Bard Property preliminary plat application on March 10th, 2014, citing concerns about the location of the subdivision entrance. In response to the concerns, the applicant reconfigured the subdivision design. On April 14th, 2014, the Town Council recommended that the revised plan be reviewed by the Planning Board.

Application Information:

Subdivision Name: Bard Property

Date of Application: January 21, 2014

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

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

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

Existing Zoning: RCD

Proposed Zoning: RCD

Existing Land Use: Residential Conservation

Existing Use: Vacant Land

Proposed Use: Single Family Residential Subdivision

Parcel Size: 22.06 acres

Project Information:

The Bard Property Subdivision is a proposed 15 lot subdivision on 22.06 acres comprised of three parcels. The subdivision is located on and accessed by Hemby Road and is being developed by Carolina Renovated Properties, LLC as a conventional subdivision.

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

Background Information:

- Public Involvement Meetings were held on Tuesday, February 18, 2014 on-site from 12:00pm-2:00pm and Monday, February 24, 2014 at Town Hall from 4:30-6:30pm.
- The Zoning Administrator approved the Sketch Plan on December 9, 2013.

Preliminary Plat Information:

- The minimum lot size is 40,000 square feet. The smallest lots proposed are lots 13, 14, and 15 at 40,100 square feet.

- The applicant is required 10% or 2.16 acres of open space after dedicating .50 acres of right-of-way to NCDOT. The applicant has provided 16.00% or 3.45 acres of open space.
- The open space is listed as “lots” 18-21 on the site plan.
- The applicant has also provided a 50 foot required thoroughfare buffer along Hemby Road. This buffer is not included in the open space calculations.

RCD Minimum Yard Regulations:

- Front Yard Setback—50 feet
- Rear Yard Setback—40 feet
- Side Yard Setbacks—15 feet
- Lot Width—120 feet as measured at the front yard setback
- Applicant has met all required setbacks per the *Weddington Zoning Ordinance*.

Additional Information:

- The Sketch Plan has been approved by the Zoning Administrator. The Preliminary Plat will now be reviewed by both the Planning Board and Town Council. Following approval of the Preliminary Plat, the applicant will have two years to apply for the Final Plat. The Final Plat can be submitted in multiple phases.
- The Bard Property is to be served by Union County Public Water and Sewer.
- There is an existing stream and wetlands towards the rear of the site. The applicant has provided a 100 foot stream buffer and has also stated that the wetlands will remain. The pond at the rear of the site will not remain.
- The applicant shows two new fire hydrants along the main road.
- The applicant will dedicate 25 feet of right-of-way along Hemby Road in accordance with the LARTP and MUMPO Thoroughfare Plan. There will also be a 50 foot thoroughfare buffer along Hemby Road in accordance with the *Weddington Subdivision and Zoning Ordinances*.

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

1. Development subject to review and approval/permitting of construction documents, driveways permit(s), etc. by NCDOT;
2. Development subject to review and approval of construction documents by Town’s Engineering Consultant, US Infrastructure;
3. Development subject to review and approval/permitting of construction documents by Union County Public Works;
4. Development subject to review/approval from the North Carolina Department of Natural Resources (NCDENR) for all erosion and sedimentation control plans.
5. Road names to be approved by Union County E911; **(has been approved)**
6. Plans for subdivision entry monument to be approved by the Planning Board;
7. ~~Construction of a golf course style swale at the rear of Lots 3 and 4.~~ **(on the plan)**
8. **Proof of approval from Army Corp of Engineers regarding the wetlands** (DPR stated that no wetlands were being impacted.) Town Planner Burton wants something in writing to say that the wetlands are not being impacted. This could be a statement on the plat.
9. **Need statement on plat regarding future common ownership of recreational and open space lands.** (Town Planner Burton to give exact wording to Mr. Callahan in email.)
10. **Crates Cove Ct. – Need statement saying there will be at least four curb cuts coming off of that so NCDOT will take over the road.** (Town Planner Burton stated that there could be as many as five depending on where the driveways are located.)

The Planning Board also received the following:

- Application for Subdivision Sketch Plan and Preliminary Plat
- Cover Plan, Existing Condition and Site Demolition Plan, Site Plan, Grading and Drainage Plan, Erosion Control Plan (Initial Phase and Final Phase), Landscape Plan, Road Profiles, Site Details and 500' Sight Distance.

Mr. Richard Callahan – The previous plan was tying in across the street from Weddington Manor Court. The Council requested that the driveway be relocated. The front right-of-way was cleared and staking was set up. The Council did not like the driveway location. DPR and the property owner came up with a new resolution where we took the primary drive off of Hemby Road from being a four way intersection and pulled it down 235 feet towards Avery Court and are yielding the same square footage per lot. There are still 15 lots. DPR reworked the front 20% of the site in order to meet the new driveway location. The acreage is the same and the open space is similar. The buffer and common space on Hemby Road is still there. We are not impacting any wetlands. DPR has informally submitted material back and forth with NCDOT and they have accepted that. There is no final approval yet.

Town Planner Burton said Union County will provide public water and sewer and that several conditions are pending.

Vice Chairman Dow wanted to know why are we numbering buffer zones.

Mr. Callahan – DPR was asked to put a lot number on the common open space even though it is not a buildable lot. This is so the Town can track the individual designated areas of open space buffers.

Vice Chairman Dow thinks there is a better way to handle this.

BARD CONDITIONS (PLANNING BOARD 4/28/14)

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. Development subject to review/approval from the North Carolina Department of Natural Resources (NCDENR) for all erosion and sedimentation control plans.
5. Road names to be approved by Union County E911;
6. Plans for subdivision entry monument to be approved by the Planning Board;
7. Statement on plat denoting that no permit was necessary from Army Corps of Engineers for the Wetlands
8. Statement on plat denoting the future ownership (dedication or reservation for public use to governmental body, homeowners' association, or for tenants remaining in subdivider's ownership) of recreational and open space lands.
9. Statement on plat denoting that at least 4 lots will contain driveways accessed by Crates Cove Ct.

Mr. Klink asked what the line of sight is now.

Mr. Callahan – It is 500 feet. There are 35' x 35' and 10' x 70' site triangles and there is also the site distance.

Mr. Giattino moved to send a favorable recommendation to the Town Council with the conditions noted by the Town Planner. Vice Chairman Dow seconded the motion with votes recorded as follows:

AYES: Klink, Giattino, Vivian and Vice-Chairman Dow
NAYS: None

B. Review and Consideration of the Gruhns Tract: Modification from the Subdivision Ordinance.

The Planning Board received the following memo from Town Planner Burton:

Jim Lineberger has requested a modification from the subdivision ordinance to create a cul-de-sac in excess of 600 ft, as shown in the schematic site plan provided in your packet. Shagbark Ln. already exists as a 600 ft. culs-de-sac, and the request is to extend the culs-de-sac past its current length. If approved, the extended culs-de-sac will likely be used to access a future major subdivision.

“The Town Council may authorize a modification from the Subdivision Ordinance when, in its opinion, undue hardship may result from strict compliance with these regulations. Such a modification shall be granted only to the extent that it is absolutely necessary and not to an extent, which would violate the intent of this ordinance.” (Sec. 46-15) Modifications specific to culs-de-sacs are referenced in Sec. 46-76.g.1, which states, “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 grants a modification per Section 46-15.”

Town Councilmembers that were present left the room during the discussion of this item.

Application Information:

Subdivision Name: Bard Property
Date of Application: April 22nd, 2014
Applicant/Owner/Developer Name: Jim Lineberger/William Bryant & Kathryn Gruhn
Parcel ID#: 06147020G, 06147019, 06147005
Property Location: Hemby Road
Existing Zoning: R-40

Findings of Fact:

The Town Council will use the following five findings of fact when granting or denying the modification from the subdivision ordinance. Therefore, the Planning Board should also consider the following findings of fact when providing the Town Council with their recommendation. The applicant has responded to all five findings of fact within their application. Those responses are also copied below in quotation marks.

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of reasonable use of his land: “If the street was required to be extended to connect with Stirrup Ct., the new street would be +/- 1.4 times the proposed extension length with a loss of +/- 3 proposed lots, and a loss of the existing house. Street connection would require +/- 46’ of additional grade change, double the asphalt and crossing an existing draining swale that could require a bridge.”
- b) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner. “Without consideration for the modification, development of this site for R-40 use is economically unviable.”
- c) That the circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance. “Existing access point is off an existing culs-de-sac. Other adjacent tracts are already subdivided.”

- d) That the granting of the modification will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated. "Proposed modification is compatible and in character with adjacent area which already contains other longer culs-de-sacs. Access to this tract will remain at existing entry point. Existing traffic patterns will remain unaltered.
- e) That the modification will not vary the provisions of the Town of Weddington Subdivision Ordinance applicable to the property. "The proposed new portion of culs-de-sac street extension is less than the 600' length in the subdivision ordinance."

Planning Board Action:

Recommend Approval of Modification/Approval with Conditions/Denial

The Planning Board also received the following:

- Modification Application
- Plat showing subdivision of Baron and Gruhn Farms
- GIS Maps
- Schematic Site Plan
- Adjacent Parcels Map

Chairman Sharp wanted to know why the connectivity through Stirrup Court is not shown.

Mr. Lineberger - It would take away lots. This is a much better option financially for them. More of the land can be used if they create the cul-de-sac instead of connecting through. The residents along Stirrup Court have to be considered and that they would be getting a new access to their cul-de-sac. If Stirrup Court is tied in there will be double the asphalt. The elevation will change and it would be very steep. The existing house (4,500 square feet) would have to be destroyed. The road would have to go right through the house.

Chairman Sharp asked if the name Shagbark Lane will remain.

Mr. Lineberger – It would be carried on out. The current cul-de-sac is 615 feet. The proposed is 515 which would be 1,130 feet total.

Mr. Giattino wanted to know what the consideration was when the ordinance was made to limit cul-de-sacs to 600 feet.

Chairman Sharp – To avoid one way in and one way out and to provide connectivity between subdivisions.

Vice Chairman Dow stated that we were allowed without judicial authority to extend to 900 feet and then we changed it back to 600 feet.

Chairman Sharp stated that this is a sketch. They need to know they can extend the cul-de-sac before they go through the engineering work.

Vice Chairman Dow moved to send a favorable recommendation to the Town Council based on surrounding areas are totally developed out and the only feasible connectivity is negated by topography and the existing house and the impact on Stirrup Court and the traffic flow. Mr. Vivian seconded the motion with votes recorded as follows:

AYES: Klink, Giattino, Vivian and Vice-Chairman Dow
NAYS: None

C. Public Hearing – Drumstrong Temporary Use Permit Application. The Planning Board received the following memo from Town Planner Burton:

Mr. Scott Swimmer submits an application for a Temporary Use Permit for a 24 hour musical-charity event titled DrumSTRONG, and a concert on the Friday night preceding the event. The event is to be held at Misty Meadows Farm located at 455 Providence Road South. The property is owned by Harry and Marilyn Swimmer.

Application Information

Date of Application: March 3rd, 2014

Applicant's Name: Scott Swimmer-DrumSTRONG

Property Owner's Name: Misty Meadows Farm (Harry and Marilyn Swimmer)

Parcel ID#: 06-153-314, 06-153-026A and 06-153-026B

Property Location: 455 Providence Road South, Weddington, NC

Existing Zoning: R-CD

Existing Use: Single Family Home and Farm

Proposed Temporary Use: DrumSTRONG 24 Hour Musical Charity Event (and concert Friday night)

Property Size: 77 Acres Total, Parcel 06-153-026B (as listed on application) is 45 acres

Event Hours: Friday, May 16th at 4:30pm through Sunday, May 18th, 2014 at 3:00pm

Additional information

- Projected attendance is 3,500 attendees, services available for as many as 5,000.
- A copy of the Certificate of Insurance Liability has been provided to Planning staff.
- The Mass Gathering Permit application has been sent to Union County Environmental Health and will be issued by the County on the day of the event.
- Fire (Providence VFD and Wesley Chapel VFD), EMS, ambulance and medical personnel will be on site for the duration of the event.
- Portable bathroom facilities will be provided on site. All sewage will be self-contained and removed by professionals. Trash receptacles and a dumpster will be on site.
- Union Power Company has provided permanent electrical service with two drops on Ennis Road. Backup generators and lighting will also be available.
- On site parking will be available for approximately 3,000 vehicles.
- Applicant will be allowed two temporary off-premises special event signs in accordance with *Section 58-151 of the Town of Weddington Zoning Ordinance*.
- The organizers have stated that all sound and lighting from the event will abide by all Town of Weddington Ordinances. Decibel levels and speaker placement will be monitored throughout the weekend.
- The applicant has received approval for a TUP since 2007 for the same event.
- Security and traffic control will be provided by Union County Sheriff's Department. The applicant has requested 2 off-duty deputies for the following hours:
 - Friday, May 16th: 4:30pm-11:30pm
 - Saturday, May 17th: 6:00pm-2:00am
 - Sunday, May 18th: TBD
- "Professional Services" will provide additional security for the event.
 - Friday, May 16th: 12:00pm-11:59pm (12 staff, 1 supervisor)
 - Saturday, May 17th: 12:00am-11:59pm (12 staff, 1 supervisor)
 - Saturday, May 17th: 12:00pm-11:59pm (14 staff, 1 supervisor)

- Sunday, May 18th: 12:00am-11:59pm (12 staff, 1 supervisor)
 - Sunday, May 18th: 12:00pm-7:00pm (12 staff, 1 supervisor)
- The applicant has obtained an alcohol permit from 2:00pm on Friday, May 16th to 7:00pm on Sunday, May 18th. The permit allows the applicant to sell beer and wine. According to state law, alcohol cannot be purchased between the hours of 2:00am and 7:00am.

Staff Review

Staff has reviewed the application and submitted documents and finds the Temporary Use Permit Application to be in compliance with the *Town of Weddington's Zoning Ordinance* with the following conditions:

1. Receive Union County Mass Gathering Permit;
2. Receive Certification from Union County Health Department

Additional Recommended Conditions from Staff:

1. Amplification to be turned off from no later than 11:00pm on Friday to 1:00pm on Saturday and 11:00pm on Saturday to 1:00pm on Sunday. Application currently states that amplified sound will be turned off at 12:59am on both Friday and Saturday nights. Have deputies ensure that amplification is turned off at those hours.
2. Have at least two deputies present for the entirety of the event;
3. Have a third deputy present for all hours alcohol is being served, monitoring the area where alcohol is being sold and served.

Planning Board Action

Determine the Following:

1. The proposed temporary use will not materially endanger the public, health, and welfare and safety; and
2. The proposed temporary use will not have a substantial negative effect on adjoining properties; and
3. The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit
4. The proposed temporary use is held no more than four times (4) per year at any particular location.

Motion:

Approve/Approve with Conditions/Deny

The Planning Board also received the following:

- Narrative for the event
- Temporary Use Permit Application
- Alcohol Special One Time Permit
- Map of the Area
- GIS Map

Town Administrator Amy McCollum swore in the following individuals that wished to give testimony: Town Planner Julian Burton, Gene Melchior, Scott Swimmer, Harry Swimmer and Rocky Capronigro.

Mr. Scott Swimmer – We have had this event for seven years. It is an annual event. We try to appease the neighbors. We know the music and noise is loud. We have done two things to address that this year. We have moved the stage 200 meters farther away from Providence Road. We have sound engineers that will be focusing the sound to the crowd. With that said, sound travels and it is extremely difficult to contain the sound. We are well within the decibel level considerations. We are more than 10 decibels lower than what is required. The 24 hours of drumming does go on all night long. We are trying to bring as many people to the event to raise awareness for local and national cancer organizations but also have people support and engage in activities that will help survivorship and education and research by virtue of their drumming pledges. Getting them out there by virtue of the music is a key factor.

Chairman Sharp – Why does it need to be amplified after 11:00 p.m.?

Mr. Swimmer – We have a lot of bands scheduled. Typically there is late night activity and we want to get people excited about Drumstrong. We try and schedule as tight as possible and we try and get them through by 11 p.m. but there can be weather concerns or equipment concerns. We are trying to make it focused to the area.

Vice Chairman Dow – For the past years you have said that the amplification will stop at 11:00 p.m. It always has until last year. Are you saying, “Well that condition of stopping at 11:00 p.m. – I would like to be able to do it if I can but I can’t guarantee?”

Mr. Swimmer – The idea is we try and get it done by 11:00 p.m. We have people coming in from different parts of the country.

Mr. Giattino – You are saying you try and get it done by 11 p.m. although you are saying the schedule is tight but it will definitely be done by 12 a.m.?

Mr. Swimmer – 12:19 a.m. was when we ended last year. We had rain issues.

Vice Chairman Dow – What other changes have you made? Have you got more bands? I noticed on the website that you advertised you have a lot more bands.

Mr. Swimmer – Regional, Americana, Folk and Bluegrass.

Vice Chairman Dow – There was a change that was stated on your website.

Chairman Sharp – What got me was I read late night concerts.

Mr. Swimmer – It said late night drum circle.

Chairman Sharp – It said late night performers.

Vice Chairman Dow – What other changes? You are adding alcohol this year?

Mr. Swimmer – We did a beer garden last year.

Chairman Sharp – We didn’t know about that. You used the exact same sheet and you made some changes and if it doesn’t get through to us then we don’t know about it. We have the certificate this time but did not have it last year. I thought I saw on your website something about starting at 3:00 p.m. on Friday. This application says 4:30 p.m.

Mr. Swimmer – We actually open the gates at 2:00 p.m. We are going to try and start the music as early as possible to get through as early as possible.

Chairman Sharp – The event hours are 2:00 p.m. Friday through 7:00 p.m. Sunday.

Mr. Swimmer – I am saying 7:00 pm because I want to make sure everyone is gone. That is why I am having the Sheriff's Department staff with me. There will be Sheriffs at the beer garden the whole time.

Chairman Sharp –Town Planner Burton has recommended having two deputies present for the entire event.

Mr. Swimmer – That is completely unnecessary. We have professional security and parking. The Sheriff's Department will be there on high traffic times and they will be available on site for the more populated times. There will be 12-14 security officers.

Vice Chairman Dow – Are you using the same guys you used last year? Were they new last year?

Mr. Swimmer – Yes we will and yes they were new.

Chairman Sharp – The concerns last year were not the drumming. It was the concerts Friday night that went past the time.

Mr. Swimmer – I feel comfortable with the security. The beer garden factor is very well controlled. No alcohol will be served on the property other than the beer garden.

Chairman Sharp – You said you will not sell beer at all on Sunday?

Mr. Swimmer – Correct.

Chairman Sharp – Julian, what was your reason for suggesting that the deputies be there in addition to the times that they have listed?

Town Planner Burton – I imagine a lot of people will be staying there the whole time. There will be a lot of people coming and going. If you have the two deputies on the road they are monitoring people coming in and out for the entirety of it including 3 a.m. and 4 a.m.

Mr. Swimmer – We are actually closing the gates at 2:00 a.m. There will not be coming and going all night long like in the past.

Chairman Sharp –What time will you reopen the gates?

Mr. Swimmer – Typically 10:00 a.m. Saturday and Sunday morning.

Chairman Sharp – Do you think they will need the two deputies while the gates are shut?

Mr. Swimmer – I have deputies until 1:30 a.m. on Saturday.

Vice Chairman Dow – You don't have security people? These are festival, promotion people that handle crowds and do this for a living. Is that right?

Mr. Swimmer – Correct. They are not law enforcement. They are a bonded security company.

Mr. Giattino – What percentage of your receipts go to charity?

Mr. Swimmer – 50%. There are also the drumming pledges. When you come out and you decide that you want to support the American Cancer Society then funds are being raised specifically to those organizations. I can give you numbers of how much we have donated to local organizations. We are in 70 cities and 25 countries. We are all still volunteers and none of us are getting paid.

Mr. Gene Melchior – I wanted to make sure someone from the neighborhood was going to say that it is loud and uncomfortable. My wife and I leave town every Drumstrong weekend. The weekend it went from one night to two nights and we didn't know about it that was another night we didn't get any sleep. You said you were moving the stage back 300 meters. We are in direct line of site of the gigantic speakers. The drum part is rhythmic and soothing. The amplified music that goes all weekend is very inconvenient. We are out in horse farm country and to have 5,000 people having a party. I worked in a bar most of my life - I am not comfortable. I am across the street. It is loud and noisy. I am not saying not do it but I just want to have a voice that says it's noisy and the amplified music is just too much for me. Show Pros cannot arrest anyone. The stage is in the 2nd meadow? Are you going to move it back one more? The speakers are going to still aim out towards Providence?

Mr. Swimmer – I am really sorry.

Mr. Rocky Capronigro – I am a cancer survivor and have completed my second lung surgery. I understand what you are doing and it is a good cause. I try not to be prejudiced but it is very, very loud. I live more than 900 feet behind Gene. We are constantly awakened. Three years ago Scott, his Dad and his Mom and a bunch of the neighbors got together and we sat down in the Swimmers' living room and discussed the problems that we have. The drumming is absolutely not a problem. Last summer the drummer was playing very, very loud. Last year was a complete reversal from what had happened 2-3 years ago. There is an increase in the time for the event, it is out of control and nobody is in charge. I spoke to Scott on Facebook several times telling him it was loud and could you do something about it. He said he would try. Reggae music started at 12 am. It went on and on. I wear two hearing aids. I take them out at night because I want to sleep and I don't hear anything. I do hear that sound and it is unbelievably loud. What can we do to change it? I am trying not to be a bad neighbor because I understand this is a good thing. I personally believe it is getting too big.

Mr. Swimmer – May I offer you a hotel room for the weekend?

Chairman Sharp - Was there something last year about the decibel levels?

Vice Chairman Dow – The decibels are not the problem.

Mr. Swimmer – We are in compliance with the decibel levels.

Mr. Giattino – Have you considered looking at your schedule to meet the folks half way?

Mr. Swimmer – Yes, part of that is starting earlier for one thing. If we can get it all to work, we can consider killing a couple of the acts. But we spent a lot of money on bands that appeal to a lot of people with a variety of tastes. Most of it is Americana folk but there is a boogie funk band that comes on and gets people dancing.

Chairman Sharp – What happens if you have bands that are performing without amplification?

Mr. Swimmer – Then a lot of people can't hear it. It is a big stage which we have moved back where the back of the audience is Providence Road.

Mr. Klink – Is there any possibility of directing the sound in a different direction so it won't be going to the homes but to the back of the property?

Chairman Sharp – There are homes all the way around.

Mr. Swimmer – If it is a matter of buying late night movie tickets or renting accommodations, I am happy to do that. We have invited the Town of Weddington to come out for free on Sunday which is our family folk fun day. I am also happy to make other accommodations in terms of inviting people. I understand there is an inconvenience and I am sorry for that. We try to end at 11:00 p.m. but I know from experience that it is nearly impossible to end by then.

Mr. Giattino - I would like you to respond to "no body is in charge and it is out of control" statement. One of the things we do as a Planning Board is consider public safety. I would like you to address this statement.

Mr. Swimmer – I am not sure what that is. When you made the statement that it is out of control and nobody is in charge.

Mr. Capronigro – There were people running behind my house.

Mr. Swimmer – From DrumStrong?

Mr. Capronigro – That is where they came from.

Mr. Swimmer – Nobody parks over there.

Mr. Capronigro – They were running across Providence Road. They came through my back yard and went back out onto the place next door. There were three of them.

Mr. Swimmer – There is no way I can speak to that.

Mr. Capronigro – I understand that.

Mr. Swimmer – The event is very well controlled.

Mr. Capronigro – I am talking for myself here tonight. There is Ginger, the people on both sides of me, people down the street from them - there are seven or eight families that are in the direct line of that sound. They are uncomfortable complaining but they talk to me and I am telling you. It was just not nice last year.

Mr. Melchior – Can the music schedule be adjusted so that the Reggae, funk or whatever is in the 10-11 p.m. hours and the Blue Grass Americana is later? I am a big blue grass fan. They don't have a whole lot of amplification.

Ms. Swimmer – Sam Bush Band played last on Saturday night and we still got complaints. It is not so much the style of music - it is the fact that sound travels.

Mr. Melchior – If that is the case then at 11 p.m. can the volume be turned down? Instead of turning it off can it be turned down?

Mr. Capronigro – He did do that one year and within a half hour it was back up louder.

Mr. Giattino – If it is stopped at 11 pm would that mitigate the problem?

Mr. Capronigro – That would be very neighborly. Yes.

Mr. Melchior – If we know that it is going to stop at the designated time. I have to apologize because we haven't been in town the last couple of years because of the noise. Rather than complain we would just leave.

Chairman Sharp – Was it your impression Julian that if we say 11:00 p.m. and the deputies are on-site that they can stop it?

Town Planner Burton – I had the conversation with the director of off duty deputies and they can take any direction from us in terms of conditions for the event. Whether it is cutoff time or anything else and they have the authority to enforce that if that is a condition.

Chairman Sharp – If we say the amplification stops at 11:00 p.m. they can make sure that it stops at that time.

Mr. Burton – That is my understanding.

Mr. Swimmer – Can we make it 12:00 a.m.?

Mr. Giattino – So for every hour they take back the sound, what does that do to your event?

Mr. Swimmer – There are other events happening Friday and Saturday night. Young people are going to come out to see specific music. If it starts at 10 p.m. and then at 11:00 p.m. another band starts. It will be challenging to end it specifically at 11:00 p.m. Pulling the plug will cause a lot of people to be upset. Not to mention the fact that we spent tens of thousands of dollars.

Vice Chairman Dow – I am trying to get a handle on why this was great when it started and now all of a sudden we are getting a shift. It sounds to me like it has been successful and is growing and you added days, hours, entertainment. The Town is having trouble with your growing pains. Last year we had an 11:00 p.m. curfew on amplified sound that was, for whatever reason, not abided by. That is you trying to make it be more of a successful event. In your mind, what do we do about this? Is it the venue? Do you need to take it somewhere it is not a problem? Does it need to cut back? Do we need to have unhappy citizens? What is your view of the long term and how is this going to work?

Mr. Swimmer – I don't want anyone unhappy. Concessions on everybody's part I guess. Midnight and be uncomfortable for an hour if that is the case. It is just once a year. I am not playing it down that someone would be uncomfortable because I understand people's concerns. I do understand the value of your sanity. It is disturbing that we are interrupting that. Relocate? That is not going to happen this year.

Vice Chairman Dow - It has always troubled me. I did not realize there was a beer garden and now I am even more concerned that there are people camping out there all weekend. While it is great for you to close the gates, with prom nights going on and kids staying out all night, they will go over there to DrumStrong and hop the fence and can be running off. You can't control the ingress and egress. You can

control cars but you can't control people going out and crossing all night long and lord knows what else they are doing out there. I'm getting concerned that it has gotten so big.

Mr. Melchior – You stop people from coming in, can you stop them from going out?

Mr. Swimmer – If they are in there for the weekend there is camping.

Mr. Melchior – At 2:00 a.m. you can close the gate but you cannot stop people from coming in but if someone wanted to leave they still will have traffic on the road at 2:00 a.m.

Mr. Vivian – It is a growing Weddington event and we have a problem.

Chairman Sharp asked Mr. Swimmer the Findings of Fact:

1. The proposed temporary use will not materially endanger the public, health, and welfare and safety: Mr. Swimmer - Yes it will not - traffic control, security and law enforcement.
2. The proposed temporary use will not have a substantial negative effect on adjoining properties: Mr. Swimmer - Adjoining properties are not affected negatively and it is contained on our property.
3. The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit: Mr. Swimmer - Yes.
4. The proposed temporary use is held no more than four times (4) per year at any particular location: Mr. Swimmer - Yes. It is once a year.

Chairman Sharp closed the public hearing.

D. Consideration of Drumstrong Temporary Use Permit Application. All parties agreed to: Amplification to be turned off no later than midnight on Friday night to 10:00 a.m. on Saturday and midnight on Saturday night to 1:00 p.m. on Sunday.

Chairman Sharp – Mr. Swimmer listed when he wants deputies there and it does not cover the entire event as compared to Julian's recommendation. If they are there the entire event they could be patrolling the perimeter.

Vice Chairman Dow expressed concerns regarding safety.

Mr. Swimmer stated that they search every car and every sleeping bag that comes in.

Chairman Sharp asked committee members if they should be required to have two deputies present for the entire event and a third deputy during the hours that alcohol is being served. She stated, "The deputies charge \$25 an hour so that is \$50 extra for every hour that has to be added. There is a minimum of two deputies. The gentleman who is in charge of assigning the off duty deputies wants some guidance from the Town if there are specific things we want them to do. One would be to enforce stopping the amplification. Also, making sure people don't jump the fence and cross the road and traffic control."

All parties were in favor of having deputies there for the entire event.

Mr. Swimmer stated 300-400 people spend the night at the event. His security folks are in contact with the deputies and they also patrol the perimeter.

Mr. Giattino suggested that two deputies be used while alcohol is being served since Mr. Swimmer is concerned with cost.

Chairman Sharp mentioned that the deputies will have their vehicles there.

What is specifically wanted from the deputies: When traffic is light, patrol through the property and later patrol the perimeter to make sure the event is contained. Ensure public safety of the residents of the event that are staying on the property.

Vice Chairman Dow moved to approve the Drumstrong Application plus the conditions that were stated. He stated, "The approval is based on the findings of fact that we have added more deputies and we are going to make sure that the noise is cut off. We added not only more deputies but they will be there the entire event. We have compromised and worked to make sure that the deputies have the authority to see that our conditions are being abided by. It is a charity event. It is for the community for residents to gather and it is held only one time per year."

Mr. Vivian seconded the motion with votes recorded as follows:

AYES:	Giattino, Vivian and Vice-Chairman Dow
NAYS:	Klink

Item No. 6. Update from Town Planner. The Planning Board received the following update memo from Town Planner Burton:

- The Town Council approved the Final Plat for the five-lot Beulah Acres subdivision.
- The Town Council approved the Final Plat for Bromley Map 8 (25 Lots), and Bromley Map 9 (5 lots).
- The Town Council approved the Preliminary Plat for the six-lot Graham Hall subdivision.
- Staff has received a Final Plat application for 13 lots of the approved Atherton Estates subdivision.
- The following items will be on the May 12th Town Council agenda for call for public hearings:
 - Conservation Subdivision Setback Text Amendment
 - Modification from the Subdivision Ordinance: Gruhns Tract Culs-de-Sac
- The following items may be on the May 19th Planning Board agenda for discussion:
 - Atherton Estates Final Plat
 - Weddington United Methodist Church Conditional Zoning application

Chairman Sharp asked that the following items be added on the agenda for May:

- Statement from the Planning Board regarding the Land Use Plan
- Update on retreat items from Planning Board Members

Item No. 7. Other Business.

A. Report from the April Town Council Meeting. The Planning Board received the April Town Council Meeting agenda as information.

Item No. 8. Adjournment. Vice Chairman Dow moved to adjourn the April 28, 2014 Regular Planning Board Meeting. Mr. Klink seconded the motion, with votes as follows:

AYES:	Klink, Giattino, Vivian and Vice-Chairman Dow
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NAYS: None

The meeting adjourned at 9:10 p.m.

Attest:

Dorine Sharp, Chairman

Amy S. McCollum, Town Clerk

Minutes transcribed by Tonya Goodson