

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, JULY 8, 2013 - 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 July 8, 2013, with Mayor Walker F. Davidson presiding.

Present: Mayor Walker F. Davidson, Mayor Pro Tem Daniel Barry, Councilmembers Werner Thomisser, Pamela Hadley and Barbara Harrison, Town Attorney Anthony Fox, Finance Officer Leslie Gaylord, Town Planner Jordan Cook and Town Administrator Amy McCollum

Absent: None

Visitors: Todd Alexander, Jessica Alexander, Steven R. Carow, Daryl Matthews, Bill Deter, Isaac Harrow, Kim Hunter, Rick Becker, Lanny Openshaw, Anthony Burman and Joshua Dye

Mayor Walker F. Davidson offered the Invocation prior to the opening of the meeting.

Item No. 1. Open the Meeting. Mayor Davidson called the July 8, 2013 Regular Town Council Meeting to order at 7:02 p.m.

Item No. 2. Pledge of Allegiance. Mayor Davidson led in the Pledge of Allegiance.

Item No. 3. Determination of Quorum. There was a quorum.

Item No. 4. Presentations.

A. Presentation by Pamela Caskey with Safe Alliance. This item was removed from the agenda and will be on the August Town Council agenda.

B. Presentation and Question and Answer Session by Marvin Mayor Pro Tem Anthony Burman Regarding the Monroe Bypass. The Town Council received a PowerPoint Presentation Entitled: Fix it First! Myths and Contradictions with the Monroe Bypass Project – An Appeal for Facts and Fiscal Responsibility.

Councilmember Werner Thomisser introduced the following individuals: Mineral Springs Mayor Rick Becker, Former Board of County Commissioner and Marvin Councilman Lanny Openshaw, Kim Hunter with Southern Environmental Law Center in Chapel Hill and Marvin Mayor Pro Tem Anthony Burman.

Councilmember Thomisser - Within the last couple of months, I was listening to the television about the great train robbery in Los Angeles. There was an idea to have a high speed train between Los Angeles and San Francisco. The federal government has spent \$12 billion over the past 10 years and they have not laid one foot of track. Subsequent to that, the City of Seattle decided that they were going to run a high speed train between Seattle and Portland, Oregon. When they started the project the train was supposed to go 200 miles an hour. There was only one thing that was wrong: the track could not hold a train going in excess of 70 mph. They spent \$1.2 billion and they have a train that saves commuters between those two cities 10 minutes. The question is was that a good value? In comparison, the widening of 485 from I-77 to Rea Road, that project will be completed a year from this Christmas and the total cost is \$88 million. The Monroe Bypass is a project that is going to cost \$800 million and the bonds to satisfy that will run about \$24 million. Is there a better way to do this? That is why we are here tonight. Citizens of Weddington will say what does that have to do with me? The NC Senate and House within the last two weeks once again raised the gasoline tax ½ cent and we are now paying between 36 cents and 37 cents tax per gallon for gas. If you go down to South Carolina it is 20 cents less. That money goes into the Highway Trust Fund. It behooves us to spend the money wisely. We have

deteriorating bridges. We need to come up with alternative ways to solve the problem on Highway 74 without having to spend an enormous amount of money.”

Mr. Burman gave the following presentation:

NC Roads and Bridges are Crumbling

- 40% of state’s bridges are deficient or functionally obsolete
- More than 50% of Union County bridges and 31 to 40% of Mecklenburg Bridges are deficient

Poor Roads and Bridges are a factor in 30% of fatal highway accidents

- Poor roads costs drivers \$1.7 billion each year in extra vehicle repairs and operating costs
- 34% of rural roads in NC are in mediocre or poor condition

Picture - Highway 218 Bridge over Goose Creek – DOT Inspections note components in critical and poor condition – Delayed to 2015

Picture - Spall in Span 2 Deck Overhang, Left Side at Pier 1

Picture - Cracks in Left End Pier Cap (Spall in the Left End of Pier 1 Cap)

Picture – A Pothole Repair on State Maintained Road...Nothing but Gravel

Carton depicting N.C. Turnpike Authority Connector (Garden Parkway Study/Monroe Bypass Study)

The Telltale Wink ;)

- SELC asked Jennifer Harris in an email 9/28/2010 to clarify the statement that the socioeconomic forecasts did not include the Monroe Connector
- Ms. Harris did not respond to SELC but forwarded the email to turnpike colleague Christy Shumate with only this “;)” message.

NCTA Lied to the Public and the Court

- Included “built” data in the “no build” analysis
- Legacy Park – planned 5,000 acre office and industrial park = thousands of homes
- Thousands of Homes = more overcrowding of schools = increased costs to taxpayers

The Problem with Legacy Park

- Legacy = posed a problem for environmental documents = so not included
- Loan documents – it was touted as benefit of bypass = included
- County Land Use Plan – once in, then out
- Jennifer Harris claimed Legacy was never mentioned in planning discussions but...
- Emails between Partnership of Progress and NCTA advised “caution” in discussing Legacy = Officials later developed amnesia

Myth #1: The Monroe Bypass will relieve congestion on 74

- NCDOT has repeatedly indicated the bypass is not intended or expected to improve conditions on 74
- Projected traffic volumes show congestion to worsen with an increase to 67,000 vehicles per day compared to 54,000 today for section from Stallings to Indian Trail
- Planned improvements to I-485 and I-77 will further increase traffic but to an unknown degree because those projects were not included in the model

Myth #2: The Monroe Bypass will reduce travel times for commuters

- Average commute time for Union County residents in 2010 was 27.8 minutes (Baker Study) and has not risen dramatically during past decade despite significant growth
- Data shows average driver will save only 18 seconds and only 8% of drivers would save more than one minute on their average commute time
- Maximum time savings = 5-7 minutes

Myth #3: The Bypass will remove truck traffic from 74

- NCDOT experts are “**hoping**” that the toll road will remove most of the truck and through traffic off 74 but admit that many truck drivers and commercial facilities are split on whether the bypass will be beneficial to them based on their location and use
- No current data regarding how much is local and through traffic on 74 for trucks or passenger vehicles

NCDOT 2011 Data Suggests most of the Truck Traffic is Local

- Between Stallings and Monroe 3,500 – 5,000 daily
- Monroe to 601S = 5,000-5,500
- 601 to Laurinburg drops to half – 2,500-3,000
- Laurinburg to Wilmington even less – 1,500-2,500
- Trust traffic on I-40 parallel routes is roughly 3 x volumes of 74

Diagram showing 2011 Annual Average Daily Truck Traffic along I-40 and US 74

Myth #4: The Monroe Bypass will create jobs and grow economy

- NCDOT describes less than 1% growth as a result of building the bypass but...What about Legacy Impact and what about the development expected to occur around the 9 interchanges?
- The Baker Study concluded that growth in Union County is primarily attributed to available land, school quality, housing affordability, and acceptable commuting times not infrastructure.

Myth #5: Improving existing 74 is not feasible

- 2007 Stantec Study described effective ways to improve traffic flow on 74 for a fraction of the costs: superstreet design, traffic signal optimization, service roads to maintain access to businesses
- NCTA is **not** in favor of changes to 74 that would have a “competing interest” with the bypass

Myth #6: All alternatives to the bypass have been ruled out

- Review of alternatives was limited to those options equivalent to creating a high speed freeway – the stated purpose of the project
- Alternatives such as widening parallel roads (Old Monroe, Secrest Shortcut and 218) in combination with improvements to 74 were not considered
- Light rail was eliminated in the first round of review prior to the opening of Lynx Blue Line in November 2007
- The Lynx averages ridership of 15,000 daily on weekdays, many of whom are “park and ride” passengers from SC

Contradictions Abound and Keep the Public Confused About the Benefits and Drawbacks of Project

Conflicts of Interests

- Steve Harrison’s Expose in Charlotte Observer November 2012 identified conflicts
 - Legacy Park – Environmental Impact (In or out? Whatever is convenient)
 - Bypass has potential financial benefits to former BOT board members and US Congressmen
- Questionable procedures for preserving current bid rather than rebidding the project

Other Concerns

- Initial cost estimates range between \$700 - \$800 Million for construction
- Bonds will be repaid through contributions from the Highway Trust Fund of \$24 Million annually for next 40 years, reducing funds for other projects
- Loss of Strategic Highway Corridor Designation for 74 may eliminate priority funding for future improvements

- David Hartgen, professor emeritis at UNCC, transportation consultant, says the Monroe Bypass may not carry enough traffic to warrant construction
- US 4th Circuit Court of Appeals unanimously ruled against the NCDOT on basis of flawed data analysis and misrepresenting information to the public
- Unclear how thorough the “do-over” will be
- KEY QUESTION: If accurate data would support the support the project, why the need to lie?

Failed Projects

Highly Speculative Endeavor

- Toll Road around Greenville, SC opened 2001 and declared bankruptcy in 2010 due to revenues about 1/3 of projections
- Gaston Parkway – legislation to stop all planning introduced last month
- HOV Lanes – Lower than expected use so now conversions to HOT Lanes on I-77
- Idea experiencing strong objection from residents for 50 year contract with private funding sources

Environmental Issues

- Agencies have consistently expressed strong interest in improving existing 74 in lieu of building on new location
- Concerns deal with human environment – water quality, air quality
- Heelsplitter is the “canary in the coal mine” and only used by proponents as a red herring and as attempt to shift blame for delays created by faulty DOT data to the environmental agencies

Picture – Not-So-Endangered Mussel: The Carolina Deal Splitter (N.C. Turnpike Authority)
Watershed is already compromised - Fish Kill photographed on 2-28-2013

Sierra Club named Monroe Bypass as one of the 50 WORST projects in US for 2012!

Decision based on 5 criteria

- Oil dependence
- Environmental impact (air and water quality)
- Public Health impacts
- Economic impact (keeping money in local economies)
- Land Use Impact

New Crisis Era with Transportation Funding

- Gas tax revenues declining while construction and maintenance costs are increasing 15 to 20% annually
- Existing infrastructure in disrepair in our formerly “Good Roads State”
- NC cutting funding for education, health care, etc.
- Need for greater fiscal accountability and stewardship across the board – including roads
- Dollar for Dollar, improving existing roads gets bigger bang for the buck

Time to Move ON

- Ask decision makers to focus on the most expedient and cost effective solutions for transportation
- Cut the losses and Get Started to Fix It First
- Sign the online petition
- Write your legislators (It’s in their hands)
- Talk to local elected officials
- Speak or write to MUMPO Members
- Lobby to get improvements to 74 on the TIP

The Town Council also received the following items:

- Article in the Charlotte Observer dated Thursday, June 20, 2013 – Garden Parkway may face long road with new bill
- Article in the Charlotte Observer in June – Governor hails new transportation funding
- List of bulleted items regarding the Monroe Bypass

Councilmember Thomisser asked Mr. Openshaw to discuss the housing in the eastern part of the County and how that will affect the citizens of Weddington, Marvin and Wesley Chapel.

Mr. Openshaw - I have been in real estate for 25 years. I think it is important to clarify that my position is to look at alternatives to the bypass and not to deny that 74 has problems. I just happen to believe that 74 is the much cheaper alternative. Charlotte is expanding their road and 74 and Union County can do the same thing. It is going to be a lot cheaper to do bridges with some actual planning with some frontage roads than it is to build an \$800 million boondoggle not counting cost overruns. You are going to have residential growth with a road like the bypass and in some degree with improvements with 74. When you do it does not take great insight to realize that people that move farther out to commute cannot afford to spend as much money on a home so they go farther out for home searching because there is less demand and it is a longer commute and prices will taper off. Let's be really optimistic that the homes will sell out there for the average price for Union County which is \$200,000. That does not come close to paying the costs that they will generate to us in terms of taxes and the impact to services and schools. You need a house worth \$400,000 to pay for one school child. If you have two school children you need a house worth \$700,000 and 3 school children you would need a house worth \$1 million. We are not going to get that out there. We subsidize Union County right now with our average selling house in Marvin and Weddington. They do not generate the taxes to run the County like we do which is why they are deliberately overtaxing us right now by postponing the revalue. They know they are overtaxing us here. If they don't overtax us then the people on the other side of the County are going to have to pay more. I do not believe those housing developments will be the average price for Union County. We are the ones that raise the average. All it is going to be is a tax burden. It is going to overcrowd the schools and police and fire services but it is also going to raise your taxes. My primary objective is if you spread this 800 million around you can accomplish a lot more and you can develop a much more rational traffic problem solving situation. If you do bridges you can get rid of stop lights on 74 then you have increased the flow of traffic at a much reduced cost. The development of the bypass is not going to do anything but raise taxes for us over here and throughout the county.

Councilmember Thomisser - If you agree with what we have discussed here tonight I have left a handout of talking points and a list of everyone that is on the greater Metropolitan Transportation Board and the House and Senate Members that are on the transportation committees. Feel free to email them and let them know how you feel.

Item No. 5. Public Comments. There were no public comments.

Item No. 6. Additions, Deletions and/or Adoption of the Agenda. Town Administrator Amy McCollum advised the Council that she received a call from the Charlotte Observer today advising her that the second notice for the public hearings did not run appropriately and therefore the advertising process would have to start over and the public hearings could not be held tonight.

Councilwoman Barbara Harrison - I would like to add under New Business the following: Consideration of Using Staff for Various Projects that will exceed Five Hours.

Mayor Davidson advised that the Rules of Procedures allows Council to add items for discussion purposes only.

Town Administrator McCollum - I was actually going to bring that item as a staff initiated item so that it could be considered tonight.

Council added this item under New Business.

Councilwoman Pamela Hadley asked to delete Item 11. C. – Consideration of Appointment to the Public Safety Advisory Committee as a decision has not been made yet.

Mayor Davidson - A decision has not been made – that is why it is on the agenda to make the decision.

Councilwoman Hadley – We have not had time to interview the applicants.

Town Administrator McCollum requested that the public hearing items that could not be held tonight be added to the Consent Agenda so that public hearings could be called for to be held in August.

Mayor Pro Tem Barry moved to approve the agenda with the changes as presented. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser, Hadley, Harrison and Mayor Pro Tem Barry
NAYS: None

Item No. 7. Approval of Minutes.

A. June 10, 2013 Regular Town Council Meeting Minutes. Councilwoman Harrison moved to approve the June 10, 2013 Regular Town Council Meeting minutes. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser, Hadley, Harrison and Mayor Pro Tem Barry
NAYS: None

Item No. 8. Consent Agenda (Public Hearings to be held August 12, 2013 at 7:00 p.m. at the Weddington Town Hall).

A. Call for Public Hearing to Review and Consider - Southside Christian Assembly Temporary Mobile Classrooms Conditional Use Permit. The Town Council received a copy of the Conditional Use Permit application dated May 22, 2013. Mayor Pro Tem Barry moved to call for a public hearing to review and consider the Southside Christian Assembly Temporary Mobile Classrooms Conditional Use Permit Request. The public hearing is to be held August 12, 2013 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser, Hadley, Harrison and Mayor Pro Tem Barry
NAYS: None

B. Call for Public Hearing to Review and Consider - St. Mark Coptic Orthodox Church CZ Rezoning.

The Town Council received a copy of the Conditional Zoning Application dated March 22, 2013. Mayor Pro Tem Barry moved to call for a public hearing to review and consider the St. Mark Coptic Orthodox Church CZ Rezoning. The public hearing is to be held August 12, 2013 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser, Hadley, Harrison and Mayor Pro Tem Barry
NAYS: None

C. Consideration of Adopting Ordinance – Municipal Declaration to Enact Speed Limits and Request for Concurrence for the Weddington Hills Subdivision. The Town Council received a copy of a letter dated June 18, 2013 from Louis L. Mitchell, PE, Division Engineer with NCDOT, requesting approval of Municipal Speed Limit Ordinances enacting speed zones on SR 2932 and SR 2933 in the Weddington Hills Subdivision. Mayor Pro Tem Barry moved to adopt Ordinance O-2013-08:

**TOWN OF WEDDINGTON
MUNICIPAL DECLARATION TO ENACT SPEED LIMITS**

**AND REQUEST FOR CONCURRENCE
O-2013-08**

BE IT ORDAINED by the Town of Weddington Town Council that the speed limit modification on the following described portion of the State Highway System Street be adopted:

| SPEED LIMIT | ROUTE AND DESCRIPTION |
|--------------------|---|
| 25 | (Weddington Hills Drive) From a point 0.07 mile North of SR 2933 (Bluebird Hill Lane) southward to a point 0.16 mile South of SR 2933 (Subdivision wide – Weddington Hills Subdivision) |
| 25 | (Bluebird Hill Lane) From SR 2932 (Weddington Hills Drive) eastward to SR 1341 (Twelve Mile Creek Road) (Subdivision wide – Weddington Hills Subdivision) |

Adopted this 8th day of July, 2013.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser, Hadley, Harrison and Mayor Pro Tem Barry
NAYS: None

D. Call for Public Hearing to Review and Consider Proposed Text Amendments to Section 58-3. The Town Council received a copy of the proposed text amendments. Mayor Pro Tem Barry moved to call for a public hearing to review and consider proposed text amendments to Section 58-3. The public hearing is to be held August 12, 2013 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser, Hadley, Harrison and Mayor Pro Tem Barry
NAYS: None

E. Call for Public Hearing to Review and Consider Text Amendments to Section 58-13 (Temporary Structures and Uses). The Town Council received a copy of the proposed text amendments. Mayor Pro Tem Barry moved to call for a public hearing to review and consider proposed text amendments to Section 58-13. The public hearing is to be held August 12, 2013 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser, Hadley, Harrison and Mayor Pro Tem Barry
NAYS: None

F. Call for Public Hearing to Review and Consider Text Amendments to Section 58-60 (1) o Banquet and Reception Centers, and Conference Centers and Text Amendments to Sections 58-52, 58-53, 58-54 and 58-58 to add Wedding, Banquet and Reception Centers. The Town Council received a copy of the proposed text amendments. Mayor Pro Tem Barry moved to call for a public hearing to review and consider proposed text amendments to Sections 58-52, 58-53, 58-54, 58-58 and 58-60. The public hearing is to be held August 12, 2013 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser, Hadley, Harrison and Mayor Pro Tem Barry
NAYS: None

G. Call for Public Hearing to Review and Consider Text Amendments to Section 58-4 (Add Definition of Conference Center). The Town Council received a copy of the proposed text amendments. Mayor Pro Tem Barry moved to call for a public hearing to review and consider proposed text amendments to Section 58-4. The

public hearing is to be held August 12, 2013 at 7:00 p.m. at the Weddington Town Hall. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser, Hadley, Harrison and Mayor Pro Tem Barry
NAYS: None

**Item No. 9. Public Hearings and Consideration of Public Hearings.
Hall)**

A. Public Hearing to Review and Consider Text Amendments to Section 58-3 (Enforcement and Penalties). This item is to be held in August.

B. Consideration of Ordinance Adopting Text Amendments to Section 58-3. This item is to be held in August.

C. Public Hearing to Review and Consider Text Amendments to Section 58-13 (Temporary Structures and Uses). This item is to be held in August.

D. Consideration of Ordinance Adopting Text Amendments to Section 58-13. This item is to be held in August.

E. Public Hearing to Review and Consider Text Amendments to Section 58-60 (1) o Banquet and Reception Centers, and Conference Centers and Text Amendments to Sections 58-52, 58-53, 58-54 and 58-58 to add Wedding, Banquet and Reception Centers. This item is to be held in August.

F. Consideration of Ordinance Adopting Text Amendments to Section 58-52, 58-53, 58-54, 58-58 and 58-60. This item is to be held in August.

G. Public Hearing to Review and Consider Text Amendments to Section 58-4 (Add Definition of Conference Center). This item is to be held in August.

H. Consideration of Ordinance Adopting Text Amendments to Section 58-4. This item is to be held in August.

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

Item No. 11. New Business.

A. Review and Consideration of Resolution Acknowledging Support for Alternatives to the Monroe Bypass – Councilmember Thomisser. Councilmember Thomisser moved to approve Resolution R-2013-06:

Mayor Pro Tem Barry – In general I agree but I think we need to be careful regarding comments made during the presentation that the \$800 million for the bypass project could be reallocated. It is a State TIP planning process and the Charlotte Regional Transportation Planning Authority may or may not be able to reallocate those funds to any other project.

Councilwoman Harrison - That toll road if it does survive will never be free. I just do not see a need for a toll road in this area.

Mayor Davidson requested that the Resolution be sent to the Governor, Representatives Craig Horn and Tommy Tucker, the House and Senate Transportation Committees and the Union County Economic Development Committee.

**TOWN OF WEDDINGTON
RESOLUTION ACKNOWLEDGING SUPPORT FOR ALTERNATIVES**

**TO THE MONROE BYPASS
R-2013-06**

WHEREAS, much of our transportation infrastructure is in deteriorating condition with more than 50% of Union County bridges and 31-40% of Mecklenburg bridges deficient; and

WHEREAS, the Monroe Bypass will not relieve congestion on US 74 according to reports from NCDOT; and

WHEREAS, the Monroe Bypass will not reduce significant travel time for commuters according to the Baker Study and only 8% of drivers would save more than one minute on the average commute time; and

WHEREAS, the NCDOT experts are hoping the Monroe Bypass will remove most truck traffic from US 74, but admit many truck drivers and commercial facilities are split on whether the bypass will be beneficial to them based on their location and use; and

WHEREAS, the Monroe Bypass will not create expected jobs and economic growth according to NCDOT projections of less than 1% growth; and

WHEREAS, the Baker Study concluded that growth in Union County is primarily attributed to available land, school quality, housing affordability, and acceptable commuting times not infrastructure; and

WHEREAS, the 2007 Stantec Study commissioned by NCDOT described effective ways to improve traffic flow on US 74 for a fraction of the cost including superstreet design, traffic signal optimization and service roads to maintain access to businesses; and

WHEREAS, the legislature has committed \$24 million annually from the Highway Trust Fund for the next 40 years to repay the bonds to be used for the project, thus, obligating future generations and further reducing our limited transportation dollars; and

WHEREAS, environmental concerns deal with the human environment, water quality and air quality; and

WHEREAS, the Sierra Club named the Monroe Bypass as one of the 50 worst projects in the United States in 2012; and

WHEREAS, prudent decision makers should focus on the most expedient and cost effective solutions for transportation and consider improvements to existing roads which yield a higher cost benefit;

NOW, THEREFORE BE IT RESOLVED that the Weddington Town Council supports and encourages NCDOT to research and consider alternatives to the Monroe Bypass.

Adopted this 8th day of July, 2013.

All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser, Hadley, Harrison and Mayor Pro Tem Barry

NAYS: None

B. Review and Consideration of the Preliminary Plat for the Beulah Acres Major Subdivision – Staff.

The Town Council received a copy of the following memo from Town Planner Cook:

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

Application Information:

Subdivision Name: Beulah Acres
Date of Application: May 23, 2013
Applicant/Developer Name: Griffin Asset Management, LLC
Owner Name: Griffin Asset Management, LLC
Parcel ID#: 06-120-020 and 06-120-020A
Property Location: Beulah Church Road
Existing Zoning: R-40
Proposed Zoning: R-40
Existing Land Use: Traditional Residential
Proposed Land Use: Traditional Residential
Existing Use: Vacant Land
Proposed Use: Single Family Residential Subdivision
Parcel Size: 5.57 acres, combined

Project Information:

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

The Planning Board voted 4-0 to give this project a favorable recommendation.

Development Standards:

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

Preliminary Plat Information:

- The entire site is 5.57 acres. A total 0.51 acres are being dedicated to NCDOT per the *Weddington Subdivision Ordinance*.
- The smallest lot is Lot 1 at 0.964 acres or 42,011 square feet.
- The applicant is not required open space as this subdivision is being developed as a by-right R-40 conventional subdivision.
- No new roads will be constructed as part of this subdivision. This subdivision will not establish a Homeowners Association.
- All five lots will utilize private well and septic. Well and septic area locations are depicted on the preliminary plat.
- Town staff has received approved septic permits for all five lots.
- The property does not lie within a special flood hazard area.

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

1. **If required, applicant must obtain driveway permits from NCDOT for five residential driveways;**

2. *Town Council to grant exception for Marginal Access Street as described in Section 46-76(c) of the Weddington Subdivision Ordinance;*
3. *Final Plat must show utility easement, if needed in accordance with Section 46-45(c) 1 of the Weddington Subdivision Ordinance.*

The Town Council received a copy of the following:

- Application for Submittal of the Subdivision Sketch Plan
- Application for Submittal of the Subdivision Preliminary Plat
- Aerial Map
- Preliminary Plat
- Topographic Plat

Councilwoman Harrison - That is five driveways going onto Beulah Church Road.

Town Planner Cook - That is. There was a lot of discussion about that at the Planning Board Meeting. The Council can require the marginal access street. It is in our ordinance. The Planning Board did not make that a condition. It can certainly be required by the Town Council.

Mayor Pro Tem Barry – Our planning documents have two comments: one is the limitation of curb cuts and the second is to tap onto public utilities if you are within a certain distance of them.

Town Planner Cook – If you are within a ½ mile of public utilities and you are 10 to 39 lots you have to tap on. They are not at that 10 lot threshold.

Mayor Pro Tem Barry – If I own 50 acres and I do five lots at a time I don't have to put in water or sewer?

Town Planner Cook – We also have in our ordinance if you own property across the street or if you own adjacent property you have to wait a certain amount of time before you subdivide again. So your 50 acres over 20 years you could develop.

Councilwoman Hadley – Has the developer shown any alternatives for an access road? Have they talked with the adjacent property owner or looked into perhaps an access road to the rear or something parallel to Beulah Church Road that is consistent with what Bromley did?

Mr. Isaac Harrow – I am here on behalf of the landowners. They would prefer to do the five lots onto Beulah Church Road because it is less that they have to do. To avoid the marginal access street, an alternative that was brought up was that Lot 1 and Lot 2 would have shared driveways and Lot 3 has their own driveway and a shared driveway for Lots 4 and 5. This would mean a total of three driveways instead of five. That is something that the owners have talked about as a possible alternative.

Councilwoman Hadley – The driveways would not affect those septic fields?

Mr. Harrow – I am not very knowledgeable when it comes to septic fields but supposedly the whole area is not used and that is where the County has gone out and said the septic field can be here. We think it would be a lot easier for the shared driveway along this line to work around the septic field than it would be to put in a marginal access street that cuts through both of them and almost eliminates both of those septic fields.

Councilwoman Hadley – Why are they doing the septic fields? How close are you to sewer and water?

Mr. Harrow – Water does run through here but sewer does not.

Councilwoman Hadley – Does Beulah Oaks have sewer?

Town Planner Cook – I am not sure.

Councilwoman Hadley – Have they considered an access road to go behind? I know you cannot do it from the Beulah Oaks side.

Mr. Harrow – In the Planning Board Meeting they had actually brought up possibly connecting in from their access street that they have that goes along the back side of the couple of the homes that front Beulah Church Road. With the things that we have to do with them, we decided just to hold off in seeing if that was an option with them until this meeting.

Councilwoman Hadley – Have they contacted the property owner next to Lot 1 for maybe an easement for an access road to go to the rear that way?

Mr. Harrow – No.

Councilwoman Hadley – So they really have not looked at a whole lot of alternatives besides the five driveways and possibly some shared driveways?

Councilwoman Harrison – I keep hearing an access road. Are access roads maintained by NCDOT?

Town Planner Cook – No.

Councilwoman Harrison – So that would be a burden on five homeowners and so would a shared.

Mr. Harrow – It would be a lot less of a burden than creating an HOA and covenants where all five owners would have to pay their share to keep up the access road.

Councilwoman Harrison – That is not a requirement that we require on five lots.

Town Planner Cook – Right. Beulah Oaks is 10 lots so they probably were required. During the Planning Board Meeting we had the Beulah Oaks Subdivision plan out. If you are looking at this plat the vacant lot on the right they have put several septic fields on that lot and stopped a road. If there was any type of connection between subdivisions it would have to happen close to Beulah Church Road. It did not seem feasible when you look at the plans side by side. Connectivity between the subdivisions was discussed at length during the Planning Board Meeting.

Councilwoman Thomisser – When you have shared driveways do you get into a liability situation?

Attorney Fox – It depends on how they are constructed or established whether or not there are deeds to the shared access. It is no more than an easement that each property owner would have the right to use the easement. With regards to the marginal access street, your ordinance requires that if you have a development along a thoroughfare it says that they shall have a marginal access street except where you find it is impractical for them to do so. Then you have to find where it is not practical for them to do so and the alternative is still in the spirit of your ordinance.

Councilmember Thomisser – As a member of the Public Safety Committee I have been on Beulah Church Road after dark and I think it is the darkest place I have been in Union County. It is a dark and narrow road. Having three or five driveways to me exacerbates the safety aspect of it and I would like to have the developer consider the marginal access road. From a safety standpoint that would be something that would be good for mothers in vans, SUVs coming and going on Beulah Church Road.

Councilmember Thomisser – Would having shared driveways create an unfavorable situation for members of the fire department?

Providence VFD Chief Joshua Dye – It would really depend on the length of the driveways. It could potentially create an issue depending on how many cars were parked in the driveway. It would really be no different than a short cul-de-sac road either.

Councilwoman Harrison - My concern is that garbage trucks will not go on access roads. Access roads are not usually built to NCDOT standards. If we are going to do this, I think we are going to have to require a road built to NCDOT standards so we can get the garbage trucks and mail carriers off of Beulah Church Road so we do not cause more issues on that road.

Mayor Pro Tem Barry moved to approve the Preliminary Plat for the Beulah Acres Subdivision with the following conditions:

- Remove Condition #1 from Town Planner Cook's memo.
- Amend Condition #2 to the following: Town Council requires a marginal access street to be built to NCDOT Standards and constructed per Section 46.76 (c).
- Final Plat must show utility easement, if needed in accordance with Section 46-45(c) 1 of the Weddington Subdivision Ordinance.

All were in favor, with votes recorded as follows:

| | |
|-------|--|
| AYES: | Councilmembers Thomisser, Hadley, Harrison and Mayor Pro Tem Barry |
| NAYS: | None |

C. Consideration of Appointment to the Public Safety Advisory Committee – Staff. This item was removed from the agenda.

D. Consideration of Amendment to Rule #30 of the Town Council Rules of Procedures – Councilwoman Hadley. Councilwoman Hadley moved to approve the following amendment to the Town Council Rules of Procedures:

RULE 30. PUBLIC HEARINGS

Public Hearings required by law or deemed advisable by the council shall be organized by a special order, adopted by a majority vote that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time for each speaker, and other pertinent matters. The rules may include, but are not limited, to rules

- (a) fixing the maximum time allotted to each speaker;
- (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions;
- (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall; and
- (d) Providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to council meetings shall also apply to public hearings at which a majority of the council is present. A public hearing for which any notices required by

the open meetings law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 3 (c) shall be followed in continuing a hearing at which a majority of the council is present.

At the time appointed for the hearing, the mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

~~Any individual or group who wishes to address the council may do so. The public will be recognized to speak in the order they are seated by row.~~

The Town Clerk shall provide a sign-up sheet at the entry to the meeting room approximately thirty minutes prior to each meeting for persons who desire to address the Council. The Mayor will recognize speakers in the order in which their names appear on the sign-up sheet.

Each speaker must address the Council from the lectern and begin their remarks by giving their name and address. Each speaker will have three (3) minutes to make remarks. A speaker may not yield any of his or her time to another speaker. Speakers must be courteous in their language and presentation. Personal attacks on the Council or members of the public will not be tolerated. The Mayor may determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and shall rule on objections from other members of the Council on discourteous behavior. A majority vote of the Council may overrule the Mayor's ruling on standards of courtesy. Speakers may leave written comments and/or supporting documents, if any, with the Town Clerk to the Council.

If at the beginning of the public hearing, the Council determines that the time required to hear all speakers on the sign-up sheet would unduly disrupt the conduct of Town business or cause undue inconvenience to citizens in attendance for other items on the agenda, the Council may require the designation of spokesman, or the selection of delegates, for groups of persons supporting or opposing the same positions.

~~The Council reserves the right to limit each person wishing to make a comment to three minutes should it appear that there are a large number of persons desiring to make public comments. Council will allow people present to eede time up to 30 minutes to a spokesman for the group.~~

~~When publicly addressing the governing body, the public shall obey reasonable standards of courtesy in their remarks. The Mayor must maintain order and decorum in the conduct of the hearing. The Mayor must determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks must entertain and rule on objections from other members of the Council on this ground. The Mayor may be over ruled by a majority vote by the Town Council.~~

All were in favor, with votes recorded as follows:

| | |
|-------|--|
| AYES: | Councilmembers Thomisser, Hadley, Harrison and Mayor Pro Tem Barry |
| NAYS: | None |

E. Consideration of Staff Completing Project Worksheets – Councilwoman Harrison. The Town Council received a copy of the proposed worksheet which included the following items:

- Project and/or information request
- Name of Requestor
- Date Started
- Date Completed
- Length of Time

- Any Additional Costs

Councilwoman Harrison - This is a worksheet that I developed specifically for any requests from me. I want the staff to be able to fill out the worksheet on the information that I request. I want to be able to show future Councils the time it takes to put on any of the events that we have in this Town. I am also tracking my time. I am averaging the past few weeks four hours a day on just the festival.

Councilmember Thomisser – I would like to open it for everyone not just Councilwoman Harrison.

Mayor Pro Tem Barry - I think it is a great idea. This will serve as a great baseline as we start to look at job responsibilities and goals. I think the whole council should be required to do this.

Councilwoman Harrison moved that going forward staff complete the project worksheets as presented.

Attorney Fox – I want to make sure that the Council knows this becomes a public document that is capable to be reviewed by the public.

Mayor Pro Tem Barry advised that the motion was for any items requested by Council and the Mayor.

All were in favor, with votes recorded as follows:

| | |
|-------|--|
| AYES: | Councilmembers Thomisser, Hadley, Harrison and Mayor Pro Tem Barry |
| NAYS: | None |

F. Consideration of Staff Requested Project to Exceed Five Hour Maximum as Allowed in the Staff Utilization Policy. Town Administrator McCollum advised that Councilwoman Harrison has requested that Tax Collector Woods provide a list of the top 10 subdivisions based on tax value. Ms. Woods estimates this project will take approximately 7+ hours. Per the Staff Utilization Policy adopted on 11/13/12, staff must get approval from the Town Council on work that will require more than five hours of combined staff time and resources.

Councilwoman Harrison also talked about the festival and that she would be asking staff to help her on numerous items that would total more than five hours. She stated, “In 2011 prior to being on the Council I had asked for information on what were our highest tax subdivisions and I had gotten four of them. No surprise that Highgate was Number 1, Stratford was 2 and Walden and Aero were 3 and 4. Chief McClendon when he has talked about fire service has discussed that he wants Walden on Providence because they are a higher tax base. To me it seems that he knows more about the subdivisions and how they are taxed. We should know the top 10 subdivisions and that is why I am asking for that information.”

Councilmember Harrison moved to approve that staff be allowed to work on the festival and the tax project which will exceed five hours of time. All were in favor, with votes recorded as follows:

| | |
|-------|--|
| AYES: | Councilmembers Thomisser, Hadley, Harrison and Mayor Pro Tem Barry |
| NAYS: | None |

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

- Staff has received an application for a 23 lot Conventional Subdivision called Atherton Estates located on 29 acres along Weddington Road. Public Involvement Meetings will be held on Wednesday, July 17th on-site from 10:00am-12:00pm and Thursday, July 18th at Town Hall from 4:00-6:00pm. This plan will be on the July 22nd Planning Board agenda.

- Staff has received an Agritourism Conditional Zoning permit for the Hunterberry Farms located on Providence Road. Public Involvement Meetings will be held on Thursday, July 18th on-site from 10:00am-12:00 noon and Monday, July 22nd at Town Hall from 4:30-6:30pm. This item will be on the July 22nd Planning Board agenda.
- Orleans Homebuilders has submitted the Lake Forest Preserve Phase 3B Final Plat for 41 lots. This Final Plat has not yet been assigned to a Planning Board meeting.
- The Town and NCDOT have executed the right-of-way agreements for the roundabout located at NC 84 and Weddington-Matthews Road. Construction is planned for this summer and is expected to be completed by September 6, 2013.
- The following items were on the June 24th Planning Board agenda:
 - Garcia Minor Subdivision-approved
 - Beulah Acres Major Subdivision Preliminary Plat
 - Highclere Sketch Plan-approved
 - St. Mark Coptic Orthodox Church CZ Application
 - Southside Christian Assembly Temporary Mobile Classrooms CUP
- Union County plans to submit their Water Tower CZ Application in mid-July.
- The following items will be on the July 22nd Planning Board agenda:
 - Hunterberry Farms Agritourism CZ Application
 - Atherton Estates Major Subdivision Preliminary Plat
 - Height Exemption Text Amendment
 - Weddington Country Festival Temporary Use Permit

Town Planner Cook - I received an MX application today for Weddington Village - a mixed use neighborhood located in the former Woods location. The application as it stands now would not meet our zoning ordinances. Last week the same applicant applied for four text amendments. Those text amendments will be on the July Planning Board Meeting.

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

- I am working with VC3 on getting quotes to develop a new website for the Town.
- At the request of Councilwoman Harrison, I am researching costs for a Street Sweeper Company to use for Providence Road and Highway 84.
- We have tentatively set the date for the CPR and Defibrillator Training to be held July 24 from 1 to 5. I did not hear back from Werner or Barbara. Leslie cannot attend that date.
- Chris Byrum is our new deputy and he has started training with Deputy Wayne Gagnon.
- The Planning Board Meeting and Historic Preservation Commission will be held on July 22.
- There is a meeting being hosted July 11, 2013 by Union County Public Works to discuss and receive public comments on design options and styles for the Weddington Area Water Tank. The meeting is being held at the Weddington Middle School located at 5903 Deal Road.

Save the Date:

Weddington Country Festival – September 21, 2013

Item No. 14. Public Safety Report.

Report from the June 18, 2013 Special Public Safety Advisory Committee Meeting:

A special meeting of the Public Safety Advisory Committee was held on Tuesday June 18th, 2013 at 6:30.

(1) Doug Sabo was unable to attend the meeting therefore his EMS presentation was postponed until the August meeting. (2) Pam Hadley suggested it would be prudent to postpone contacting HOA's concerning dry hydrants due to new standards being issued by the NC Department of Insurance on July 1st.

Mike Smith gave an update on the items that were discussed with the contract Deputies. Deputy Black said there are no areas of real concern in regards to criminal activity. The areas of concern in regard to traffic issues are speeding in the 35 mph zone on Route 16 between Hemby and Rea Roads, and the 35 mph zone on Rt 84 approaching Town Hall. The Sheriff's Department will be purchasing a hand held radar unit so the town Deputies can take enforcement action in those areas. The hand held radar can also be utilized in other areas as needed.

The Deputies will create a rotating schedule for the radar trailer which will be moved every two weeks to a different neighborhood. Request from the residents will take first priority, but when no request is being made the trailer will be moved according to the schedule.

The Deputies will be working with Mike Smith who already runs a public safety alert system and provide Mike with information of a public safety nature that will be disseminated through an email distribution list. Information on how to sign up to receive the alert emails will be in the next Town newsletter as well as posted on the Town's website.

Gene Melchior reported back to the committee on the request from Councilwoman Harrison in regards to placing a street light at the intersection of Tilley Morris Road and Weddington–Matthews Road. The light can be installed for free and the Town would be responsible for paying the monthly electric bill. Also at the request from Councilwoman Harrison, the committee will be researching the cost of speed signs that are equipped with a radar display window showing the speed of passing vehicles.

At the request from a resident of Mandy Plantation the committee will be researching the possibility of replacing the yield sign at Tilley Morris and Weddington–Matthews Road with a stop sign. The resident reported that the yield sign is creating a dangerous traffic situation for people turning in and out of Mandy Plantation.

The Committee agreed to meet again in August.

Mayor Pro Tem Barry – I have received complaints from people off of Lenny Stadler Road that southbound Providence Road traffic is running that red light.

Councilwoman Hadley - I spoke with Deputy Gagnon on that and I think the radar guns will help with that situation. People are probably running it because they are not used to it being there.

Councilmember Thomisser – If any resident of Weddington needs a child seat installed there is a certified installer at the Stallings VFD. They will assist the Town for the next year in this area.

Weddington Deputies – 569 Calls

Wesley Chapel VFD – 120 Calls

Providence VFD – The Town Council received the Income and Expense Budget Performance and the Balance Sheet for June 30, 2013.

| | | |
|-------------|---|----|
| Union Fire | - | 30 |
| Union EMS | - | 10 |
| Meck Fire | - | 04 |
| Meck EMS | - | 00 |
| Total calls | - | 44 |

| | | |
|----------------|---|--------|
| Training hours | - | 214.00 |
|----------------|---|--------|

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

A. Finance Officer's Report. The Town Council received the Revenue and Expenditure Statement by Department and the Balance Sheet for 6/01/2013 to 6/30/2013.

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

| | |
|---|--------------|
| Transactions: | |
| Adjust Under \$5.00 | \$(15.66) |
| Interest Charges | \$131.70 |
| Penalty and Interest Payments | \$(256.55) |
| Taxes Collected: | |
| 2009 | \$(101.00) |
| 2010 | \$(577.37) |
| 2011 | \$(646.37) |
| 2012 | \$(1,835.17) |
| As of June 30, 2013; the following taxes remain Outstanding: | |
| 2002 | \$82.07 |
| 2003 | \$129.05 |
| 2004 | \$122.90 |
| 2005 | \$252.74 |
| 2006 | \$150.20 |
| 2007 | \$144.42 |
| 2008 | \$2,000.48 |
| 2009 | \$2,296.80 |
| 2010 | \$3,200.32 |
| 2011 | \$5,131.59 |
| 2012 | \$16,424.73 |
| Total Outstanding: | |
| | \$29,935.30 |

Item No. 16. Transportation Report. Councilwoman Harrison gave a brief update to the Town Council.

Item No. 17. Council Comments. Councilmember Thomisser – I would like to congratulate Daryl Matthews and his company for doing a very nice job beautifying the medians. When our citizens travel into Weddington they know they are in Weddington. It is a world of difference between Charlotte and Weddington.

Mayor Pro Tem Barry – I was out last month celebrating my last child graduating from high school. The bad part is I will have three kids in college at the same time.

Councilwoman Hadley - Thank you to Barbara, Werner and Daryl. The medians look great.

Councilwoman Harrison – I would echo those comments. I appreciate Daryl meeting with us several times. The Town Hall looks the best I have ever seen it.

Item No. 18. Adjournment. Mayor Pro Tem Barry moved to adjourn the July 8, 2013 Regular Town Council Meeting. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser, Hadley, Harrison and Mayor Pro Tem Barry

NAYS: None

The meeting adjourned at 8:35 p.m.

Walker F. Davidson, Mayor

Amy S. McCollum, Town Clerk