

**TOWN OF WEDDINGTON  
REGULAR TOWN COUNCIL MEETING  
MONDAY, OCTOBER 14, 2013 - 7:00 P.M.  
MINUTES**

The Town Council of the Town of Weddington, North Carolina, met in a Regular Session at the Weddington High School Auditorium, 4901 Monroe-Weddington Road, Matthews, NC 28104 on October 14, 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: Rick Yager, Mark Schmidt, Ms. Eddie Leighton, Geri Tomcik, John Tomcik, Nancy Meyer, Graham Wilson, Barbara Wilson, Linda Watt, Sandra Hall, M. Wayne Archie, Harry Welch, Debra Welch, John Mendes, Beth Mikes, Bob Mikes, Valerie Peters, Milton Peters, Susan Neubauer, Blane Neubauer, Mark Wetherbee, Tonya Mangum, Wes Mangum, Lynda Munn, Wayne Munn, Anthony McKnight, Marianne McKnight, Joyce Armer, Robert Anderson, Karen Bowman, Anderson Stallings, Dawn Panzeca, Jennifer Madaris, Chris K., Margaret Caycedo, Mario Caycedo, Phillip M. Davis, Cynthia L. Davis, Lee A. Rolfes, Jr., Janet Kennelly, Jack Kennelly, Elva Manus, Kelly Levitas, Mike Davis, Bryan Droze, Jody Droze, Eugene D., Robert Gunst, Geoff Sessa, Catherine Sessa, Jane Duckwall, Heather Perryman, Jeff Perryman, Wendy Shaw, Reagan Shaw, Linda Manus, Matt Kearns, Devona Evans, Jon Zakary, Ruth Rupert, Bill Deter, Joanne Leonard, Julie Alam, Becky Sigmon, Bob Lowery, Vicki Lowery, Craig Hazeltine, Brad Hoover, Cindy Wentz, Bill Wentz, William Brady, Teresa Brady, Carlton Thornburn, Harvey Smith, Laurie Smith, Don Titherington, Kenneth Evans, Keith K., Mary Shipley, Greg Shipley, William Edwards, Scott Robinson, Jack Parks, Tami Duggan, Ulm Schumacher, Lisa Schumacher, Scott Reider, Diane Wetherbee, George Cannon, Charlie Cannon, Robert Phillips, Ken Evans, David Napoli, Joanne McGuire, Michael McGuire, Patricia King, Debi Daniels, Janice Propst, Jennifer Romaine, Mary Lomma, Tony Lomma, Kathy King, Bennett Strange, Brian Strange, Genny Reid, Donna Walton, Darrell Davies, Ronald Williams, Brenda Williams, Daryl Matthews, Lance Daniels, Sanna Tucker, Bruce Klink, Kimberly Crooks, Manuel Trotman, Matte Reider, Denise Fornshell, Mike Loye, Phil Klein, Matt Brumbaugh, Michele Brown, Eddie Pershin, Pat Harrison, John Montgomery, Vanessa Rivers, Julie Tippet, Frank Tippet, Elton Hardy, Gene Melchior, Laura Cavin, Laura Cavin, Rebecca Titherington, Bob Fornshell, Danielle Loye, Charles Moore, Oktawia R., John Ryan, Sally Davidson, David Harris, Brian R. and Mike Smith

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

**Item No. 1. Open the Meeting.** Mayor Davidson called the October 14, 2013 Regular Town Council Meeting to order at 7:07 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. Public Comments.** Ms. Susan Neubauer – I would like to talk about governing and what that means. I think we would all agree that people who take office should take that position seriously and with a sense of responsibility. Those people should realize that when they vote they do not vote in their own interests. As a matter of fact their own personal interests should have nothing to do with their actions as an elected

official. They hold these seats to represent the residents and citizens of the area. I believe governing bodies use a lot of excuses to vote on issues that run counter to popular opinions such as we have more facts than they do or we know things they do not know or we have to be responsible for the future and not just the present or we have to worry about all parties and not just certain interest groups. You know all those reasons we all hear from our officials. But those excuses do not have to hold true in Weddington. Why?— because we as a small Town have every opportunity to ensure all interested parties have the same information as our governing body has. Actually that is the one and only responsibility of a body such as a Town Council - to make sure that the voting adults who do not need to be coddled or patronized have the same information, engage in conversations and understand all sides of the issue. Only in that way is there integrity in the process of governance. At the end there will be people who are not happy about voting outcomes but those same people should be able to say, “I had hoped the vote would go another way but I understand it and I was included in the process, knew all the facts, understood all the points of view so I cannot quarrel about the integrity of the process.” How does that become actionable? I would suggest that if anything comes before the Council for a vote and you suspect that there was not an open and transparent process, that people were not engaged appropriately, that another member of the Council was having private and closed meetings, that a member of the Council refused to report what they knew or were working on, that something should have been handled with greater respect for all concerned then you should not feel comfortable voting. If you are saying to yourself things like “I did not do anything wrong, that meeting that I had was just for my information and really do not have to share” or if you are convincing yourself that you had good reasons to be less than open with all concerned then you know in your heart and mind that you have not been honest about having a fair and transparent process - the one thing that we rely on you for. The first and only thing that we ask of our elected officials is a sense of honesty, integrity and openness. If you believe that an issue has had less than that in the process to bring it to closure - don’t proceed. Do the right thing – not the expedient thing. Choose to be a leader who people can respect and trust.

Ms. Janice Propst – I just want to state for the record that this is the worst political season I have ever seen in Weddington. We have always had signs disappear in this Town and sometimes that is just because someone does not realize that it may be private property and the person that owns the property does not support that person. When you see 200 signs missing in this Town on people’s private property in a period of two to four days and they are just for three specific candidates and it becomes grand larceny – then there is a problem. We live in Weddington and this is the South and maybe I am thinking that people have southern manners but I find this appalling. We have a democracy and people that have personal property rights have the right to put who they want on their property and expect that sign to stay there through the season. This is money for those candidates that are asking for their right to represent the Town’s citizens and the people that own the property are asking for their right to speak their individual opinion.

**Item No. 5. Additions, Deletions and/or Adoption of the Agenda.** Town Administrator Amy McCollum asked to add the following item to the agenda:

- Consideration of Amendment to the Contract for Cape Construction Regarding Flooring

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

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

**A. Consideration of Amendment to the Contract for Cape Construction Regarding Flooring.** Town Administrator McCollum advised that the Town approved a contract on September 9 with Cape Construction for the restoration of the Town hardwoods at a cost of \$8,940.00; however there were some items that came up during the project that took longer than expected and the repair, caulking and painting of the stair risers were not included which will increase the contract by \$1,350.00.

Councilwoman Barbara Harrison moved to approve the amendment to the contract with Cape Construction. All were in favor, with votes recorded as follows:

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

**Item No. 6. Approval of Minutes**

**A. August 12, 2013 Regular Town Council Meeting Minutes.** Councilwoman Pamela Hadley moved to approve the August 12, 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. 7. Consent Agenda (Public Hearings to be held Tuesday, November 12, 2013 at 7:00 p.m. at the Weddington Town Hall).**

**A. Call for Public Hearing to Review and Consider - 7112 New Town Road Wedding and Banquet Facility.** The Town Council received a copy of the Conditional Zoning Application. Councilwoman Harrison moved to call for a public hearing to review and consider this conditional zoning request for a wedding and banquet facility at 7112 New Town Road to be held Tuesday, November 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 – Preliminary Plat for the Highclere Conservation Subdivision.** The Town Council received a copy of the Conditional Zoning Application and the Application for Submittal of Subdivision Preliminary Plat. Councilwoman Harrison moved to call for a public hearing to review and consider the preliminary plat for the Highclere Conservation Subdivision on Tuesday, November 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. 8. Public Hearings and Consideration of Public Hearings.**

**A. Consideration of an Interlocal Agreement and Fire Suppression Agreement with Providence VFD.** The Town Council received a copy of the Interlocal Agreement and the Fire Suppression Agreement.

Councilwoman Hadley – A lot of people do not realize the history of Providence so I was going to give a brief overview. Providence was founded in 1954 by citizens that reside in what is now the Town of Weddington. Their original district included the Arboretum to Waxhaw with Waxhaw having been established in 1954 as well. Their location was at the intersection of Providence Road and what is now Ballantyne Parkway. In 1972 they moved to the corner of Tilley Morris and McKee Road. In 1975 Wesley Chapel VFD was founded and Station 26 was built on Waxhaw-Indian Trail Road. Providence VFD gave them equipment, helped with training and willingly gave them the southern part of Weddington as their district. Up to this point, Providence had serviced all of Weddington for the past 21 years. Weddington was incorporated in 1983. Charlotte continued to annex and the city limits came very close to the Providence station. In 1984 Charlotte agreed to buy the station and with that compensation Providence acquired the land to build at 5025 Hemby Road and put a temporary substation on Amanda Drive until the station was completed in 1985. Weddington inherits a fire station, excellent equipment and highly trained personnel. Also in 1984 the Fire Marshal with support from the Wesley Chapel VFD and County Commissioners redrew the fire lines to include Cox and Beulah Church Roads to within a ½ mile of the 5025 Hemby Road location. Our newly elected Mayor and Town Council fought that decision to no avail. The citizens that had founded Providence were outraged. Providence had served

Weddington for 30 years at that point. Over the years certain Mayors and Councils tried to reverse that decision. Finally after another 28 years this Council on July 1, 2012 redrew the district lines and finally provided back to the citizens the level of service that they deserve and at one time had. Next year will be 60 years that Providence has provided service to Weddington. They are the primary fire department for the Town. Our books are practically audited together. We are partners as well we should be. Fire protection should be a policy and not a political ball tossed like a beach ball at a concert. In this case buying the real property, we as tax payers of Weddington have not contributed to, is an asset for the Town. It needs to be fair for both parties. A long term service agreement accomplishes that. They had an agreement that did not serve the citizens of Weddington fairly renewed yearly for 28 years. An agreement that does serve the citizens fairly for 10 years should be a cause for celebration. As opposed to binding it protects. Is it not the primary obligation of government to protect its citizens? It certainly was the first priority in our last survey. The Town is purchasing a \$1.6 million asset for \$1 million. The options were either to deplete our reserve funds and bind future councils or finance a portion of the purchase price. With interest rates at an all time low Council decided that financing was more judicious than leaving the Town without reserves for emergencies or unforeseen expenses. Therefore I would like to make a motion to accept the Interlocal Agreement and Fire Suppression Agreement with Providence VFD as presented.

Attorney Fox – There is one change that I would ask the Council to consider that the Finance Officer has brought to my attention. The Council had talked about taking possession of the property in 15 days as opposed to 10 days to allow more time for the administrative transition of the property to the Town from Providence. Please consider that amendment in your motion to allow for 15 days as opposed to 10 days.

Councilwoman Hadley accepted the amendment. The vote on the motion is as follows:

All were in favor, with votes recorded as follows:

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

Mayor Davison – I wanted to make sure that everyone understands my position on this. When I came in, Providence VFD had a funding problem and what was going on was the County controlled fire service. We changed that and we brought fire service from the County into the Town. I wanted the citizens to control this. We wrote you a letter and promised you that you could control fire service (how much or little you wanted and how much you wanted to pay) every two years through the election process. When it came to buying this building, I had an agreement with Jack Parks, the President of Providence VFD. It is public record. I have it right here. This is what Jack wanted: “The Town of Weddington agrees to partner with the Providence VFD to facilitate with needed upgrades to the station located at 5025 Hemby Road. The support will include financial assistance to be used for the acquisition of contiguous property [I want you to remember acquisition of contiguous property], renovation of the existing facilities and construction of a building addition. The financial assistance will consist of money and loan guarantees not to exceed \$750,000. [The price we just paid was \$1,050,000.] Providence VFD will be expected to bring offers for purchase of property and estimates from contractors to the Town Council for review and approval. In return Providence VFD will agree to transfer ownership of real estate including land and structures to the Town Council.” No binding agreement, no 10-year agreement - I had that. I had a handshake and now it has come to this. We will close this and we will not talk about it for 10 years. I want everyone to know what I had, what my position was and what I was told.

Councilwoman Harrison - Should we stop and not talk for 10 years about the Interlocal Agreement with Charlotte regarding annexation?

Mayor Davidson – Did we have agreements in the first place that we would not?

Councilwoman Harrison – Yes, I had a document from Judge Stanford Steelman that talked about when we incorporated we were sued by Charlotte for incorporation and because of that we went into two 10-year

agreements with them and we have continued to do that. That is what I am asking. You are making it sound like we have not done a 10-year agreement before. We have since we have been incorporated and we do not talk about our 10-year agreement with Charlotte until it comes up.

Mayor Davidson – Did you write a letter to the Town that they could control fire service for every two years through the election process?

Councilwoman Harrison – What does that have to do with Charlotte?

Mayor Davidson – It has to do with a promise you made to the people of Weddington and if this Council had written another letter to the Town to explain their actions before they took them that would have been a better step too.

**B. Public Hearing to Review and Consider – Union County Elevated Water Storage Tank Conditional Zoning Permit.** Mayor Davidson opened the public hearing. He stated, “When you came in there was a table where you were signing in and this document was being given out. This is not a document from the Town of Weddington or from Union County.”

Attorney Fox – This is a public hearing on the proposed location of a water tower in the Town of Weddington. This is a conditional zoning process. It is a legislative process. Many of you in the past have been a part of the conditional use process where we had to have sworn testimony. The Town Council would have made their decision based upon evidence that would have been presented during that process. This is not that type of proceeding. This proceeding is akin to a rezoning which is a legislative decision based upon the majority vote of the Town Council. Findings of Fact are not required in this type of proceeding. There will be a requirement as is required for any rezoning that a governmental body undertakes as a result of a recent change adopted by the General Assembly two to three years ago that requires that there is a statement of consistency with a rezoning as it relates to the Land Use Plan. There is also a requirement contained in the ordinance that requires a statement or finding of reasonableness as to the proposed rezoning.

Mayor Pro Tem Barry – Attorney Chris Duggan had asked to be allotted the opportunity to speak for a group of citizens tonight. I think we have to establish a rule and vote on that.

Attorney Fox - Your rules provide that for public hearings the Council can set an order as to how the proposed hearing is to take place.

Mayor Pro Tem Barry moved to authorize Attorney Duggan to have 20 minutes to speak assuming that he has an affidavit showing signed signatures from people in the audience contributing that time to him. All were in favor, with votes recorded as follows:

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

The Town Council received the following memo from Town Planner Jordan Cook:

Union County requests a Conditional Zoning Permit (CZ) for a 179 foot tall, 1.5 million gallon elevated water storage tank located along Hemby Road.

**Application Information:**

Date of Application: July 19, 2013

Applicant Name: Cynthia Coto (Union County-County Manager)

Owner Name: Lelia L. Morris

Parcel ID#: A portion of 06-120-004 and 06-120-004B in its entirety

Property Location: South side of Hemby Road between Providence Volunteer Fire Department and Hunter Lane (Weddington Woods subdivision)  
Existing Zoning: R-40 and RCD  
Proposed Zoning: R-40(CZ) and RCD(CZ)  
Existing Land Use: Traditional Residential and Residential Conservation (no change proposed)  
Existing Use: Vacant  
Proposed Use: Elevated Water Storage Tank, Class II Essential Service  
Parcel Size: 3.92 Acres (comprised of two tracts that will be recombined)

**General Information:**

- A Conditional Zoning Permit is required for a Class II Essential Service in the R-40 and RCD zoning districts. Water Storage is included as a Class II Essential Service in the *Town of Weddington Zoning Ordinance*.
- The applicant is proposing a 179 foot tall, 1.5 million gallon elevated water storage tank within a fenced in area along Hemby Road.
- The proposed water tank style will be a composite tank with a 48 foot concrete diameter base and approximately 74 foot diameter bowl.
- The proposed facility will be accessed by a 20 foot wide gravel access road from Hemby Road. A decorative entrance gate will be placed 47 feet from the property line while an access gate at the facility entrance will be placed approximately 290 feet from the property line to reduce visibility of the facility from Hemby Road. The actual water tower will be located over 500 feet from Hemby Road.
- In addition to the water storage tank, the site will include a tank drainage/overflow vault, storm water pond and a parking area comprised of four parking spaces.

**Minimum Standards for a Class II Essential Service in R-40 and RCD Zoning Districts:**

Minimum Lot Area- 40,000 square feet—combined lots are 3.92 acres or 170,755 square feet

Minimum Front Yard Setback- 75 feet—proposed setback is greater than 500 feet

Minimum Lot Width- 120 feet as measured at the front yard setback—proposed width is 176 feet

Minimum Side Yard Setbacks- 15 feet—proposed left and right side yard setbacks are 113 feet and 34 feet respectively

Minimum Rear Yard Setback- 40 feet—proposed setback is greater than 200 feet

- The proposed water storage tank complies with all minimum yard regulations and front, side and rear yard setbacks for a Class II Essential Service in the R-40 and RCD zoning districts as set forth in the *Town of Weddington Zoning Ordinance*.
- The applicant will be required to submit a lot line revision plat. The lot line revision plat will include parcels 06-120-004 and 06-120-004B. All 1.278 acres of parcel 06-120-004B and 2.638 acres of parcel 06-120-004 will be included on the water tank site.

**Additional Information:**

- Screening and landscaping will be provided using new and existing (mature) vegetation.
- A 26 foot landscape buffer is required around the proposed water tank. Landscaping will be added to the front and northern perimeters of the property to meet these buffer requirements. A natural/existing tree buffer will surround the rear and southern perimeters of the property.
- Clearing will only occur where the access road will be installed and within the tank construction limits. All proposed landscaping complies with the *Town of Weddington Zoning Ordinance*.
- Outdoor lighting will be minimal. If lighting is needed on the tank it will comply with Federal Aviation Administration requirements.
- The water tank does not have any pumps or other moving parts, therefore noise should not be a factor.
- The applicant has provided a map and pictures of the proposed water tank from various locations surrounding the water tank.

- The proposed water tank is exempt from the Town's maximum height restrictions per *Section 58-15* of the *Town of Weddington Zoning Ordinance*.
- The property owner has provided written and notarized authorization to Union County to apply for the Conditional Zoning Permit.
- Two Public Involvement Meetings (PIM) were held in accordance with *Section 58-271* of the *Town of Weddington Zoning Ordinance*.
  - The first PIM was held on-site at parcel 06-120-004B on August 22, 2013 from 10:00am-12:00pm. There were approximately 35 attendees at that meeting.
  - The second PIM was held at Weddington Town Hall on August 26, 2013 from 4:30-6:30pm.
  - Most attendees were not in support of the proposed water tank. Included in the packet is a list of questions that were asked by the public during the August 22<sup>nd</sup> PIM.
  - The Planning Board gave this project a favorable recommendation by way of a 4-3 vote. The Planning Board also added conditions four and five listed below.

**Staff has reviewed the application and submitted documents and finds the Conditional Zoning Application is in compliance with the Town of Weddington Zoning Ordinance with the following conditions:**

1. All engineer's (USI-Bonnie Fisher) comments must be addressed and completed prior to any construction;
2. Applicant must apply for NCDOT Driveway Permit for proposed driveway along Hemby Road;
3. Lot line revision plat must be approved and recorded by the Union County Register of Deeds prior to any construction;
4. Nothing can be added to the water tower that would increase the overall height;
5. Trees and shrubs around the perimeter of the property to exceed Town's minimum landscaping requirements.

The Planning Board also recommended that if Union County obtains an adjacent easement, the easement be landscaped.

The Town Council also received information prepared by HDR Engineering, Inc. of the Carolinas which included the following:

- Conditional Zoning Application dated July 19, 2013
- Written and Notarized Authorization for Union County to Apply for the Conditional Zoning Permit
- Narrative for Conditional Zoning Permit Application
- Map of the Area
- Adjoining Properties
- Properties Within 1,300 feet of the Property
- 1,300 ft. Boundary and Soil Map
- Storm Water Management Plan Project Narrative and Calculations
- Culvert Analysis
- Erosion Control
- Custom Soil Resource Report
- Soil Map
- Pre-Construction Map
- Post-Construction Map
- Access Drive Culvert Drainage Area
- Flood Insurance Rate Map
- Photo Rendering Locations – Hemby Road Site
- Index of Drawings which includes the Site Plan, Subdivision Plan, Existing Conditions Site Demolition Plan, Site Grading and Drainage Plan, Erosion Control Plan – Phase I and Phase II, Tank Piping Plan, General Legend and Project Notes, Standard Details, Drainage Structure Plan and Sections, Erosion Control Details, Storm Water Details, Landscape Plan, CES Elevated Storage Tank Plan and Details,

Councilmember Thomisser – Mr. Cook, did the Union County Board of Commissioners vote on the location of the water tower and if so, what was the vote?

Town Planner Cook – I think they did but I do not know. That probably is a question for the applicant.

Mr. Pete D'Adamo – I am with HDR Engineers and represent Union County Public Works. We are here to discuss the elevated water tank on what has been referred to as the Hemby Road property. We are going to talk about the purpose and need of the project, project history of trying to construct an elevated tank in the Town of Weddington and speak specifically about the project location, statistics, tank styles and renderings. This slide shows the overall area. When you look at water systems they are divided into pressure zones. The current 853 pressure zone is where Weddington is located as it relates to the water system. The red dotted hatched area is the incorporated limits of the Town of Weddington. Water is currently provided pumped through the Waxhaw-Marvin Booster Pumping Station and the Watkins Booster Pumping Station and that is used to fill the 853 Stallings Tank and the Indian Trail Tank to provide pressure to the region. Then there is a series of underground tanks that go to the customers. Why are we talking about an elevated water tank in Weddington? There are water storage issues for the current Weddington/Marvin service area. There is insufficient volume storage for normal and emergency conditions and there are also pressure issues that we have talked about in the past. Some residents that are on the public water system experience pressures less than 30 psi under static conditions and DENR has established a minimum of 30 psi. Because these existing tanks are fed from a booster pump station when that pump station is on there are also areas in the service area that see extremely high pressures. Some areas have high pressures and some have low. The County in 2011 completed a Water and Sewer Master Plan. As part of that effort their consultant prepared a hydraulic model and tried to look at the existing 853 zone and see what sort of pressures are experienced. Basically what they found was these series of red dots that indicate areas when the pump station is not pumping where the static pressure is below 30 psi. There was a desire to try to improve these conditions through the master planning effort. Basically the recommendations of the Master Plan was to create a new pressure zone partially out of the 853 pressure zone and realign several pressure zones to try to improve the overall operation of the system. The recommendation was to create an 880 pressure zone which is on the left hand side of the graph. As you can see the Town is not the only customers that comprise the 880 pressure zone. It does extend beyond that. There are portions of the Town that are in the 853 west zone. They would take the existing Waxhaw Marvin Pump Station out of service and construct a new pump station to serve this area and then construct a new elevated water tank to serve this 880 pressure zone. This has several advantages system wide as well as addresses some of the pressure and storage issues that I mentioned. They went back and looked at their hydraulic model and included the new Weddington Storage Tank and the new pressure zone and projected into the future to see what sort of static pressures would arise and basically all the red dots before that were indicating pressures of 30 psi or less increased to the 40 to 50 psi range or above and eliminating the booster pumping station addressed the high pressure issues that some of the residents experienced. That was the reason for recommending the proposed water tank. There were some discussions about storage requirements and that goes into the size of the tank. The pressure that you need to maintain goes into the height of the tank and that also is based on the ground elevation as well. Storage has to do with several issues. You have your basic water demands that people have and you have flow equalization which are certain times during the day where there is a lot of usage and other times when there is not so you can use a certain amount of storage to buffer that. You also look at fire flow and emergency reserve requirements. The consultant that did the Master Plan that made the recommendations for the 880 zone based that on providing equalization storage which is calculated on a peak hour demand minus the maximum daily demand for six hours, a fire flow requirement of 3,500 gallons per minute for three hours and then an emergency reserve. Basically the larger of those two, fire flow and the emergency reserve, goes into the calculation to come up with the needed storage. They also looked at the fact that in this pressure zone there are certain areas that people are located at high elevations and they want to be able to provide at least 40 psi to those people. If they did not raise the height of this pressure zone of 880 there would be a portion of that storage that basically has no use because it is below the elevation that is required for everybody to have 40 psi. That was an important consideration.

I want to talk about the project history. Back in 2005 the County completed a Master Plan and as part of that plan there was a recommendation to construct an elevated water tank in the Weddington area. I mentioned they



renewed their Master Plan effort in 2011 and the recommendation was to construct an elevated water storage tank in the Weddington area. Since 2007 over 30 sites have been evaluated. We went through the original process that Council mentioned and submitted a Conditional Use Permit application for the King property across from Town Hall. That was denied January 12, 2010 and then subsequently Union County Public Works submitted a site off of Providence Road near Rea Road and at that point we were in a similar process that we are now through a Conditional Zoning Permit. That was initially approved in August of 2011 and then subsequently rescinded in September of 2011. The problem still exists. We are trying to address the issue of storage and pressure. Weddington Council appointed a liaison to work with Union County to locate a site for a Weddington tank. In 2013 three additional sites were considered including the original King property, the Hemby Road site which we are here to talk about tonight and then what we call the downtown site behind the Harris Teeter. A public meeting was held and based on the discussions at that public meeting the majority of the citizens that did participate and vote preferred the Hemby Road site. At that point the Union County Board of County Commissioners asked Weddington to endorse one of the two sites in May 2013. Weddington Council passed a non-binding resolution in support of the Hemby Road site in May 2013 and at that point the Union County Board of County Commissioners directed UCPW to proceed with the Hemby Road site in May of 2013. I do not know the vote number. Since then we have had four public meetings. We had one meeting to talk about aesthetics of the tank, two public involvements meetings and the Planning Board meeting and we are here tonight.

It is a 1.5 million gallon elevated water storage tank located off of Hemby Road next to the fire station and near the intersection of Hemby Road and Weddington-Matthews Road. This is two parcels that will be recombined for a total of 3.92 acres. It will have a gravel access road and two water lines that will come off of Hemby Road and near the tank. There will be an extension up Hemby Road to the intersection of Weddington-Matthews Road with a 20-inch line that will tie into an existing 16-inch line to feed the system. This is the slide of the basic site plan that shows what is being proposed. There is a storm water pond associated with the project as well as an overflow structure, parking spaces and the basic tank itself. As mentioned and as a condition from the Planning Board, there will be landscaping/planted vegetation along two sides and we will rely on the natural tree line to the south as part of the vegetation around the site. The volume is 1.5 million gallons, the height is 179 feet, the bulb diameter which is where the water sets up on top is 74 feet, the tank base is a single pedestal and is 48 feet, the head range (that means the amount of the height of the bulb) that the water occupies is 50 feet. The max water elevation is 880 feet mean sea level that is what is needed to provide the pressures. The floor elevation at the site is 721 feet and the tank weight is 1,700 tons. We looked at several different styles. The style on the left is a composite. The base which goes up to the bulb is actually made of concrete and the bulb at the top is painted steel. They have short and tall versions of that. We also looked at a spheroid tank which is an all steel tank and a single pedestal tank. We did have one public meeting to talk about aesthetics and those that were there that did vote favored the composite tank which is on the left. We also talked about that with the Planning Board. Water towers are designed to meet certain requirements. They are designed as critical structures to withstand major events. There are wind load considerations and seismic load considerations when we design the water tower to meet certain requirements. Based on our discussions with tank manufacturers about this particular project considering both seismic conditions and wind conditions they are designed to withstand major wind events – including over 200 mph. These are some examples of some extreme events that happened around the country - hurricanes and tornadoes and pretty much what was left was the water tower. Based on our discussions with the tank manufacturers they have constructed hundreds of elevated composite water tanks in the last 25 years and there is one documented failure that occurred during initial filling of the tank due to a design error. We went out and took some renderings which we have shared with the public through several meetings. We have basically eight renderings or view points and I will scroll through those. The idea was to give you an idea of what the tank would look like from those particular areas. This is Site #1 which is across from the fire department. This is the tall bowl composite tank. This is heading up to the intersection of Weddington-Matthews Road looking back to the fire department and looking back to the tank. You will see that some of these pictures were taken in the winter time when there were no leaves and some more recently when there were some leaves. This is heading the other way up Hemby Road looking back at the fields. This is the most open view of the tank. You are getting ready to get into residential subdivisions as you head further out on Hemby Road. This is further up looking back at the same direction of what the tank would look like. We

wanted to go on the other side of Hemby Road in Providence Woods South and look at some areas in there. We tried to find a place that we could go and look back at where the tank was and this is from Greenbrook Parkway. At this location it is difficult to see. We also got a fire truck and went back into the neighborhood and went above the roof lines of the houses so you are actually above second story windows and look back over to the site. This is View #6 from Greenbrook Parkway looking to where the tank will be. This is another view off of Foxmeade Drive again looking back towards the tank across the street. This is another view looking back towards the tank.

You have a list of questions that have been asked previously. We went through a lot of public meetings with these folks and we do appreciate your passion and questions. I wanted to run through a couple of the top questions. Can the needs of the project be met with two smaller shorter tanks? As I mentioned shorter tanks will not resolve the pressure issues that are needed. We talked about the storage requirements and needs in this facility. A shorter tank will not work. Will construction of the tank impact local groundwater? There were some folks concerned about that. The water that fills this tank ultimately comes from the Catawba River and the Lancaster Water Treatment Plant. There will be no impact on groundwater resources and groundwater resources will not be used to fill this tank. Will there be noise associated with the operation of this tank? There are no moving parts to the tank so therefore there will be no noise associated with the tank except when someone comes and cuts the grass. How much will the tank weigh? The tank including the water weighs about 16 million pounds. The tank foundation will be designed to support this weight. There will be a geotechnical evaluation to identify a proper design and foundation. When will the tank be completed? Assuming approval it is estimated that the tank construction will be completed the summer of 2015. What happens if the water in the tank needs to be emptied? The bulk of the water will be drained back to the distribution system for use by the customers. The County has no desire to dump water on the ground. It costs a lot of money to create water and that is revenue on the ground. It will be drained back. If there is a small amount of water remaining in the tank it will be drained under a controlled discharge to the overflow structure adjacent to the tank which also has a system to remove chlorine from the water. The County can decide to do this over several days to minimize any issue or impacts. We will follow the natural drainage flow path and in this case to the south. What precautions are provided in the event of tank failure? The tank has an adjacent dry storm water pond and has a capacity of about 315,000 gallons in the spillway and a total capacity of about 500,000 gallons. Will nearby properties be required to have flood insurance? We are not aware of any requirements. Can the County construct the ground storage tank instead of the proposed elevated tank? We are here tonight to talk about an elevated tank on Hemby property. The County's policy is to operate their water system using elevated tanks to provide system pressure and storage. The reasons include better system reliability, easier to operate and maintain, less moving parts, quieter operation and lower costs. What are the estimated costs of the proposed tank versus ground storage? When the County previously looked at another site and estimated the costs relationship the elevated tank had a cost of about \$4.5 million and the ground storage tank including the pumping station that would be needed for that as well as some other improvements was about \$6.2 million. With a ground storage tank you are going to have an additional pumping station that has to be maintained and operated and has costs associated with that operationally of an estimate of \$200,000 a year. What maintenance activities are required for the tank? The tank water levels will be monitored continuously by the County through their data system. About every five years the interior and exterior of the tank will be inspected and about 10 to 15 years the tank will be drained and repainted. There will also be the routine grounds maintenance that I mentioned. Will there be lighting associated with the tank? The base of the tank actually has access doors that you can go inside the base of the tank and so there will be lights on the top of those doors that can be operated by a motion sensor. Based on our discussions with the FAA, given the location of the tank and the height of the tank a beacon is not required on top of the tank and we will make sure we comply with the FAA. How will the water enter and leave the tank? There will be two separate 20-inch lines that will feed and withdraw water from the tank. Two lines are provided to make sure the tank turns over and the water quality is maintained and a new 20-inch line will be routed along Hemby Road at the intersection of Matthews-Weddington Road. Will the tank have a cell tower associated with it? The proposed design does not include a cell tower. None of Union County's tanks have cell towers.

In conclusion with my presentation, Union County has been working eight years to try to get a water tower in the Town of Weddington. They need a 1.5 million gallon water tower to provide adequate fire flow pressure and maintain a level of service and regulatory compliance now and into the future. An elevated water tank is the most reliable method to meet the needs of the service area. An elevated water storage tank complies with the Town's ordinance for conditional zoning that is a Class II Essential Service. It is consistent with the Public Facility and Service Goals established in the Town's Land Use Plan.

Mayor Davidson – Can you tell me the criteria for site selection? Is Ed Goscicki here tonight?

It was advised that Ed Goscicki was not going to be at the meeting.

Mr. D'Adamo – There are several criteria to look at. We look at ground elevation of a site because the lower the ground elevation the taller the tank. It makes it more difficult to meet the pressure needs. We look at the proximity to major infrastructure such as pipe lines that would transmit the water from the tank to the distribution/transmission system. We look at surrounding area. What the community looks like and what is adjacent to the tank. We consider the fact whether there is a willing seller for a particular parcel.

Mayor Davidson – Can you go to the slide that has the 880 pressure zone? The reason that I am asking about the criteria is because in June 2012 Ed had a meeting with the Town and we went through this and he gave us the criteria - high elevation is the obvious one and central to the pressure zone. He said there were water quality issues if you were not in the center of the pressure zone. The yellow line is the 24-inch main. He said that the Town center was the optimal place for this water tower. That is the Town center and that looks to be in the center of the pressure zone. This site is going up away from the center of the pressure zone. Does that lessen the effectiveness of this water tower location?

Mr. D'Adamo – The County's consultant looked at this site and looked at the impact on pressure and the ability to meet the requirements of pressure. The key issue as it relates to water quality and water systems is you need to turn the tanks over. We turn them over daily. We look at water age. How long it takes water to get to the most distant parts of the service area. So that is a consideration too. I don't have a water age analysis to compare the Town center to this site. Given their locations I do not think there would be a big difference in water age.

Mayor Davidson – But you are moving away from the center of the pressure zone with this site.

Mr. D'Adamo – Yes.

Mayor Davidson – Another thing he was adamant about was the 24-inch main. You have moved away from there.

Mr. D'Adamo – Black and Veatch Associates did a water pressure analysis and looked at the impact of this site and what would be required to tie into the existing transmission main and that was a 20-inch line along Hemby Road. They found as they looked at the entire service area in one case some pressures came down and in some cases some pressures came up but it met the minimum requirement of service level that they were shooting for with this 40 psi.

Mayor Davidson – So it met the minimum.

Mr. D'Adamo – The minimum requirements is what they are trying to achieve in putting in an elevated storage tower.

Mayor Davidson – Do you think any sacrifices are being made from going away from the Town center and this 24-inch line? Do you think this is a less effective tank location?

Mr. D'Adamo – No.

Councilwoman Harrison - You talked about an overflow pond and in your application you talk about a vault. Can you explain? This was certainly not something you talked about with the King property.

Mr. D'Adamo – A water tower creates a certain amount of impervious area that did not exist predevelopment so you have to address that through a storm water pond based on the Town's ordinances. In both of those other sites there was a storm water pond as well. We designed that to meet the requirements of the Town. All water tanks have both a drain and an overflow. The water that gets to the tank is pumped to the tank and is designed to shut off before the overflow. You make sure you have safety measures. Both the drain and the overflow drains through this concrete vault and then to the storm water pond. The purpose of the vault was to provide an ability to remove any residual chlorine in the water. The primary purpose of the storm water pond is because of the increased impervious area due to the construction.

Councilwoman Harrison – Do you have vaults in other tanks in Union County? I don't specifically see them when I went to look at a couple of them in different Towns.

Mr. D'Adamo – The storm water is there because of the Town's ordinance and requirements. The vault itself is designed to remove chlorine because there is more focus on that these days.

Councilwoman Harrison – When is the last time you built a water tower in Union County?

Mr. D'Adamo did not know the answer.

Councilwoman Harrison - It was in 2003. Based on your application there are no pump stations attached to this tower. Do you see in the future where there would have to be a pump station on this particular site?

Mr. D'Adamo – No.

Councilwoman Harrison – If you would need one would they have to come back in if they needed a pump station on this site?

Town Planner Cook – They would. That also is included in Class II Essential Services.

Councilwoman Harrison – You are saying that the Marvin Pump Station will be eliminated. Are you putting one someplace else?

Mr. D'Adamo – Yes and that has not been determined yet. It is not at this location.

Councilwoman Harrison – Is that the chicken and the egg thing going on here?

Mr. D'Adamo – Both processes are going on parallel.

Councilwoman Harrison – You are guaranteeing that everyone is going to have the right pressure but you are not going to need that pump station to be up before the tower.

Mr. D'Adamo – They need to happen at approximately the same time.

Councilwoman Harrison – On the site is there any body of water?

Mr. D'Adamo – No.

Councilwoman Harrison – If there is a major issue and the tower releases all 1.5 million gallons of water what chemicals are in the water? Will it be harmful to the surrounding area or the surrounding streams?

Mr. D'Adamo – The chemicals in the water is a secondary disinfect which includes chlorine. The other chemicals in the water are those that occur naturally at the Catawba River supply that were not removed during treatment.

Councilwoman Harrison – And you do not have to have some special permit or agreement with any other body such as DENR or FEMA?

Mr. D'Adamo – DENR will permit this project as a water tower but it does not require a NPDES discharge.

Councilwoman Harrison – Will this tower benefit Stallings?

Mr. D'Adamo – The recommendation as part of the Master Plan looked at everything holistically that included adjustments and pressure boundaries as well as this water storage tank and a new pumping station. Moving forward with the County's Comprehensive Water Storage Plan will benefit several areas.

Councilwoman Harrison – How long do you anticipate this water tower to be functional? We have a fire station that was built in the 1950s that is still functional. Do you see in 60 years this water tower still being a functional unit?

Mr. D'Adamo – Yes.

Councilwoman Harrison – The thing that really surprised me was that you only inspect the water tower once every five years.

Mr. D'Adamo – Internally.

Councilwoman Harrison – What about outside to make sure that no one is trespassing?

Mr. D'Adamo – That will be done routinely by County staff. They will typically visit the site weekly and that will be part of their standard operating procedure is to walk around the property.

Councilwoman Harrison – Is the internal inspection done by Union County Public Works or is that done by an outside agency?

Mr. D'Adamo – Most utilities hire an outside agency. They have a couple of ways to go with that. You can actually hire a diver for that to avoid draining the tank. There are firms that specialize in that.

Councilwoman Harrison – You stated that this has been designed for future growth. At what point will that not be enough?

Mr. D'Adamo – The only way to answer that is the Master Plan that was recently completed is considered the 20-year planning document and this tank is active for the life of that document.

Councilwoman Harrison – I want to reiterate that there are people that have low pressure and there are people in Marvin and Weddington that have high pressure. It is not just one or two developments but more and more developments. This past weekend I had people calling me that lived on Highway 84 and in Weddington Hills regarding their water pressure. All of these water customers with this tank will they have even water pressure?

Mr. D'Adamo – All of our customers with this tank with low pressure will have higher pressure meeting the requirements. Those that have the high pressure will have more moderate pressures. The pressure is based on the elevation of your house and the number of floors. It will definitely even it out.

Councilwoman Harrison – People that had to put regulators on their water you are not recommending to take those off?

Mr. D'Adamo – I do not have a recommendation on that.

Councilwoman Harrison – How many Weddington customers do you have?

Mr. Scott Huneycutt – 6,200 customers in the 880 zone which includes people outside of Weddington.

Councilwoman Harrison – Do any of the adjacent property owners object to this water tower? What happens if we vote no?

Mr. D'Adamo – I am speaking as a consultant and not speaking for the Union County Commissioners. There are severe pressure problems that they need to resolve and they need to figure out a way to resolve those. In my opinion as their consultant if the tank is not built then they have to look at future development and if it can be supported or does it have to wait for a water tower before any additional development happens.

Councilwoman Harrison – Is the water tower on Highway 218 still 235 feet?

Mr. D'Adamo – Yes.

Councilwoman Harrison – And the one in Marshville still 200 feet?

Mr. D'Adamo – I believe 205 feet.

Councilwoman Harrison – When the sewer and water tanks in Waxhaw were built my records show that was in 1992. Is that correct?

Mr. D'Adamo – I do not have an answer for that.

Councilwoman Harrison – Right now how long are the pumping stations running per day?

Mr. D'Adamo – My understanding is that they run about 80% of the time.

Councilwoman Harrison – What is the recommendation normally?

Mr. D'Adamo – Typically 30 to 40%.

Councilwoman Harrison – What kind of disaster recovery do you have? What happens if we lose the pumping station and it was hit by a tornado or hurricane?

Mr. D'Adamo – Some of the recommendations that were provided in the Master Plan in the 880 zone included the ability to get water from other zones in an emergency so those would have to be implemented as well with this project to make this system more robust.

Councilwoman Hadley – I have had a lot of people talk to me about water restrictions. Can you explain to the audience if Public Works would require stricter water restrictions would that help the pressure situation?

Mr. D'Adamo – It is not going to help the pressure situation. The pressure is primarily an elevation issue in particular as it relates to some of the areas in the service area that are at a higher elevation.

Mayor Pro Tem Barry – I want to talk about ground tanks and pumps. This is my third water tower public hearing. I think it is important to get some of these questions on the record for this hearing. Talk about the process that the County would have to implement to create a new pressure zone for tanks and pumps versus an elevated water storage tank.

Mr. D'Adamo – They would have to look at it as they did in their Master Plan. Is there a hydraulic model to evaluate the system? Use that to look at current conditions as well as projected future conditions as part of the planning process. If they were going to look at a ground storage tank and a pump station they would have to look at what is going to feed your ground storage tank which is another pump station and how would that water get to that location through the existing transmission mains. Are they adequate to do that or do they need a separate transmission main from Point A to Point B? At the site where you are going to have the ground storage tank you would have a second booster pumping station which would pump into the system and pressurize the system to meet the requirements of pressure and flow. That would have to be evaluated as well to make sure there are no other infrastructure improvements that would be required.

Mayor Pro Tem Barry – I was told if you implemented this type of solution rather than the elevated storage that you would have to cordon off this system from the balance of the Union County Public Water System because of water equalization. Is that accurate?

Mr. D'Adamo – That certainly could be the case. Anytime you look at different pressure zones they are typically valved off but as I mentioned a few minutes ago there are often emergency connections that allow back feed but it would typically be separated off.

Councilmember Thomisser – I have a question regarding fire flow. It is my understand that recently the Weddington Providence VFD did a check on all of the fire hydrants in Weddington and found that 50% of the fire hydrants were testing a pressure of 30 pounds or less and that the other 50% were testing between 30 and 50 pounds. I want to establish a point of reference. Are there any fire fighters out there that could tell us what the average fire hydrant pressure in Charlotte is? Does any one have that information?

Mr. D'Adamo – I do not.

Councilmember Thomisser – I did check with a fire station in Mecklenburg County and the answer was 70 psi. The second question is the one I posed earlier and Mr. Bundy feel free to assist the applicant as far as the answer to this question. On May 13 the Weddington Town Council was asked to state the preference for the water tower location. Each one of us stated a preference but we were also instructed should we receive any information since May 13 until tonight we reserve the right to change our preference. My question is shortly after that the Union County Board of County Commissioners voted on the location. Do you know what that vote was?

Mr. D'Adamo – I know that they instructed Public Works Staff to proceed with the Hemby Road site but I do not know the vote.

Councilmember Thomisser – I would like to put it in the record that the vote was 5-0 for Hemby Road.

Attorney Ligon Bundy – Scott Huneycutt is the Deputy Director of Union County Public Works. He was in the back operating the PowerPoint. He can come up and address questions if necessary. In order for you to grant this application you have to adopt a statement describing whether the action is consistent with an adopted comprehensive plan and explain why the Town Council considers the action taken to be reasonable and in the public interest. You are also to analyze a statement of reasonableness of the proposed rezoning. What I am

going to do is read into the record a document. I think it would be appropriate for me to read this so the public would know what the County's contention is concerning this statement of reasonableness.

Petitioner, Union County, pursuant to § 58-271(f)(1) of the Weddington Zoning Ordinance, requests that the Weddington Town Council consider adopting the following statement, analyzing the reasonableness of the proposed rezoning to Conditional Zoning District and finding that the petition should be approved, based upon the following:

1. The Subdivision Ordinance encourages the use of Public Water Systems, and requires certain new subdivisions to utilize Public Water Systems, when available (See § 46-78). It does not make sense to require new subdivisions to be served by a water system that does not have sufficient capacity to serve new residences.
2. There are currently many Weddington Residences that rely upon the Union County Water System for their water supply. Some of these residences experience poor water pressure, and this situation will get worse in the future as more customers are added to the water system. The construction of a water tower on the site that is the subject of the application is designed to address this issue, and is necessary for the health, safety and welfare of the community.
3. The Union County Water System provides water for fire suppression; low water pressure reduces the effectiveness of the system for this use. The construction of a water tower on the site that is the subject of the application is designed to address this issue, and is necessary for the health, safety and welfare of the community.
4. There are currently water transmission lines in the area of the property that is the subject of the application, therefore, extensive construction activities will not be necessary in order to build new water lines to the proposed water tower, which could otherwise cause substantial disruption.
5. A water tower is a Class II Essential Service as defined in the Weddington Zoning Ordinance; this use is a conditional use under the current zoning of the property that is the subject of the application and the proposed use is therefore not prohibited under current zoning.
6. The property that is the subject of the application does not adjoin property that is being used for residential purposes.
7. The property that is the subject of the application adjoins property upon which the Providence Volunteer Fire Department is located; this is an Emergency Government Service Facility under § 58-58 (2) (e) of the Weddington Zoning Ordinance. This use is consistent with the location of a water tower in the area.
8. The construction of a water tower, which will improve the Union County Water System that serves part of the Town of Weddington and will provide service to additional residences to be built in the future, is compatible with the Weddington Land Use Plan based upon the following:
  - a. The Land Use Plan recognizes that growth in Weddington is inevitable (Page 10), and states that "The consistent pattern of recent growth in the Charlotte regions indicates continuing strong growth in the Weddington area for the foreseeable future." (See page 33).
  - b. The Land Use Plan states that Single-family subdivisions are the preferred land use type (Page 11; Policy #6 on Page 15).
  - c. The Land Use Plan states that development should be coordinated with the availability of water facilities (Page 12).
  - d. A stated goal of the Land Use Plan is that all existing and future developments in Weddington be served by adequate water facilities (Goal 2, Page 19).
  - e. A stated policy of the Land Use Plan is that water system improvements are to be constructed concurrent with new development, and that adequate capacity needs to be provided to meet demands of existing and new customers (Policy #2, Page 19).
  - f. A stated policy of the Land Use Plan is that the Town have input on utility extensions by Union County (Policy #3, Page 19).
  - g. A stated policy of the Land Use Plan is for the Town to coordinate with service providers on the location of installation of utilities (Policy #6, Page 22).
  - h. In Section V (Context for Planning) of the Land Use Plan, it is stated that "...abundant water supplies...enhance the Town's quality of life." (See page 30). It is also stated that "There are some



areas in the eastern part of Weddington where the availability of quality well water is sometimes a problem.” (See page 31).

- i. In Section V (Context for Planning) of the Land Use Plan, it is stated as follows: “In order to maintain a high quality of life for residents of residential areas, the Town needs to assure that public facilities and infrastructure are available to serve them in a convenient and functional manner. Infrastructure includes adequate means for access and mobility, water and sewer service, and storm water systems. The Town’s basic infrastructure policies should require that transportation, water, wastewater and drainage system improvements be constructed concurrent with new development and are adequate to meet demands from existing and new users. While the Town does not currently provide utilities for the entire service area, it does require that adequate utilities be provided for all new development. Connection to public water is currently mandated for new developments based on the proposed size of the development and its proximity to existing public water lines.” (See Pages 34-35).
- j. At pages 37-38 of the Land Use Plan, there is an extensive discussion of the Union County Water System, and it is clear from the discussion that a vibrant water system is instrumental to the future of the Town.

Basically in summary your own Zoning Ordinance and Land Use Plan recognizes that this is a residential community and that growth is going to continue and that larger subdivisions are required to hook into the Union County Water system. We contend that this water system needs to be updated with a water tank to address these pressure problems. It is clear we contend that this proposed use is consistent with your ordinance, your Land Use Plan and we need to put it in this location to address the needs of the Weddington residents and also the residents outside of Weddington. I will address the issues raised earlier by Councilmembers regarding the location of a pump station. There is no desire or intention on the part of Union County at this time to put a pump station on this site. We are going to have to do a pump station. We are in negotiations with a couple of pieces of property. If we locate a piece of property that happens to be in Weddington for the location of the pump station that would also be a Class II Essential Service and we would have to come back before you with permission to put a pump station. I will be happy to answer any questions that you have.

Mayor Davidson – Item #7 - The property that is the subject of the application adjoins property upon which the Providence VFD is located; this is an Emergency Government Service Facility under 58-58 (2) (e) of the Weddington Zoning Ordinance. That is all factual. This use is consistent with the location of a water tower in the area. Is that in our Land Use Plan?

Attorney Bundy – That is my contention.

Mayor Davidson – That is your conclusion.

Attorney Bundy – It is my contention. That came from me.

Mayor Davidson – That is not in our language. There is no association between fire stations and water towers in our Land Use Plan language.

Attorney Bundy – I would say that is correct.

Mayor Davidson – Does this document just apply to this Hemby site or could this document apply to other sites in Weddington?

Attorney Bundy – I think it depends on the site. The document specifically states that there are no residents on property adjoining this and I think it would depend on the zoning of other properties. It is in here for example that a Class II Use is not prohibited under the current zoning of the property chosen. I have not reviewed your ordinance to see whether Class II Essential Services are prohibited in other zoning classifications.

Mr. Mark Schmidt – I live in Stratford Hall. We have a major significant water pressure problem in our subdivision to the point that we have to stagger appliance use, showers and irrigation. It is truly bad. But the main point that I wanted to make tonight is the urgency of this problem. I think the need has been identified and I want to stress the urgency. This will impact all of us whether we like this site or we do not like this site. This is about Weddington's quality of life and our reputation. We are getting a black eye with prospective buyers and our property values are suffering. I heard the gentleman say that it is going to be almost two years before this site can be ready. That is two more years of me not having any water and not having sufficient potential water to put out fires in remote areas or distant points from fire hydrants. If we do not approve this site this is going to put this back into further litigation, further delay and we are probably talking about several more years. We have already been kicking this around for nearly 10 years. We are building more houses and approving them on a regular basis and there is more and more of a demand all the time and over the next two years I will probably have showers that the water does not hit the floor. It is ridiculous for a Town as vibrant as Weddington. This is unacceptable. This is a basic amenity. This is no less valuable to our values than our school system. I do not understand how we can truly fight this with all due respect to the people are here that are opposed to this. I understand their concerns of this being near their properties but I do not believe that the aesthetic impact can come close to outweighing the risk that we are taking of not proceeding. Those factors need to be considered but they do not carry enough weight for me to support that objection. I would like to request the Council approve this site and move forward with this project sooner than later and I think all the citizens of Weddington will benefit from this and it is your responsibility to deal with addressing the majority. Again not to belittle the objections I have to think that they are significantly in the minority here. I think this is something in the best interest of all of us and I would like for you to vote to proceed with this project.

Mr. Rick Yager – I have been involved with this water tower for the last six months and we all totally agree that there is a water pressure problem here in Union County. Our neighbors in Stratford Hall and Rosehill have recently received publicity on the water pressure issue. I live in Waybridge and we too suffer with reduced water pressure. Last weekend water trickled out of my kitchen sink faucet and I did not have enough water pressure to get my sprinkler heads to pop up. This is a problem that all Town residents are dealing with. The issue of site selection has been at the forefront of this debate so I toured all the water towers owned by Union County Public Works to see where past planners placed these towers. Please review the handout that you have in front of you. Here are the results: Page 2 shows the Austin Road tower located south of Monroe, very rural and surrounded by trees, sparsely populated, maybe 25 homes affected by this tower. Pages 3 and 4 shows the Marshville tower that is located in the industrial area of Marshville located on Highway 74. Industrial buildings are located next to the tower, two industrial plants located across the street and a Cold Storage next door. Zero homes are affected. Page 5 shows the old Stallings tower. This is also located in the industrial areas off of Independence Boulevard. There is a body shop next door and a Steak and Hoagie across the street. Pages 6 and 7 show the new Stallings tower which was placed in the commercial district of Stallings. Take a close look at Page 7 - to me this looks a lot like the Harris Teeter Center. Page 8 is the Indian Trail tower. This is located in the commercial district of Indian Trail with a gas station, CVS and grocery store near by. Page 9 is the northwest tower. This is very rural. For 2 ½ miles on the road in front of the tower I counted 25 homes - much more rural than 400 homes located within a half of a mile of the Hemby site. Please review the last two sheets that I had on that presentation. Compare the northwest residential site to the Hemby Site. You can see how densely populated the Hemby site is in comparison. In summary, your predecessors and Town Councils and Public Works made logical decisions where to place these towers. It appears that they looked out for the residents of Union County. They located these towers in either very rural areas affecting very few homes or in commercial districts in town. Considering the precedent that has been set by all the prior leaders the additional costs of \$250,000 for the Hemby Site and the lack of adherence to the Land Use Plan I would ask that this current Town Council follow the lead of prior leaders of Union County and listen to the concerned residents of Weddington and place this water tower in a commercial district of Weddington. Let's not delay this anymore. Please start a review of the Harris Teeter site. Your decision will affect the Town for the rest of its history.

Ms. Eddie Leighton – I live in Matthews. I do not live in Weddington. I bought a lot in Weddington eight years ago when I knew we were going to have to move because we lived in the way of a road called 485. NCDOT in its infinite wisdom put a freeze on our property in 1972. They took what they needed for 485 and said we will

be back and you may not use this property because we want to put in an interchange. We knew we had to find a place to live. We found a beautiful lot in Rosehill which was then just in Union County and was not even in Weddington. When the opportunity came along to be a part of Weddington we thought it was wonderful out here and we approved it. I have watched as the value of this property has gone up some \$25,000 since we purchased it. But unfortunately there is nothing I can do with it because there is not enough water to satisfy our needs. We are in a quandary and whether we choose the Hemby site or the downtown site does not matter. The need is urgent. We need to have a resolution to this and not tomorrow and not next week but we need a resolution now so that the folks in Weddington can have the same quality of life that we felt Weddington could afford.

Attorney Christopher Duggan provided the following affidavit:

We, the undersigned, residents of Weddington, North Carolina, hereby grant our time to speak on the conditional zoning application for a water tower at the Hemby Road site to attorney, Christopher Duggan. This 14<sup>th</sup> day of October, 2013.

Tonya Mangum  
Gene Dominy  
Bill Wentz  
John Tomcik  
GeriAnn Tomcik  
Harry Smith  
Laurie Smith  
Janet Kennelly  
Jack Kennelly

I live in the Town but also represent a number of individuals who oppose the tower at the Hemby Road site. Let me be clear from the start that we all acknowledge that there is a need. We know there is a need. We have heard from a lot of folks that there is a dire need for water pressure. My folks are not here trying to stop this Council from providing that need. In fact that need has existed before today and existed before this application was even brought to this Council. This need existed as you heard for seven years. Two applications were brought before this Council - not this Council but this Board. The first in 2009 and that was next to the Methodist Church and the second in 2011. Just think if the Council had approved one of those two sites we would have the water pressure we need. In fact in 2011 the Council voted for the tower. If that tower was not rescinded and two members of the Council were on that Board to rescind that vote that need would have been satisfied. I ask you to look into your own voting record on this issue. Now that you say that the need is dire why did the need get more from 2011 to now? I tell you why. There is more development going on. You have to approve certain development within the Town and this Board is bringing on new houses. Countywide – Stallings, Marvin - they are approving it. We are adding to this problem as we go along. I have another question tonight. Why are we even here? May 2013 there was a vote of this Council to choose the Hemby site. It was disguised as a non-binding resolution to choose the Hemby site. I have had discussions with the Board. I have heard from this Board and the representations of this Board have been made not only orally but in writing that the location is done. I ask you why are we here if the location is done according to some members of this Board? It is done. Don't delay it. Don't be a part of the problem in delaying it. The location is done. That location being done is done before the Board has even reviewed an application for the site. Does the tower work on the site? Pete is a pretty smart guy. He is not going to design a tower that is not going to work. It is going to work for this site. It is going to work for the other 30 sites that they looked at that had the proper elevation and proper proximity to the pressure zone. What makes me concerned is this Board or members of this Board have made up their mind before an application has been before them. I can't think of anything more arbitrary and capricious than a Board representing to its constituents that the decision is done before an application is even before it. It is 179 feet it has a 74 foot tall bowl, 48 foot wide diameter base, it is going to be one of the largest towers if not the largest tower by volume in Union County. I am not talking about height I am talking about volume. The hydraulics are going to work. Yes the Hemby Road will provide that relief. But this Council

chose to ignore the other locations that were available. One was in the commercial zone. Weddington has a commercial zone for a reason to limit its commercial development. Why? All you have to do is look at the Land Use Plan. The Land Use Plan purports to protect the scenic and rural views of the Town. If the hydraulics work we are left with the aesthetic and rural views. Does this protect the aesthetics and rural view of the Town or does the site closest to the commercial zone protect those aesthetic and rural views? This sheet was provided to me by Ed Goscicki dated April 30, 2013. It shows that there are three sites on the table – the Weddington-Matthews site behind Harris Teeter, the Hemby Road site and the Weddington Road site. Guess which one cost the most to construct? The Hemby site. Was this Town provided this information when it chose the Hemby site, when it determined the location is done and we are going with Hemby? I don't know. Ask yourself that question. I have heard a number of Councilmembers also tell me that the only time that we get ever get anyone to come out to the meetings is when they are opposed to something. That is true. People have baseball games and kids to put to bed. I have offered some time ago before the public hearing took place to take this application that you have for Hemby and run an application at the same time for behind Harris Teeter. You vote up or down on either one of those applications. The Council said no we are going to put our blinders on and look solely at this application for this specific site. It is going to work hydraulically but is it going to work to protect those views that the Land Use Plan purports to protect? You have heard "not in my backyard." Everyone says come to me with something other than not in my back yard. The music started and all these sites were up for grabs. The music stops in 2013 and Hemby is on the list. Music stops and Hemby is without a chair. That is what it boils down to. The need has been created and the need is so great that we say we will not let the residents that are so affected by this tower have the ability to say not in my back yard because I like the scenic and rural views in the backyard. I like driving down Hemby and looking at soybean or corn farms rather than looking at a 179-foot tower. This Council said not in my back yard but that is what the Land Use Plan purports to protect. I am going to read from the Land Use Plan. I know that Attorney Bundy has given you all the technical reasons why we need the tower pursuant to the Land Use Plan. Every single of those reasons applies to any other location except what is directly adjacent to that. I wish I could remember the name of the gentleman I spoke to at one of the public hearings. He has the farm behind and he told me this is right on his property. I said to him, "I guess you can get commercial" and he said, "Yeah, I will take commercial any day of the week." Land Use Goals – Goal #1 - To ensure all new development takes place in the manner that conserves open space and scenic views. Does this conserve open space and scenic views? I contend not. Goal #3 - Minimize the visual affects of development from surrounding properties and roadways. That includes driving down Hemby Road. Now I know some Councilmembers have taken rides through the neighborhoods. Simply driving down these roads and looking at these neighborhoods in front of them you cannot see from these people's backyards. You cannot see what these people see out their bedroom window or bathroom window. I have heard from this Board that we are not considering other areas. No other application or other site because we are hyper focused on this Hemby site. That is short sighted. You are short changing these citizens if you are limiting to simply this application and this site only. The Land Use Plan is much greater than that. This tower is going to be here for 50 years. Guess what happens when that tower runs out of its life – another tower will go up right where it was. Your decision tonight affects this Town for decades. This is not an application where we are trying to site a Kohls or trying to put in a Harris Teeter or some other development where the developer comes in. This is a water tower where there are multiple areas to place a water tower at and guess what? The site behind Harris Teeter is still for sale. There is nothing that says you cannot have them go back and put a water tower there. We are looking at the need to provide adequate utilities. Back in 2011 Mr. Goscicki came before the Board and discussed various properties and what was thought to be the most optimal property. You know what he said. The King Property is the best property for us. You see on this purchase sheet here the reason the King Property is not going up for sale is because they wanted a lot more money than it is worth. That is where it was most optimal because it is closest to the 24-inch main. It is closest to the center of the pressure zone. The Hemby site did not even come on line until 2013 and again that is when the music stopped. The Hemby site will cost more and it is going to have a greater impact on more residents that surround it. I ask each of you to vote to deny this application. Ms. Harrison, you had once said that you do not believe that the tower should be in a residential area. I ask you to maintain that belief. Ms. Hadley, when you were running for office you said you did not believe that a tower should be located in a residential area. Mr. Barry, you voted to rescind the previously approved site. I assume you voted to rescind it because it did not fit within the Land Use Plan and preserve the historic and rural views. It was not documented within the minutes. But I ask you to hold true to those beliefs. Mr. Thomisser, you are

very proud of the fact that you voted against every one of the sites. Make it three. I said before regarding a dual application process and I truly wish that you would vote against this as not purporting with the Land Use Plan. I also have another suggestion for you and I have discussed this with each of you so you know it is coming. The County is going to give you a standard issued water tank. Do with it what you will the County says. You tell us where you want to put it. You all said to put it at Hemby Road. I ask you to do this. The residents of Weddington should have a say in this process and not based on the hyper focus of each application because you are going to get a room filled with the same people opposing it here and across from Providence Downs. No matter where you put it you are going to have the same people; I ask you if you cannot have a referendum to decide where to put this thing you can have a referendum on how to finance ground tanks. Put a condition on this application that the County will come to you with a proposal for ground tanks. Then this Council put up for referendum a decision on whether the residents as a whole decide they want ground tanks or not and decide whether they want to fund ground tanks through bonding. This could be an up or down bond resolution. If it is approved great then they can easily screen ground tanks - you can not easily screen a 179-foot tower. If that bond referendum fails, put up the tank either here or at any other approved site at the time of the referendum. That creates a subset for you all. You can have a referendum and at that time the site is determined by you whether it is this site or another site, the referendum takes place, if the bond referendum fails then you have the elevated water tank. I urge you to consider this. This is a decision that you may or may not be around to see the results of it. What happens to this corner if you put a ground tank here? I have heard that there is never going to be commercial development. None of you can promise me that. There is going to be a fire house, an elevated water tank, a cell tower, there is a church in the process coming on line - what are the characteristics of that corner? The pressure to develop is going to be so great at some point that you are going to have to look outside your core center and where are you going to look or where is a future Council going to look? Nobody knows. This will definitely have an impact on those decisions. I strain to bring up the recent decision against the County on the School Board issue because I am sure somebody is going to bring up the fact that the County is going to have to increase taxes and nobody is going to increase taxes to fund ground tanks. I get it. But do two wrongs make a right? Let your citizens vote. Clearly whether you agree or disagree you see what the impact of 12 individuals has on a decision. Is that impact less or greater than four? Let your citizens have a voice and not hyper focus on one application. Mr. Perryman was at the Planning Board Meeting and he showed a tank in Charlotte and a house right next to the tank. He did show some pictures of that and put it in the minutes that behind that is commercial. Keep that in mind if that picture is brought up tonight. What is the highest use of the property at Hemby Road after this water tower comes in? I can ensure you it is not \$500,000 homes next to that tower. What is that area going to become? Who is going to buy and develop that area? I ask you to deny this application. It does not fit in with the Land Use Plan. It does not protect the views. Yes it is needed but do not make a decision just because of that need and an error that you made in adopting a resolution to choose the Hemby site. I ask you to consider the referendum idea. Thank you for your time and allowing me the opportunity to discuss this and being responsive to me when I contacted you.

Councilwoman Hadley – Were you in attendance at the Public Informational Meeting that Union County Public Works had back in April?

Attorney Duggan – Yes I was at that demonstration. They asked us at that meeting do you like blue or do you like brown.

Councilwoman Hadley – We are not talking about the same meeting. I am talking about where they were talking about the two different locations. This was back in April.

Attorney Duggan – I was not.

Councilwoman Hadley – Were you aware that the majority of the people at that meeting were in favor of the Hemby location?

Attorney Duggan – I do not know who signed up or signed in or who was in attendance.

Councilwoman Hadley – Were you aware that when we had the two locations on the agenda at the Council meeting that the majority of the people that showed up were in favor of the Hemby location?

Attorney Duggan – I was not aware of it.

Mayor Pro Tem Barry – Attorney Bundy, you were at the meeting at the Middle School when they did the straw poll. Do you remember the numbers?

Attorney Bundy – 22 to 11 in favor of the Hemby Road site.

Mayor Davidson – Did we have a public hearing for the decision between Hemby and the Matthews property?

Attorney Fox – I do not recall a public hearing.

Mayor Davidson – Why are we having a public hearing tonight?

Attorney Fox – Because we have a formal application that we have received for conditional zoning approval and we are having a public hearing that is required for a conditional zoning application. It is required under the Weddington Town Ordinance.

Mayor Davidson called for a 10 minute recess.

Councilmember Thomisser – Did you mention in your presentation the fact that there is a cell phone tower near where the proposed water tower is?

Attorney Duggan – I did.

Councilmember Thomisser – Did you indicate how tall it was?

Attorney Duggan – It is over 180 feet.

Councilmember Thomisser – It is over 185 feet and the water tower is 179 feet.

Attorney Duggan – It is a little different profile.

Councilmember Thomisser – Are you aware that not a single person on the Weddington Town Council ever talked about commercializing the Hemby Road area?

Attorney Duggan – In my 20 minutes I had discussed this or future boards because this board is not going to be together forever. Down the road some future board may determine that it may be best to start commercializing that area.

Councilmember Thomisser – Are you aware of the fact that we have to make a decision tonight based on the facts as of tonight and not something that could happen five to 10 years from now?

Attorney Duggan – I think your Land Use Plan dictates that you look to development into the future and not just tonight.

Councilmember Thomisser – I do not believe I heard you say in the area behind Harris Teeter that there are 175 people that live in the area that signed a petition and I would like to put that in the record. That is a residential area also. You are calling the area down behind the Harris Teeter a commercial area and what I am saying is 175 people signed a petition who live in that area. It could be also considered in a residential area as opposed to a commercial area because people live there and have homes there.

Attorney Duggan – So in that vein would residents that abut the commercial zone be also zoned commercial?

Councilmember Thomisser – I just want you to understand that this is a residential area also.

Attorney Duggan – I agree. Nobody is going to want a water tower near them.

Mr. Graham Wilson – I am amazed that you are sitting there. I truly am. We are looking at committing \$4.5 million of Union County money on a water tower that has got to have a pump house otherwise we just threw \$4.5 million away and we don't know where we are going to locate the pump house. You can't have one without the other. I do not see what you have to decide. You've got to have the whole picture or none of it. That is like me buying a computer system and not knowing what I am going to put on it for my business. My stockholders should fire me. I do not dispute the need for water pressure. My concern is the way it is being handled. The need for water pressure is not limited to the town limits of Weddington. It is needed in western Union County. Appearance is everything. It looks like you are being very selective in the way you use the Land Use Plan. Recently land was rezoned to have more commercial real estate at Weddington Corners but for some reason that commercial property cannot be used for the water tower and there may be 175 people that live near Weddington Corners but there is surely not 175 Harris Teeters on Hemby Road. At the recent Planning Board Meeting they voted on the location on Hemby Road and one of the members did an elaborate PowerPoint presentation using a water tower on 7<sup>th</sup> Street in Charlotte as a comparison to what is being proposed on Hemby. Unfortunately only one street was referred to in that presentation and somebody did allude to that water tower and here is a picture from Google maps. Anybody can look it up. It shows one street of houses, the other three sides are commercial property. This kind of selective information is making the residents of the community extremely concerned. It is inaccurate at its best. With the water tower is the increased probability of additional commercial property. Without the water tower there is zero probability of commercial development. We have heard the rumor that the tower is going to affect property values. Without the water tower it is not going to affect property values.

Ms. Nancy Meyer – I appreciate everything that the Council has done with the County. We all understand this is what it will be. Pretty much everything has been said already. My concern is when my husband and I moved to North Carolina from Texas 13 years ago we chose Weddington because of the rural and residential nature. It was not commercial. We knew where the commercial area was. Now all I can picture with a water tower on Hemby Road behind that fire station is the soybean fields turning into a nail salon, a pizza parlor, get your oil changed quick business and a CVS or Walgreens across from Hemby Road. Being a farm girl from the State of Missouri and still owning a farm there I can tell you that the soybean fields and wheat fields when it is the right season are not going to be agricultural any more. They are not going to be residential because who would want to buy a home with a water tower as the shadow of your back yard. I know when we moved to Weddington we chose the house we did knowing full well that the power lines ran across the back of our yard. I grew up on a farm and was thrilled that the power lines came through the farm and we had light from the electric lines. My concern is not that we shouldn't have a water tower. Water is badly needed and I am sorry this can has been kicked down the road for so many years. My concern is I do not think the residents of Weddington deserve to drive down Hemby or Weddington-Matthews and Beulah Church Road at that intersection and see the kind of low end commercial property or low end apartment buildings.

Ms. Linda Watt – We are cold and tired. It has been stated that those of us who oppose the Hemby location do not care about our neighbors having water pressure problems. We care very deeply and I too am suffering with water pressure in my home. It was mentioned tonight about the pool areas or the other areas around the water tower. The areas around this proposed water tower to take out chlorine as mentioned is because this tower has the potential to drain into Six Mile Creek and devastate it. US Fish and Wildlife has requested Union County Public Works give them their plans and they are still waiting. It was mentioned that 150 people had signed a petition. We were 320 people with our petition that went to everyone and 100 people sent letters to the County Commissioners opposing this site and zero people sent letters in favor of it. This water tower is in a residential area and will only serve 1,000 Weddington residents. There are 9,400 Weddington residents and yet this will

only service 1,000. There are no plans for this proposed water tower to build much needed fire hydrants in Providence Woods, Providence Woods South or any other subdivision that is near the Hemby location and believe you me they need their fire hydrants. It seems kind of weird that the guys from Union County Public Works would say oh the water restrictions for watering grass does not make a difference. I believe that if everyone is watering their grass on Sunday it does make a difference and we need to have things in place right now to give some of these people in our area relief. Three Planning Board members voted that placing the water tower on Hemby violates the Weddington Land Use Plan because it would change the look of our residential area. No homes will be built next to the tower. On Page 54 of Land Use Plan "the look of a community's surroundings is also important to the economic well being of its residents, deteriorating appearance can be tied directly to the decline of residential areas and their property values." It also mentions business but we are talking about 450 households - about 1,000 people who will be adversely affected and our property values will decline and your tax base will decline. Multiply that over 30 years and you are not being fiscally responsible. I like you guys as people. Weddington Councilmembers, do the right thing. Your decision was not binding and Hemby Road is not the location for this water tower.

Mr. Cory Riback – The water tower would not even look good behind Harris Teeter but it is certainly a commercial area and would fit better. I have one question for Pete. Every other meeting I have been to it was mentioned that the water tower could withstand 110 mile an hour winds and tonight he said 200 mph which is a big difference. Which is it? I am concerned no matter where it is put. My uncle got hit with a tornado last year and my aunt – one in Delaware and one in South Carolina. Tornados are real.

Mr. Harry Welch – Our family moved from Mecklenburg County for several reasons. I am originally from Charlotte and have lived there all my life but we moved to Union County for several reasons - one of which was we got tired of the Mecklenburg Council not doing the things that they said they were going to do when they were voted in. For example, we voted as tax payers twice that we did not want a downtown arena; however, Charlotte has a downtown arena. The Council decided that is what they wanted. We said let's move to Weddington. It has the feel of a small residential looking town. Town Council should be representing all the residents of the community. The Town Council should honor and respect the majority of the people. However, it looks as though there are other hidden agendas. When you said that you thought the best site was going to be a downtown location for a water tower then why all of a sudden did everything change over to Hemby Road? It seems like there are hidden agendas that do not make a lot of sense. I said at one of the other meetings why not put a water tower downtown and make it something that Weddington is famous for. You have the peach in Gaffney. Why not put a strawberry water tower in Downtown Weddington? People would know Weddington for that. It seems like we are looking at an industrial sized, industrial looking tower that is going to be put in a residential section. Some that are opposed have said this is going to be a springboard to allow for commercial and industry that we do not want in this residential section. Look at the majority of the people that are here that are against Hemby Road and please vote no.

Mayor Pro Tem Barry – Did you attend the Public Involvement Meeting where the engineers went over the design of the tower?

Mr. Welch – Yes.

Ms. Debra Welch – I think early on the very first thing that happened was the Mayor prayed about Solomon and Solomon having wisdom. That wisdom came from God. God told Solomon you can have multiple things, what do you choose and he had a list of the items he could have chosen and he chose wisdom. You all sacrifice time and all these other families here have sacrificed time. Tonight is our wedding anniversary. I do not need applause for that or a pat on the back but we thought it was this important to be here to be at this meeting. We have given up our evening to be with you guys. We moved here 10 years ago and the sad thing is there is a lot of good people in this auditorium and there were a lot of good people in this auditorium that left and the division in this community is bad. We as residents do not wish that on this Town. We would like to see unity. As Chris spoke he said that no one is going to want this water tower. If you have driven and looked at other water towers and you have seen the pictures they are not pretty and no one is going to want it in their back yard – no one. My



husband and I, Chris, and other residents are asking you all to resolve this issue. We know that people need water, we understand that and it is vital to life. We are asking that you put it in the Town center. Thank you for your time and we appreciate your vote.

Mr. John Mendes – I'd like to applaud the earlier statement by Susan Neubauer. I thought it was excellent. I would like to thank Pete for the excellent technical review and I can appreciate the sense of urgency by the Stratford Hall residents for resolving this problem. I would like to thank Chris Duggan for all his efforts and his presentation tonight. I understand the importance of the new water tank and having traveled the Carolinas for 32 years it is my observation that the water tank is generally located on the main roads. I question the additional cost of locating the tower from a main road to Hemby Road. I think there are a lot of hidden costs that have not been taken into consideration. I have not heard the reasons why or details why two previous locations were declined. I think the community is owed that information. Why does a decision need to be made tonight? I would also like to know how many people were present at the April 23 meeting. Why can the proposed site not be voted on by our citizens? I would like to thank the concerned citizens for turning out tonight and I would like to thank Mr. Welch for his comments. Please listen to the residents and consider other locations that are on or next to existing commercially zoned property to resolve this issue.

Mr. Blane Neubauer – There seems to be a lot of contentious stuff tonight. That is too bad. I understand the need for additional water supply for Weddington and the surrounding towns; however the location at Hemby should not be supported for several reasons. The first reason is it does not meet the clear criteria per engineering reports documented and reported on in earlier sessions on this topic. It is also not in or near Weddington's designated commercial area. The process by which this location was chosen and brought to a vote has not been open and transparent. Can Ms. Hadley talk about the meeting that took place because I would like to know if it was by special invitation because I did not know anything about it?

Councilwoman Hadley – That is Ms. Hadley – H-A-D-L-E-Y. The meeting was June 30. I would have to look back in my notes but it was advertised as a public meeting from UCPW. It was on our website. It was on their contact list. It was advertised.

Mr. Neubauer – What time was the meeting?

Councilwoman Hadley – It was at night.

Mr. Neubauer – What time?

Councilwoman Hadley – 6 or 7.

Mr. Neubauer – Next time you need to make more of an effort to let people know. Certainly more than 50 people would have shown up. One last thing...

Councilwoman Hadley and Harrison – Your time is up.

Mr. Neubauer – You are lucky.

Mr. Mark Wetherbee – I first moved to Weddington in 1994. My wife and I have lived in two different neighborhoods. We lived in Weddington Woods and we now live in Providence Woods South. I would be surprised if anyone is actually against building a water source for Weddington residents. I am against the gigantic tower in any residential area of Weddington. There will be more than 400 custom homes nearby and more than 400 families located within a ½ mile of this tower if it is built on Hemby Road. This is not going to be a good old fashion water tower. In order to hold 1.5 million gallons this tower will be a massive, massive structure. I would like to request that any Weddington water storage facility be built only as a low ground water storage tank regardless of where it is built. Here are some facts: the average water tower in the United States stands 120 feet tall where Weddington's will be 179 feet tall. It is surprising to me that our Council is even

considering an 18-story tall structure by any Weddington neighborhoods. The Gaffney Peach is 130 feet tall – 50 feet shorter than ours will be. The peach is located off a major highway by all commercial and holds one million gallons of water and compare that to the Hemby tower holding 1.5 million gallons. Out of the 11 water towers located near neighboring Mecklenburg County not one is taller than Hemby Road and that includes the tallest near Concord Mills. Does Weddington really want to beat Mecklenburg by having the tallest water tower - especially in our community? If the tower was actually placed in Weddington's commercial area it would be slightly more palpable; instead you picked the residential Hemby site near hundreds of Weddington homes. It is hard to imagine that any of you would stand by as a massive tower was built near your neighborhoods. It is not right that citizens in multiple neighborhoods are going to be looking out their back porches at a 18-story water tower. We need you to help us. This tall and massive tower should not be near any neighborhood in Weddington. A low ground tower would be the least offensive compromise. They are commonplace throughout North and South Carolina. The argument that the low ground tanks are too costly should not hold any weight in Weddington. Before a decision is made regarding zoning I request you consider moving forward only if a low ground water tower can be built in Weddington. We are counting on you to do the right thing by your citizens.

Ms. Dawn Panzeca – I live in Rosehill. Frankly I am a little dismayed listening to some of the laughter happening here tonight considering this is such an urgent situation for a lot of people in the Town of Weddington. It is a little offensive. For over seven years, we have endured an alarming decline in water pressure that has become so erratic it is wreaking havoc on our appliances, our irrigation and our quality of life. Every day we struggle with basic functions you all take for granted. We plead our case before this Town and the County amid fervent opposition by a number of groups for almost eight years now. Those opposed also suggest they represent the interests of most residents in this Town. That assumption is inaccurate and misleading. Armed with all the facts we firmly believe most residents would realize that with each delay more and more families are inheriting what used to be someone else's water problem. It is indisputable that this water issue is quickly spreading to other communities. After eight years and after 20 proposed sites, it is plainly evident that no location will ever be ideal. Each proposed site sparks a debate over location and every aspect of bidding, engineering and zoning despite the recommendations and assurances of the County Public Works Engineers. Each new site leads to further opposition, further proposals and further delay. It is a vicious cycle. Everyone here tonight has acknowledged this water tower would provide much needed water pressure for its residents. This is not only essential it is time critical for hundreds of affected households in this Town and yet the Town Council is being asked once again to ignore this fact in favor of co-applications, more applications and further debate over the Land Use Plan, elevation and vicinity. Given the urgency of this situation, it is simply unacceptable. At a staggering rate, new homes are being built on a water line that is failing to meet today's demand. More homes will tax our inadequate water supply and pose a serious health and safety risk to its residents. This is medieval. With zoning approval, completion of this tower will be 18 to 24 more months. Any additional delay will only exacerbate this problem and further threatening a growing number of residents in this Town and hurt this Town's reputation as a great place to live. While we may not be the vocal majority here tonight make no mistake we stand with hundreds more Weddington residents who have purchased homes in good faith in this Town on a public water line that has failed us. This Town and County is obligated to fix it before it gets any worse.

Mr. Mario Caycedo – I am a 19 year resident of the Providence Woods South neighborhood in Weddington. My family and I moved to Weddington because we thought it was one of the most beautiful towns in the country. We love the open views, the large number of trees and the pride that people take in their properties. Over the years I have attended several town meetings addressing a wide range of topics. Only today I decided to speak before you because I believe that the Town that we are so proud of is under threat. Everyone needs access to plentiful clean water. How the County and the Town chose to provide this water says a great deal about the Town and its people. During the last several years a water tower solution in one location or another has been proposed and voted down for various reasons. Today the Council would vote again on another tower location off of Hemby Road but why have the previous locations been voted down? We all know why. None of us wants it in our yard. My family and I do not want it in front of our neighborhood either. It is an eyesore that will remain with us for the next 50 years or more. I propose that we stop looking at each other's neighborhoods

to place a tower there that we do not want in ours. In reality we don't have a water tower problem, we have a water problem, water pressure problem, water quality problem that is what we need to address. A tower four times the size of the tallest trees that we have in our neighborhood is not suitable for that area. I am here to ask you to keep the character of our Town without adding unsightly structures in our neighborhoods. Let's focus our energy on finding an alternative that we can all live with. Why then do we not take a serious look at other alternatives that do not ruin our Town? Let's look seriously this time at ground level tanks that would provide water pressure and availability that we need. I have seen these by the way in Greensboro and in Staten Island, New York and they work and you can build a beautiful park around it.

Ms. Sandra Hall – We are for the water tower. Shame on you for reasons unknown to us as to why you have not already approved this and why we do not have more water and more water pressure in Weddington. I am one of those that moved here for the rural area. I grew up in South Carolina. When we rode down the street you knew what town or what village you were in because of the water tower that you saw. I am for the water tower but I am for it in the commercial area. When you drive in from Waxhaw you will see our water tower that says Welcome to Weddington, North Carolina. That is what I am for. I am also for the water pressure. I do say again shame on you for not approving this already for these people who are running out of water, who cannot take showers and who cannot even water their lawns if that is what they choose to do.

Mr. Robert Gunst – I live in Rosehill and obviously I am dramatically affected by this. I have seen my water pressure go from nothing to zero on more than one occasion. One occasion which I recorded and sent the information to you so you would have this visual concept of exactly what we deal with on more than one occasion. I appreciate the efforts of the Board. They are working with the County. I know that they have had several public hearings referencing the choice of sites – two of them I attended. Hemby was the site that was actually approved by the majority of the people there. There was public notice that the meeting was to take place. There is always a lot of people that do not get the word. It is not your responsibility to babysit. The opposition always occurs once the location of the site is chosen. When the King property was approved in 2010 the opposition had people concerned about the cemetery and caskets popping out of the ground when the flood comes up. In 2011 on Providence Road there was once again a large vocal group of residents across from the location that were very opposed to it and had very lengthy comments that it was going to create a property value problem. It is a property value problem when you try to sell a house with no water. Now the Hemby site and we have a vocal group again for many of the same reasons that we want it but we want it at another location. The reality is everybody knows that we have to have it. We had to have it a long time ago. This Board has not only a moral but it has a professional obligation to resolve this problem finally. If it goes on you are going to get the same opposition but with different faces. A decision has to be made and I am asking you to approve this along with these petitions signed by the great majority of the people in Rosehill which I would like to present to you. Do it tonight. Have the courage and integrity to vote, state your position, get this thing done, get it behind us and deal with whatever comes up after that.

Petitions were received by Mr. Gunst from the following individuals:

Chris and Dawn Panzeca  
Jennifer Madaris  
Phillip Klein  
Robert P. Gunst  
Paul McLeod  
Brian and Carrie McCament  
Doug and Monica Buttrey  
Joanne Leonard  
Brandon Keeneh  
Brandi and Bradley Hoover  
Todd and Laura Laire  
Edwina Leighton  
Oktawian Rybinski  
Lie Shi

Ronald and Gloria Garrick  
Faruqe and Julie Alam  
Michael Wolf  
Marilyn and Marty James  
Gregory and Allison Artet  
Michael McGuire and Joanne McGuire  
Cristina and Karl Weeks  
Bari Caplan-Bolger  
Jim Bolger  
Michael and Shannon Welton  
Kelley Cobb  
Justin Vandergrift  
Reginald W. Rivers  
Bruce Dann  
Vanessa Rivers  
Steven W. Graybill  
Kim S. Graybill  
Manuel Trotman

Ms. Wendy Shaw – I have been in attendance at every meeting where the water tower has been discussed starting with the meeting at Weddington Middle School where there were 32 people in attendance. I am the one that did the legwork that got over 150 signatures on a petition that were against the site in Weddington and for Hemby Road. The previous location was voted down at previous meetings because of the majority of the people spoke were for Hemby Road. I ask that as you consider your vote tonight that you consider the people that spoke out when this first began and attended all of the meetings before now. Just to clarify – Weddington historically has not been known for their strawberries they have been known for their row cropping so if our water tower has anything on top of it - it should be a John Deere tractor.

Ms. Linda Manus – I would respectfully ask that this Council vote for the Hemby Road location.

Mr. John Zakary – I believe that it has been shown that this is a western Union County water problem and that the problem is that the solution is being forced on Weddington by the County engineers. The solutions that have been presented none of them which only vary by location and other details are really in the best long term interest of the Town of Weddington and I would urge you to reject them and stand firm to look for something that is in the long term best interest of the Town of Weddington. I recall that the initial engineering study did not involve such a large tower and in such a prominent location in Weddington but apparently was derailed by the political influences of the landowner.

Mr. Bill Deter – Since Council has already voted 4 -0 in favor of the Hemby location on May 13 I feel like my comments at today's public hearing may be a moot point and some may even say a farce. Also most speakers have already spoken to many of the issues around the water tower so I am not going to go over that ground therefore I would like to focus on your reasons behind your decision. This will help the voters to understand how you see the issues and how your thought processes are working. Especially since little more than 12 to 13 months ago two of you were on record as saying, "I do not want the water tower in a residential area and I am a firm believer that we need a tower and it should be in a commercial area." I know things are dynamic when they change constantly. You get new information, pressure from your constituents and other stakeholders. Everyone here agrees unanimously a water tower is needed. There is no question on that. The question is where do you put it? Sharing your reasons why you made this vote will go a long way in helping voters understand. We always lament in the lack of citizen participation in the process. That has certainly not been the case in this issue. While I was unable to attend the citizen involvement meeting on the water tower earlier this spring it was evident that it was a fairly raucous meeting that was held at the Town Hall. I am sure that Councilwoman Harrison is correct when she says they do not know the processes we follow, the laws that we adhere to, or the Council's Rules and Procedures. Council should view it as a teachable moment and encourage not discourage

voter involvement. Even Councilmembers don't always know all the processes and Rules and Procedures. That is why you have a parliamentarian to address procedural questions and Mr. Fox to address the legal questions. Again I want to thank you for your service to the community and I hope that in the proper forum maybe here this evening that you share your reasoning for your decision of supporting the Hemby Road location for the water tower.

Mr. Craig Hazeltine – I am a 20-year resident of Weddington. First of all I want to make a comment on the meeting that Ms. Hadley alluded to as well as the gentleman from Union County Public Works that was held at the Middle School. There was 35 people in attendance – 20 voted for Hemby and 15 voted for the uptown locations. There was a two-week notice of that meeting. It was held at night and no one knew about it and the notice said nothing about a vote being taken. The meeting was not well organized and to say that 20 votes for Hemby is a mandate for that site hopefully that is not the way we are running our Town. I was also at the design meeting also at the Middle School where I was told we would have multiple options. We were shown two - one was the original dome and one was the concrete. A multiple leg structure was never given as an option and we were told that we would have it. We never got it. Both of the tower options were not attractive. It should not be put on Hemby Road. It is much more appropriate in a commercial district. I would like to make some comments about each one of the Councilmembers. Councilmember Thomisser stated in council meetings, "I went to the proposed site at the fire station. I looked around and did not see any homes from that site." There are close to 2,000 homes within ½ mile of that site. You can look at it on Google earth and find it. The reason that Mr. Thomisser does not want it uptown is because he lives in Highgate and it is not in my back yard. Ms. Hadley was asked in the Union County Weekly November 4, 2011 and she advised that her opinion is that the water tower should be located in the commercial industrial area and not residential. When it was proposed on Cox Road Ms. Hadley opposed that site – not in my back yard. Ms. Harrison said that everyone should know that I don't believe that a water tower belongs in Weddington since it does not meet the criteria of our Land Use Plan. She further added it will lower property values and give the perception that Weddington does not care about individual property rights as stated in the Union County Weekly on November 4, 2011. Ms. Harrison adamantly opposed the site when it was up on Providence Road – not in my back yard. Dan Barry who was the liaison for Union County Public Works at the 11<sup>th</sup> hour found the Hemby Road site and gave that site.

Councilwoman Harrison – Point of order.

Mayor Davidson – How are you doing a point of order?

Councilwoman Harrison – Mr. Barry did not find that site. He did not want it.

Mayor Davidson – That is not a point of order.

Councilmember Thomisser – Point of order.

Mayor Davidson – What is your point of order?

Councilmember Thomisser – The speaker is out of order and I would like the Town Council to come to a vote on that.

Mayor Davidson – Is a public hearing different than normal?

Attorney Fox – The Council needs to be aware that this is a public hearing and they have the right to say what they want to say.

Mr. Hazeltine – I feel sorry for the folks that are here that do need water. We do need water. The interesting thing about Rosehill is that they are putting in houses in Rosehill. Why does this Town Council not put a moratorium on new building in Weddington? On behalf of Weddington, go to [www.saveweddington.com](http://www.saveweddington.com).

Councilwoman Hadley – Are you aware I was against the water tower on the Cox Farm property and that I was an adjacent property owner and that it was not across the field or road or across another field it was literally in my back yard?

Mr. Hazeltine – I can stand on my back deck.

Councilwoman Hadley – I am sorry that is not what I asked you. I asked you if you were aware that I was an adjacent property owner.

Mr. Hazeltine – Yes.

Mr. William Brady – I am a mechanical engineer. I work for Duke Power. I live in Williamsburg which is off Beulah Church Road. It is less than ½ mile from the proposed water tower location. My neighbor is Pam Hadley. She is a friend of mine. In just three years on my street I was the third house on my street; there are now 16 houses on my street. Williamsburg has basically doubled in size. First and foremost I would like to say that a water tower is much needed and I feel for the people that cannot take showers or wash their dishes. Many of the Weddington neighbors have almost no water pressure at all. However, I think the water tower should not be along Hemby Road. That location should be in more of a commercial area and that commercial area would be behind the strip mall in downtown Weddington. I was told that downtown Weddington had a historical feel. When you go there I see a gas station, car wash, Harris Teeter and multiple restaurants. That is not historical to me. I would like to say that I am not a political person whatsoever. One person really got me to speak up here. I spoke with the Mayor of Weddington, Mr. Davidson, and we had a good conversation and I spoke with him and realized that he is against the proposed Hemby Road location and the Mayor told me something. He said if you are not a political person and you do not speak and you do not let people know what is on your mind and let people know that you are against the Hemby Road location then political people will make decisions that will directly affect me and my neighborhood. I have noticed in my neighborhood that we have current water restrictions where you can only water your lawns on Wednesday and Sundays and many of my neighbors water their lawn almost daily. There seems to be no restrictions for the current water restrictions. They are not enforced. I am a mechanical engineer and know that when you use a lot of water watering your lawns it is going to take pressure from your system. When you water your lawn these other people are going to be unable to wash their dishes and things they need to do. I am here because this is not just a few people in Providence Woods South and Waybridge that are against the Hemby location. I live in Williamsburg. Please listen to us that are against the Hemby Road location and thank you for your time and attention.

Councilwoman Hadley – Are you aware that the new development in Williamsburg and Rosehill that these were all approved prior to 2008?

Mr. Brady – I know that when I bought my house I had a water hookup that was preapproved when my land was zoned for a house on one acre.

Councilwoman Hadley – All the development that we are seeing now and the new houses that are going up in Bromley, Rosehill and Williamsburg were all approved prior to 2008 and nothing that this Council has given approval to put online. Were you aware of that?

Mr. Brady – What is the question?

Councilwoman Hadley – Were you aware that those parcels were approved prior to 2008?

Mr. Brady – Absolutely.

Councilwoman Hadley – Were you also aware that a notice of the restrictions was sent out to our neighborhood?

Mr. Brady – That was following my conversation with you informing you that the restrictions were there and you did not know it. I told you about the restrictions and you were unaware of them, you called Union County, found out they were there and then Braswell Management sent everyone a letter that we had water restrictions.

Councilwoman Hadley – Would you be available for me to take you to Town Hall and give you a tour of the Historic House?

Mr. Brady – I know that there are about two or three historic houses in downtown Weddington.

Mr. Don Titherington - There is no question that adequate water supply for all of Weddington needs to be addressed and quickly. The challenge is how and with what process the water issue will be addressed. With some citizens struggling with water pressure, why is the county granting access to water for new residential developments in Weddington? With over 600 new residential lots coming to Weddington what is Town Council doing to ensure that this new demand doesn't make a bad situation worse? By all accounts a 179' water tower anywhere in Weddington would negatively affect our Town. Citizens have been clear and consistent about this issue for over five years. Citizens have been clear that they do not want a tower in a residential area. Two current Town Council people agreed that a tower doesn't belong in residential areas when they ran for office in 2011. The County has also been clear and consistent that they preferred to have a site that is on or close to Hwy. 84 since that is the 24" main they will be connecting with. In 2011 then Councilman Jerry McKee proposed to the County that ground tanks be built instead of a tower. This creative solution would have solved one of the biggest concerns that Weddington residents have expressed. So with this background it is disappointing to be here tonight debating a tower in a residential area. Citizens have been clear, Pam Hadley and Barbara Harrison both have stated that residential areas aren't appropriate for a tower, and the County prefers a site elsewhere. A project with a 50-year lifespan is up for vote tonight and by all accounts it isn't the best choice for anyone. A project that will affect not only this generation of Weddington residents, but the next, deserves to be managed in a transparent process that protects the citizens of Weddington. After all, this project will benefit Marvin, Stallings and Waxhaw as well. Some might say they will benefit more than Weddington since the majority of Weddington citizens are serviced by private wells. There is no provision for those folks to benefit from municipal water. They have the opportunity, like the rest of Union County, to stand in line the first Monday of July to sign up for a "Water Main Extension". That backlog is currently projected at four years! So I ask this Council tonight to not approve a tower here or anywhere in Weddington. I ask you to work with Union County Public Works and our citizens to pursue ground tanks instead. The County has stated that money and system impact are their biggest concerns. As we know the taxpayer does not pay for water infrastructure. That is paid by the Enterprise Fund which is funded by current and future users of water and when you amortize the additional expense over the life of the project, it is a good balance of service vs. impact on the local community. As for the system impacts, there are currently tanks in use in Waxhaw. As well, Charlotte/Mecklenburg uses ground tanks throughout their system very successfully. Particularly in areas like Weddington where a tower would have a significant negative impact. Please reject the Tower this evening, and pursue ground tanks with all due speed. This will allow you to meet the goals of the citizens, the county and our neighboring towns. Thank you for your service.

Mayor Pro Tem Barry – Mr. Huneycutt, would you speak to the ground tanks that exist in Waxhaw that Don referenced in his comments?

Mr. Huneycutt – We do have two ground storage tanks south of Waxhaw - a 2 million gallon and a 4 million gallon. There is no pump system tied to those storage tanks. Those tanks are fed from our Catawba River Water Treatment Plant.

Mayor Pro Tem Barry – Do they provide pressure to the system?

Mr. Huneycutt – They do provide pressure.

Mayor Pro Tem Barry – But only on the Waxhaw/Marvin side?

Mr. Huneycutt – To the Waxhaw/Mineral Springs side.

Councilmember Thomisser – Can you give us a comparison of a ground level storage tank with pump station versus a water tower? What is the cost difference?

Mr. Huneycutt- I think that Pete alluded to it in his presentation. We did that a couple of years ago for another site. Capital costs were roughly an additional \$1.6 million in capital and the overhead cost was \$200,000 annually to operate.

Councilmember Thomisser – Who would pay the difference between the two costs?

Mr. Huneycutt – If the County moved forward with a ground storage tank I am assuming that the County would pay the difference. This is not what we are here for tonight. Our current cost estimate is \$3.8 million for the Hemby Road site. We have not gone to the Board of Commissioners to fund a ground storage tank.

Mr. William Edwards – I want to thank you for your courage and for your deliberate consideration. I live in Stratford Hall. The water pressure is bad. That is obvious. We do have the issue of capacity, pressure and site location. I think everyone is in agreement that we have the need. It is interesting that some of the folks that are advocating for a different location expressed that they understand the need. Many of those guys are on well and septic so they are not on the system. They may be on the system later. I think we have to deal with this issue immediately. It is something that the Town Council has been wrestling with for years. It is not going to go away. It is here today. You have a tough decision to make. I would ask that you be cognizant of what you have to deal with and understand the issues that we have in front of us and at the end of the day it is going to be a tough decision for you but somebody is going to have to stand up and be the adult in the room and make the tough decision. I would request that you consider this location for the water tower this evening.

Mr. Scott Robinson – Most everybody agrees that there is a need in the community and most everyone agrees that they do not want it in their back yard. It is a tough decision that the Council has to make. What I would ask the Council and the future elected leaders of Weddington whenever this decision is made whether it is tonight or a week or month from now is to consider all of Weddington in this decision. This is an opportunity for our elected leaders to work aggressively with Union County to bring water to those residents who want it and do not have it and who do not have fire hydrants in neighborhoods such as Willow Oaks, Providence Woods, Providence Woods South and Providence Acres. The list can go on and on. This is an opportunity for our leaders to exercise some true leadership and look for an opportunity to help the entire community. The County will have to agree with this. It is within our leaders power to take action and advocate for the entire community for those neighborhoods that want it and not to force it on anybody but to ask the County to extend the fire hydrant network to provide public safety to more than just a small part of Weddington that actually has hydrants within 1,000 feet. Solving the fire hydrant pressure problem affects everybody. If you do not have a hydrant near your house a tanker will be coming to your house if there is a fire. There is an opportunity here to serve the whole community and to use this as a win-win. This tower if it is placed in Weddington will serve more than Weddington. Let's make this a real win for everybody in Weddington and bring a higher level of service for public safety. There is a lot of emotion here tonight – very understandable and not everyone is going to be happy with whatever is done here tonight. I hope that when we leave here tonight that we are neighbors and we work together going forward to try to solve our problems.

Mr. Phil Klein – I just want to do a quick review of the facts. In 2005 there was a recommendation that we needed a tank and 30 sites have been evaluated since 2007. As of October 14, 2013 at 10:40 p.m., I am still being denied an essential service in the Town of Weddington and that service is water. There have been a lot of sincere and condescending remarks about us poor folks that do not have water. Let me put a face on that for you. Two years ago my wife was diagnosed with terminal cancer. I had been her primary care giver as well as holding down an executive position at the same time. It has been more than disappointing for the fact that every so often when she could gain the strength to want to take a shower that service was not available to her and it



was not available for her until she got to Hospice where they actually have water. There is a whole bunch of people we could blame. At the end of the day problems are solved by taking action and we have action in front of us tonight that will solve the problem. The other suggestions have been not in my back yard, spend more time and money and let's restrict growth. None of those sound like good solutions to me as a business man or as someone that has a load of common sense. It is time to fix the problem. Why does the decision need to be made tonight is a question that has been asked a number of times. Let me explain that in simple term to the folks that ask that question - because I need to take a shower tomorrow morning so I can get to work to earn a living to pay my taxes.

Mr. John Ryan – I am a 20-year resident of Weddington. I live next door to Craig Hazeltine. He has inspired me to come here tonight. I usually do not come to these meetings but I think so many factors have been played out here this evening – folks that need water and folks that want to preserve their aesthetics. It is a very difficult decision no matter which way you turn and which way you end up voting. You have to trust the leadership and take all those factors in hand, weigh them as best you can and make a decision. I think that is probably one of the things that is frustrating is that decisions seem to get postponed, changed or put on the back burner. I think this is a hot enough item that if you do not make a decision pretty quick that it could get out of control.

Councilmember Thomisser – You stated that you were a neighbor of Mr. Hazeltine - how far do you live from the proposed water tower site?

Mr. Ryan – As the crow flies probably ½ mile - if I had to drive there probably 1 ½ miles.

Councilmember Thomisser – Are you familiar with where Steeplechase is located?

Mr. Ryan – No I am not.

Councilmember Thomisser – It is behind Weddington UMC. I believe that is less than ½ mile from the proposed water tower site. Are you familiar with where the Spittle House is located?

Mr. Ryan – I am not.

Councilmember Thomisser – The Spittle House would be directly in front of the water tower site behind the Harris Teeter. We had a young lady here this evening that identified herself as Wendy Shaw who I believe got over 175 signatures of people that live downtown. Do you have any idea how close she lives to the proposed water tower site behind the Harris Teeter?

Mr. Ryan – Probably within ½ mile.

Councilmember Thomisser – Less than 200 yards.

Mr. Ryan – Once again it becomes not in my backyard issues - right?

Councilmember Thomisser – Approximately two years ago we had a public hearing on the water tower site and it was at the intersection of Rea Road and Providence Road directly across the street from a subdivision called Stratford on Providence. Councilmember Harrison – how close was that neighborhood to that water tower site?

Councilwoman Harrison – It was 100 yards - 50 feet from the Baptist Church and 100 yards from another development - not a mile and a half.

Councilmember Thomisser – I just want you to understand that in the past there were situations in the case of Councilwoman Hadley where it was less than 100 yards and in the case of some of the people that live downtown it is much less than a ½ mile.

Mr. Ryan – I understand.

Mr. John Montgomery – I have heard one of the Council people talk about a straw pole taken in April. I think tonight pretty much proves that if that meeting had been publicized there would have been a lot more than 33 people there. I would like to applaud the Council on the patience they have shown on this issue. You have been wrestling with it for seven to eight years and every proposal you have looked at has been met with big time objections. Let's just look at two sites – Hemby Road versus behind Harris Teeter. Look at the question that Walker Davidson asked. He was asking strictly engineering questions. Those two sites are not the same distance from the center of the pressure zone. Those two sites are not the same distance from the 24-inch main on Highway 84. They are both different. Base your decision on the engineering preferences and on the engineering criteria. Rank all these sites based strictly on the engineering criteria. Then make your decision. There would be a lot more buy in that what you are going through right now.

Councilwoman Harrison – We received a letter from the Mayor of Stallings and we would like to read into the record since she could not be here.

Councilwoman Hadley – She says that “I am writing on behalf of the Stallings Town Council and members of our community to encourage you to expedite action in the selection of the site and for the start of construction for a new water tower. As you are aware the storage tanks in Stallings helped many of the residents in Weddington as well as communities along that western corridor. The demand on those storage facilities currently exceeds the capacity to provide adequate supply and water pressure in many existing neighborhoods. I have been advised by our local fire department officials that inadequate water pressure and hydrants poses a safety hazard and requires added time in refilling tanker trucks. These concerns have persisted for a number of years. Stallings Town Council directed the Town Manager to write to Union County Commissioners in October of 2011 to request action that would provide resolution of this problem. We understand that this has been a difficult and lengthy process. Infrastructure improvements can be controversial and though necessary can sometimes be unwanted. However as elected representatives we must act with social conscience and in the best interest of the broader region. There is a considerable activity for additional commercial and residential development in the area. Further delays of the construction of the water tower can exacerbate the strain on current facilities and increase the risk of interrupted service and limit effective emergency response from our fire departments. While we can not appropriately involve ourselves in choosing the site as a Council we unanimously and strongly support whatever decision you make to move this process forward immediately – Linda Paxton Mayor of Stallings.”

Mayor Davidson – That is great. On Page 7 where did Stallings place their water tower – the strip center. We can get this question asked – is it 200 miles per hour or 110 miles per hour?

Mr. D'Adamo – At previous meetings we talked about design standards and numbers were mentioned. They look at when a tank is empty and when it is full. Their response is that they are typically designed to handle 230 mph winds.

Councilwoman Hadley – Will a water tower in Weddington expedite immediately or in the near future the ability for more users to sign up? Will it be helpful?

Mr. Huneycutt – Yes.

Mayor Pro Tem Barry – We have an issue with fire hydrants. If we get this built is the engineering going to work that we can put a condition on that tower that would allow us to condition for additional fire hydrants for Willow Oaks, Providence Woods South - these legacy neighborhoods. If we take it, we want to get in the front of the line.

Attorney Bundy – I am not certain if you are asking would the County at the County's expense put in additional lines to provide hydrants for subdivisions that do not have water at the present time. Is that what you are asking?

Mayor Pro Tem Barry – We can start there.

Attorney Bundy – The Council under your ordinance has the right to impose conditions under certain circumstances. We are not authorized tonight to agree to any conditions that materially affect the costs of the project. That is something that we would have to take back to the County Commissioners.

Mayor Pro Tem Barry – What is the definition of material?

Attorney Bundy – We have come to you tonight with a request for an elevated water tower. We anticipated that you may request some additional trees, etc. We anticipated there was some discussion on whether or not the County would allow someone to put a cell antennae on the tower. We knew there was some opposition to that. If we are talking about putting in an additional water main to provide water service for many folks that are not serviced currently that is something that we are not authorized to consent to tonight. We would have to take that back to the County Commissioners to ask and address that with them and to come back to you with that if that is a condition that you are considering.

Attorney Fox – The Council does have the opportunity under its ordinance to impose reasonable conditions; however, the ordinance provides that any such modifications to the application or imposition of conditions will have to be approved by the applicant. It also provides in the ordinance that the applicant should have a reasonable time to consider any reasonable conditions that may be requested of the applicant.

With there being no further comments or questions, Mayor Davidson closed the public hearing.

**C. Consideration of Conditional Zoning Permit for Union County Elevated Water Storage Tank.**

Councilwoman Harrison moved to approve the conditional zoning permit application for an elevated water storage tank with the following conditions and the proposed CZ Application meets the reasonableness and consistency of the Land Use Plan, Zoning Ordinance and any other adopted plans:

1. All engineer's (USI-Bonnie Fisher) comments must be addressed and completed prior to any Construction.
2. Applicant must apply for NCDOT Driveway Permit for proposed driveway along Hemby Road.
3. Lot line revision plat must be approved and recorded by the Union County Register of Deeds Prior to any construction.
4. Nothing can be added to the water tower that would increase the overall height, including cell towers.
5. Trees and shrubs around the perimeter of the property to exceed Town's minimum landscaping requirements.
6. In perpetuity the county will not come back and ask that the zoning be changed on the parcel.
7. Nothing should be written on the water tower.
8. The Town receives a copy of the inspection reports.

Attorney Fox – The applicant submitted some proposed suggested statements of reasonableness in support of what now appears to be your motion. Do you want to incorporate those as a component of your motion?

Councilwoman Harrison – Yes.

Councilwoman Harrison – Bill Deter, you asked for an explanation and you will get the explanation. The reality is no one wants the water tower. Reality is that it is not about the water but the water pressure. The reality is that this Town Council would prefer that this water tower not be built in Weddington; however, we do owe our citizens adequate water pressure. In fact Councilwoman Hadley lives ½ mile from the Hemby site. The reality

is that public safety is a key component to what the Town delivers to our citizens and not all of our fire hydrants have adequate flows. As one citizen wrote poor water pressure during an un-expected fire would be catastrophic. In 2009 I returned from a baseball game from the Charlotte Knights after the 4<sup>th</sup> of July. It was late. There are not any street lights. We come home and I said to my husband, "Why do I smell so much smoke? His response was everybody is shooting off fireworks. Well they had and across the street from me which is all woods had been burned by one firecracker going off. I was lucky because I have a fire hydrant on the corner of my lot that they could use. I was even luckier that I still had a home that I can go home to. I received emails that this Council and the Planning Board needed to stop approving developments. The reality is that the first developments that have been approved by this Council or any one sitting on this Council was August 2013. The last time a preliminary plat was approved was February 2008 and no one sitting here was on the Council. In essence the poor economy created a moratorium on building. When you ask us to do moratoriums this is on already approved subdivisions. We have approximately 400 homes from 2004 that require a hook up to water. Why did I not want the Matthews site? First and foremost this was not a site that was proposed by any of member of the Town Council except perhaps the Mayor. This site was promoted by a commercial realtor that wanted to sell the property. Mr. Barry never picked the Hemby site. That was my choice. Mr. Barry wanted the Lutheran site. I have heard all the arguments about the Town's commercial area – 27 acres. A square mile consists of 648 acres. Our commercial area is the equivalent of .06 square miles and is surrounded by residential. In fact I have a list of the adjacent property owners. An argument has been made that we need to put the water tower in our commercial area because all the other towns do the same. Indian Trail has 22,000 acres compared to Weddington's 9,728 acres. Indian Trail has 7,842 acres of commercial compared to our 27 acres. Stallings has 1,403 acres of commercial compared to our 27 acres. Wesley Chapel has 73 acres of commercial to our 27. They have 2.7 times more commercial than we have. Waxhaw has so many different sections of commercial that I really had a hard time but I decided to count them all and everything they have adds up to 1,404 acres of commercial to our 27 acres. Attorney Duggan has indicated to me that his clients would have to drive by the Hemby site and do not want the aesthetic change. Goodness knows I heard all about aesthetics tonight. Apparently his clients do not shop at the Weddington Corners and do not attend the Methodist Church and don't drive up Providence Road to Rea Road or Waxhaw or drive on Highway 84. In fact if we follow the same logic no water tower should be built within a mile of residential. Here are all of the subdivisions within a mile of the Matthews property – Highgate, Steeplechase, Weddington Estates, Retreat, Bromley, Providence Forest, Avery, Shagbark Lane, Weddington Woods, Shaver Farms, Hunting Creek, Abellia Estates, one parcel in Providence Woods South, one parcel in Willow Oaks, 10 parcels in Stratford on Providence and that does not include the individual property owners. I have heard that the water tower will lower property values yet it is hard for me to find a realtor that will commit to that in writing. In 1992 the sewer plant and one of the water tanks was built on Sims Road in Waxhaw. At the time there were no housing developments or commercial. Now you have Cureton and several different housing developments and they are still building and selling houses that are adjacent to that plant. Probably the most important reason I do not want the water tower on the Matthews property is how close that water tower will be to the shopping center and surrounding buildings. At the proposed Hemby site the setback is 500 feet and for the Matthews property the Town's requirement is 75 feet. We still do not know where the proposed electrical lines will be located and they require 100 feet. The future Siskey Y-485 Exit calls for widening Weddington-Matthews Road all the way to Highway 84 and the widening will take an additional 12 feet from the site. For me safety is the issue.

Councilwoman Hadley – We have been trying to find a location for a water tower in Weddington since 2005/2006. It is now critical not just for existing users but for a public safety issue. An argument has been made that it does not comply with our Land Use Plan. The Land Use Plan can be interpreted to support or deny a water tower at any location. What supersedes any interpretation or opinion is the responsibility of Council to provide essential services. Page 19 – Public Facilities and Service Goals - #2 to ensure that all existing and future developments in Weddington are served by adequate water and sewage disposal facilities. Public Facilities and Service Policies – Policy #2 require transportation, water, wastewater and drainage system improvements to be constructed concurrent with new development and that provide adequate capacity to meet demands from existing and new users. We are required to provide and with any further delay would be negligence on the part of this Council in my opinion.

Councilmember Thomisser – I would like to add to what the lady in Rosehill said. I heard a story about a little boy about six years old and playing T-ball. The little boy who played T-ball had to go to school the next day and had to go to bed at a decent hour. That parent told me that little boy could not go to bed until 11:00 because he could not take a shower. Also in that same neighborhood people cannot run their dishwashers, washing machines, run their irrigation system or even flush their toilets and this is in Weddington, North Carolina. This is not a third world nation. Our residents should be able to do the things that I just mentioned and currently they cannot.

Mayor Pro Tem Barry – I concur with my fellow Councilmembers here. When I looked at this site specifically I look at the immediate adjacent property – fire department, trailer park through the woods and a soy bean field, cell tower across the field, 500 feet to ½ mile to Bruce Klink’s house which I believe is the closest one in Providence Woods South. It is time to move forward. Any of us in this room that woke up and could not take a shower would be in here demanding that we need a solution. This Council has been committed to creating a solution and moving things forward.

The vote on the motion is as follows:

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

Attorney Fox – There were some conditions that were being asked and they have a reasonable time to consider them.

Attorney Bundy – We agree to those conditions and request that you go ahead and take final action tonight.

Attorney Fox – You may want to have a vote recognizing that the conditions that were being requested by the Council for the approval of this Conditional Zoning Permit were provided to the County, the County was present and heard all of the conditions, the County Representatives spoke and acknowledged acceptance of all those conditions and asked that the Council now consider a motion to take final action to approve the rezoning petition that is before you.

Mayor Pro Tem Barry moved to take final action to approve the rezoning petition since the conditions were accepted by Union County. All were in favor, with votes recorded as follows:

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

**Item No. 9. Old Business.** There was no Old Business.

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

**Item No. 11. Update from Town Planner.** Town Planner Cook provided the following update memo to the Town Council:

- The Highclere Conservation Subdivision submitted their Preliminary Plat on Friday, August 23<sup>rd</sup>. The plan will be on the November 12<sup>th</sup> Town Council agenda.
- Todd and Jessica Alexander submitted a CZ Application for a Wedding/Banquet Facility located at 7112 New Town Road. This plan will be on the November 12<sup>th</sup> Town Council agenda.
- The Anderson Agritourism CZ Application Public Hearing will continue at the November 12<sup>th</sup> Town Council meeting.
- Staff has received a Sketch Plan for the 106 lot Atherton Estates II subdivision. This is a conventional subdivision located on Weddington-Matthews Road. Twenty-four of these lots will be located off of Cox Road.

- Staff has received a monument sign application for the previously approved Bonner Oaks subdivision. This is a ten lot subdivision located off of Amanda Drive. No new approvals are needed for this project other than the monument sign.
- The following items were on the September 23<sup>rd</sup> Planning Board agenda:
  - Highclere Preliminary Plat-Unanimous favorable recommendation.
  - 7112 New Town Road Wedding/Banquet CZ Application-4-3 Unfavorable recommendation.
- The following items will be on the October 28<sup>th</sup> Planning Board agenda:
  - Bard Property Preliminary Plat
  - Vintage Creek Subdivision Entrance Monument Sign
  - Bonner Oaks Subdivision Entrance Monument Sign
  - Bromley Subdivision Entrance Monument Sign
  - Height Exemption Text Amendment
  - TUP Text Amendment
  - CUP Text Amendment regarding PRD's

Town Planner Cook – I did talk with John Underwood at NCDOT today. He does want to try to schedule a meeting with Town Council. I encourage people to get questions together. He is envisioning a work session where we can sit down. He is meeting with all 14 municipalities within Union County. We will have to schedule something around that.

Mayor Pro Tem Barry – I had a conversation with you today. There is a fair amount of email flying through Town. It is campaign season. I am not aware of this but I heard that we have seven commercial developments with applications coming in. Is that an accurate statement?

Town Planner Cook – That is not.

Councilwoman Hadley – I heard 12.

Councilwoman Harrison – Yes I heard 12.

Mayor Pro Tem Barry – How many applications for commercial do we have in the Town right now?

Town Planner Cook – We have an application that was submitted probably about six months ago but was also withdrawn per se. They have chosen to not proceed with that application. If we have one it is barely one because we do not have a full site plan for it.

### **Item No. 12. Public Safety Report.**

#### **Providence VFD**

14 Union fire calls

9 Union EMS

5 Meck fire calls

Total 28

Training hours 339.00

Joshua Dye, Chief

The Town Council was also provided the Income and Expense Budget Performance and Balance Sheet for September 2013.

#### **Weddington Deputies – 617 Calls**

#### **Wesley Chapel VFD – 104 Calls**

**Item No. 13. 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 9/1/2013 to 9/30/2013.

Finance Officer Gaylord – We have been expecting a bump up in the sales tax that we receive monthly from when we raised our tax rate last year. We had not gotten it and we did not budget that this year. We finally are getting it. It is about \$10,000 a month more than what we budgeted.

Mayor Pro Tem Barry – How close does that close the gap?

Finance Officer Gaylord Leslie – We budgeted a deficit of \$170,000. That would make up \$120,000 of it if it stays consistent.

**B. Tax Collector's Report.** Monthly Report – September 2013

<b>Transactions:</b>	
2013 Tax Charge	\$1,122,669.49
2013 Tax Deferments	\$(65,801.29)
2013 Tax Exemptions	\$(55,557.15)
2013 Late List Penalties	\$149.66
2013 Tax Write-offs Under \$5.00	\$(843.05)
Adjustments <5.00	\$4.67
Balance Adjustment	\$(50.00)
Penalty and Interest Payments	\$(44.27)
Refunds	\$19.80
Overpayments	\$(.80)
<b>Taxes Collected:</b>	
2011	\$(2.22)
2012	\$(482.22)
2013	\$(101,062.39)
<b>As of September 30, 2013; the following taxes remain outstanding:</b>	
2002	\$82.07
2003	\$129.05
2004	\$122.90
2005	\$252.74
2006	\$131.13
2007	\$144.42
2008	\$1,754.13
2009	\$2,160.66
2010	\$2,170.59
2011	\$4,014.85
2012	\$12,323.82
2013	\$899,504.30
<b>Total Outstanding:</b>	<b>\$922,790.66</b>

**Item No. 14. Transportation Report.** Councilwoman Harrison - I am very concerned about the letter that was sent to us from NCDOT and I am glad that we will be able to talk about it with NCDOT in the near future.

**Item No. 15. Council Comments.** Councilwoman Harrison - I would like to thank everyone who attended the Town's 2<sup>nd</sup> Annual Country Festival. Thank you to our sponsors, the artists, volunteers, former Mayors and Councilmembers, our Town Staff, the Providence VFD, our baking judges and our historians who made the day. A special thank you to Planning Board Members Dorine Sharp, Jeff Perryman, Janice Propst and Jennifer Romaine for all you did. To the Town staff, you are the tops and I appreciate all the help you gave. I particularly want to thank the current Councilmembers who wrote personal checks to help fund one of our major craft items, who spent the day and also voted to have \$3,000 for the festival and \$5,000 for the 30<sup>th</sup> Anniversary Celebration in our budget. I was able to collect \$14,300 in sponsorships, \$2005 in in-kind donations and about \$1,690 in raffle items. In 2008 the Town spent \$5,000 on the 25<sup>th</sup> Anniversary Celebration and I estimated we would spend the same. We spent about \$4,000. The good news is that I didn't use any of the money in the budget for either the festival or the 30<sup>th</sup> Anniversary. I used the profit that was made and have \$1,000 for next year. How was I able to accomplish everything besides begging? I personally gave 4 ½ months of my Council salary to the festival, I made 14 dozen cupcakes, 12 dozen cookies, 20 dozen cookie pops, 10 lbs. of baked beans, 30 lbs. of potato salad and coleslaw. From June 1<sup>st</sup> to present I have spent 542 hours or 22.5 days working on the festival. I want to thank my son who drove up from Marietta to take pictures, your Momma loves you very much and to my biggest supporter and my husband, you are my main stay.

On a separate topic, I want to thank the 25 people who participated in the Fall Litter Sweep. Your community spirit and willingness to help is greatly appreciated.

This was a very difficult decision to make but I think the Council made the right decision tonight.

**Item No. 16. Adjournment.** Mayor Pro Tem Barry moved to adjourn the October 14, 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 11:19 p.m.

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Walker F. Davidson, Mayor

Attest:

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Amy S. McCollum, Town Clerk