

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, JANUARY 9, 2017 – 7:00 P.M.
MINUTES**

The Town Council of the Town of Weddington, North Carolina, met in a Regular Session at the Weddington Town Hall, 1924 Weddington Road, Weddington, NC 28104 on January 9, 2017 with Mayor Bill Deter presiding.

Present: Mayor Bill Deter, Mayor Pro Tem Don Titherington, Councilmembers Michael Smith, Scott Buzzard, Janice Propst, Town Attorney Anthony Fox, Planner/Administrator Lisa Thompson and Finance Officer Leslie Gaylord

Absent: None

Visitors: Wes Boles, Anna-Marie Smith, Elton Hardy, Rob Dow, Randy Allen, Liz Callis, Tony and Cindy Reis, and Tom and Paula Smith

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

Item No. 1. Open the Meeting Mayor Deter opened the January 9, 2017 Regular Town Council Meeting at 7:00 p.m.

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

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

Item No. 4. Public Comments

Mr. Rob Dow – After the discussion at last month's council meeting about the retreat, I just wanted to put my two cents in. In the past I've been lucky enough to attend. The year before last I think was a great retreat. We had five or six things that we posted as goals and worked together and assigned committees and followed up in six months and they were all done in eight months. We had the traffic impact analysis ordinance, we had increased buffering, we moved viewshed up, so while I think teambuilding and that kind of thing is great, I think the real benefit can be really focusing on what the Town thinks is important and laying the roadwork to getting that done.

Mr. Elton Hardy – I would just say thank y'all for considering the intersection at Longleaf. I had a number of neighbors talk to me and I sent you all some of the data on wrecks and horror stories that were sent along to me.

Item No. 5. Additions, Deletions and/or Adoption of the Agenda

Mayor Pro Tem Don Titherington asked to change the description of Item 6A(1) per staff's request to read "Text Amendment to Section 46-45 (b) (1), Section 46-49, Section 58-54 (3) i 3 iv, Section 58-58 (3) i 3 iv and Section 58-58 (4) I 3 iv of the Weddington Zoning Ordinance regarding Bonds."

Mayor Pro Tem Titherington made a motion to accept the agenda as amended. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Item No. 6. Consent Agenda

A. Call for public hearing to be held Monday, February 13, 2017 at 7:00 p.m. at Weddington Town Hall for the following:

- 1. Text Amendment to Section 46-45 (b) (1), Section 46-49, Section 58-54 (3) i 3 iv. Section 58-58 (3) i 3 iv and Section 58-58 (4) I 3 iv of the Weddington Zoning Ordinance regarding Bonds**
- 2. Text Amendment to Section 58-4 Definitions to add Building Footprint to the Town Ordinances**
- 3. Section 58-16 Accessory Uses and Structures**

B. Designate Lisa Thompson as Deputy Finance Officer

C. Approve Corporate Authorization Resolution for Park Sterling Bank for change in authorized check signers

D. Designate Leslie Gaylord as Interim Clerk

E. Approve Amended Contract for Engineering Services with US Infrastructure of Carolina, Inc.

Mayor Pro Tem Titherington moved to adopt the Consent Agenda as written. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Item No. 7. Approval of Minutes

A. Approval of December 12, 2016 Regular Town Council Meeting Minutes

Mayor Deter indicated that there were two changes to the minutes that were made by staff. Councilmember Janice Propst corrected the way her vote on the Graham Allen project was recorded to correctly record it as nay.

Mayor Pro Tem Titherington moved to approve the December 12, 2016 Regular Town Council Meeting Minutes as amended by staff and with the change to Councilmember Propst's Graham Allen vote. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Item No. 8 Public Hearing and Consideration of Public Hearing

A. Discussion and Consideration of Text Amendment to Section 58-4 Definitions; to add a definition for Gross Area/Acreage

Mayor Deter opened and closed the public hearing as no one signed up to speak.

Planner/Administrator Lisa Thompson summarized the text amendment. There are several older parcels with lot lines that extend to the center line of the road. When calculating open space usually the land dedicated to NCDOT is not included in that gross area calculation. Due to a recent issue with a development proposal the Planning Board and the Interim Planner wanted to define gross area to clarify the issue. The Planning Board reviewed the text amendment and unanimously recommended approval. Planner/Administrator Thompson also recommends approving the definition which says that the gross area of a tract of land is the total square footage of a parcel excluding area contained in current DOT easement that the developer will be deeding to NCDOT.

Mayor Pro Tem Titherington made a motion to adopt the text amendment to Section 58-4 Definitions; to add a definition for Gross Area/Acreage as defined in the January 9th memo from staff. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

B. Discussion and Consideration of Text Amendment to add Section 46-79 titled Blasting

Mayor Deter opened and closed the public hearing as no one signed up to speak.

Planner/Administrator Thompson indicated that the Town has received complaints from property owners with respect to blasting being conducted within subdivisions under construction. She explained that due to liability issues associated with trying to permit blasting, developing a notification ordinance was a better option. The Planning Board and the Town's previous planner have used much of the Village of Marvin's notification ordinance and added a limitation on days and hours that blasting can be conducted. Planner/Administrator Thompson and the Planning Board both recommend approval of the text amendment as presented.

Mayor Pro Tem Titherington made a motion to approve the text amendment to add Section 46-79 titled Blasting as outlined in the January 9th memo from staff. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

C. Discussion and Consideration of Text Amendment to Section 58-270(h) titled Protest Petitions

Mayor Deter opened and closed the public hearing as no one signed up to speak.

Planner/Administrator Thompson summarized the text amendment. She stated that in 2015 the state eliminated the protest petition statute that required a supermajority vote in the affirmative for a rezoning approval. This text amendment updates the Town's ordinances with that statute.

Mayor Pro Tem Titherington made a motion to approve the text amendment to Section 58-270(h) titled Protest Petitions as outlined in the January 9th memo from staff. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Item No. 9. Old Business

A. Discussion of Employee Handbook

Mayor Deter stated that he had talked to all council members and that the consensus of the council is to look at applying benefits to employees working 30 hours a week or more. Planner Administrator Thompson has been asked to make those changes and to do a general read-through and provide her insight. Mayor Deter feels like this is something that can be done "off-line" and taken off the retreat agenda and addressed at the council meeting on February 13th instead. Council was in agreement.

B. Review and Consideration of a Modification of the Subdivision Ordinance Section 46-76(g) Cul-de-sac for Graham Allen subdivision

Mayor Deter reminded Council that this had been discussed at last month's meeting and Council opted for a number of reasons to defer it to the January council meeting.

Attorney Anthony Fox – You may recall that this was a quasi-judicial kind of proceeding although not mandated by your statutes but just for the purpose of the findings that the council is required to make in this setting. This is a modification of the subdivision requirements and in order for the council to agree to the modification it has to make the findings that are set out and shown in your agenda packet. At last month's meeting the applicant appeared and responded to each of the findings as best they could and this council now it is upon you to consider it in light of the findings. The motion should either find that each of the findings were either met or were appropriate or not.

Mayor Deter listed the five findings that the Council must decide upon.

Councilmember Scott Buzzard indicated that the owner of the property and Planner/Administrator Thompson need to be sworn in since they were not at the last meeting.

Planner/Administrator Thompson and Randy Allen were sworn in.

Mayor Deter – The one question I had was Item #1 - application of the provision of the chapter would deprive the applicant of reasonable use of land. I know the applicant was kind enough to meet with all of the council people at various times last week. Scott and I met together with him. We were trying to

brainstorm ideas. One of the questions that came up was, and Scott mentioned this last month, is there is a way to achieve the ordinance with a change or with a couple of options on the road modifications? Can you address that? My real question is has it been looked at with a road modification that would allow you to meet the ordinance?

Randy Allen – Yes. I went back with our engineer and discussed with him the idea of laying out a sketch to see if extending the road or what amount of road distance that would be. My concern was it would be 400-500 feet of additional roadway which would pretty much create a hardship for this project because of all the other issues with the wetlands and the DOT taking a slice off. This property goes to the center of Matthews-Weddington Road and Antioch Church Road so that takes some of that back and then of course Weddington has the new buffer rule which took more and so by the time we ended up with what we thought to be 31 or 32 lots it dropped down to 25 and that's where it is now. Adding extra road footage would be another close to a half-million dollars because one lot would be lost because of 450 feet added, and I was afraid it was going to be that, but we didn't have it scaled with this here because it appeared to be what we're dealing with so obviously a variance in this particular case would certainly make this a viable project. We also discussed the potential for at 600 foot distance from the cul-de-sac to stay within the code if we created a large roundabout which would allow emergency vehicles to turn around without any problems and anybody else who was going down the road and decided that this wasn't the road they wanted to be on. I'm assuming that would be the major reason for that. There are no other roads to turn on to create an acceptance of that 600 foot that we're dealing with so if a roundabout would work, and it has worked other places, and if it was acceptable here, you're not dealing with 25 homes, you're really dealing with 10-12 homes that would be beyond that 600 foot.

Mayor Deter – It looks like PIM's were held in December 2015. Then the next action was the request for modification and I would have anticipated that there would have been a plan put together that would try to meet the ordinance and then would have gone to the Planning Board and that then might have driven a request for modification. I understand that you're trying to make this thing work and asking for a request for modification to the cul-de-sac ordinance because you think it may cost you a lot – you don't know; it may cost you a lot, it may cost two – you don't know because you haven't done the analysis. To me that's kind of akin to saying "I'd like to get a request for modification from the stormwater runoff ordinance because that's costing me lots." I'm just throwing this out for discussion and where I'm coming from on this.

Mr. Allen – We went through all this to determine before we ever started what was most likely going to be the scenario. We knew it was going to be tight but we knew the land is not worthless and that it had a use and a value. We felt like the large-lot subdivision, which is what predominantly Weddington has dealt with over the years and was a popular idea over the years, would be better than going in for the smaller lot subdivision. Builders can sell on lots. People look at the houses more than they look at the lots and when all they've got to do is look at the lots the bigger the better and so that's what we planned and we felt like that would work but we were kind of right there on the edge. We couldn't go too far further with either losing lots or anything else or that wasn't going to work either.

Mayor Deter – But right now you don't know how many lots you would lose or if you would lose lots if you did a road configuration.

Mr. Allen – You were correct in what you said because we were talking one lot. It's actually more; it's two lots because it would take just a little more than one lot and that means two lots.

Mayor Deter – So you've done that sketch and has that been presented to the Planning Board?

Mr. Allen – No, this is what we did after we talked when we went back the other day. We discussed it to see what we really could do and couldn't and tried to tighten that down. We determined that the added road amount would be somewhere between 400 and 500 feet depending on where you brought the road out to the main road. Then we also looked at the lots themselves and saw – we knew we would lose a lot but it's actually a little more than a lot which means it would be two lots lost.

Mayor Deter – So losing a lot or two lots makes it financially not viable?

Mr. Allen – No, we would not develop it that way. You're walking into a potential nightmare.

Councilmember Buzzard – You said you'd lose a lot if you tried to reconfigure the road. Do you recall what lot number that is by any chance?

Mr. Allen – No, I don't. I didn't bring the map that I was working on and I don't know if you had one but we had already talked that it was going to be more than one. By running the road, one thing that I can tell you is more than a lot, if you take the length and width of the road and what you're adding and the fact that some of that is locked in because of the DOT on the lower side of the road. It's an odd-shaped piece of land; if you take both road sectors, what do I have in the middle? The outside lots weren't a problem - you can move those around – but the inside is locked in an envelope and when you start breaking it out and say how many 40,000 square foot lots are inside this envelope you end up losing two lots –with running that new road or an extended road 400+ feet.

Councilmember Buzzard – I think you would have done better bringing something because again as far as I can see, you've got a 5800 square foot lot, you've got a 7100 square foot lot that would be impacted. I'm curious because I would imagine that you could get a road on both of those lots or all three of those lots without losing any of them. So again, without seeing how you configured it I'm a little perplexed to say that you would lose multiple lots.

Mr. Allen – When I left here that day I was saying one lot because I didn't have it designed down to the tee. If we are talking about exact numbers, a 40,000 square foot lot and 39 are two different lots.

Councilmember Buzzard – I understand. You've got 48,000 square foot, a 53,000 square foot and a 71,000 square foot lot. From the three lots that I would see that would be impacted by a redesigned road, I can't imagine that you would lose 8,000 square foot from a small slice of what I can see of how you can configure a road through that area.

Mayor Pro Tem Titherington – You're talking Lots 6, 7 and 9?

Councilmember Buzzard – Yes. It would be close.

Councilmember Propst – Are you all saying an additional road or are you saying to change that road?

Councilmember Buzzard – Change that road.

Councilmember Propst – You're saying do not put Boswell Road and an additional road; change Boswell Road to run around that length?

Councilmember Buzzard – Correct, you take Boswell up to basically the middle of lot #1, you make a left-hand turn, you've got, 6 and 7 that are panhandle lots. Run the road right down the panhandle and then come up 9 which is a 71,000 square foot lot.

Mayor Pro Tem Titherington – So what they're saying is that would bring them in just shy of that roundabout. Your extension then would be about 680 feet.

Councilmember Buzzard – Right. It would take some work. You may have to configure lot 10 a little bit.

Councilmember Propst – But are you saying you would be more open to a modification if the extension was 680 feet versus 1000 feet?

Councilmember Buzzard – Yes, I think so. One of the issues is you're almost doubling what our current ordinance reads with the modification.

Councilmember Mike Smith – If you did that, would you still have this roundabout here? You wouldn't need it so it wouldn't be an issue. You had mentioned something else about it being a nightmare in a comment earlier, what other additional problems are you anticipating?

Mr. Allen – First off, the property has got to be saleable. So you could develop this wrong because of the power lines; if you don't take that into consideration then you've got to try to make those lots deeper and longer if you could. We've been able to do a fairly good job but that still means there's a couple there that are high risk. From a financial point of view a few changes here can make a lot of difference as to whether the property is viable or not. We can't prove that until we develop it. That's the problem.

Mr. Wes Boles – I think what he is really worried about is those lots and pushing all the homes up against the Duke Power lines. And I think he's worried about the depreciation of the lot if you push the home right up against the easement.

Mayor Pro Tem Titherington – Just from a process standpoint and I appreciate you guys working with Lisa, from my perspective coming in and having the meeting, I'll let you know where I stand is no different than where I was Wednesday at 11:30 when we left you, is that not having the benefit of the other meetings with all the other council people I think Scott and Bill raise a good question and something to look at because then you are talking about a 680 foot cul-de-sac, and I will tell you that we had another property about two years ago where we did approve that because that made sense, and then to Scott's point, we are not doubling it. We are laypeople. You could probably plug this into your computer and have it spit out relatively easily. To me it would make sense to take a look. And again I share with you guys that I had three major issues. One is the wetlands information and making sure USI looked at that and we got the Army Corps information today at 4:30 and we've got a Town Council

meeting at 7:00. That doesn't do me any good to tell you the truth. Second thing that I shared with you here is that I want to make sure if we have to go down the roundabout road, from my perspective at least, is that it needs to be wide enough for the ladder truck and we need to make sure the Wesley Chapel chief signed off on it. My understanding is that as of 2:00 today he hadn't been contacted so I don't have anything from my perspective to vote on tonight based off of what I showed you were my feelings on Wednesday. I think Scott and Bill raised a good question here around that and avoiding the whole cul-de-sac issue. I would tell you that we have had other approvals in that 650-680 range before. That's just kind of where I'm at.

Councilmember Smith – I agree. You and I have talked about this and I share the same concerns that you do as far as the Corps and Bonnie signing off on it and the cul-de-sac issue. Those were my concerns. I think the wetlands look like they've been addressed.

Mayor Pro Tem Titherington – I think that ladder truck in there is the biggest one because that could be a responding vehicle.

Councilmember Buzzard – And honestly, to your point, lot #11 is one that is going to be impacted by the cul-de-sac; if that cul-de-sac – I'm sorry - if that roundabout gets any bigger then you're going to be under 40,000 square feet on that lot there and lot 23, while that has a little bit more leeway, the way that this is put forth to us, that could fall under the 40,000 square feet too.

Mayor Pro Tem Titherington – Mr. Allen, you were very kind when we spoke about this originally on Wednesday saying we've got to make that a little bit bigger and that was some of the mapping work we were expecting to see tonight. Thank you guys for the time. I would like to have the information all in black and white to make a motion. So from my perspective, Council, I have no issues to table this again until next month if that makes sense. If we're asked for a vote tonight I think you probably know where I'm going to be on it. I think there are two questions to really look. Can we get that road extension up here that Bill and Scott talked about to get close enough, and I think there's probably consensus around Council that if it's within or close to that 600 number that's good or, if that's not do-able for you guys, we have to have all the ticks and ties on the other issue we discussed. At least from my perspective, and I think Mike and I agreed to that today.

Mayor Deter – I have kind of a process question. I think what you're saying is to have them come back with an attempt to meet the ordinance with a road configuration. In my mind I think that's the right thing to do but I would think that needs to go back to the Planning Board. Me personally, I would like to get their view of that and so the question I have is, is this a delay or is it going to be an up or down vote that would send it back to the Planning Board but not have you guys have to pay another fee for the process?

Mayor Pro Tem Titherington – I'm sensitive to getting this going for you guys too. To me I think there are two issues. Can we come close enough with the road? And that makes it real simple. I think we've already looked at it. And, if we can, then I think that if we can get within 650 feet that's a fairly benign conversation. If the answer is no and we've got to go with these roundabouts, then I think there's a little bit more safety issues that we talked about – responding equipment, etc. We can still get to the Planning Board before the next council meeting so it would not necessarily delay you guys for next month.

Mayor Deter – If they went with an approach on the road configuration such as Scott's talked about – I don't know how long that would take - but that could go to the Planning Board in two weeks. It would still then be back to the Council in February.

Councilmember Smith – And there's no additional cost.

Mayor Deter – That was my question. Let's say we do an up or down and it's like no, this modification is not accepted and then they go back to the Planning Board with a road configuration, does that impact them on a fee?

Attorney Fox – It's within Council's discretion. I think what you have is a petition for a modification that's brought before you. You are now in your deliberation stage and as part of your deliberation you are desirous of looking at other options. Those other options may result in some viewing the petition to be materially different than what originally came before you from the Planning Board and so you may want to have the Planning Board weigh in on that not just for purposes of modification but on how the lot configuration and everything plays and that's certainly within the Board's discretion to send it back. But I don't think that would be construed as a new petition or a new application.

Councilmember Propst – But does it have to go back to the Planning Board since they unanimously approved the modification to begin with?

Attorney Fox – It does not have to. You have a petition that's before you seeking a modification of the subdivision ordinance. What I'm hearing though is that Council would like the benefit of having the Planning Board weigh in on, for instance, if the layout changes due to the reconfiguration of the streets and the movement of lots that may be something that this Council would enjoy the benefit of the Planning Board's thinking and input on it.

Mayor Deter – Could the Council reject the modification but stipulate as they make this presentation to the Planning Board that they are exempted from an additional fee?

Attorney Fox – That's a different question because I think if you reject it you have rejected the petition that is before you.

Attorney Fox – What I think I hear you saying is that you are considering a motion to table this matter to your February meeting conditioned upon the developer revisiting the layout of the road configuration in a manner that will either make it compliant with the 600 foot cul-de-sac requirement or at least be substantially close to that requirement and the other condition being that it is sent back to the Planning Board for review and the Planning Board's recommendation is also presented to you in time for the February meeting.

Councilmember Smith – I have no problem with this coming back to us next month and seeing if some of these conditions can be made that Don and I said and I don't have any issue with going before the Planning Board again because it's not going to alter the time line and it's not going to have any additional effect; it's just another safeguard that we could have. I have no problem with that. I would have an issue if it stalled the process longer but it's not so I've got no issue with it.

Councilmember Buzzard – I’m fine with that. That gives them the option if they come back and say that this is the only thing that works then obviously this is what we are going to see a month from now but it gives them the time and flexibility to see if they can come up with something.

Councilmember Propst – I’m okay.

Mayor Pro Tem Titherington – My only comment is Scott’s because I agree with it is that if this is the only plan that works then we need to see the roundabout to scale and laid out and fixed up because this is not the final state.

Councilmember Smith – It also gives Bonnie the chance to weigh in.

Councilmember Propst – Did you have anything else that you wanted to say, Mr. Allen?

Mr. Allen – No, I think that we have our work cut out for us and we’ll go do it.

Mayor Pro Tem Titherington made a motion to table the decision around the extension on Graham Allen until next month with the intent that the plan adjustments as they submit them will go back to the Planning Board at their January meeting and come back before council on February 13, 2017. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Item No. 10. New Business

A. Discussion of Easter Egg Hunt and Litter Sweep

Mayor Deter is concerned that waiting to discuss this until the Town retreat in February is fairly late if the Council is going to support a Spring festival. He assumes the Easter festival would probably be April 15th. He does not have an issue handling the Litter Sweep once we find out the date from NCDOT. The question is the Easter festival since it is significantly more involved.

Mayor Deter was looking for someone on Council to take the lead on this like they did with the Christmas festival. He reminded Council that two months ago he presented a solution that Council was not in favor of and inquired if they would like to rethink it or if it would still work. The option that had been presented was for Mrs. Barbara Harrison to work 2-6 hours a week to take care of all the festivals and litter sweeps and be paid from festival proceeds as our festivals generate a profit.

Mayor Pro Tem Titherington agreed that the litter sweep is benign enough that we can handle it on our own. He thinks like Christmas, the Spring festival is a lot more work.

Mayor Pro Tem Titherington - When we had the discussion in November I was in favor of trying to resource Barbara to do that. She has a passion for it. If she’s willing to do it that’s great. I’m comfortable with that again but I also know there was a feeling at that time that we wanted to get through the Christmas holiday season and make a decision at that point. I guess my perspective hasn’t

changed from a timing and bandwidth perspective I just don't know where everybody else is on that. I do think it is important to do it for the Town. I think people enjoy it and I look at the amount of children that come out for that day; it's a nice event to have. But there are limitations to everybody's schedules too so I don't know. From my perspective do we hire a committee to do that? We've tried to have committees before and can't get three or four people to own it. I think my comment at the time was that a bird in the hand, but that is just me.

Councilmember Smith – I know that I don't have the time to take that on.

Mayor Deter – Would the council like me to approach Barbara with a proposal to see if she is receptive?

Mayor Pro Tem Titherington – I have no problem with that. I'm in support of that if she'd be willing to do it.

Councilmember Propst – I am not in support of that just because of the comments that have been made towards me at meetings; I would prefer not to have that situation. But that's just me.

Councilmember Smith – I am not in support of that at this time.

Councilmember Buzzard – I might be inclined to see if she would do the Easter festival, but moving forward I would still be less inclined with that. I know she and I talked at one point in time and she told me at that time that she really had no desire to do it anymore so I don't know what changed. It was after the year ago election.

Councilmember Smith – And I had twice approached her about it over a period of time.

Mayor Deter – I've got two council people "no"; I've got two council people "yes" or "yes for the Spring festival". And after then it gives us more time to determine how we will handle festivals going forward. Again, that's a retreat topic. I can approach her. Whether or not she is receptive I don't know but I can talk to her unless there's other solutions. If we're going to do a Spring festival, we're going to have to get cranking on it.

Councilmember Buzzard – It might be something that we want to look at possibly scaling back in nature and making it easier for someone to handle. I'm sorry. I don't know.

Mayor Deter – Scaling back on this one? Maybe when we do our retreat we can get our arms around this. Unless there is a strong objection from the Council, I will approach her about the Spring festival only right now, not a lock and load ongoing situation, just to handle this until we get to our retreat and then we can really figure out what we are going to do.

Councilmember Smith – Is there another option for another event planner? I think Janice has brought up an issue.

Mayor Deter – If we have another person, I'm open. I've checked with a couple of other people that I knew and didn't have any luck.

Mayor Pro Tem Titherington – I know when we went down that road several years ago, it was almost like \$8000-\$9000 to put something on like that and hire a professional company.

Councilmember Smith – I don't remember that. That figure would jump out at me. I would remember that figure.

Councilmember Propst – I was thinking we are going to hire two new employees so as part of the new employees we had discussed them taking on some of the responsibilities as well but until those two people are hired we really don't know what responsibilities they're going to take on. There are people on this council who don't mind working with those people to help them but I'm not going to take that responsibility and do it full time because that's not why I was elected and I want to do the job that I was elected to do and that's not planning events. I didn't mind doing Christmas and I think Christmas was a big success and I think there were a lot of people on the Council as well as employees of the Town that enjoyed the success together but I know that there's been issues with personalities and that's one reason why I took that responsibility on at Christmas and I just feel like at this time we should delay it until we get those people in and wait and let the new employees weigh in as well.

Mayor Pro Tem Titherington – So you're saying don't do a Spring festival. Is that what I'm hearing?

Councilmember Propst – Easter is April and we have a lot of the information about what we do. We already have all the eggs. If we can get employees in before the retreat then maybe we will know a little bit better about how the Town can handle it, but with low staff and I'm not going to do it full time - I can't do it full time – I just don't feel like at this time we can adequately say what the Town is willing to do.

Mayor Pro Tem Titherington – So what I'm hearing is to table the decision until the February retreat and hopefully we will have some folks coming in part-time and if we don't by that point...

Councilmember Propst – Then we'll know better. There's a lot of other Easter egg hunts in this community so is that something that the Town really has to do? Those are things that we have to discuss. It's my preference to wait until the February retreat to discuss because I think we'll have two extra employees and some extra hands. Christmas was handled predominantly by me, Leslie, Kim and Mike and I am not up for doing another major event and trying to do all the other things that we have responsibilities for.

Mayor Deter –I'll try to summarize. What I'm hearing is no action and discuss it at the retreat. If we don't have a solution at the retreat, we won't have a Spring festival? Does that summarize everything?

Councilmember Propst – I think that's where I am.

Councilmember Smith – That's what I'm hearing.

Councilmember Buzzard – I would imagine it would be prudent to still contact Barbara. I know that might not be the direction that we want to go but at least, hopefully we will have employees but if we don't, then maybe we've got a wide range of options that we can look at. Push it back to the retreat and have as much information as we possibly can.

Mayor Pro Tem Titherington – I agree with Scott. If you can reach out to Barbara and see if she has an interest. She might say “I’m not interested” or she might say “I am and I can do that” and then we can finalize that in February at that point.

Mayor Deter – I will take action on that. Thank you for your input.

B. Discussion and Consideration of Resolution R-2017-01 for SR2 – Reid Dairy Road

Planner/Administrator Thompson – NCDOT received a petition to abandon a portion of Reid Dairy Road. Prior to abandoning maintenance, NCDOT requires a resolution from the Town stating that it is acceptable to the Town. I provided a map to show you the portion of Reid Dairy Road. I think the ultimate intent of the property owner is to actually abandon right-of-way so tonight’s resolution allows NCDOT to abandon maintenance and then there’s a whole other process for abandoning right-of-way through the Town which involves public hearing and adjacent property notices. Tonight, the resolution is for NCDOT to abandon maintenance of the state maintained system.

Mayor Pro Tem Titherington inquired if there are any downsides to the Town. Planner/Administrator Thompson indicated that there was not since Walden at Providence is already built out and there is no future connection.

Attorney Fox explained the additional action that may be forthcoming.

Mayor Pro Tem Titherington made a motion to approve Resolution R-2017-01 for SR2 – Reid Dairy Road. All were in favor, with votes recorded as follows:

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

C. Discussion of February Town Retreat

Mayor Deter stated the retreat would be a one-day retreat on February 11th. He has been in contact with COG and gotten input from Councilmember Smith and Mayor Pro Tem Titherington on the agenda. It is still a draft and he will try to put time increments on it. Councilmember Propst indicated that she will have an item to add. Mayor Pro Tem Titherington was comfortable with the COG contract that they sent and felt it was very reasonable. Mayor Deter indicated that the contract was for \$1500 for two people for the day which is less than the \$2500 that was budgeted.

D. Discussion and Consideration of Weddington Activity Center Intersection on NC16

Planner/Administrator Thompson stated that the complaint is that vehicles turning left out of the activity center are backing up northbound traffic within the staging area. She spoke to NCDOT about some solutions. One was to place bollards or sticks within the intersection which would not eliminate ingress but would limit egress because you couldn’t take a left turn out and would have to take a right turn out and then go to the light and make a u-turn. The other option was a superstreet option and that involved making major changes to the intersections. NCDOT mentioned that they need a valid reason to make

the changes with safety being the primary reason but they would look into it and talk to the property owner. She indicated there were two maps in the council packets drawing out what the scenarios would look like with the bollards and the u-turn.

Councilmember Smith inquired about how many complaints had been received. Mayor Pro Tem Titherington said that NCDOT said the space is for long-term road access that was originally going to be there for connectivity in the future and not for stacking. The design is to take a right turn up to Highgate and turn around there. The easy fix and probably least expensive is to do bollards. They will not prevent fire trucks from entering because they can roll over them but they will prevent people from coming out and trying to make left-hand turns. Bollards don't require a lot of rework. In the long-term if DOT decides they need to make a superstreet that means they know they have a problem on their hands but they will want the property owners to approve so they don't get any negative feedback.

There was discussion as to whether or not we have the capability to put the car counter there and about the safety of u-turns. Council also talked about putting up right turn only signs and having the Activity Center reach out to its participants.

The Council directed staff to conduct a traffic count to have data available at the February council meeting. Councilmember Smith said that he will see what we can do but it may be challenging because cars will be turning in as well as out but that for purposes of this analysis this won't really matter. Councilmember Buzzard pointed out that we have the same situation at WCWAA.

E. Discussion and Consideration of the Long Leaf and Antioch Rd. Intersection

Mayor Deter discussed the many emails and calls the Council has received about the blind curve as you are going north up Antioch Church Road. He said there had been some discussion in the past about putting a convex mirror up on a pole where you can see over the hill. A resident had suggested the idea. Mayor Deter listed two options. There are two poles there and one option would be to see if Union Power would allow us to mount a convex mirror on their pole about 20' off the ground. He indicated that his research showed that it would cost about \$300 for a 36-inch convex mirror. Mayor Deter suspects that the power company will not allow it. If not, the other option may be to find out what's required to put a pole in the right-of-way and how much it would be to put up the pole and mount a mirror.

Council had a discussion about the likelihood of getting permission from Union Power, liability issues for property owners if the pole was put on private property, and getting NCDOT approval if it goes in the right-of-way. There was discussion about the safety issues associated with the intersection.

Planner/Administrator Thompson said that she spoke with Lee at NCDOT and they are willing to look into allowing either the Town or the HOA to put a mirror on a stand-alone pole in the right-of-way. She said that we would need an encroachment agreement but is not sure if the Town or someone else like the HOA would sign the agreement. She said that DOT is going to replace the intersection warning signs with combination curve and intersection signs in addition to placing speed advisory signs. Lee also asked maintenance to look into cutting back a bank that is to the south of this intersection. He was not sure if it was in the right-of-way or not to be able to do so but he was going to get with them to get some answers.

Mayor Pro Tem Titherington made a motion to approve up to \$1000 for cost-sharing with DOT for a mirror at that intersection and for Planner/Administrator Thompson to work with NCDOT on this project and the possibility of getting the berm cut back. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Item No. 11. Update from Planner

Planner/Administrator Thompson informed the council that Rob Dow is the new Planning Board Chairman and Brad Prillaman is the new Vice-Chairman. At their upcoming meeting there will be a rezoning of properties along Weddington and Deal Roads. There are three properties of which two are R-40 and one is R-CD and they want to rezone all three properties to R-CD so that they can combine them and come in with one subdivision.

Item No. 12. Update from Finance Officer and Tax Collector

Finance Officer Gaylord informed the Council that the monthly financial statements are in their packets as well as the budget transfers that were made to cover the additional expenses Council authorized at their November meeting for the repair of Town Hall. Finance Officer Gaylord also informed Council that utility franchise tax revenue has been less this year than in the previous year and that she is keeping an eye on it to monitor it.

Item No. 13. Public Safety Report

Councilmember Smith had nothing to report.

Item No. 14. Transportation Report

Councilmember Buzzard had nothing to report as there was no December meeting.

Item 15. Code Enforcement Report

Mayor Deter gave a brief update on Cottonfield Circle. Mediation was held on November 29th and a court date was scheduled for April 17th.

Planner/Administrator Thompson handed out a memo on Ambassador Court. Mayor Pro Tem Titherington discussed that the Code Enforcement Officer has indicated that to reach the 50% threshold, \$93,000 of repairs would be required and estimated current costs to repair are \$55,000. Mayor Pro Tem Titherington feels the estimated repair costs may be somewhat underestimated.

Mayor Pro Tem Titherington - The question would be, Anthony, instead of the lien on property for the repairs because we can only get that back when the property is sold, can we actually do something on

the taxes and put it in a different area and say instead of a lien on the house we would say that the repairs were part of the tax bill because we had to come in and do it and the tax bills have a time frame?

Attorney Fox – Remember the minimum housing code statute sets out the remedies. The remedy is a lien. It does not give you authority to assess a tax or add it to the tax bill. If this plays out and you add it to your tax bill, they don't pay the taxes, then you are going to seek foreclosure. That authority to foreclose is on taxes and failure to pay taxes and not on the failure to address a known housing code violation so that's where the authority would shift a little bit. My recollection of the language that is in the 441 provision under the minimum housing code sets out the remedy and the remedy is to lien the property and then to bring an action to get payment of the lien. We may be able to bring an action, I need to look to see whether or not we can bring an action to recover the lien or seek an action to enforce a judgment based upon the failure to pay the lien. That's the same remedy. The tax is probably not an option just because of how tax liens are assessed and the authority for taxes is under different sections of the general statute. Liens come under the other but what I'm thinking about is what is the enforcement mechanism and does the enforcement mechanism under the minimum housing code exclude other remedies? It may not contemplate that there is a separate action based upon the lien that has been attached to the property that will result in a judgment that will result in execution and seizing the property for failure to pay the judgment. What are the options? I can report to you at your next meeting in February what your options that you have are with regards to this scenario.

Item No. 16. Council Comments

Councilmember Buzzard – I appreciate everyone coming out and taking an interest in your town. I thank you for keeping us informed.

Councilmember Smith – I want to thank everybody for coming out on a cold night when staying at home is a lot more appealing. I appreciate it.

Councilmember Propst – Same thing. Thank y'all for being here.

Mayor Deter – I appreciate you all coming out. I hope to see you every second Monday of the month.

Item No. 17. Closed Session

Councilmember Propst made a motion to go into closed session pursuant to N.C.G.S. 143-318.11 (a)(1) and (5) to adopt closed session minutes and to discuss the possible acquisition of real property. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

NAYS: None

Council adjourned to closed session at 8:26 p.m.

Item No. 18. Possible Action from Closed Session

Mayor Deter called the meeting back into regular session at 9:12 pm.

Item No. 19. Adjournment

Mayor Pro Tem Titherington made a motion to adjourn. All were in favor, with votes recorded as follows:

AYES: Councilmembers Smith, Buzzard, Propst and Mayor Pro Tem Titherington

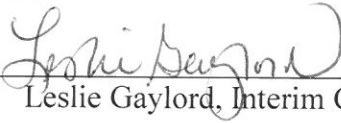
NAYS: None

The meeting ended at 9:12 p.m.



Bill Deter, Mayor

Attest:



Leslie Gaylord, Interim Clerk