

**TOWN OF WEDDINGTON  
REGULAR TOWN COUNCIL MEETING  
MONDAY, NOVEMBER 14, 2016 – 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 November 14, 2016, 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, Finance Officer Leslie Gaylord, Interim Planner Nadine Bennett, and Planning Board Chairman Dorine Sharp

Absent: Town Administrator/Clerk Peggy Piontek

Visitors: Bill Price, Walton Hogan, Barbara Harrison, Bob Davis, Pender McGroy, Steve Farmer, Mike Sealy, Bob Schlosser, Rob Dow, Mark Van Dine, Stephen Goodwin, Anna-Marie Smith, Liz Callis

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

**Item No. 1. Open the Meeting** Mayor Deter opened the November 14, 2016 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**

Barbara Harrison – My comments are addressed directly towards Councilmember Propst. You were quite passionate about awarding RCS the contract for the trash and I just wanted to clarify a couple of things that you may or may not have known. First of all, for five years God Bless the USA Trash Service has given this town monthly service for free along with every event they gave us additional trash and recycling. RCS was very kind and gave to us for Easter at no charge and half price for the Festival. When it came to the Tree Lighting we did not want them to give us anything free; we really appreciate it. Every event I made sure that I wrote a letter of appreciation to both of those vendors for the service and the cooperation and the partnership that they gave to this town. My next comments, though won't sway the way it was voted, but I do want to get it on record. Through the campaign last year you repeatedly said that you were going to run open, honest and transparent so I was just wondering why you did not tell the council that you went to school with Joe Hudson's daughter or why you didn't tell them that she works for her father or why you didn't tell them she helped with your campaign? Open,

honest, transparent. Additionally, you seem to be distancing yourself from the Deal farm and you are an heir to that. Open, honest and transparent should count for everybody.

Councilmember Propst thanked Mrs. Harrison for her comments.

Walton Hogan – What I was wanting to thank folks is for being fiscally conservative. I personally am always on my guard when a government official shows up that has some impact on my personal life and gives me a great way for me to help him solve his problem. “I’m here to help you” rings hollow with me. Generating requirements and needing more people to monitor meeting those requirements is a classic way for a bureaucrat to increase the number of people that work for him and therefore increase his stature and increase his pay grade. I did not hear and may have missed it at the last Town Council meeting any reference to solutions that the speaker had already investigated to solve his potential problem. Specifically the waste management folks. I did not hear they had looked at ways to solve their data collection problem, they’d investigated the personnel required, they’d asked for money from the county commissioners, they prepared a pushback position using the elected representatives or their internal Union County procedures to point out that an unfunded requirement from the legislature was not a requirement but another task. Such a requirement without the money to implement it is just a waste of the legislature’s time and paper and cannot be met. I also heard from an apparently knowledgeable individual that the solution to part of their problem was to use the information available to them that they had either not gathered or had gathered and set aside. Government does not know how to compete with private industry. They do not understand the profit motive. I also physically use the transfer station on the other side of the county and it’s always appeared to me there is a noticeable number of individuals who are on break. Perhaps there is plenty of unused manpower already available and just waiting to be tapped. I am always leery of words without dollars attached especially when arm-waving, etc. accompanies the words. So I hear a solution to a non-, for the Town of Weddington at least, a non-existent problem. Please carefully consider the decision to join in at the least on the surface. Thank you very much.

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

Mayor Pro Tem Don Titherington suggested Council Comments be moved to the end of meeting and after Closed Session. All were in favor.

Councilmember Mike Smith 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. Review and Consideration of 2017 Holiday Schedule**
- B. Call for a Public Hearing for Review and Consideration of Text Amendment to Appendix I. – List of Acceptable Plant Species of the Weddington Zoning Ordinance to add items to the list**

**C. Call for Public Hearing for Review and Consideration of Text Amendment to Section 46-45(b) (1), 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 maintenance bonds**

Councilmember Scott Buzzard 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 October 10, 2016 Regular Town Council Meeting Minutes**

Councilmember Janice Propst moved to approve the October 10, 2016 Regular Town Council Meeting Minutes 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. 8 Public Hearing and Consideration of Public Hearing**

**A. Review and Consideration of Text Amendment to Section 46-45 (f) Addresses and Cluster Mailboxes**

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

Planning Board Chairman Dorine Sharp summarized that the text amendment is just changing that instead of addressing being down by the Town it will be assigned by the Union County tax administrator's office.

Councilmember Buzzard made a motion to adopt the text amendment to Section 46-45(f) Addresses and Cluster Mailboxes. 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. Review and Consideration of Preliminary Plat for the Major Subdivision Weddington Pond (Previously Sugar Magnolia)**

Planning Board Chairman Dorine Sharp stated that Council had sent this item back to the Planning Board last month and that Council will be seeing two changes that have been made. The total parcel size of the three lots they looked up on Union County GIS is 21.5 acres however what they did not know

was that part of the property is under Highway 84 asphalt and that apparently in the past Providence Road and Highway 84 had been given permanent easement. The developer did not use any of that property for his yield plan and that they are required by our statutes to dedicate that property to NCDOT. It is already being used for public use so the Planning Board felt that the gross acreage of developable property should be excluding that portion of Highway 84 that is in the right-of-way. The yield plan was prepared using 18.95 acres so the plat map now says 18.95 acres and is excluding the easement to DOT. The second change is related to a stub road to the east that was into property that is being developed as Phase 2 of The Woods. Since The Woods is a gated community they will not be connecting to the stub and the Planning Board felt the property is small enough that there is no reason to leave the stub there.

Chairman Sharp - We have also received the letter from DOT stating that they will accept the entrance road even though there are no driveway cuts on that road.

Mayor Pro Tem Titherington inquired about the common area around their signage and Chairman Sharp stated there was a condition of approval that addressed the issue. Mayor Pro Tem Titherington also inquired about clearance by UCPW if they are going to have septic versus sewer. Chairman Sharp confirmed that they will be going sewer and have not done any of the work required with septic.

Chairman Sharp indicated that condition 4 has been satisfied with receipt of the letter from NCDOT.

Councilmember Smith made a motion to accept the preliminary plat for Weddington Pond with the conditions stated for 1-3. All were in favor, with votes recorded as follows:

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

NAYS: None

Mayor Pro Tem Titherington asked Planning Board Chairman Sharp if the Council should make a text amendment related to gross acreage and property already dedicated to DOT. Chairman Sharp stated that the Planning Board has already started discussing it and probably needs to define that gross acreage does not include property that has already been dedicated to NCDOT.

## **B. Review and Consideration of The Woods Final Plat Phase 1 Map 1**

Planning Board Chairman Sharp – The concern from the Planning Board with The Woods was the fact that there was no second entrance provided for that size subdivision so a compromise of sorts has been proposed that would allow them to take Phase 1 and to construct it in two parts calling them Map 1 and Map 2. The map that you have shows the lots that are shaded in green are Phase 1 Map 1. You'll see a little circle at the end of two of the roads. One of the conditions is that a temporary turnaround shall be constructed at the end of those two roads large enough for a fire truck to turn around. The other conditions for The Woods Map 1 are identical to what you saw last month.

Mayor Deter – So there's two turnaround circles?

Chairman Sharp – There's two turnaround circles.

Mayor Pro Tem Titherington – Dorine, where is the second one? I saw the first one.

Chairman Sharp – There’s one on the left and one on the right. The other road coming down in the middle is close enough to the intersection that we didn’t feel a turnaround was necessary.

Mayor Pro Tem Titherington – I see that there’s a deceleration lane added to the page 4 area of the map.

Chairman Sharp – Right. They were not required to do that but they have added that.

Mayor Pro Tem Titherington – Thank you. Appreciate it.

Town Attorney Anthony Fox – If I might, just for Council’s edification, this approach was the result of working with the planning staff and the developer and realizing that the Rea Road Extension while not currently defined created problems about the second connection to a major thoroughfare and it recognizes under Map 2 conditional approval subject to the alignment of the Rea Road Extension being established and then allows for Map 2 to then move forward. I would ask the Council if there is a motion for plat approval that the final plat approval incorporate in it the conditions for approval and conditional approval that are part of your package material that contains the “whereas’s” and the three page documents that clearly identify the lots in question as to which are Map 1 and Map 2 and that the motion incorporate that into the approval.

Chairman Sharp – Did you want to talk about Map 2 now and then do both motions?

Attorney Fox – That’s right. This is Map 1.

Mayor Deter – You were referring to what’s on page 59 in the agenda packet?

Attorney Fox – Starting at page 59 but since we are dealing with Map 1 and Map 1 incorporates that into the motion and we will move to the next Map 2 I would ask a similar motion to incorporate that.

Mayor Pro Tem Titherington made a motion to approve The Woods Final Plat Phase 1 Map 1 with the conditions outlined for approval and conditional approval as identified by our attorney – currently pages 59 and 60 in the packet and would include the entire document up to Part C - for Phase 1 Map 1. All were in favor, with votes recorded as follows:

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

### **C. Review and Consideration of Conditional Approval of the Woods Phase 1 Map 2**

Mayor Pro Tem Titherington made a motion to approve The Woods Final Plat Phase 1 Map 2 with the conditions outlined for approval and conditional approval as identified by our attorney –the entire document currently on pages 59 through 61 in the packet for Phase 1 Map 2. All were in favor, with votes recorded as follows:

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

#### **D. Review and Consideration of additional repairs to Town Hall**

Councilmember Smith – As you all know we have been undergoing some roof repairs and porch repairs and as expected with that and a house this old we ran into some unexpected problems that were not found until work was underway and they were able to start digging into things. What happened here is that on the porch when they were starting to repair the mortar they found that there were two sections of that wall that were loose and unstable and needing to be repaired. If it was not, we were under the risk of the porch collapsing under the weight. So that was kind of an emergency repair that had to be done. There was some additional work that was unexpected when they ripped up the back walkway. The area apparently when the drain was put in it was put back improperly and caused more damage than what was originally suspected. So that increased some costs. The major cause of a lot of this damage to the brick was from water damage which could be traced back to the downspouts overflowing and not being cleaned and just over a period of time resulting in some water damage. I was hoping to do the drainage around the Town Hall later but because it was such a major cause of the problem with the wall being unstable he says “I cannot warranty this if you don’t do this repair at that time.” So I spoke to everybody individually about doing all the drainage around the Town Hall so we can just alleviate this once and for all and everyone seemed to agree on that. A lot of the bulk of repair costs, which surprised me, I would figure would be brick but it wasn’t. It was actually the drainage because it is so labor intensive. So if you’re kind of wondering why the costs of that is a little bit higher than some of the other work it’s because of the labor. So all the work that’s being done it’s really not an option. It really needed to be done so there was an added cost to this that we were not expecting so what I’m asking the Council to do today is to approve payment to Chris Wendt, the brick contractor, for the additional \$12,125.

Mayor Deter – Were you able to get a cost for the railings?

Councilmember Smith – No, I haven’t gotten that from him at this particular time. That might be an additional expense later on but that’s not covered on here. He is not going to install that until we get that price. He said something ballpark. It could be anywhere from \$900 to \$1600.

Councilmember Buzzard asked if he is going to do work on the porch if we want to include a not-to-exceed figure so that we don’t have to come back for the railings and just have him do the railings in addition. There was discussion as to the material and look of the railings. Mayor Deter asked if we want to match the rails for all three entrances and Councilmember Propst agreed that they should.

Town Attorney Fox questioned the date of June 21, 2016 on the estimate. Councilmember Smith stated that this is an oversight and that this is just an addendum to the original estimate from that date.

Mayor Deter stated that he knows this is work that has to be done due to the age of the house but inquired if we needed to go out for bid. Attorney Fox stated that this is just an additional estimate to the original contract and the amount was only subject to informal bid. The Town would just be amending the original contract to add additional unforeseen work.

Councilmember Smith made a motion to authorize the amendment to the agreement between the Town and Chris Wendt so that the total contract price (original and amendment) is not to exceed \$25,000 including the railings. The \$12,125 will be paid when work is completed and the additional amount for the railings will be paid when the rails are completed. 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** - None

**Item No. 11. Update from Planner**

Interim Planner Nadine Bennett – There’s not really that much to update you on. A lot of what’s been happening has been existing projects that have just been plodding along. Dorine and I did do a site walk on the property that’s behind the fire department. That was at least a month ago now. They were at the point where they were going to be doing PIMs but they put it off now. I think they have a little bit more work to do on the property apparently so they’re looking at maybe December or January for that. And we’ve also had interest in the property right next door which is in the downtown overlay and it would be an MX conditional rezoning and also in the downtown overlay. They are at the very, very beginning stages of that right now and it looks like a daycare. So, that could possibly be starting doing just initial review on that right now and discussing with them.

Mayor Deter and Mayor Pro Tem Titherington questioned if this was a charter school and Planner Bennett stated that it was not.

Mayor Pro Tem Titherington inquired if there was any update about where Beulah Church and Twelve Mile Creek come together. He believed it may be in the sketch plan phase. Planner Bennett asked if this was a 7 lot property and Mayor Pro Tem Titherington confirmed that it was. She stated that they haven’t heard anything more about it and that they knew that they had some issues in terms of road frontage and nothing more has been brought before her at this point. Mayor Pro Tem Titherington expressed concern over the bad turn there and Planner Bennett said they had already talked about them having an internal access. Mayor Pro Tem Titherington was wondering if when they looked at working with DOT to see if they could actually straighten the curve out and that even 10’ could make a tremendous difference and for the Town Planner to seed the thought if they come forward.

Mayor Deter questioned with respect to the MX daycare lot that there are a lot of details to be looked at with respect to the temporary connector road and access from the back of the Harris Teeter. Planner Bennett stated that she had spoken with Chairman Sharp and that one of the requirements is that they actually have an entryway into the Harris Teeter shopping center which seems odd because that would be sending them into the back end of the Harris Teeter. She said that the way it is laid out now they are going to have to have some other entry somehow. Planner Bennett said she would be talking with Mayor Pro Tem Titherington about it in the near future. Mayor Pro Tem Titherington inquired about the 10 year lease for the road that the Town gave right-of-way for. Planner Bennett stated they had looked at the language regarding that and the lease will expire in approximately another four years or so but that is actually not that long in the scheme of things.

### **Item No. 12. Code Enforcement Report**

Sam Leggett provided the update report as part of the packet and Interim Planner Bennett did not have anything to add to it.

Interim Planner Bennett did have a question about the Cottonfield lot because there had been no change for months and legal action was pending and now it appeared there was no longer any legal action pending and she wasn't sure what had happened. Town Attorney Fox stated that it is still pending. Mediation is scheduled for November 29<sup>th</sup>. Mayor Deter and Councilmember Smith will be attending.

Mayor Deter inquired about Eagle Pass Court and wondered if that is still being monitored and for how long. Councilmember Buzzard stated that there is still construction going on there and that is why it is still being monitored.

Mayor Deter inquired about the notice of violation and citations and fines issued for Highway 84 and Twelve Mile Creek effective November 14th. Interim Planner Bennett is aware that the notice was sent and will follow up.

### **Item No. 13. Update from Finance Officer and Tax Collector**

Finance Officer Gaylord informed the Council that the monthly financial statements are in their packets. She will make a budget transfer to cover the additional building maintenance repairs that were approved earlier in the evening.

### **Item No. 14. Public Safety Report**

Mayor Pro Tem Titherington inquired if there was any follow up with Representative Craig Horn about the traffic issues on Twelve Mile Creek by the elementary school. Councilmember Smith stated that a meeting with the school principal has not yet been set up by Public Safety Committee member Kimberly Crooks. He stated that Representative Horn had some innovative ideas but Councilmember Smith is not sure how far they will go. Councilmember Smith will reach out to the principal himself if he does not hear anything back from Ms. Crooks.

Mayor Deter inquired if we are still doing car counts. Councilmember Smith stated that he has not seen the counter recently and he thinks that Public Safety Committee member Gordon Wilson has it and is awaiting instruction on where to put it. Mayor Pro Tem Titherington asked if we should put it out on Twelve Mile Creek so Ms. Crooks has some data for when she meets with the principal. Councilmember Smith agreed that this would be a good idea and said they will not set up the meeting with the principal for at least a couple of weeks so that they can capture this data.

### **Item No. 15. Transportation Report**

Councilmember Buzzard discussed the new proposed Rea Road Extension and that Wesley Chapel will be having a meeting with NCDOT and their council next month in regard to that. He stated that the CRTPO Comprehensive Transportation Plan is nearing its completion. There were 173 give or take



comments received in the two-month comment period and only two were from Weddington residents despite the Town's efforts to get the word out.

Mayor Pro Tem Titherington stated that we should post the Wesley Chapel transportation meeting to the Town's website, Facebook page and its sunshine list. Councilmember Propst said she would speak to Town staff to make sure this happens.

Mayor Pro Tem Titherington and Mayor Deter discussed streetlights coming into Town where it is so dark. Mayor Pro Tem Titherington discussed lights towards Atherton and the roundabout there. Mayor Deter discussed Weddington-Matthews Road and Tilley-Morris. Councilmember Smith said that we discussed Tilley-Morris several years ago and decided not to do it because it would lead to questions as to how far to go with it and what other intersections. He said the situation is the exact same thing with Beulah Church and Waxhaw-Indian Trail. He said if we are serious about it we should task the Public Safety Committee with it. Mayor Pro Tem Titherington indicated that we had hoped to get Shea Homes to participate but they did not seem willing to do it. Councilmember Smith agrees with Mayor Deter that Tilley-Morris should be done first. Mayor Deter says traffic gets worse and worse or at least more and more every day.

**Item No. 16. Closed Session** – *This item was moved to before Council Comments by a motion made by Councilmember Smith in Additions and Deletions*

Councilmember Buzzard made a motion to go into closed session pursuant to N.C.G.S. 143-318.11 (a)(6) and N.C.G.S. 143-318.11 (a)(3). 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 7:52 p.m.

**Item No. 17. Possible Action from Closed Session**

Councilmember Buzzard made a motion to come back into open session at 10:07 p.m. All were in favor, with votes recorded as follows:

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

**Item No. 18. Council Comments** – *This item was moved to the end of the meeting by a motion made by Councilmember Smith in Additions and Deletions*

Councilmember Propst- I do want to have on record some comments about the comments that were made in Public Comments. I was accused of having someone that we do business with on my campaign. Barbara Hudson Courtney did not participate in my campaign whatsoever. She is a person that has lived in the Weddington community all my life and her family has lived in the Weddington community all my life. She did attend elementary school – I was accused of going to school with her – she did attend elementary school with me as a child. She is about two years younger than me. As far as going to

additional school with me that is incorrect. RCS is a company that has been around Union County for a significant amount of time. They are a family that has owned their company in Union County and are a family that has been in Weddington for forever. As far as me having a personal relationship or choosing them or asking you to consider them for a vendor, they don't need the Town's business. I just offered them up as an opportunity to be a vendor because they have done a lot of business with us with our events. If the Town would like to choose another vendor or go back to God Bless the USA maybe I misunderstood the conversation. I thought God Bless the USA was no longer wanting to do business with us and was charging us a different amount and you wanted choices of vendors. I knew them because of their relationship to me as far knowing them historically and also because I knew them to be a vendor provider to the Town, but as far as me having any personal relationship with them in my campaign that is totally incorrect. Her father did give me money in my campaign because he has known me all my life.

And there's an accusation about me distancing myself from my family's farm. The Deal family farm has been here for five generations. I did not know of one town council meeting in Weddington that we have involved the Deal farm historically in the last six or eight months and if there was a financial reason for me to recuse myself I've already offered that as an option if there is an issue with the Deal farm. Thank you.

There were no other council comments.

**Item No. 19. Continue Meeting**

Councilmember Buzzard moved to recess the Town Council meeting until Monday, November 21<sup>st</sup> at 6:00 p.m. 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 10:10 p.m.

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**Bill Deter, Mayor**

Attest:

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Leslie Gaylord, Finance Officer