

TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, JULY 24, 2017 7:00 P.M.
WEDDINGTON TOWN HALL
MINUTES
PAGE 1 OF 5

1. OPEN THE MEETING

Chairman Dow called the meeting to order at 7:00 p.m.

2. DETERMINATION OF QUORUM/ADDITIONS OR DELETIONS TO THE AGENDA

Quorum was determined with Chairman Rob Dow, Boardmembers Walt Hogan, Brad Prillaman, Barbara Harrison, and Jim Vivian in attendance.

Boardmembers Gerry Hartman and Bruce Klink were absent.

Visitors: Mayor Bill Deter, Liz Callas, Pat Harrison

3. APPROVAL OF MINUTES

The Board reviewed the June 26, 2017 Regular Planning Board Meeting minutes. Boardmember Hogan corrected a typo on page 3 (replace “if” with “it”).

Motion: Boardmember Harrison moved to adopt the June 26, 2017 Regular Planning Board Meeting Minutes as amended.
Second: Boardmember Hogan
Vote: The motion passed with a unanimous vote.

4. OLD BUSINESS

A. GREENWAYS DISCUSSION

Boardmember Hogan presented the background on the greenway discussion. The Board reviewed the potential greenway map (*The map is hereby incorporated for reference and made a part of these minutes*). Five potential walkways were identified. The Board expressed the need to hold an additional work session to generate a recommendation for the Council. Boardmember Hogan would like to have a text amendment to send to the Council in September for requiring land for sidewalks/greenways or fees in lieu from developers. He presented a timeline for action on getting that done.

Boardmember Harrison expressed concern over the legal verbiage for the text amendment. She also expressed concern about the Town’s liability.

Ms. Thompson stated that there are statutes dictating what the Town can request from developers, including how much fee in lieu. She also confirmed that NCGS113A-95 (*recodified to NCGS 143B-135.118*) affirms that users of public trail are treated as trespassers. The Town would have to be found negligent and would have to be cited for creating a dangerous situation in order to be held liable for an accident. This will need to be validated by the Town Attorney.

Chairman Dow questioned the sidewalk development where the subdivisions are already completed. His concern is that the Town will end up with segments of greenways/sidewalks that

aren't connected. Ms. Thompson explained that the Town could ask homeowners' associations for public easements through conservation land and get them recorded.

Chairman Dow pointed out that many early subdivisions in the Town were approved prior to the 10% open space requirement, leaving many without the space to give public easements to the Town for greenways/sidewalks. He's concerned as tracts are developed that the Town will be left with sidewalks to nowhere. Chairman Dow suggested looking at the layout of the potential greenway map and find where dead ends won't happen.

Board member Hogan identified an area of potential greenway development to complete a loop (sections R-S-T on greenway map). The Board discussed potential NCDOT projects that may help in development of sidewalks in western area of Weddington.

Ms. Thompson identified potential development around the high school through sewer easements.

Chairman Dow believes asking residents for easements would be unsuccessful as people don't want others walking through or near their property. Chairman Dow also expressed concern about making parking available near sidewalks/greenways.

Boardmember Hogan believes that attempting the different options for the greenway/sidewalk development will help to identify the actual problems.

Chairman Dow maintains that using sewer easements will not be successful and he believes residents will not be excited about people coming from other places to use the greenway/sidewalks. He suggested identifying the type of trail, obtaining examples of development and maintenance costs from surrounding towns, finding vacant land that can be tied or connected to sidewalks, and tie them to sidewalks constructed by developers.

Boardmember Harrison suggested checking if future Weddington – Matthews Road widening includes sidewalks. That will help with what we are trying to accomplish.

Boardmember Harrison asked for confirmation on how much of their greenway was built by the Village of Marvin. Ms. Thompson confirmed that some the greenway was constructed by a developer, a grant and a portion was constructed by the village. She explained the varying costs of different areas of the Village of Marvin Greenway.

Boardmember Vivian suggested starting at the Falls at Weddington subdivision.

Chairman Dow suggested that when Boardmembers Hogan and Hartman are confident with what they want to present, take it to the Council and keep the Planning Board updated.

B. DISCUSSION OF A TOWN NUISANCE ORDINANCE

Chairman Dow stated that this text amendment was brought back to Planning Board for discussion. He asked for confirmation if Councilmember Smith had stated he wanted to wait on this issue because he was working on the text. Ms. Thompson confirmed that Councilmember Smith was working on text for the Noise Ordinance and that Council was planning to discuss the

Nuisance Ordinance at the September Regular Meeting. Ms. Thompson also confirmed that the Council had briefly discussed having a work session to discuss the nuisance ordinance. Chairman Dow asked if it would include any Planning Board Members and Ms. Thompson stated that adding Planning Board members hadn't been discussed.

Boardmember Harrison expressed her concern with a nuisance ordinance possibly disrupting private property owner rights. Also, many of the nuisance issues are on agricultural land which is exempt from the ordinance.

Ms. Thompson reviewed the top nuisance complaints: Demolition debris, tall grass, abandoned junk/vehicles/machinery, stumps/tree limbs/logs.

Chairman Dow explained that when the noise ordinance was forwarded to the Council, it was fairly straightforward because there is a Union County noise ordinance. The motion was too vague and shouldn't have been sent to the Town Council as it was written. The noise ordinance is simple because Union County already has one and deputies can enforce it; however the nuisance ordinance is different because there is no Union County ordinance for nuisance. He suggested that the Board look at the specific complaints to see if they warrant action and if town already has an ordinance to take care of those complaints.

Chairman Dow discussed the parcel of land on the corner of Providence and Rea Road (60 acres or so). It used to have a nice house on a hill with a cleared field. Now, the house has been torn down and the land has filled in with overgrowth. It's very natural. It's not in an agricultural program. This particular parcel would not be allowed like it is with this nuisance ordinance. He continued with the question as to how noxious weeds only pose a health problem when it's in a yard and not in the agricultural zone. He expressed how difficult it is to balance this ordinance.

The Board discussed options to cover the nuisance complaints without restricting property owner's rights. These included using definition of a junk yard to keep parcels maintained; using the town ordinances, section 14-49 Minimum Standards for Safe and Sanitary Maintenance (h) *Noxious weeds. Every yard and all exterior property areas shall be kept free of species of weeds or plant growth, which are noxious or detrimental to health*, to require maintenance of a parcel with a house or structure; and using the abandoned house ordinance.

Boardmember Prillaman expressed his concern about restricting property owner's rights. He maintained the need for some standards.

The Board discussed and agreed that HOA's will be able to maintain the yards in neighborhood. The concern is the vacant parcels outside of an HOA not being maintained. The Board wants to maintain property owner's rights.

Chairman Dow suggested that the Board wait and see what Councilmember Smith comes up with.

5. NEW BUSINESS

A. DISCUSSION OF TEXT AMENDMENTS NEEDED FOLLOWING UNION POWER PRESENTATION

Chairman Dow expressed the need to come up with appropriate trees to be planted near the power lines. The Union Power representative had great points, and the large developers should want to work with Union Power as well. The Planning Board could simply work out text to require utility easements and landscaping plans to be shown on preliminary plats, and get tree planting specifications and a list of appropriate trees from Union Power.

The Board discussed the benefits of having a list from Union Power of approved trees, their sizes, and the safe planting distances from power lines added to the ordinances.

Boardmember Prillaman commented that if the Town has a list from Union Power that included trees, their sizes, and the distances from the power lines, it could be added to the application approval process.

Chairman Dow stated that the Board needs to find out what varieties may go under power lines, how far away from power lines need to be clear, and landscaping berms should be taken into consideration.

Boardmember Hogan stated that the Union Power representative confirmed that there were specific varieties of trees that could be allowed.

Ms. Thompson questioned if the Planning Board reviews landscaping a second time after the construction plans. The Board agreed for Ms. Thompson to double check the approval process and plans and to have something drafted for a text amendment next month.

B. DISCUSSION OF A REQUEST TO TOWN COUNCIL FOR PLANNING BOARD TRAINING WITH CCOG

Chairman Dow asked if the Board was interested in trainings or workshops with the Centralina Council of Governments. The Board expressed interest. Ms. Thompson will contact Centralina Council of Governments and check options for training sessions for the Planning Board and present to Council for approval.

6. UPDATE FROM TOWN PLANNER

Ms. Thompson listed four projects coming before the Board in August:

- Weddington United Methodist Church building a columbarium at the location of the current cemetery. Public Involvement Meeting will be held Monday, July 31. The plans will come to the August Planning Board meeting for review.
- All Saints Anglican Church has applied for an amendment to the conditional district. They are requesting a parking addition of 18 new spots and a change in their outdoor lighting. The Public Involvement Meeting will be held Monday, August 7.
- Canisteo subdivision, formerly Deal Road Subdivision, construction plans were submitted.
- Weddington Matthews Road subdivision construction plans were submitted. Since this is a conditional district, the Planning Board can ask for easements for sidewalks. The sketch plan has been approved.

7. REPORT FROM THE JULY TOWN COUNCIL MEETING

Ms. Thompson presented an update from the July Town Council Meeting. The Council did not call a Public Hearing for the noise text amendment. It was tabled for discussion in September and public hearing will be called for in October to be held at the November meeting.

The Council tabled the nuisance text amendment and did not make a decision on the RCD minimum lot size.

Chairman Dow confirmed that there was no motion, no vote and no action taken by the Council on the minimum lot size text amendment. This was a task assigned by the Council at the retreat in February.


8. ADJOURNMENT

- Motion:** Boardmember Prillaman moved to adjourn the meeting at 8:10 p.m.
Second: Boardmember Harrison
Vote: The motion passed with a unanimous vote.

Adopted: August 28, 2017



Rob Dow, Chairman



Karen Dewey, Town Clerk

Legend

- Power DUKE
- UP Easements
- GravityMain051017
- FEMA_2014

