



**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, JANUARY 13, 2025 – 7:00 P.M.
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD WEDDINGTON, NC 28104
AGENDA *AMENDED**

1. Call to Order
2. Determination of Quorum
3. Pledge of Allegiance
4. Additions, Deletions and/or Adoption of the Agenda
5. Conflict of Interest Statement: *In accordance with state law, it is the duty of every Council member to avoid conflicts of interest. Does any Council member have any known conflict of interest with respect to any matters on the agenda? If so, please identify the conflict and refrain from any participation in the matter involved.*
6. Mayor/Councilmember Reports
7. Public Comments
8. Public Safety Report
9. Consent Agenda
 - A. Approve December 9, 2024 Town Council Regular Meeting Minutes
 - * ~~B. Release of Phase 1 Map 2 Bond for Harlow's Crossing Subdivision in the amount of \$333,387.50.~~
10. New Business
 - * A. Release of Phase 1 Map 2 Bond for Harlow's Crossing Subdivision in the amount of \$333,387.50.
 - B. Application by ODA Architecture on behalf of Polivka International requesting Conditional Zoning Approval for the development of a two-building office expansion located at 13700 Providence Road
 - i. Public Hearing
 - ii. Discussion and Consideration
 - C. Text Amendment 2025-01 to the Town of Weddington Unified Development Ordinance Section D-917A.J Cul-de-sacs
 - i. Public Hearing
 - ii. Discussion and Consideration
 - D. Discussion of Scheduling Council Retreat Workshop
11. Code Enforcement Report
12. Update from Finance Officer and Tax Collector
13. Updates from Town Planner and Town Administrator
14. Transportation Report
15. Council Comments
16. Adjournment



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MINUTES
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1. Call to Order

Mayor Bell called the meeting to order at 7:00 p.m.

2. Determination of Quorum

Quorum was determined with Mayor Jim Bell, Mayor Pro Tem Tom Smith, Councilmembers Jeff Perryman and Darcey Ladner present. Councilmember Brannon Howie was absent.

Staff present: Town Administrator/Clerk Karen Dewey, Town Planner Gregory Gordos, Finance Officer Leslie Gaylord, Deputy Clerk/Admin Assistant Debbie Coram, Town Attorney Karen Wolter, Deputy Grant Wrenn

Visitors: Eileen Fellmeth, Steve Fellmeth, Nancy Anderson, Gayle Butler, Chad Emerine, Melissa Emerine, Skylar DeMatteis, Teresa Turner, Sunil Kurmana, Viral Patel, Papireddy Poreddy, Bill Deter, Basil Polivka, Stephen Overcash, Raja Muthukalyani, Tracy Stone, Christine Drost, Debbie Moffat, Patty Grau, Walton Hogan

3. Pledge of Allegiance

Council led the Pledge of Allegiance.

4. Additions, Deletions and/or Adoption of the Agenda

Mayor Bell requested to remove item 9.B. Release of Phase 1 Map 2 Bond for Harlow's Crossing Subdivision in the amount of \$333,387.50 from the Consent Agenda and add to New Business as item 10.A.

Motion: Mayor Pro Tem Smith made a motion to approve the agenda as amended.
Vote: The motion passed with a unanimous vote.

5. Conflict of Interest Statement: *In accordance with state law, it is the duty of every Council member to avoid conflicts of interest. Does any Council member have any known conflict of*

interest with respect to any matters on the agenda? If so, please identify the conflict and refrain from any participation in the matter involved.

Mayor Bell read the Conflict of Interest Statement. No Councilmember had a conflict of interest.

6. Mayor/Councilmember Reports

Councilmember Perryman reported that the next WUMA meeting is January 23rd in Waxhaw at 4 p.m. The agenda will include updates and future subjects for discussion. Union County Manager, Brian Matthews is scheduled to meet with WUMA on March 27 in Marvin. Meeting time will probably be moved to 7 p.m. WUMA is looking to schedule a meeting with the Union County legislative delegation.

Mayor Pro Tem Smith reported that he is waiting on the NCDOT paving report for secondary streets and future paving list.

7. Public Comments

Nancy Anderson 13624 Providence Road: Ms. Anderson commented on her appreciation for the public comments at planning board meetings. She expressed that it was a good move. She commented that some are respectfully submitted and well-researched and some are disrespectful. Ms. Anderson stated her request to work on enforceable policy on how public comments are presented and how residents treat each other.

Chad Emerine 953 Eagle Road: Mr. Emerine commented on Council consideration of changing the UDO to require an environmental inventory with zoning applications and requiring a formal application review, notify developer of missing items giving them 30 days to respond, if there's no response, the application is considered abandoned. Mr. Emerine also requested focus on UDO in determining environmentally sensitive areas.

Don Cuthbertson 118 Chasestone: Mr. Cuthbertson commented on the traffic and the Lenny Stadler and Providence Road intersection. He stated that some drivers are running red lights at 50-60 mph. He requested that something be done to make the 2 mile stretch of Providence through Weddington safer.

Sunil Kurmana 709 Brown Creek Drive: Mr. Kurmana commented on the fiber installation in his neighborhood and was looking for a way to follow up for damages.

Christine Drost 1203 Delaney Drive: Ms. Drost commented on agenda item 10.A. the CZ application from Polivka International. She stated that Charlotte has a 25% office vacancy rate and two additional buildings do not make sense and would add to the traffic nightmare. She commented that police are already stretched thin and questioned why expand when additional space isn't needed.

8. Public Safety Report

Deputy Wrenn gave the Public Safety Report: Serious injury accidents decreased; Alarms increased. Burglaries decreased. Business checks increased. Traffic stops up from 49 to 110 November into December. Deputies operated a rapid enforcement traffic saturation on January 8th.

9. Consent Agenda

A. Approve December 9, 2024 Town Council Regular Meeting Minutes

- * **B. ~~Release of Phase 1 Map 2 Bond for Harlow's Crossing Subdivision in the amount of \$333,387.50.~~**

Motion: Councilmember Perryman made a motion to approve the Consent Agenda as amended.

Vote: The motion passed with a unanimous vote.

10. New Business

- * **A. Discussion of Release of Phase 1 Map 2 Bond for Harlow's Crossing Subdivision in the amount of \$333,387.50**

There were concerns raised regarding fences encroaching on buffer area of Harlow's Crossing from private residents. Mr. Gordos explained that is an HOA issue. Staff will notify HOA regarding the encroachment.

Councilmember Perryman commented on the bond release being affected by the fence encroachment. The encroachment cannot be used as a reason to deny the bond release. Mayor Pro Tem Smith commented that inspections were done a while ago. He would like to be sure that damages haven't happened since the inspections.

Motion: Mayor Pro Tem Smith made a motion to approve release of Phase 1 Map 2 Bond for Harlow's Crossing Subdivision in the amount of \$333,387.50 on the condition of having one final inspection and ensure the stormwater pond is added to the town inspection program.

Vote: The motion passed with a unanimous vote.

B. Application by ODA Architecture on behalf of Polivka International requesting Conditional Zoning Approval for the development of a two-building office expansion located at 13700 Providence Road

Stephen Overcash, ODA Architecture and Basil Polivka Jr, representing the family presented the application. The expansion is partly for a new company (35 employees) and Polivka needs new office space. The property owner has no intention to sell property.

Mr. Overcash described project: It is MX zoning and the project has been in the works for 16 months. The project exceeds the standards for MX requirements. It includes two 9000 sq. ft. 2-story buildings in Georgian style, complementary to the original building to be used as a general office space with potential for medical offices. There will be no retail. The required community meetings were held with a great turnout and great ideas to make development better. The applicant implemented all suggested ideas and all conditions were agreed to.

Mayor Bell read the Public Hearing Rules:

2. Public Comments are limited to 4 minutes. Public Hearing comments are limited to 3 minutes.
3. Comments are to be directed to the entire board and not to individuals nor to the public attending the meeting.
4. A designated spokesperson for a group of three or more may be allocated 6 minutes to speak. At least three members of the group must be present and names and addresses of those members present must be submitted to the Town Clerk before the meeting begins. Other than pursuant to this rule, you may not give your time to another speaker to increase that speaker's allotted time.
5. You must be civil in your language and presentation and act within reasonable standards of courtesy.
6. Use of slander, name-calling, personal attacks or threatening speech or behavior is prohibited.
7. The audience must maintain order and decorum in their conduct. Please refrain from disruptive applause, comments or disorderly speaking during the meeting. Demonstrative disturbances will be prohibited.
8. The Mayor or a majority of the Board may suspend these rules at their discretion.
9. Failure to abide by these rules after receiving notice by the Mayor may result in 1) termination of your comment period and/or 2) your removal from the meeting.

Mayor Bell opened the Public Hearing at 7:38 p.m.

i. Public Hearing

Nancy Anderson 13624 Providence Road Hunter Farm: Ms. Anderson commented that her property shares a property line with the applicant, and they are good neighbors. She addressed the past comments made that Weddington residents don't need and don't want this additional space. Traffic always issue and Providence Road is always a problem. Traffic on this property is gradual throughout day. It is outside the downtown overlay, located across the street from overlay. The parcel is bordered by a historical church and conserved land so commercial cannot expand past the parcel. The septic and stormwater requirements should be left to subject matter experts. She stated that as a neighbor they have never had problem with the property. There was an issue during construction that was immediate resolved. The Town does have regulation over lighting and landscaping, and she is sure that it will be taken care of. She stated as a neighbor, Hunter Farm has no objection to project as proposed.

Gayle Butler 5146 Panhandle Circle: Ms. Butler commented on the project lying outside the downtown overlay. She stated that councilmembers ran on the promise that there would be no development outside the overlay. Ms. Butler questioned the need for office or medical offices in Weddington. She expressed fear about what would happen to those buildings. She commented on the traffic on Providence Road and the possibility of pedestrians getting hit crossing Providence Road.

Walton Hogan 5009 Laurel Grove Lane: Mr. Hogan expressed concerns about traffic turning into the development. That property was supposed to be a low traffic area and that could change if those buildings are allowed to be built. In 3-5 years, the property owner could sell the property. He stated his concern that the property owners will build and leave.

Chad Emerine 953 Eagle Road: Mr. Emerine referenced a packet provided by him to Council. He requested denial of the application for reasons that it is not consistent with the Land Use Plan. It is outside of the downtown overlay, it doesn't serve Weddington residents and is not pedestrian oriented. He commented that the property was listed for sale and had multiple inquiries to the town for development. The current Land Use Plan doesn't allow for non-residential development outside of the downtown overlay. Mr. Emerine commented that there isn't Union County approval for septic and other items are missing from the application.

Closed public hearing 7:51 p.m.

ii. Discussion and Consideration

Mr. Gordos presented: At the time of application, one building was too tall and within 50 feet of a residentially zoned area. As a condition of approval, the Planning Board recommended to decrease the building height to 35 feet. The Applicant revised the submittal to show more detail. As a mixed-use project, the town can regulate aesthetics. Mr. Gordos stated that it is not pedestrian friendly, as Providence Road is not designed to have people crossing. A traffic study was completed and didn't require upgrades to Providence Road. The business and medical offices draw less traffic than subdivisions and other retail commercial developments.

Councilmembers discussed the pedestrian access in the development and safety. Mayor Bell asked about the 50-foot buffer. Mr. Gordos explained that the 50-foot buffer is referring to height requirements. It's not the setback or required buffer.

Mayor Pro Tem Smith commented that the original approval was only for 1 building. This project is outside the downtown overlay and with the 2 land use plan updates since the initial approval. This property has not been included in the downtown overlay and the property owner has not requested that it be included in the downtown overlay.

Councilmember Perryman commented that he was on the Planning Board when this project came forward the first time. The property was an abandoned home and was a complete eyesore before the proposal came in. The property was functionally obsolete for a residence. All the issues brought up have not come to fruition. This property sits outside of downtown overlay and it is zoned to allow a commercial operation there. He commented that he doesn't see how the addition of two buildings is controversial on a property that is already zoned commercial.

Councilmember Ladner stated her agreement with everybody. She states it is outside the overlay and that she doesn't have a problem with the project, there is nothing else to do with that land. The pedestrian issues make a difference. She stated that she is hearing the community say they don't want it. She asked why wasn't this brought into the downtown

overlay. She stated her concern for voting for it when she hears the concern from emails against it.

Councilmembers continued discussion of downtown overlay and setting precedent for commercial properties.

Council discussed open space requirement on the project. Mayor Bell questioned completeness of the application

Mr. Gordos commented that there is clearly more than 10% open space on the plan, and as zoning administrator his job is to determine completeness of the application and he determined that it is complete.

Skylar DeMatteis Engineer with the applicant explained the stormwater and septic design. She explained that projects need zoning approval before investing fully in the development. The existing pond is adequate for the 100-year storm.

Mr. Overcash stated that if zoning isn't approved, they don't need to apply for permits. If septic isn't approved, the development doesn't move forward.

Council continued discussion of the downtown overlay, septic plans, and stormwater.

Councilmember Ladner asked if the only thing keeping this from being built is that it is outside the downtown overlay.

Councilmember Perryman agreed.

Mayor Bell listed other issues: septic, open space, pedestrian issues.

Ms. DeMatteis explained that the open space requirement is met without the septic fields and repair areas and the stormwater pond.

Councilmember Perryman stated the Land Use Plan is not an ordinance. It allows for discretion. He continued that the applicant should be given the benefit of consideration.

Motion: Councilmember Perryman made a motion to approve an application by ODA Architecture on behalf of Polivka International requesting Conditional Zoning Approval for the development of a two-building office expansion located at 13700 Providence Road with recommendations from Planning Board and Staff.

Councilmember Ladner stated that she is on the fence. There is nothing else to be built over there.

Mayor Bell stated that there's nothing to stop from changing the downtown overlay in the future.

Councilmember Perryman commented that the Land Use Plan is a guide.

Councilmember Ladner asked what the protocol was if it doesn't pass. Mayor Pro Tem Smith stated they can reapply in a year.

Councilmember Ladner stated that she is representing the residents that communicated with her.

Vote: The motion failed with a 1-2 vote: Councilmember Perryman voted in favor, Mayor Pro Tem Smith and Councilmember Ladner voted opposed.

Mayor Bell read the Land Use Plan Consistency Statement:

The requested plan is inconsistent with the Town's comprehensive plan which restricts commercial development to the town center overlay district and further limits commercial uses to small scale retail and service businesses that serve the citizens of Weddington.

C. Text Amendment 2025-01 to the Town of Weddington Unified Development Ordinance Section D-917A.J Cul-de-sacs

Mr. Gordos reviewed the changes in the proposed text amendment.

i. Public Hearing

Mayor Bell opened the public hearing at 8:37 p.m.

Chad Emerine 953 Eagle Road: Mr. Emerine stated his support for the cul-de-sac update. He expressed that a 1200-foot-long cul-de-sac could be a safety issue and it is inconsistent with the standards in neighboring towns.

ii. Discussion and Consideration

Mayor Bell stated that this amendment can be approved or table to add standards for street width. He referred to a conversation with the Fire Chief and stated his concern with the safety of longer cul-de-sacs and the width of streets, parking on the streets, trees overhanging the roads, radius of the cul-de-sac bulb.

Councilmember Perryman commented on getting information from public safety for numbers making streets more accommodating.

Council discussed cu-de-sacs, closes, diameters of cul-de-sac bulbs, curbing, and street width. Council agreed to send text back to subcommittee to work with the Planner.

Motion: Councilmember Perryman made a motion to send text amendment 2025-01 to the Town of Weddington Unified Development Ordinance Section D-917A.J. Cul-de-sacs back to the subcommittee to draft appropriate language for curbing, street width, bulb diameter for closes and cul-de-sacs.

Vote: The motion passed with a unanimous vote.

D. Discussion of Scheduling Council Retreat Workshop

Staff will schedule a council workshop retreat with planning board.

11. Code Enforcement Report

Report in the packet.

12. Updates from Finance Officer and Tax Collector

Ms. Gaylord presented the finance update. Reports are in the packet. NCDOT is returning \$208,000 for the Tilley Morris round about.

13. Updates from Town Planner and Town Administrator

Mr. Gordos gave the update.

Pending Town Council Action:

Elysian (Keystone Custom, Deal Rd.) 12 lots

Windsor Farms (Classica Homes, Hemby Rd.) 27 lots

Deal Lake (Toll Brothers, Weddington Rd.) 62 lots

Pending Planning Board Action:

7112 New Town Rd. (Rahma Center)

149 S. Providence Rd. (Empire Communities)

Rea/Providence (Beechwood Carolinas)

Ennis Road (Arya Subdivision TBD)

14. Transportation Report

Mayor Bell gave the transportation report:

The town contributed money for a traffic signal at Antioch Church and Forest Lawn. NCDOT has encountered an easement/right of way issue with the installation of the signal. NCDOT needs the easement deeded. There would have to be an HOA vote with 80% participation to deed an easement. Mayor Bell is working on a meeting between NCDOT and Weddington Hills regarding the Rea Road Extension construction.

15. Council Comments

Councilmember Ladner: Thank you for your input and research. We've got so many really smart brilliant capable people, we can't do our jobs without you all getting us info and helping so I appreciate that. And thanks for coming out tonight.

Councilmember Perryman: I appreciate everybody coming out tonight and the folks watching on the screen. I will emphasize what we talked about at the beginning especially with Deputy Wrenn - If you have a section of road that you'd like to have them to do a spot emphasis on, as far as speeding or any other concerns, let them know. As you've seen, they do respond. They do react.

Mayor Pro Tem Smith: Thank you everybody for coming out. I hope everybody had happy holidays. We had one. It's a new year. Y'all just have a great rest of the week.

Mayor Bell: As you know, this town staff, the council, we are serious about traffic, speeding, crime and all the things that go along with that. Deputy Wrenn and the Sherriff's Office have been great. We're in talks now about doing some things that I think will be a great asset. They've actually reached out to me about wanting to do these things. So anyway, we highly support those guys. If somebody were to say, "you guys aren't serious about this". No, we're serious. That's been on our radar for a long time. Thank you guys for coming out and hanging in there.

16. Adjournment

Motion: Mayor Pro Tem Smith made a motion to adjourn the January 13, 2025 Regular Town Council meeting at 9:10 p.m.

Vote: The motion passed with a unanimous vote.

Approved: January 19, 2025

Karen Dewey
Karen Dewey, Town Administrator/Clerk

Jim Bell
Jim Bell, Mayor